200 West Second St • Freeport, TX 77541

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FREEPORT

979.233.3526 • Fax 979.233.8867

AGENDA REGULAR MEETING FREEPORT CITY COUNCIL TUESDAY, JANUARY 21, 2020 at 6:00 P.M.

Mayor:

Council Members:

City Manager:

Brooks Bass

Ken Green Jerry Cain Sandra Loeza Timothy Kelty

Roy Yates

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON TUESDAY, THE 21st DAY OF, JANUARY 2020 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.
- 2. Presentation of water system assessment by Freese and Nichols

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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.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 January 6, and January 13, 2020. (Wells)
- 4. Consideration of approving Resolution No. 2020-2616 for the Joint Election Agreement and Contract for Election Services with Brazoria County and the City of Freeport. (Wells)

COUNCIL BUSINESS – REGULAR SESSION:

- 5. Consideration and possible action to add additional charter amendment provisions for the Charter Election. (Kelty)
- 6. Consideration and possible action to adopt Ordinance No. 2020-2593 calling the General Election for May 2, 2020 for the election of council positions for Wards A and C. (Kelty)
- 7. Consideration and possible action approving Ordinance No. 2020-2594 calling the Charter Amendment Election. (Kelty)
- 8. Consideration and possible action regarding improvements to Antonelli's. (Townsend)
- 9. Consideration of approving Ordinance No.2020-2595 for proposed 2019-2020 budget amendment #2. (Russell)
- 10. Consideration and possible action to approve an evaluation of the sewer treatment plant by Freese and Nichols. (**Kelty**)

WORK SESSION:

- 11. The City Council may deliberate and make inquiry into any item listed in the Work Session.
 - A. Mayor Brooks Bass announcements and comments.
 - B. Councilman Green Ward A announcements and comments.
 - C. Councilman Cain 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.

ADJOURNMENT:

12. 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

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, January 6, 2020 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 Brooks Bass

Councilman Jerry Cain 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-Fergerson Human Resource Director Courtland Holman, Economic Development Director

Ray Garivey-Freeport Chief of Police

David Hoelewyn, Street Department Director

Nat Hickey, Property Manager

Kim Townsend, Freeport Parks Department Director

Mike Prasliscka, Freeport Fire Department Billy Shoemaker, Code Department Director

Laura Tolar, Assistant City Secretary/ Special Projects Coordinator

Brian Dybala, Freeport Golf Course Director

Visitors:

Esther Williams **Bob Casale** Desiree Pearson Melanie Oldham Stella Casale Sam Revna Nicole Mireles Jessica Willis **David Towers** Gina Adams Mario Muraira Theresa Jackson Jessie Parker Keith Stumbaugh Tommy Pearson Winston Russow Louie Jones **Dorothy Thomas** George K. Edmeryl Williams

Call to order.

Mayor Brooks Bass called the meeting to order at 6:00 p.m.

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

Proclamation for Martin Luther King, Jr.

Mayor Brooks Bass read the proclamation of the City of Freeport proclaiming that Monday January 20, 2020 is MARTIN LUTHER KING, JR. DAY in the City of Freeport

Presentation of Sanitary Sewer Lift Station assessment by Freese and Nichols.

Mr. Jerry Barber with Freese and Nichols presented to Council the Sanitary Sewer Lift Station assessment. Mr. Barber explained that the engineers with Freese and Nichols looked at all twenty-nine of the lift stations in the City of Freeport. They came up with the highest risk stations being #3, #4, #5 and #14.

Citizen's Comments

Melanie Oldham spoke to Council about the MUD. She said that she spoke with TCEQ's MUD division. Ms. Oldham said that Mr. Wong turned in his application in January 2018 to the TCEQ. She thanked Council for thinking this out and not making quick decision on granting this MUD.

Desiree Pearson spoke to Council about her concern of the loss of our Freeport Police Officer's. She said this happening because of the pay scale. She said that City of Freeport Police Department is one of the lowest paid in our area. She said that she just wants to make Council aware that the city is losing a lot of good officers, because of the pay.

Mr. Bob Casale spoke to Council about his lot in Bridge Harbor. He said that a building was built on his property without his permission, he said this happened because the city allowed this. He said that he has requested that the city to resolve this issue. He said that cannot get a clear title to his land with the construction on his property. He wants the City Manager to produce the documents that he has given to the city and he wants to go over this with the Mayor, his Council person and the City Attorney.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from December 16, 2019.

Discuss and consider changing the date of the second meeting in January due to the Martin Luther King, Jr. holiday, to Tuesday, January 21, 2020

Consideration of approving to ratify the City Managers approval of the Windstorm Insurance Policy Renewal. Proposed by Victor Insurance for TWIA (Texas Windstorm Insurance Association).

On a motion by Councilwoman Loeza, seconded by Councilman Yates, with all present voting "Aye", Council unanimously approved the Consent Agenda.

REGULAR SESSION

Public Hearing: Discuss and consider approval of BERNARD ACRES 1.05 Acres-2 Lots. Amended Plat of Lot 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 Brooks Bass at 6:35 PM. Billy Shoemaker, presented to council the proposed replat for BERNARD ACRES 1.05 Acres-2 Lots. Amended Plat of Lot 83 Block 1, Bernard Acres, Section II, according to the Recorded Plat in Volume 8, page 33 Plat Records, Brazoria County, Texas. This was approved by the Planning Commission. Mayor Bass closed the Public Hearing at 6:39 PM and reopened regular session.

On a motion by Councilwoman Loeza, seconded by Councilman Green with all present and voting Aye", Council unanimously approved the replat of BERNARD ACRES 1.05 Acres-2 Lots. Amended Plat of Lot 83 Block 1, Bernard Acres, Section II, according to the Recorded Plat in Volume 8, page 33 Plat Records, Brazoria County, Texas.

Public Hearing: Discuss and consider approval of a proposed re-plat of HAWKINS SUBDIVISION A Three Lot Subdivision of the Stephen and Paula Hawkins called 25.638 Acre Tract. Recorded in County Clerk's File 16-063090 of the Brazoria County Official Records. Situated in the Sterling McNeel League Abstract 94. City of Freeport, Brazoria County Texas.

Public Hearing was opened by Mayor Brooks Bass at 6:39 PM. Billy Shoemaker, presented to council the proposed replat of HAWKINS SUBDIVISION A Three Lot Subdivision of the Stephen and Paula Hawkins called 25.638 Acre Tract. Recorded in County Clerk's File 16-063090 of the Brazoria County Official Records. Situated in the Sterling McNeel League Abstract 94. City of Freeport, Brazoria County Texas. This replat was approved by the Planning Commission. Mayor Bass closed the Public Hearing at 6:41 PM and reopened regular session.

On a motion by Councilwoman Loeza, seconded by Councilman Cain with all present and voting Aye", Council unanimously approved the replat of HAWKINS SUBDIVISION A Three Lot Subdivision of the Stephen and Paula Hawkins called 25.638 Acre Tract. Recorded in County Clerk's File 16-063090 of the Brazoria County Official Records. Situated in the Sterling McNeel League Abstract 94. City of Freeport, Brazoria County Texas

Consideration of approving Ordinance No. 2020-2592 for proposed 2018-2019 budget amendment #7

Assistant City Manager Stephanie Russell presented to Council the proposed Ordinance No. 2020-2592 for 2018-2019 budget amendment #7. She said that this budget amendment offsets major expenditure overages. Ms. Russell said that this amendment has zero impact to the General Fund, it is not adding revenue or expenditures, it is just netting them out.

On a motion by Councilman Yates, seconded by Councilman Green with all present and voting "Aye" council unanimously approved Ordinance No. 2020-2592 for proposed 2018-2019 budget amendment #7

Consideration of approving Freese and Nichols to study the storm drainage system in the North Velasco Boulevard area.

City Manager Tim Kelty spoke to Council about the pump station behind the Service Center. He said that this is East of Velasco Boulevard, on the North side of the river. This pump station has two 20-inch diameter pumps 75 horse power and they pump about 12,500 gallons per minute each. This station has

been plagued with issues over the last few years. Mr. Kelty said that he recommends that council approve Freese and Nichols to proceed and evaluate this pump station. The proposed work is expected to take 30 days. The cost for this evaluation is \$15,000.00.

On a motion by Councilman Cain, seconded by Councilman Green with all present and voting "Aye" council unanimously approved, Freese and Nichols to study the storm drainage system in the North Velasco Boulevard area.

WORK SESSION:

Councilman Green said that he had the opportunity to ride every street in his ward today. He said that he counted 20 to 25 homes where there are home improvements being done. From foundation to porch and windows. He said that this shows people are wanting to stay where they are at. He also said there are about eight new homes that have just been completed. Mr. Green said that 8th and 11th Streets are deplorable, he said that there are cars parked on both sides of the street. There are no alleys over on these streets. He said that something must be done.

Councilman Cain thanked Street Department Director David Hoelewyn for fixing the potholes by the Freeport Park. He also asked for an update on the streets. David Hoelewyn said that they are hoping to start oiling on Monday. Mr. Cain said that the 1700 Blk of West 5th Street looks like someone just dumped out a furniture and left it there. He asked who needs to be contacted to get this cleaned up.

Councilwoman Loeza asked about a speed bump being put in on 8th Street. Mr. Kelty explained the significate issue with putting a speed bump in a residential street. She asked if there are any updates on Church's Chicken building. Billy Shoemaker Building Department Director said that the city received the report from Freese and Nichols, and it has been sent to the engineers for Church's, but they have not heard a response from them. This has been about a month ago. Mayor Bass said to give them a week, and then we will start taking action. Councilwoman Loeza asked if there is any update on the road construction on 288 coming into Freeport. She said that this is so dangerous.

Councilman Yates said that he has a few questions about a couple houses that are being built on Ave A. he said that they did not scrape the grass or scrape the dirt. Billy Shoemaker Building Department Director said that the compacting of the soil is between the engineer and the contractor. Billy Shoemaker said that the city does not have an ordinance that addresses how to prep the soil on a foundation.

City Manager Tim Kelty announced that Councilman Green, some members from the EDC Board and himself would be going to the ICSC Conference in Forth Worth on Wednesday-Friday. He also wanted to alert Council of budget amendment that will be for animal control with the Brazoria County SPCA. He said that the invoice that was sent is about \$12,500.00 over budget. Assistant City Manager Stephanie Russell said that they should be sending a revised invoice. Mayor Bass said that he and Tim Kelty will be attending a meeting January 14, with the Mayor's of Clute and Lake Jackson and their City Managers along with some representatives from SPCA. He said that there are some issues that have risen, and they are going to try and get it worked out.

Update on reports / concerns from Department heads

Kim Townsend Parks Department Director said that she would like for all to come for the MLK parade. She said that the City will have a float in the parade. This will be on Monday January 20, 2020.

Melanie Oldham asked Brian Dybala, Director of the Freeport Golf Course if any repairs have been done to the erosion on the banks. Stephanie Russell said that the last update on this is that the city is working with FEMA on getting the reimbursement established. This must be done properly.

Open session was closed at 7:03 pm and Council entered into 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 Brooks Bass re-opened regular session at 7:50 pm.

Consideration and possible action to approve a resolution consenting to the creation of Freeport Municipal Utility District No. 1, to include land located within the City's corporate boundaries, and providing the conditions under which the consent is given.

No action taken.

There will be a Special Meeting on Monday January 13, 2020 at 6:00 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 Cain, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 7:51 PM.

Mayor, Brooks Bass City of Freeport, Texas City Secretary, Betty Wells City of Freeport, Texas State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, January 13, 2020 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 Brooks Bass

Councilman Jerry Cain 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-Fergerson Human Resource Director Billy Shoemaker, Code/Permit Department Director Chris Motley, Chief Freeport Fire Department Courtland Holman, Freeport EDC Director

Visitors: Bobby Jo Casale Stella Casale

Alia Vinson Clinton Wong
Manning Rollerson Mario Muraira
Sam Reyna Keith Stumbauugh
David Towers Edmeryl Williams
Angie Williams Melanie Oldham
James Barnett Sandra Barnett
Tyrone Morrow Darlene Wier

Call to order.

Mayor Brooks Bass called the meeting to order at 6:01 p.m.

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

Council did not enter into Executive Session.

REGULAR SESSION

Consideration and possible action to approve a resolution consenting to the creation of Freeport Municipal Utility District No. 1, to include land located within the City's corporate boundaries, and providing the conditions under which the consent is given.

Mayor Brooks Bass stated that this process started back in 2013. He said that Council past and present have worked hard to come to this point. Mayor Bass said what this City Council does, will be as transparent as possible, because we work for the city.

Mayor Bass allowed the citizens the opportunity to speak at the opening of the meeting.

Mr. Bob Casale, Stella Casale, Manning Rollerson, and Keith Stumbaugh had questions. Mayor Brooks Bass said that their questions would be addressed

Aliah Vinson, Attorney for Clinton Wong, asked that council delay taking formal action tonight until she and her client have had a chance to review this new Consent Resolution.

City Manager Tim Kelty presented to council the resolution consenting to the creation of Freeport Municipal Utility District No. 1, including 327 acres of land, located within the City's corporate boundaries, and providing the conditions under which the consent is given. Mr. Kelty said that this process started back as early as 2013 when the Development Agreement was approved. This agreement stipulated that the City would approve a MUD on the 327 acres. And the City would approve new zoning for this area, along with a 380 Agreement. Mr. Wong in January 2018 submitted a petition with the TCEQ for a MUD that included 343 acres. Mr. Kelty explained what a MUD is. He said that a MUD works as a separate governmental entity that is created under the authority of the State, through the TCEQ (Texas Commission Environmental Quality) there is a board of elected officials that can create projects within the MUD, or outside the MUD, that benefit the MUD. The MUD can then levy a tax to support these projects. This additional tax is assessed against the properties inside the Municipal Utilities District (MUD). This does not affect the tax payers' rates outside the MUD. These taxes are still collected and paid by the property owners and collected by the entities, and they pay the MUD tax. Mr. Kelty said what we are trying to do tonight is to allow for the development of the 327 acres through the requested MUD. Mr. Kelty stated that there is still a lot that must be worked out, including a utility agreement, and zoning.

Councilman Yates stated that we want to generate tax money for the city, which we need, for the school district and the county. He also said that we do not have to split this with the cities of Clute or Lake Jackson.

Keith Stumbaugh said that he hopes the city will continue to build residential on the limited land that the city has. Mayor Brooks Bass said that this Consent Resolution if passed tonight, will not prohibit this. This is up to Mr. Wong, this is his property.

Councilman Ken Green said that he understands that this will be an industrial MUD, will there be any residential in this MUD.

Melanie Oldham said that she appreciates the time that she has been given to speak on this issue. Melanie Oldham asked if the MUD will ever come to an end. Chris Duncan, City Attorney said there is language in the Consent Resolution that will prevent this MUD from going on forever.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye," Council unanimously approved the resolution consenting to the creation of Freeport Municipal Utility District No. 1, to include land located within the City's corporate boundaries, and providing the conditions under which the consent is given.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 7:18 PM.

Mayor, Brooks Bass City of Freeport, Texas City Secretary, Betty Wells City of Freeport, Texas 200 West Second St • Freeport, TX 77541

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City Council Agenda Item #4

Title: Resolution 2020-2616 Consideration and possible action approving the Joint Election Agreement and Contract for Election Services with Brazoria County and the City of

Freeport.

Date: January 21, 2020

From: Betty Wells

Staff Recommendation:

Staff recommends approving the contract with Brazoria County for a Joint Election Agreement and Contract for Election Services.

Item Summary:

This agreement allows Brazoria County to manage our election for any races and ballot initiatives, including generating electronic ballots and absentee ballots, operating polling places. The election will be held at the Freeport Library. In the event of a runoff, the runoff election will be held at City Hall, on the first floor in the space previously used by Texas Gulf Bank.

Background Information:

The City of Freeport annually partners with Brazoria County for elections.

Special Considerations

None

Financial Impact:

The rate sheet for the election is attached.

Board or 3rd Party recommendation:

None

Supporting Documentation:

Resolution

Contract

Rate sheet

Vote Center Polling Place

Notice of Early Voting at Branch Polling Places

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; PROVIDING THAT THE ANNUAL ELECTION CALLED BY THE CITY COUNCIL OF SAID CITY FOR THE ELECTION OF COUNCIL MEMBERS FOR COUNCIL POSITIONS A and C, AND AN ELECTION FOR PROPOSED CHANGES TO THE CITY CHARTER, CALLED FOR THE FIRST SATURDAY IN MAY, 2020, BEING THE 2nd DAY OF MAY, 2020, BE HELD JOINTLY WITH ALL ELECTIONS CALLED FOR THE SAME DAY BY OTHER POLITICAL SUBDIVISION LOCATED IN BRAZORIA COUNTY, TEXAS; AUTHORIZING THE MAYOR AND THE CITY CLERK OF SAID CITY TO EXECUTE AND ATTEST, RESPECTIVELY, A JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES WITH THE COUNTY CLERK OF BRAZORIA COUNTY, TEXAS, WHICH SPECIFIES IN AN ATTACHMENT THERETO THE LOCATION OF THE COMMON POLLING PLACES AND WHICH MAKES PROVISION FOR THE OFFICERS OF SAID JOINT ELECTION AND THEIR COMPENSATION, ALLOCATES THE EXPENSES OF SUCH JOINT ELECTION AND MAKES PROVISIONS FOR EARLY VOTING, THE BALLOT, BALLOT BOXES, ELECTION FORMS AND RECORDS AND THE CUSTODIAN THEREOF; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY CLERK IN THE PERMANENT RECORDS OF SAID CITY AND A CERTIFIED COPY THEREOF AND OF THE EXECUTED AND ATTESTED AGREEMENT HEREBY AUTHORIZED BE SENT TO THE COUNTY CLERK OF BRAZORIA COUNTY, TEXAS.

WHEREAS, Chapter 271 of the Texas Election Code, authorizes two or more political subdivision of this state located in the same county to hold jointly elections which are held on the same day; and,

WHEREAS, the City Council of the City of Freeport ("the City") has called an election on May 2, 2020, to elect Positions A and C on the City Council of the City and consideration of proposed changes to the City Charter; and,

WHEREAS, the County Clerk of Brazoria County, Texas, the county in which the City is located, has requested that the City hold such elections jointly with other political subdivisions in said county being held on the same day under the terms and conditions included in a written agreement and contract to be signed by the County Clerk and the appropriate officials of such other political subdivisions to which shall be affixed an attachment specifying the location of the common polling places and which agreement makes provision for the officers of said joint election and their compensation, allocates the expenses of such joint election and makes provisions for early voting, the ballot, ballot boxes, election forms and records and the custodian thereof for such joint election; and,

WHEREAS, the City Council of the City has determined and does here now declare that the adoption of this resolution and the execution of such agreement and contract is necessary to the health, safety and general welfare of the inhabitants of the City and will facilitate the holding of such elections.

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

First, that the election called by the City Council of the City for May 2, 2020, be held jointly with the elections called by other political subdivisions in Brazoria County, Texas, for the same day, and the Mayor and City Clerk of the City are hereby authorized to execute and attest, respectively, a Joint Election Agreement and Contract for Election Services described above in the preamble of this resolution.

Second, that the locations of the common polling places and the officers of said election and their compensation be designated and fixed, the expenses of such joint election be allocated and the provisions for early voting, ballots, ballot boxes, election forms and records and the custodian thereof be made all as provided in said agreement and contract.

Third, that early voting in such joint election as well as voting on the day of such joint election shall be conducted jointly by the County Clerk of said county and the City Clerk of the City and the comparable election officer of all of the other political subdivisions participating in such joint election as provided in said agreement and contract.

Fourth, this resolution shall take effect and be in force from and after its passage and adoption.

Fifth, the original of this resolution, after execution and attestation, shall be maintained by the City Clerk in the permanent records of the City and a certified copy hereof, and the executed and attested agreement and contract hereby authorized, be sent to the County Clerk of Brazoria County, Texas.

READ, PASSED AND ADOPTED this day of January, 2020.

Brooks Bass, Mayor, City of Freeport, Texas

ATTEST:

Betty Wells, City Clerk, City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Christopher Duncan, City Attorney, City of Freeport, Texas

JOINT CONTRACT FOR ELECTION SERVICES

THIS CONTRACT (this "Agreement") is made effective as of the Effective Date (as defined below), by and between the <u>CITY OF FREEPORT</u>, TEXAS, acting by and through its governing body, hereinafter referred to as "Political Subdivision," and County Clerk of Brazoria County, Texas, hereinafter referred to as "County," and by authority of Section 31.092(a), Texas Election Code, and Chapter 791, Texas Local Government Code, for the conduct and supervision of the Political Subdivision's election to be held on MAY 2, 2020. Political Subdivision and County may be referred to individually as a "Party" and collectively as "the Parties."

This contract is made by and between the CITY OF FREEPORT, TEXAS, acting by and through its governing body, hereinafter referred to as "Political Subdivision," and the County Election Officer of Brazoria County, defined by statute as the County Clerk through the authority set forth in Texas Election Code §§31.091 and 31.092. The purpose of this contract is for the performance of election services as authorized by statute. This contract shall serve as the general contract for each election for which the Political Subdivision requests the assistance of the County Clerk. Provisions specific to each particular election will be included as an attachment to the original contract. Political Subdivision and County Clerk may be referred to individually as "Party" or collectively as "Parties."

RECITALS

The County Clerk has care, custody, and control over the electronic voting system, the Hart InterCivic Verity Voting System (Version 6.1), which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122, as amended, and is compliant with the accessibility requirements set forth by Texas Election Code Section 61.012. Political Subdivision desires to use the electronic voting system and to compensate the County Clerk for such use and to share in certain other expenses connected with joint elections in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code.

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

I. ADMINISTRATION

The Parties agree to hold a "Joint Election" in accordance with Chapter 271 of the Texas Election Code and this Agreement. The County Clerk shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this Agreement. Political Subdivision agrees to pay County Clerk for equipment, supplies, services, and administrative costs as provided in this Agreement. The County Clerk shall serve as the administrator for the Joint Election; however, the Political Subdivision shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election. The County Clerk shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of the Political Subdivision.

It is understood that other political subdivisions may wish to participate in the use of the electronic voting system and polling places, and it is agreed that the County Clerk may enter into

other joint election agreements and contracts for election services for those purposes on terms and conditions set forth in the Election Code. Political Subdivision agrees that County Clerk may enter into joint election agreements with other political subdivisions that may have territory located partially or wholly within the boundaries of Political Subdivision, and, in such case, all parties sharing common territory shall share a joint ballot on the electronic voting system at the applicable polling places. In such cases, total costs shall be divided among the participants.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

II. LEGAL DOCUMENTS

Political Subdivision shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code or Political Subdivision's governing body, charter, or ordinances. With reference to publications, the County Clerk will publish the "Notice of Test of Automatic Tabulating Equipment" and the "Notice of Election." If a Political Subdivision is holding any type of Special Election, the Political Subdivision may have to publish their own "Notice of Election" in order to meet additional requirements. Please advise the County Clerk's Elections Office if the Political Subdivision must publish a separate notice so the Political Subdivision's notice is not included in the Notice published by the County Clerk.

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of each participating authority, including translation to languages other than English. Each participating authority shall provide a copy of their respective election orders and notices to the County Clerk's Election Department.

III. STATUTORY COMPLIANCE

Political subdivisions shall follow all applicable State and Federal laws related to elections, including, but not limited to, Section 52.072 of the Election Code, which states in part, "A proposition shall be printed on the ballot in the form of a single statement..." Failure to do so may prohibit the political subdivision's participation in a Joint Election.

IV. VOTING LOCATIONS

The County Clerk's Election Office shall select and arrange for the use of and payment for all election day voting locations. Voting locations will be, whenever possible, the usual voting location for each election precinct in elections conducted by the county. The proposed voting locations are listed in Attachment "A" of this agreement. In the event a voting location is not available, the Elections Department will arrange for use of an alternate location with the approval of the Political Subdivision. The Elections Department shall notify the Political Subdivision of any changes from the locations listed in Attachment "A".

If polling places for the joint election in Attachment "A" are different from the polling place(s) used by Political Subdivision in its most recent election, Political Subdivision agrees to post a notice no later than the date of the election described in Attachment "A", at the entrance to any previous polling places in the jurisdiction, stating that the polling location has changed, and stating the political subdivision's polling place name(s) and address(s) in effect for the election described in Attachment "A". Any changes in voting location from those that were used in the most recent COUNTYWIDE JOINT election will be posted by the County Clerk's Election Office.

V. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

The Brazoria County Commissioners Court shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code. In the event an emergency appointment is necessary, appointment shall be made in accordance with Election Code §32.007, which authorizes the presiding officer of the Brazoria County Commissioners Court to make an emergency appointment. Should that officer not be available, the County Clerk's office shall make emergency appointments of election officials. Upon request by the County Clerk, Political Subdivision agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish).

The County's Elections Department shall notify all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to ensure that all election judges appointed for the Joint Election are eligible to serve.

The County Clerk shall arrange for the training and compensation of all election judges and clerks. The Elections Department shall arrange for the date, time, and place for the presiding election judge to pick up their election supplies. Each presiding election judge will be sent a letter from the Elections Department notifying him of his appointment, the time and location of training and distribution of election supplies, and the number of election clerks that the presiding judge may appoint.

Each election judge will receive compensation at an hourly rate of \$12.00. Each election clerk will receive compensation at an hourly rate of \$10.00. The election judge will receive an additional sum of \$25.00 for picking up the election supplies prior to Election Day and for returning the supplies and equipment to the central counting station after the polls close. All judges and clerks who attend training will be compensated at an hourly rate of \$8.00 as compensation for same.

It is agreed by all Parties that at all times and for all purposes hereunder, all election judges, clerks, and all other personnel involved in this election are temporary part-time employees subject only to those benefits available to such employees.

VI. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The County Clerk Elections Department shall arrange for all election supplies and voting equipment including, but not limited to, official ballots, sample ballots, voter registration lists, and all forms, signs and other materials used by the election judges at the voting locations. At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap. The County Clerk Elections Department shall provide the necessary voter registration information, instructions, and other information needed to enable the election judges in the voting locations that have more than one ballot style to conduct a proper election. If special maps are needed for a particular Political Subdivision, the County Clerk Election Department will order the maps and pass that charge on to that particular Political Subdivision.

Political Subdivision shall furnish the County Clerk a list of candidates and/or propositions showing the order and the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot (including titles and text in each language in which the authority's ballot is to be printed). THE POLITICAL SUBDIVISION SHALL ALSO PROVIDE A COPY OF EACH CANDIDATE'S APPLICATION TO THE COUNTY CLERK ELECTIONS OFFICE. This list shall be delivered to the County Clerk Elections Department as soon as possible after ballot positions have been determined by each of the participating authorities. Each participating authority shall be responsible for proofreading and approving the ballot insofar as it pertains to that authority's candidates and/or propositions.

VII. EARLY VOTING

The Parties agree to conduct joint early voting and to appoint the County Clerk as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. Political Subdivision agrees to appoint the County Clerk's permanent county employees as deputy early voting clerks. The Parties further agree that each Early Voting Location will have an "Officer in Charge" who will receive compensation at an hourly rate of \$12.00. The clerks at each location will receive compensation at an hourly rate of \$10.00. Early Voting by personal appearance will be held at the locations, dates, and times listed in Attachment "B" of this document. Any qualified voter of the Joint Election may vote early by personal appearance at any one of the joint early voting locations.

As Early Voting Clerk, the County Clerk shall receive applications for early voting ballots to be voted by mail in accordance with Chapter 86 of the Texas Election Code. Any requests for early voting ballots to be voted by mail received by the Political Subdivision shall be forwarded immediately by fax or courier to the Elections Department for processing.

The County Clerk Elections Department shall, upon request, provide the Political Subdivision a copy of the early voting report on a daily basis and a cumulative final early voting report following the election.

VIII. EARLY VOTING BALLOT BOARD

The County Clerk shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the Joint Election. The Presiding Judge, with the assistance of the County Clerk Elections Department, shall appoint two or more additional members to constitute the EVBB. The County Clerk Elections Department shall determine the number of EVBB members required to efficiently process the early voting ballots.

IX. CENTRAL COUNTING STATION AND ELECTION RETURNS

The County shall be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The participating authorities hereby, in accordance with Section 127.002, 127.003, and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Counting Station Manager: Lisa Mujica
Alternate Counting Station Manager: Brandy Pena

Tabulation Supervisor:

Alternate Tabulation Supervisor:

Presiding Judge:

Alternate Presiding Judge:

Susan Cunningham
Patricia DeVille
Tamara Reynolds
Dottie Cornett

The County Clerk Elections Department will prepare the unofficial canvass reports after all precincts have been counted, and will deliver a copy of the unofficial canvass to the Political Subdivision as soon as possible after all returns have been tabulated. All participating authorities shall be responsible for the official canvass of their respective elections.

The County Clerk Elections Department shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office.

The County Clerk Elections Department shall submit all Cities' precinct by precinct returns to the Texas Secretary of State's Office electronically.

The County Clerk Elections Department shall post all election night results to County website on election night. http://www.Brazoriacountyvotes.com.

X. ELECTION EXPENSES AND ALLOCATION OF COSTS

The Parties agree to share the costs of administering the Joint Election. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared. The County participates in "Vote Centers," therefor all political subdivisions can vote at any location.

It is agreed that the normal rental rate charged for the County's voting equipment used on election day shall be calculated per polling locations and among the participants utilizing each polling location. (See "Exhibit 1" for rental rates.) Total cost will be calculated, and then multiplied by the Political Subdivisions percentage number of registered voters or with the minimum of \$1500.00, for those with lesser amount.

Costs for Early Voting by Personal Appearance will also be charge with the same formula as Election Day. Those political subdivisions with the percentage of registered voters less than amount equal to \$1500.00 charged will be a minimum amount of \$1500.00.

Political Subdivision contracting for a runoff shall be responsible for all associated costs.

XI. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Political Subdivision may withdraw from this agreement and the Joint Election should it cancel its election in accordance with Sections 2.051 - 2.053 of the Texas Election Code, or should it be later ruled that the election is not needed. Political Subdivision is fully liable for any expenses incurred by County Clerk on behalf of the Political Subdivision. Any monies deposited with the county by the withdrawing authority shall be refunded, minus the aforementioned expenses.

XII. RECORDS OF THE ELECTION

The County Clerk is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records shall be available to each participating authority, as well as to the public, in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the offices of the County Clerk or at an alternate facility used for storage of county records. The County Clerk Elections Department shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the County Clerk shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of each participating authority to bring to the attention of the County Clerk any notice of pending election contest, investigation, litigation or open records request which may be filed with the participating authority.

XIII. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code. Political Subdivision agrees that any recount shall take place at the offices of the County Clerk and that the County Clerk shall serve as Recount Supervisor and the Political Subdivision's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

The County Clerk Elections Department agrees to provide advisory services to the Political Subdivision as necessary to conduct a proper recount and cost of the recount depends on the size of the election and number of precincts to be recounted.

XIV. MISCELLANEOUS PROVISIONS

- It is understood that to the extent space is available, that other districts and political subdivisions may wish to participate in the use of the election equipment and voting places; it is agreed that the County Clerk may contract with such other districts or political subdivisions for such purposes, and that in such event, there may be an adjustment of the pro-rata share to be paid to the County by the participating authorities.
- 2. The County Clerk shall file copies of this document with the County Treasurer and the County Auditor in accordance with Section 31.099 of the Texas Election Code.
- 3. In the event that legal action is filed contesting the Political Subdivision's election under Title 14 of the Texas Election Code, Political Subdivision shall choose and provide, at its own expense, legal counsel for the County, the County Clerk, and additional election personnel as necessary.
- 4. Nothing in this contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this contract or a violation of the Texas Election Code; however, any action taken is subject to any immunity provided by statute or common law to governmental entities. For purposes of this contract, the County Clerk's office is acting as a governmental entity covered by any immunity available to Brazoria County.
- 5. The parties agree that under the Constitution and laws of the State of Texas, neither Brazoria County nor Political Subdivision can enter into an agreement whereby either party agrees to indemnify or hold harmless another party; therefore, all references of any kind, if any, to indemnifying or holding or saving harmless for any reason are hereby deleted.
- 6. This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Brazoria County, Texas.
- 7. In the event of one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- 8. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
- 9. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.

- 10. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.
- 11. <u>Authorization of Agreement</u>. This Agreement has been approved and authorized by the governing body of the Political Subdivision.
- 12. <u>Purpose, Terms, Rights, and Duties of the Parties</u>. The purpose, terms, rights, and duties of the Parties shall be as set forth in this Agreement.
- 13. <u>Payments from Current Revenues</u>. Each Party paying for the performance of governmental functions or services must make those payments from current revenues available to that paying Party.
- 14. <u>Fair Compensation</u>. The Parties acknowledge and agree that each of the payments contemplated by this Agreement fairly compensate the performing Party.
- 15. <u>Termination</u>. At any time and for any reason, either Party may terminate this Agreement by providing thirty (30) days' written notice of termination to the other Party.
- 16. Funding. The Parties understand and acknowledge that the funding of this Agreement is contained in each Party's annual budget and is subject to the approval of each Party in each fiscal year. The Parties further agree that should the governing body of any Party fail to approve a budget that includes sufficient funds for the continuation of this Agreement, or should the governing body of any Party fail to certify funds for any reason, then and upon the occurrence of such event, this Agreement shall automatically terminate as to that Party and that Party shall then have no further obligation to the other Party. When the funds budgeted or certified during any fiscal year by a Party to discharge its obligations under this Agreement are expended, the other Party's sole and exclusive remedy shall be to terminate this Agreement.
- 17. No Joint Enterprise. The Agreement is not intended to, and shall not be construed to, create any joint enterprise between or among the Parties.
- 18. <u>Public Information</u>. This Agreement is public information. To the extent, if any, that any provision of this Agreement is in conflict with Texas Government Code Chapter 552, et seq., as amended (the "Texas Public Information Act"), such provision shall be void and have no force or effect.
- 19. **No Third-Party Beneficiaries**. This Agreement is entered solely by and between, and may be enforced only by and among the Parties. Except as set forth herein, this Agreement shall not be deemed to create any rights in, or obligations to, any third parties.
- 20. No Personal Liability. Nothing in this Agreement shall be construed as creating any personal liability on the part of any employee, officer, or agent of any Party to this Agreement.

- 21. Nothing in this Agreement requires that either the Political Subdivision or County incur debt, assess or collect funds, or create a sinking fund.
- 22. Sovereign Immunity Acknowledged and Retained. THE PARTIES EXPRESSLY ACKNOWLEDGE AND AGREE THAT NO PROVISION OF THIS AGREEMENT IS IN ANY WAY INTENDED TO CONSTITUTE A WAIVER BY ANY PARTY OF ANY IMMUNITY FROM SUIT OR LIABILITY THAT A PARTY MAY HAVE BY OPERATION OF LAW. THE CITY AND THE COUNTY RETAIN ALL GOVERNMENTAL IMMUNITIES.

XV. COST ESTIMATES AND DEPOSIT OF FUNDS

It is estimated that the Political Subdivision's obligation under the terms of this agreement shall be DETERMINED AFTER THE ELECTION. Political Subdivision agrees to pay to County a deposit of \$1,500.00. This deposit shall be paid to County within 10 business days after the final candidate filing deadline. The final candidate filing deadline is February 18, 2020. Therefore, deposit is due by MARCH 3, 2020. The exact amount of the Political Subdivision's obligation under the terms of this Agreement shall be calculated after the MAY 2, 2020, election; and if the amount of the Political Subdivision's obligation exceeds the amount deposited, the Political Subdivision shall pay to County the balance due within thirty (30) days after receipt of the final invoice from the County's Election Department. However, if the amount of the Political Subdivision's obligation is less than the amount deposited, County shall refund to the Political Subdivision the excess amount paid within thirty (30) days after final costs are calculated.

"Exhibit 1 Rental Rates"

RATE SHEETS FOR BRAZORIA COUNTY ELECTIONS:

MAY (COUNTYWIDE JOINT)

ACCESS WITH TOUCH UNIT (DAU)TOUCH UNITSPOLLPADS	\$365.00 each \$350.00 each \$325.00 each \$50.00 each \$50.00 each \$50.00 each story \$50.00 each
OTHER CHARGES Programming \$300.00 Tabulating. \$150.00 Equipment Delivery and Pickup Truck Rental (per delivery location) \$25.00 Labor (Per delivery location) \$75.00 Supply tubs EV-ED (see attached list for contents) \$75.00 Mail Ballots will be billed per entity kits including postageDomestic\$1.74Overseas\$2.36 Publications charged based on % of registered voters.	
Workers-Judges Clerks	\$12.00 per hour -Overtime rate \$18.00 per hour \$10.00 per hour- Overtime rate \$15.00 per hour

ELECTION DAY

For Election Day, we will calculate the cost for each location (see Exhibit 'A2") the total cost for Election Day will then calculated per percentage of registered voters of each political subdivision. All political subdivisions in Brazoria County less than 1000 registered voters, charges will be the minimum of \$1500.00 for Election Day.

EARLY VOTING

For Early Voting we also calculate worksheets for each of the 10-11 early voting locations. Once we have the total cost for all locations, we do a spreadsheet that divides the cost between all political subdivisions based on the percentage of registered voters in each. Since we have large and small cities in our county, the minimum charge for early voting was set at \$325.00. Due to the increase of voting equipment, the new minimum charge as of 2020 will be \$1500.00, which includes the new rental rate.

OVERTIME

We keep a record of our overtime for the May Elections and the staff gets paid overtime. Since we charge for programming and tabulations that money goes towards the employee's overtime. If we have more overtime than covered by a calculated programming and tabulation fees, we will add in the additional overtime when sending the final bills.

RATE SHEETS FOR BRAZORIA COUNTY ELECTIONS:

NOVEMBER (COUNTYWIDE JOINT)

For November Elections, the Election Day and Early voting charges are just like the countywide joint in May. If the only political subdivisions at a location are Brazoria County and one entity, total cost calculated will be per percentage of registered voters for the entity.

Runoffs Elections will be the responsibility of whichever entity will be conducting a runoff election.

	ATTACHMENT "A"- SUBJECT TO CHANGE	
	ELECTION DAY POLLING LOCATIONS MAY 2, 2020	
HOME PCT #	POLLING PLACE	
Ħ	East Annex (Old Walmart), 1524 E Mulberry, Angleton	
2	Precinct 4 Building #2, 121 N 10th St, West Columbia	
4	Brazoria Library, 620 S Brooks, Brazoria	
7	Freeport Library, 410 Brazosport Blvd, Freeport	
∞	Oyster Creek City Hall, 3210 FM 523, Oyster Creek	
12	Drainage District No. 4 Building, 4805 W Broadway, Pearland	
14	Sweeny Community Center, 205 W Ashley Wilson Rd, Sweeny	
15	Danbury Community Center, 6115 5th St, Danbury	
19	Clute Event Center, 100 Parkview Dr, Clute	
20	Jones Creek Comm House, 7207 Stephen F Austin Rd, Jones Creek	
23	Lake Jackson Civic Center, 333 Hwy 332 East, Lake Jackson	
24	Richwood City Hall, 1800 N Brazosport Blvd, Richwood	
29	Westside Event Center, 2150 Countryplace Pkwy, Pearland	
36	Pearland Recreation Center, 4141 Bailey Rd, Pearland	
38	Surfside Beach City Hall, 1304 Monument Dr, Surfside Beach	
39	Alvin Library, 105 S Gordon, Alvin	
40	North Annex, 7313 Corporate Dr, Manvel	
44	Silverlake Recreation Center, 2715 Southwyck Pkwy, Pearland	
46	Tom Reid Library, 3522 Liberty Dr, Pearland	
29	Pearland Westside Library, 2803 Business Center Dr #101, Pearland	

"Attachment B" NOTICE OF EARLY VOTING AT BRANCH POLLING PLACES

Early voting by personal appearance will be conducted at the following locations:

Angleton (Main)	East Annex, 1524 E Mulberry
Alvin	Alvin Library, 105 S Gordon
Brazoria	Brazoria Library, 620 S Brooks
Freeport	Freeport Library, 410 Brazosport Blvd
Lake Jackson	Lake Jackson Library, 250 Circle Way
Manvel	North Annex, 7313 Corporate Dr
Pearland East	Tom Reid Library, 3522 Liberty Dr
Pearland West	Westside Event Center, 2150 Countryplace Pkwy
Shadow Creek	Pearland Westside Library, 2803 Business Center Dr #101
Sweeny	Sweeny Community Center, 205 W Ashley Wilson Rd
West Columbia	Precinct 4 Building 2, 121 N 10 th St

DATES AND HOURS:

April 20-24	8 AM – 5 PM
April 25	7 AM – 7 PM
April 27-28	7 AM – 7 PM

Early Voting Clerk

AVISO DE VOTACIÓN ADELANTADA EN LOS SITIOS DE VOTACIÓN AUXILIARES

La votación adelantada en persona se llevará a cabo en los siguientes sitios de esta manera:

Angleton (Ubicación Principal)	East Annex, 1524 E Mulberry
Alvin	Alvin Library, 105 S Gordon
Brazoria	Brazoria Library, 620 S Brooks
Freeport	Freeport Library, 410 Brazosport Blvd
Lake Jackson	Lake Jackson Library, 250 Circle Way
Manvel	North Annex, 7313 Corporate Dr
Pearland Este	Tom Reid Library, 3522 Liberty Dr
Pearland Oeste	Westside Event Center, 2150 Countryplace Pkwy
Shadow Creek	Pearland Westside Library, 2803 Business Center Dr #101
Sweeny	Sweeny Community Center, 205 W Ashley Wilson Rd
West Columbia	Precinct 4 Building 2, 121 N 10 th St

FECHAS Y HORAS

20-24 de abril	8 AM – 5 PM
25 de abril	7 AM – 7 PM
27-28 de ahril	7 AM – 7 PM

979.233.3526 • Fax 979.233.8867

City Council Agenda Item # 5

Consideration and possible action regarding adding an Title:

> additional charter amendment for voter consideration on the upcoming ballot for the Freeport Elections in May of 2020.

Date: January 21, 2019

From: Tim Kelty, City Manager

Staff Recommendation: In addition to the seven questions approved in December, Staff is recommending an 8th question be placed on the May ballot for voter consideration.

Item Summary:

Proposed Change: Section 8.02 Development of Property

Current Language:

No expenditure of public funds, however, shall be authorized for the development of privately owned subdivisions situated within or beyond the corporate limits of the City except for extension of utilities or services to such areas.

Proposed Charter Language:

The expenditure of public funds shall be authorized for the development of privately-owned land or subdivisions for economic development, only with a legally valid 380 agreement approved by City Council and signed by the mayor, following a public hearing on the matter. Such expenditures may be for projects situated within or beyond the corporate limits of the City.

Proposed Ballot Language:

Shall the Charter be amended to allow for the expenditure of public funding in support of economic development projects only with a legally valid 380 agreement and following a public hearing by City Council?

Rationale for Change:

The current Charter language is problematic in regard to allowing normal economic development negotiations to occur. It is common to utilize public funding for infrastructure or incentives to stimulate growth through economic development. Legally valid 380 contracts are required to include claw back provisions and based on established performance metrics.

Background Information: none

Special Consideration:

None

Board or 3rd Party recommendation: This is issue was over looked by Staff and the Commission during its regular review of the charter and pointed out by the City Attorney only after the Commission had made their recommendation

Supporting Documentation: None

City Council Agenda Item # 6

Title: Consideration and possible action to adopt Ordinance 2020-2593 calling the

General Election for May 2, 2020 for the election of council positions for

Wards A and C.

Date: January 21,2020

From: Betty Wells, City Secretary

Staff Recommendation:

Staff recommends holding the Election on May 2, 2020.

Item Summary:

The 2020 election will be for Ward A and C.

Background Information:

None

Special Considerations

None

Financial Impact:

The cost of the election will be approximately \$3,000.00 based on previous elections.

Board or 3rd Party recommendation:

None

Supporting Documentation:

Ordinance

ORDINANCE NO. 2020-2593

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CALLING A GENERAL ELECTION FOR THE FIRST SATURDAY IN MAY, 2020, BEING MAY 2, 2020, FOR AN ELECTION BY WARDS FOR POSITIONS A AND C ON THE CITY COUNCIL OF SAID CITY; PROVIDING FOR ONE (1) POLLING PLACE AND DESIGNATING THE LOCATION THEREOF; ESTABLISHING THE QUALIFICATIONS FOR CANDIDATES FOR THE OFFICES TO BE VOTED UPON; PROVIDING FOR APPLICATIONS FOR CANDIDATES AND SPECIFYING A FILING DEADLINE AND THE DATE WHEN FILING MAY BEGIN; PROVIDING FOR THE QUALIFICATION OF ELECTORS; APPOINTING THE OFFICERS OF SAID ELECTION AND DESIGNATING THE NUMBER OF CLERKS TO ASSIST IN CONDUCTING SAID ELECTION AND THE COMPENSATION TO BE PAID THE ELECTION JUDGE AND CLERKS; PROVIDING FOR EARLY VOTING; PROVIDING FOR RATIFICATION AND CONFIRMATION BY THE MAYOR OF SAID CITY OF THE ACTION TAKEN BY THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Section 3.01 of the City Charter provides that members of the City Council shall be elected by wards, that Positions A and C on City Council, which represent Wards A and C, respectively, shall be filled by an election to be held on the first Saturday in May of each even numbered year at which only persons residing in Wards A and C are eligible to become candidates for election to Council Positions A and C, respectively, and at which only voters residing in Wards A and C are eligible to vote for or against the candidates seeking election to City Council Positions A and C, respectively.

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

SECTION ONE--Election for Mayor and Wards B and D Called.

Pursuant to said Section 3.01, the Mayor and City Council hereby order and ordain, respectively, that an election required to be held in Wards A and C for Council Position A and C, now held by KEN GREEN and SANDRA LOEZA, respectively, be held on the first Saturday in May of 2020, being May 2, 2020, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m., each such election being for a term of two (2) years.

SECTION TWO-Municipal Polling Places

As provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, which is incorporated herein by reference, for the purpose of the election called by this ordinance, there shall be one (1) municipal polling place, within the City of Freeport located at the Freeport Library, 410 Brazosport Blvd., Freeport, Brazoria County, Texas. On that day, voting will also be permitted at the following Polling Places:

East Annex (Old Walmart)	1524 E Mulberry, Angleton
Pct 4 Building	121 N. 10 th St., West Columbia
Brazoria Library	620 S Brooks, Brazoria
Freeport Library	410 Brazosport Blvd., Freeport
Oyster Creek City Hall	3210 FM 523, Oyster Creek
Drainage District #4 Building	4805 W Broadway, Pearland
Sweeny Community Center	205 W Ashley Wilson Rd, Sweeny
Danbury Community Center	6115 5th St, Danbury
Clute Event Center	100 Parkview Dr. Clute
Jones Creek Comm House	7207 Stephen F. Austin Rd.
	Jones Creek

Lake Jackson Civic Center 333 Hwy 332 East, Lake Jackson Richwood City Hall 1800 N Brazosport Blvd, Richwood Westside Event Center 2150 Countryplace Pkwy, Pearland Pearland Recreation Center 4141 Bailey Rd., Pearland Surfside Beach City Hall 1304 Monument Dr., Surfside Beach Alvin Library 105 S Gordon, Alvin North Annex, 7313 Corporate Dr., Manvel Silverlake Recreation Center 2715 Southwyck Pkwy, Pearland 3522 Liberty Dr, Pearland Tom Reid Library Pearland Westside Library 2803 Business Center Dr #101, Pearland

SECTION THREE--Candidates, Applications and Filing Fees.

- (a) Everyone who has attained the age of eighteen (18) years, who has resided within the incorporated limits of the City for a period of six (6) months immediately preceding the last day on which a candidate's application for a place on the ballot could be delivered to the City Secretary, as hereinafter provided, shall be eligible to become a candidate for the office of Mayor of the City by filing a sworn application, as hereinafter provided.
- (b) Everyone who has attained the age of eighteen (18) years, who has resided within the incorporated limits of the City for a period of six (6) months immediately preceding the last day on which a candidate's application for a place on the ballot could be delivered to the City Secretary, as hereinafter provided, and who:
- (1) resides in Ward A, as defined in said Ordinance No. 2002-2001, on the day such application is filed, shall be eligible to become a candidate for the office of Council Position B by filing a sworn application, as hereinafter provided; and,
- (2) resides in Ward C, as defined in said Ordinance No. 2002-2001, on the day such application is filed, shall be eligible to become a candidate for the office of Council Position D by filing a sworn application, as hereinafter provided.
- (c) Each candidate's application shall be in writing, contain the matters set out in Section 141.031, Texas Election Code and be filed with the City Secretary of the City.
- (d) An application may not be filed earlier than the ninety-first (91st) day before the day hereinabove specified for said election and must be filed not later than 5:00 o'clock p.m. of the sixty-first (61) day preceding the day hereinabove specified for said election, being January 15, 2020, and February 14, 2020, respectively.

SECTION FOUR--Electors.

Every person eligible to vote under the provisions of Chapter 11 of Title 2 of the Texas Election Code who is a resident of the City and who is duly registered to vote in the county election precinct where and on the day on which he or she votes, shall be entitled to vote for or against the candidates for Council Position A, if such voter resides in Ward A as defined in Ordinance No. 2002-2001, and for or against the candidates for Council Position C, if such voter resides in Ward C, as defined in Ordinance No. 2002-2001.

SECTION FIVE--Officers of Election and Compensation Thereof.

The Presiding Judge, Alternate Presiding Judge and clerks needed on the day of election for the election called by this ordinance, for the early ballot board and the central counting station shall be appointed, have the duties and be compensated as provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, which is incorporated herein by reference.

SECTION SIX--Early Voting.

Early voting shall begin on April 20, 2020, and end on April 29, 2020, such early voting to be conducted by the County Clerk of Brazoria County, Texas, between the hours of 8:00 a.m. and 5:00 p.m. at the following locations, from Monday, April 20, 2020, through Friday, April 24, 2020, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, April 25, Monday, April 27, and Tuesday, April 28, 2020, at such locations, to-wit:

Angleton Main Location: East Annex (Old Walmart Building)

1524 E. Mulberry, Angleton

Alvin Branch Location: Alvin Library

105 S. Gordon, Alvin

Brazoria Branch Location: Brazoria Library

620 S. Brooks, Brazoria

Freeport Branch Location: Freeport Library

410 Brazosport Blvd., Freeport

Lake Jackson Branch Location: Lake Jackson Library

250 Circle Way, Lake Jackson

Manvel Branch Location: Courthouse North Annex

7313 Corporate Dr., Manvel

Pearland East Branch Location: Tom Reid Library

3522 Liberty Dr., Pearland

Pearland West Branch Location: Westside Event Center

2150 Countryplace Pkwy., Pearland

Shadow Creek Branch Location: Pearland Westside Library

2803 Business Dr. #101, Pearland

Sweeny Branch Location: Sweeny Community Center

205 W. Ashley Wilson Rd., Sweeny

West Columbia Branch Location: Precinct 4 Building 2

121 N. 10th St., West Columbia

SECTION SEVEN--Method of Voting and Conducting Election.

Both early voting and all voting on the day named above for the holding of said election shall be in the manner specified in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, mentioned above.

SECTION EIGHT -- Notice of Election.

- (a) The Mayor of the City is hereby authorized and directed to issue a notice of said election, including a substantial copy of above and foregoing proposition, and to cause the same to be posted in accordance with Section 4.003(a)(2) of the Election Code for at least twenty-one (21) days prior to the date named above for the holding of said election on the bulletin board used for posting notices of meetings of the City Council.
- (b) The City Secretary of the City is hereby authorized and directed to cause a copy of such notice, including a substantial copy of above and foregoing proposition, to be published in a newspaper in accordance with Section 4.003(a)(1) of the Election Code, such publication to be at

least ten (10) days before but not more than thirty (30) days before the date named above for the holding of said special election.

SECTION NINE--Ratification and Confirmation by Mayor.

By signing this ordinance, the undersigned Mayor of the City hereby ratifies and confirms as his action all matters hereinabove recited which by law come within his jurisdiction.

by law come within his jurisdiction	n.
SECTION TENEffective Date.	
This ordinance shall be effect	tive immediately upon its passage and
approval.	
READ, PASSED AND APPROVED thi	.s day of, 2020.
	Brooks Bass, Mayor,
	City of Freeport, Texas
ATTEST:	
Betty Wells, City Secretary, City of Freeport, Texas	
city of Fleeport, lexas	
APPROVED AS TO FORM ONLY:	
Christopher Duncan, City Attorney,	
City of Freeport, Texas	

City Council Agenda Item #7

Title: Consideration of approving Ordinance No. 2020-2594 calling A Charter Amendment Election on the question of adopting amendments to the Home Rule Charter of said City; and providing that this ordinance shall take effect and be in force from and after is passage and adoption.

Date: January 21, 2020

From: Betty Wells

Staff Recommendation:

Staff recommends approving Ordinance No. 2020-2594 Calling a Charter Amendment Election.

Item Summary:

This is the formal action necessary to legally call the election to place items on the ballot for voter consideration regarding measures to amend various sections and language in the Freeport City Charter

Background Information:

The Charter Review Commission meets every odd year to review the Charter and presents to City Council any proposed Charter Amendment recommendations. In December Council accepted the Commission's report and voted to move 8 of the measures up for voter consideration.

At this meeting there is another amendment that is being considered. If it is approved to move forward, there will be 9 measures included in the ordinance and on the ballot.

Special Considerations

None

Financial Impact:

None

Board or 3rd Party recommendation:

None

Supporting Documentation:

Ordinance

ORDINANCE NO. 2020-2594

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CALLING A CHARTER AMENDMENT ELECTION FOR MAY 02, 2020, ON THE QUESTION OF ADOPTING SEVEN (7) AMENDMENTS TO ITS HOME RULE CHARTER; PROVIDING FOR ONE (1) MUNICIPAL POLLING PLACE AND DESIGNATING THE LOCATION THEREOF; PROVIDING FOR THE QUALIFICATION OF ELECTORS; APPOINTING THE OFFICERS OF SAID ELECTION AND DESIGNATING THE NUMBER OF CLERKS TO ASSIST IN CONDUCTING SAID ELECTION AND THE COMPENSATION TO BE PAID THE ELECTION JUDGE AND CLERKS; PROVIDING FOR EARLY VOTING; PROVIDING FOR RATIFICATION AND CONFIRMATION BY THE MAYOR OF SAID CITY OF THE ACTION TAKEN BY THIS ORDINANCE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Section 11.13 of the Home Rule Charter of the City of Freeport,

Texas, ("the City") provides that the City Council shall appoint at its first

regular meeting in June of each odd-numbered year a Charter Review Commission;

and,

WHEREAS, on June 3, 2019, Resolution No. 2019-2585 of the City Council of the City was passed and a Charter Review Commission was appointed for the City; and,

WHEREAS, Section 11.13 of said Charter provides that it shall be the duty of the Charter Review Commission, among other things, to propose, if it deems desirable, amendments to said Charter to improve the effective application of said Charter to current conditions, and to report its findings and present its proposed amendments, if any, to the City Council in writing; and,

WHEREAS, on December 16, 2019, the Charter Review Commission of the City appointed by Resolution No. 2019-2585, reported its findings and presented in writing eight (8) proposed amendments to said charter, and the City Council accepted seven (7) of the proposed amendments to said charter, the substance of each of which is hereinafter set forth; and,

WHEREAS, Section 11.14 of said Charter provides that if any amendment is presented as a part of the report of the Charter Review Commission, the City Council may order such amendment or amendments to be submitted to the voters of the City in the manner provided in said Charter and/or the Texas Local Government Code, as now or hereafter amended; and,

WHEREAS, after due consideration and deliberation, the City Council proposed and accepted an additional proposed amendment to said charter, the substance of which is hereinafter set forth; and

WHEREAS, Section 9.004 of Chapter 9 of said Code, requires that the ordinance providing for the submission of such amendment shall require the submission thereof at an election to be held on the next uniform election date that occurs on or after the 30th day after the date of adoption of said ordinance; and,

WHEREAS, under the applicable provisions of the Texas Election Code, the next uniform election date that occurs on or after the 30th day after the date of adoption of this ordinance will be the first Saturday in May, 2020, being May 2, 2020; and,

WHEREAS, the City Council of the City has determined to submit the hereinafter mentioned amendments to the voters of the City and is required by said Section 9.004 to do so at the regular municipal election which, as required by the Texas Election Code, will be held on the first Saturday in May, 2020, being May 2, 2020; and,

WHEREAS, said Section 9.004 provides that notice of an election for the submission of any amendment to a Home Rule Charter shall be given by publication thereof, in some newspaper of general circulation published in the City, on the same day in each of two (2) successive weeks, with the date of the first publication occurring before the 14th day before the date of said election, and that the form or such notice shall include a substantial copy of the proposed amendments; and,

WHEREAS, said Section 9.004 provides that an amendment may not contain more than one subject and that the ballot shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments; and,

WHEREAS, the City Council of the City has determined to submit to a vote of the people seven (7) of the amendments proposed by the Charter Review Commission in its report and an additional eighth (8th) amendment proposes by the City Council, hereinafter set forth, such report having been presented to and considered and approved by the City Council on December 16, 2019 and such

additional proposed amendment being considered and approved on the date of this ordinance; and,

WHEREAS, Section 3.01(a) of the Home Rule Charter of the City divides the City into four (4) election wards, being Wards A, B, C, and D, and Ordinance No. 2002-2001, establishes the boundaries of each such district but not the polling place; and,

WHEREAS, the Charter Review Commission has proposed and the City Council has approved the following amended wording to the Home Rule Charter:

PROPOSED AMENDMENT NUMBER ONE

Should Section 3.01(b)(d) - NUMBER, SELECTION, AND TERM and SECTION 5.10. LIMITATION ON CONSECUTIVE TERMS OF OFFICE of the Home Rule Charter of the City be amended to read as follows:

SECTION. 3.01(b)(d) - NUMBER, SELECTION, AND TERM.

- (b) The Mayor shall be elected from the City of Freeport at large for a three (3) year term at an election to be held on the May uniform election date beginning in 2021, unless such date is changed by state law.
- (d) The members of the City Council shall serve a three year term each, with an election being held for council members from Wards A and C on the general election date beginning in 2020 and from Wards B and D on the general election date beginning in 2021, unless such date is changed by state law.

Should Section 5.10. LIMITATION ON CONSECUTIVE TERMS OF OFFICE of the Home Rule Charter of the City be amended to read as follows:

SECTION 5.10. LIMITATION ON CONSECUTIVE TERMS OF OFFICE.

No person shall be eligible to become a candidate for election to the same office for more than three (3) consecutive terms. Provided, however, the previous terms to which any person holding an elective office on the date this provision becomes effective shall not be counted

PROPOSED AMENDMENT NUMBER TWO

Should Section 3.01(f) - NUMBER, SELECTION, AND TERM of the Home Rule Charter of the City be amended to read as follows:

SECTION. 3.01(f) - NUMBER, SELECTION, AND TERM

(f) All references within this Charter to specific Election Dates are henceforth held to be synonymous with the May Uniform Election Dates as proscribed by current State Law and as may be revised by acts of the State Legislature in the future.

PROPOSED AMENDMENT NUMBER THREE

Should Section 3.07. POWERS OF THE CITY COUNCIL of the Home Rule Charter of the City be amended to read as follows:

SECTION 3.07. POWERS OF THE CITY COUNCIL

The determination of all matters of policy and the exercise of all powers of local self-government shall be vested in the City Council. By way of illustration, but not limitation, the following enumerated powers are among these powers that may be exercised by the City Council:

(i) Adopt, modify and carry out plans proposed by the Planning Commission;

PROPOSED AMENDMENT NUMBER FOUR

Should Section 4.06. CITY ATTORNEY of the Home Rule Charter of the City be amended to read as follows:

SECTION 4.06. CITY ATTORNEY.

The City Council shall appoint a duly licensed attorney practicing law, who shall be the City Attorney. He shall receive for his services such compensation as may be fixed by the City Council, and shall hold his office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by him with the approval of the City Council, shall represent the City in all litigation. He shall be the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof.

PROPOSED AMENDMENT NUMBER FIVE

Should Section 11.011 SELECTION OF NEWSPAPER FOR PUBLICATION of the Home Rule Charter of the City be amended to read as follows:

SECTION 11.011 SELECTION OF NEWSPAPER FOR PUBLICATION

- (a) Every ordinance or resolution adopted by the City Council, which is required or permitted to be published in a newspaper, shall designate, in the body thereof, one or more newspapers of general circulation within the City of Freeport in which such ordinance or resolution, or the descriptive caption thereof, shall be published; and it shall also appear on the City's website for at least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer.
- (b) Each officer of the City, who is required or permitted to publish any printed notice or other printed matter in any newspaper, shall select one or more newspapers in which such printed notice or other printed matter shall be published.

PROPOSED AMENDMENT NUMBER SIX

Should Section 1.02 BOUNDARIES of the Home Rule Charter of the City be amended to read as follows:

SECTION 1.02 BOUNDARIES

Proposed Charter Language:

The boundaries of the City of Freeport shall be the same as have heretofore been established and as they existed on the 25th day of April, 1960, which boundaries are more fully set out on an official map, and described by metes and bounds in a document titled "Boundaries of the Corporate Limits of the City of Freeport, Brazoria County, Texas," being Ordinance No. 1022, filed in the City Hall of the City of Freeport, Texas, and as may be amended in the future as a result of legal annexation.

PROPOSED AMENDMENT NUMBER SEVEN

Should Section 3.10 RULES OF PROCEDURE of the Home Rule Charter of the City be amended to read as follows?

SECTION 3.10 RULES OF PROCEDURE

Proposed Charter Language:

The vote upon the passage of all ordinances, resolutions and motions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book and permanently maintained for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of City Secretary.

WHEREAS, the City Council has considered and approved the following amended wording to the Home Rule Charter:

PROPOSED AMENDMENT NUMBER EIGHT

Should Section 8.02 DEVELOPMENT OF PROPERTY of the Home Rule Charter of the City be amended to read as follows?

SECTION 8.02 DEVELOPMENT OF PROPERTY

Proposed Charter Language:

The expenditure of public funds shall be authorized for the development of privately-owned land or subdivisions for economic development, only with a legally valid 380 agreement approved by City Council and signed by the mayor, following a public hearing on the matter. Such expenditures may be for projects situated within or beyond the corporate limits of the City.

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

SECTION ONE--Charter Amendment Election Called

Pursuant to Section 11.14 of the Home Rule Charter of the City and Section 9.004, Chapter 9, Local Government Code of Texas, the Mayor and City Council of the City hereby order and ordain, respectively, that a Charter Amendment Election shall be held in and throughout the City on the first Saturday in May, 2020, being May 2, 2020, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m., in conjunction with the regular municipal election to be held on such day and at such time, for the purpose of submitting to the qualified voters of the City amendments to the Home Rule Charter of the City, hereinafter

set forth, the substance of which was heretofore proposed by the Charter Review Commission of the City.

SECTION TWO--Form of Ballot

The ballot used at said election shall conform with the requirements of the Texas Election Code, Section 9.004, Chapter 9, Local Government Code of Texas, and Section 52.072(b) of the Texas Election Code, shall contain the following proposed ballot summaries, to-wit:

PROPOSED AMENDMENT NUMBER ONE

Shall sections 3.01 and 5.10 of the Charter be amended to establish the terms of office for Mayor and each council member to be elected for a term three years, with a limit of two consecutive terms?

PROPOSED AMENDMENT NUMBER TWO

Shall section 3.01 of the Charter be amended to include Election Dates as standardized by State Law?

PROPOSED AMENDMENT NUMBER THREE

Shall section 3.07 of the Charter be amended allowing the City Council to adopt, modify and carry out all plans proposed by the Planning Commission.

PROPOSED AMENDMENT NUMBER FOUR

Shall section 4.06 of the Charter be amended to eliminate the requirement that the City Attorney must be a qualified voter in Brazoria County, Texas?

PROPOSED AMENDMENT NUMBER FIVE

Shall Section 11.011 of the Charter be amended to require that every ordinance or resolution adopted by the City Council, shall be published in accordance with state law?

PROPOSED AMENDMENT NUMBER SIX

Shall Section 1.02 of the Charter be amended to recognize the city boundaries as they currently stand and as may be amended in the future.

PROPOSED AMENDMENT NUMBER SEVEN

Shall Section 3.10 of the Charter be amended allowing for recordation of adopted ordinances and resolutions to be permanently maintained by electronic means.

PROPOSED AMENDMENT NUMBER EIGHT

Shall section 8.02 of the Charter be amended to allow for the expenditure of public funding in support of economic development projects only with a legally valid 380 agreement and following a public hearing by City Council?

SECTION THREE--Municipal Polling Places

As provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, which is incorporated herein by reference, for the purpose of the election called by this ordinance, there shall be one (1) municipal polling place, within the City of Freeport located at the Freeport Library, 410 Brazosport Blvd., Freeport, Brazoria County, Texas. On that day, voting will also be permitted at the following Polling Places:

ing Places:	
East Annex (Old Walmart)	1524 E Mulberry, Angleton
Pct 4 Building	121 N. 10 th St., West Columbia
Brazoria Library	620 S Brooks, Brazoria
Freeport Library	410 Brazosport Blvd., Freeport
Oyster Creek City Hall	3210 FM 523, Oyster Creek
Drainage District #4 Building	4805 W Broadway, Pearland
Sweeny Community Center	205 W Ashley Wilson Rd, Sweeny
Danbury Community Center	6115 5th St, Danbury
Clute Event Center	100 Parkview Dr. Clute
Jones Creek Comm House	7207 Stephen F. Austin Rd.
	Jones Creek
Lake Jackson Civic Center	333 Hwy 332 East, Lake Jackson
	333 Hwy 332 East, Lake Dackson
Richwood City Hall	1800 N Brazosport Blvd, Richwood
Richwood City Hall Westside Event Center	-
_	1800 N Brazosport Blvd, Richwood
Westside Event Center	1800 N Brazosport Blvd, Richwood 2150 Countryplace Pkwy, Pearland
Westside Event Center Pearland Recreation Center	1800 N Brazosport Blvd, Richwood 2150 Countryplace Pkwy, Pearland 4141 Bailey Rd., Pearland
Westside Event Center Pearland Recreation Center Surfside Beach City Hall	1800 N Brazosport Blvd, Richwood 2150 Countryplace Pkwy, Pearland 4141 Bailey Rd., Pearland 1304 Monument Dr., Surfside Beach
Westside Event Center Pearland Recreation Center Surfside Beach City Hall Alvin Library	1800 N Brazosport Blvd, Richwood 2150 Countryplace Pkwy, Pearland 4141 Bailey Rd., Pearland 1304 Monument Dr., Surfside Beach 105 S Gordon, Alvin
Westside Event Center Pearland Recreation Center Surfside Beach City Hall Alvin Library North Annex,	1800 N Brazosport Blvd,Richwood 2150 Countryplace Pkwy,Pearland 4141 Bailey Rd., Pearland 1304 Monument Dr., Surfside Beach 105 S Gordon, Alvin 7313 Corporate Dr., Manvel
Westside Event Center Pearland Recreation Center Surfside Beach City Hall Alvin Library North Annex, Silverlake Recreation Center	1800 N Brazosport Blvd,Richwood 2150 Countryplace Pkwy,Pearland 4141 Bailey Rd., Pearland 1304 Monument Dr., Surfside Beach 105 S Gordon, Alvin 7313 Corporate Dr., Manvel 2715 Southwyck Pkwy, Pearland

Pearland

SECTION FOUR--Electors.

Every person eligible to vote under the provisions of Chapter 11 of Title 2 of the Texas Election Code who is a resident of the City of Freeport, Texas, and who is duly registered to vote in the county election precinct where and on the day on which he or she votes in the charter amendment election called by this Ordinance, shall be entitled to vote for or against each of the proposed amendments set forth above in Section Two of this Ordinance.

SECTION FIVE--Officers of Election and Compensation Thereof.

The Presiding Judge, Alternate Presiding Judge and Clerks needed on the day of election for the election called by this ordinance, for the early ballot board and the central counting station shall be appointed, have the duties and be compensated as provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, adopted herein by reference.

SECTION SIX--Early Voting.

Early voting shall begin on April 20, 2020, and end on April 29, 2020, such early voting to be conducted by the County Clerk of Brazoria County, Texas, between the hours of 8:00 a.m. and 5:00 p.m. at the following locations, from Monday, April 20, 2020, through Friday, April 24, 2020, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, April 25, Monday, April 27, and Tuesday, April 28, 2020, at such locations, to-wit:

Angleton Main Location: East Annex (Old Walmart Building)

1524 E. Mulberry, Angleton

Alvin Branch Location: Alvin Library

105 S. Gordon, Alvin

Brazoria Branch Location: Brazoria Library

620 S. Brooks, Brazoria

Freeport Branch Location: Freeport Library

410 Brazosport Blvd., Freeport

Lake Jackson Branch Location: Lake Jackson Library

250 Circle Way, Lake Jackson

Manvel Branch Location: Courthouse North Annex
7313 Corporate Dr., Manvel

Pearland East Branch Location: Tom Reid Library

3522 Liberty Dr., Pearland

Pearland West Branch Location: Westside Event Center

2150 Countryplace Pkwy., Pearland

Shadow Creek Branch Location: Pearland Westside Library

2803 Business Dr. #101, Pearland

Sweeny Branch Location: Sweeny Community Center

205 W. Ashley Wilson Rd., Sweeny

West Columbia Branch Location: Precinct 4 Building 2

121 N. 10th St., West Columbia

SECTION SEVEN--Method of Voting and Conducting Election.

Both early voting and all voting on the day named above for the holding of said charter amendment election shall be in the manner specified in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, mentioned above.

SECTION EIGHT--Notice of Election.

- (a) The Mayor of the City is hereby authorized and directed to issue a notice of said election, to cause the same to be posted for at least twenty-one (21) days prior to the date named above for the holding of said charter election on the bulletin board used for posting notices of meetings of the City Council.
- (b) As required by Section 9.004 (c) of the Local Government Code the City Secretary shall cause a copy of the above notice, including a substantial copy of above and foregoing proposed amendments, to be published on the same day in each of two (2) successive weeks, with the first publication occurring before the fourteenth (14th) day before the date hereinabove fixed for the holding of said election.

SECTION NINE -- Ratification and Confirmation by Mayor.

By signing this ordinance, the Mayor of the City of Freeport, Texas, hereby ratifies and confirms as his action all above recited matters which by law come within his jurisdiction.

SECTION TEN--Effective Date.

This ordinance shall be effective	e immediately upon its passage and
approval.	
READ, PASSED AND APPROVED this	day of, 2020.
	Brooks Bass, Mayor, City of Freeport, Texas
ATTEST:	
Betty Wells, City Secretary, City of Freeport, Texas	
APPROVED AS TO FORM ONLY:	
Christopher Duncan, City Attorney, City of Freeport, Texas	

200 West Second St • Freeport, TX 77541

City Council Agenda Item # 8

Title: Antonelli's Restoration

Date: 01/21/2020

From: Kim Townsend Parks Director

<u>Staff Recommendation</u>: Staff is recommending city council to consider the proposal submitted by American Eagle Works LLC. This proposal will be for the restoration of Antonelli's Root Beer stand.

<u>Item Summary</u>: The restoration would consist of replacing and repairing the flooring inside and out, the deck, columns, the back wall, rotten wood and painting it back to its natural state. This will not consist of electrical or plumbing.

Background Information:

<u>Special Considerations:</u> Please note that all contractors were issued the same identical list of items to be repaired. Yet, with this being a reflection of their reputation, work and skills some have added other details to the quote. This is as close to being the same they could possible quote. Thank you

Financial Impact: The proposed quote to complete this project from American Eagle Works LLC will be \$17,495.00.

Board or 3rd Party recommendation:

Supporting Documentation: Following quotes for this project consist of:

American Eagle Works LLC \$17,495.00

Lashlee's Painting & Remodeling \$19,500.00

PJ Services \$21,168.48

PROPOSAL AND CONTRACT

AMERICAN EAGLE WORKS LLC.

P.O. BOX 3124 FREEPORT, TX, 77542-1324 PH: (915)219-1061 email: americaneagleworkslle@gmail.com

DATE:

August 25, 2019

PROJECT

HISTORIC ROOT BEER STAND BUILDING

TO:

CITY OF FREEPORT

JOB REF.

RESTORATION OF ANTONELLI'S

JOB ADDRES:

200 W. 2ND STREET

CITY:

FREEPORT

STATE:

TEXAS, 77541

PH:

(979) 248.2473 / (979)233.3306

WE PROPOSSE TO PROVIDE UNDER AGREED CONDITIONS ON THIS PROPOSAL ALL THE RESTORATION FOR BUILDING HISTORIC ROOT BEER STAND UNDER ESPECIFICATION BY CITY. ALL WORKS UNDER STANDAR CODE AND REGULATION CITY. THAT INCLUDE MATERIAL AND LABOR AS FOLLOW:

EXTERIOR:

- 1) Level existing foundation.
- 2) Demo all damaged wood and replace as need include the siding, felt paper (Tyvek), doors as well match whit
- Repair or install new bracing, fascia, trim, decking matching as existent.
- Pressure wash all exterior and preparation (send, chalk and sealing) for paint one coat of primer and two coats of

INTERIOR:

- 1) Demolition damaged wood and replace include the felt paper (Tyvek) as need.
- 2) Preparation for paint (sealing, chalk, patch and fill existing wood as need.
- 3) Replace plywood for floor as need.
- Install laminate flooring and quarter round.
- 5) Preparation and paint (one primer and two paint)

Note: all proposal list above mentioned not include the follow:

1) Plumbing works include underground or repairs for works areas of building.

- 2) Electrical works or repairs at construction areas from the building.
- 3) Roof replacements or repair works.
- 4) Windstorm certificate. Taxes by State.
- 5) Cabinets or countertops.

WE HEREBY PROPOSE TO FURNISH ALL LABORE AND MATERIAL IN ACCORDANCE WITH THE ABOVE SPECIFICATIONS FOR THE LUMP SUM. \$ 17,495/00 DLL5. (SEVENTEEN THOUSAND, FOUR HUNDRED NINETY FIVE DLLS.)PAYMENT BE

INSTALLATION DOWN PAYMENT OF 40% AND 60 % AS PROGRESS ADVANCE UPON COMPLETION ALL WORK TO BE COMPLETED IN ACCORDING TO STANDARD PRACTICES. ANY ALTERIATION OR DEVIATION FROM THE ABOVE SPECIFICATIONS INVOLVING EXTRA WORK WILL BE EXECUTED ON UPON WRITTEN ORDER. AND WILL BECAME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE, THIS PROPOSAL IS ACCEPTED AND YOU ARE HEREBY AUTHORIZED TO START WORK UPON FIRS NOTICE.

CITY OF FREEPORT: KIM TOWNSEND (Parks and Recreation Director)

City of Freeport 500 Brazosport Blvd 979-248-9315 cseidler@freeport.tx.us

American Eagle Jose (915)219-1061

Jose,

Here are the exact things that we are needing updated quotes for. At this time the funds are not available for complete renovation but would at least like to upgrade the appearance to historical status. I would appreciate it if you would contact me with any additional questions.

Underneath: At least 3 floor joists need to be joined together.

Back Wall: Remove and replace with Hardy Plank or 10" tongue and groove. Would like this bid with both so all bids can be compared legitimately.

Replace all rotten wood on columns and porch.

Inside: Replace rotten flooring with treated plywood.

Lightly pressure wash and paint.

Inspect roof and call if you have concerns for replacement of shingles. Include this in your estimate if necessary.

Warm regards,
Carissa Seidier
Maintenance Supervisor
cseidler@freeport.tx.us
(979)248-9315

rom: ent: o: ubject:	Carissa Seidler Wednesday, January 8, 2020 11:14 AM Kim Townsend Fwd: Antonellis
ent from my iPhone	
egin forwarded message	: :
Date: January 7, 2	e <lashleepainting@att.net> 2020 at 4:59:05 PM CST er <cseidler@freeport.tx.us> lis</cseidler@freeport.tx.us></lashleepainting@att.net>
Lashlee's Painting 8 419 Azalea Lake Jackson, TX 7 979-297-6889	
January 7, 2020	
City of Freeport Carissa Seidler Maintenance Superv Freeport, TX 77541 979-248-9315	isor
wall. Replace 15 foot 2 sheets treated plyw and deck. Remove w 1 X 6 fascia on South spots of shingles. Rep same as existing. Rep	o replace 3 floor joist under building including concrete blocks 30 foot X 8 foot tall Tongue and Grove wood on South (back) X 32 inches high Tongue and Grove wood on East wall. Replace good on interior floor, replace rotten wood on support columns good on roof (South and West sides). Repair top of signs on roof, and West sides. Replace one shingle on roof and re-fasten 3 place decking on porch floor as needed. Pressure wash and paint place man door on rear of building.
Peanut Lashlee Lashlee's Painting & F 979-482-0550	
	ACCEPTANCE of PROPOSAL

Signature____

Signature_



Lashlee Painting,

Peanut.

Here are the exact things that we are needing updated quotes for. At this time the funds are not available for complete renovation but would at least like to upgrade the appearance to historical status. I would appreciate it if you would contact me with any additional questions.

Underneath: At least 3 floor joists need to be joined together.

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Replace all rotten wood on columns and porch.

Inside: Replace rotten flooring with treated plywood.

Lightly pressure wash and paint.

Inspect roof and call if you have concerns for replacement of shingles. Include this in your estimate if necessary.

Warm regards,
Carissa Seidler
Maintenance Supervisor
cseidler@freeport.tx,us
(979)248-9315

E S	And the	PJ Services			
Common march Edd for an accomplishing program of the program of the common section of th					
the build officer to the gold to an one other companies as disperse. I foundations or as wife series as		1901 Pecan Lane	Invoice	#: 1,227	i
To: City of Freeport		Lake Jackson, Texas. 77566			1
Attn. Carissa Seidler	national and a second of the second	979-248-8920	į	2 and a second s	*** ******* ** ** **** *** ******
500 N. Brazosport Blvd. Freeport		SID IS FOR ANTONELLI'S BUILDING	Dat	e: Jan 6-2010	
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979-248-9315 cseidler@freeport	.tx.us	I the state of the	The state of the s	to former and the reconstruction of the	
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his fine), the same and he shall in distribution on measurement as the shall the line engineering extension		Demo existing siding, fascia, and rotted boards on porch and beams		\$1,200.00)
representa de desta de destamo my decembro que de completa de país definir consecuença en entre paradese.		Remove Existing Flooring inside Rotted		\$1,500.00)
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A THE RESIDENCE CONTRACTOR OF A SECOND CONTRACTOR (SA	Phase 2	Replace 3 beams under building Rotted	199	\$800.00) }
And the property of the second section is a second second section of the second		Replace Flooring with Treated 3/4" Plywood	600		Contract of
the first and the second control and the second distribution where the second distribution is a second of the second distribution and the seco		Repair and replace any boards to secure back door out of square and rotte	d 38		or or a construction of the section at \$1.00
Marie and programme (see any s) as a comment of programme and the second state of the		Raplace back door 2'x7' exterior door	225		·
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and a suppose processing a single design and a	-1	Remove upper sign and move down to roof edge to eliminate water			
	1	and debri that is causing rotting	-	\$130.00	·
the state of the s		Replace porch bottom fascia 14 boards with Ground contact treated 2x6's	-	INC	
ministrative approximation and the description of the control of t		Replace upper Foodia handle with the series with Ground contact treated 2x6's	133	\$520.00	
to the second design arrangement of the second seco		Replace upper Fascia boards with treated 1x6's	96	\$390.00	
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the column to the last and and the column to the state of the column to		Soffit repairs on the front of the building with treated plywood	61.98	\$260.00	
and analysis of the second sec		Replace siding with hardie 5/16"x8-1/4"x12"	1377.5	\$2,875.00	
Annual of Assessment of the State of St		Replace corner trim with hardie	3	INC	e c erre di a un imprese gran sous
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	i	Replace Column lower trime all around with treated boards	***************************************		
tarrana - Marina	-	Replace column rotted boards and inspect all others before paint	104	- At State of the Control of the Con	properties a commen
		Replace Hand Rail on back porch	78	\$260.00	
	1	(inspect posts for hand rail for rot at time of demo)	48	\$195.00	
The state of the s	5 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	Repair and Replace board missing on upper sign			
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promises and whole defined approximation of the contract of th		Caulk, prime and paint as original building	475	\$2,650.00	
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to a common of regulation delication of the common way in the field that the man in the common than	To a second particular and a second second	Paint Decks and new lower Fascia to match original color	142		the fields have some marriage of an apage,
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CEALED CONDITIONS: This Estimat	e is based sofe	ly on the observations Contractor was able to make with the structure	AND HIST SHARES AND AND AND AND AND AND ADDRESS OF A	management of the contract of	
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Bill McNutt,

Here are the exact things that we are needing updated quotes for. At this time the funds are not available for complete renovation but would at least like to upgrade the appearance to historical status. I would appreciate it if you would contact me with any additional questions.

Underneath: At least 3 floor joists need to be joined together.

Back Wall: Remove and replace with Hardy Plank or 10" tongue and groove. Would like this bid with both so all bids can be compared legitimately.

Replace all rotten wood on columns and porch.

Inside: Replace rotten flooring with treated plywood.

Lightly pressure wash and paint.

Inspect roof and call if you have concerns for replacement of shingles. Include this in your estimate if necessary.

Warm regards,
Carissa Seidler
Maintenance Supervisor
cseidler@freeport.tx.us
(979)248-9315

200 West Second St • Freeport, TX 77541

FREEPORT

979.233.3526 • Fax 979.233.8867

City Council Agenda Item # 9

Title: FY2019-2020 Proposed Budget Adjustment #2

Date: January 21, 2020

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 is -\$30,000. However; this amount is available in unassigned fund balance (the last budget amendment estimated \$326,490 in available fund balance).

Background Information:

Below is a summary of each of the proposed changes.

- A. Mystery Boat Outriggers: On December 16, 2019, Council approved the repairs to the Mystery Boat outriggers for \$12,500. This is in addition to the original repairs to the hull made in August 2019 for \$31,000. This was included in last year's budget was not rolled over to this fiscal year, therefore; staff recommends increasing the budget by \$12,500
- B. <u>Antonelli's Restoration</u>: Staff is recommending a proposal to restore Antonelli's Root Beer stand for an amount not to exceed \$17,495 on this Council agenda. Assuming this is approved, staff recommends increasing the budget by \$17,500.
- C. <u>PD Narcotics</u>: The Police Department proposes utilizing its State Narcotics forfeited proceeds for purchase a new K9 (\$12,000) and Inmate Wraps (\$3,025). For simplicity, staff recommends increasing the budget in the Narcotics fund by \$15,000. The current balance in Fund 43, State Narcotics is over \$36,000 and an additional \$26,000 allocation from the County is pending receipt. Therefore; the net impact to revenue and expenses is \$11,000. The State Narcotics Fund is regulated by state law and may be used for various expenses related to police activities.

Special Considerations: N/A

Financial Impact:

The net impact to the General Fund is a net revenue less expenditures is -\$30,000. However; this amount is available in unassigned fund balance (the last budget amendment estimated \$326,490 in

available fund balance).

Ref	Proposed Amendments	Account #	Account Description	Current Budget	Proposed Amount Inc./-Dec.	Amended Budget
GEN	ERAL FUND					
EXP	<u>ENDITURES</u>					
A	Mystery Boat	10-655-899	Capital Outlay	96,000	12,500	108,500
В	Antonelli's Restoration	10-655-899	Capital Outlay	96,000	17,500	126,000
		Subt	total Expenditures		30,000	
		Net Revenue	Less Expenditures		-30,000	
	Esti	mated Unassig	ned Fund Balance	326,490	-30,000	296,490
NAR	COTICS FUND					
REV	ENUE					
D	Narcotics Funds	43-364-525	Forfeited Funds	0	26,000	26,000
			Subtotal Revenue		26,000	*
EXP	<u>ENDITURES</u>					
D	Narcotics Funds	43-525-620	Narcotics Expense	0	15,000	15,000
		Subt	otal Expenditures_		15,000	
		Net Revenue	Less Expenditures _		11,000	

Board or 3rd Party recommendation: N/A

Supporting Documentation:

Ordinance

ORDINANCE NO. 2020-2595

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 as amended by Ordinance No. 2019-2589, read, passed and adopted on November 18, 2019; 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 21st day of January, 2020.

Brooks Bass, 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 #2

		aget Amendmen		
	FY2019-2020	FY2019-2020	FY2019-2020	FY2019-2020
	Original	Prior Budget	2nd Budget	Amended
Fund	Budget	Amendements	Amendment	Budget
General Fund				
Mayor & Council	-	-		-
Administration	1,972,901	1,972,901		1,972,901
Municipal Court	180,508	180,508		180,508
Police/Animal Control	4,636,779	4,742,890		4,742,890
Fire/Emergency Management	1,271,222	1,271,222		1,271,222
EMS	899,584	899,584		899,584
Streets/Drainage	2,678,070	2,678,070		2,678,070
Service Center	219,090	219,090		219,090
Garbage	992,453	992,453		992,453
Building	346,400	346,400		346,400
Code Enforcement	446,950	446,950		446,950
Library	28,300	28,300		28,300
Parks	1,646,659	1,646,659	30,000	1,676,659
Recreation	750,200	750,200		750,200
Sr. Citizen's Commission	10,100	10,100		10,100
Golf Course	998,300	998,300		998,300
Historical Museum	230,293	230,293		230,293
General Fund Total	17,307,809	17,413,920	30,000	17,443,920
Utility Fund				
Water/Sewer	6,831,822	6,831,822		6,831,822
Other Funds				
Capital Debt Service	565,232	565,232		565,232
Capital Projects	300,000	300,000		300,000
Capital Projects Fund	54,000	54,000		54,000
Debt Service Fund	-	-		-
Beach Maintenance	6,500	6,500		6,500
Court Security	13,400	13,400		13,400
Court Technology	11,400	11,400		11,400
Federal Narcotics	_		15,000	15,000
Hotel/Motel	10,250	10,250		10,250
Other Funds Total	960,782	960,782	15,000	975,782
Total Expenditures	25,100,413	25,206,524	45,000	25,251,524
Transfers	2,050,000	2,350,000	-	2,350,000
1741151515				

	FY2019-2020 Original	FY2019-2020 Budget	FY2019-2020
Fund	Budget	Amendment	Amended Budget
General Fund			

Capital Projects Fund	34,000		
	54,000		54,000
Capital Projects	300,000		300,000
Capital Debt Service	565,232		565,232
Other Funds	0,031,022		0,031,022
Water/Sewer	6,831,822	Ī	6,831,822
General Fund Total Utility Fund	17,307,809	106,111	17,413,920
Historical Museum	230,293		230,293
Golf Course	998,300		998,300
Commission	10,100		10,100
Recreation Sr. Citizen's	750,200		750,200
Parks	1,646,659		1,646,659
Library	28,300		28,300
Code Enforcement	446,950		446,950
Building	346,400		346,400
Garbage	992,453		992,453
Service Center	219,090		219,090
EMS Streets/Drainage	899,584 2,678,070		899,584 2,678,070
Management	1,271,222		1,271,222
Control Fire/Emergency	4,636,779	106,111	4,742,890
Municipal Court Police/Animal	180,508		180,508
Administration	1,972,901		1,972,901

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.

200 West Second St • Freeport, TX 77541

City Council Agenda Item # 10

Title: Consideration and possible action on task authorization #8 with Freese and Nichols

Engineering for the Central WWTP Condition assessment report.

Date: 01/21/2020

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends authorizing Freese and Nichols to move forward with this work.

Item Summary:

This action would authorize Freese and Nichols to proceed with the condition assessment report for the city's main Wastewater Treatment Plant (WWTP). This risk-based condition assessment is to identify the critical needs of the WWTP to ensure continued operations and compliance with TCEQ regulations based on condition and criticality of issues identified. The information will be used to develop a phased plan prioritizing action items and providing preliminary cost estimates for implementation.

The proposed work is expected to be completed with final report and recommendations made to city council by the second Council meeting in May. The cost for the effort is \$60,800.

Background Information: Preliminary investigation have identified a number of serious issues and concerns at the plant. While the city has been fortunate to not have a critical plant failure and TCEQ violation up to this point, much needed improvement and maintenance has been put up for a long time, and many components are near the end of their useful life and threatening failure. A major component, the trickle system has been non-operational for well over a year. This is a part of the old plant that when operational, provides a significant portion of the overall plant's capacity.

Sewer Utility infrastructure being conducted by Freese and Nichol's to allow us to identify and prioritize the many projects that are needed to bring our utility back into acceptable operational condition. Those other components included evaluations of the city's 29 lift stations, water distribution elevated and ground storage, and the sanitary sewer collection system and I&I study.

Board or 3rd Party recommendation: None

<u>Financial Impact</u>: The cost of this authorization is \$60,800, and is available in the approved budget.

Supporting Documentation: Freese and Nichols task authorization #10



PROFESSIONAL SERVICES AGREEMENT – ATTACHMENT A TASK AUTHORIZATION #8

City of Freeport City Hall 200 West 2nd Street Freeport, TX 77541 This authorization is in accordance with the terms and column 17, 2019 and expires on June 17, 2020.	FNI PROJECT PROJECT/PHASE/TASK DATE: 10/16/2019
Project Name: Central Wastewater Treatment Plant Risk-	
Description of Services: Services are described in Attachmen	nt B.
Deliverables : Technical Memorandum – Central Wastewate	er Treatment Plant Condition Assessment Report.
Schedule: Draft Technical Memorandum to be provided 90 Memorandum to be provided 15 days after workshop.	days after Notice to Proceed. Final Technical
Compensation shall be: A lump sum amount of Sixty Thousa	and Eight Hundred Dollars (\$60,800).
All other provisions, terms and conditions of the Profession shall remain in full force and effect.	nal Services Agreement which are not expressly amended
FREESE AND NICHOLS, INC.	CITY OF FREEPORT, TEXAS
BY: Mass Barrier	BY:
Mchron (Pan) Bavarian Print Name	Print Name
TITLE: Associate DATE: 10-16-19	TITLE:
DATE: 10-16-19	DATE:

City of Freeport

Central Wastewater Treatment Plant Condition Assessment

Task Order #8

SCOPE OF SERVICES

Project Understanding:

Freese and Nichols, Inc. (FNI) will conduct a risk-based condition assessment of the City's Central Wastewater Treatment Plant (WWTP). The purpose of the risk-based condition assessment is to identify the critical needs of the WWTP for continued operation and compliance based on condition and criticality criteria and to develop a phasing plan to prioritize the for implementation of the improvements.

TASK A: CENTRAL WWTP RISK-BASED CONDITION ASSESSMENT (Basic Service)

A1. Central WWTP Condition Assessment Kickoff Meeting

Meet with City staff, including representative(s) from Veolia. FNI will discuss considerations for a draft scoring system for the condition assessment of the WWTP. Draft categories and weighting of each category will be discussed. City staff input will be solicited and utilized in the risk-based condition assessment task.

A2. Develop Criteria and Scoring System for Risk-Based Condition Assessment

Based on input from City staff, FNI will develop a draft scoring system for the risk-based condition assessment of the Central WWTP. The scoring system criteria will consider the condition and criticality of each treatment component. Scoring system for the condition of components will be based on criteria such as material, age, capacity, history of repairs etc. The scoring system for the criticality will be based on criteria such as capacity affected if the component was to fail, process and regulatory impact, safety, outage duration, etc. Review the prioritization scoring system with the City staff and representatives from Veolia.

A3. Central WWTP Site Visit and Condition Scoring

An assessment team comprised of FNI staff and City personnel will visit the Central WWTP to assess the condition of the treatment plant components. FNI will compile a data sheet for each treatment unit at the WWTP documenting the condition based on visual observation and interviews with the plant staff. The assessment team will include a minimum of four (4) people:

- Process/Mechanical Engineer (FNI staff)
- Structural Engineer (FNI staff)
- Electrical Engineer (FNI staff)
- Central WWTP Operations Personnel (Veolia)
- City Staff (Optional)

Condition scores will be assigned in the field for each scored component. Scored components will include:

Major mechanical equipment related to treatment unit processes. Major mechanical equipment is
considered to be equipment which acts on the main flow through the plant or is integral to the
treatment process. It does not include peripheral items such as HVAC, sump pumps or similar
items.

- Structures: Treatment basins or similar structures directly involved in the treatment process or main flow conveyance.
- Pump stations: Pump stations used for flow conveyance within the treatment plant.
- Pipelines: Pipelines 6" in diameter or greater and select smaller pipelines such as sludge lines.
- Valves and gates: Valves and gates greater than 6" or on select smaller pipelines.
- General electrical and instrumentation including motor control centers.
- Visually evaluate electrical distribution from utility power drop through major equipment. Evaluation will address TCEQ requirements.
- Instrumentation and controls will be evaluated for compliance with TCEQ recording and monitoring requirements.

A4. Central WWTP Risk Score Development

FNI will evaluate each treatment component and assign a condition and criticality score based on observations during the site, interview with plant staff and data on the plant collected from the City staff. FNI will evaluate the overall risk level of the treatment component based on the condition and criticality scores.

A5. Prioritize Rehabilitation Projects

FNI will recommend improvements for each treatment component and develop a preliminary opinion of probable construction cost for the recommended improvements. The scoring system will be utilized to prioritize the critical needs of the treatment plant. FNI will provide a plan for phasing of improvements and develop a schedule for a comprehensive Capital Improvements Program (CIP) to implement the rehabilitation or replacement of the treatment components. FNI will provide an outline of a potential schedule with cost for rehabilitation and/or replacement of aging facilities and reasons to implement rehabilitation or replacement.

A6. Technical Memorandum

FNI will develop a draft technical memorandum summarizing the results of the assessment and risk scores; recommended improvements; and phasing plan and submit to the City for review and comment. FNI will address City review comments and submit a final technical memorandum.

A7. Review of Central WWTP Condition Assessment Results (Workshop)

FNI will meet with the City to present and discuss results of the Central WWTP risk-based condition assessment. City comments will be solicited and addressed in the final technical memorandum.

Summary of Schedule

FNI is authorized to commence work on the Project upon execution of this Agreement and agrees to complete the services as follows:

- Draft Technical Memorandum 90 days after NTP
- Final Technical Memorandum 15 days after Workshop

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in City or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation.

Summary of Fee

FNI shall perform the proposed scope of services based on rates based on those set in the Master Agreement. FNI proposes to conduct the Central WWTP Condition Assessment for a lump sum fee of \$60,800. A breakdown of the fee by task is the following:

City of Freeport	
Central WWTP Condition Assessment	
Summary of Fee by Task	
TASK A - CENTRAL WWTP RISK-BASED CONDITION ASSESSMENT	
TASK A1: CENTRAL WWTP CONDITION ASSESSMENT KICKOFF MEETING	\$3,200
TASK A2: DEVELOP CRITERIA AND SCORING SYSTEM FOR RISK-BASED ASSESSMENT	\$2,400
TASK A3: CENTRAL WWTP SITE VISITS AND CONDITION SCORING	\$11,900
TASK A4: CENTRAL WWTP RISK SCORE DEVELOPMENT	\$8,900
TASK A5: PRIORITIZE REHABILIATION PROJECTS	\$19,300
TASK A6: TECHNICAL MEMORANDUM	\$12,300
TASK A7: REVIEW CENTRAL WWTP CONDITION ASSESSMENT RESULTS (WORKSHOP)	\$2,800
Project Total	\$60,800

		City of Presport	The second second	Project Fee Summary	Summary	The second						
Central	WWTPC	Central WWTP Condition Assessment & TMDS CWSRF Loan Application Basic Services	Basic Services		15	60,800						
		10/14/2019	Special Services	88	S							
		Detailed Cost Breakdown	Total Project		49	60,800						
		Tasks						La	Labor			
	Basi		Marcal Ermi	Carios Guiarie	David Munn	John Marring	Michael Robertson John McShein	John McShain	Ron Baverian	Mark Evens	Leonard Ripley	
Phase lask Special	Sper	tal	2	8'	780	89	51	coecc	*	Funding	YE	
			\$197	\$130	\$225	\$187	\$169	\$225	\$225	\$139	\$225	
4	Bar	ic Central WWTP Fish-Based Condition Assessment										
	Ba	ic Kick-off Meeting	4	7	4				4			
.4	Besic		2	80	2						7	
.,,			80	8	30	16	16		2			
4			90	16	00	00	æ				24	
100		Prioritize Rehabiliation Projects	16	26	-00	ew ew	80	in			n	
	6 Bas		ij	9	7	4	*		rs.		6	
		ic Results Review Workshop	4	89	4							
		Total Hours / Quantity	55	148	40	40	8	89 0	0	ľ.	12	

3,108 2,334 11,172 8,834 19,238 11,728 2,728

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Total Labor Effort

Total Hours

	60.800	60,800	Expenses	Hotel Other Effort	,		99		400 200 \$ 718			000 \$ 920	89 %		000
Summary			Ex	Meals											
Project Fee Summary				Miles			000		100				100	900	000
	Basic Services Special Services	Total Project		Tech Charge											
City of Freeport	Central WWTP Condition Assessment & TWDB CWSRF Loan Application Basic Services 10/14/2019	Detalled Cost Breakdown	Taske	Task Description	7 CT (S.) 11 CT (S.)	Central WW 1P Kiek-Based Congroon Againment	NICK-OIT MEERING	Develop Criteria and Scoring System for RBA	Site Visit and Condition Scoring	Risk Score Development	Proritize Renabiliation Projects	Technical Memorandum	Results Review Workshop	Total Masses Creation	
	VTP Condi			Phase Task Special	0.00		Desic	Basic	Besic	Basic	Basic	Besic	Besic		
	rai WV		П	Task			-	cvi	es	4	10	ø	~		
	Cent			Phase	1	<									

ntral WWTP Condition Assessment & TWDB CWSRF Losn Application 10/14/2019	City of Freeport	
10/14/2019	WWTP Condition Assessment & TWDB CWS	pplication
	10/14/2019	