



**AGENDA  
REGULAR MEETING  
FREEPORT CITY COUNCIL  
MONDAY, AUGUST 1, 2022 at 6:00 P.M.**

**Mayor:**

Brooks Bass

**Council Members:**

Jeff Pena

Jerry Cain

Mario Muraira

Troy Brimage

**City Manager:**

Timothy Kelty

**THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, THE 1ST DAY OF AUGUST, 2022, AT 6:00 P.M., AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS**

**This meeting will be live streamed via Facebook Live and may be accessed on the City of Freeport Facebook page: <https://www.facebook.com/freeporttexas>**

**THE MEETING IS BEING HELD 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, and must include name and address. *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. Proposed Budget Presentation for Fiscal Year 2022-2023. **(Ezell)**

**CONSENT AGENDA:**

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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.

2. Consideration and possible action on the approval of City Council meeting minutes from July 18, 2022. **(Wells)**
3. Consideration of approving various items and equipment for surplus and approve the sale of such items by auction. **(Cramer)**
4. Consideration and possible action approving Resolution No. 2022-2756 approving the recommendation of the Employee Benefits Trust in regard to the award of the Employee Health Insurance Contract. **(Ezell)**
5. Consideration and possible action approving Resolution 2022-2757 appointing/re-appointing a Director to the BWA Board. **(Kelty)**
6. Consideration and possible action amending the authorization for the closure of 2<sup>nd</sup> Street at the Union Pacific Rail Crossing for construction work to the crossing allowing for the closure for up to 30 days with the same conditions that previously required. **(Kelty)**

**COUNCIL BUSINESS – REGULAR SESSION:**

7. **Public Hearing:** Public Hearing and consideration and possible action on an Ordinance of the City of Freeport, Texas, amending its Zoning Ordinance by approving a Planned Unit Development District of approximately 13.71 acres of land located at Sailfish Ave; amending the Official Zoning Map of the City to reflect the planned unit development zoning district to be known as PUD #2. **(Roman)**
8. Consideration and possible action approving AFA Agreement with TXDOT for cooperative construction of the relocation of waterline in 1495 ROW. **(Kelty)**
9. Consideration and possible actions to approve Ordinance No. 2022-2671, closing and abandoning the remaining Division Street right of way between Front Street and the Brazos River and authorizing the sale of said property to Lucy Ware, owner of adjacent property located at 2 North Front Street. **(Kelty)**
10. Consideration and possible action approving Ordinance No. 2022-2672, approving Ordinance setting Policy Agenda. **(Kelty)**
11. Consideration and possible action on amendment to the employee policy Manual regarding a press release/media relations policy. **(Kelty)**

12. Consideration and possible action approving Hurricane Monitoring Contract. **(Motley)**
13. Consideration and possible action of awarding contract for preliminary Architectural Design for Fire Station #1 renovations. **(Kelty/Motley)**
14. Consideration and possible action approving Ordinance No. 2022-2669 approving the new Water/Sewer Rate. **(Ezell)**

**WORK SESSION:**

15. **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 Pena Ward A announcements and comments.
  - C. Councilman Cain Ward B announcements and comments.
  - D. Councilman Muraira Ward C announcements and comments.
  - E. Councilman Brimage 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:**

16. Executive Session regarding a.) (Consultation with City Attorney) potential litigation.  
b.) (Deliberations about Real Property), c) (Personnel Matters) Review of proposals in consideration of appointment of City Attorney in accordance with Texas Government Code Annotated, Chapter 551, Sections 551.071, and 551.074.

**COUNCIL BUSINESS – REGULAR SESSION:**

17. Take any action resulting from Executive Session.

**ADJOURNMENT:**

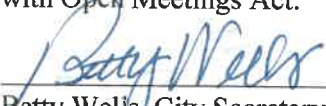
18. Adjourn.
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Items not necessarily discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government 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 2<sup>nd</sup> Street, Freeport Texas, before 6:00 p.m. in accordance with Open Meetings Act.

  
Betty Wells, City Secretary,  
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, July 18, 2022 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 Jeff Pena
- Councilman Jerry Cain
- Councilman Mario Muraira
- Councilman Troy Brimage

Staff:

- Tim Kelty, City Manager
- Betty Wells, City Secretary
- David Olson, Interim City Attorney
- Cathy Ezell, Finance Director
- Kacey Roman, Building Official
- Clarisa Molina, Administrative Assistant
- Chris Motley, Freeport Fire Chief
- Lance Petty, Public Works Director
- Toby Cohen, IT Manager
- Danny Gillchriest Interim Police Chief
- Donna Fisher, Human Resource
- Patricia Castillo, Public Works

Visitors:

Kenny Hayes	Bob Casale
Manning Rollerson	Melanie Oldham
Sam Reyna	George Matamoros
Raul Ramirez	Breanna Brimage
Sabrina Brimage	Jim Sacammano
Pam Dancy	Billy Toomer
Roger Rowe, Veolia	Ruth Rollerson
Jason Hayes	Elliott Hughes, VW
Les Girouard	

**Call to order.**

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

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Invocation was led by City Manager Tim Kelty, the Pledge was led by Mayor Bass.

### **CITIZENS' COMMENTS:**

Bob Casale spoke to council about giving him business cards from each council member. He also asked if a decision was made on allowing more time for citizens comments.

Manning Rollerson said he is being harassed by the Freeport Police Department. Mr. Rollerson spoke of the safety of the citizens, he said Interim Chief Gillchriest is not qualified for the position.

Sam Reyna welcomed Interim City Attorney David Olson to the City of Freeport. Mr. Reyna spoke about Mr. Kelty's review in executive session, he said it seems he is in review in every meeting. This should be done once a year. He said there has been a hidden agenda against the City Manager, by Councilmen Pena and Muraira.

Pam Dancy, 313 S. Front said the PIR on BrazTex should be moved to Open Session, she said the citizens funded this investigation.

Jim Sacammano 1507 West 10<sup>th</sup> spoke of the Main Street Program. He has this is commendable thing. They have an advantage. He said the VW project has potential to continue Economic Development we want to see.

George Matamoros, 1722 N. Ave O said he was unable to attend the last few minutes, so he watched the live stream. He said it was disturbing. Mr. Matamoros said one Councilman has hijacked the City Government for his own personal agenda. He spoke of the disinformation the Councilman provides, in council chambers and on social media. He said it is time for this to stop. He said we have real issues that need solving in the city. He spoke of the Councilman asking for water accounts for residents and businesses. He is tired of seeing the same Council Members bashing the City Staff. He said his last comment is to his Ward Councilman, he said I did not vote for you to be a proxy to another councilman. I voted for you as a representative and to speak on my behalf for issues in my Ward, and this City.

Melanie Oldham 922 West 5, she said that she has attended council meetings for about 9 years. She spoke of the items that were put on the agenda by Councilmen Pena and Muraira. Ward A Councilman use to visit with her, but if I disagreed he cut off all communication. She said that Councilman Pena would say one day he will figure out a way to get rid of Brimage, Kelty, Mayor Bass, and Holman. She said that he hopes Councilman Muraira will start leading and thinking on his own. She said all of the negativeity has to stop.

Kenny Hayes, 414 Mystery Harbor he said it is appalling what Councilman Pena put on Facebook. He said he knows the City Manager is professional. He is a very good City Manager. He spoke of the defamation that Councilman Pena put on Facebook. He said Mr. Kelty has to face these accusations.

### **PRESENTATION/ANNOUNCEMENTS:**

#### **Presentation of Employee of the Month for the month of June**

City Manager Tim Kelty presented the Employee of the Month of June, to Patricia Castillo. He also recognized Adriana Martinez and Shree Cruz.

### Presentation of 3<sup>rd</sup> Quarter Investment Report.

Finance Director Cathy Ezell presented to council the 3<sup>rd</sup> Quarter Investment Report. She said no action is required. Mayor Bass asked if she anticipates increase in the interest rates? Ms. Ezell said yes.

### CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from July 5, July 7, and July 11, 2022.

Consideration and possible action of appointing Interim Deputy City Attorney for Prosecution.

Councilman Muraira asked if the Deputy City Attorney will be with Olson and Olson? Mayor Bass said no, this is the City Prosecutor for the Class C Cases. And the Interim Deputy City Attorney for Prosecution being recommended is Pat Taylor.

Consideration and possible action approving Resolution No. 2022-2755 appointing person the Senior Citizens Committee.

A motion was made by Councilman Brimage, seconded by Councilman Cain to approve the consent agenda, with the record reflecting Diane Crosby is being reappointed to the Senior Citizen Committee. With all present voting "Aye" 5-0 council unanimously approved the Consent Agenda.

### COUNCIL REGULAR AGENDA

Mayor Bass opened the Public Hearing at 6:30 PM.

Public Hearing: Public Hearing and consideration and possible action approving Ordinance No. 2022-2668 regarding Commercial Building Inspections.

City Manager Tim Kelty said this Ordinance has been brought before council a few times at council's request to allow for more public input. He this ordinance remains as originally presented.

Manning Rollerson is in support of the ordinance. He said everything needs to be inspected, and some buildings need to be torn down.

Melanie Oldham supports this ordinance. She said there are buildings that have been neglected for years. She said a Councilman owns a building, and the bricks are falling off. She said we need to make the buildings safe.

Councilman Pena said the brick is on back order, and the engineer says the building is safe in the current condition. Councilman Pena spoke on the ordinance and his issues are the same. Councilman Pena said #3 and #4 makes sense to him, but he would like changes to #1 and 2 of this ordinance.

Councilman Cain said his issue with the ordinance is with #1. He does not agree if it is the same type business, there does not need to be an inspection. He said he agrees if it is six months or longer, he sees an inspection at this point.

Ms. Roman said there must be an inspection on any food established business, this is required by the State. But if it is just office to office it does not require an inspection before six months.

Public Hearing was closed at 6:40 PM.

A motion was made by Councilman Pena, seconded by Councilman Cain, to pass the ordinance with the changes discussed in the Public Hearing. With discussion that followed.

Interim City Attorney, David Olson said he will make the changes to #1 to say "Change of ownership of the building if vacant for 6 months prior, or as otherwise required by State Law". He said #2 will be the same, but for tenant.

Mayor Bass called the motion for vote, with all present voting "Aye" 5-0 council unanimously approved Ordinance No. 2022-2668 regarding Commercial Building Inspections.

Mayor Bass opened the Public Hearing at 6:42 PM.

**Public Hearing on a request for a Tax abatement from PRP KDC Freeport Development LLC, located in Reinvestment Zone 2022-01, City of Freeport located within the boundaries of the city.**

Melanie Oldham said there has been a lot of discussion with the EDC, she said it was strongly recommended this be presented to the City Council. There are a lot of benefits that will be brought.

Manning Rollerson said he is not against growth for the City, but he is against population deduction. He said there should be an Environmental Impact Study.

George Matamoros said we need to welcome VW with open arms.

City Manager Tim Kelty said this was brought before City Council on May 26, in a Special Meeting. This was done improperly, it must be held in a Regular City Council Meeting. Mr. Kelty said staff recommends approval, as a ratification to the previous action.

Manning Rollerson said Freeport is not growing with population, people are leaving the City.

Councilman Pena said he wants to be clear City of Freeport should be attracting VW and other businesses. He said we are open for business, but not being taken advantage of. He said the May 26 ordinance is not binding. Councilman Pena said he wants the supporting documentation, to understand all behind this Tax Abatement.

Councilman Cain said he is the liaison for the EDC and attends the meetings. He said the Tax Abatement was sent to Council by the EDC. Which was voted on he believes unanimously to come before council and be voted on. He said once again this discussion was voted unanimously. Councilman Cain said the one thing he wants to point out, the financial impact is \$171,000 per year, in potential future revenue, if this project happens. He said the \$171,000 times seven years is \$1.97 Million, not \$2Million. He said this is important. Councilman Cain said in discussion with the EDC a comment came up, that Freeport usually finds a way, to get in its own way. He said he for one will not let Freeport get in the way of this one.

Councilman Muraira said he is wished we could have met to discuss the simple things, like education. He said he is glad they are here.



Councilman Brimage said he agrees with Councilman Cain, he made valid points and we need to get this moving forward.

Councilman Pena asked if this was a seven-year Tax Abatement, Mayor Bass said yes. Mayor Bass said the things we asked for from VW and are in the Agreement. He asked Mr. Hughes about supporting documents, and contracts with the port. Mr. Hughes said there is no approved contract nor lease.

Manning Rollerson spoke about the Environmental Impact Study. Mayor Bass asked Mr. Hughes if he is aware of this study. Mr. Hughes said he does not know of any.

Public Hearing closed at 7:07 PM

Consideration and Possible action on Ordinance No. 2022-2667 an Ordinance approving a tax abatement located in Reinvestment Zone 2022-01, City of Freeport located within the boundaries of the city

A motion was made by Councilman Brimage, seconded by Councilman Cain, with all present voting "Aye" 5-0 council unanimously approved Ordinance No. 2022-2667 approving a tax abatement located in Reinvestment Zone 2022-01, City of Freeport located within the boundaries of the city.

Consideration and possible action approving Primary and Secondary Disaster Debris Removal Services Contracts.

Fire Chief Motley presented to council the possible action approving Primary and Secondary Disaster Debris Removal Services Contracts. He said this went out for RFP, and we received bids from five companies. Chief Motley said staff recommends awarding the bid to Ashbrite as the primary company. And awarding the bid to Ceres as the secondary.

Mayor Bass said they have recent experience. Chief Motley said they did our debris cleanup from Hurricane Nichols.

A motion was made by Councilman Cain, seconded by Councilman Muraira with all present voting "Aye" 5-0 council unanimously award the bids for Primary and Secondary Disaster Debris Removal Services and authorize the Mayor to sign the contracts after being prepared and approved by City Attorney.

Consideration and possible action approving the EDC Project and Economic Development between the Freeport EDC and 905 North Brazosport, LLC., for the development of a Starbucks.

City Manager Tim Kelty presented to council the EDC Project and Economic Development between the Freeport EDC and 905 North Brazosport, LLC., for the development of a Starbucks. This comes from the EDC where it was voted on unanimously.

Councilman Cain said there was a lot of discussion by EDC for this. He said it will be good for the City.

A motion was made by Councilman Cain, seconded by Councilman Pena, with all present voting "Aye" 5-0 council unanimously approved the EDC Project and Economic Development between the Freeport EDC and 905 North Brazosport, LLC., for the development of a Starbucks.

Manning Rollerson asked if the Grant money for downtown is not being used for this Starbucks?

### Bulk Trash Door Hangers and Fines- Discussion and Possible Action

A motion was made by Councilman Pena, seconded by Councilman Cain to table this item.

### Bulk Trash Brush and Mulch Services- Machinery and Cost Analysis - Discussion and Possible Action

Councilman Pena said this is something he would like to get some kind of cost analysis. Mr. Kelty said he has reached out to the City Manager in Lake Jackson, but he has not responded yet.

Councilman Cain said on this point, he would be interested to see what are our options with the mulch that is made. Are we going to be able to use it or is it just going to pile up and one day catch fire?

Councilman Pena made a motion, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved that Administration provide all the information on the Machinery and Cost Analysis.

### Review of any and all contracts between City of Freeport and Olson and Olson... Consideration and Take Possible Action to repeal Interim City Attorney Services from Olson and Olson due to potential conflicts and previous services with City/EDC.

Councilman Pena said he brought this back simply because we did not see the contract. Mayor Bass said the contract was attached on the last agenda. Councilman Pena said this is more of housekeeping, council should have weighed in on this contract. Interim City Attorney said this is not a contract for a term, this is an agreement that can end at any time. It was approved by council at the previous meeting. No action taken.

### Levy Jog Trail Re-route and Estimate Review - Discussion and Possible Action.

Lesa Girouard, 121 Brazos Landing spoke to council of the reroute to the levy jog trail. She is against this. She said the existing trail lights are in bad condition, the post needs painting and there are wires hanging out. She does not believe the trail is being taken care of. She asks that council votes to not allow this levee run behind people's homes.

Kenny Hayes said he does not see any problems with the current walking the trail. He said this will be a waste of money.

Councilman Muraira said he runs the levy, and the lights on the levy do work, and looks really good at Riverplace. Councilman Muraira thanked Mr. Petty for this. Councilman Muraira said on the side of the levy where there is no trail, no property of homeowners, is where he thinks the the trail should be rerouted. People can then see where they are going, and cars can see the people.

Councilman Cain said he spoke with several of Ms. Girouard's neighbors, and all but one has the same feeling as Ms. Girouard. Councilman Cain said the one thing we have not considered is lighting, and the cost it would take to add new lighting on top of the levy. He said he spoke with a lady using the trail that makes the full circle. He asked if she felt unsafe at the boat ramp. She said she felt safer at the boat ramp, because there are more people.

Councilman Pena said he did an informal poll in the morning, and evenings, sitting at the park. He said during this time there are about 5-8 people that use the levy.

A motion was made by Councilman Pena that we reroute the Levy Jog Trail, as described in the map, seconded by Councilman Muraira.

Councilman Muraira asked that Councilman Pena amend his motion to extended the trail along the levee only between the two entry roads to the park. Councilman Muraira said with that amendment the trail along the levee would connect back with the existing trail by where the Community House was. Mayor Bass asked if Councilman Pena would like to amend his motion. Councilman Pena asked how do we negotiate traffic and safety. Mayor Bass said this will not be going behind the houses at Brazos Landing. It is the section of the levy between the two roadways. Councilman Muraira said we can add mirrors so traffic can see the pedestrians.

Mayor Bass asked Councilman Pena would be willing to amend his motion as requested by Councilman Muraira. Councilman Pena said he did not understand the requested amendment Mayor Bass explained that Councilman Muraira requested his motion be amended to include the new layout for the trail would extend between the ingress, and the egress of the road, that lead above the levee and over the levee by the T-Dock.

Councilman Cain asked Councilman Pena how many people make the full circle, and how many goes park to park? Pena said there is not a way to make a full circle as it is. Mayor Bass explained what was meant by the full circle.

Councilman agreed to amend his motion as requested by Councilman Muraira, seconded by Councilman Muraira.

Mayor Bass called the motion to a vote. With a 3-2 vote motion failed. Councilman Brimage, Councilman Cain, and Mayor Bass voted "Nay"

#### Contract Review of VW Tax Abatement and Starbucks Grant-Discussion and Possible Action.

Councilman Pena acknowledged the item has been resolved.

#### City of Freeport Press Release Process - Discussion and Possible Action.

Councilman Pena said he wants to make sure we discuss in public for all the issues that may happen in the City. He said the lack of a press release process and a press release policy has caused a lot of confusion, suspicion and distrust of City Hall.

A motion was made by Councilman Pena that City Council instructs the City Staff to put together a policy for press release, and bring back to council for review. Seconded by Councilman Muraira. With all present voting "Aye" 5-0 council unanimously approved City of Freeport Press Release Process.

#### Council Agenda policy Discussion and Possible Action.

Councilman Pena presented Council Agenda Policy to council. He said he asking that there be a policy for the agenda, for the residents. He said he thought this is something we can add to the current agenda policy.

A motion was made by Councilman Pena that we amend the current agenda policy Ordinance No. 2022-2657 to specifically allow the residents of Freeport to provide an agenda request for the following meeting. With a lack of a second, motion failed.

Pam Dancy said citizens come and speak at meetings, ask questions and the issues are never answered.

#### Sandcastle Tournament - Discussion and Possible Action.

There was no action.

#### Soccer Field Lighting Estimates - Discussion and Possible Action.

Councilman Muraira said we have three quotes, one from Penney's Electric, Electric Cool On, and Hope and Hope Electric. He asked which staff recommends. Mr. Kelty said we are already proceeding with this. Mr. Petty said we will pick up the generator tomorrow. Electrician is lined up to do the work, this project is progressing.

#### City Employee Policy Handbook - Discussion and Possible Action

Councilman Pena said he wanted to discuss the drug policy Section 5.13 pages 5-6 for the City of Freeport. He highlighted there is zero tolerance, and with a violation there would be immediate termination. He said he would like clarification on this.

Ms. Ezell said this is not necessarily how the policy works, because we offer an employee to seek help. If they refuse the random or drug test, this will be grounds for termination. She said an employee may have a prescription that may make them fail a test. Mr. Kelty said he has discretion in the final decision.

No action taken.

#### **WORK SESSION:**

Councilman Pena spoke on citizens comments made by Manning Rollerson, and the emails he sent to council. Councilman Pena said he will make sure he responds to the emails. He said Mr. Reyna spoke on the City Managers review, he said it is not required to be in August, if there are infractions now. He said Ms. Dancy asked for the report Braztex to be public, he said he will support this if it is at the pleasure of the council. He thanked Mr. Sacammano for supporting the VW deal. He said to Mr. Matamoros there is no disinformation campaign he said what he puts out, he makes sure it is already public record, and documentation to support it. He said he will repeat that he is the only council with perfect attendance for all meetings. Councilman Pena said take the news from the newspaper with a grain of salt, they are not always correct. He said we can disagree as councilmen, but we can speak fairly and openly. Councilman Pena spoke on the comment of wanting to remove Councilman Brimage, Mr. Kelty, Mayor Bass and Mr. Holman and I want to clarify this comment by Ms. Oldham. He said I will pursue the removal of anyone who personally attacked or insulted citizens.

Councilman Cain thanked council for the good conversation. He said there were decisions made for the best of the City, instead of the shenanigans that have been going on. He said he encourages council to continue working in the manner tonight. Councilman Cain said the City Parks with playgrounds needs some attention. He said the grass is overgrown. He said there is very little mulch. He said let's get this back on the priority list.

Councilman Muraira said he had raised a lot of citizen concerns to Mr. Kelty, and they have all been taken care of. He said thank you Mr. Kelty and Lance for addressing these issues.

Councilman Brimage asked that Chief Motley thank the EMS for taking care of his dad. He said his dad had a bad accident, he has 27 stiches in his hand, and 28 in his face. He said he just wants to commend Chief Motley and his staff for the quick response. He said kudos to Lance and his staff and we appreciate their hard work in this heat.

City Manager Tim Kelty said he wants to remind everyone that Kidfest is coming up. He said we are getting into the budget season, and he will get the calendar out tomorrow.

Mayor Bass thanked Mr. Kelty and the administration for putting on the Strategic Planning Meeting. He said he thinks the budget will be one we are proud of. He said administration is working hard to get this done for us.

Councilman Muraira asked if City Hall will be open tomorrow. Mr. Kelty said yes, there were issues with the AC today. Councilman Muraira said he would like to tour O. A. Fleming.

#### Update on reports / concerns from Department heads

Councilman Pena said there is a water leak on 722-726 West 11<sup>th</sup> he said it is causing street damage. He asked Ms. Roman if permits were pulled for the 500 Block of Broad street, for the new homes being built. Councilman Pena asked Mr. Kelty about the mold reports. Mr. Kelty said we have the initial report back, but not the remediation report from them. Mr. Kelty said there is no mold on the 3<sup>rd</sup> floor, but the 1<sup>st</sup> and 2<sup>nd</sup> floor there is still a problem. Councilman Pena asked if there has been any staff that has been affected by this mold issue? Mr. Kelty said there were complaints, which is what made us do these tests.

#### **CLOSED SESSION:**

Mayor Bass asked if there was any objection to Mr. Kelty, Ms. Wells and Mr. Navarro staying in Executive Session. There was no objection by Council.

Open Session was closed at 8:25 PM.

Executive Session was closed at 9:25 PM

#### **COUNCIL REGULAR AGENDA**

A motion was made by Councilman Cain to authorize Special Council Zech and Navarro to prepare and send a demand letter to Braztex and Troy Brimage, seconded by Councilman Muraira. With a 3-1 vote motion passed. Mayor Bass voted "Nay".

#### Adjourn

On a motion by Councilman Cain, seconded by Councilman Muraira, with 5-0 vote, Mayor Bass adjourned the meeting at 9:31 P.M

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Mayor, Brooks Bass  
City of Freeport, Texas

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City Secretary, Betty Wells  
City of Freeport, Texas



## City Council Agenda Item # 3

**Title:** Consideration and possible action by City Council approving items for surplus and authorize the sale with an online auction using Public Surplus

**Date:** August 1, 2022

**From:** Laura Cramer, Assistant City Secretary/Special Projects Coordinator

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**Staff Recommendation:** Staff recommends City council approve the items designated as surplus and authorize staff to dispose of them through an online auction using Public Surplus.

**Item Summary**

Staff continues to identify items for surplus for housekeeping at city facilities.

**Background Information:**

The City of Freeport has worked with this online auction company previously and the auction was successful.

**Special Considerations:**

None.

**Board or 3<sup>rd</sup> Party recommendation:**

None.

**Financial Impact:**

Public Surplus will collect sales tax of items sold at 8.25%. The City will allow bidders 5-business days to pick up items. If items are not picked up within this allotted time, the City will charge \$10 a day for 15 additional days as storage fees before items are considered abandoned by the bidder.

**Supporting Documentation:**

Items to be declared surplus.

Department	Description	# of Items	Serial Number	Tag Number	Manufacturer	Model	Primary Location	Working or not working	VIN #	Spedometer Reading	Condition
PUBLIC WORKS	2004 F150 4x4	1			FORD	F150	SERVICE CENTER	WORKING	2FTRX18W94CA35927	97,583.10	GOOD
PUBLIC WORKS	1995 INTERNATIONAL DUMP TRUCK	1			NAVISTAR	2654 6x4	SERVICE CENTER	WORKING	1HTGHAAR6SH691052	UNKOWN	POOR
PUBLIC WORKS	16 FOOT TRAILER	1			UNKNOWN	16 FOOT	SERVICE CENTER	WORKING	N/A	N/A	BENT FRAME
PUBLIC WORKS	2011 INTERNATIONAL SWEEPER	1			NAVISTAR	4300M7 SBA 4x2	SERVICE CENTER	NOT WORKING	1HTJTSKNSBJ390738	UNKOWN	POOR
PUBLIC WORKS	2008 US JETTING TRAILER	1			US JETTING LLC	4018 600 HH	SERVICE CENTER	WORKING	1U9FS13298A044298	507.6 HOURS	POOR
PUBLIC WORKS	LINCOLN WELDER TRAILER	1			LINCOLN	SA-200-F-163	SERVICE CENTER	RUNS BUT DOESN'T WELD	N/A	N/A	RUNS BUT DOESN'T WELD
PUBLIC WORKS	2013 CHEVY 1500 4x4	1			CHEVROLET	SILVERADO 1500	SERVICE CENTER	WORKING	3GCPKREASDG313984	29,666.00	POOR - RUST
PUBLIC WORKS	SCAG ZT WALK BEHIND	1			SCAG	SWZT48-15FS	SERVICE CENTER	NOT WORKING	N/A	N/A	POOR
PUBLIC WORKS	2005 CHEVY 2500 HD	1			CHEVROLET	2500 HD	SERVICE CENTER	NOT WORKING	1GCHC24U5E211061	193,211.00	POOR
PUBLIC WORKS	2006 NEW HOLLAND	1			NEW HOLLAND	TN85DA	SERVICE CENTER	NOT WORKING	HUE054289	N/A	FAIR
PUBLIC WORKS	2007 F150	1			FORD	F150	SERVICE CENTER	WORKING	1FTRF12W87KC93870	171,956.00	BAD TRANSMISSION
PUBLIC WORKS	2003 FORD RANGER - SINGLE CAB PICKUP	1			FORD	RANGER	SERVICE CENTER	NOT WORKING	1FTYR10UX3PA70277	78,580.00	POOR
PUBLIC WORKS	8 FOOT BBQ TRAILER	1			UNKNOWN	UNKNOWN	SERVICE CENTER	N/A	N/A	N/A	POOR
PUBLIC WORKS	CAR HAULER TRAILER	1			UNKNOWN	UNKNOWN	SERVICE CENTER	N/A	N/A	N/A	POOR-RUST
PUBLIC WORKS	CAR HAULER TRAILER	1			UNKNOWN	UNKNOWN	SERVICE CENTER	N/A	N/A	N/A	POOR
PUBLIC WORKS	12 FOOT DUMP TRAILER	1			UNKNOWN	UNKNOWN	SERVICE CENTER	N/A	N/A	N/A	POOR



## City Council Agenda Item # 4

**Title:** Consideration and Possible Action regarding a Resolution Accepting the Actions of the City of Freeport Employee Benefits Trust

**Date:** August 1, 2022

**From:** Cathy Ezell, Finance Director

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**Staff Recommendation:**

Staff recommends approving the resolution to accept the actions of the Employee Benefits Trust.

**Item Summary:**

The City of Freeport Employee Benefits Trust has approved Proposals for employee medical insurance, dental insurance, ancillary insurances, and HRA, HSA, and FSA Administration. Actions taken by the Employee Benefits Trust must go before City Council for consideration of approval.

**Background Information:**

This Employee Benefits Trust was established to save the City from paying taxes imposed on insurance premiums per Chapter 222.002 of the Texas Insurances Code. The nonprofit trust assigns City Council as the Trustees to provide employees, and qualified retirees and their dependents with life disability, sickness, accident, and other health benefits either directly or through the purchase of insurance. The City then makes premium payments to the insurance providers through the Trust.

**Special Considerations:**

N/A

**Financial Impact:**

The costs associated with the benefits have been included in the FY2022-2023 proposed budget.

**Board or 3<sup>rd</sup> Party recommendation:**

The Employee Benefit Trust has approved these actions and recommends approval of the Resolution.

**Supporting Documentation:**

Resolution



**RESOLUTION NO. 2022-2756**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, ACCEPTING THE ACTION OF THE CITY OF FREEPORT EMPLOYEE BENEFITS TRUST TO ACCEPT PROPOSALS FOR EMPLOYEE MEDICAL INSURANCE, DENTAL INSURANCE, ANCILLARY INSURANCES, AND HRA, HSA, AND FSA ADMINISTRATION; AUTHORIZING EXECUTION OF THE PROPOSALS BY THE CITY MANAGER; AUTHORIZING FUNDING; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Freeport Employee Benefits Trust held its annual meeting regarding Proposals for employee medical insurance, dental insurance, life and disability insurance, vision insurance, ancillary insurances and HRA, HSA, and FSA Administration; and

**WHEREAS**, actions taken by the Employee Benefits Trust must go before City Council for consideration of approval; and

**WHEREAS**, the City Council has before it a proposal for employee medical insurance from Cigna, a proposal for employee dental insurance from Cigna, a proposal for life and a proposal for ancillary insurances from Cigna, and a proposal for HRA, HSA, and FSA Administration from Optum ("Proposals") for the 2022/2023 plan year; and

**WHEREAS**, upon full review and consideration of the Proposals and all related matters, the City Council finds that Freeport's best interests are served, desires to approve the terms and conditions of the Proposals and to authorize the City Manager to execute the Proposals on behalf of the City of Freeport; and

**WHEREAS**, the City Council finds that Freeport's best interests are served, desires to re-authorize funding Employee Benefit Insurances and the transfer of funds from the City of Freeport's General Fund to the City of Freeport Employee Benefits Trust Fund as needed to pay premiums as presented by the insurance carriers.

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

**Section 1.** The facts and statements contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2.** The actions taken by the Employee Benefits Trust regarding the recommended Proposals, having been reviewed by the City Council of the City of Freeport and found to be acceptable and in the best interests of the City of Freeport and its citizens, are hereby in all things approved effective October 1, 2022.

**Section 3.** The City Manager is hereby authorized to execute, verify, acknowledge, certify to, file and deliver all such instruments and documents required for the Proposals as shall in the judgment of the City Manager be appropriate in order to affect the purposes of the foregoing resolution.

**Section 4.** The Finance Director is hereby authorized to transfer funds from the City of Freeport's General Fund to the City of Freeport Employee Benefits Trust Fund as needed to pay premiums as presented by the insurance carriers.

**Section 5.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED, APPROVED AND ADOPTED** on this the 1st day of August 2022.

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Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST:

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Betty Wells, City Secretary  
City of Freeport, Texas

**RESOLUTION NO. 2022-2756**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, ACCEPTING THE ACTION OF THE CITY OF FREEPORT EMPLOYEE BENEFITS TRUST TO ACCEPT PROPOSALS FOR EMPLOYEE MEDICAL INSURANCE, DENTAL INSURANCE, ANCILLARY INSURANCES, AND HRA, HSA, AND FSA ADMINISTRATION; AUTHORIZING EXECUTION OF THE PROPOSALS BY THE CITY MANAGER; AUTHORIZING FUNDING; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Freeport Employee Benefits Trust held its annual meeting regarding Proposals for employee medical insurance, dental insurance, life and disability insurance, vision insurance, ancillary insurances and HRA, HSA, and FSA Administration; and

**WHEREAS**, actions taken by the Employee Benefits Trust must go before City Council for consideration of approval; and

**WHEREAS**, the City Council has before it a proposal for employee medical insurance from Cigna, a proposal for employee dental insurance from Cigna, a proposal for life and a proposal for ancillary insurances from Cigna, and a proposal for HRA, HSA, and FSA Administration from Optum (“Proposals”) for the 2022/2023 plan year; and

**WHEREAS**, upon full review and consideration of the Proposals and all related matters, the City Council finds that Freeport’s best interests are served, desires to approve the terms and conditions of the Proposals and to authorize the City Manager to execute the Proposals on behalf of the City of Freeport; and

**WHEREAS**, the City Council finds that Freeport’s best interests are served, desires to re-authorize funding Employee Benefit Insurances and the transfer of funds from the City of Freeport’s General Fund to the City of Freeport Employee Benefits Trust Fund as needed to pay premiums as presented by the insurance carriers.

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

**Section 1.** The facts and statements contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2.** The actions taken by the Employee Benefits Trust regarding the recommended Proposals, having been reviewed by the City Council of the City of Freeport and found to be acceptable and in the best interests of the City of Freeport and its citizens, are hereby in all things approved effective October 1, 2022.

**Section 3.** The City Manager is hereby authorized to execute, verify, acknowledge, certify to, file and deliver all such instruments and documents required for the Proposals as shall in the judgment of the City Manager be appropriate in order to affect the purposes of the foregoing resolution.

**Section 4.** The Finance Director is hereby authorized to transfer funds from the City of Freeport's General Fund to the City of Freeport Employee Benefits Trust Fund as needed to pay premiums as presented by the insurance carriers.

**Section 5.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED, APPROVED AND ADOPTED** on this the 1st day of August 2022.

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Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST:

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Betty Wells, City Secretary  
City of Freeport, Texas



## City Council Agenda Item # 5

**Title:** Discussion and possible action regarding the reappointment of Kenny Hayes as Director representing Freeport on the Brazosport Water Authority.

**Date:** August 1, 2022

**From:** Tim Kelty, City Manager

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**Staff Recommendation:**

Staff recommends approval of the resolution reappointing Kenny Hayes as a director for two years to serve on the Brazosport Water Authority

**Item Summary:**

The City of Freeport is a member of the Brazosport Water Authority along with Angleton, Brazoria, Clute Lake Jackson, Oyster Creek, and Richwood. As a founding member the City has one appointment to the Board of Directors. Kenny Hayes has served the City's interests in that position since 2017. His term expires next month, and he requests to be allowed to continue to serve in this capacity. No one else has expressed interest in being on the BWA Board.

Mr. Hayes has done an excellent job in keeping the city informed regarding the actions and direction of the BWA

**Background Information:**

None

**Special Consideration:**

None

**Financial Impact:**

None

**Supporting Documentation:**

Resolution

**RESOLUTION NO. 2022-2757**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING OR REAPPOINTING A QUALIFIED PERSON(S) TO BE A DIRECTOR OF THE BRAZOSPORT WATER AUTHORITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.**

**WHEREAS**, the term of office of the of the position on the Board of Directors of Brazosport Water Authority filled by the City Council of the City of Freeport, Texas ("the City") expires on September 22, 2020; and,

**WHEREAS**, the City Council of the City desires to appoint or re-appoint the below named qualified person to serve on such board.

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

**SECTION ONE (1): APPOINTMENT**

The City Council of the City hereby nominates, constitutes and appoints or reappoints the following named qualified person to the Boards of Adjustments Committee of the City for a full term of two (2) years expiring on September 22, 2024 or until a successor for such person shall have been appointed and qualified, to-wit: **Kennv Hayes**

**SECTION TWO (2): DUTIES**

The above-named appointees shall perform all of the duties imposed on Director of the Brazosport Water Authority so appointed by the City of Freeport, and in accordance with the legal requirements of said appointment.

**SECTION THREE (3): OATH OF OFFICE**

Before engaging in the performance of the duties of office, such appointees shall take the Constitution Oath of Office as required by law.

**READ, PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST: \_\_\_\_\_  
Betty Wells, City Secretary  
City of Freeport, Texas



## City Council Agenda Item # 6

**Title:** Consideration and possible action amending the authorization for the closure of 2<sup>nd</sup> Street at the Union Pacific Rail Crossing for construction work to the overpass, allowing for the closure for up to 30 days with the same conditions that previously required..

**Date:** August 1, 2022

**From:** Tim Kelty, City Manager

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**Staff Recommendation:**

Staff requests the City Manager be given this authorization for this project's required street closure.

**Item Summary:**

This request would authorize the City Manager to approve the closure of 2<sup>nd</sup> street at the intersection of the Union Pacific Overpass for up to 30 days.

Union Pacific's contractor will still be required to place message boards a week in advance announcing the upcoming road closure. They will be responsible to install and maintain all traffic safety devices and signage related to the closure and detour. They will be required to maintain all local access to all business and residents within the closure at all times.

**Background Information:**

In May, council approved Union Pacific's request for the closure of a portion of 2<sup>nd</sup> street to allow for the rehabilitation to the railroad overpass at that intersection. At the time based on Union Pacific's request to close the intersection for a week during the summer, the City Manager was authorized to approve the closure for a week specified by Union Pacific.

While the exact date of the work was not certain, in approving the closure the city required Union Pacific to place digital signage at least a week in advance of the closure, announcing the closure and providing the proper barricades and detour signage.

In addition Union Pacific will be required to make accommodations to maintain constant access to homes and businesses in the immediate vicinity.

The closure is imminent, but now Union Pacific's Contractor is indicating that the work may take up to a month to complete.

Because the length of the closure is significantly longer than originally approved this is being brought back to council for additional consideration and action.

Union Pacific's plan is to replace all existing timber spans with concrete spans on steel H-Pile. Union Pacific will repair the existing TPG over the roadway and reinstall it.

**Special Considerations:** None

**Financial Impact:** None

**Supporting Documentation:** Aerial photo showing limits of closure. Detour and traffic control plan





Google Earth

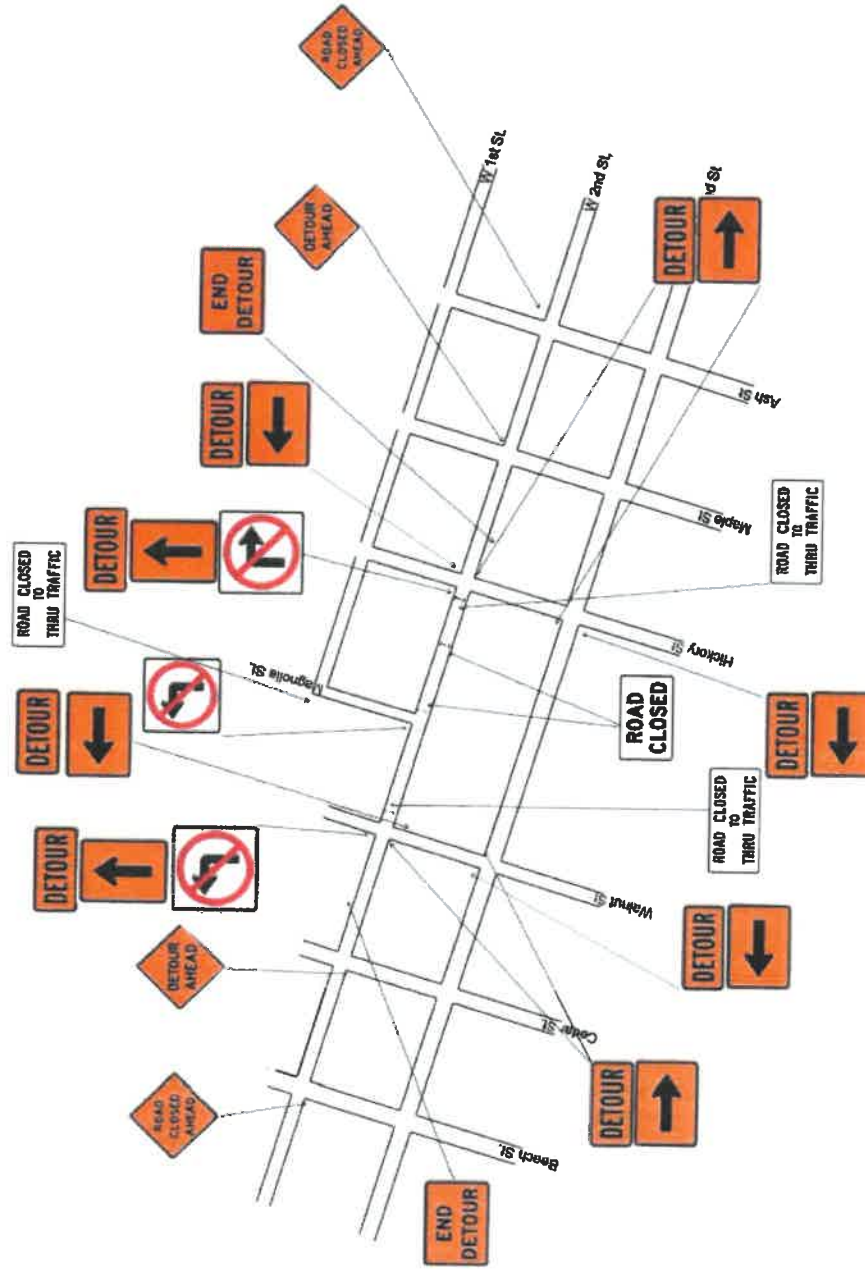
70 m

Camera: 555 m 28°57'10"N 95°21'15"W

1 m

**NOTES:**

1. Portable Changeable Message signs will be placed no less than 7 days prior to construction of railroad.
2. The provisions contained in the Texas MUTCD shall apply as shown on this sheet.
3. Sign spacing is to comply with table 6C-1 of the Texas MUTCD.
4. Contractor shall inspect the TCP installation to assure adequate vehicle and pedestrian visibility.
5. Contractor shall monitor the TCP installation.
6. Traffic control devices shown are considered minimum for traffic control. Additional traffic control devices may be required as directed by the City, County or TXDOT.
7. Only products approved by TXDOT shall be used.
8. Maintain access to all residences and businesses.



## UPRR Freeport Industrial Lead MP 15.63 W 2nd Street Road Closure





## City Council Agenda Item # 7

**Title:** : Public Hearing and consideration and possible action on an Ordinance of the City of Freeport, Texas, amending its Zoning Ordinance by approving a Planned Unit Development District of approximately 13.71 acres of land located at Sailfish Ave; amending the Official Zoning Map of the City to reflect the planned unit development zoning district to be known as PUD #2.

**Date:** August 1, 2022

**From:** Kacy Roman, Director of Building and Code

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**Staff Recommendation:** Staff recommends that following a public hearing, the ordinance amending the zoning map be approved.

**Item Summary:** A rezoning request from Kisuma Americas Inc. from W-1 Waterfront - Resort and Marina to IN – Industrial. This rezoning would allow for their proposed development to occur.

**Background Information:** Kisuma is proposing to invest in a \$40 million-dollar development on this site for a plant that would extract Magnesium Oxide from seawater from the intercostal. The site would employ 15 employees initially and 35 when fully developed. Attached to the ordinance is the presentation made to the Plan Commission during their public hearing.

**Special Considerations:** The plant would purchase up to 500K gallons of water from the city that would be used in the extraction process that would not require sewage treatment. This volume is both currently available and can be delivered to the site without further infrastructure development. The deadend extension of Tarpon Lane into the property would have to be abandoned and vacated.

**Financial Impact:** A \$40 million development would result in about \$240,000 in additional General Fund Revenue per year. Their water needs would generate more than \$1.5 million in additional revenue to support the Utility Fund. They have indicated they do not intend to request any incentives from the city.

**Board or 3<sup>rd</sup> Party recommendation:** The Planning and Zoning Commission following a public hearing voted to approve re-zone to the property to a PUD. The restrictions in this PUD #2 as recommended by the Plan Commission included that it be developed as generally proposed by the attached presentation. It would require that specific use permits be submitted for approval for all improvements requiring the building façades facing Sailfish Avenue be aesthetically attractive with a modern

and professional look, and that additional landscaping be added to the required buffer on both the northeast and southeast side of the building and that if the property failed to develop by the company requesting the change for the use proposed that the zoning would revert to the W1 Waterfront Resort and Marina zoning.

**Supporting Documentation:** Ordinance and proposal from Kisuma Americas Inc.  
Survey of effected property

**ORDINANCE NO. 2022-2670**

**AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS (THE “CITY”), AMENDING ITS ZONING ORDINANCE BY APPROVING A PLANNED UNIT DEVELOPMENT DISTRICT OF APPROXIMATELY 13.71 ACRES OF LAND LOCATED AT SAILFISH AVENUE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT TO BE KNOWN AS PUD #2; ADOPTING REGULATIONS APPLICABLE TO PUD #2; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH VIOLATION HEREOF, WITH EACH DAY CONSTITUTING A NEW VIOLATION; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER MATTERS.**

\* \* \* \* \*

**WHEREAS**, the Kisuma Americas Inc., a subsidiary of Kyowa Chemical Industry Company, LTD., (the “Property Owners”) have requested that approximately 13.971 acres of land located at Sailfish Avenue, more particularly described by survey attached hereto as Exhibit “A” and incorporated herein for all purposes (the “Property”), be considered for development as a filtration and purification plant to produce magnesium salts as raw materials used in life sciences and industrial applications, such development being more particularly described in a site plan and presentation attached hereto as Exhibit “B” and incorporated herein for all purposes (the “Project”), and

**WHEREAS**, the Property Owners and the City have agreed that the Property will be rezoned from W1 Waterfront Resort and Marina Zoning District into a Planned Unit Development Zoning District pursuant to Section 155.045 of the City’s Code of Ordinances; and

**WHEREAS**, the City Council finds it to be in the best interest of the health, safety, and welfare of its citizens to place the Property into a Planned Unit Development District, called PUD #2, in accordance with the following terms and regulations;

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

**Section 1.** The facts and matters set out in the preamble to this ordinance are hereby found to be true and correct.

**Section 2.** The zoning classification of the Property is hereby rezoned to the PUD #2 Zoning District subject to the regulations, restrictions and conditions hereafter set forth.

**Section 3.** The Official Zoning Map of the City of Freeport shall be revised and amended to show the designation of the Property as PUD #2, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement or revise any provision of any ordinance of the City of Freeport, save and except to reflect the zoning classification of the Property.

**Section 5.** PUD #2 is established pursuant to the following limitation, restrictions, and covenants:

1. The Project shall be developed as generally proposed by the site plan presentation provided for in Exhibit "B" with a condition that specific use permits be submitted for approval for all improvements, which shall require all building façades facing Sailfish Avenue to be aesthetically attractive, with a modern and professional look,
2. The Project shall have additional landscaping added to the required buffer on both the northeast and southeast side of the building(s),
3. Unless otherwise provided for in the Ordinance, the Project shall comply with all rules and regulations provided for in the Industrial Zoning District, and
4. If the Property Owners fail to develop the Project within 3 years of the date of this Ordinance, the Property will automatically revert to the W1 Waterfront Resort and Marina Zoning District.

**Section 6.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

**Section 7.** It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the Charter of the City of Freeport, Texas. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Freeport, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 8.** This Ordinance shall take effect immediately upon its passage and execution by the Mayor and City Secretary.

**Section 9.** the City Council specifically finds and determines that the meeting at which this ordinance was passed 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 this 1st day of August, 2022**

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Brooks Bass, Mayor

**ATTEST:**

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Betty Wells, City Secretary

**APPROVED AS TO FORM ONLY:**

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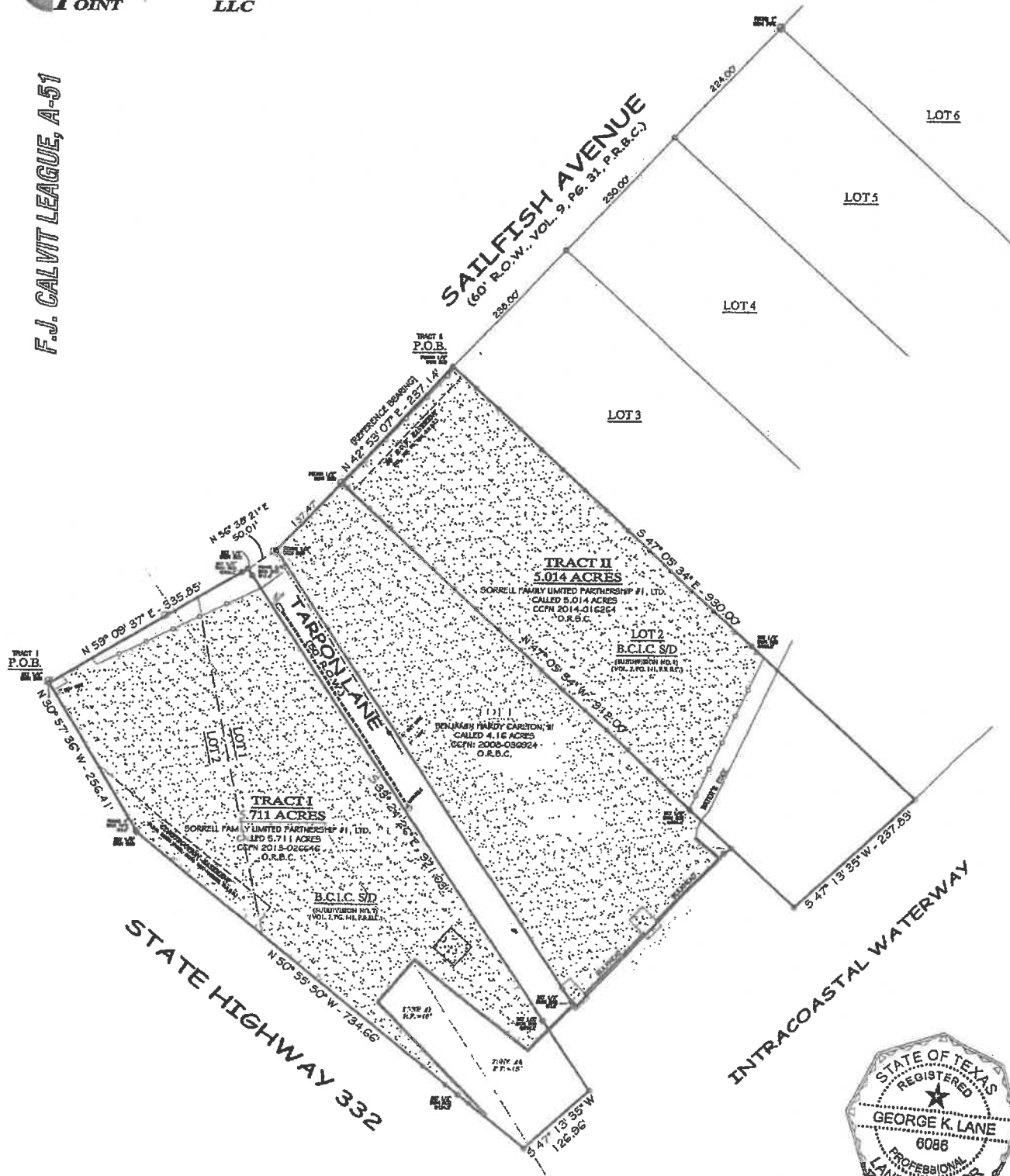
David W. Olson, City Attorney



**Exhibit “A”**

Property Survey

F.J. CALVIT LEAGUE, A-51



**BRAZOS COAST INVESTMENT COMPANY S/D NO. S. 7 & 8**

COMMUNITY NO. 88461, FILE NO. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



Drawn by: **BWB**  
Job No.: **2022-0751**  
Request: **ALAMO TITLE**  
Book No: **FP0189**  
Scale: **1" = 100'**  
Date: **07/20/2022**

Reviewed by: **George K. Lane, R.P.L.S.**  
Reviewed by: **KISUMA AMERICAS INC.**

## **Exhibit “B”**

### **Project Site Plan and Presentation**

**Public Hearing  
Planning and Zoning Commission  
CITY of FREEPORT  
JULY/26/2022**



a subsidiary of Kyowa Chemical Industry, Japan

# welcome



# yowa Group overview

Foundation

April 1947

Ownership

Privately Owned

Workforce

Over 800 Employees

Corporate HQ

Takamatsu, Japan

**Kyowa Chemical Industry Co., LTD.**



## Kyowa Chemicals Industry, Japan



Head Office and Sakai Plant

Kisuma Food Service Co., Ltd.

Yashima plant

Tokyo Sales Office

Pharmaceuticals Division

Head Office and Takamatsu Office



## Global subsidiaries

### USA

**Kisuma Americas Inc. (Houston/TX)**  
**Established 2014**



### EUROPE

**Kisuma Chemicals B.V. (The Netherlands)**



### ASIA

**Kisuma Advanced Materials (Dandong)**  
**Kisuma Asia Singapore (Singapore)**  
**Kisuma Chemical Trading Co (Shanghai)**





## The diligence for Kisuma America's plant since 2017:

- 06 Countries
- 13 candidate sites  
10 in the US (03 in Texas)
- Dozens of lab compatibility  
analysis, regulatory compliance  
and financial risk assessment



Kisuma produces Magnesium-based additives. We are the market standard in polymers and pharmaceutical applications.

Our process has a direct relationship with sustainable production practices. We are not a petrochemical company.

Our group is committed to innovation, quality, best practices, safety, conserving the environment and above all, ...

# IMPROVING PEOPLE'S LIVES.





# the PROJECT

@ Freeport/TX

- 
- 13.71 acres at Sailfish Ave
  - USD \$40+ million investment
  - 35+ jobs created (all phases)
  - 300,000+ gal/day water usage
  - FDA audited/approved facility

- NO impact on city's sewage system
- NO noise, NO dust, NO haz. chemicals
- NO impact on intercoastal boat traffic
- NO heavy traffic on Sailfish or Marlin
- NO smell, NO pollutant emissions
- NO petrochemicals



Respect for the Intercoastal is our Lifeline

## Clean Processing

Kisuma's process utilizes seawater and minerals to extract and produce the purest magnesium salts as raw materials used in life sciences and industrial applications

Through a series of filtration and purification processes, our final by-product is clean and controlled salt water.

Actually, many times cleaner than its initial intake, while maintaining the same salinity levels as regular seawater



**Improving People's Lives and the Environment.**



**Site Plan**  
of Jobsite on Sailfish Avenue





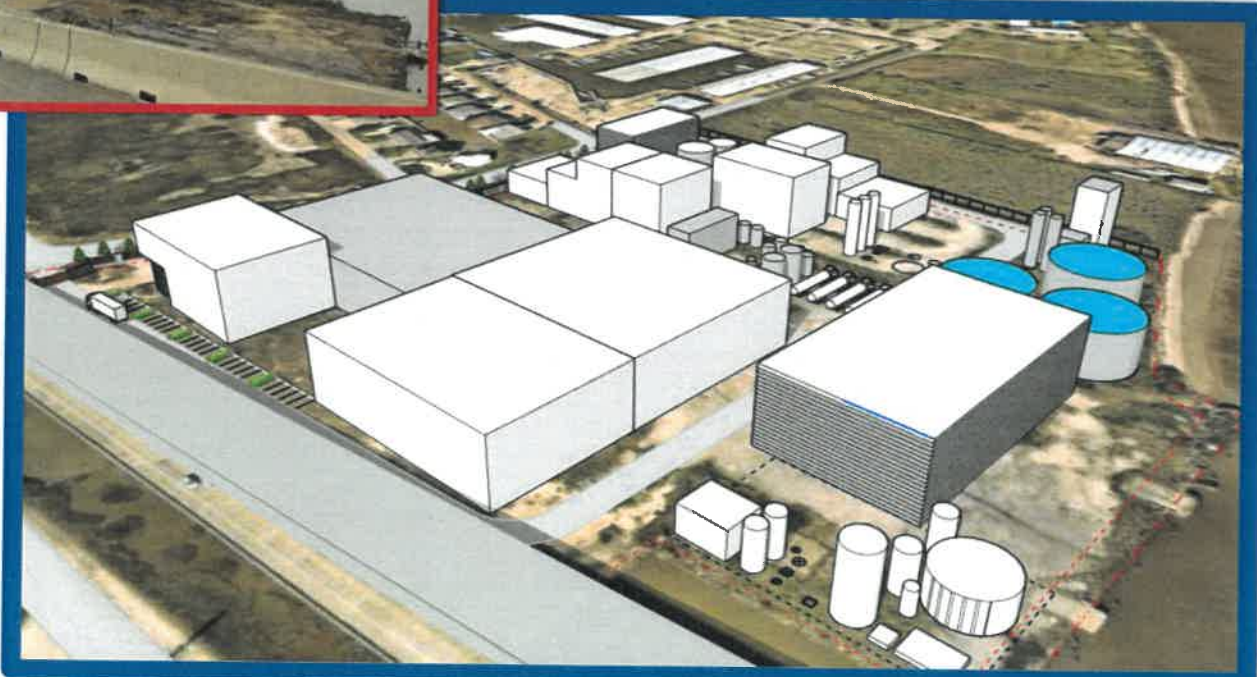


## Entry Gate of Jobsite on Sailfish Avenue





**Bird's Eye View looking Northeast**  
of Jobsite on Sailfish Avenue



## Bird's Eye View Looking Northwest of Jobsite on Sailfish Avenue







## Bird's Eye View looking Southeast of Jobsite on Sailfish Avenue



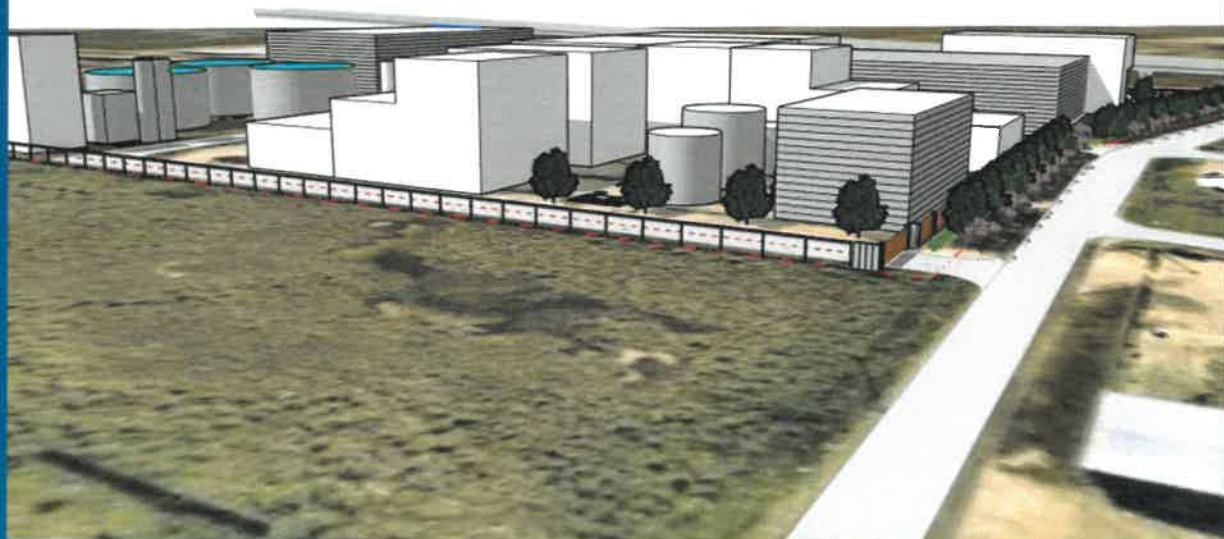
## Perspective from Intercoastal of Jobsite on Sailfish Avenue





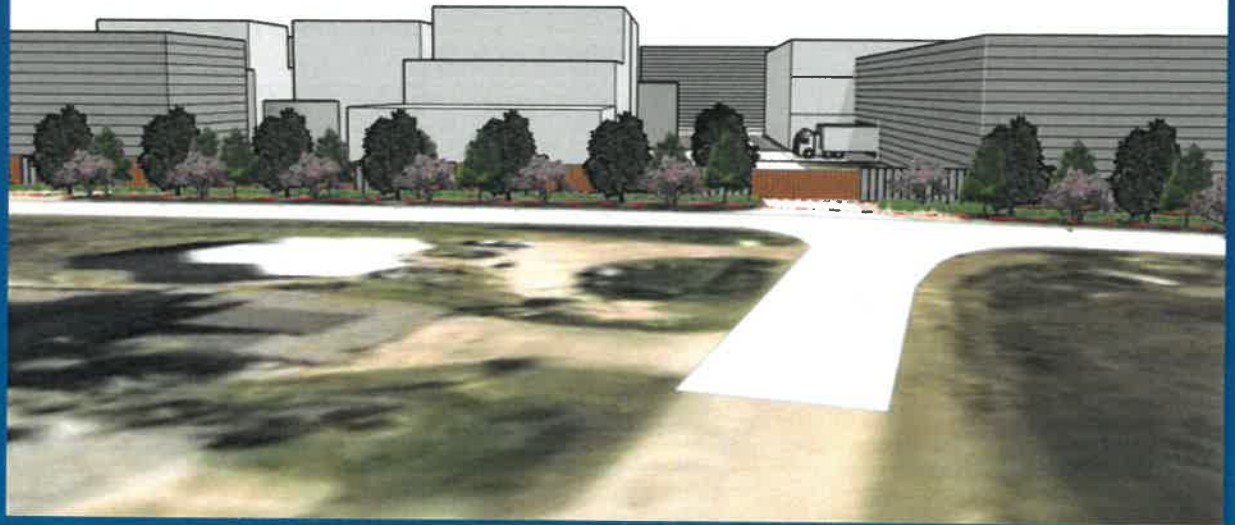


## Perspective from Northeast Sailfish Avenue





Perspective from Tarpon Lane





# Thank you

## **Kisuma Americas, Inc. Houston Headquarters**

1235 North Loop West, Suite 909

Houston TX 77008, USA

Tel: +1 832 460 5130

Fax: +1 832 410 3434

E-mail: [kai@kisuma.com](mailto:kai@kisuma.com)

[www.Kisuma.us](http://www.Kisuma.us)

a subsidiary of Kyowa Chemical Industry Co., Ltd.



## City Council Agenda Items # 8

**Title:** Consideration and possible action on AFA agreement with TXDOT for cooperative construction of the relocation of a Waterline in the Highway 1495 Right of Way.

**Date:** August 1, 2022

**From:** Tim Kelty, City Manager

---

**Staff Recommendation:** Staff recommends approval of the Agreement.

**Item Summary:**

Under this agreement the City will pay TXDOT the cost of relocating a water line under the Highway 1495 ROW South of the Pine Street Bridge. The city's share of the cost of the relocation is \$365,430.84

**Background Information:**

TXDOT is in the process of reconstructing Highway 1495 between the Pine Street Bridge and Highway 36. The City has a Concrete Asbestos Waterline that runs down the middle of that ROW that is being required to be relocated. It is the City's responsibility to have this line relocated. TXDOT has agreed to incorporate the relocation of this line as part of their contract to reconstruct the roadway.

By doing this the city saves the cost of the removal and replacement of the roadway, mobilization, and traffic control. We also get the benefit of the bidding power of a multi-million-dollar contract process through TXDOT, as well as the cost of construction observation.

**Special Considerations:** Previously, Council authorized Freese and Nichols to engineer the plans and specification for the relocation to provide to TXDOT. TXDOT has incorporated those plans into their overall bid request and accepted bids for the entire project. The cost of AFA agreement is representative of the bids received.

**Financial Impact:** The cost of this project is \$365,430.84 and is proposed to come out of the 2021 Certificate of Obligation issued for various water and sewer improvements.

**Board or 3<sup>rd</sup> Party recommendation:** None

**Supporting Documentation:** Agreement.

CSJ #0587-01-064  
RCSJ #0587-01-068  
Utility ID # U00013002  
District #12 AFA ID #UAFA-12-001  
Code Chart 64 #15250  
Project: FM 1495, from E Broad Street  
to SH 36

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

**ADVANCE FUNDING AGREEMENT FOR VOLUNTARY UTILITY RELOCATION  
CONTRIBUTIONS ON STATE HIGHWAY IMPROVEMENT PROJECTS**

**THIS AGREEMENT** is made by and between the State of Texas, acting through the Texas Department of Transportation ("State") and **City of Freeport** ("Utility"),

**WITNESSETH**

**WHEREAS**, Transportation Code, Chapters 201, 221, and 361, authorize the State to lay out, construct, maintain, and operate a system of streets, roads and highways that comprise the State Highway System; and,

**WHEREAS**, Transportation Code, Chapter 203, Subchapter E, Transportation Code §203.092 authorizes the State to regulate the placement of public utility facilities along a state highway; and,

**WHEREAS**, Texas Transportation Commission Minute Order Number **115291** authorizes the State to undertake and complete a highway improvement generally described as: **removal and replacement of concrete pavement on FM 1495, from E Broad Street to SH 36** ("Project"); and,

**WHEREAS**, Utility possesses facilities that are affected by the above mentioned highway improvement and Utility, and the State agrees that it is more economical or efficient for such relocation to be effected by including said contract in the State's highway construction contract;

**NOW THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them kept and performed as hereafter set forth, the State and Utility do agree as follows:

**AGREEMENT**

**1. Time Period Covered**

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed, and the State and Utility will consider it to be in full force and effect until the Project described in this agreement has been completed and accepted by all parties or unless terminated, as provided.

**2. Project Funding and Work Responsibilities**

**A.** The State will authorize the performance of only those Project items of work which are eligible for relocation reimbursements or for which Utility has requested and has agreed to pay for as described in Attachment A - Payment Provision and Work Responsibilities, which is attached to and made a part of this contract. In addition to identifying those items of work

to be paid for by payments to the State, Attachment A - Payment Provision and Work Responsibilities, also specifies those Project items of work that are the responsibility of Utility and will be carried out and completed by Utility, at no cost to the State. The Utility shall be responsible for costs that are shown on Attachment B, Estimated Utility Costs, which is attached to and made a part of this agreement.

- B. If the Utility will perform any work under this contract for which reimbursement will be provided by or through the State, the Utility must complete training before a letter of authority is issued. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled *Local Government Project Procedures and Qualification for the Texas Department of Transportation*. The Utility shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Utility or an employee of a firm that has been contracted by the Utility to perform oversight of the Project. The State in its discretion may deny reimbursement if the Utility has not designated a qualified individual to oversee the Project.
- C. Payment under this contract beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this contract shall be terminated immediately with no liability to either party.

### **3. Termination**

- A. This agreement may be terminated in the following manner:
  - 1. By mutual written agreement and consent of both parties;
  - 2. By either party upon the failure of the other party to fulfill the obligations set forth in this agreement; or
  - 3. By the State if it determines that the performance of the Project or utility work is not in the best interest of the State.
- B. If the agreement is terminated in accordance with the above provisions, Utility will be responsible for the payment of Project costs incurred by the State on behalf of Utility up to the time of termination.

### **4. Right of Access**

If Utility is the owner of any part of the Project site, Utility shall permit the State or its authorized representative access to the site to perform any activities required to execute the work.

### **5. Adjustments Outside the Project Site**

Utility will provide for all necessary right of way and utility adjustments needed for performance of the work on sites not owned or to be acquired by the State.

### **6. Responsibilities of the Parties and Indemnity**

Utility acknowledges that it is not an agent, servant, employee of the State, nor is it engaged in a joint enterprise, and it is responsible for its own acts and deeds and for those of its agents or employees during the performance of the work on the Project. To the extent permitted by law,

Utility agrees to indemnify and hold harmless the State, its agents and employees, from all suits, actions, or claims and from all liability and damages for any and all injuries or damages sustained by any person or property in consequence with the performance of design, construction, maintenance, or operation of the Utility facility. Such indemnity includes but is not limited to any claims or amounts arising or recovered under the "Worker's Compensation Law", the Texas Tort Claims Act, Chapter 101, Texas Civil Practice and Remedies Code; or any other applicable laws or regulations, all as time to time may be amended.

**7. Sole Agreement**

In the event the terms of the agreement are in conflict with the provisions of any other existing agreements between Utility and the State, the latest agreement shall take precedence over the other agreements in matters related to the Project.

**8. Successors and Assigns**

The State and Utility each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of such other party in respect to all covenants of this agreement.

**9. Amendments**

By mutual written consent of the parties, the scope of work and payment provisions of this agreement may be amended prior to its expiration.

**10. Inspection and Conduct of Work**

Unless otherwise specifically stated in Attachment A - Payment Provision and Work Responsibilities, to this contract, the State will supervise and inspect all work performed hereunder and provide such engineering inspection and testing services as may be required to ensure that the Project is accomplished in accordance with the approved plans and specifications. All correspondence and instructions to the contractor performing the work will be the sole responsibility of the State. Unless otherwise specifically stated in Attachment A to this contract, all work will be performed in accordance with the Utility Accommodation Rules as set forth in 43 Texas Administrative Code §21.31 et. seq. adopted by the State and incorporated in this agreement by reference, or special specifications approved by the State.

**11. Maintenance**

Upon completion of the Project, Utility will assume responsibility for the maintenance of the completed Utility facility unless otherwise specified in Attachment A to this agreement.

**12. Notices**

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to such party at the following addresses:



CSJ #0587-01-064  
RCSJ #0587-01-068  
Utility ID # U00013002  
District #12 AFA ID #UAFA-12-001  
Code Chart 64 #15250  
Project: FM 1495, from E Broad Street  
to SH 36

Utility:	State:
City Manager City of Freeport 200 West Second Street Freeport, Texas 77541	Director of Contract Services Texas Department of Transportation 125 E. 11 <sup>th</sup> Street Austin, Texas 78701

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided in this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

#### **13. State Auditor**

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

#### **14. Signatory Warranty**

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

#### **15. Access to Information**

The Utility is required to make any information created or exchanged with the state pursuant to this contract, and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the state.



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Utility ID # U00013002  
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to SH 36

Each party is signing this agreement on the date stated under that party's signature.

**THE UTILITY**

\_\_\_\_\_  
Tim Kelty  
City Manager

\_\_\_\_\_  
Date

**THE STATE OF TEXAS**

\_\_\_\_\_  
Eliza C. Paul, P.E.  
District Engineer, Houston District

\_\_\_\_\_  
Date

## **ATTACHMENT A**

### **PAYMENT PROVISION AND WORK RESPONSIBILITIES**

#### **1. Description of the Work Items**

The parties agree that the existing waterline shall be relocated and adjustments shall be made along FM 1495, from E Broad Street to SH 36. The waterline facilities shall be owned, operated, and maintained by Utility from and after completion and final acceptance by the State and Utility. The estimated total construction cost for the relocated and adjusted facilities is **\$365,430.84**. The parties agree that it is their intent to complete the relocation improvements within this estimate of cost.

#### **2. Actual Cost Agreement**

Utility will be responsible for paying all costs associated with the planning, specification, and estimate (PS&E) development, and construction of the proposed utility work to the extent such is not reimbursed pursuant to state law. All the costs associated with construction of the waterline items for the Project shall be provided as defined under the Standard Utility Agreement, Utility Joint Use Agreement, and/or the Agreement to Contribute Funds executed between the State and Utility.

#### **3. Schedule of Payments**

- A. At least forty-five (45) days prior to the date set for receipt of the construction bids, the Utility shall remit its remaining financial share for the State's estimated construction oversight and construction costs. Utility must advance to the State one hundred percent (100%) of its share of the estimated Project utility construction costs. The amount to be advanced for the utility improvements is estimated to be **\$365,430.84**. (See Attachment B – Estimated Utility Costs)
- B. In the event the State determines that additional funding is required by the Utility at any time during the Project, the State will notify the Utility in writing. The Utility is responsible for one hundred percent (100%) of the authorized project cost and any overruns. The Utility will make payment to the State within thirty (30) days from receipt of the State's written notification.
- C. Whenever funds are paid by the Utility to the State under this agreement, the Utility will remit a warrant made payable to the "Texas Department of Transportation." The warrant will be deposited by the State and managed by the State. Until the final Project accounting, funds may only be applied by the State to the Project.
- D. Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due by the Utility, the State, or the Federal Government will be promptly paid by the owing party.

#### **4. Work Responsibilities**

- A. The **Utility** shall provide the following services under this contract:
  - i. Responsible for engaging the services of a Texas Registered Professional Engineer to prepare drawings and technical specifications for waterline relocations and adjustments along FM 1495, from E Broad Street to SH 36.

- ii. Provide the plans and specifications to the State to include in the current planning specifications and estimate package being prepared by representatives of the Texas Department of Transportation's Brazoria Area Office.
- iii. Secure all necessary permitting as may be required for the installation of the water line.
- iv. Arrange and coordinate with the contractor, through the State, materials and equipment testing, rejection of all work not conforming to minimum requirements of the construction contract documents, maintenance of the proposed waterline during construction, and the relocation of waterline and connection of services to customers.
- v. Advise the State of work that Utility determines should be corrected or rejected.
- vi. Arrange, observe, and inspect all acceptance testing and notify the State of the results of these activities.
- vii. Provide inspection services for the construction, notify the State of defects and deficiencies in the work, and observe actions of the contractor to correct such defects and deficiencies.
- viii. Assume all responsibility for the maintenance of the existing waterline during and upon completion of the construction contract.
- ix. Ensure all Texas Commission on Environmental Quality and all other regulatory rules, regulations and laws are strictly adhered to.
- x. Prepare and submit both a certificate of substantial completion and a list of observed items requiring completion or correction for the relocations and adjustments to the Project Engineer for concurrence.
- xi. Coordinate all construction activities performed by Utility's staff for the relocations and adjustments through the Project Engineer.

**B. The State shall provide the following services under this contract:**

- i. Combine the waterline relocation and adjustment plans with the plans being prepared for the Project.
- ii. Review and approve the final construction plans prior to any construction-related activities. In order to ensure federal and/or state funding eligibility, projects must be authorized by the State prior to advertising for construction.
- iii. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project.
- iv. Negotiate and administer all field changes and change orders required for the Project. All change orders increasing construction costs for Utility's Project shall be submitted to Utility for review and approval together with an evaluation. Utility agrees to review and either approve or disapprove all change orders within five (5) business days after receipt of such order unless Utility Board's approval is necessary in which case Utility shall bring the item to Utility Board as soon as reasonably possible.
- v. Provide overall project management to supervise the day-to-day activities of the construction and monitor the activities of the contractor to promote the timely and efficient completion of the Project in accordance with the approved Plans and Specifications and construction schedule.
- vi. Conduct field observations and coordinate with Utility's inspectors and the contractor to cure defects and deficiencies in the construction prior to final acceptance.

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- vii. Make timely payment to the contractor for work performed in connection with the Project.
- viii. Ensure access and permit Utility's inspectors and other authorized representatives to inspect the waterline construction at all times.
- ix. Conduct and coordinate final inspection of the Project in the presence of Utility's Engineer and Inspector, transmit final list of items to be completed or repaired and observe contractor correction of same.
- x. Maintain job file.

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## **ATTACHMENT B ESTIMATED UTILITY COSTS**

Based on various calculations, following are those amounts due and payable for Utility's costs associated with this project.

Total Estimated Costs  
\$365,430.84

Less Betterment Amount Due from Utility  
\$0

Amount of total utility relocation Costs  
\$365,430.84

Estimated Amount Eligible for Reimbursement  
(Calculated eligibility Ratio – 0%)  
\$0

Amount of Utility Adjustment Due from Utility  
\$365,430.84

### **Estimated amount to be included in Construction Agreement**

A. Betterment	\$0
B. Utility Adjustment	<u>\$365,430.84</u>
<b>GRAND TOTAL</b>	<b><u>\$365,430.84</u></b>

### **Betterment Ratio Calculation**

Estimated Betterment Costs

1. N/A
2. N/A

Betterment Calculation:

Total Costs of Betterment (Estimated)	-	<u>\$0</u>
Total Costs of Project (Estimated)	-	<u>\$365,430.84</u>

***Betterment Percentage for final cost determination: 0% of final cost of relocation  
Determination of Betterment – Comparison of estimated cost to replace “as is” versus  
estimated costs associated with the betterment.***

Item A: N/A  
Item B: N/A



## City Council Agenda Item # 9

**Title:** Consideration and possible actions to approve Ordinance No. 2022-2672, closing and abandoning the remaining Division Street right of way between Front Street and the Brazos River and authorizing the sale of said property to Lucy Ware, owner of adjacent property located at 2 North Front Street.

**Date:** August 1, 2022

**From:** Tim Kelty, City Manager

---

**Staff Recommendation:**

Staff requests Council approve the proposed ordinance

**Item Summary:**

This ordinance formally vacates and abandons the remaining portion on Division Street that is being sold to Lucy and Aaron Ware. The Ordinance and deed that will be prepared will retain the BWA easement as described in the exhibit and the levee easement for future maintenance.

**Background Information:**

This property along with the Levee property between 100 S. Front street was previously approved for sale to the Wares's. An offer to sell letter was prepared that they signed off on. This action to vacate and abandon the street was necessary before the sale could be closed.

**Special Considerations:** None

**Financial Impact:** None

**Supporting Documentation:** Ordinance. Survey showing BWA Easement, (deed may be ready by Monday's meeting.)

ORDINANCE NO. 2022-2671

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; VACATING, ABANDONING AND CLOSING THE PORTION OF THE DEDICATED STREET IN THE VELASCO TOWNSITE WITHIN SAID CITY, IN BRAZORIA COUNTY, TEXAS, KNOWN AS THE EAST ONE-HALF OF THE DIVISION STREET RIGHT-OF-WAY, HEREIN DESCRIBED; RESERVING ALL NECESSARY EASEMENTS FOR MAINTAINING AND UTILIZING LEVEE, UTILITIES, WATER LINES, CABLES, AND POLES WITHIN SUCH PORTION OF SAID STREET THEREBY VACATED, ABANDONED AND CLOSED WHICH ARE PRESENTLY IN USE OR THAT MAY BE REQUIRED IN THE FUTURE; AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY, CONVEYING, SUBJECT TO SUCH RESERVATION, AND TO THE REVERTER CLAUSE THERIN AND HEREIN DESCRIBED, SUCH PORTION OF SUCH PUBLIC STREET THEREBY VACATED, ABANDONED AND CLOSED TO LUCY WARE, THE ABUTTING PROPERTY OWNER, FOR THE FAIR MARKET VALUE THEREOF DETERMINED BY THE APPRAISAL ATTACHED HERETO IN ACCORDANCE WITH SECTION 272.001 OF THE LOCAL GOVERNMENT CODE AND THE REIMBURSEMENT OF THE CITY BY SAID OWNER FOR CERTAIN FEES THEREIN SPECIFIED; FINDING THAT THE VACATING, ABANDONING AND CLOSING OF SUCH PORTION OF SUCH PUBLIC STREET IS IN THE PUBLIC INTEREST AND THAT IT WILL BENEFIT THE PUBLIC; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, LUCY WARE, hereinafter "the Applicant," is the owner of property abutting upon the .24252 acre of land more or less known as the remainder of a part of Division Street right-of-way, a publicly dedicated right-of-way located south of Mystery Harbor Lane, and adjacent to the western boundary line of Applicant's property in Brazoria County, Texas; and,

WHEREAS, said street is a dedicated as a public street on the map or plat of the Velasco Townsite on file in the office of the County Clerk of Brazoria County, Texas, and said townsite is now within the corporate limits of the City of Freeport; and,

WHEREAS, the Applicant has petitioned the City Council of the City of Freeport to vacate, abandon and close the hereinabove described portion of said street and to convey the City's interest in the same to Applicant; 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 311.002(a) (2) and 311.008 of the Transportation Code and Sections 2.01 and 2.03 and Item (p) of Section 3.07 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 vacating, abandoning and closing of such portion of said street would not deny access to a public street from any other property within the City of Freeport; and,

WHEREAS, the vacating, abandoning and closing of such portion of said street would be in the public interest and would benefit the public by allowing the improvement of such property, placing such property on the tax roll of the City and eliminating the obligation of the City to maintain the same; and,

WHEREAS, an appraisal of such portion of said street has been obtained in order to determine the fair market value thereof, a copy of such appraisal marked Exhibit "A" being attached hereto and incorporated herein by reference, and the City Council of the City of Freeport finds that, pursuant to Section 272.001 of the Local Government Code, such appraisal is conclusive of the fair market value thereof; and,

WHEREAS, the City has incurred expenses consisting of an appraiser's fee for such appraisal for which the City should be reimbursed by the Applicant.

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

First, the City Council of the City of Freeport, Texas, finds and declares that the findings of fact and conclusions of law set forth in the preamble to this ordinance are true and correct.

Second, the **.284 acre** of land more or less known as a part of Division Street right-of-way, a publicly dedicated right-of-way located south of Mystery Harbor Lane, adjacent to the eastern boundary line of Applicant Abstract 99, in Brazoria County, Texas and East of the centerline of the Division Street right-of-way, is hereby declared to be vacated, abandoned and closed as a public right-of-way. Provided, however, the City of Freeport hereby reserves all necessary easements for maintaining and utilizing the levee and all utilities, water lines, cables, and poles presently in use or that may be required in the future. Provided further, with the consent of the City Manager and the appropriate official of all affected utility companies, the easement reserved herein may be released by the Mayor, if all lines, cables, poles and mains are relocated to another duly established easement at the expense of the Applicant.

Third, upon the payment by the Applicant to the City of Forty-Eight Thousand Three Hundred Dollars (\$48,300) the fair market value of such portion of said public street as determined by such appraisal and upon reimbursement of the City by the Applicant for the above mentioned appraiser's fee, the Mayor is hereby authorized to execute and acknowledge and the City Secretary to attest a Deed without Warranty conveying the City's interest in above described portion of the Division Street right-of-way to Applicant, his, her or its heirs or successors and assigns, forever, but reserving therein on behalf of the City an easement for all necessary utilities, water lines, cables, and poles presently in use or that may be required in the future as the City may determine in the exercise of its sole discretion and the condition that Grantee will construct on the property a house in compliance with all applicable building codes and acceptable to the City's Building Official to be completed within 3 years of the date of the deed.



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

Fifth, this ordinance shall take effect and be in force from and after its passage and adoption

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Betty Wells, City Secretary  
City of Freeport, Texas

\_\_\_\_\_  
David Olson, City Attorney  
City of Freeport, Texas

BRAZORIA COUNTY  
TEXAS

DIVISION STREET  
125' WIDER.O.W.

ELI MITCHELL SURVEY  
ABSTRACT 99

20' ALLEY

FND. 5/8" I.R.

FND. 1/2" I.P.

P.O.C.

FND. 1/2" I.P.

OH

FND. 1/2" I.P.

P.O.C.

SET 5/8" I.R.

60.00'

125.00'

40.00'

15.00'

50.00'

CONC. DRIVE

50.00'

OH

FND. 1/2" I.R.

FND. 5/8" I.R.

15.28'

65.15'

63.56'

102.63'

101.07'

15.28'

65.15'

63.56'

102.63'

101.07'

15.28'

65.15'

63.56'

102.63'

101.07'

NOTES:

1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 27).
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS.
3. NO TITLE COMMITMENT WAS PROVIDED FOR THIS SURVEY. THERE MAY BE ITEMS OF RECORD WHICH AFFECT THIS PROPERTY, NOT SHOWN HEREIN.

JAY MEJIA  
(CALLED 50'x174.35' TRACT)  
18-041524 B.C.O.R.

GERARDO MEJIA  
CALLED 0.42 ACRES  
18-029300 B.C.O.R.

BLOCK 1  
VELASCO TOWNSITE  
VOLUME 32, PAGE 14 B.C.D.R.

SUBJECT  
0.057 ACRE  
15' WIDE BRAZOSPORT  
WATER AUTHORITY  
PIPELINE EASEMENT

GRAVEL DRIVE

CITY OF FREEPORT  
0.284 ACRE.

FRONT STREET

EXHIBIT PLAT  
OF A

15' WIDE BWA  
PIPELINE EASEMENT

OUT OF THE

DIVISION STREET  
RIGHT-OF-WAY

IN THE  
VELASCO TOWNSITE

RECORDED IN

VOLUME 32, PAGE 14

OF THE

BRAZORIA COUNTY PLAT RECORDS

IN THE

ELI MITCHELL SURVEY

ABSTRACT 99

CITY OF FREEPORT

BRAZORIA COUNTY, TEXAS

FOR

THE CITY OF FREEPORT

OLD BRAZOS RIVER

MEAN HIGHER HIGH WATER

EDGE OF RIP-RAP

VELASCO DRAINAGE DISTRICT  
RESIDUAL OF A CALLED 12.93 ACRES  
VOLUME 363, PAGE 155 B.C.D.R.

I, CHARLES D. WACHTSTETTER, REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THE ABOVE PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION, ON THE GROUND, AND THAT THERE ARE NO EXCESSES NOR INTRUSIONS ON THIS PROPERTY, EXCEPT AS SHOWN.  
DATE SURVEYED: MARCH 23, 2022



CHARLES D. WACHTSTETTER  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 4547



Doyle & Wachtstetter, Inc.  
Surveying and Mapping GPS/GIS  
131 COMMERCE STREET, SUITE 775N  
FREEPORT, TX 77541  
PHONE: 979.263.3627 FAX: 979.265.9940  
FIRM NO.: 100784500  
STATE OF TEXAS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
EXPIRATION DATE: 12/31/2022



## City Council Agenda Item # 10

**Title:** Consideration and possible action on an Ordinance amending the ordinance establishing specific procedures and deadlines for items to be placed on City Council agenda.

**Date:** August 1, 2022

**From:** Tim Kelty, City Manager

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**Staff Recommendation:**

Staff requests Council approve the proposed ordinance with the 2 blanks being filled in as determined by City Council.

**Item Summary:**

This Ordinance amends the Ordinance adopted by Council in January that established specific procedures and deadlines for items to be placed on the city Council agenda. Included in this amendment are:

- The requirement to submit specific documentation in support of the requested item,
- A limitation on the number of items that may be submitted for Council consideration on any single agenda,
- A limitation on an item being reintroduced by the same council member for a certain time frame following its failure to be approved.

**Background Information:**

Since the previous ordinance was adopted in January, when requests have been made to put items on the agenda, in most cases no documentation has been provide and no specific instruction regarding the item has been offered. As a result, there have been numerous complaints about those items being on the agenda with no documentation included in the packet.

The agenda and agenda packet are provided to the Council and the public so that all elected officials are able to adequately prepare for meetings, and be ready to discuss and consider items placed before them. It is important that you understand the direction being expected to be discussed and considered regarding an item, and understand the specific scope of what is to be discussed and considered as well. From a transparency standpoint it is also important for the public to understand this as well.

On multiple occasions there have been a dozen items requested to be placed on the agenda. In these cases, many of the items ended up being tabled. If they had not been, long meetings would have gone much later. Each item placed on the agenda is important, and each item should be given due consideration. When an agenda becomes to cumbersome, it is natural that less time might be spent on items to which more time should be given, out of respect to the item and respect of all members of the Council.

Finally, in several cases, items that Council has taken action on, have been reintroduced multiple times in subsequent meetings. Again, this takes time away from discussing other items and does not respect the process and authority of the City Council as a whole.

**Special Considerations:** None

**Financial Impact:** None

**Supporting Documentation:** Ordinance.

ORDINANCE NO. 2022-2672

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE: AMENDING ORDINANCE 2022-2657 ESTABLISHING SPECIFIC PROCEDURES AND DEADLINES FOR ITEMS TO BE PLACED ON THE CITY COUNCIL AGENDA; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON SUCCESSFUL PASSAGE AND EXECUTION BY THE MAYOR AND CITY SECRETARY.

**WHEREAS**, the City Council desires to ensure equal access by each Council member to bring items for consideration to the City Council as a whole; and

**WHEREAS**, the City Council recognizes that City staff must gather information, draft proposed resolutions and ordinances, and organize documents for each agenda item, and adequate time should be provided for City staff to perform those functions; and

**WHEREAS**, the City Council seeks to amend and modify Ordinance 2022-2657; and

**WHEREAS**, the City Council of the City of Freeport, Texas, has determined and does here now declare that the adoption of this ordinance is necessary to the fair and orderly administration of its constitutional and statutory powers as a home-rule municipality.

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

**First**, the City Council specifically finds that all items contained in the preamble above are true and correct.

**Second**, the City Council adopts the following rules, procedures and deadlines for items requested by the Mayor or Council member to be placed on a City Council Agenda:

1. Any request made by the Mayor or two (2) Council members for an item to be placed on the agenda of a REGULAR Council meeting must be made in writing, to the City Manager, on or before noon (12:00 p.m.) on the Tuesday prior to the meeting.
2. Any request made by the Mayor or two (2) Council members for an item to be placed on the agenda of a SPECIAL Council meeting must be made in writing, to the City Manager, at least ninety-six (96) hours prior to the meeting.
3. Any request made by the Mayor or two Council members under Section 1 or 2 above must be submitted with supporting documentation, including a completed agenda memo form that includes sufficient information for Council to clearly understand the issue to be discussed; and, if the item is being placed on a City Council agenda for action, the recommendation of the Mayor or Council members making the request. Individual Council members are limited to add \_\_\_\_\_ number of items to any single City Council agenda.

4. The City Manager shall place the requested item on the agenda as requested within the timeframe above.
5. The City Manager shall place the requested item in open session or executive session as requested and shall use the exact language as requested.
6. The City Manager and City staff shall contact the requesting Council members should they have any questions or require more information to prepare the necessary documents for the item prior to the posting deadline.
7. The City Manager shall be responsible to have all necessary resolutions, ordinances, supporting documentation prepared and in the City Council packets delivered to Council members on the day the agenda is posted, and, if the City Manager chooses, the City Manager may prepare a Council memorandum with a recommendation regarding the requested action.
8. The Council may table any agenda item upon motion and majority vote during the open session of the Council meeting of which the item is on the agenda.
9. If an item is placed on a City Council agenda for action and such item is defeated by vote or inaction, that item may not be reintroduced on a future City Council agenda for \_\_\_\_\_ months unless requested by the Mayor or two other Council members who did not sponsor the original agenda item.

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

**Fourth**, this ordinance shall take effect immediately upon its passage and execution by the Mayor and the City Secretary.

**Fifth**, the City Council specifically finds and determines that the meeting at which this ordinance was passed 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 this 1<sup>st</sup> day of August, 2022**

\_\_\_\_\_  
Brooks Bass, Mayor

**ATTEST:**

\_\_\_\_\_  
Betty Wells, City Secretary

**APPROVED AS TO FORM ONLY:**

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David W. Olson, City Attorney



## City Council Agenda Item # 11

**Title:** Consideration and possible action amending the City Employee Personnel Policy regarding a Press Release/Media Relations policy.

**Date:** August 1, 2022

**From:** Tim Kelty, City Manager

---

**Staff Recommendation:**

Staff requests Council approve the proposed amendment to the Personnel policy regarding press Releases/Media Relations.

**Item Summary:**

This amendment establishes a written policy regarding the issuance of Press Releases and Communications with the media regarding City issues. It designates the Mayor or City Manager or individual(s) authorized by the Mayor or City Manager as the authorized representatives responsible for City Press Releases and communicate with the media on such matters.

**Background Information:**

This item was developed and is being presented as requested by City Council at the last meeting. It has been reviewed and recommended by the City Attorney

**Special Considerations:** None

**Financial Impact:** None

**Supporting Documentation:** Proposed amendment to Personnel Policy.



## **5.26 Press Release/Media Relations Policy**

Only the City Manager, Mayor, or other individual(s) designated by the Mayor or City Manager are authorized to speak with the media on behalf of the City. The City Manager and the Mayor shall collaborate on message development and coordinate who will handle press releases the deem necessary and in the best interest of the City.

Employees, Council members (other than the Mayor) and members acting in their capacity as a member of a committee or a board governed by the City shall not make statements, provide information for distribution, or provide background information on behalf of the City unless specifically directed to do so by the City Manager and/or the Mayor.

Provided that they have prior permission to do so from the City Manager or the Mayor, employees, Council members, and members acting in a capacity with a committee or a board governed by the City shall speak publicly on behalf of the City only in accordance with established public information procedures.

Failure to comply with the City's Press Release/Media Relations policy shall be grounds for disciplinary action.



## City Council Agenda Item # 12

**Title:** Consideration of awarding bid for Disaster and/or Storm Monitoring Services Witt O'Brien's (Primary), Rostan (secondary), and authorized the Mayor to sign the contract after review by the attorney.

**Date:** August 1, 2022

**From:** Christopher D. Motley Fire Chief / EMC

---

**Staff Recommendation:** Staff recommends awarding bid to Witt O'Brien's as its primary contractor and Rostan as our second contractor for disaster and/or storm monitoring services. Staff will forward the contract to the attorney for legal review and recommends Council to authorize the Mayor to sign the contract when approved.

**Item Summary:** The RFP for Disaster and/or Storm Monitoring Services is awarding a bid to provide services to the City of Freeport in the event of a Declared Disaster.

**Scope of Work:** The City of Freeport requires disaster management, recovery, and consulting services to support the oversight and management of debris recovery contractors. Other services may include, but not limited to, facilitating communication with FEMA, the State of Texas and other State and Federal agencies.

The selected firm will be expected to provide disaster debris monitoring services to include debris generated from the public rights-of-way, drainage areas/canals, waterways, and other public, eligible, or designated areas. Specific services may include: 1. Coordinating daily briefings, work progress, staffing, and other key items with the City. 2. Selection and permitting of TDSRS (Temporary Debris Staging and Reduction Sites) locations and any other permitting/regulatory issues as necessary. 3. Scheduling work for all team members and contractors on a daily basis. 4. Hiring, scheduling, and managing field staff. 5. Monitoring recovery contractor operations and making/implementing recommendations to improve efficiency and speed up recovery work. 6. Assisting the City with responding to public concerns and comments. 7. Certifying contractor vehicles for debris removal using methodology and documentation practices appropriate for contract monitoring. 8. Entering load tickets into a database application. 9. Digitization of source documentation (such as load tickets). 10. Developing daily operational reports to keep the City informed of work progress. 11. Development of maps, GIS applications, etc. as necessary. 12. Comprehensive review, reconciliation, and validation of debris removal contractor(s) invoices prior to submission to the City for processing. 13. Completing project worksheets and other pertinent report preparation required for reimbursement by FEMA and any other applicable agency for disaster recovery efforts by City staff and designated debris removal contractors. 14. Assessment of disaster related damages and reconstruction services. 15. Creating a final report, appeal preparations and assistance related reporting. 16. Cost recovery of eligible funds currently not obligated or potentially de-obligated by appropriate funding agencies.

Separate pricing structures for this service may be included in the Consultant's proposal. 17. Other disaster recovery services as requested by the City.

**EMERGENCY MANAGEMENT PLANNING AND TRAINING** If requested by the City, the Consultant shall provide: 1. Comprehensive emergency management plans (e.g. COOP, EOP) to include plan development; review, and revisions. 2. Comprehensive mitigation programs to include development of mitigation plan(s), staff training, cost benefit analysis, project management, environmental review and staff augmentation. 3. Development of a debris management plan – including identification of an adequate number of TDSRS locations. Staff training as necessary. 4. Procurement assistance for debris removal contractors and other services as requested. 5. Project management to include the formulation and management of permanent work projects and task force management. 6. Technical support and assistance in developing public information. 7. Other training and assistance as requested by the City. 8. Other reports and data as required by the City. 9. Other emergency management and consulting services identified and required by the City. 3.4 **POST-DISASTER DAMAGE ASSESSMENT AND RECONSTRUCTION SERVICES:** If requested, the Consultant shall provide post-disaster damage assessment and reconstruction services to include assessment, planning, engineering, and construction management services. Specific areas where services may be requested include City facilities, utility systems, transportation systems, and other sectors as required. The consultant will assist, if directed by the City, with document preparation of permanent work projects.

**Background Information:** The City of Freeport has advertised for sealed bids for Disaster and/or Storm Monitoring Services. The bids have been reviewed and graded on the criteria listed in the request for proposal. A follow up interview was conducted to validate the proposals as a part of the bid process.

The list includes RFP received for disaster bid for Disaster and/or Storm Monitoring Services: EM Solutions, Debris Tech, Rostan, and Witt O'Brien's

Basis of Award: Proposals will be evaluated according to the following criteria:

1. Firm Qualifications and Experience – 20%
2. Personnel Qualifications and Emergency Planning/Response Experience – 20 %
3. NIMS adoption and compliance in employee training and operations – 10 %
4. Project Understanding and Approach - 20 %
5. Management Systems/Reporting Systems/Training Manual – 10 %
6. Cost of Services Proposed - 15 %
7. Experience with City of Freeport – 5%

Interview Panel: Christopher D. Motley, Fire Chief, Lance Petty, Public Works, Michael Praslicka, Deputy Chief EMS Coordinator, Jason Shafer, Deputy Chief Fire Marshal.

The basis of award and the panel interview, the results provided Witt O'Brien's (primary) and Rostan (secondary).

**Special Considerations:** The contract process is being followed as required in order to receive reimbursement in the event of a Federal Disaster Declaration. The City of Freeport has worked with Rostan in the past.

**Financial Impact:** No impact on the general fund budget. Financial impact if the City of Freeport issues a disaster declaration and issues a notice to proceed with the disaster and/or storm debris monitoring services would be for the expenses of the event. Reimbursable for if the declared disaster is declared a federal disaster. The services were competitive bid and reviewed under CFR 200 procurement rules and the City of Freeport policy. Only financial impact would be in the activation the contract for emergency management planning and training. If requested by the City, the Consultant shall provide: 1 Comprehensive emergency management plans (e.g. COOP, EOP) to include plan development; review, and revisions. 2. Comprehensive mitigation programs to include development of mitigation plan(s), staff training, cost benefit analysis, project management, environmental review and staff augmentation. At this point a cost estimate would be requested and address through City of Freeport procurement process and financially addressed in the existing budget line of emergency management professional services.

**Board or 3<sup>rd</sup> Party recommendation:**

Interview panel consisted of four city employees.

Lace Petty, Public Works      Christopher D. Motley, Fire Chief / EMC  
Jason Shafer, Fire Marshal      Michael Praslicka, EMS Coordinator

**Supporting Documentation:** Proposer Cover letter, Fee Schedule, and bid tabulation

## COVER LETTER

June 15, 2022

Christopher D. Motley  
City of Freeport  
200 West 2<sup>nd</sup> Street  
Freeport, TX 77541

RE: Disaster and/or Storm Recovery Monitoring

Dear Christopher Motley:

Witt O'Brien's is pleased to submit this proposal to the City of Freeport, Texas (the City), for emergency debris monitoring and recovery services. As a leading public safety and emergency management firm, we offer a complete range of planning, mitigation, preparation, and prevention services that can help the City be better prepared before a crisis occurs, as well as providing professional and timely services after a disaster. We are ready to assist the City with pre-event planning and post-event debris monitoring efforts to support your disaster response activities and maximize your reimbursements.

The history of Witt O'Brien's is intertwined with the history of emergency management. Formed in 2009 by a merger between O'Brien's Response Management (founded in 1983) and Witt Associates (founded in 2001), Witt O'Brien's, LLC has supported its clients in preparing for, responding to, and recovering from some of the most significant disasters in our Nation's history. This project will be managed from our Houston, Texas, operations headquarters.

We are a full-service firm that supports our clients – and their communities – through the entire disaster cycle. We earn their trust because we deliver. As described in our proposal, our success is based on a combination of experience, capacity, tools, knowledge, and relationships:

- **Nationally recognized, full-service disaster recovery firm.** Since 2001, Witt O'Brien's has helped state and local clients prepare for, respond to, and recover from more than 40 major disasters, including hurricanes from Frances (2004) to Ida (2021) and other severe weather events. Witt O'Brien's remains a leader in the industry we helped build. Our team has managed the recovery of **50 million cubic yards (CY) of debris** across 135 projects, resulting in **\$400 million in hauling costs**. We have helped our clients secure and use more than **\$65 billion in disaster recovery funding** across the spectrum of available sources, including \$10 billion in COVID-19-related funding.
- **Capacity to respond to multiple disasters.** Witt O'Brien's meets its debris monitoring clients' needs, even with multiple, simultaneous activations. We maintain a robust program management system for proactive management of clients, contracts, and staff. We supplement our cadre of 75 supervisory staff and network of 700 vetted monitors with full-service recruiting for local hires. In the recent 2021 hurricane season, we successfully managed 5 different projects involving more than 650 staff, all with full implementation of COVID-19 protocols.
- **ADMS for secure and accurate data collection and management.** A cornerstone of our approach is the use of our proprietary Automated Debris Management System

(ADMS), **DebrisPro™**, a securely hosted, multi-device supported, web-enabled system that allows for the electronic tracking and collection of data in the field to ensure thorough documentation for all cost-recovery activities. **DebrisPro™** integrates the best of technology, tools, server infrastructure, hand-held devices, and a web portal to simplify the tasks of managing debris monitoring and removal operations.

- **Dedicated, client-focused management team.** Our proposed Project Manager, Rodney Byrd, and our Rapid Response Package are within a 2-hour drive from Freeport. Rodney will maintain a relationship with the City and the hauling contractor throughout the year, keeping a pulse on the community.
- **Real-time progress reporting and performance improvement.** Using our GIS tools and **DebrisPro™** we provide frequent updates on debris removal progress along with detailed metrics. To provide the City with recommendations to improve efficiency, we will regularly analyze collection quantity data against project goals to determine where operational improvements can be made.
- **Focus on staff preparedness through training and safety.** Witt O'Brien's requires all debris monitoring staff to complete a comprehensive training program that focuses on safety as well as FEMA requirements. We perform drug screenings, criminal background checks, and motor vehicle operating record reviews for all of our temporary employees. We have developed a COVID-19 management program for operating during a COVID-19 environment—throughout the pandemic, we have not lost any days of work in debris operations.
- **Knowledge of federal programs informs how we conduct debris management and monitoring—with knowledge of how to ensure maximum reimbursement.** Our corporate and personnel experience and capabilities span all federal funding programs, and our staff remain on the cutting edge of policy and program changes. Both our full-time and on-call debris monitoring staff are trained on any updates to FEMA's PAPPG (e.g., Version 4) and FEMA's PA Debris Monitoring Guide (updated March 2021).

Witt O'Brien's appreciates your time and consideration and stands ready to assist the City. In our proposal, we have marked certain information confidential in accordance with applicable public disclosure laws in Texas. We reserve the right to negotiate terms and conditions applicable to any final agreement and, if selected, will negotiate in good faith with the City to enter into a mutually agreeable formal written agreement. For any questions about this proposal or our capabilities, please contact Charles Bryant, Director of Debris Operations, at 337-476-0158 or [cbryant@wittobriens.com](mailto:cbryant@wittobriens.com), and please cc [contractrequests@wittobriens.com](mailto:contractrequests@wittobriens.com).

Respectfully,

**Witt O'Brien's, LLC**

*Cheryl Joiner*

**Cheryl Joiner**

Director, Contracts & Compliance

**WITT O'BRIENS**

PART OF THE SEACOR FAMILY

**C. FEE SCHEDULE**

**SECTION IV – PROPOSAL STATEMENTS** I have read and understand the requirements of this proposal, Debris Monitoring and Recovery Services, and agree to provide the required services in accordance with this proposal and all attachments, exhibits etc. I agree to furnish the services as described in RFP except where specific exception has been taken. The hourly labor rates shall include all applicable overhead and profit. All non-labor related project costs (including communications, supplies, rental equipment, and other direct project expenses) will be billed to the City at cost without mark-up.

Per Addendum #1, Response to Question #2: Travel, lodging and per diem may be billed to City without markup.

Positions	Hourly Rates
Project Manager	\$69.00
Operations Managers	\$55.00
GIS Analyst	\$35.00
Field Supervisor	\$49.00
Debris Site Monitors	\$32.50
Load Ticket Data Entry Clerks	\$N/A*
Project Assistants	\$28.00
Field Coordinators (crew Monitors)	\$32.50

\*This position is not required as this function is carried out by the ADMS.

**OTHER REQUIRED POSITIONS:** Proposer may include other positions, with hourly rates, as needed.

Positions	Hourly Rates
Data Manager	\$50.00
Preparedness Specialist	\$90.00
Disaster Recovery Specialist	\$75.00
	\$

**SUBMITTED BY:**PROPOSER: Witt O'Brien'sSIGNED: Cheryl JoinerNAME (PRINT) Cheryl Joiner, Director Contracts & ComplianceADDRESS: 818 Town & Country Blvd, Suite 200 CITY/STATE: Houston TX 77024TELEPHONE: ( ) 281-320-9796FAX: ( ) 281-320-9700 EMAIL: contractrequest@wittobriens.com





# ROSTAN

**ROSTAN SOLUTIONS, LLC**  
3433 Lithia Pinecrest Road, Suite 287  
Valrico, FL 33596  
T: 813.333.7042 | F: 813.333.7330  
[www.rostan.com](http://www.rostan.com)

June 15, 2022

City of Freeport  
Attn: Christopher D. Motley  
200 West 2nd Street  
Freeport, Texas 77541

Re: 2022 RFP for Disaster and/or Storm Recovery Monitoring

Dear Chief Motley and Review Committee Members,

It is with great pleasure that Rostan Solutions, LLC (hereinafter, Rostan) submits our proposal in response to the City of Freeport's (hereinafter, City) request for proposals for disaster and/or storm recovery monitoring services. Rostan has had the distinguished pleasure of serving as the City's primary on-call debris monitoring firm since 2017 and strongly desires to continue serving the City in this capacity. In addition to debris monitoring services, Rostan offers a full suite of disaster-related services including public assistance consulting, mitigation, planning, and construction/project management. Rostan has built an outstanding reputation as a reliable partner valued by numerous municipal, non-profit, and private sector clients throughout the United States and its territories, including several clients in Texas.

*Our mission is to promote and implement responsible solutions to ensure communities are better prepared to respond to, and expeditiously recover from, disaster events.*

## OUR PARTNER



**MPACT**  
STRATEGIC CONSULTING

MPACT Strategic Consulting (MPACT) is a Texas-certified HUB that provides post-disaster consulting services for several marquee clients in the State of Texas. Led by Spurgeon Robinson, a resident of Brazoria County, MPACT is a known entity in Southeast Texas having provided strategic and disaster-related consulting to several nearby clients. MPACT is a trusted partner, having worked alongside Rostan since Hurricane Harvey in 2017. We are confident that MPACT will provide positive benefits to the City as a valuable addition to Rostan's team.

## ROSTAN'S TEXAS PRESENCE

Rostan, formerly a subsidiary of Malcolm Pirnie, Inc/Arcadis-U.S., Inc. began serving clients in Texas in 2008 following Hurricane Ike. In nearly 15 years serving in the State, Rostan has continued a pattern of growth providing disaster-related services to more than 20 government and private non-profit clients during that time. Rostan's most recent debris monitoring activation in the Texas was for Brazoria County following Hurricane Nicholas in late 2021. Prior to Hurricane Nicholas, Rostan deployed to the City of Richardson following the Dallas-area Tornadoes in late 2019. Prior to 2019, Rostan was activated to provide debris monitoring support for seven Texas clients following Hurricane Harvey.

Rostan's assigned project manager, Jordan Bryant, has been on staff with Rostan since 2006 and is a resident of Dallas, TX.

## NATIONAL EXPERIENCE

Rostan stands proud, having serviced more than 200 clients in 23 US states and territories to include conducting more than 50 debris monitoring projects in the past 5 years alone. Rostan has provided debris monitoring services to all levels of government including the United States Government through the United States Army Corps of Engineers (USACE), select state-level programs including

in Texas, Florida, New Jersey, and Puerto Rico, and numerous local governments/agencies. This includes debris monitoring projects of all sizes from small, localized floods generating less than 5,000 CY of debris to massive 25 Million+ CY projects incorporating multiple state-level agencies and dozens of local governments. Our team has pursued reimbursement through the Public Assistance grant program in seven (7) of the ten (10) FEMA Regions and our continued relationship with TDEM will yield tremendous benefits to the City. Our team harnesses hundreds of years of experience working with federal grant programs and has managed billions of dollars in post-disaster projects and grant funding efforts in the US and its territories for our clients.

## STAFF EXPERTISE

Rostan was recognized as a top 10 Disaster Management Services company in 2021 by govCIC. This was all made possible by the dedicated professionals that drive our service lines and continue to grow our share of the marketplace.

Our team was developed to incorporate professionals from a broad range of expertise and backgrounds. Our personnel represent career industry professionals, technical experts, former FEMA and state emergency management employees, attorneys and legal/policy experts, and a veteran operations team. There is not a single part of the scope of services that we are not well positioned to provide with efficiency and professionalism. Our collective expertise includes work on more than 50 major disasters.

## CUTTING EDGE TECHNOLOGY



For more than 15 years, HaulPass® has been recognized as the original and most trusted name in automated debris management systems (ADMS). Developed by Rostan following Hurricane Katrina in 2005, HaulPass® led the digital wave, replacing traditional 5-ply carbon ticketing methods. In

2018 HaulPass® began an extensive redevelopment process to capitalize on emerging technologies and to move to a new operating platform. Rostan has invested nearly \$2 million dollars in HaulPass® in the last three years and is continually developing new features in order to remain at the forefront of the ADMS industry. *Since HaulPass® was developed, we have never delayed a recovery effort, stopped work, or been forced to use another data collection method due to resource capacity, data integrity, or hardware issues.* We would be happy to provide the City with a demonstration of our new and improved system.

## POINT OF CONTACT

Travis Mays, Vice President of Debris Programs, 8th generation Texan, and a University of Houston graduate, will serve as the primary liaison for this project, including technical and contractual clarifications. He can be reached via the below points of contact:

PRIMARY CLIENT CONTACT	
NAME	Travis Mays
TITLE	Principal/Vice President
ADDRESS	4600 Goer Drive, Suite 200A North Charleston, SC 29406
PHONE	713-623-2002
FAX	813-333-7330
EMAIL	tmays@rostan.com

In closing, this letter serves as confirmation of our continued commitment to provide the services requested in a timely manner and hold firm this offer with the intent to enter successful negotiations with the City. We acknowledge receipt of Addendum #1. If you should have any questions or require any additional information, please do not hesitate to contact us. We appreciate your fair consideration and believe our proposal offers a personalized, innovative, and cost-effective approach to the services requested by the City.

Very truly yours,

Sam Rosania  
Principal / Executive Vice President  
Rostan Solutions, LLC

**SECTION IV -- PROPOSAL STATEMENTS** I have read and understand the requirements of this proposal, Debris Monitoring and Recovery Services, and agree to provide the required services in accordance with this proposal and all attachments, exhibits etc. I agree to furnish the services as described in RFP except where specific exception has been taken. The hourly labor rates shall include all applicable overhead and profit. All non-labor related project costs (including communications, supplies, rental equipment, and other direct project expenses) will be billed to the City at cost without mark-up. ~~Travel, lodging and per diem will not be allowable charges to the city.~~

Positions	Hourly Rates
Project Manager	\$ 80.00
Operations Managers	\$ 70.00
GIS Analyst	\$ 65.00
Field Supervisor	\$ 48.00
Debris Site Monitors	\$ 35.00
Load Ticket Data Entry Clerks	\$ 0.00
Project Assistants	\$ 32.00
Field Coordinators (crew Monitors)	\$ 35.00

**OTHER REQUIRED POSITIONS:** Proposer may include other positions, with hourly rates, as needed.

Positions	Hourly Rates
Junior Technical Consultant	\$ 130.00
Technical Consultant	\$ 155.00
Senior Technical Consultant	\$ 180.00
Grant Specialist	\$ 120.00
Data Manager	\$ 75.00

**SUBMITTED BY:**

**PROPOSER:** Rostan Solutions, LLC

**SIGNED:** 

**NAME (PRINT)** Sam Rosania

**ADDRESS:** 3433 Lithia Pinecrest Road, Suite 287

**CITY/STATE:** Valrico, FL 33596

**TELEPHONE:** ( 813 ) 333-7042

**FAX:** ( 813 ) 333-7330 **EMAIL:** srosania@rostan.com

Basis of Award	Percentage	EM Solutions	Debris Tech	Rostan	Witt Obrien		
Experience on similar size projects	20%	15	20	20	20		
Personnel Qualifications	20	20	15	15	15		
NIMS Adopt Compliance	10	3	3	3	3		
Employee Training				2	2		
Operations				5	5		
Project Understanding & Approaching	20			8	8		
Management Systems	10			5	7		
Reporting Systems/Training Manual				5	5		
Cost of Services Proposed	15	2	5	3	4		
Experience with City of Freeport	5			3	1		
Financial Assurance		Non-compliant	Yes	Yes *	Yes *		
Interview	100		No Show	74	75		
Interviewer 1				2	1		
Interviewer 2				2	1		
Interviewer 3				2	1		
Interviewer 4				2	1		

\* Financial Assurance Review by  
Finance Director

7/20/2022 Pending legal review by the Olsan + Olsan because  
with O'Brien has request some exceptions to the RFP.  
Olsan + Olsan with determine if the request is acceptable.



## City Council Agenda Item # 13

**Title:** Consideration and possible action on Architectural agreement with IAD Architects for preliminary Architectural design for Freeport Fire Station #1, Emergency Operations Centers, sleeping Quarters/Apparatus Bays

**Date:** August 1, 2022

**From:** Tim Kelty, City Manager; Christopher D. Motley, Fire Chief

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**Staff Recommendation:** Staff recommends approval of this agreement with IAD Architects for preliminary architectural design for the Freeport Fire Station #1, Emergency Operations Centers, sleeping quarters/apparatus Bays in the amount of \$14,500.00

**Item Summary:** IAD Architects has provided a proposal for development of preliminary architectural design and development for proposed renovation to the existing Fire Station #1. The scope of work requested for this initial and limited project includes professional architectural design services to Schematic Design/Conceptual site and floor plan images, along with preliminary cost estimates for completing the work. This is being done to provide information for your review and consideration prior to developing full construction documents, for a future scope of work agreement. Given the preliminary and limited scope of this exercise, it is not intended for geotechnical, mechanical, electrical, plumbing, and civil engineering services to be necessary at this time.

Deliverables for this proposed scope of work will include proposed layouts for the building, windstorm compliance evaluation and modification recommendations of existing apparatus bays, three dimensional renderings for consideration by the City of Freeport, and engineered estimates. We will submit both hard copies and electronic PDF versions of the work as well. Services that are not a part of this proposal include complete design or engineering services beyond the creation of this conceptual phase. Design/engineering services necessary beyond this initial scope of work will be under a separate agreement as requested by the City if the decision is made at that time to proceed with the project.

**Background Information:** During the 2019 – 2023 strategic planning session, the request for renovations to Fire Station #1 is to utilize existing space for first responders, and an emergency operations center to benefit the community.

Fire Station #1 was built in 1990 to replace the original downtown fire station. The main building is a two-story concrete tilt wall construction with a detached metal building operating as the apparatus bays. Analysis of the existing Truck/Apparatus Bays is needed to determine its structural and windstorm compliance/integrity as they currently exist, and what may need to be modified to bring them into compliance.

Architectural design will address housing for on-duty emergency personnel since the main station was designed for one on-duty firefighter/EMT. Fire Station #1 is due for revitalization due to the buildings age.

This preliminary architectural effort is the first step in developing a plan to accomplish the vision that the City Council has communicated. It will allow the city to scope and size the project and plan for financial past forward to complete the project.

**Special Considerations:** The city went through a comprehensive RFP for the selection of an architect for the renovation of City Hall and following that process selected IAD Architects.

**Financial Impact:** None. This item was included in this year's budget.

**Board or 3<sup>rd</sup> Party recommendation:** None

**Supporting Documentation:** IAD proposal

# Integrated Architecture & Design

107 West Way, Suite 16  
Lake Jackson, Texas 77566  
979.297.1411 p. 979.297.1418 f.  
www.iadarchitects.com



June 30, 2022

Mr. Tim Kelty  
City Manager  
City of Freeport, Texas  
200 West Second St.  
Freeport, Texas 77541 (Sent via email to: Mr. Tim Kelty (tkelty@freeport.tx.us))

Dear Mr. Kelty,

Thank you for the time to visit with you and Chief Chris Motley recently regarding some preliminary and conceptual design work for a new Emergency Operations Center space, Sleeping Quarters and the consideration of fortifying the existing or expanding the Truck/Apparatus Bays at the current Fire Station #1, located at 131 E. 4<sup>th</sup> Street.

We are also grateful for the opportunity to submit this proposal for professional architectural work related to the production of conceptual ideas for consideration by the Freeport City Council and other stakeholders within the City of Freeport.

## PROJECT SCOPE

As a result of our meetings and conversations with you and Chief Motley, we understand that this limited project scope will include the following:

- Develop an Architectural Programming Statement based upon a completed Program Questionnaire that identifies the future spatial and functional needs of the facility;
- Develop a single conceptual site plan and floor plan that meets the overall needs for Fire Station #1;
- Analyze the existing Truck/Apparatus Bays to determine their structural and windstorm compliance/integrity as they currently exist, and what may need to be modified to bring them into compliance, if necessary;
- Produce preliminary construction costs estimates based upon the conceptual work provided;
- The goal of this conceptual phase will be to provide information that the City of Freeport can plan around that may be used in a future scope of work to develop complete construction documents for this important project.



## **SCOPE OF BASIC SERVICES**

We understand that the scope of work requested for this initial and limited project shall include professional architectural design services to Schematic Design/Conceptual site plan and floor plan images for your review and consideration to develop complete construction documents, under a future scope of work agreement.

Given the preliminary and limited scope of this exercise, it is not intended for geotechnical, mechanical, electrical, plumbing, and civil engineering services to be necessary at this time.

Deliverables for this proposed scope of work will include three dimensional concepts for consideration by the City of Freeport. We will submit both hard copies and electronic PDF versions of the work as well.

Services that are not a part of this proposal include complete design or engineering services beyond the creation of this conceptual phase. Design/engineering services necessary beyond this initial scope of work will be under a separate agreement as requested by you.

## **COMPENSATION FOR SERVICES**

Proposed compensation to Integrated Architecture & Design (IAD Architects) for this limited scope of work to the information stated above shall be a lump sum amount of \$14,500.00 (Fourteen thousand, five hundred dollars). This amount does include anticipated reimbursables for printing and mounting of presentation boards and other project related incidentals.

## **PAYMENT**

Due to the small nature of this project, invoicing for items agreed to in this proposal shall be submitted for payment once all work is complete. Terms shall be net 30 days.

## **ADDITIONAL SERVICES**

The following are examples of architectural services not included as a part of Basic Services under this proposal:

- Services due to changes in scope of the Project or its design, including but not limited to changes in size, complexity, schedule, or character of construction based on the descriptions of scope in this proposal.
- Revising documents and specifications which the Owner has previously approved or when changes are due to causes beyond the control of the Architect. Special meetings for changes of this type will also be Additional Services.
- Preparation of design documents for alternate systems, or out-of-sequence work.
- Providing design services relating to future facilities, systems, and equipment, which are not intended to be constructed or operated as a part of the Project.
- Providing design for value engineering of the project after the drawings have been submitted, reviewed, and approved.
- Attendance at meetings in excess of those outlined in the Construction Documents.

### ADDITIONAL SERVICES cont'd

- Attendance at additional meetings or site visits during construction will be provided as requested and billed for on an hourly basis in accordance with the Per Diem Rate Schedule in this Proposal.
- Any reimbursable expenses associated with additional services defined above.

Upon request and written authorization by the Owner, Architect will provide these services as Additional Services. Billing for Additional Services shall be as per the attached Per Diem Rate Schedule unless indicated otherwise. No additional services will be provided or invoiced without the Owner's consent.

### EXECUTION

Should this proposal meet your approval, please execute two copies; retain one for your records and return the other to our office.

Thank you again for the opportunity to submit this proposal. We look forward to working with you on this exercise.

Should you have any questions, please do not hesitate to call.

Best regards,



Brent K. Bowles, AIA  
Principal, **iAD Architects**

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

Organization: \_\_\_\_\_

Title: \_\_\_\_\_

# Integrated Architecture & Design

107 West Way, Suite 16  
Lake Jackson, Texas 77566  
979.297.1411 p. 979.297.1418 f.  
www.iadarchitects.com



## PER DIEM RATE SCHEDULE

As of July 1, 2020

Please note that all architectural, design and other related professional services agreed to be compensated via terms of a Per Diem Rate shall be as follows below, and that such rates will be in effect as of the above-mentioned date on all projects in which Integrated Architecture & Design performs professional services:

<u>Integrated Architecture &amp; Design Staff</u>	<u>Rate</u>
Architect/Principal	\$200.00/hour
Associate/Architect	\$150.00/hour
Associate/Production	\$120.00/hour
Draftsman/Production	\$90.00/hour
Clerical	\$65.00/hour

Direct non-labor expenses, such as, printing, plotting, reproduction of all project correspondence and contract documents or similar documents, postage, freight, express delivery, photography, and/or travel shall be considered as a Reimbursable Expense and subject to invoice to the client with a multiplier of 1.10.

Consultant fees will be billed directly to the Architect. The Architect will invoice the client for these fees with a multiplier of 1.10.

The Texas Board of Architectural Examiners has jurisdiction over complaints regarding the professional practices of persons registered as architects in Texas. TBAE, 333 Guadalupe, Suite 2-350, Austin, TX 78701-3942. p. 512.305.9000



## City Council Agenda Item # 14

**Title:** An Ordinance Of The City Of Freeport, Texas, Containing A Preamble; Amending Sections 52.16 Of The Code Of Ordinances Of Said City To Increase The Rates For Water Services Furnished To Single-Family Residences And Multi-Family Residences, Industrial Facilities, Office And Other Commercial Establishments Inside The Corporate Limits Of The City For Water And Water Only Services Furnished On Or After September 1, 2022 And For Water Furnished To Industrial Facilities, Offices And Other Commercial Establishments, Residences And Customers Located Outside The Corporate Limits Of The City On And After September 1, 2022; Containing Savings Clauses; Containing A Severance Clause; And Providing That This Ordinance Shall Take Effect And Be In Force From And After Its Passage And Adoption.

**Date:** August 1, 2026

**From:** Cathy Ezell, Finance Director

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**Staff Recommendation:**

Staff recommends approval of the ordinance.

**Item Summary:**

The proposed rate increase is being presented to offset the increase cost for water resulting from Brazosport Water Authority (BWA) adopted 12.5% increase. The proposed rate will raise water rates by nine percent (9%), and will affect the water side of the bill only. Below is a summary of the changes to the Single-Family Residences beginning September 1, 2022. The Ordinance presented has the new rates for all the rate schedules.

Single-Family Residences	Current Rate	Proposed Rate	Increase \$	Increase %
Water Rates				
0 gal. to 2,000 gal.	\$15.07	<b>\$16.43</b>	\$1.36	9.0%
3,000 gal. to 12,000 gal.	\$ 5.21	<b>\$ 5.67</b>	\$0.46	9.0%
All over 12,000 gal.	\$ 6.85	<b>\$ 7.47</b>	\$0.62	9.0%

Commercial / Non-Res	Current Rate	Proposed Rate	Increase \$	Increase %
<b>Water Rates</b>				
0 gal. to 2,000 gal.				
1" Meter	\$ 21.16	<b>\$ 23.06</b>	\$ 1.90	9.0%
1.5" Meter	\$ 27.22	<b>\$ 29.67</b>	\$ 2.45	9.0%
2" Meter	\$ 43.83	<b>\$ 47.78</b>	\$ 3.95	9.0%
3" Meter	\$166.25	<b>\$181.22</b>	\$14.97	9.0%
4" Meter	\$211.85	<b>\$230.92</b>	\$19.07	9.0%
6" Meter	\$317.37	<b>\$345.94</b>	\$28.57	9.0%
8" Meter	\$438.27	<b>\$477.72</b>	\$39.45	9.0%
10" Meter	\$559.89	<b>\$610.28</b>	\$50.39	9.0%
3,000 gal. to 12,000 gal.	\$ 9.89	<b>\$ 10.78</b>	\$ 0.89	9.0%
All over 12,000 gal.	\$ 13.03	<b>\$ 14.21</b>	\$ 1.18	9.0%

**Background Information:**

BWA sells the City of Freeport water along with the Cities of Angleton, Brazoria, Clute, Lake Jackson, Oyster Creek, and Richwood. On May 25, 2022, the Cities received a letter from BWA stating that they were increasing the rate per 1,000 gallons of water sold from \$3.36 to \$3.78 (\$0.42 difference). This is a 12.5% increase and will cost the City of Freeport \$306,000.

The water rate increase proposed by this ordinance was calculated based off the water consumption from October 2020 to September 2021.

**Special Considerations:**

If approved, the impact on the average residential bill of 5,000 gallons would increase from \$58.60 to \$61.34 – an increase of \$2.74. This is a 4.7% increase of the total average residential utility bill. This increase would begin on September 1, 2022 and would be reflected in bills payable in October.

**Financial Impact:**

When combined with the BWA rate increase this ordinance will lead to a estimated Net Zero impact on the utility for the next fiscal year Utility budget. It is estimated that this rate increases will generate approximately \$306,600 additional revenue for the FY2021-2022 budget to offset the same increase in cost.

**Board or 3<sup>rd</sup> Party recommendation:** N/A

**Supporting Documentation:**

Brazosport Water Authority Letter  
Ordinance

ORDINANCE NO. 2022-2669

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING SECTIONS 52.16 OF THE CODE OF ORDINANCES OF SAID CITY TO INCREASE THE RATES FOR WATER SERVICES FURNISHED TO SINGLE-FAMILY RESIDENCES AND MULTI-FAMILY RESIDENCES, INDUSTRIAL FACILITIES, OFFICE AND OTHER COMMERCIAL ESTABLISHMENTS INSIDE THE CORPORATE LIMITS OF THE CITY FOR WATER AND WATER ONLY SERVICES FURNISHED ON OR AFTER SEPTEMBER 1, 2022 AND FOR WATER FURNISHED TO INDUSTRIAL FACILITIES, OFFICES AND OTHER COMMERCIAL ESTABLISHMENTS, RESIDENCES AND CUSTOMERS LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY ON AND AFTER SEPTEMBER 1, 2022; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Freeport, Texas, ("the City") 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, Chapter 51 and 402 of the Local Government Code of Texas and Sections 2.01, 2.02, 3.07(n) and (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 City Council of the City of Freeport has determined to here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City and persons owning land therein.

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

First, Section 52-16 of the Code of Ordinances of the City of Freeport, Texas, is hereby amended to read as follows:

"(A) The city shall furnish water service to customers within the corporate limits of the city and shall charge each customer as follows:

(1) For water furnished to single-family residences and multi-family residences:

0 gal. to 2,000 gal.	\$16.43 (minimum rate)
3,000 gal. to 12,000 gal.	\$5.67 per 1,000 gal.
All over 12,000 gal.	\$7.47 per 1,000 gal.

(2) For water furnished to all other customers, including but not being limited to industrial facilities, offices and other commercial establishments located within the city:

0 gal. to 2,000 gal.	
1" meter	\$23.06 (minimum rate)
1 ½" meter	\$29.67 (minimum rate)
2" meter	\$47.79 (minimum rate)
3" meter	\$181.22 (minimum rate)
4" meter	\$230.92 (minimum rate)
6" meter	\$317.37 (minimum rate)
8" meter	\$477.72 (minimum rate)
10" meter	\$610.28 (minimum rate)
3,000 gal. to 12,000 gal.	\$10.78 per 1,000 gal.
13,000 gal. and up	\$14.21 per 1,000 gal.

(B) The city may furnish water service to customers outside the corporate limits of the city and shall charge each customer as follows:

0 gal. to 2,000 gal.	
1" meter	\$34.61 (minimum rate)
1 ½" meter	\$44.48 (minimum rate)
2" meter	\$71.65 (minimum rate)
3" meter	\$279.56 (minimum rate)



4" meter	\$345.87 (minimum rate)
6" meter	\$518.80 (minimum rate)
8" meter	\$716.43 (minimum rate)
10" meter	\$915.26 (minimum rate)

3,000 gal. and up                      \$16.15 per 1,000 gal.

(C) The city shall furnish water-only service to customers inside the corporate limits of the city and shall charge each customer as follows:

0 gal. to 2,000 gal.

1" meter	\$32.94 (minimum rate)
1 ½" meter	\$42.36 (minimum rate)
2" meter	\$68.24 (minimum rate)
3" meter	\$258.78 (minimum rate)
4" meter	\$329.35 (minimum rate)
6" meter	\$494.01 (minimum rate)
8" meter	\$682.20 (minimum rate)
10" meter	\$798.96 (minimum rate)

3,000 gal. to 12,000 gal.    \$11.36 per 1,000 gal.

13,000 gal. and up              \$14.99 per 1,000 gal."

Second, this ordinance is cumulative of and in addition to all other ordinances of the City of Freeport, Texas, on the same subject and all ordinances are hereby expressly saved from repeal.

Third, where this ordinance and another ordinance conflict or overlap, this ordinance shall prevail.

Fourth, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in

any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

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

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

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Brooks Bass, Mayor,  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Betty Wells, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
City Attorney,  
City of Freeport, Texas



**MEMBER CITIES:**

**ANGLETON**

**BRAZORIA**

**CLUTE**

**FREEPORT**

**LAKE JACKSON**

**OYSTER CREEK**

**RICHWOOD**

May 25, 2022

Tim Kelty  
City of Freeport  
200 W. 2<sup>nd</sup> Street  
Freeport, TX 77541

RE: Brazosport Water Authority 2022/2023 Expense Budget Approval with a Rate Increase to All Customers

Dear Mr. Kelty,

Brazosport Water Authority's Board of Directors voted to approve Brazosport Water Authority's 2022/2023 Expense Budget at our May 24, 2022 Board Meeting.

This budget includes the approval of a rate increase for all customers that will take effect on October 1, 2022. Please be advised that this rate increase includes a \$.36 increase for operations and a \$.06 increase for debt service.

Participating Customers

\$3.78 per thousand gallons

Please provide a copy of this letter to your Finance Director or the appropriate personnel within your organization.

If you have any questions or need any additional information, please just let us know.

Thank you,

April Garcia  
Office Manager  
Brazosport Water Authority  
Phone: (979) 297-2715  
Fax: (979) 297-8933

Cc: File