



**AGENDA
REGULAR MEETING
FREEPORT CITY COUNCIL
MONDAY, NOVEMBER 18, 2019 at 6:00 P.M.**

Mayor:
Troy Brimage

Council Members:
Ken Green
Brooks Bass
Sandra Loeza
Roy Yates

City Manager:
Timothy Kelty

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, THE 18TH DAY OF NOVEMBER 2019, AT 6:00 P.M., AT THE FREEPORT POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD, FREEPORT TEXAS FOR THE FOLLOWING PURPOSES:

CALL TO ORDER: *The Mayor will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.*

INVOCATION AND PLEDGE OF ALLEGIANCE: (Council Member)

CITIZENS' COMMENTS:

Members of the public are allowed to address the City Council at this time. *Note*, specific factual information or a recitation of existing policy may be furnished in response to an inquiry made, but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open meetings Act unless said notice appears herein. The public is reminded that there is a (4) minute time limit as approved by City Council on June 21, 2010.

PRESENTATIONS/ANNOUNCEMENTS: Announcements by Mayor, City Council and/or Staff

1. Employee of the month. **(Kelty)**
2. TIRZ Presentation. **(Holman)**

CONSENT AGENDA:

Consent Agenda items are considered to be routine in nature and may be acted upon in one motion. Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.

3. Consideration and possible action on the approval of City Council meeting minutes from November 4, 2019. **(Wells)**
4. Consideration of approving the Annual Brazoria County Fire Fighters Association Fire Protection Agreement. **(Motley)**
5. Consideration of a request from Will J. Brooks, Parade Co-Chairman of the 34th Annual Dr. Martin Luther King Jr. Celebration Committee (MLKCC), permission to close portions of the following streets during the parade to be held on Monday, January 22, 2019. The parade will start at 11:00 a.m. at East Park and Fourth Street, down 2nd Street to Brazosport Blvd. to Freeport Municipal Park and the Rally at the Freeport Municipal Park will end at 4:30 p.m. **(Kelty)**

COUNCIL BUSINESS – REGULAR SESSION:

6. Discussion regarding the request by Ms. Donna Jones for the transfer of city-owned riverfront property adjacent to her properties at 6 and 10 Front Street **(Councilman Yates)**
7. Consideration and possible action of approving EDC Bylaws **(Holman)**
8. Consideration of approving Ordinance No. 2019-2589 for proposed 2019-2020 budget amendment # 1 **(Russell)**
9. Consideration and possible action for the creation of the position of public works director. **(Kelty)**

WORK SESSION:

10. **The City Council may deliberate and make inquiry into any item listed in the Work Session.**

- A. Mayor Troy T. Brimage announcements and comments.
 - Freeport Charter Sections 3.05 and 3.06
- B. Councilman Green Ward A announcements and comments.
- C. Councilman Bass Ward B announcements and comments.
- D. Councilwoman Loeza Ward C announcements and comments.
- E. Councilman Yates Ward D announcements and comments.
- F. City Manager Tim Kelty announcement and comments
- G. Updates on current infrastructure.
- H. Update on reports / concerns from Department heads.

CLOSED SESSION:

11. Executive Session regarding economic development (Projects 2019-2 and 2019-3) and Attorney Consultation accordance with Vernon's Texas Government Code Annotated, Chapter 551, 551.087 and Chapter 551, 551.071

COUNCIL BUSINESS – REGULAR SESSION:

12. Consideration in open session of taking action on any matter discussed in closed executive session. **(Kelty)**

ADJOURNMENT:

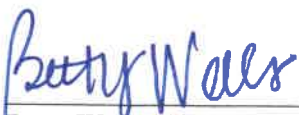
13. Adjourn.

Items not necessarily discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

ACCESSIBILITY STATEMENT This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 233-3526.

CERTIFICATE I certify the foregoing notice was posted in the official glass case at the rear door of the City Hall, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, before 6:00 p.m. in accordance with Open Meetings Act.



Betty Wells, City Secretary
City of Freeport, Texas



City Council Agenda Item # 2

Title: FEDC Presentation of Tax Increment Reinvestment Zone

Date: November 18, 2019

From: Courtland Holman, Executive Director

Staff Recommendation:

Staff recommends that City Council hear the presentation for the future adoption of a Tax Increment Reinvestment Zone (TIRZ) in order to incentive development in the TIRZ bounded area, especially in the Downtown.

Item Summary:

Travis James of TXP has been hired by the FEDC and City to develop the City's first TIRZ in order to jumpstart development in blighted areas or underperforming areas within a specific mapped area in the city. Travis will be showing a presentation of the function of a TIRZ, its set up, steps to create and potential taxing jurisdiction partnership to maximize funding that would be allocated into the TIRZ

Background Information:

In September TXP was hired by the FEDC and City to explore and develop a TIRZ by end of 2019 calendar year. Both City Manager Tim Kelty and Executive Director Courtland Holman of the FEDC have met with Travis during the last few months in development of the TIRZ as well as talked to City Council on the merits of a TIRZ to incentive development within our Downtown and under performing or blighted areas in the TIRZ.

Mr. Holman has discussed the development of the TIRZ with City Council and recently on November 8th at the FEDC board workshop.

TXP presented to the FEDC board on November 12, 2019 the process in development of the TIRZ. This was a presentation only with no action required.

The intent is for City Council to have sufficient information so that a TIRZ can be approved at a December 2019 City Council thus enabling the TIRZ to start capturing the 2019 tax increment in the zone to incentive commercial development projects. A Public Notice will be required prior to any action to approve a TIRZ by City Council

Special Considerations:

None

Financial Impact:

None

Supporting Documentation:

TIRZ Presentation and Preliminary project and financing plan.

Tax Increment Reinvestment Zone Downtown

**City of Freeport, Texas
Brazoria County**

November 18, 2019



TXP, Inc.

(512) 328-8300 phone

www.txp.com



What Are TIRZs/TIFs?

- A tool local governments use to finance public improvements and infrastructure within a defined area
- Future tax revenues from each participating taxing unit can be used to pay for improvements
- The additional tax revenue that is received from the properties is referred to as the “tax increment”
- Each taxing unit can choose to dedicate all, a portion of, or none of the tax increment
- Cities or counties initiate tax increment financing

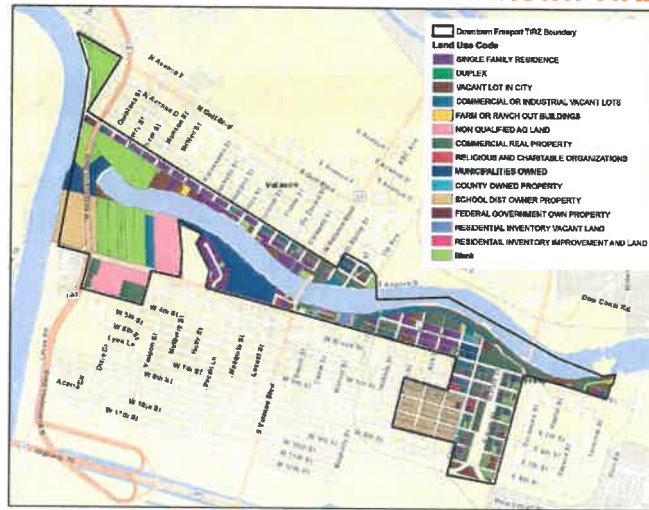


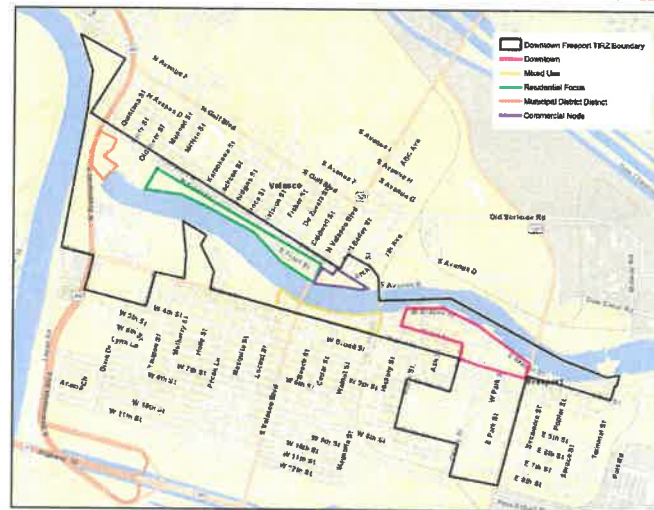
Steps to Creating a TIRZ/TIF

1. Prepare a preliminary reinvestment zone financing plan
2. Publish the hearing notice at least 7 days before hearing
3. Hold a public hearing
4. Governing body designates zone by ordinance or order
 - Create Board of Directors
 - Participating taxing entities are represented on Board
5. Prepare project plan and financing plan
6. Collect the tax increment
7. Board of Directors makes recommendations to the governing body



Potential Downtown TIRZ







Potential Downtown TIRZ

- Base value is \$38.6 million
- 50% Allocation
- 30 Years

Taxing Entity	Tax Rate	Total	NPV
City of Freeport	\$0.628005	\$3,037,599	\$1,146,498
Brazoria County	\$0.415233	\$2,008,441	\$758,057
Velasco Drainage District	\$0.084550	\$408,960	\$154,356
Brazosport College	\$0.300177	\$1,451,927	\$548,009
Port Freeport	\$0.040100	\$193,960	\$73,207
Total	N/A	\$7,100,887	\$2,680,127

Tax Increment Reinvestment Zone Downtown

**City of Freeport, Texas
Brazoria County**

November 18, 2019



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DRAFT

**Downtown Tax Increment Reinvestment Zone
Preliminary Project & Financing Plan**

City of Freeport, Texas

November 15, 2019



Prepared by



TXP, Inc.

1310 South 1st Street, Suite 105

Austin, Texas 78704

(512) 328-8300 phone

www.txp.com

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Relocation of Displaced Persons

This plan currently does not call for nor anticipate the displacement and relocation of persons for the proposed projects.

Section 3 – Financing Plan

Tax increment financing is a tool used by local governments to publicly finance needed infrastructure and other improvements within a defined area. These improvements are usually undertaken to promote the viability of existing businesses and to attract new commercial enterprises to the area. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code.

The costs of improvements in the defined zone are repaid by the contribution of future property tax revenues by each taxing unit that levies taxes against the property. Specifically, each taxing unit can choose to dedicate all, a portion, or none of the tax revenue that is attributable to the increase in property values due to the improvements within the reinvestment zone. The additional tax revenue that is received from the affected properties is referred to as the tax increment. Each taxing unit determines what percentage of its tax increment, if any, it will commit to repayment of the cost of financing the public improvements.

Compliance & Reporting

The TIRZ Board policies shall comply with all federal, state, and local laws, rules and regulations. The TIRZ Board will submit project status reports and financial reports as required by state law.

Public Sector Entities Participating in TIRZ 1

All project costs will be paid through the contribution of incremental property taxes collections. This preliminary plan assumes that the City of Freeport and other taxing entities but the school district will contribute a portion of their total tax rate (maintenance and operations (M&O) and interest and sinking (I&S) ad valorem tax rate for 30 years.

Table 2: Taxing Jurisdictions within the Downtown TIRZ 1

Entity	Property Tax Rate per \$100 (2019)
City of Freeport	\$0.628005
Brazoria County	\$0.415233
Velasco Drainage District	\$0.084550
Brazosport College	\$0.300177
Port Freeport	\$0.040100

Source: TXP, Brazoria County, City of Freeport

Financial Forecast Summary Results

The following table depicts the anticipated revenue generated over 30 years. The revenue forecast assumes the TIRZ is established in 2019 (baseline year). The first TIRZ increment will occur in 2020 (total 2020 value less 2019 baseline value). Note, 2020 taxes are not due until January 2021.

Table 3: Preliminary TIRZ 1 Taxable Property Value Forecast @ 50% Contribution

Year	Period	City of Freeport	Brazoria County	Velasco Drainage District	Brazosport College	Port Freeport	Total
2019	0	\$0	\$0	\$0	\$0	\$0	\$0
2020	1	\$4,594	\$3,038	\$619	\$2,196	\$293	\$10,740
2021	2	\$9,383	\$6,204	\$1,263	\$4,485	\$599	\$21,935
2022	3	\$14,333	\$9,477	\$1,930	\$6,851	\$915	\$33,506
2023	4	\$19,449	\$12,859	\$2,618	\$9,296	\$1,242	\$45,465
2024	5	\$24,736	\$16,355	\$3,330	\$11,823	\$1,579	\$57,824
2025	6	\$30,200	\$19,968	\$4,066	\$14,435	\$1,928	\$70,596
2026	7	\$35,845	\$23,701	\$4,826	\$17,133	\$2,289	\$83,794
2027	8	\$41,679	\$27,558	\$5,611	\$19,922	\$2,661	\$97,431
2028	9	\$47,706	\$31,543	\$6,423	\$22,803	\$3,046	\$111,520
2029	10	\$53,933	\$35,660	\$7,261	\$25,779	\$3,444	\$126,077
2030	11	\$60,366	\$39,913	\$8,127	\$28,854	\$3,855	\$141,114
2031	12	\$67,011	\$44,307	\$9,022	\$32,030	\$4,279	\$156,648
2032	13	\$73,875	\$48,845	\$9,946	\$35,311	\$4,717	\$172,694
2033	14	\$80,964	\$53,533	\$10,900	\$38,700	\$5,170	\$189,268
2034	15	\$88,287	\$58,375	\$11,886	\$42,200	\$5,637	\$206,385
2035	16	\$95,849	\$63,375	\$12,904	\$45,814	\$6,120	\$224,063
2036	17	\$103,659	\$68,539	\$13,956	\$49,547	\$6,619	\$242,320
2037	18	\$111,723	\$73,871	\$15,042	\$53,402	\$7,134	\$261,172
2038	19	\$120,051	\$79,377	\$16,163	\$57,383	\$7,666	\$280,639
2039	20	\$128,649	\$85,062	\$17,320	\$61,492	\$8,215	\$300,739
2030	21	\$137,527	\$90,932	\$18,516	\$65,736	\$8,782	\$321,492
2041	22	\$146,693	\$96,992	\$19,750	\$70,117	\$9,367	\$342,918
2042	23	\$156,155	\$103,249	\$21,024	\$74,640	\$9,971	\$365,038
2043	24	\$165,923	\$109,707	\$22,339	\$79,309	\$10,595	\$387,872
2044	25	\$176,006	\$116,374	\$23,696	\$84,128	\$11,239	\$411,443
2045	26	\$186,414	\$123,256	\$25,097	\$89,103	\$11,903	\$435,774
2046	27	\$197,157	\$130,359	\$26,544	\$94,238	\$12,589	\$460,887
2047	28	\$208,245	\$137,690	\$28,037	\$99,538	\$13,297	\$486,807
2048	29	\$219,689	\$145,257	\$29,577	\$105,008	\$14,028	\$513,558
2049	30	\$231,498	\$153,065	\$31,167	\$110,653	\$14,782	\$541,166
Total		\$3,037,599	\$2,008,441	\$408,960	\$1,451,927	\$193,960	\$7,100,887
NPV @ %5%		\$1,146,498	\$758,057	\$154,356	\$548,009	\$73,207	\$2,680,127

Source: TXP

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State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, November 4, 2019 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council:

- Mayor Troy Brimage
- Councilman Brooks Bass
- Councilman Ken Green
- Councilwoman Sandra Loeza
- Councilman Roy E. Yates

Staff:

- Tim Kelty, City Manager
- Stephanie Russell, Assistant City Manager
- Betty Wells, City Secretary
- Chris Duncan, City Attorney
- Brenda Miller-Ferguson Human Resource Director
- Courtland Holman, Economic Development Director
- Billy Shoemaker-Building Department Director
- Ray Garivey-Freeport Chief of Police
- David Hoelewyn, Street Department Director
- Danny Gillchriest, Police Captain
- Nat Hickey, Property Manager
- David Fernandez, Freeport Police Department
- Abidel Martinez, Freeport Fire Department
- John Pride, Freeport Fire Department
- LeAnn Strahan, Freeport Museum

Visitors:	Angie Williams	Cliff Vandergriff
	Edmeryl Williams	Donna Hayes
	Mario Muraira	Sam Reyna
	Kenny Hayes	Bob Koole
	Tommy Pearson	Desiree Pearson
	Manning Rollerson	Sabrina Brimage
	Brenda George	David Towers

Call to order.

Mayor Troy Brimage called the meeting to order at 6:00 p.m.

PRESENTATIONS/ANNOUNCEMENTS: Announcements by Mayor, City Council and/or Staff

Assistant City Manager Stephanie Russell presented to Council the fourth quarter financials.

Citizen's Comments

Manning Rollerson said that the sign outside says, "Freeport Strong" He said that his city had administration that fought against the people in the East End of Freeport. He said that every city administration worked against the people on the East End. He also stated that if the Council continues to pray in the meetings, that he will petition a lawsuit.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from November 4, 2019

Consideration of approving Ordinance No. 2019-2588 enacting and adopting a supplement (S-23) codifying ordinances adopted by City Council from September 2018 to June 2019.

On a motion by Councilman Bass, seconded by Councilman Green, with all present voting "Aye", Council unanimously approved the Consent Agenda

REGULAR SESSION

Public Hearing: Public Hearing and possible action of a proposed replat. being a Plat Partition Survey of Bernard Acres 1.28 Acres-2 Lots. Amended plat of lots 81, 82 and 83 Block 1, Bernard Acres, Section II, according to the recorded plat in volume 8, page 33 Plat Records, Brazoria County, Texas.

Public Hearing was opened by Mayor Troy Brimage at 6:09 PM. Billy Shoemaker, Building Department Director explained that this property line is being moved over to the left. This will incorporate the road that already exist onto this tract of property. He said that this is just a plat amendment, not a true re-plat. Mr. Kelty City Manager said that this is in the ETJ and that there are structures on each lot. Billy Shoemaker said that this is at the residents' request. Mayor Brimage closed the Public Hearing at 6:11 PM.

On a motion by Councilman Bass, seconded by Councilwoman Loeza Mayor Brimage closed the Public Hearing at 6:11 PM.

On a motion by Councilman Bass and seconded by Councilman Green with all present voting "Aye", Council unanimously approved replat. being a Plat Partition Survey of Bernard Acres 1.28 Acres-2 Lots. Amended plat of lots 81, 82 and 83 Block 1, Bernard Acres, Section II, according to the recorded plat in volume 8, page 33 Plat Records, Brazoria County, Texas.

Public Hearing: Public Hearing and possible action of a proposed replat. being a Plat Partition Survey Prihoda Subdivision 0.30 Acre-2 Lots. Amended plat of a 0.30-acre tract of land adjoining Bastrop Beach Subdivision in the S.F. Austin Survey, abstract 30, in the J. S., Hall Survey, abstract 217, and the J.M. Musquez Survey abstract 332, Brazoria County, Texas.

Public Hearing was opened by Mayor Troy Brimage at 6:12 PM. Billy Shoemaker, Building Department Director presented to Council the property re-plat in the city's ETJ. This is a gifted property between family members. They are dedicating an easement on the far right of the designated property for drainage. Billy Shoemaker said that this is the only changes.

On a motion by Councilman Bass and seconded by Councilwoman Loeza, Mayor Troy Brimage closed the Public Hearing at 6:13 PM.

On a motion by Councilman Bass and seconded by Councilwoman Loeza with all present and voting "Aye" Council unanimously approved the proposed replat. being a Plat Partition Survey Prihoda Subdivision 0.30 Acre-2 Lots. Amended plat of a 0.30-acre tract of land adjoining Bastrop Beach Subdivision in the S.F. Austin Survey, abstract 30, in the J. S., Hall Survey, abstract 217, and the J.M. Musquez Survey abstract 332, Brazoria County, Texas.

Consideration of authorizing the purchase of public safety vehicles for the Freeport Police Department.

Assistant City Manager Stephanie Russell spoke to Council on the replacing of three public safety vehicles, there was \$127,000.00 included in this year's budget. She said that staff is recommending that we purchase two of the vehicles through the HGAC Buy Contract, she said that the total for this is over \$50,000 and it needs Council approval. The total for the two vehicles is \$85,000.00. She said this will leave the balance to purchase the third vehicle. Councilman Bass asked if this is cheapest offer, we can get. Stephanie said that going with HGAC Buy it is typically the best price because it is competitively bid. Councilwoman Loeza asked if we will trade in the old vehicles. The old vehicles will be declared surplus and will go out for auction. Councilman Yates asked where Lake Country Chevrolet is located. This is done through HGAC Buy where they go out for bids.

On a motion by Councilman Bass and seconded by Councilman Green with all present and voting "Aye" Council unanimously approved the purchase of public safety vehicles for the Freeport Police Department

Consideration and possible action to appoint a candidate to fill vacancy on the Freeport Economic Development Corporation Board.

City Manager Tim Kelty recommended to Council the appointment of Kenny Hayes to the Freeport Economic Development Corporation Board. Mr. Hayes lives in the City of Freeport, he is building a new home here in the city. Mr. Hayes serves as a representative on the Brazosport Water Authority. He is retired and will be able to make the meetings. He is a leader and is knowledgeable. The EDC received applications from Melanie Oldham, Jennifer Hawkins, Kenneth Green, Paul Crow and Kenny Hayes.

On a motion by Councilman Green seconded by Councilwoman Loeza. With all present and voting "Aye" Council unanimously approved appointing Kenny Hayes to fill vacancy on the Freeport Economic Development Corporation Board.

Consideration of approving a 380 agreement between the City of Freeport and the EDC.

Assistant City Manager, Stephanie Russell presented to council the proposed 380 Agreement between The Freeport Economic Development and The City of Freeport. She said that the background on this is back in 2014 the City of Freeport and the EDC went into an agreement to refinance a loan for 1.3 million dollars with the First State Bank of Clute. How this was done was not the cleanest and it ties the city to the loan itself. And now it is time to pay off the loan in November of this year. The amount of the balloon payment due is around the amount of, \$765,000.00. The EDC does not have the funds available to pay off this balloon payment. The City cannot loan the EDC money, which is why we are proposing this 380 Agreement. If the agreement is approved EDC will do projects for the City of Freeport. Which will include street drainage, sewer and water infrastructure. Councilman Bass asked if the City would oversee and choose the projects. The way that this will work is that council and staff will choose the projects, then the city will present these projects to the EDC for approval of the projects and then it will be

presented to the City Council for final approval. These projects will be budgeted in next years budget for the EDC. Councilwoman Loeza asked if we would save money by paying off the balloon payment, and do we have the option to renew the note again. Refinance was looked at, but refinancing will hurt the city because the city will have to disclose the refinance. Mayor Brimage said that if we will be looking at bonds to help with the city's infrastructure the refinance will hurt the city. Councilman Bass asked when the City can expect the return. The EDC will repay through projects over the next two following years, 2021-2022.

On a motion by Councilman Bass and seconded by Councilwoman Loeza with all present and voting "Aye" Council unanimously approved the 380 agreement between the City of Freeport and the EDC.

Consideration of authorizing the transfer of ownership block 529 and lot 10 in the Velasco Townsite, from the City of Freeport to the Freeport Economic Development.

City Manager Tim Kelty presented to council the transfer of ownership of the property block 529 and lot 10 in the Velasco Townsite. This had come before council earlier this year which Council authorized Tim Kelty to sale the property to both property owners adjacent to the property. Mr. Kelty said after this was authorized by Council, City Attorney Chris Duncan informed him that the property can transferred to the EDC. The property owners on the East Side has intentions to build two homes facing the side street. EDC Director Courtland Holman will do a 380 Agreement with the property owners

On a motion by Councilwoman Loeza and seconded by Councilman Yates, with all present voting 3 to 1, Council approved the. transfer of ownership block 529 and lot 10 in the Velasco Townsite, from the City of Freeport to the Freeport Economic Development. Councilman Bass opposed.

Consideration of appointment of members to fill vacancies on the Historical Commission and Main Street Advisory Board.

City Manager Tim Kelty spoke to Council he said that at the beginning of last year it came to the attention that the 501C3 for the Freeport Historical Museum had been revoked by the State. The Board that was the foundation board basically became de-funct. The City had a Historical Commission and Main Street Advisory Board a few years ago. This is a Board that is appointed by Council. The Board according to our ordinances still exist, we just have not appointed anyone to it. The Foundation Board has still been meeting with LeAnn Strahan just as in an informal capacity. The recommendation for the appointments will be to appoint the five members that are on this committee to one-year term and to appoint Carolyn Weatherly to two-year term. There will still be vacancies on the board that will have to fill. There is a total of nine members for this board. Brooks Bass asked if we will have to change the ordinance from nine to six members if we decide to go with six members.

On a motion by Councilman Bass and seconded by Councilman Yates, with all present voting "Aye" Council unanimously approved the appointment of members to fill vacancies on the Historical Commission and Main Street Advisory Board.

Consideration of approving Resolution No. 2019-2612 an amended application by Centerpoint Energy.

City Manager Tim Kelty spoke to council of approving Resolution No. 2019-2612 an amended application by Centerpoint Energy he said that the Federal Government has lowered the tax rates on organizations and as a result they were ordered to reduce the rates. They proposed a rate and the TCUC reviewed it and negotiated with them. Mr. Kelty said that he recommends this.

On a motion by Councilman Bass and seconded by Councilman Green, with all present voting "Aye" Council unanimously approved Resolution No. 2019-2612 an amended application by Centerpoint Energy

WORK SESSION:

Mayor Troy Brimage spoke to David Hoelewyn about the streets of Munson and Ave G and F the condition the streets are in. David said that the Code Department has spoke with the contractor and they have tried fixing the streets but have not repaired it right. Mr. Kelty said that he spoke with Billy Shoemaker and he said that the contractors were being delayed by a week. Mr. Kelty spoke with the contractor and advised that he expects this to be done by the end of the week. Mayor Brimage said to let's push this and get this done. He also said to make sure that we are moving forward on the engineering with the flooding and the pumps.

Councilman Green thanked David Hoelewyn on the repair of potholes on some streets. He also said that he has had several people voice their concern about the railroad on Broad Street. David Hoelewyn said that this repair is in this budget.

Councilman Bass thanked David Hoelewyn on the work that has been done on the side streets in Ward B. He said that he is concerned about the drainage, he said that he wants to be mindful on how the water will drain from the new streets. Since Broad Street has been over laid and raised it up, it has basically made a barrier. We need to make sure this water is going to get to the drain at the end of the block. We just need to make sure that we have the adequate elevation to make sure that the water drains to those boxes. He spoke to Mr. Kelty about the road work in our ETJ over the bridge next to Dow headed into Clute he said that this ridiculous. He said that every Citizen should send an email to Tx Dot to get this repair done.

Councilwoman Loeza said that repairs have been started on Victoria Street and this will help but she wants to know how long this will take to get done. Mr. Vandergriff with Sorrell said hopefully four weeks. She also said that there is a big pothole on 1900 Block Yellowstone, and another on 1900 block on Ave H.

Councilman Yates asked about the pumps behind Mikes Machine Shop. David Hoelewyn said that we are still where we were. He said that parts should be in the middle of November. He said that pumps are working, but they must turn one on manually because of the barring problem. One pump is always on automatic. Mr. Brimage said that we must set this as priority, get the Engineers on this and tell us what we need to do, and get it done.

City Manager Tim Kelty spoke about Antonelli's. Mr. Kelty said it is the rehabilitation of the building as a historic marker and location. Also there has been talk about rehabilitating it back into a functioning café or shop. He said that we are looking at the cost for both. He also spoke about the Mystery Boat, he said that this project has been completed except for the outriggers. He said that these proposals are together and there is another proposal as well to bring to Council. He also said that there is the pre-trial hearing for Jeff Pynes former City Manager. He said that the Judge did not grant a continuance and the Trial will start on November 12, 2019. Mr. Kelty also thanked Chief Garivey for the CPA class, he said that it was the largest he has ever seen in his twenty years.

Update on reports / concerns from Department heads

Courtland Holman said that he has several things that are coming up. He said that the main one is a work shop with the EDC Board on Tuesday November 5. He said that he will discuss the TIRZ. at the next EDC meeting on November 12, 2019. He said that he will have Travis James coming to do a presentation. This will also be done again at the next City Council meeting on November 18, 2019. He said that the Public Hearing must be published by November 22, 2019, and then have a Public Hearing on the Tax Increment Reinvestment Zone (TIRZ) on December 6, 2019. Mr. Holman said that the TIRZ boundaries must be in place by the end of the year. Mr. Kelty said that EDC has agreed to fund the establishment of this, but it will take City Council action to establish it.

Open session was closed at 6:59 pm and Council entered Executive Session.

CLOSED SESSION:

Executive Session regarding economic development (Projects 2019-2 and 2019-3) and Attorney Consultation (Potential Litigation) in accordance with Vernon's Texas Government Code Annotated, Chapter 551, 551.087 and Chapter 551, 551.071.

REGULAR SESSION

Mayor Troy Brimage opened regular session at 7:48 pm

Consideration in open session of taking action on any matter discussed in closed executive session

No action taken.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilman Yates, with all present voting "Aye", Mayor Troy Brimage adjourned the meeting at 7:48 PM.

Mayor, Troy Brimage
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas



City Council Agenda Item # 4

Title: Brazoria County Firefighter's Association Fire Protection Agreement with Brazoria County.

Date: 11/18/2019

From: Christopher D. Motley, Fire Chief

Staff Recommendation: Staff recommends approving the Brazoria County Firefighter's Association Fire Protection Agreement with Brazoria County for 2020. Second recommendation is to authorize the Fire Chief to sign the agreement.

Item Summary: Freeport Fire & EMS provides fire protection into the unincorporated areas of Brazoria County or to neighboring communities requesting mutual aid. Freeport Fire & EMS Department depends on mutual fire protection to address manpower and equipment needs in fire protection. This agreement is renewed annually with the individual fire department and Brazoria County Firefighter's Association (BCFFA). Each department must meet ten objectives in the contractual agreement to be in compliance of the agreement. As part of compliance the department is compensated \$20,000.00.

Background Information: Fire Chief John A. Stanford, Jr., was involved in the creation of the BCFFA PAC to address fire protection needs in the community. A part of the PAC was to address fire engine replacement owned by Brazoria County. The BCFFA Fire Protection Agreement was created after Brazoria County Commissioners were faced with the replacing at least a dozen fire trucks from 1986. Prior to creating the fire protection agreement Brazoria County provide each fire department a fire engine. With the replacement of a large number of fire engines at one time create a financial challenge. In lieu of a fire truck replacement, Brazoria County Commissioner and BCFFA entered into an agreement by providing an annual payment to participating departments to be used towards fire engine replacement or operational needs.

Special Considerations: None

Financial Impact: No financial impact to City. The Freeport Fire & EMS Department is compensated \$20,000.00

Board or 3rd Party recommendation: None

Supporting Documentation: None



Brazoria County Firefighter's Association

United To Serve the People of Brazoria County

In order to receive the prescribed funding from Brazoria County pursuant to Commissioners Court Order No. V.A.3.a of December 09, 2014 - Regular Session for the year beginning October 1, 2020.

The _____ agrees to the following terms and conditions:
(Department Name)

1. Each Department by way of this signed document agrees to provide fire protection within their assigned ETJ or as called upon for mutual aid within Brazoria County. The agreement must be signed by the highest-ranking official associated with the Department.
2. Each Department must submit an annual report as to the department's equipment resources and personnel utilizing the format provided by the BCFFA.
3. Each Department must submit a copy of their annual report from TXFIRS/NFIRS current from the previous October to the end of September.
4. Each Department must have in service and available for call at least one Class "A" unit as defined by the BCFFA. In the event a department unit is temporarily out of service and no other units are available as a replacement, suitable arrangements must be made for coverage by the nearest department.
5. Each department will maintain as minimum liability insurance in the amount of \$100,000/\$300,000/\$100,000 and furnish proof to BCFFA and Brazoria County.
6. Each Department will properly house and maintain truck and equipment.
7. Each Department will participate as an active member of the BCFFA, Brazoria County Fire Chiefs' Committee, and State Fireman's and Fire Marshall's Association. An active member of the BCFFA must meet the requirements set by the BCFFA including attendance at County Meetings and Chief's Association Meetings as required by BCFFA. Required attendance shall include a minimum of 4 Chief's Association meetings and 4 County Association Meetings.
8. Each Department will submit a Complete Department budget summary for the year. This budget summary shall include all income and expense as defined in a standard form provided and approved by the BCFFA and Brazoria County. This budget will represent the yearly budget for the year looking forward.
9. Reports and Budgets will be due in November. For each month that the required information is not provided, the Department will forfeit 10% of the original funded amount. The forfeited funds will be placed in the general fund of the association.
10. Each Department will be required to have the requested information reviewed and approved by the Regulatory Committee which is a sub-committee of the BCFFA. This committee will determine if all of the requirements have been met and will issue a check to each Department that has met the requirements of this agreement.

A breach of this agreement by "the Department" or any part thereof may/shall forfeit the Department's rights to receive funding from either the County or the BCFFA.

I _____ acting as the agent for
(Highest-ranking official of Department)

_____ agree that this Department will follow
(Department Name)
the requirements above to receive County funding.

_____ Department Representative _____ (date)
(Signature)

_____ Regulatory Committee Chairman _____ (date)
(Signature)



City Council Agenda Item # 5

Title: Martin Luther King Day Parade street closure request

Date: November 18, 2019

From: Betty Wells

Staff Recommendation:

Staff recommends Council approve this road closure.

Item Summary:

Dr. Martin Luther King, Jr. Celebration Committee requests permission to close portions of the following streets during the Parade to be held on Monday, January 22, 2020. The parade will start at 11:00 am and the set up (staging area) will start at 8:30 am on Cherry, East Park and Fourth Street. The parade route will begin at East Park Avenue and Fourth Street and continue along 2nd Street to Brazosport Boulevard to the Freeport Municipal Park. The celebration will continue through the Rally at the Freeport Municipal Park until 4:30 pm.

Background Information:

The City host this parade annually. There are no changes from the normal parade route that they have used in the past.

Special Considerations

NA

Financial Impact:

NA

Board or 3rd Party recommendation:

NA

Supporting Documentation:

Dr. Martin Luther King, Jr. Celebration Committee request letter.



Dr. Martin Luther King, Jr.
Brazoria County, Texas
Celebration Committee

216 Banyan Dr.
Lake Jackson, TX 77566
Contact: Mr. Will J. Brooks
Phone: (979) 202-7590 Cell
Phone: (979) 297-2801 Home



November 13, 2019
Attention: Ms. Lori Tolar
200 West 2nd Street
Freeport, TX 77541

To the City Council of Freeport:

It is my pleasure to inform you about the 34th annual Dr. Martin Luther King, Jr. Celebration Committee (MLKCC). We are a non-profit organization since 1986, MLKCC – Brazoria County has sponsored events to celebrate the state and federal holiday honoring the birthday of the late Dr. Martin Luther King, Jr. and to perpetuate his memory and the legacy of his achievements for future generations. Additionally, our MLKCC seeks to honor Dr. King's admonition of service to the community by sponsoring both the MLKCC and Dennis R. Edwards Memorial scholarships to deserving Brazoria County high school graduates. This celebration conducts various worthy community uplifting projects, and encourages its members to take roles in numerous civic, charitable, and cultural endeavors. This annual celebration is a time of unity and togetherness promoted through events including a Community Worship Service, MLKCC Commemorative Banquet, and Parade & Rally.

Dr. Martin Luther King, Jr. Celebration Committee request permission to close portions of the following streets during the Parade to be held on Monday, January 22, 2020. The parade will start at 11:00 am and the set up (staging area) will start at 8:30 am on Cherry, East Park and Fourth Street. The parade route will begin at East Park Avenue and Fourth Street and continue along 2nd Street to 288-B to the Freeport Municipal Park. The celebration will continue through the Rally at the Freeport Municipal Park until 4:30 pm. In order to move forward with success, we are requesting your permission, support and participation in the 34th Annual Dr. Martin Luther King, Jr. Celebration.

Thank you in advance for your consideration and we look forward to celebrating the legacy of Dr. Martin Luther King, Jr. with you.

Sincerely,
Will J. Brooks

Will J. Brooks
Parade Co-Chairman
On behalf of MLKCC-BC Parade & Rally Committee



City Council Agenda Item # 7

Title: Consideration of approving amended Freeport EDC By-Law amendment.

Date: November 18, 2019

From: Courtland Holman, Executive Director

Staff Recommendation:

Staff recommends that City Council approve the amendments to the FEDC By-Laws.

Item Summary:

The by-laws of the EDC are intended to lay out the rules and procedures of the board and corporation. The current FEDC By-Laws, are not descriptive, lack important detail, and in several areas are confusing and/or contrary to state law. The proposed amended by laws fix all those problems as well as address a couple of important changes that the EDC is requesting.

Background Information:

After several attempts to modify the existing by-laws, it was decided by EDC to scrap them and start over. Using a template from the EDC director's previous city, Mr. Holman and Attorney Chris Duncan modified them to fit generally the intent of the Freeport EDC's by laws in a cleaner and more complete way. Specific areas of note that have been changed were regarding absenteeism and adding the city liaison and ex-officio positions to attend executive session.

The EDC held a final workshop to review and make any final changes November 6, 2019, and then at their regular meeting on November 12, voted to recommend the attached amended by laws be adopted by City Council.

Special Considerations:

None

Financial Impact:

None

Supporting Documentation:

Attached By-Laws

THE CITY OF FREEPORT ECONOMIC DEVELOPMENT CORPORATION

BYLAWS

ARTICLE 1

PURPOSE AND POWERS

Section 1.01 - Purpose. The Corporation is incorporated for the purposes set forth in its Articles of Incorporation, the same to be accomplished on behalf of the City of Freeport, Texas (the "City") as its duly constituted authority and instrumentality in accordance with the Texas Development Corporation Act of 1979, as mandated, by the Texas Development Act, Texas Local Government Code Title 12, Section 501 et. seq., as amended (the "Act"), and other applicable laws; for all other purposes allowed by law as permitted by the Development Corporation Act as it now exists or is hereafter amended. The Corporation shall be a non-profit corporation as defined by the Internal Revenue Code of 1986, as amended, and the applicable regulations of the United States Treasury Department and the rulings of the Internal Revenue Service of the United States prescribed and promulgated there under.

Section 1.02 - Power. In the fulfillment of its corporate purpose, the Corporation shall be governed by Section 4B of the Act, and shall have all the powers set forth and conferred in its Articles of Incorporation, in the Act, and in other applicable law, subject to the limitations prescribed therein and herein and to the provisions thereof and hereof.

ARTICLE 2

OFFICES

The principal office of the Freeport Economic Development Corporation (the "Corporation") shall be at the City of Freeport, Texas.

ARTICLE 3

BOARD OF DIRECTORS

Powers, Number and Term of Office.

Section 3.01 The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (the "Board") which shall be composed in its entirety of persons appointed by, and whose terms of office shall be fixed by, the governing body of the City of Freeport, Texas ("the City") and, subject to the restrictions imposed by the law, by the Articles of Incorporation, and by these Bylaws, the Board shall exercise all of the powers of the Corporation and do all lawful acts.

Section 3.02 The Board shall consist of seven (7) directors each of whom shall be appointed by the City Council of the City of Freeport. Such appointment shall be for a term of two years. Board terms shall be staggered such that the terms of three (3) directors shall expire in even years and the

terms of four (4) directors shall expire in odd years.

Section 3.03 Any director may be removed from office by the City Council at any time without cause.

Section 3.04 Vacancies in the Board, including vacancies to be filled by reason of an increase in the number of directors, shall be filled for the unexpired term by the appointment of successor directors by the governing body of the City.

Section 3.05 The property and business of the Corporation shall be managed by the Board which may exercise all powers of the Corporation and do all lawful acts

Section 3.06 Directors shall receive no compensation for services as rendered as directors but shall be reimbursed for all reasonable expenses incurred in performing their duties as directors.

Section 3.07 The City Council of the City of Freeport may name a City Council member to serve as the "Council Liaison" with the Freeport Economic Development Corporation. The Council Liaison, and the City Manager of the City of Freeport, or if designated by the City Manager, the Assistant City Manager, shall serve as "ex officio" members of the Board of Directors. Ex officio members shall not be included in the calculation of a quorum, and shall not have any rights of a board member, except the right to attend open board meetings. Such Ex officio members shall attend closed sessions of board meetings unless a majority of a quorum of the Board of Directors attending such closed session votes to exclude them.

Meetings of Directors.

Section 3.08 For meetings of the Board, notice thereof shall be provided as set forth in accordance with the Texas Government Code 551.001. Any member of the Board, officers of the Corporation or Executive Director, may have an item placed on the agenda by delivering the same in writing to the Secretary of the Board or the Executive Director no less than three (3) calendar days prior to the date of the Board meeting. Each agenda of a Board meeting shall contain an item, entitled "Citizens Forum", to allow public comment to be made by the general public concerning Board related matters. However, no official or formal action or vote may be taken on any comment made by citizens during Citizens Forum.

Section 3.09 The board shall hold regular and special meetings, in the corporate limits of the City, at such place or places as the Board may from time to time determine, and in conformance with the Texas Open Meetings Act.

Section 3.10 The annual meeting of the board shall be held on the first regularly scheduled meeting date in June of each year, if not legal holiday and if a legal holiday, then at the next regular business day following, at 6:00 o'clock p.m., or at such time and place as shall be fixed by the consent in writing of all the directors.

Section 3.11 Attendance. Directors must be present in order to vote at any meeting. Regular

attendance at Board meetings is required of all directors. The position of any director shall be considered vacant should the director have three (3) consecutive absences from Regular meetings or four (4) absences from Regular meetings in any twelve (12) month period.

Notice and Calling of Meetings.

Section 3.12 Regular meetings, other than the annual meeting, may be held without specific notice to Board members at such time as shall from time to time be determined by resolution of the Board.

Section 3.13 Special meetings of the Board may be called by the President on three days notice to each director, either personally or by mail or by electronic mail; special meetings shall be called by the President, Secretary, or Executive Director in like manner on the written request of two or more directors. The secretary or the Executive Director shall give written notice to each director of each special meeting in person, by email, or facsimile transmission.

Section 3.14 Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where such director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. A waiver of notice in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 3.15 All meetings and deliberations of the Board shall be called, convened, held, and conducted, and notice shall be given to the public, in accordance with the Texas Open Meetings Act. Texas Government Code 551.001, et seq.

Section 3.16 - Quorum Attendance by 4 or more regular directors, shall constitute a quorum for the conduct of the official business of the Corporation. Ex officio members shall not be included in the calculation of a quorum. The act of a majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation, unless the act of a greater number is required by law. If a quorum shall not be present at any meeting of the directors, the directors' present thereat may recess the meeting for time to time, without notice other than announcement at the meeting, until a quorum shall be present.

Section 3.17 - Conduct of Business. At the meeting of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with rules of procedures as from time to time prescribed by the Board. At all meetings of the Board, the President of the board shall preside. The secretary of the Corporation shall act as secretary of all meetings of the Board, but in the absence of the secretary, the presiding officer may appoint any person to act as secretary of the meeting.

Section 3.18 - Committees of the Board. The Board may, by resolution or resolutions adopted by a majority vote of a quorum of the Board at a Regular board meeting, establish one or more committees, each committee to consist of not more than three of the directors of the Corporation, and any such other individuals, the Board deems advisable. Such committee or committees shall have such name or names, and such powers, as may be determined from time to time by resolution

adopted by the Board of Directors. It is provided, however, that all final, official actions of the Corporation may be exercised only by the Board.

ARTICLE 4

NOTICES

Section 4.01 Whenever under the provisions of the statutes or the Bylaws, notice is required to be given to any director, it shall not be construed to mean personal notice, but such notice may be given in writing, by mail, or by electronic mail, addressed to such director at such address as appears on the books of the Corporation, and such notice shall be deemed to be given at the time when the same shall be thus mailed, or sent by electronic mail.

Section 4.02 Whenever any notice is required to be given under the provisions of the statutes or of these Bylaws, a waiver thereof in writing signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

ARTICLE 5

OFFICERS

Section 5.01 The officers of the Corporation shall be chosen by the Board. The board shall choose from its members a President and Vice President. The Board shall also choose a Secretary and a Treasurer who may or may not be members of the Board. Any two or more offices may be held by the same person, except the office of President and Secretary. If a Secretary or Treasurer is not a board member, then they shall not be included as voting members of the Board.

Section 5.02 The Board shall choose such officers at its first meeting and at each annual meeting.

Section 5.03 The officers of the Corporation chose pursuant to Section 4.02 shall serve until the next annual meeting of the Board thereafter or until their successors are chosen and qualified in their stead.

Section 5.04 The Board may appoint such other officers and agents as it shall deem necessary, who shall hold their offices for such terms and shall exercise such powers and perform such duties as shall be determined for time to time by the Board.

Section 5.05 Any officer elected or appointed by the Board may be removed at any time by the affirmative vote of a majority of the whole Board. If the office of any officers becomes vacant for any reason, the vacancy shall be filled by the Board.

Section 5.06 Officers shall not receive any salary or compensation for their services, except that

they may be reimbursed for their actual expenses incurred in the performance of their official duties as officers.

PRESIDENT

Section 5.07 The president shall be the chief operating executive officer of the Corporation, and, subject to the paramount authority of the Board, the president shall be in general charge of the properties and affairs of the Corporation, and execute all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments in the name of the Corporation. The President shall serve as Chairman of the Board of Directors.

VICE PRESIDENT

Section 5.08 The vice president shall have such powers and duties as may be prescribed by the Board and shall exercise the powers of the president during that officer's absence or inability to act, in their respective order. Any action taken by the vice president in the performance of the duties of the president shall be conclusive evidence of the absence or inability to act of the president at the time such action was taken.

TREASURER

Section 5.09 The treasurer shall be the Chief Fiscal Officer of the Corporation, and shall have the responsibility to see to the handling, custody and security of all funds and securities of the Corporation in accordance with these Bylaws. When necessary or proper, the treasurer may, as set forth herein, endorse and sign, on behalf of the Corporation, for collection or issuance, checks, notes and other obligations in or drawn upon such bank, banks or depositories as shall be designated by the Board consistent with these Bylaws. The treasurer shall see to the entry in the books of the Corporation full and accurate accounts of all moneys received and paid out on account of the Corporation. The treasurer shall, at the expense of the Corporation, given such bond for the faithful discharge of his duties in such form and amount as the Board or the City Council may require.

SECRETARY

Section 5.10 The Secretary attend all meetings of the Board and shall record all votes and keep the minutes of all meetings of the board, shall give and serve all notices, may sign with the president in the name of the Corporation, and/or attest the signature thereto, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of Corporation shall have charge of the corporate books, records, documents and instruments, except the books of account and financial records and securities, and such other books on paper as the Board may direct, all of which shall at all reasonable times be open to public inspection upon application at the office of the Corporation during business hours, and shall in general perform all duties incident to the office of

secretary subject to the control of the Board.

Section 5.11 Conflict of Interest Conflicts of interest for officers or directors, shall be determined pursuant to Local Government Code 171.001, et seq. As now enacted or hereafter amended or by more stringent rules if so adopted by the board of directors.

ARTICLE 6

FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS

Section 6.01 No dividends shall ever be paid by the Corporation and no part of its net earnings remaining after payment of its expenses shall be distributed to or inure to the benefit of its directors or officers or any individual, firm, corporation, or association. No part of the Corporation's activities shall be carrying on propaganda, or otherwise attempting to influence legislation, and it shall not participate in or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office.

Section 6.02 Annual Corporate Budget Prior to the commencement of each fiscal year of the Corporation, the Board shall adopt a proposed budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council.

Books, Records, Audit.

Section 6.03 The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.

Section 6.04 The books, records, accounts, and financial statements of the Corporation may be maintained for the Corporation by the accountants, staff and personnel of the City.

Section 6.05 The Corporation, shall cause its books, records, accounts, and financial statements to be audited at least once each fiscal year by an outside, independent, auditing and accounting firm selected by the City Council. Such audit shall be at the expense of the Corporation.

Deposit and Investment of Corporate Funds.

Section 6.06 All proceeds from loans or from the issuance of bonds, notes, or other debt instruments ("Obligations") issued by the Corporation shall, be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their execution or issuance.

Section 6.07 Subject to the requirements of contracts, loan agreements, indentures or other

agreements securing Obligations, all other moneys of the Corporation, if any, shall be deposited, secured, and/or invested in the manner provided for the deposit, security, and/or investment of the public funds of the City.

Section 6.08 The Board shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds therefrom for use by and for the purposes of the Corporation upon the signature of its treasurer and such other persons as the Board shall designate.

Section 6.09 Bank Accounts All funds of the Company, that are not invested, shall be placed in a bank or financial institution selected by the Board of Directors, and held exclusively in the name of the Corporation.

Section 6.10 Checks All checks or demands for money and notes of the Corporation shall be signed by such office or officers or such other person or persons as the Board may from time to time designate, provided that no event shall a check be negotiable until it is signed by at least one officer.

Section 6.11 Expenditures of Corporate Money The sales and use taxes collected pursuant to Section 4B of the Act and the proceeds from the investment of funds of the Corporation, the proceeds from the sale of property, and the proceeds derived from the sale of obligations, may be expended by the Corporation for any of the purposes authorized by the Act, and to the following limitations:

Expenditures that may be made from a fund created with the proceeds of Obligations, and expenditures of moneys derived from sources other than the proceeds of Obligations may be used for the purpose of financing or otherwise providing one or more "Projects" as defined in Section 4B of the Act;

All other expenditures shall be made in accordance with and shall be set forth in the annual budget required, pursuant to budget amendment or or in contracts meeting the requirements of this Article;

Section 6.12 - Issuance of Obligations By resolution of the Board, the officers of the Corporation may through Bonds, Notes and other forms of debt instruments obligate the Corporation to pay the cost of projects.

Section 6.13 - Contracts for Service The Corporation may contract with any qualified and appropriate person, association, corporation or governmental entity to perform and discharge designated tasks which will aid or assist the Board in the performance of its duties, and for promotional purposes consistent with the purposes, and subject to the limitations, set out in the Development Corporation Act. However, no such contract shall ever be approved or entered into which seeks or attempts to divest the Board of Directors of its discretion and policy-making functions in discharging the duties hereinabove set forth in this section. If advertising for bids for services is required, the Corporation shall comply with all such bidding procedures.

ARTICLE 7

MISCELLANEOUS PROVISIONS

Section 7.01 - Principal Office.

The principal office and the registered office of the Corporation shall be the registered office of the Corporation specified in the Articles of Incorporation.

The Corporation shall have and shall continually designate a registered agent at its registered office, as required by the Act.

Section 7.02 - Fiscal Year. The fiscal year of the Corporation shall be the same as the fiscal year of the City.

Section 7.03 - Seal. The seal of the Corporation shall be determined by the Board.

Section 7.04 - Resignations. Any directors or officers may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified; at the time of its receipt by the president or secretary. The acceptance of resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 7.05 - Approval or Advice and Consent of the City Council. To the extent that these Bylaws refer to an approval by the City or refer to advice, approval or consent by the Council, such advice, approval or consent shall be evidenced by a certified copy of resolution duly adopted by the City Council.

Section 7.06 - Services of City Staff and Officers. Subject to the approval of the City Council, the Corporation may have the right to utilize the services and the staff and employees of the City, provided (i) that the Corporation shall pay reasonable compensation to the City for such services, and (ii) the performance of such services does not materially interfere with the other duties of such personnel of the City.

Section 7.07 - Executive Director. The Board of Directors may elect to employ an executive director who shall serve at the direction of the Board of Directors with a voice and no vote at meetings of the Board of Directors.

Section 7.08 - Indemnification of Directors, Officers and Employees.

As provided in the Act and in the Articles of Incorporation, the Corporation is, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions.

The Corporation may indemnify each and every member of the Board, its officers, and its employees, and each member of the City Council and each employee of the City, to the fullest extent permitted by law, against any and all liability or expense, including attorney's fees, incurred by any of such persons by reason of any actions or omissions that may arise out of functions and activities of the Corporation. The attorney for the Corporation is authorized to provide a defense for members of the

Board, officers and employees of the Corporation.

Section 7.09 - Severability. It is hereby declared to be the intention of the “Bylaws” that sections, paragraphs, sentences, clauses, phrases of this document are separable, and if any phrase, clause, sentence, paragraph, or section of this incorporation shall be declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction, such unconstitutional or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this incorporation, since the same would have been enacted by the Board of Directors without the incorporation of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

Section 7.10 - Gifts. The Board may accept on behalf of the Corporation any contribution, gift, bequest, or device for the general purpose or for any special purposes of the Corporation.

ARTICLE 8

EFFECTIVE DATE, AMENDMENTS

Section 8.01 - Effective Date. These Bylaws shall become effective upon the occurrence of the following events: (1) the adoption of these Bylaws by the Board; and (2) the approval of these Bylaws by the City Council.

Section 8.02 - Amendments to Articles of Incorporation and Bylaws. The Articles of Incorporation of the Corporation and these Bylaws may be amended only in the manner provided in the Articles of Incorporation and the Act.

ADOPTED AND APPROVED this _____ day of _____, 2019.

Trey Sullivan, President



City Council Agenda Item # 8

Title: FY2019-2020 Proposed Budget Adjustment #1

Date: November 18, 2019

From: Stephanie Russell, Assistant City Manager/Finance Director

Staff Recommendation:

I recommend the following budget amendment to the 2019-2020 Budget.

Item Summary:

This proposed budget adjustment includes adding revenue and expenditures to the General Fund. The net impact to the General Fund is a net revenue less expenditures of negative \$300,000. However; this amount is available in unassigned fund balance (original budget estimated \$626,490 in available fund balance).

Background Information:

Below is a summary of each of the proposed changes.

- A. **EDC 380 Agreement:** City Council approved a 380 Agreement with the Freeport Economic Development Corporation on November 4, 2019. This amended reflects a \$300,000 transfer to the EDC for this agreement. The EDC will then fund \$150,000 in infrastructure projects for the next two fiscal years beginning FY2020-2021.
- B. **PD Grant:** The Police Department was awarded a \$106,611 grant for Mobile Video Recorder Equipment from the DJ-Edward Byrne Memorial Justice Assistance Grant Program in September. This budget amendment reflects both the revenue and expenditures to complete the grant.

Special Considerations: N/A

Financial Impact:

The net impact to the General Fund is a net revenue (\$106,611) less expenditures (\$406,611) of negative \$300,000. However; this amount is available in unassigned fund balance (original budget estimated \$626,490 in available fund balance).

Board or 3rd Party recommendation: N/A

Supporting Documentation:

Account Detail

Ordinance – Proposed Budget Amendment #1

ORDINANCE NO. 2019-2589

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACTS; AMENDING THE BUDGET FOR THE FISCAL YEAR 2019-2020; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, pursuant to the provisions of Subsection (a) of Section 102.007 of Chapter 102 of the Local Government Code and the provisions of Article 9 of the Home Rule Charter of the City of Freeport (hereinafter sometimes "the City"), the budget for the 2019-2020 fiscal year of the City was finally approved by the City Council, being the governing body thereof, by its Ordinance No. 2019-2583, read, passed and adopted on the 16th day of September, 2019, (hereinafter sometimes "the Budget"); and,

WHEREAS, Subsection (b) of Section 102.009 of the Local Government Code provides that, after final approval of the budget, the governing body of a municipality may spend municipal funds only in strict compliance with the budget, except in an emergency, but Section 102.010 of said Code provides that the provisions of Chapter 102 thereof do not prevent the governing body of such municipality from making changes in the budget for municipal purposes; and

WHEREAS, Subsection (c) of Section 102.009 of said Code provides that the governing body of a municipality may authorize an expenditure as an amendment to the original budget only in the case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention; and,

WHEREAS, Section 9.16 of the City's Home Rule Charter provides that the budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the City Council; and,

WHEREAS, the adoption of this ordinance and the amendments of the Budget is necessary for and in the best interest of the health, safety and general welfare of the inhabitants of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): FINDINGS OF FACT

In connection with the amendment and revision of the Budget, the City Council of the City makes the following findings:

(1) The amendments and revisions set forth in the Budget were the result of numerous public workshop meetings called and conducted in the manner required by the Texas Open Meetings Act, codified as Chapter 551, Government Code.

(2) A public hearing was held on the Budget and conducted in the manner required by Section 102.006 of the Local Government Code and the City's Home Rule Charter.

(3) Notice of such public hearing was published in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City in the manner and time required by Chapter 102 of said Code and the City's Home Rule Charter.

(4) A grave public necessity exists and to meet an unusual and unforeseen conditions that could not have been included in the original budget through the use of reasonably diligent thought and attention and the Budget must be amended and revised with respect of the new or additional expenditures set forth in Exhibit "A" attached hereto and made a part hereof, such unusual and unforeseen conditions also being set forth in said Exhibit "A".

(5) The proposed changes are set forth in Exhibit "A" attached hereto and made a part hereof.

(6) All of the changes set forth in Exhibit "A" are for municipal purposes.

(7) The several amounts stated in Exhibit "A" as the amended or revised expenditures are hereby appropriated to and for the objects and purposes therein named.

(8) The contingent appropriations, as amended and revised in said Exhibit "A", do not exceed three (3%) percent of the total amended and revised budget appropriations reflected therein.

(9) The amended and revised expenditures of the general fund and the debt service fund contained in the Budget, as amended by said Exhibit "A", do not exceed the resources of each fund, as amended and revised.

SECTION TWO (2) :

The existing Budget of the City of Freeport, Texas, for the fiscal year 2019-2020 is hereby amended and revised as reflected in said Exhibit "A".

SECTION THREE (3) :

As required by Subsections (c) and (d) of Section 102.009 of the Local Government Code, upon the passage and adoption of this ordinance, the amended and revised budget adopted hereby shall be filed with the City Secretary of the City to be maintained in the official records of the City, and a certified copy of this ordinance, with Exhibit "A" attached thereto, shall be filed by the City Secretary with the County Clerk of Brazoria County, Texas.

SECTION FOUR (4) :

Nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

SECTION FIVE (5) :

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

SECTION SIX (6) :

This ordinance shall take effect and be in force from and after its passage and adoption.

READ, PASSED AND ADOPTED this 18th day of November, 2019.

Troy T. Brimage, Mayor,
City of Freeport, Texas

ATTEST:

Betty Wells, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Chris Duncan, City Attorney,
City of Freeport, Texas

EXHIBIT "A"
City of Freeport
FY 2019-2020 Proposed Budget Amendment #1

Fund	FY2019-2020 Original Budget	FY2019-2020 Budget Amendment	FY2019-2020 Amended Budget
General Fund			
Mayor & Council	-		-
Administration	1,972,901		1,972,901
Municipal Court	180,508		180,508
Police/Animal Control	4,636,779	106,111	4,742,890
Fire/Emergency Management	1,271,222		1,271,222
EMS	899,584		899,584
Streets/Drainage	2,678,070		2,678,070
Service Center	219,090		219,090
Garbage	992,453		992,453
Building	346,400		346,400
Code Enforcement	446,950		446,950
Library	28,300		28,300
Parks	1,646,659		1,646,659
Recreation	750,200		750,200
Sr. Citizen's Commission	10,100		10,100
Golf Course	998,300		998,300
Historical Museum	230,293		230,293
General Fund Total	17,307,809	106,111	17,413,920
Utility Fund			
Water/Sewer	6,831,822		6,831,822
Other Funds			
Capital Debt Service	565,232		565,232
Capital Projects	300,000		300,000
Capital Projects Fund	54,000		54,000
Debt Service Fund	-		-
Beach Maintenance	6,500		6,500
Court Security	13,400		13,400
Court Technology	11,400		11,400
Federal Narcotics	-		-
Hotel/Motel	10,250		10,250
Other Funds Total	960,782	-	960,782
Total Expenditures	25,100,413	106,111	25,206,524
Transfers	2,050,000	300,000	2,350,000
Grand Total Budget	27,150,413	406,111	27,556,524

NOTE: Expenses for the Employee Benefit Fund is not included in the Citywide Total above to avoid duplication of the amounts shown as part of the General and Utility Fund budgets that are transfers to this fund for services.

EXHIBIT "A"
City of Freeport
FY 2019-2020 Proposed Budget Amendment #1

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Capital Projects Fund	54,000		54,000
Debt Service Fund	-		-
Beach Maintenance	6,500		6,500
Court Security	13,400		13,400
Court Technology	11,400		11,400
Federal Narcotics	-		-
Hotel/Motel	10,250		10,250
Other Funds Total	960,782	-	960,782
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FY 2019-2020 Proposed Budget Amendment #1
Account Detail

Ref	Proposed Amendments	Account No.	Account Description	Current Budget	Proposed Amount Inc./ (Dec.)	Amended Budget
<u>GENERAL FUND</u>						
REVENUE						
B	Mobile Video Recorder Equip.	10 360-430	Grant Revenue-Police Dept	-	106,611	106,611
Subtotal Revenue				-	106,611	106,611
EXPENDITURES						
A	EDC 380 Agreement	10 700-030	Transfer to EDC	-	300,000	300,000
B	Mobile Video Recorder Equip.	10 525-898	Grant Expenditures	-	106,611	106,611
Subtotal Expenditures				-	406,611	406,611
Net Revenue Less Expenditures				-	(300,000)	(300,000)



City Council Agenda Item # 9

Title: City Council Authorization for the creation of the position of Public Works Director.

Date: 11/18/2019

From: Tim Kelty, City Manager

Staff Recommendation: Staff requests council approval for the creation of the new position of Director of Public Works.

Item Summary: The Director of Public Works is a professional position which will be responsible to plan, develop, organize and manage all Public Works operations and personnel for the city, including: streets and drainage, facilities and fleet maintenance parks and public grounds, and water and wastewater functions.

Staff has already created the attached proposed job description. If approved, we will work to find a qualified person that will be able to work with our management team and bring new organization efficiency and effectiveness to the maintenance of public infrastructure and facilities through the maximization of personnel and financial resources.

Background Information: In 2018 the City adopted the Freeport Strategic Community Plan. That collaborative effort, which included stake holder involvement from around the community, laid out a specific vision for development and the future of Freeport. It specifically recommended the creation of a public works department and hiring of a Public Works director who will be responsible for overseeing ALL city infrastructure and providing a single point of contact for coordinating with other area entities involved in infrastructure services (eg. BWA, Velasco Drainage District, Brazoria County, TxDOT, TCEQ, etc.)

Special Considerations

The timing of this hiring and restructuring is intended coincide with the retirement of Director of Streets and Drainage David Hoelwyn in a few months. It is anticipated that the additional of this position along with the future reorganization will result in a net savings to the City in personnel cost and lead to greater productivity in the field, as well as more accountability for the maintenance of infrastructure.

Financial Impact: None

Supporting Documentation: Job Description



200 W 2nd Street, Freeport, TX 77541 ** 979-233-3526 ** FAX 979-233-3205 ** www.freeport.tx.us

POSITION TITLE: Public Works Director

DEPARTMENT: Administration-Public Works

- DRAFT -

RATE CLASS: Exempt

REPORTS TO: City Manager

SHIFT: 8AM-5PM, M-F (May be changed at the discretion of the City of Freeport)

EDUCATION and EXPERIENCE:

Bachelor's Degree required, Master's Degree preferred, in public administration or related field. P.E. a plus but not required. Requires minimum of Ten years of increasingly responsible experience in public works management, construction or a related field including five years of administrative and supervisory responsibility.

JOB SUMMARY: Plans, develops, organizes, and manages streets and drainage, facilities and fleet maintenance, parks and public grounds, and water/waste water functions. Manages the activities, projects and operations of the Public Works Department including street and ROW maintenance, drainage and stormwater management, building and equipment maintenance, and public facilities and parks maintenance. Oversees engineering and water/waste water services and projects. Coordinates related activities with other city departments and outside agencies. Provides highly responsible and complex administrative support to the City Manager's office.

DUTIES & RESPONSIBILITIES:

- Assume full management responsibility for all Public Works Department services and activities including street maintenance and construction, central maintenance, engineering, traffic Control, building maintenance, Stormwater Management and drainage infrastructure maintenance; recommend and administer policies and procedures.
- Direct the development and implementation of Public Works Department goals, objectives, policies and priorities for each assigned service area.
- Develop and evaluate programs and policies for implementation of departmental and City needs and goals.
- Assess and monitor the City's infrastructure to provide adequate levels of public service both for existing systems/networks and extensions /developments.
- Represent the Public Works Department to the general public, coordinate/ facilitate Public Works activities with public service needs.
- Establish, within city policy, appropriate service and staffing levels; monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; allocate resources accordingly.
- Plan, direct and coordinate, through subordinate level supervisory and managerial personnel, the Public Works Department work plan; assign projects and programmatic areas of responsibility; review and evaluate work methods and procedures; meet with management staff to identify and resolve problems.
- Assess and monitor work load, administrative and support systems, and internal reporting relationships; identify opportunities for improvement; direct and implement changes.

- Select, train, motivate and evaluate Public Works Department personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.
- Serve as one of the City's resources for review of technical engineering documents and plans.
- Oversee and participate in the development and administration of the Public Works Department budget; approve the forecast of funds needed for staffing, equipment, materials and supplies; approve expenditures and implement budgetary adjustments as appropriate and necessary.
- Explain, justify and defend Public Works Department programs, policies, and activities; negotiate and resolve sensitive and controversial issues.
- Represent the Public Works Department to other city departments, elected officials and outside agencies; coordinate Public Works Department activities with those of other departments, outside agencies and organizations.

Other important duties and responsibilities

- Provide staff assistance to the City Manager; prepare and present staff reports and other necessary correspondence.
- Provide staff support to assigned boards.
- Attend and participate in professional group meetings; stay abreast of new trends and innovations in the field of public works administration.
- Respond to and resolve difficult and sensitive citizen inquiries and complaints.
- Perform other duties as assigned.

SPECIFIC SKILLS include knowledge of:

- Operational characteristics, services and activities of a comprehensive public works program.
- Management skills to analyze programs, policies and operational needs.
- Construction techniques involving streets and roads, drainage systems, flood control and sanitary sewers.
- Principles and procedures of facility maintenance.
- Principles and practices of program management, development and administration.
- Principles and practices of municipal budget preparation and administration.
- Principles of supervision, training and performance evaluations.
- Current Human Relation and employee labor law issues.
- Pertinent Federal, State and local laws, codes and regulations.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; may work in inclement weather conditions.

Physical Conditions:

Essential and marginal functions require maintaining physical condition necessary for sitting, standing or walking for prolonged periods of time; and operating motorized vehicles. Valid driver's license required.

ACKNOWLEDGMENT:

All municipal employees will be expected to show and maintain a high level of initiative, enthusiasm, and motivation towards the improvement of ALL aspects of the Freeport community. Employees will also be expected to be available for work, to report to work in a dependable and timely fashion, and to be physically and mentally fit to do their assigned work.

Employee Signature

Date