



**AGENDA
REGULAR MEETING
FREEPORT CITY COUNCIL
MONDAY, MARCH 2, 2020 at 6:00 P.M.**

Mayor:
Brooks Bass

Council Members:
Ken Green
Jerry Cain
Sandra Loeza
Roy Yates

City Manager:
Timothy Kelty

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, THE 2ND DAY OF MARCH 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. Presentation from John Jasso, Chairman of the Brazoria County Veterans Steering Committee, for the 2020 Veterans Day Parade.
2. Presentation of the Police Department Annual Traffic Contact Report for the year of 2019. **(Garivey)**
3. Proclamation/Declaration of March as Bleeding Disorders Awareness Month. **(Kelty)**

COUNCIL BUSINESS – REGULAR SESSION:

4. Consideration and possible action on the approval of City Council meeting minutes from February 18, 2020. **(Wells)**
5. Review, Discussion and Possible Action Regarding Ethics Ordinance 2019-2567 and proposed Resolution No. 2020-2620. **(Kelty)**
6. Consideration and possible action approving proposal for repairs to the Recreation Center Pool. **(Strahan)**
7. Discussion and direction regarding Sales Tax Overpayment and Repayment options. **(Russell)**
8. Consider awarding Competitive Sealed Bid (CSB) #2002, Annual Fuel Contract, to Petroleum Traders Corporation. **(Russell)**
9. Consideration and possible action regarding Resolution No. 2020-2621 authorizing the City Manager to submit an application to Edward Byrne Memorial Justice Assistant Grant Program, for a radio console upgrade. **(Garivey)**
10. Consideration and possible action on Resolution No.2020-2622 amending the master fee schedule for the Code & Permit Department. **(Shoemaker)**

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 announcements and comments.
 - G. Updates on current infrastructure.
 - H. Update on reports / concerns from Department heads.

CLOSED SESSION:

12. Executive Session regarding a.) economic development (Projects 2019-2 and 2019-3) and b. Attorney Consultation (Possible Litigation) and, c. Deliberation about Real Property (Project 2020-1) in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.071, 551.072, and 551.087.

COUNCIL BUSINESS – REGULAR SESSION:

ADJOURNMENT:

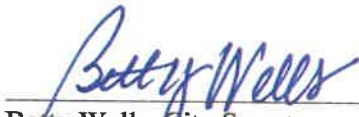
13. Adjourn.

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

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

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

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


Betty Wells, City Secretary
City of Freeport, Texas



City Council Agenda Item # 1

Title: Veteran's Day Parade & Festivities Presentation

Date: March 2, 2020

From: Laura Tolar, Special Projects Coordinator

Staff Recommendation:

Staff recommends that City Council support the City of Freeport hosting the 2020 Veteran's Day Parade and festivities.

Item Summary:

The City of Freeport will be hosting the Veteran's Day Parade to be held on November 11, 2020 (Veteran's Day). The parade route has yet to be determined but in the past has traveled down Second Street to the parking lot of Brazosport High School with the festivities being held at Hopper Field.

Background Information:

This will be the third time that the City of Freeport has hosted. We previously hosted in 2003 and 2009.

Special Considerations:

N/A

Financial Impact:

The parade is funded by donations and there will be no city funds used to pay for this event.

Board or 3rd Party recommendation:

N/A

Supporting Documentation:

N/A



City Council Agenda Item # 2

Title: Freeport Police Department Annual Traffic Contact Report for 2019

Date: March 2, 2020

From: Ray Garivey, Police Chief

Staff Recommendation: N/A

Item Summary: Annual Tier 1 report which must be presented to the Mayor and Council.

Background Information: Racial profiling has been regarded as one of the most pressing themes currently affecting law enforcement agencies in the United States. In 2001, the Texas Legislature, in an attempt to address the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. Since 2001, the Freeport Police Department in accordance with the law, has collected and reported traffic related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices.

Special Considerations: N/A

Financial Impact: N/A

Board or 3rd Party recommendation: N/A

Supporting Documentation: An excerpt from the report is included with this packet. A full copy of the Tier 1 report will be distributed to each member of city council at the meeting.

Tier 1 Data

Traffic Related Contact Information (1/1/2019 - 12/31/2019)

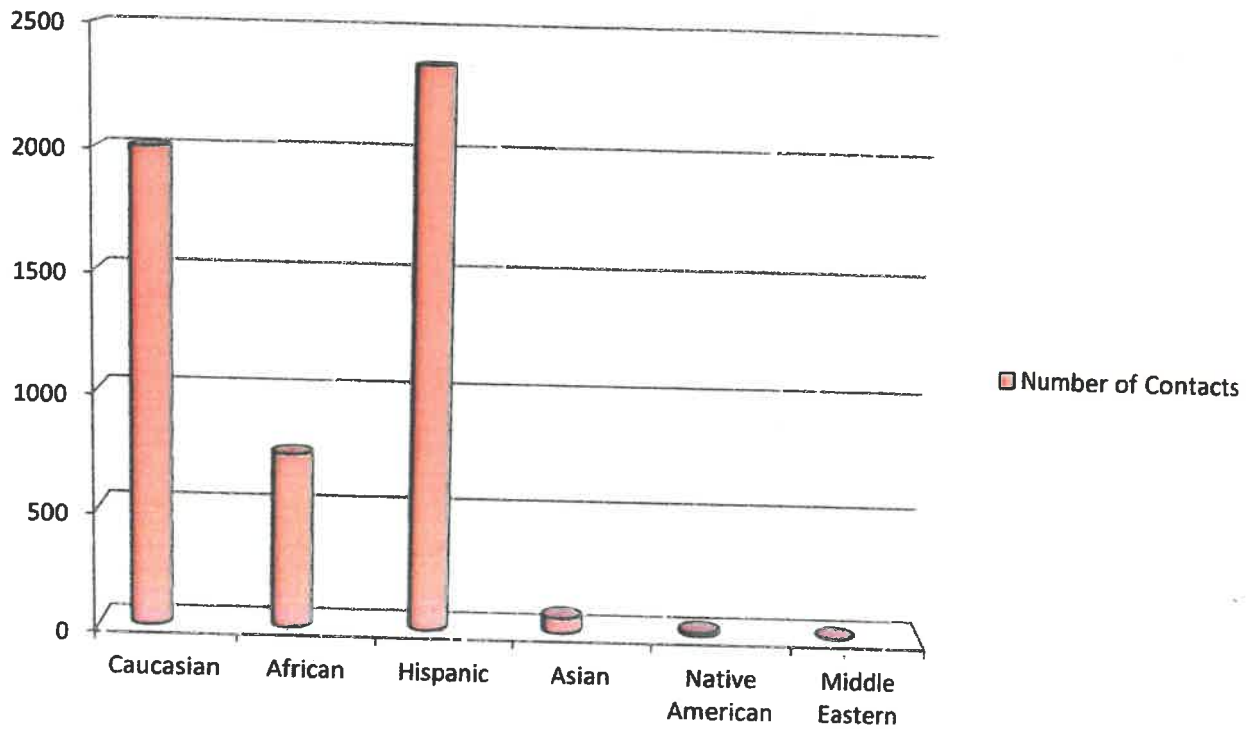
Race/Ethnicity	Contacts	
	N	%
Caucasian	2002	38.72%
African	740	14.31%
Hispanic	2351	45.47%
Asian	64	1.24%
Native American	14	0.27%
Middle Eastern	0	0.00%
Total	5171	100%

"N" Represents number of traffic related contacts

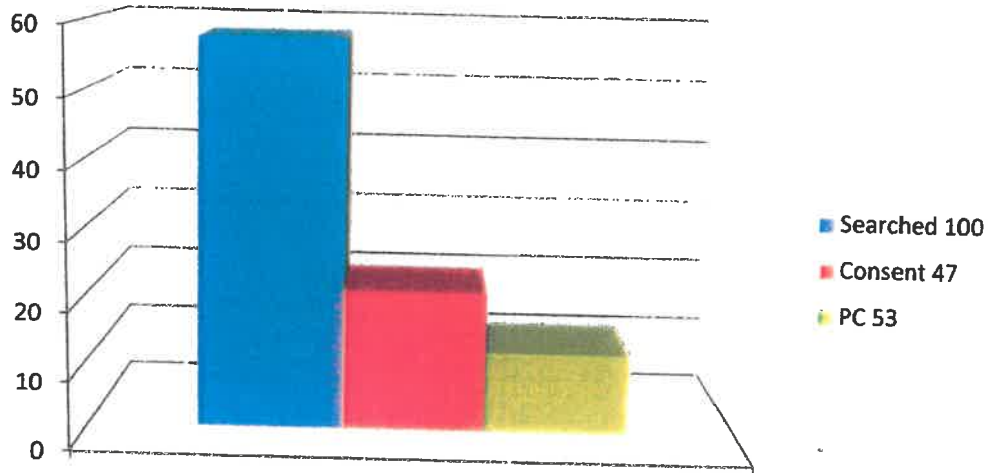
*Race/Ethnicity is defined by Senate Bill 1074 as being of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern.

**Percentages have been rounded to the nearest hundredth

Tier 1 Data (Traffic Contacts)



Tier 1 Data (Searches)



Searched 1	58
Consent 47	21
PC 53	12

Traffic Contacts and Licensed Driver Comparison

Comparison of traffic related contacts wwith licensed drivers in
Freeport. (Report ran January 2019)

Race/Ethnicity*	Traffic Contacts	Licensed Drivers
Caucasian	2002	13172
African	740	2026
Hispanic	2351	4165
Asian	64	155
Native American	14	64
Middle Eastern	0	NA
Total	5171	19582

*Race/Ethnicity are defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern."

** Report for traffic contacts does not include other category, and report for licensed drivers does not include Middle Eastern.

Freeport, TX PD

Jan 1, 2019 - Dec 31, 2019

Racial Profile Tier 1 HB3389Officer(s): *ALL*Type of Stop:*ALL*Stop Result:*ALL*Officer Troop or Unit:*ALL*

PLEASE NOTE: The official form does not allow for Other and Unknown in the Race or Ethnicity boxes on the TCOLE website. Please contact TCOLE for instructions on how to resolve these issues. This report only includes traffic stops resulting in a citation, traffic stops resulting in a citation with an arrest, traffic stops resulting in a warning with an arrest, and field interviews that resulted in an arrest. This report does not include any stops from traffic collisions.

Number of motor vehicle stops

2278 CITATION ONLY

2278 Total

Race or Ethnicity:

301 African

36 Asian

782 Caucasain

1150 Hispanic

9 Native American

2278 Total

Race or Ethnicity known prior to stop?

21 Y

2257 N

2278 Total

Search conducted?

34 Y

2244 N

2278 Total

Was search consented?

15 Y

19 N

34 Total

Report Created on: Jan 27, 2020 7:01 PM

Page: 1 of ?

Racial Profile Tier 2

Officer(s): *ALL*
Type of Stop: *ALL*
Stop Result: *ALL*
Officer Troop or Unit: *ALL*

PLEASE NOTE: The official form does not allow for Other and Unknown in the Race or Ethnicity boxes on the TCOLE website. Please contact TCOLE for instructions on how to resolve these issues. This report only includes traffic stops resulting in a citation, traffic stops resulting in a citation with an arrest, traffic stops resulting in a warning with an arrest, and field interviews that resulted in an arrest. This report does not include any stops from traffic collisions.

Gender:	
654	Female
1624	Male
2278	Total

Race or Ethnicity:	
301	African
36	Asian
782	Caucasain
1150	Hispanic
9	Native American
2278	Total

Race or Ethnicity known prior to stop?	
21	Y
2257	N
2278	Total

Reason for stop:	
60	VIOLATION OF LAW
356	VEHICLE TRAFFIC VIOLATION
29	PRE EXISTING KNOWLEDGE
1833	MOVING TRAFFIC

Racial Profile Tier 2

Officer(s): *ALL*
Type of Stop: *ALL*
Stop Result: *ALL*
Officer Troop or Unit: *ALL*

PLEASE NOTE: The official form does not allow for Other and Unknown in the Race or Ethnicity boxes on the TCOLE website. Please contact TCOLE for instructions on how to resolve these issues. This report only includes traffic stops resulting in a citation, traffic stops resulting in a citation with an arrest, traffic stops resulting in a warning with an arrest, and field interviews that resulted in an arrest. This report does not include any stops from traffic collisions.

Reason for stop:	
	VIOLATION
2278	Overall - Total

Search conducted?	
34	Y
2244	N
2278	Total

- Reason for search (choose 1 for each search):	
15	Consent
19	Other
34	Overall - Total

Contraband discovered?	
24	Yes
2254	No
2278	Overall - Total

- Description of Contraband (choose only one):	
24	Other
24	Overall - Total

Racial Profile Tier 2

Officer(s): *ALL*
Type of Stop: *ALL*
Stop Result: *ALL*
Officer Troop or Unit: *ALL*

Arrest result of stop or search:	
2278	No
2278	Overall - Total
Arrest based on:	
2277	
1	Violation of Penal Code
2278	
Street address or approximate location of the stop:	
2278	Other
2278	
Written warning or a citation as a result of the stop:	
2278	Yes
2278	Overall - Total

Racial Profiling Report

PLEASE NOTE: The official form does not allow for Other and Unknown in the Race or Ethnicity boxes on the TCOLE website. Please contact TCOLE for instructions on how to resolve these issues. This report only includes traffic stops resulting in a citation, traffic stops resulting in a citation with an arrest, traffic stops resulting in a warning with an arrest, and field interviews that resulted in an arrest. This report does not include any stops from traffic collisions.

1. Gender	
FEMALE	1713
MALE	3458
Total	5171

2. Race or ethnicity	
	20
ALASKA NATIVE/AMERICAN INDIAN	14
ASIAN/PACIFIC ISLANDER	64
BLACK	740
HISPANIC/LATINO	2351
WHITE	1982
Total	5171

3. Was race or ethnicity known prior to stop?	
N	5136
Y	35
Total	5171

4. Reason for Stop?	
	76
MOVING TRAFFIC VIOLATION	3903
PRE EXISTING KNOWLEDGE	38
VEHICLE TRAFFIC VIOLATION	1072
VIOLATION OF LAW	82
Total	5171

7. Reason for Search?	
CONSENT	21
CONTRABAND IN PLAIN VIEW	6
INCIDENT TO ARREST	3
INVENTORY	16
NO SEARCH	5113
PROBABLE CAUSE	12
Total	5171

8. Was Contraband discovered?	
N	28
Y	30
Total	58

9. Description of contraband	
ALCOHOL	5
DRUGS	19
OTHER	5
STOLEN PROPERTY	1
Total Contraband Found	30

10. Result of the stop	
CITATION	2278
CITATION AND ARREST	45
WRITTEN WARNING	2846
WRITTEN WARNING AND ARREST	2
Total	5171

Freeport, TX PD

Jan 1, 2019 - Dec 31, 2019

Racial Profiling Report

5. Street address or approximate location of the stop	
	8
BUSINESS	40
CITY PROPERTY	2
CITY STREET	4471
COUNTY ROAD	13
PRIVATE PROPERTY OR OTHER	21
RESIDENCE	26
STATE HIGHWAY	582
US HIGHWAY	8
Total	5171

6. Was a search conducted?	
N	5113
Y	58
Total	5171

11. Arrest based on	
OUTSTANDING WARRANT	6
VIOLATION OF CITY ORDINANCE	1
VIOLATION OF PENAL CODE	5
VIOLATION OF TRAFFIC LAW	35
Arrest Total:	47

12. Was physical force resulting in bodily injury used during stop?	
N	5171
Total	5171

Proclamation/Declaration of March as Bleeding Disorders Awareness Month

WHEREAS, I, Brooks Bass, Mayor of City of Freeport, am proud to commemorate March 2020 as Bleeding Disorders Awareness Month in the state of Texas, Freeport, Brazoria County; and

WHEREAS, this designation will formalize and expand upon the designation 30 years ago of March 1986 as “Hemophilia Awareness Month” by President Ronald Reagan; and

WHEREAS, the federal Department of Health and Human Services designated March 2016 as National Bleeding Disorders Month; and

WHEREAS, 25 state and 54 local governments, in 2019, passed a proclamation/resolution declaring March as Bleeding Disorders Awareness Month; and

WHEREAS, Bleeding disorder advocates, during this month, wear a red material around their neck (e.g. leis, scarves, ties); and

WHEREAS, over 1000 advocates, in 2019, wore a red material to their state capitol; and

WHEREAS, These bleeding disorders, which share the inability to form a proper blood clot, are characterized by extended bleeding after injury, surgery, trauma or menstruation and can lead to significant morbidity and can be fatal if not treated effectively; and

WHEREAS, many individuals with hemophilia became infected with HIV and Hepatitis C in the 1980s due to the contamination of the blood supply and blood products; and

WHEREAS, this Awareness Month in Freeport, Brazoria County Texas will generate greater awareness and understanding of not only hemophilia but all inheritable bleeding disorders, including von Willebrand disease—which alone impacts an estimated one percent of the U.S. population or more than 3.2 million individuals; and

WHEREAS, this Awareness Month will foster a greater sense of community and shared purpose among individuals with all inheritable bleeding disorders; and

WHEREAS, this Awareness Month will elevate awareness of and engagement in the inheritable bleeding disorders journey beyond our community to the general public, enabling the prevention of illness, unnecessary procedures, and disability; now

THEREFORE, I, Brooks Bass, Mayor of City of Freeport, do hereby proclaim the month of March 2020, as: **BLEEDING DISORDERS AWARENESS MONTH** in the City of Freeport

Mayor

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, February 18, 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 Absent

Staff: Tim Kelty, City Manager
Stephanie Russell, Assistant City Manager
Betty Wells, City Secretary
Chris Duncan, City Attorney
Brenda Miller-Ferguson, Human Resource Director
David Hoelewyn, Street Department Director
Nat Hickey, Property Manager
Brian Dybala, Freeport Golf Course Director
LeAnn Strahan, Freeport Destination Director
Chris Motley, Freeport Fire Chief
Justin Davison, Freeport Fire/EMS
Cody Chandler, Freeport Fire/EMS
Chris Stamey, Freeport Fire/EMS
Randall Thompson, Freeport Fire/EMS
Chris Veirria, Freeport Fire/EMS
Kim Townsend, Parks Director
Donna Fisher, Human Resource Specialist
Ray Garivey, Freeport Police Department Chief
Billy Shoemaker, Code/Permit Director

Visitors:

Melanie Oldham	Manning Rollerson
Mario Muraira	David Towers
Nicole Mireles	Sam Reyna
Keith Stumbaugh	Edmeryl Williams
Angie Williams	Cindy Cain
Dolly Gallardo	Maria Owens
Cliff Vandergriff	Mark Evans, Freese & Nichols
David Walker	Pam Tilley
Victoria Rodriguez	Ruth Renobato

Jessie Parker
Ruben Renobato
Mario Muraira
Desiree Pearson
Manning Rollerson

Lila Lloyd
Bob Koole
David Towers
Tommy Pearson
Sam Green

Call to order.

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

Citizen's Comments

Manning Rollerson spoke to council of his concerns of the issues on the East End of Freeport. He said that his grandmother bought her home from Ms. Beacroft. He said that the residents in the East End have been lied to. Mr. Rollerson asked what the city is going to do, because the whole city is being taken over by industry, he said that the East End was let down by the leaders of the City of Freeport.

David Walker spoke to council regarding his concerns on the new homes on 9th street which were built by the Port Freeport in the East End. He said that there are problems with these new builds. He asked if council was aware of the problems. He said that drainage from the kitchen sink would drain into the dishwasher and then run on the floor. He asked if there is any kind of recovery for residents in the East End. Mayor Bass said that he was unaware of the issues, but he will make sure this is looked into. Mayor Bass he has not met with the Port since he has become Mayor, but did say there will be a meeting with the Port soon, and his job as the Mayor of the City of Freeport is to work with all folks, and most important to the citizens of Freeport. Mayor said that he will not go in gently with Port Freeport.

Ms. Pam Tilley spoke to council about her concerns of the East End, she said that she is encouraged by what she has heard tonight in that council is working on the concerns of East End Freeport. She said that she was unaware that the City had not met with the Port Freeport yet, and that the residents would like to be apart of this. She said that her father is 95 years old and has lived in the East End for more than 70 years, and still lives here. She said during this time he raised his family and given of his time. She said that her father gets letters from Port Freeport. She said there are no sidewalks in the East End. No road improvements. She said that the residents want to be a part of the partnership which the residents are hearing about.

Melanie Oldham spoke to council stating that she lives in Ward A. She said that she applauds the Mayor and Council of the City of Freeport. Ms. Oldham said that the Port has had to much freedom to be able to take land from the East End residents. She said that silence is consent.

Jessie Parker said that she is here to speak of the East End. She said that her family has been on the property for 75 years. She said that there was a city ordinance that said black people could only live on the East End of Freeport. She said that their family did not have a choice. She said that those that did not grow up here do not realize that the residents of the East End took care of themselves. Ms. Parker said

that they had barbers, grocery stores, and convenience stores. She said that when the City celebrated the 100 years of Freeport, the East End was not included in this. She said that the gutters and curbs were paid by the residents, but there are still no sidewalks. Ms. Parker said that what has happened to the East End was intentional. She is asking that before the East End is completely demolished to please help save the legacy and the work that was done in this community. April 2-6, 2020, she said that she has reserved the library in Freeport and Lake Jackson so that people can come, tell their stories and share pictures. She said that this is an organization called The East End Families.

Ruben Renabato said that a few weeks ago, on January 24, he witnessed a sad event that happened to our city. He said corruption and greed took over. Truth was shattered. He said the city got a black eye from this. Public service should not be taken lightly, it is a high calling or service to others not to ourselves. He said even after all that has happened there still remains hope. Mr. Renabato said make Freeport proud again. Make Freeport great again

Cliff Vandergriff thanked council and the Mayor for their services for the City of Freeport. Mr. Vandergriff said that he hired a builder to build his home. He said that from his open record request documents, he does not feel that the City of Freeport followed proper procedures for inspections. He said that when he hired his builder, he depended on them to do the right thing, and for the City to follow the Residential Code, and to watch over the build. He said that he feels he was let down by the City of Freeport.

Robert Koole spoke to council about his concerns to save his home and the East side of Freeport. He said that dump trucks are destroying the roads, and the city just turns a blind eye to the situation. Mr. Koole said that he has had permits denied. Mr. Koole has asked council in the past for street repair, and he hopes that East End is worth saving. Mr. Koole said that he has purchased limestone to fix the holes on his street.

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

Employee of the month for January 2020.

City employee Cody Chandler was presented with a certificate recognizing him as Employee of the Month for January 2020.

Presentation by Freese and Nichols, Texas Water Development Board Grant Program.

Mark Evans, Funding Specialist, with Freese and Nichols presented to Council the Texas Water Development Board Grant Program. Mr. Evans said that if you are going to be doing funding for your water projects, this program will save money. Mayor Bass asked, what this program will get for the city. Mr. Evans said in this case, it will get lower than market interest rate savings, and the possibility of getting part of the projects funded by a grant. Mayor Bass asked if Mr. Evans would assist the city in the process of this loan. Mr. Evans said from start to finish. Nicole Mireles asked if this will include the updating of the water/sewer treatment. Mr. Evans said typically what the city does is they will go through a comprehensive planning, with a review of the facility. The city will then prioritize the projects and decide which ones to fund.

Presentation by Freese and Nichols for the Pump Station.

Carlos Quintero, PE with Freese and Nichols, presented to council the condition assessment of the Levee storm water pump station. Mr. Quintero said that they concentrated on the electrical issues that the pump

station has been having. He said that the assessment will help the city to create a pathway to identify what will be the appropriate action to take. He said that his recommendation is to separate the electrical building, lightning protection system, upgrade the ATS (Automatic Transfer Switch), replace 150A circuit breaker, install an SPD, remove old instruments/overhead lines, and prepare arc flash assessment. The preliminary electrical cost is \$187,000.00. Mayor Bass asked if we decide to use these funds will this prevent what we have had in the past. Mr. Quintero said yes. Mayor Bass asked, if he was assuring us that the actual pumps were still operational, and worth putting this money into them. Mr. Quintero said no that the one that was removed is in poor shape. Mr. Kelty asked if he knew how old the pumps are. David Hoelewyn said the new pump is about three years old, and that the other pump had been rebuilt about three and half years ago. Tommy Pearson asked if this includes the third pump that is missing. Mr. Quintero said no, this is just for the electrical. Mayor Bass if we redo the electrical system, can we tie in the third pump? Mr. Quintero said yes.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from February 3, 2020.

Consideration and possible action authorizing the Mayor to execute a revised Interlocal Cooperation Contract with the DPS of the State of Texas regarding the Failure to Appear Program

Item number 5 Interlocal Cooperation Contract with the DPS was moved to Regular Session, by Mayor Bass for further discussion

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye", Council unanimously approved Consent Agenda item number 4.

REGULAR SESSION

Consideration and possible action authorizing the Mayor to execute a revised Interlocal Cooperation Contract with the DPS of the State of Texas regarding the Failure to Appear Program

Assistant City Manager Stephanie Russell presented to council a revised Interlocal Cooperation Contract with the DPS of the State of Texas regarding, the Failure to Appear Program. She said that this interlocal change is to accommodate the changes of the Texas Transportation Code that went into effect in January 1, 2020. Councilwoman Loeza asked if it is approximately \$660.00 in lost revenue annually. Stephanie Russell said yes, it is a very small impact on us.

On a motion by Councilwoman Loeza, seconded by Councilman Cain with all present voting "Aye", Council unanimously approved authorizing the Mayor to execute a revised Interlocal Cooperation Contract with the DPS of the State of Texas regarding the Failure to Appear Program.

Direction and discussion on City Hall renovation.

City Manager Tim Kelty presented to council the renovations to City Hall. He said that staff would like to move Council Chambers and Municipal Court to the bank side of City Hall. He said that doing this would free up space in the current Chambers, and the Police Department could add some additional office space. Mr. Kelty also said that other things that need to be done are additional bathrooms on the first floor, adequate breakroom for staff on the first floor, renovation of the bathrooms on the second floor,

increased security, bringing the building up to code, evaluation of space needs to determine the most efficient plan, adding and removing walls to maximize space. Mr. Kelty said that we have already spent money to repair the HVAC and the elevator at City Hall. He said that what staff proposes is to use \$66,500 that was budgeted for the potential move to the O.A. Fleming building, since this move was decided against. Mayor Bass said that there are some immediate needs on the list that need to be taken care of. City Manager Tim Kelty said that there are some things that can be done now without getting into this budget. Such as, the second-floor bathroom which is cosmetic issues. He said that there are some things that are being done now, the carpets will be shampooed this Saturday, the railing in the staircase has been scraped and is getting ready to be painted. As far as putting restrooms on the first floor where there are no public bathrooms, he said that we will need adequate planning for this. Councilwoman Loeza said that most of the budgeted money would be spent mainly on the recommendation on what needs to be done. Mayor Bass said that his suggestion is that we hire someone for the structural changes that will be needed.

Discussion regarding Riverfest

City Manager Tim Kelty presented to council this year staff plans on having the following activities during Friday and Saturday of the normally scheduled event Riverfest. He said that on Friday there will be the annual BBQ cookoff, which is sponsored by the Fire Department. He said that Friday late afternoon there will be the first round of judging of the BBQ, and Friday night there will be a band in the pavilion with security, this will be a BYOB event. On Saturday there will be bounce houses, rock climbing and shaved ice for sale in the park. The BBQ teams will continue throughout the day with three judged events. One in the morning and two in the afternoon. Staff is exploring other activities for these two days. Staff will be meeting later this week with the Brazoria County Hispanic Lions Club who has asked about running a crawfish boil and cookoff for the public. Mr. Kelty said that plans have begun for 2021 Riverfest. Nicole Mireles said that we have had Riverfest for many years, and it upsets her that someone came in and said that it did not do good last year, so we will not have Riverfest anymore. She said that people look forward to this event. She said that her issue is that the Fire Department has worked very hard to get this event going over the years. And she said that the city's calendar needs to be updated.

Consideration of granting a variance, authorizing the sale of alcohol on the parcel with tax ID of 148809, comprised of the businesses in the Arlan's Market shopping center area.

City Manager Tim Kelty presented to council the consideration of granting a variance of authorizing the sale of alcohol on parcel with tax ID 148809 comprised of the businesses in the Arlan's Market shopping center. He said that per Ordinance, alcohol cannot be sold within 300 feet of a school, or church. Upon investigation the 300-foot rule was identified. This becomes a problem because on this parcel there are other businesses that are selling alcohol with permits since 2013, and no variance from City Council. Mr. Kelty said that if council will approve this variance it will clean up this oversight.

On a motion by Councilman Green, seconded by Councilman Cain with all present voting "Aye", Council unanimously approved granting a variance, authorizing the sale of alcohol on the parcel with tax ID of 148809, comprised of the businesses in the Arlan's Market shopping center area.

WORK SESSION:

Councilman Green said that he wants to reassure the East End residents of better things. He also said the softball fields on Ave M, are in need of repair. He said that the bleachers are in horrible condition and need to be sanded down and repainted, he said that you cannot sit on these bleachers. Kim Townsend Parks Director said that they have been scraped and getting ready to paint.

Councilman Cain asked David Hoelewyn, Street Department Director about the alley on Mesquite between 4th and 5th Streets. Mr. Hoelewyn said that the County finished the asphalt today. Councilman Cain also asked about the fire hydrant on 10th Street and Yaupon, there is a bag over the hydrant and wants to know who repairs this. Mr. Hoelewyn said that Jerry Meeks is aware of the problem and has it scheduled for repair.

Councilwoman Loeza asked if clubs have to have security at the door when they are open. Police Chief Ray Garivey said that they do not. She also asked if the PD checks in on the clubs, Chief Garivey said that they do. Councilwoman asked if there was a time frame of when the large pole, on Ave H that is still in the ditch will be removed. She asked David Hoelewyn about the large sink hole that is on Yellowstone, Mr. Hoelewyn said that Jerry Meeks with Veolia said that there will be a contractor to come and repair the hole.

City Manager Tim Kelty said that there is an issue regarding termites at the Service Center. He said that the Public Works Director starts in March. Mr. Kelty said that he wants to applaud Juanita Cardoza and staff on the outstanding job of the capture. He said that he also wants to recognize the EMS for their work on this stressful situation. He also said that he will be sending out the Ethics Ordinance that was adopted a year ago. Mr. Kelty said the event "Night in the Spotlight" is a prom for special needs kids. This will be on April 4 at Riverplace. May 9 is the 20th annual Take a Child Fishing.

Mayor Bass thanked Chief Garivey for the hard work on the capture. He asked that he pass on his thanks to the Police Department staff.

Update on reports / concerns from Department heads

Kim Townsend Parks Director said that the mirror has been installed at the Freeport Levy. She said that she ordered another mirror because one is not adequate.

LeAnn Strahan, Freeport Destination Director said that the Daddy Daughter Dance was on Saturday February 15, she said that it was lots of fun and there was a good turnout. She thanked the staff that came out to help.

Brian Dybala Freeport Golf Course Director said that first quarter of the fiscal year is the highest it has been in twelve years. He said that January took that back. Due to the drainage being bad. He said that membership is up to 140 members, and that he has tournaments lined up from March until the summer.

David Hoelewyn Street Department Director said that the County has completed their asphalt today. and they did the spot on the 900 Block of 7th Street. He said that Broad and Cedar is lined up for repair once the survey is done.

Open session was closed at 8:05 pm and Council entered into Executive Session.

CLOSED SESSION:

Executive Session regarding a.) economic development (Projects 2019-2 and 2019-3) and b. Attorney Consultation (Possible Litigation) and, c. Deliberation about Real Property (Project 2020-1) in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.071, 551.072, and 551.087.

No action taken.

REGULAR SESSION

Mayor Brooks Bass opened regular session at 8:44 P.M.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 8:45 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas



City Council Agenda Item # 5

Title: Review, Discussion and Action regarding the annual re-adoption of ordinance for the City's ethics policy for all elected and appointed city officials, and all city employees.

Date: March 2, 2019

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends review of the current Ethics Ordinance 2019-2567. If any changes are requested, then the suggesting council member should make a motion to approve the change and a new ordinance. If no changes are requested, a council member should make a motion to pass the proposed resolution affirming that the Ordinance was reviewed and discussed.

Item Summary: The Ethics ordinance adopted by the City last year requires annual review of that ordinance and action for re-adoption.

The ordinance lays out specific ethical expectations for all individuals involved in Freeport Local Government, including all employees, all appointed board and committee members as well as elected officials. The precepts are very common sense in nature but ensures that everything is well spelled out.

Special Considerations:

The ordinance lists the purposes of the policy as follows

1. To encourage ethical conduct on the part of City officials and employees;
2. To encourage public service with the city
3. To establish standards for ethical conduct for city officials and employees by defining and prohibiting conduct that is incompatible with the interests of the city;
4. To require disclosure by city officials and employees of their economic interests that may conflict with the interest of the City; and
5. To serve as a basis for disciplining those who fail to abide by its terms.

A sixth and very important purpose of re-adopting the ordinance is to continue the effort of this council and administration to rebuild and reinforce the public trust.

Financial Impact: It is intended that this ordinance would protect the financial interests of the city as well as the City's overall integrity and reputation.

Board or 3rd Party recommendation: None

Supporting Documentation:

Ordinance 2019-2567

Resolution

RESOLUTION NO. 2020-2620

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS TO EVIDENCE THE REVIEW OF ETHICS ORDINANCE 2019-2567, OBTAIN CONSENT OF THE CITY COUNCIL TO CONTINUE SAID ORDINANCE WITHOUT ANY CHANGES, AMENDMENTS OR DELETIONS; AND PROVIDING FOR A FINDING OF PROPER MEETING AND NOTICE.

WHEREAS, the City of Freeport, Texas, is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Sections 51.072 and 342.011 of the Local Government Code of Texas and Sections 2.01, 2.02 and 3.07, Item (u), of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of an Ethics Ordinance; and,

WHEREAS, the proper operation of government requires that the all City Officials, including elected officers, appointed officers, boards and commission members, as well as employees be independent and impartial, and that governmental decisions and policy be made within the proper channels of the government structure; and

WHEREAS, the City adopted Ordinance #2019-2567 in February of 2019, establishing an ethics policy for all appointed or elected officials, boards and commissions as well as City employees; and,

WHEREAS, that ordinance is required to be reviewed annually and considered for re-adoption; and,

WHEREAS, the intent of said Ethics Ordinance is to maintain a set of general principles and guidelines pertaining to ethical conduct, responsibility, and duty; and

WHEREAS, the City of Freeport desires to maintain said Ethics Ordinance to govern the actions of public officials and employees and to memorialize Freeport officials' dedication and service to the citizens of the City; and

WHEREAS, it is important that the public have confidence in the integrity of its government; and

WHEREAS, a Motion was brought before the City Council to review said Ethics Ordinance, entertaining any changes, additions or deletions to said ordinance, and allowing for discussion and debate.

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

SECTION 1. The City Council consents and approves to continue Ethics Ordinance 2019-2567 to remain in effect and continue without any changes.

SECTION 2. EFFECTIVE DATE. This resolution and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect on the date of passage and upon execution by the mayor and city secretary as set forth below.

SECTION 3. PROPER NOTICE AND MEETING. It is hereby found and determined that the meeting at which this resolution was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

Read, passed and adopted the _____ 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

ORDINANCE NO. 2019-2567

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; BY RE-ADOPTING CHAPTER 100 OF TITLE IX OF THE CODE OF ORDINANCE MAINTAINING AN ETHICS POLICY FOR ALL APPOINTED OR ELECTED OFFICIALS, BOARDS AND COMMISSIONS, AS WELL AS EMPLOYEES WHEN REPRESENTING THE CITY OR DOING BUSINESS FOR THE CITY IN ANY CAPACITY; REQUIRING THAT SUCH ORDINANCE BE REVIEWED ANNUALLY; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS ADOPTION BY CITY COUNCIL.

Whereas, it is important that the public have confidence in the integrity of its government;
and

Whereas, the City of Freeport, Texas, is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

Whereas, Sections 51.072 and 342.011 of the Local Government Code of Texas and Sections 2.01, 2.02 and 3.07, Item (u), of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of this Ordinance: and,

Whereas, the proper operation of government requires that the all City Officials, including elected officers, appointed officers, boards and commission members, as well as employees be independent and impartial, and that governmental decisions and policy be made within the proper channels of the government structure; and

WHEREAS, the City adopted Ordinance #2019-2567 In February of 2019, Establishing an ethics policy for all appointed or elected officials, boards and commissions as well as City employees; and,

WHEREAS, that ordinance is required to be reviewed annually and considered for re-adoption; and,

Whereas, the intent of this ordinance is to maintain a set of general principles and guidelines pertaining to ethical conduct, responsibility, and duty; and

Whereas, the City of Freeport desires to adopt said policy to govern the actions of public officials and employees and to memorialize Freeport officials' dedication and service to the citizens of the City; and

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

First, Chapter 100, is hereby re-adopted as part of the Code of Ordinances of the City of Freeport, Texas, and reads as follows:

“Chapter 100. CODE OF ETHICS

Part One – General Provisions

Section 100.01. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Benefit means anything reasonably regarded as economic gain or economic advantage, including benefit to any other person in whose welfare the beneficiary is interested, but does not include a contribution to expenditure made and reported in accordance with law.

Board means a board, commission, or committee:

- (1) Which is established by city ordinance, charter, interlocal contract, or state law, or
- (2) Which serves as the board of a nonprofit development corporation that acts as an instrumentality of the city, and
- (3) Any part of whose membership is appointed by the city council, but does not include a board, commission, or committee which is the governing body of a separate political subdivision of the state.

City (“the City”) means City of Freeport

Employee means a person employed and paid a salary by the city whether under civil service or not, including those individuals on a part-time basis, but does not include an independent contractor or the Mayor or city council members.

Fair and Equitable Standards means the intent of the City of Freeport to safeguard the rights of all citizens, to ensure that all citizen’s actions are judged by fair and equitable standards, and to require that all rules are applied on an equitable basis.

Negotiating concerning prospective employment means a discussion between a city officer or employee and another employer concerning the possibility of the city officer or employee considering or accepting employment with the employer, in which discussion the city officer or employee responds in a positive way.

Officer or official means Mayor or any member of the City Council and any appointed member of a board, committee, or commission set up by ordinance, charter, state law or otherwise, on a regular basis, excluding those boards and commissions not operating under the direct authority of or subject to the direct control of the City Council.

Section 100.03. Purpose of the Ethics Policy.

(a) The code of ethics has five purposes:

1. To encourage ethical conduct on the part of city officials and employees;
2. To encourage public service with the city;
3. To establish standards for ethical conduct for city officials and employees by defining and prohibiting conduct that is incompatible with the interests of the city;
4. To require disclosure by city officials and employees of their economic interests that may conflict with the interests of the city; and
5. To serve as a basis for disciplining those who fail to abide by its terms.

(b) The code of ethics is not intended to be used as a political weapon or to intimidate or embarrass affected persons. The officials charged with administration of this code of ethics shall administer it in a manner that avoids any such use of this code of ethics.

(c) Ethics Policy Statement.

It is the policy of the city that all city officials and employees shall conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, impartiality or devotion to the best interest of the city and the public trust which the city holds.

(d) It is further declared to be the policy of the city that the proper operation of democratic government requires that:

- (1) Officials and employees be independent, impartial and responsible;
- (2) Governmental decisions and policy be made using the proper procedures of the governmental structure;
- (3) No officer or employee have any financial interest, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest;
- (4) Public office is not be used for personal gain; and
- (5) All boards of the City are at all times to be maintained as a nonpartisan body.

(e) It is the policy of the City to uphold, promote, and demand the highest standards of ethical behavior from its Mayor, members of the City Council, employees, and individuals appointed to serve on the city's boards, commissions, committees, task forces, and other appointed advisory groups ("City Officials"). Honesty, integrity, fairness, and transparency of action are the hallmarks of public service in Freeport.

(f) Appearance of impropriety. Public service is a public trust. All city officials and employees are stewards of the public trust. They have a responsibility to the citizens of the city to administer and enforce the City Charter and city ordinances. To ensure and enhance public confidence in city government, each city official and employee must strive not only to maintain technical compliance with the principles of ethical conduct set forth in this article and in state law, but also to avoid the appearance of impropriety at all times.

(g) To implement this article, the city council has determined that it is advisable to enact this code of *ethics* for all officials and employees, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who refuse to abide by its terms.

(h) Notwithstanding any other provision of this article, a member of the board of directors of a reinvestment zone established under the tax increment financing act, as amended, may:

- (1) Own property within that reinvestment zone; and
- (2) Participate in discussions and voting on matters before the board of directors that may directly or indirectly affect the member's property within the reinvestment zone.

Part 2 Administration

Section 100.10 Standards of conduct.

(a) An officer or employee of the city shall not:

- (1) Accept or solicit a benefit that might reasonable tend to influence the officer or employee in the discharge of his official duties.
- (2) Use his official position to secure special privilege or exemptions for himself or others.
- (3) Grant any special consideration, treatment or advantage to a person or organization beyond that which is available to every other person or organization. This shall not prohibit the granting of fringe benefits to city employees a part of their contract of employment or as an added incentive to the securing or retaining of employees.
- (4) Disclose information that could adversely affect the property of affairs of the city, or directly or indirectly, use any information understood to be confidential which was gained by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.
- (5) Transact any business on behalf of the city in his official capacity with any business entity with which he is an officer, agent or member or in which he has a financial interest. In the event that such a circumstance should arise, then he shall make known his interest, and:
 - (i) In the case of an officer, leave the room during debate or hearing, refrain from discussing the matter at any time with the members of the body of which he is a member or any other body which will consider the matter and abstain from voting on the matter; or
 - (ii) In the case of an employee, turn the matter over to his superior for reassignment, state the reasons for doing so and have nothing further to do with the matter involved.
- (6) Personally provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, investigation, or determination from

the body or department of which the officer or employee is a member. This restriction does not apply to outside employment of an officer if the employment is the officer's primary source of income.

- (7) Accept other employment or engage in outside activities incompatible with the full and proper discharge of his duties and responsibilities with the city, or which might impair his independent judgment in the performance of his public duty.
- (8) Personally participate in a decision, approval, disapproval, recommendation, investigation, or rendering of advice in a proceeding, application, request for ruling or determination, contract, claim, or other matter under the jurisdiction of the city, if the officer or employee is negotiating or has an arrangement concerning prospective employment with a person or organization which has a financial interest in the matter, and, in the case of an employee, it has been determined by the city manager that a conflict of interest exists. If an officer or employee begins negotiation or enters an arrangement concerning prospective employment with a person or organization that has a financial interest in a matter in which the officer or employee has been participating, the officer or employee shall:
 - (i) In the case of an employee, immediately notify the official responsible for appointment to his position of the nature of the negotiation or arrangement and, if the city manager or mayor determines that a conflict of interest exists, follow the instructions of the city manager or mayor with regard to further involvement in the matter; or
 - (ii) In the case of a board member, immediately notify the board of which he is a member the nature of the negotiation or arrangement and:
 - (a) Refrain from discussing the matter at any time with other board members or members of the city council if the city council will also consider the matter;
 - (b) Leave the room during debate hearing on the matter; and
 - (c) Abstain from voting on the matter; or
 - (d) In the case of the Mayor or a member of the city council, file an affidavit with the city secretary regarding the nature of the negotiation or arrangement and:
 - (i) Refrain from discussing the matter at any time with other council members or members of a board that will consider the matter;
 - (ii) Leave the room during debate or hearing on the matter; and
 - (iii) Abstain from voting on the matter.
- (9) Receive any fee or compensation for his services as an officer or employee of the city from any source other than the city, except as may be otherwise provided by law. This shall not prohibit his performing the same or other services for a public or private organization that he performs for the city if there is no conflict with his city duties and responsibilities.

- (10) In the case of a member of the city council or an employee, personally represent, or appear in behalf of, the private interest of others:
- (i) Before the city council or any city board or department;
 - (ii) In any proceeding involving the city; or
 - (iii) In any litigation to which the city is a party.
- (11) In the case of a board member, personally represent or appear in behalf of, the private interests of others:
- (i) Before the board of which he is a member;
 - (ii) Before the city council;
 - (iii) Before a board which has appellate jurisdiction over the board of which he is a member; or
 - (iv) In litigation or a claim to which the city or an employee of the city is a party if the interests of the person being represented are adverse to the city or an employee of the city and the subject of the litigation or claim involves the board on which the board member is serving or the department providing support services to that board.
- (12) Use the prestige of his position with the city in behalf of any political party.
- (13) Knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the city ordinances, rules or regulations or the achievement of official city programs.
- (14) Use city supplies, equipment or facilities for any purpose other than the conduct of official city business.
- (15) Engage in any dishonest or criminal act or any other conduct prejudicial to the government of the city or that reflects discredit upon the government of the city.

Section 100.11 – Exceptions

- (a) The restrictions in this section do not apply to business associates of officers or employees, but only personally to the officers and employees themselves.
- (b) The restrictions and requirements of subsection (a)(5) do not apply to an officer or employee of the city serving as a member of any board, commission, or other entity when transacting business on behalf of the city in an official capacity with that board, commission, or entity, if the officer or employee:
 - (1) Was appointed by the mayor, city council, or city manager to represent the city on the board, commission, or entity; and
 - (2) Has no financial interest in the board, commission or entity or in the business.

Section 100.12- Financial interests.

Any officer, whether elected or appointed, who has a financial interest in any matter that is pending before, or that might be considered by, the body of which the officer is a member shall:

- (a) Disclose such interest to the other members of the body;
- (b) Refrain from discussing the matter at any time with any other member of the body of which the officer is a member or with a member of any other body that might consider the matter;
- (c) Leave the room during debate or hearing; and
- (d) Refrain from voting on the matter.

Section 100.13 Political activities of officers.

(a) In elections other than for city council, a member of the city council may not:

- (1) Use the prestige of the member's position with the city on behalf of a candidate;
- (2) Solicit or receive contributions; or
- (3) Serve as the designated campaign treasurer for a candidate as required by V.T.C.A. Election Code, ch. 14.

(b) In any election, a member of a city board, commission, or committee, whether governmental or advisory, may not:

- (1) Use the prestige of the member's position with the city on behalf of a candidate;
- (2) Serve as the designated campaign treasurer for a candidate as required by V.T.C.A. Election Code, ch. 14;
- (3) Personally solicit or receive contributions for a candidate. A member, however, is not prohibited from serving on a steering committee to plan a program of solicitation and listing the member's name without reference to the office held when the committee as a whole is listed.

(c) Subsections (a)(1) and (b)(1) do not prohibit a member of the city council or of a board from lending the member's name in support of a candidate so long as the office held with the city is not mentioned in connection with the endorsement.

Section 100.14 Additional employment.

An employee of the city may accept outside employment if:

- (a) The employment complies with the Personnel Policy Handbook; and
- (b) The employment does not conflict with his duties as an employee of the city.

Section 100.15 Restrictions on contracting with the city or providing representation of others.

(a) An officer or employee in a position that involves significant reporting, decision-making, advisory, or supervisory responsibility who leaves the service or employment of the city may not, within 12 months after leaving that service or employment, represent any other person or organization in any formal or informal appearance:

(1) Before the city concerning a project for which the person had responsibility as a city officer or employee; or

(2) Before any other agency on a project for which the person had responsibility as an officer or employee.

(b) A former officer or employee who is subject to the requirements of subsection (a) shall, during the 24 months after leaving the service or employment of the city, disclose the officer or employee's previous position and responsibilities with the city when representing any other person or organization in any formal or informal appearance before a city agency.

(c) A member of the city council or an employee may not, within 12 months after leaving the service or employment of the city, either individually or as the officer or principal of a private business entity:

(1) Submit a proposal, on behalf of the member or employee or on behalf of a private business entity, to make any city contract that is not required by state law to be competitively bid;

(2) Negotiate or enter into any city contract that is not required by state law to be competitively bid; or

(3) Have or acquire any financial interest, direct or indirect, in any city contract that is not required by state law to be competitively bid.

Section 100.16 Limitations on employee political activity and on the holding of elective public office by an employee.

(a) An employee of the city immediately forfeits employment with the city if:

(1) The employee becomes a candidate for election to the city council;

(2) The employee becomes a candidate for nomination or election in a partisan election for public office within the county or in a partisan election for a public office, the constituency of which includes all or part of the county;

(3) The employee becomes a candidate for nomination or election to an elective public office where the holding of that office will conflict with the full and proper discharge of the employee's duties with the city; or

(4) A managerial or supervisory exempt city employee becomes a candidate for nomination or election to an elective public office of an entity having contractual relations with the city that involve the employee's department.

Section 100.17 Penalty for violation of article; appeals.

(a) The failure of any officer or employee to comply with this article or the violation of one or more of the standards of conduct set forth in this article, which apply to him, shall constitute grounds for all legal remedies provided by law which may include, if permissible, expulsion, reprimand, censure, removal from office, or discharge. In the case of a city council member, the matter shall be decided by a vote of two-thirds of the entire membership of the city council.

(b) The city council hereby adopts the following procedures to implement a censure policy:

(1) Two or more Elected City Officials may file a written notice of censure against another Elected City official with the City Secretary. The written notice shall set forth the allegation(s) of conduct which the accused Elected Official shall have allegedly violated. A copy shall be delivered to all elected members. A written response to the allegation(s) may be filed by the accused Elected Official ten days after receipt thereof. A copy of the notice of censure and response thereto shall be delivered to each Elected Official within two days after the response is filed.

(2) On the first regularly called meeting of the City Council, which complies with the Texas Open Meetings Act, after the filing of the notice and response, the City Secretary shall formally read the notice and response into the public record. The City Council, by majority vote, shall thereafter determine whether or not good cause shall exist to set a formal hearing on the merits of the notice of censure or dismiss the allegation(s). If it is determined, based upon the merits, a public hearing is required, a public hearing shall be set on the allegation(s) by the City Council. A vote to hold a public hearing shall not be construed to be a vote of censure.

(3) At a public hearing, the accused Elected Official has the right to be represented by legal counsel and present witnesses relative to the allegation(s).

(4) A public hearing on the allegation(s) and response shall be held at either a regular or special called meeting of the city council, which shall be open to the public.

(5) At a public hearing, the City Council will hear evidence concerning the notice of censure. The Elected Officials proffering the charges shall present evidence in support of the allegation(s) contained in the notice of censure. The Elected Official who is the subject of the censure shall have the opportunity to present evidence to support his or her position with respect to the notice of censure. After receiving evidence at an open public meeting, the city council shall then take a roll-call vote, after motion duly made and seconded, two-thirds of all members of the City Council shall be required to sustain the censure of the council member.

(c) In the case of an employee of the city, disciplinary action and appeals therefrom shall be in conformance with procedures established by the city charter and personnel rules and regulations.

(d) In the case of members of boards or committees, the matters shall be decided by a majority vote of the city council.

(e) The decision of the bodies authorized to hear violations shall be final in the absence of bias, prejudice or fraud.

Section 100.18 Annual Review and Re-adoption

This ordinance must be reviewed by the City Council on or before each anniversary of its adoption and may be amended at anytime.

Second, this ordinance shall take effect and be in force from and after its adoption.

READ, PASSED AND ADOPTED 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:

Chris Duncan, City Attorney,
City of Freeport, Texas



City Council Agenda Item # 6

Title: Consider Authorizing a Proposal for Repairs to the Recreation Center Pool

Date: March 2, 2020

From: Jonathan Phillips, Recreation Center Supervisor & LeAnn Strahan,
Destinations Director

Staff Recommendation:

Staff recommends authorization to proceed with the proposal from Progressive Commercial Aquatics, Inc. for Repairs to the Recreation Center Pool.

Item Summary:

In preparation of the 2020 season, public safety concerns were brought to our immediate attention regarding the deterioration of the pool surface. There is significant deterioration to the top layer of fiberglass causing water cloudiness, and the surface is chipping, resulting in razor sharp pieces breaking off that are likely to injure a patron. There is not a temporary solution that would allow us to safely open for the summer, therefore; staff proposes the following:

- Remove fiberglass layer and re-plaster pool with Tier 1 quartz aggregate plaster;
- Install new tile demarcation lines as required by Texas Administrative Code, Standards for Public Pools and Spas;
- Replace main drain covers with those in compliance with the Virginia Graeme Baker Pool & Spa Safety Act to conform to the entrapment protection standards set by the American National Standards Institute and the American Society of Mechanical Engineers;
- Add 6" wide tile racing lane lines and wall targets; and
- Add a non-skid tile on the first 6' of ramp.

Background Information:

Staff has had maintenance issues regarding the pool's fiberglass surface for the past several years. The proposed quartz plaster should last 10-12 years, provided that the proper water chemistry is maintained. Additionally, the quartz plaster has a 3-year warranty against defects in material and workmanship.

Special Considerations

The proposed improvements will resolve two compliance issues and prevent the need to drain the pool in the future for the purpose of repainting fading or chipping racing lanes.

Financial Impact:

In order to have the pool open by the summer, staff proposes utilizing a Buyboard Cooperative Purchasing Contract #533-17 with Progressive Commercial Aquatics, Inc. This company has previously worked with the City and has committed to meeting the expedited timeframe.

The total proposal is \$82,250. Due to vacancy savings and one-time programmatic savings, staff anticipates the cost to be absorbed within the current Recreation Center budget without affecting any of the approved capital projects.

Board or 3rd Party recommendation:

N/A

Supporting Documentation:

Proposal



Progressive
Commercial Aquatics, Inc.

BID PROPOSAL

Houston:
2510 Farrell Road
Houston, TX 77073
281-982-0212

Manor/Austin:
15616 Schmidt Loop
Manor, TX 78653
512-278-0801

"We build more than pools, we build relationships!"

Project Name: City of Freeport - Municipal Park Pool Re-Plaster

Scope of Work:

Remove existing fiberglass layer that was installed on the inside of the pool and replace with Tier 1 quartz aggregate plaster.

Strip fiberglass to concrete shell.

Install new tile demarcation line at 5'-0" depth per code.

Install (2) new permanent Stainless Steel VGBA main drain covers per federal law.

Plaster pool with blue speck quartz aggregate plaster.

Provide necessary chemicals to balance water chemistry after plaster.

Install non-skid tile on first 6' of ramp prior to plaster

Base Price: \$ 73,975.00

Existing lane lines and wall targets are painted on the fiberglass surface and will not be there after the fiberglass is removed. 6" wide tile can be installed prior to plaster. This would include (5) floor lanes and (10) wall targets.

Racing Lane Add on: \$ 8,275.00

BuyBoard Contract #533-17

Itemized Breakdown of Base Price

Tile - Ramp / Demarkation	\$	3,995.00
VGBA Drains per Federal Law	\$	5,380.00
Removal of Fiberglass from Pool	\$	32,553.00
Quartz Plaster	\$	32,047.00

Equipment Included:

24" x 24" Stainless Steel VGBA certified main drain covers.

Tier 1 quartz plaster

1" x 1" black ceramic tile for demarcation line and tile entry

Exclusions:

Sand Blasting of pool shell if required

Draining of Pool

Sales Tax

Performance or Payment Bond

Cost of Water to Fill Pool



City Council Agenda Item # 7

Title: Discussion and Direction Regarding Sales Tax Overpayment and Repayment Options.

Date: March 2, 2020

From: Stephanie Russell, Assistant City Manager

Staff Recommendation:

Staff recommends authorizing the City Manager to enter into a 29 – month local sales and use tax payback agreement with the Texas Comptroller of Public Accounts.

Item Summary:

Staff received notification from the Comptroller that the City was overpaid \$533,636.43 in local sales and use taxes due to a filed refund claim by a taxpayer. The taxpayer has been refunded and the City has three options to repay the State:

1. One-time reimbursement of total \$533,636.43;
2. Apply all of future sales tax distributions to the amount due until the \$533,636.43 is paid in full (this would be at least two full months of sales tax for the City); or
3. Enter into a 29 – month payback agreement of \$18,402 for the first 28 months and \$18,380.43 for the last month.

No fees or interest will be applied to any option. The City has 60 days to respond to the notice dated February 14, 2020. Staff recommends option 3.

Background Information:

Per the Comptroller, there is no way of knowing when a taxpayer is going to file a refund claim. Many times, the taxpayer will choose to pay the tax up front because they do not want to be penalized for not paying it, then they go back later and file a refund. Some taxpayers also utilize consultants who receive a percentage of the refund they find.

Freeport is in an area of the state that has many direct pay taxpayers, such as manufacturers, oil/gas refineries, and utility companies. These taxpayers tend to accrue and pay tax themselves on items that they purchase for their own use and not resale or they pay it to the vendor from which the items were purchased.

Special Considerations: N/A

Financial Impact:

The total estimated impact for this fiscal year to the City's General Fund is \$85,876. The 1.5 cent Sales Tax is split proportionally between the City (1 cent) and the Freeport Economic

Development Corporation (0.5 cent). Therefore; the total impact is \$355,758 to the City's General Fund and \$177,879 for the FEDC. Assuming the repayment plan begins in March, the 29 payments would be spread across three fiscal years:

Fiscal Year	Total	City	FEDC
2019-2020	128,814	85,876	42,938
2020-2021	220,824	147,216	73,608
2021-2022	183,998	122,666	61,333
Total	533,636	355,758	177,879

Board or 3rd Party recommendation: N/A

Supporting Documentation: Letter from Texas Comptroller of Public Accounts



GLENN HEGAR TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

P.O. Box 13528 • Austin, TX 78711-3528

February 14, 2020

Ms. Laura Tolar
Interim City Secretary
City of Freeport
200 W. 23rd Street
Freeport, TX 77541-5773

Dear Ms. Tolar:

This letter is to notify you that the City of Freeport was previously overpaid \$533,636.43 in local sales and use taxes. The overpayment was the result of a direct pay taxpayer that filed a refund claim for the over accrual of use taxes. This claim has been verified as a valid refund based on exemptions allowed under local sales tax statutes and documentation provided by the taxpayer. Since this amount has been refunded to the taxpayer, it must now be repaid to the State.

The options to repay the erroneous amount are as follows:

- 1) Full reimbursement by one time check*,
- 2) Apply all monthly collections to the overpaid amount until the amount has been repaid, or
- 3) Enter into a 29 - month payback agreement where a monthly deduction of \$18,402.00 will be deducted for 28 months with a final deduction of \$18,380.43. This deduction would start the month after we receive your response or two months after the date of our letter if we do not receive a response. Additionally, future significant audit or onetime payments may be applied toward the repayment amount to reduce the length of the payback and notifications of those applications will be sent.

No fees of any type will be assessed on the payback amount.

If you choose option 1, "full reimbursement by one time check," the payback amount should be adjusted by the 2% service fee. Multiply the payback amount by 2% (.02); subtract the 2% amount from the payback amount, then pay the adjusted amount.

Please mark an X in the applicable box above for the option you wish to choose, have a city official sign at the bottom, and return this letter using the enclosed self- addressed envelope.

If you have any questions or need additional information, you may call me toll free at (800) 531-5441, ext. 50550. My mailing address is PO Box 13528, Austin, TX, 78711, the FAX number is (512) 475-1523 or my email is shirley.kaatz@cpa.texas.gov.

Sincerely,

Shirley Kaatz
Revenue Accounting Division
Tax Allocation Section

Date _____
City Official Name _____
Title _____
Signature _____



City Council Agenda Item # 8

Title: Consider Awarding Competitive Sealed Bid (CSB) #2002, Annual Fuel Contract, to Petroleum Traders Corporation

Date: March 2, 2020

From: Stephanie Russell, Assistant City Manager

Staff Recommendation:

Staff recommends awarding CSB#2002 bid line items #1-6 to Petroleum Traders Corporation, the overall apparent low bidder; rejecting all bids for all other line items; and authorizing the City Manager to execute a contract with Petroleum Traders Corporation.

Item Summary:

Staff advertised for Competitive Sealed Bids for all supervision, materials, labor and equipment necessary to furnish and deliver Gasoline and Diesel fuels in The Facts newspaper on Monday, February 10, 2020 and Monday, February 17, 2020. Six bids were received and opened on February 25, 2020.

Based on the criteria, the apparent low bidder for line items #1-6 is Petroleum Traders Corporation. Bid line items #7-15 were included as optional fuels that may be ordered. Since the apparent low bidder did not bid on these items and the estimated quantities are low, staff recommends rejecting all bids for these line items and seeking quotes as necessary.

Background Information:

The City has two separate fueling stations at the Service Center and Golf Course. The Service Center utilizes approximately 74,000 gallons annually in Unleaded Gasoline and 15,000 gallons annually in diesel. The Golf Course utilizes approximately 5,400 gallons annually in Unleaded Gasoline and 3,000 gallons annually in Ultra Low Sulfur Diesel.

Bid prices are based on a fixed differential in excess of the following formula: The daily pricing listed in the Oil Price Information Service (OPIS) Pad 3 Report for Houston, Texas Rack Prices posted for reformulated unleaded gasoline and Ultra Low Sulphur #2 Diesel.

Special Considerations:

N/A

Financial Impact:

The new contracted rates (\$0.0281 and \$0.2) are lower than the previously contracted rates (\$0.14 and \$0.24, respectively), however; overall savings are contingent upon the base price of fuel which varies based on daily average OPIS rates.

Board or 3rd Party recommendation:

N/A

Supporting Documentation:

Bid Tabulation

**CITY OF FREEPORT
COMPETITIVE SEALED BID #2002, ANNUAL FUEL CONTRACT
BID TABULATION**

Item#	Service	Champion Fuel Solutions	Gold Star Petroleum, Inc.	Jaguar Fueling Services	Midtex Oil, LP	Petroleum Traders Corp.	Sun Coast Resources, Inc.	
Section 1 – Fuel Deliveries								
Per Unit Fee for Orders Over 2,500 Gallons								
1	Unleaded Gasoline 87 Octane	\$0.22193	\$0.03750	\$0.20000	\$0.02890	\$0.02810	\$0.09150	
2	Ultra-Low Sulfur Diesel	\$0.22214	\$0.03750	\$0.20000	\$0.02890	\$0.02810	\$0.09150	
3	Load Fee	\$3.45	\$5.45	N/A	N/A	Per State Fee	Varies	
Per Unit Fee for Orders Under 2,500 Gallons								
4	Unleaded Gasoline 87 Octane	\$0.11193	\$1.13750	\$0.40000	\$0.24000	\$0.20000	\$0.18000	
5	Ultra-Low Sulfur Diesel	\$0.11214	\$1.13750	\$0.40000	\$0.24000	\$0.20000	\$0.18000	
6	Load Fee	\$1.70	\$1.70	N/A	N/A	Per State Fee	\$1.70	
Fees based on Estimated Annual Quantities								
Orders Over 2,500 Gallons		Est. Qty						
1	Unleaded Gasoline 87 Octane	74,000	\$16,423	\$2,775	\$14,800	\$2,139	\$2,079	\$6,771
2	Ultra-Low Sulfur Diesel	15,000	\$3,332	\$563	\$3,000	\$434	\$422	\$1,373
Subtotal Orders Over 2,500 Gallons			\$19,755	\$3,338	\$17,800	\$2,572	\$2,501	\$8,144
Orders Under 2,500 Gallons		Est. Qty						
4	Unleaded Gasoline 87 Octane	5,400	\$604	\$6,143	\$2,160	\$1,296	\$1,080	\$972
5	Ultra-Low Sulfur Diesel	3,000	\$336	\$3,413	\$1,200	\$720	\$600	\$540
Subtotal Orders Under 2,500 Gallons			\$941	\$9,555	\$3,360	\$2,016	\$1,680	\$1,512
Total Annual Estimated Fees			\$20,696	\$12,893	\$21,160	\$4,588	\$4,181	\$9,656
Section 2 – Other Fuels to be Delivered								
7	Motor Oil-Pennzoil Plat 5W20 or eq.	\$18.50	No Bid	\$9.21	\$17.76	No Bid	\$22.05	
8	Motor Oil-Pennzoil Plat 5W30 or eq.	\$18.50	No Bid	\$7.36	\$17.76	No Bid	\$24.10	
9	Motor Oil-Pennzoil Plat 0W20 or eq.	\$18.50	No Bid	\$7.36	\$17.76	No Bid	\$23.50	
10	Fluid, Hydraulic – AW68	\$6.50	No Bid	\$4.44	\$6.30	No Bid	\$50.00	
Section 3 – Alternate Fuels								
8	Lube, Gear 75W90 – Full Synthetic	\$150.00	No Bid	\$13.64	\$218.04	No Bid	\$23.03	
9	Lube, Gear 80W140 – Full Synthetic	\$204.00	No Bid	\$20.29	\$201.70	No Bid	\$270.55	
11	Fluid, Hydraulic – AW46	\$42.00	No Bid	\$5.71	\$83.92	No Bid	\$50.00	
12	Fluid, Hydraulic – John Deere J20C	\$69.00	No Bid	\$6.44	\$60.57	No Bid	\$54.90	
13	Fluid, Transmission – TES 295 Approved	\$138.00	No Bid	\$14.15	\$183.39	No Bid	\$2,113.65	
14	Fluid, Transmission – Dexron III or eq.	\$16.00	No Bid	\$6.26	\$56.97	No Bid	\$47.85	
15	Fluid, Antifreeze – Shellzone or eq.	\$29.00	No Bid	\$7.45	\$34.91	No Bid	\$456.50	



City Council Agenda Item # 9

Title: Resolution authorizing the City Manager to submit an application to the Edward Byrne Memorial Justice Assistance Grant Program for a Radio Console Upgrade.

Date: March 2, 2020

From: Raymond Garivey, Police Chief

Staff Recommendation: Staff recommends the approval of the Resolution.

Item Summary: Approval of an application to the Edward Byrne Memorial Justice Assistance Grant Program to partially fund the purchase, installation and replacement of end of life radio dispatching console systems for the Freeport Police Department's dispatch center.

Background Information: Currently, our dispatch center utilizes two Motorola MCC5500 Radio dispatching systems. These consoles serve as the primary means of communication between dispatch and emergency personnel (Police, Fire, EMS and Mutual Aid radio channels). From these consoles, our dispatch center is able to dispatch Fire/EMS through a tone system that alerts personnel through pagers, VHF, 800mhz radio channels all with the push of a button. Without access to this functionality our dispatch center would be unable to efficiently contact emergency personnel in an expedited manner.

During equipment failures dispatch must communicate through hand held radios (requiring 1 radio per channel totaling 5 radios), cell phones or other means. Dispatchers are unable to monitor or respond over all of the various radio channels from a single station. This lack of communication interoperability lowers emergency response times in situations where seconds matter. Our current dispatch consoles have been in service since July 2007 making these systems over 13 years old.

In October of 2019, Motorola announced that the MCC5500 model of dispatch equipment has been marked as end of life and announced Service Support is ending in December 2021. End of life means the manufacturer has stopped production and sales on this item including parts, software updates and will only offer support for a limited time as the obsolete equipment is phased out. As time goes on, replacement parts for repairs and service will be harder to find and eventually this equipment will reach a state where it is not able to be repaired or serviced.

Special Considerations: N/A

Financial Impact: The total cost of this project is \$165,002.00 which exceeds the allowable grant funding amount for this grant. The recommendation of the grant advisor is to ask for equipment only \$115,000.00. Therefore; if awarded, \$49,502.00 will need to be included in the FY2020-2021 budget.

Board or 3rd Party recommendation: N/A

Supporting Documentation:

Funding Announcement Criminal Justice Program, FY2021

Resolution

RESOLUTION NO. 2020-2621

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY TO EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM THROUGH THE OFFICE OF THE GOVERNOR FOR A RADIO CONSOLE UPGRADE, AND AGREEING TO CERTAIN CONDITIONS IN CONNECTION WITH SUCH GRANT; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Freeport finds it in the best interest of the citizens of Freeport, Texas, that the Radio Console Upgrade be operated for the 2021 year; and

WHEREAS, the City of Freeport agrees to provide applicable matching funds for the said project as required by the Edward Byrne Memorial Justice Assistance Grant Program (JAG) grant application; and

WHEREAS, the City of Freeport agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Freeport assures that the funds will be returned to the Office of the Governor in full; and

WHEREAS, the City of Freeport designates the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Freeport, Texas:

First, that the City of Freeport approves submission of the grant application for the Radio Console Upgrade to the Office of the Governor.

Second, that the City Council of the City designates The Freeport City Manager as the grantee's authorized official.

Third, the authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the City.

Fourth, the City agrees that in the event of loss or misuse of the Office of the Governor Funds, the City assures that the funds will be returned to the Office of the Governor in full.

Fifth, in the event any section or provision of this resolution 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 resolution and such remaining sections and provisions shall remain in full force and effect.

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

READ, PASSED AND ADOPTED this 2nd day of March 2020

**Brooks Bass, Mayor
City of Freeport, Texas**

ATTEST:

**Betty Wells, City Secretary,
City of Freeport, Texas**

APPROVED AS TO FORM ONLY:



Office of the Governor, Public Safety Office Criminal Justice Division Funding Announcement: *Criminal Justice Program, FY2021*

Purpose

The purpose of this announcement is to solicit applications for projects that promote public safety, reduce crime, and improve the criminal justice system.

Available Funding

Federal Funds are authorized under 34 U.S.C. §10152 Edward Byrne Memorial Justice Assistance Grant Program (JAG). All awards are subject to the availability of appropriated federal funds and any modifications or additional requirements that may be imposed by law.

Eligible Organizations

Applications may be submitted by state agencies, public and private institutions of higher education, independent school districts, Native American tribes, councils of governments, non-profit corporations (including hospitals and faith-based organizations), and units of local government, which are defined as a non-statewide governmental body with the authority to establish a budget and impose taxes.

All applications submitted by local law enforcement agencies/offices must be submitted by a unit of government affiliated with the agency, including an authorizing resolution from that unit of government. For example, police departments must apply under their municipal government, and community supervision and corrections departments, district attorneys, and judicial districts must apply through their affiliated county government (or one of the counties, in the case of agencies that serve more than one county).

Application Process

Applicants must access the PSO's eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding. For more instructions and information, see *Developing a Good Project Narrative Guide*, available [here](#).

Key Dates

Action	Date
Funding Announcement Release	12/13/2019
Online System Opening Date	12/13/2019
Final Date to Submit and Certify an Application	02/27/2020 at 5:00pm CST
Earliest Project Start Date	10/01/2020

Project Period

Projects must begin on or after 10/01/2020 and may not exceed a 12-month project period.

Funding Levels

Minimum: \$10,000

Maximum: None

Match Requirement: None

Standards

Grantees must comply with standards applicable to this fund source cited in the State Uniform Grant Management Standards ([UGMS](#)), [Federal Uniform Grant Guidance](#), and all statutes, requirements, and guidelines applicable to this funding.

Eligible Activities and Costs

Funding may be used to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for **criminal justice purposes**, including for any one or more of the following:

1. Law enforcement;
2. Prosecution;
3. Crime Prevention;
4. Corrections and community corrections;
5. Reentry;
6. Behavioral Health; and
7. Assessment and Evaluation;

Note: "Criminal Justice Purposes" is defined as activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency.

Program Specific Requirements

Local Government Certification of Compliance with 8 U.S.C. 1373 and 1644. Applicants will be required to submit a Certification of Compliance with 8 U.S.C. § 1373 & 1644 signed by the Chief Legal Officer.

Eligibility Requirements

1. Entities receiving funds from CJD must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. The disposition completeness percentage is defined as

the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

2. Beginning January 1, 2020, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions within seven business days to the Criminal Justice Information System at the Department of Public Safety. By January 1, 2021, such reporting must take place within five business days.
3. Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety (DPS) for inclusion in the annual Uniform Crime Report (UCR). To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year.
4. The Texas Department of Public Safety (DPS) has established a goal set by the Texas Legislature for all local law enforcement agencies to implement and report crime statistics data by using the requirements of the National Incident-Based Reporting System (NIBRS). Additionally, the Federal Bureau of Investigations (FBI) will collect required crime statistics solely through the NIBRS starting January 1, 2021. Due to the upcoming federal deadline, grantees are advised that eligibility for future grant funding may be tied to compliance with NIBRS. Financial grant assistance for transitioning to NIBRS may be available for your jurisdiction from the Public Safety Office.
5. Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2021 or the end of the grant period, whichever is later.

6. Eligible applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency (to request a DUNS number, go to <https://fedgov.dnb.com/webform>).
7. Eligible applicants must be registered in the federal System for Award Management (SAM) database located at <https://sam.gov/>.

Failure to comply with program eligibility requirements may cause funds to be withheld and/or suspension or termination of grant funds.

Prohibitions

Grant funds may not be used to support the unallowable costs listed in the [Guide to Grants](#) or any of the following unallowable costs:

1. Construction, renovation, or remodeling;
2. Medical services;
3. Security enhancements or equipment for non-governmental entities not engaged in criminal justice or public safety;
4. Non-law enforcement vehicles or equipment for government agencies that are for general agency use;
5. Equipment, supplies, and other direct costs associated with processing DNA evidence;
6. Costs associated with implementing the National Incident-Based Reporting System (NIBRS) (agencies seeking funds for NIBRS projects should apply for funding under the NIBRS funding announcement);
7. Automated license plate readers, cell-site simulators, drones, or other surveillance equipment that may infringe upon the civil liberties of Texans;
8. Activities or costs in support of Operation Border Star (agencies seeking such funding should apply under Homeland Security and Grants Division funding announcements)
9. Law enforcement equipment that is standard department issue;
10. Transportation, lodging, per diem or any related costs for participants, when grant funds are used to develop and conduct training for outside participants;
11. Items listed on the [Byrne JAG Prohibited Expenditure Category A and B List](#);
12. Rifle-resistant body armor (NIJ Compliant Type IIIA and below is eligible); and
13. Any other prohibition imposed by federal, state or local law or regulation.

Selection Process

1. For eligible local and regional projects:
 - a. Applications will be forwarded by CJD to the appropriate regional council of governments (COG).
 - b. The COG's criminal justice advisory committee will prioritize all eligible applications based on State priorities, identified community priorities, cost and program effectiveness.
 - c. CJD will accept priority listings that are approved by the COG's executive committee.
 - d. CJD will make all final funding decisions based upon eligibility, approved COG priorities, reasonableness of the project, availability of funding, and cost-effectiveness.
2. For state discretionary projects, applications will be reviewed by CJD staff members or a review group selected by the executive director. CJD will make all final funding decisions based on eligibility, reasonableness, availability of funding, and cost-effectiveness.

Contact Information

For more information, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.



City Council Agenda Item # 10

Title: Consideration of adopting the Master Fee Schedule Resolution

Date: March 2, 2020

From: Billywayne Shoemaker, Building Official

Staff Recommendation:

Approve the adoption of the master fee schedule Resolution, updating the comprehensive listing of building and code's fees associated with services provided by the City.

Item Summary:

The Building department has identified issues that require changes and clarifications to the fee schedule. Attached is a copy of the recommended fees.

Special Considerations:

Cities across the state of Texas were left scrambling last year after the State Legislature passed House Bill 852, which prohibited the City from utilizing a very common practice on new construction for residential permits. The City previously used the value of construction to calculate permit fees. Now that this is prohibited, The City is charging per square foot.

We evaluated that 45 cents would maintain our former and current revenue. We came up with the rate of 45 cents per square foot by evaluating projects in the past and those in the future; the intent was to make sure the rate is fair. We have identified some areas of concern which bring us to this resolution.

Although 45 cents appears to be the right number for new residential construction, it does not work for commercial projects. We are recommending returning to the cost evaluation on commercial projects, which is allowable under HB 852. Other cities in Texas decided upon a rate as low as 30 cents while others have gone as high as 89 cents per square foot. We will continue to monitor to make sure, that 45 cents is fair.

In addition we are addressing some of the other fees, such as individual items that were left out or not clearly defined, such as window, siding, and mowing.

Other cities in Texas decided upon a rate as low as 30 cents while others have gone as high as 89 cents per square foot. We will continue to monitor to make sure, that 45 cents is fair.

Financial Impact:

This change keeps us closely in line with our former revenue.

Board or 3rd Party recommendation:

None

Supporting Documentation:

Existing versus proposed fees

Resolution

Existing Vs Proposed

FREEPORT BUILDING AND CODES DEPARTMENT 2019

Description	Existing	Proposed
Building Permits		
Residential		
Residential (New Construction without EMP)	No Change	\$0.45 / sq. ft. / min \$100.00
Multi-Family 4 or more units (New Construction without EMP)	\$0.45 / sq. ft. / min \$25.00	\$0.35 / sq. ft. / min \$100.00
Alterations, Renovations, Remodels, or Additions (without EMP)	\$0.30 / sq. ft. / min \$25.00	\$0.20 / sq. ft. / min \$100.00
Preliminary Plan Review by City Staff	No Change	1/2 Permit fee
Preliminary Plan Review by Outside Consultant	No Change	Actual Cost
Carpport, Sheds less than 120 sq. ft.	\$0.30 / sq. ft. / min \$25.00	\$0.20 / sq. ft. / min \$25.00
Storage Sheds in Excess of 120 sq. ft.	\$0.30 / sq. ft. / min \$25.00	\$0.20 / sq. ft. / min \$25.00
Detached Garage	\$0.30 / sq. ft. / min \$25.00	\$0.35 / sq. ft. / min \$50.00
Fence	\$25.00	\$0.10 / Lft. / min \$25.00
Roof	No Change	\$0.04 / sq. ft. / min \$25.00
Siding	New	\$0.04 / sq. ft. / min \$25.00
Driveway	New	\$0.04 / sq. ft. / min \$25.00
Windows / Doors 1 - 5	New	\$25.00 + \$5.00 for each additional
Non Residential		
(New Construction, Alterations, Renovations, Remodels, Additions, or Demolition)		
Preliminary Plan Review by City Staff	No Change	1/2 Permit fee
Preliminary Plan Review by Outside Consultant	No Change	Actual Cost
\$1.00 to \$500.00	\$0.45 / sq. ft. / min \$25.00	\$25.00
\$501.00 to \$2,000.00	\$0.45 / sq. ft. / min \$25.00	\$25.00 for the first \$500.00 plus \$3.25 for each additional \$1000.00, or fraction thereof to and including \$2 000.00

Existing Vs Proposed

\$2,001.00 to \$25,000.00	\$0.45 / sq. ft. / min \$25.00	\$75.00 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$0.45 / sq. ft. / min \$25.00	\$405.00 for the first \$25,000.00 plus \$10.60 for each additional \$1,000.00, or fraction thereof to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$0.45 / sq. ft. / min \$25.00	\$675.00 for the first \$50,000.00 plus \$7.35 for each additional \$1,000.00, or fraction thereof to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$0.45 / sq. ft. / min \$25.00	\$1,045.00 for the first \$100,000.00 plus \$5.90 for each additional \$1,000.00, or fraction thereof to and including \$500,000.00
\$500,001.00 to 1,000,000.00	\$0.45 / sq. ft. / min \$25.00	\$3,395.45.00 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof to and including \$1,000,000.00
\$1,000,001.00 and up	\$0.45 / sq. ft. / min \$25.00	\$5,888.40 for the first \$1,000,000.00 plus \$3.35 for each additional \$1,000.00, or fraction thereof
General		
Re-inspection (after 2nd failed inspection)	No Change	\$25.00
Starting a Project Without a Permit	\$100.00 + Double Permit Fee	Double Permit Fee
House Moving	No Change	\$100.00
Signs (sq. ft of Marquee)	No Change	\$25.00 + \$0.25 / sq. ft.
Clearing and Dirt Work	Added term of Dirt Work	\$50.00
Fire Alarm	No Change	\$100.00
Open Burning	No Change	\$25.00 + Prior Written Permission from City
Floodplain	No Change	\$50.00
Drilling Permit (112.16)	No Change	\$100.00
Change of Location (Drilling) (112.18)	No Change	\$50.00
Specific Use Permit	No Change	\$150.00 + Actual Cost (publication & notification)
Variance Request	No Change	\$150.00 + Actual Cost (publication & notification)
Rezoning of Property	No Change	\$150.00 + Actual Cost (publication & notification)

Existing Vs Proposed

Demolition			
Residential	No Change		\$50.00
Residential Electrical			
Electrical (New Construction / Alterations / Renovations / Remodels)	No Change		\$0.04 / sq. ft. / min \$50.00
Service Change Out or Panel replacement	No Change		\$25.00
Temporary Pole	\$15.00		\$25.00
Residential Plumbing			
Residential (New Construction / Alterations / Renovations / Remodels)	No Change		\$0.10 / sq. ft. / min \$75.00
Gas Piping System (House to Main)	No Change		\$40.00
Leak Repair and Gas Test	New		\$25.00
Lawn Sprinkler System	No Change		\$25.00
Swimming Pool (In ground Pools)	No Change		\$100.00
Water Heater Installation	No Change		\$25.00
Residential Mechanical			
Residential (New Construction / Alterations / Renovations / Remodels)	No Change		\$0.04 / sq. ft. / min \$50.00
Mowing			
Administrative Fee	New		\$75.00
Contractor Cost	New		Actual Cost
Penalty	New		10% per year for each Occurrence
Substandard Building			
Demolition			
Administrative Fee	New		\$75.00

Existing Vs Proposed

Contractor Cost	New		Actual Cost
Penalty	New	10% per year for each Occurrence	
Trash Removal			
Administrative Fee	New		\$75.00
Contractor Cost	New		Actual Cost
Penalty	New	10% per year for each Occurrence	
Securing Vacant Structures			
Administrative Fee	New		\$75.00
Contractor Cost	New		Actual Cost
Penalty	New	10% per year for each Occurrence	
Plats			
Preliminary Plat		\$10 per plat, plus \$1 per lot.	\$100 per plat, plus \$10 per lot.
Final Plat		\$20 per plat, plus \$2 per lot.	\$150 per plat, plus \$20 per lot.
Preliminary and Final Plat with Multiple Building	No Change		\$5 / Acre
Re-play/Amended Plat	Corrected		\$100 per plat, plus \$10 per lot.
Preliminary Plan Review by City Staff		1/2 Permit fee	1/2 Permit fee
Preliminary Plan Review by Outside Consultant		Actual Cost	Actual Cost
Temporary Mobile Office			
6 Month	No Change		\$200.00
12 Month	No Change		\$300.00
Storm Water Permit Fee			
Permit	No Change		Acreage x \$45
Health Permit Fee			
Food Establishment	No Change		\$100.00
Temporary Food Establishment	No Change		\$25.00
Mobile Food Establishment	No Change		\$100.00

Existing Vs Proposed

Mobile Food Establishment Additional Permit	No Change	\$50.00
Child Care Facility	No Change	\$50.00
Group Residence	No Change	\$100.00
Re-inspection Fee	No Change	\$25.00
Caterer's license, per Year	No Change	\$125.00
Pool Inspections	No Change	\$25.00
51.157 PRETREATMENT CHARGES AND FEES .		
Wastewater discharge permit	No Change	Actual Cost Plus 10 %
Monitoring, inspection, and surveillance procedures	No Change	Actual Cost Plus 10 %
Accidental discharge Response Fee	No Change	Actual Cost Plus 10 %
Filing appeals	No Change	Actual Cost Plus 10 %
Surcharges for all other pollutant	No Change	\$250/day
54.37 STORM WATER POLLUTION PREVENTION PLAN (SWP3).		
Permit fee (54.50)	No Change	Actual Cost Plus 10 %
Monitoring, inspection, and surveillance	No Change	Actual Cost Plus 10 %
Plan Review	No Change	1/2 Permit Fee
Inspections	No Change	Actual Cost Plus 10 %
Spill Response	No Change	Actual Cost Plus 10 %

RESOLUTION NO. 2020-2622

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS AMENDING THE MASTER FEE SCHEDULE FOR ASSESSING RATES AND FEES AND CHARGES FOR SERVICES PROVIDED BY CITY DEPARTMENTS, USE OF CITY PROPERTY, AND PURCHASE OF CERTAIN GOODS PROVIDED BY THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR A FINDING OF PROPER MEETING AND NOTICE.

WHEREAS, the City Council of the City of Freeport, Texas ("City") seeks to provide for reasonable fees and charges for services provided by City departments, use of City property, and purchase of certain goods provided by the City in order to recoup the cost of conducting municipal business on the public's behalf without unduly relying on taxes; and

WHEREAS, on October 21, 2019, the Freeport City Council authorized by ordinance 2019-2587 the adoption of a Master fee schedule, and at the same meeting, by resolution 2019-2611, established the city of Freeport Master Fee Schedule, identifying all fees and charges levied by the City for services, use of city property, and purchase of certain goods provided by the city.

WHEREAS, from time to time the Master Fee Schedule shall be amended as deemed necessary by the city council by resolution.

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

SECTION 1. FEES. Pursuant to the provisions of its Code of Ordinances, as amended by Ordinance No. 2019-2587, the City Council of the City hereby amends the Master Fee Schedule with the rates and fees attached hereto as Exhibit "A".

SECTION 2. EFFECTIVE DATE. This resolution and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect on the date of passage and upon execution by the mayor and city secretary as set forth below.

SECTION 3. PROPER NOTICE AND MEETING. It is hereby found and determined that the meeting at which this resolution was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

Read, passed and adopted the _____ 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

Exhibit "A"

FREEPORT BUILDING AND CODES DEPARTMENT 2019

Description	Proposed
Building Permits	
Residential	
Residential (New Construction without EMP)	\$0.45 / sq. ft. / min \$100.00
Multi-Family 4 or more units (New Construction without EMP)	\$0.35 / sq. ft. / min \$100.00
Alterations, Renovations, Remodels, or Additions (without EMP)	\$0.20 / sq. ft. / min \$100.00
Preliminary Plan Review by City Staff	1/2 Permit fee
Preliminary Plan Review by Outside Consultant	Actual Cost
Carport, Sheds less than 120 sq. ft.	\$0.20 / sq. ft. / min \$25.00
Storage Sheds in Excess of 120 sq. ft.	\$0.20 / sq. ft. / min \$25.00
Detached Garage	\$0.35 / sq. ft. / min \$50.00
Fence	\$0.10 / Lft. / min \$25.00
Roof	\$0.04 / sq. ft. / min \$25.00
Siding	\$0.04 / sq. ft. / min \$25.00
Driveway	\$0.04 / sq. ft. / min \$25.00
Windows / Doors 1 - 5	\$25.00 + \$5.00 for each additional
Non Residential	
(New Construction, Alterations, Renovations, Remodels, Additions, or Demolition)	
Preliminary Plan Review by City Staff	1/2 Permit fee
Preliminary Plan Review by Outside Consultant	Actual Cost
\$1.00 to \$500.00	\$25.00
\$501.00 to \$2,000.00	\$25.00 for the first \$500.00 plus \$3.25 for each additional \$1000.00, or fraction thereof to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$75.00 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$405.00 for the first \$25,000.00 plus \$10.60 for each additional \$1,000.00, or fraction thereof to and including \$50,000.00

\$50,001.00 to \$100,000.00	\$675.00 for the first \$50,000.00 plus \$7.35 for each additional \$1,000.00, or fraction thereof to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,045.00 for the first \$100,000.00 plus \$5.90 for each additional \$1,000.00, or fraction thereof to and including \$500,000.00
\$500,001.00 to 1,000,000.00	\$3,395.45.00 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,888.40 for the first \$1,000,000.00 plus \$3.35 for each additional \$1,000.00, or fraction thereof
General	
Re-inspection (after 2nd failed inspection)	\$25.00
Starting a Project Without a Permit	Double Permit Fee
House Moving	\$100.00
Signs (sq. ft of Marquee)	\$25.00 + \$0.25 / sq. ft.
Clearing and Dirt Work	\$50.00
Fire Alarm	\$100.00
Open Burning	\$25.00 + Prior Written Permission from City
Floodplain	\$50.00
Drilling Permit (112.16)	\$100.00
Change of Location (Drilling) (112.18)	\$50.00
Specific Use Permit	\$150.00 + Actual Cost (publication & notification)
Variance Request	\$150.00 + Actual Cost (publication & notification)
Rezoning of Property	\$150.00 + Actual Cost (publication & notification)
Demolition	
Residential	\$50.00
Residential Electrical	
Electrical (New Construction / Alterations / Renovations / Remodels)	\$0.04 / sq. ft. / min \$50.00
Service Change Out or Panel replacement	\$25.00
Temporary Pole	\$25.00

Residential Plumbing		
Residential (New Construction / Alterations / Renovations / Remodels)		\$0.10 / sq. ft. / min \$75.00
Gas Piping System (House to Main)		\$40.00
Leak Repair and Gas Test		\$25.00
Lawn Sprinkler System		\$25.00
Swimming Pool (In ground Pools)		\$100.00
Water Heater Installation		\$25.00
Residential Mechanical		
Residential (New Construction / Alterations / Renovations / Remodels)		\$0.04 / sq. ft. / min \$50.00
Mowing		
Administrative Fee		\$75.00
Contractor Cost		Actual Cost
Penalty		10% per year for each Occurrence
Substandard Building		
Demolition		
Administrative Fee		\$75.00
Contractor Cost		Actual Cost
Penalty		10% per year for each Occurrence
Trash Removal		
Administrative Fee		\$75.00
Contractor Cost		Actual Cost
Penalty		10% per year for each Occurrence
Securing Vacant Structures		
Administrative Fee		\$75.00
Contractor Cost		Actual Cost
Penalty		10% per year for each Occurrence

Plats	
Preliminary Plat	\$100 per plat, plus \$10 per lot.
Final Plat	\$150 per plat, plus \$20 per lot.
Preliminary and Final Plat with Multiple Building	\$5 / Acre
Re-plat/Amended Plat	\$100 per plat, plus \$10 per lot.
Preliminary Plan Review by City Staff	1/2 Permit fee
Preliminary Plan Review by Outside Consultant	Actual Cost
Temporary Mobile Office	
6 Month	\$200.00
12 Month	\$300.00
Storm Water Permit Fee	
Permit	Acreage x \$45
Health Permit Fee	
Food Establishment	\$100.00
Temporary Food Establishment	\$25.00
Mobile Food Establishment	\$100.00
Mobile Food Establishment Additional Permit	\$50.00
Child Care Facility	\$50.00
Group Residence	\$100.00
Re-inspection Fee	\$25.00
Caterer's license, per Year	\$125.00
Pool Inspections	\$25.00
51.157 PRETREATMENT CHARGES AND FEES.	
Wastewater discharge permit	Actual Cost Plus 10 %
Monitoring, inspection, and surveillance procedures	Actual Cost Plus 10 %
Accidental discharge Response Fee	Actual Cost Plus 10 %
Filing appeals	Actual Cost Plus 10 %
Surcharges for all other pollutant	\$250/day

54.37 STORM WATER POLLUTION PREVENTION PLAN (SWP3).	
Permit fee (54.50)	Actual Cost Plus 10 %
Monitoring, inspection, and surveillance	Actual Cost Plus 10 %
Plan Review	1/2 Permit Fee
Inspections	Actual Cost Plus 10 %
Spill Response	Actual Cost Plus 10 %