



City of Freeport
Meeting and/or Executive Session Agenda

This meeting will be live streamed via YouTube Live and may be accessed on the City of Freeport Facebook page: <https://www.facebook.com/freeporttxas> or by visiting <https://www.youtube.com/@cityoffreeporttx8375/streams>

Monday, January 6, 2025, 6:00 PM | Council Chamber | 430 North Brazosport Blvd., Freeport, Texas 77541

In accordance with Section 551.043 of the Texas Government Code, this agenda has been posted at Freeport City Hall, and distributed to the appropriate news media within the required time frame. All meetings of the Freeport City Council are open to the public. Public participation and written comments are invited on all open session business items.

The Mayor and City Council request that cell phones be turned off or set to vibrate. Members of the audience are requested to step outside to conduct a phone conversation. The Council Chamber is wheelchair accessible and special parking is available outside the building. If special accommodation is required, please contact the City Secretary a minimum of 72 hours in advance at 979-233-3526.

1: Call to Order:

- 1A. Call to Order - Jerry Cain, Mayor
- 1B. Invocation - Councilman
- 1C. Pledges - Pledge of Allegiance to the United States; Pledge of Allegiance to the State of Texas.
- 1D. Audience Participation – Anyone who has registered to speak prior to the meeting being called to order and desires to address the City Council will be heard at this time, or during the discussion of an item listed on the agenda. These forms are located by the City Secretary. After completing the form, give it to the City Secretary. She will give it to the Mayor. The Mayor will call on you when that item is presented, once a motion has been made by Council then public participation will not be allowed. You will have four (4) minutes to make your comments regardless of the number of agenda items to be addressed.

2: Consent Agenda:

All items listed are part of the Consent Agenda. Public Hearing and review are held collectively unless opposition is presented, in which case the contested item will be heard separately.

- 2A. Action regarding Minutes, December 16, 2024 - Clarisa Fernandez, City Secretary
- 2B. Action approving the date change for the 2nd meeting in February from Monday, February 17, 2025 to Tuesday, February 18, 2025 for the President's Day Holiday- Clarisa Fernandez, City Secretary

3: Proclamations - Presentations and Updates

3A. Upcoming Events - MLK Parade January 20, 2025

4: Business

- 4A. Consideration and possible action to approve Ordinance No. 2025-2737 updating Article X Automobile Wreckers.(Chief Jennifer Howell)
- 4B. Consideration and possible action approving Resolution No. 2025-2901 deeming property surplus.(Chief Jennifer Howell)
- 4C. Consideration and possible action approving the trade in of surplus items.(Chief Jennifer Howell)
- 4D. Consideration and possible action approving annual appointment of TIRZ Chairman.(Lance Petty)
- 4E. Consideration and possible action approving a representative of the City Council to serve on the HGAC 2025 General Assembly.(Lance Petty)
- 4F. Consideration and possible action approving Resolution No. 2025-2902 amending the City of Freeport Policy Handbook Chapter 5 – Standards of Conduct revising Section 5.19 – Use of City Owned Vehicles.(Donna Fisher)

5: Executive Session

The City Council may take action on any Executive Session item posted. 551.071. Texas Government Code. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legal posted agenda item, when the City Council seeks advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items:

- 5A. Executive Session regarding a.) Consultation with Attorney, Section 551.071 of the Government Code.

6: Reconvene into Open Session:

- 6A. Take any action resulting from Executive Session.

7: Adjournment

- 7A. Adjournment – Jerry Cain, Mayor

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).

CERTIFICATE I certify the foregoing notice was posted in the official glass case at the front door of the City Hall, with 24 hours a day public access, 1201 North Avenue H., Freeport Texas, before 6:00 p.m. in accordance with Open Meetings Act.



Clarisa Fernandez,
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, December 16, 2024 at 6:00 PM at the Freeport Council Chamber located at 430 North Brazosport Blvd. , Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Jerry Cain
Councilman Jeff Pena
Councilman Jarvis Davis
Councilman George Matamoros
Councilman Winston Rossow

Staff: Lance Petty, City Manager
Tommy Ramsey, Interim City Attorney
Clarisa Fernandez, City Secretary
Ashlee Hurst, Interim Finance Director
Toby Cohen, IT Manager
Donna Fisher, Human Resource Director
Crystal Ruiz, Executive Administrative Assistant
Shelby Araujo, Building Official
Wade Dillon, Museum Manager
Genesis Martinez, Human Resource Assistant
Jennifer Howell, Police Chief
Juanita Cardoza, Police Department
Alex Johnson, Police Department

Visitors: David McGinty Con McCleester
Flora Green Diane McCleester
Lon Siddal

Call to Order:

Call to Order - Jerry Cain, Mayor

Mayor Cain called the meeting to order at 6:00P.M.

Mayor Cain said, for the record, Councilman Pena was not present at the moment.

Invocation - Councilman

Councilman Rossow led the Invocation.

Pledges - Pledge of Allegiance to the United States; Pledge of Allegiance to the State of Texas.

Councilman Rossow led the Pledge of Allegiance to the United States and the Pledge of Allegiance to the State of Texas.

Audience Participation – Anyone who has registered to speak prior to the meeting being called to order and desires to address the City Council will be heard at this time, or during the discussion of an item listed on the

agenda. These forms are located by the City Secretary. After completing the form, give it to the City Secretary. She will give it to the Mayor. The Mayor will call on you when that item is presented, once a motion has been made by Council then public participation will not be allowed. You will have four (4) minutes to make your comments regardless of the number of agenda items to be addressed.

Flora Green said like she stated she is the proud owner of two properties here in the City which one would be at 1611 North Avenue Q, and the other would be 531 West Brazos. She said the continuation comes from last meeting she ordered the report from the Freeport Police Department, and she received a report in which she knew what she was going to get because she was the one that called down there asking to remove the officers from her property and that was the only call that they had on there. She said the reason why that was because Officer Hernandez and Officer Graham called each other on the telephone and did not go through dispatcher to get that call. She said they told Mr. Miller to meet them at 1611 North Avenue Q and that is where they met. She said this report that she did get from Ms. Taylor at almost a year to get the report and this is what she got, and it is still not ready. Ms. Green said the Police Chief will not speak to her and this issue definitely needs to be addressed. She said these officers are out of control here in the City. She said she had never seen a city that has officers out of control as much as Freeport. She said she has another property at 531 West Brazos which she purchased from Ms. Sandra Kane and, of course, that property was supposed to had been her and her husband's property to retire but then again, he had a stroke so that was changed to 1611 so that is where they are at right now. She said of course she moved over there and there was a little lady that had the house on the corner, and she had her property over there that was working on this house and then, of course, this little lady passed away and so she sold this property to Mr. Gardner Campbell and Mr. Campbell came in with the property and there was road elevation and there was all kinds of equipment used from taxpayers money to do this project and elevate the road to where all the water goes over to her property and, when it rains, it is all over and his is high and dry. She said every time she tries to do upgrade to her property Mr. Gardner Campbell is always over there trying to intimidate her about getting the property. She said she does not know what it is about him trying to intimidate her by trying to get the property. She said this is her property she paid for it, and he should just stay out of it and every time she gets an electrician or anybody over to work on her house Mr. Gardner Campbell is always over there interrupting the people that are working on her house. She said they never get anything done because he is lying and telling them that she has electrical problems at her rental property. She said the property that he raised up the road and of course he put a drain right there in the alley. She said she had never seen a drain in Freeport in the alley and she had run around the City quite a bit and there is no drain in the alley but over there they have a drain in the alley and the people that are living there cannot go through that alley because of the elevation of the thing and it will tear your vehicle up. Ms. Green said after he did that Mr. Gardner removed all the lights that are supposed to be in her waterfront property, which she has not received yet, because he said she had to pay \$100,000 invested into her property to get her waterfront property and she still does not have it to this day but Mr. Gardner has his waterfront property already and asked why and said she does not know because the closed off the roads down there over there by the Girouards. She said he is trying to keep people out because of drugs and she does not think it was because drugs because there were more drugs there when they had the boats. She said there is no drugs over there.

Mayor Cain said for the record Councilman Pena made it to the meeting at 6:05P.M.

Councilman Pena said he was busy praying and looking for guidance how to expose corruption.

Consent Agenda:

Action regarding Minutes, December 2, 2024 - Clarisa Fernandez, City Secretary.

Action approving date change for the second City Council Meeting in January 2025 to Tuesday, January 21,

2025, due to Martin Luther King Jr. Holiday- Clarisa Fernandez, City Secretary.

A motion was made by Councilman Matamoros to approve the Consent Agenda, seconded by Councilman Rossow with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

Proclamations - Presentations and Updates

Employee Recognitions – Employee of the Month, Genesis Martinez, Human Resource Assistant for Human Resource Department, Lance Petty, City Manager.

City Manager Lance Petty presented the Employee of the Month to Human Resource Assistant Genesis Martinez.

Presentations – GFOA Distinguished Budget Award FY 2024-2025, Ashlee Hurst, Finance Director.

Finance Director Ashlee Hurst presented to the Council the GFOA Distinguished Budget Award FY 2024-2025 for the City of Freeport.

Business

Consideration and possible action approving Resolution No. 2024-2898 appointing board member to the Freeport Historical Commission and Main Street board.

Museum Manager Wade Dillon said he is there this evening as the Freeport Historical Commission and Main Street Advisory Board needs a new board member and as their secretary Ronnie Martin resigned to pursue new business ventures. He said vacancy notice was posted, and two applications were received. He said one application was from former City Attorney Chris Duncan and one from Lon Siddall. He said as the Freeport City Charter clearly states on page 48 the Freeport Historical Commission and Main Street Advisory Board is to consist of five Freeport residents and four non-residents. He said as Mr. Ronnie Martin is a Freeport resident and the only eligible applicant out of the two submissions was Mr. Lon Siddall as Mr. Siddall is also a Freeport resident. Mr. Dillon said this past Thursday the Freeport Historical Commission and Main Street Advisory Board held its monthly meeting and among the agenda items was reviewing both applications and selecting one of the applicants for recommendation to City Council for appointment with the understanding of what the City's Charter outlines and following the City's Charter the majority of the board selected Lon Siddall and recommend him this evening to Freeport City Council to be appointed to the Freeport Historical Commission and Main Street Advisory Board. Mr. Dillon said Mr. Lon Siddall is in the crowd this evening and he is a lifetime Freeport resident who has an extensive work history with DOW and Brazoria County as a deputy Sheriff and Constable. He said Mr. Siddall has also served the City of Freeport as Freeport City Councilman, Mayor Pro Tem, and with the Freeport EDC.

A motion was made by Mayor Cain to approve appointing Mr. Lon Siddall to the Freeport Historical Commission and Main Street Board, seconded by Councilman Pena with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action to approve By-laws of the Freeport Historical Commission & Main Street Advisory Board.

Museum Manager Wade Dillon said every year the Texas Main Street program requires a self-assessment from each of its participating communities to reach accreditation. He said of the 80 Texas cities in the Main Street program nearly half are accredited whereas the other half are affiliates. He said the City of Freeport is currently an affiliate program under the Texas Main Street Program and its parent organization Main Street America. He said to increase the chances of reaching accreditation and opening ourselves up to more resources he began studying the program looking for areas that needed to be addressed and one of those was adopting bylaws so that the Freeport Historical Commission and Main Street Advisory Board could better

regulate itself and be seen as a legitimate body. He said in October he visited Tina Israel the Main Street Manager for the City of Bay City who recommended to adopt bylaws and in doing so freely shared with him the bylaws that the City of Bay City adopted for their Main Street Board. He said Bay City is the closest Main Street neighbor. He said in reading the document you will see that the bylaws are very cut and dry with much of the language pulled from the City's Charter. He said technically there is nothing new within the bylaws regarding the way the Freeport Historical Commission and Main Street Advisory Board operates and ideally can be revised in the future. Mr. Dillon said as such adopting these bylaws is a standard to increase the chances of accreditation establishing legitimacy and as a demonstration of the faith in the Texas Main Street program that the City of Freeport has in revitalizing in the Historic Downtown. He said as a result the Freeport Historical Commission and Main Street Advisory Board approved of the bylaws unanimously this past Thursday and encouraged the City Council to adopt the bylaws for the board to increase Main Street the chances of accreditation.

A motion was made by Councilman Matamoros to approve the By-laws of the Freeport Historical Commission & Main Street Advisory Board as presented, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked what other requirements Mr. Dillon discovered or found in his research that it would give Freeport a chance to go from affiliate to fully accredited? Museum Manager Wade Dillon said one of those would be splitting the Freeport Historical Commission and Main Street Advisory Board that way the Historic Commission and the Main Street board can operate as two separate bodies. Councilman Pena asked how does that bring value to the City of Freeport? Mr. Dillon asked how does splitting the two boards? Councilman Pena said yes in terms of their function. Mr. Dillon said the Historic Commission would focus mainly on the preservation ordinances of the Historic Downtown District whereas Main Street would largely encompass focusing on promotion, marketing, revitalizing Downtown through recruitment of businesses and things of that nature. Councilman Pena asked if there is any redundancy between the Main Street and if it is divided this way as opposed to the Historic and he appreciates the preservation and thinks that was kind of the thrust that the original Main Street development was created for the preservation of the buildings in Downtown but as looking to possibly modify that structure into the Historic Element and then of course the Main Street one for preservation and the other one it sounds like is almost Economic Development and asked if this was right? Councilman Pena said it seems to him that this kind of overlaps into what the EDC does and asked if Mr. Dillon can help to differentiate what that might be and what that might mean for budget? Mr. Dillon said on the Main Street side of things tourism is very much a part of Economic Development and Historic Commission they are going to be complementary of each other, but they would act separate from one another, and he thinks that is the best way that he can describe those two. Councilman Pena asked if Mr. Dillon is going to be ahead the head of both the Historic Commission and the Main Street is that the plan? Mayor Cain said that has not been discussed yet. Councilman Pena said he is just trying to understand that if this motion is made to change the structure of it he is just trying to understand how this is going to look budget wise and is also curious in terms of budget if they have looked at any part of that and what kind of events and plans they are looking at in addition to what they have now. Mayor Cain said at this point it will not affect the budget. Councilman Pena said he just wants to know if that is the case coming from City staff. Mr. Dillon said the Historic Commission would be a whole other board separate from the Main Street board and these are voluntary boards and they are working boards to carry out the mission and scope of each board and he does not see what budget issue the Historic Commission could possibly have at this time but eventually them to reach accreditation that is one of the standards that they would have to meet to reach that point is splitting it and that is a standard that was not only set by the Texas Main Street program but Main Street America as well. Mr. Dillon said eventually if they want to reach accreditation that split has to be made and he is already talking with Texas Main Street program staff and their Historic Preservation officers to see what that split is going to look like and what the language would look like so that there is no redundancy between the two but they would be complimentary of each other and the fact that the Historic Commission would largely focus on preservation ordinance

things of that nature not only focus on Downtown but the whole of Freeport as well. Mayor Cain said he appreciated Councilman Pena's questions, but the agenda item is approving the bylaws and asked Councilman Pena if he had any other questions about the bylaws? Councilman Pena said he just wanted to reiterate that so by accepting these bylaws they are basically then laying the foundation to go ahead and split Main Street and asked if this was right? Mayor Cain said they are laying the foundation to become accredited. Councilman Pena asked if this is the only thing that is going to be in the way of becoming accredited are these bylaws? Mr. Dillon said there are other standards to meet, and these are just incremental steps.

Mayor Cain called the motion to a vote with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

Consideration and possible action to approve Ordinance No. 2024-2736 updating Article X Automobile Wreckers.

Police Chief Jennifer Howell said she is proposing and everything to have an update to the wrecker ordinance. She said lots of pieces of the ordinance have not been updated since the 60s, 80s, 90s, and the most recent update was made in 2011 to one section. She said they visited with some other cities and reviewed their ordinances on what they had that was more up to date and then they also went and met with wreckers company to obtain some feedback from them as well. She said in the proposal that was provided in yellow is what is being looked at to make additions to and even just starting off the simplest thing there was never any kind of distinguish between light duty wrecker haul and heavy-duty wrecker hauls and that has been something that has come about. Chief Howell said also the wrecker business being within so many miles having so much of a response time and these are just some of the changes and everything that are being proposed to have it more up to date.

A motion was made by Mayor Cain to approve Ordinance No. 2024-2736 updating Article X Automobile Wreckers, seconded by Councilman Davis with discussion that followed.

Councilman Matamoros said he sees on page 40 section 8-640 storage enclosure required he sees it was strike out the section "such enclosure shall be of the wire mesh type, at least six feet high with three stand barbed wire or better at the top" and asked why this was strike out? Police Chief Jennifer Howell said that had been a kind of a standard that was done back in the 60s and the State actually changed what the standards was set up for these wrecker services. Chief Howell said depending on their location depends on the standard that they have to have set up with it. She said one of the president's wife made a changeover like how the wreckers on certain roads and certain highways had to have more of an enclosure where it was not the mesh type to be able to be visible and see through to not be a astatic for the community and so the wire mesh and everything had been something that was just outdated and was no longer being practiced and it was not in accordance with the State standards. Councilman Matamoros said the reason he is asking this question is because there is a wrecker service that has a lot within the neighborhood and do not want them to take away any because it is an eyesore and he would actually like to see something better than this and stated within that such as a wooden fence ten foot tall storm engineered because it is within a neighborhood and he is sure that people across the street do not want to see that and is sure they do not want a kid to climb into it and get injured. Councilman Matamoros said it is also close to MyCHN, and he is sure they do not want to see that. He said he would like to see something added to this enclosure required in writing even if it is what the State says he would like to see it in writing in this section before he can even approve this. He said he wants to be able to have something that can be held towards them and say it has been passed, and it is in writing and have to go by that. Councilman Matamoros said as long as it is what the State says even if the State says it is something not as nice, he would like to make it stronger especially in the residential neighborhoods. Mayor Cain asked if this is passed, he would assume the regular fence ordinance would trump whatever is on there? Police Chief Howell said her thought is unless it is less than what the State standard is and asked Interim City Attorney Tommy Ramsey if this was correct? Chief Howell said she would have to pull up the State standard and the ordinance to do all the apples and apples comparisons. She

said they can go stricter than the State but cannot go less than that. Councilman Matamoros said he would like to see what the State standard is before he can vote on it and hopefully it can be tabled to next meeting have that information and then make sure it is better, and he is really concerned about within the residential communities.

Mayor Cain asked Police Chief Jennifer Howell if she has a group of wrecker services that she currently works with? Chief Howell said yes. Mayor Cain said on the document it says for light duty they have to be within 10 miles and heavy duty they have to be within 15 miles and asked if Chief Howell had verified that those businesses are within? Chief Howell said annual inspections are done every year and in January there is a Sergeant that goes out and inspects the yard and everything to make sure they are still at the location and make sure their units are up to State standard. Chief Howell said he is the Sergeant that does the commercial vehicle enforcement, so he is very familiar with this as far as all the laws and everything that is associated with Class B, Class A, and CDL. Mayor Cain said he appreciates that but the amount of distance. Chief Howell said when they apply, they have to apply and do not just become a wrecker for the Police Department but there is an actual application process and when that application process that is a part of the initial inspection is documenting as far as what the distance is. Mayor Cain said he just wanted to make sure they do not eliminate someone that has been taking care of the City in the past by having just 10 and 15 miles. Chief Howell said no, all of the wrecker services that are currently serving with the Police Department will still be able to continue to service the department.

Councilman Pena asked he was curious why this came about? Police Chief Jennifer Howell said they had a meeting earlier this year with the wrecker services and they had brought up the discussion of needing to honestly increase their prices because the prices that had gone up regarding their rates of insurance, gas, diesel, and so they went to look at the ordinance and that was when they just noticed that overall the ordinance just had not been updated in a while and they felt it was kind of a good time to go ahead and explore that right then. Councilman Pena said the enforcement of this particular standard of fencing and asked if that falls under the Code Department which he believes Chief Howell is the Director of or does it fall under the Police Department's purview? Chief Howell said it would fall under both. Councilman Pena asked Chief Howell if she is able to then discern whether there is any overlap or any kind of conflict in terms of the language? Chief Howell said yes. Councilman Pena asked if there is any conflict currently as far as it following the State Law and we are not falling below that minimum and for that matter contradicting anything that might be already in the code for fencing and the residential area? Chief Howell said she wants to look back at the code for fencing and go ahead and look at it and compare it and everything to State to see if the City is stricter than or it is just as equal. Chief Howell said she cannot remember because this was a month ago that they had looked through all this. Councilman Pena said what would end up likely happening is that if they end up updating these ordinances for the fencing where it is a little more esthetically pleasing to the community that the cost of those improvements would be passed to those towing companies and asked if that was right? Chief Howell said yes that is correct but technically speaking whatever standard is set up now and this is an attorney question if they are already one of the approved wrecker services and asked if that will change or would it just be the new wrecker services or the previous ones would be already grandfathered in? Interim City Attorney Tommy Ramsey said he would need to look and see what the occupation code says. Chief Howell said she just thought about that. Mr. Ramsey said the State as a whole is a series of chapters on the regulations in the administrative code and then there is some basic provisions in the occupations code. Chief Howell said she did not know if the ones are in existence would be. Mr. Ramsey said his inclination is yes that they would be grandfathered. Councilman Pena asked for all those that are being grandfathered does it make any sense to try to make sure that there are no conflicts? Councilman Pena said he can appreciate the idea that they do not have any conflicts but is kind of disappointed if they are creating this ordinance with the idea that they are going to also help improve the esthetic of the City and then they are not able to enforce that new esthetic standard. Mr. Ramsey said he wants to be clear, the grandfathering would likely apply to if there are if for instance if the fencing requirements come from the zoning ordinance then that is likely grandfathered in and if it is a

public health and safety issue that would not be grandfathered. Councilman Pena asked how many towing companies does the City of Freeport have? Chief Howell said for heavy haul there is only two because you have to have specialized equipment to be able to do that and then for the other rotation wreckers there is four what is referred to as the standard vehicles. Councilman Pena asked if Chief Howell knew if they are compliant at this point with the fencing as it relates to the residential ordinance? Chief Howell said everyone that has had inspections back in January of this year were in compliance of everything. Chief Howell said she can not say as of right now because they are getting ready to do another inspection come January. Councilman Pena said the legal question he would have and asked what change would they need to make it if they are trying to affect in fact the esthetic of the fencing? Councilman Pena asked if they do it through this particular ordinance or do, they do it through Planning and Zoning so there either is or is not grandfathered? Councilman Pena said if we are trying to affect that change that to him means they are trying to remove the grandfathering clause and asked if that was accomplishable from a legal standard? Mr. Ramsey said he does not know what is in the zoning ordinance and his instinct is that you do not remove grandfathering clauses from zoning ordinances that is always going to be an issue and whether they want to build in esthetic requirements into the tow truck ordinance and he does not think you can just put it in one or the other and get out from underneath. Councilman Pena said it sounds to him like the six companies that are in Freeport? Chief Howell said it would still be the four because two of them that do the heavy haul also do the regular. Councilman Pena said so the four companies that are in Freeport will be grandfathered either way it is just a matter of whether there is any new companies that come in that will be required to fit the standards. Chief Howell said potentially and that is why she wanted to check on the grandfathered thing because she did not think about that a while ago when Councilman Matamoros mentioned that but after she had kind of thought for a minute she was like they might actually be grandfathered but does not know that is for sure. Councilman Pena said the question he posed was is there any way to circumvent the grandfathering and the attorney said no. Mr. Ramsey said to not accept his fact of the cuff gut on these issues.

Mayor Cain withdrew his motion to approve, and Councilman Davis withdrew his second.

Mayor Cain tabled this item to get some answers.

Chief Howell said she would do some checking and everything on the grandfathering thing so that way they would know regarding the residential.

Consideration and possible action of removal of alternate BOA Board member Shondra Marshall.

Building Director Shelby Araujo said she wanted to apologize she did actually have a typo in her name and her name is actually Shonda Marshall. She said she was actually going off of Brazoria County Appraisal District when she was spelling her name. She said they actually have her down as Shondra in BCAD. Ms. Araujo said she apologized for this. She said she just wanted to let the Council know it is Shonda and not Shondra Marshall. She said on December 5th, 2024 the Board of Adjustments took action and voted to have Shonda Marshall removed as alternate due to the lack of participation and the motion passed unanimously. She said the Board of Adjustments packets for each meeting were being delivered to the address on file for Ms. Marshall, and attempts were made to reach Ms. Marshall for an alternate due to possible quorum attendance but the attempts to reach Ms. Marshall has not attended a meeting in the past six months. She said staff recommended the Council to take whatever action is necessary.

A motion was made by Councilman Matamoros to remove Ms. Shonda Marshall as an alternate for the Board of Adjustments, seconded by Councilman Rossow with discussion that followed.

Councilman Davis asked if you have to be a resident of Freeport to be on the board? Mayor Cain said yes. Councilman Davis said she had already asked to be off that board anyways.

Councilman Pena asked what was the attendance requirement for the Board of Adjustments? Building Director Shelby Araujo said the attendance requirement as in terms of absenteeism she is not completely

100% sure as in terms of being present but as in terms of if they try to reach you in terms of contact and what not they would actually like for you to be readily accessible to where they can actually contact you. Councilman Matamoros said as the Council Liaison, you cannot miss three meetings consecutively or will be removed automatically. Councilman Pena asked if this was the rule? City Manager Lance Petty said yes. Councilman Pena asked for every board? Mr. Petty said yes. Councilman Pena asked is it three in a row or three meetings in a year? Mayor Cain said it should be three in a row. Councilman Pena asked if her absenteeism and asked Ms. Araujo she had mentioned it was lack of participation and not absenteeism and was not sure and he wanted to delineate what that difference was? Councilman Pena asked was any of her lack of participation did it cause any of the meetings to not move forward? Ms. Araujo said they reached out to her for she believes it was the August meeting and did not have a quorum because they were not able to actually get the attendance.

Mayor Cain called the motion to a vote with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving the windstorm insurance policy renewal.

Interim Finance Director Ashlee Hurst said Victor Insurance has provided a Windstorm & Hail policy effective January 6, 2025, for Texas Windstorm Insurance Association also known as (TWIA). She said Victor Insurance works in conjunction with the Texas Municipal Intergovernmental Risk Pool to shop for various carriers to provide the City with the best possible policies. She said the coverage premium is \$70,743.00 with an unchanged 2% deductible. She said for this particular policy the Community House and the Recreation Center buildings are not included in this renewal due to missing WPI-8 certificates for previous roofing jobs. She said they are continuing to work with the insurance agent to get the required documentation needed to get those buildings covered again. She said the cost for this was budgeted in the adopted budget for 2024-2025.

A motion was made by Councilman Matamoros to approve the windstorm insurance policy renewal, seconded by Councilman Rossow with discussion that followed.

Councilman Pena said the first question he had was just a little bit of housekeeping and asked if it was Ms. Ferguson or Ms. Hurst? Interim Finance Director Ashlee Hurst said Hurst. Councilman Pena said congratulation. Ms. Hurst said thank you. Councilman Pena said he noticed the agenda had it as Ferguson still. Councilman Pena asked if the City is currently covered? Ms. Hurst said yes. Councilman Pena asked with TWIA? Ms. Hurst said yes. Councilman Pena asked if the Recreation Center and the Community House is currently covered under the current policy? Ms. Hurst said yes. Councilman Pena asked who is that policy with? Ms. Hurst said it is with the same and when they were gathering documentations for the renewal it expires January 5th, 2025 and that is when they discovered that those documents were missing, and these are from roofing jobs from like 2012. Councilman Pena asked when they covered the City when was the last time they had to renew? Ms. Hurst said it was January 2024. Councilman Pena asked if they do it every year? Ms. Hurst said yes. Councilman Pena asked if they covered the City last year with an oversight of the documentation? Ms. Hurst said yes. Councilman Pena said but that documentation was not on file and not discovered by City staff to know that they would be needing that for TWIA and asked if that was right? Councilman Pena said it is his understanding that every maybe residential and commercial roof in the City requires TWIA mostly in coastal cities and is curious and asked how long had that certificate been out of compliance? Ms. Hurst said she can not answer that but she does know that the Recreation Center is currently having roof work done after Hurricane Beryl anyways so there is a new certificate coming. Councilman Pena said but had we had tried to make a claim on those on the roofs and asked would they had been covered? Ms. Hurst said the City was covered. Councilman Pena asked despite the fact that they did not have that certificate? Ms. Hurst said yes. Councilman Pena said he knows that the insurance companies and asked so the City did actually incur some damages to those roofs and got those covered right? Ms. Hurst said yes. Councilman Pena said great we got one by them. Councilman Pena asked what was the budget on this particular item here? Ms. Hurst said she does not have the line item but can get it. Councilman Pena

asked if Ms. Hurst recalled if it was an increase or if it was at the same rate? Ms. Hurst said she believes it was maybe like \$1,500 more. Councilman Pena asked if that was going to increase even further once they add the TWIA to the Recreation Center and the Community House? Ms. Hurst said she can not answer that for sure but she would expect that it would. Councilman Pena asked so should we wait to have all of that to know what they are passing and then just do it all in one fell swoop or would a budget amendment be needed at that point? Ms. Hurst said she would still recommend approving what they have not so that the majority of the buildings are covered since this does expire January 5th. Councilman Pena said that makes sense.

Mayor Cain called the motion to a vote with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action awarding the annual fuel and alternative fuel contract to MidTex Oil, LP and authorizing the City Manager to sign the contract

Interim Finance Director Ashlee Hurst said staff recommended awarding the annual fuel and alternative fuel contract to MidTex Oil, LP and authorizing the City Manager to sign the contract. She said staff advertised the RFP #2024-16 titled 'Fuel Services' for an annual contract to provide fuel and alternative fuel products to the City fueling station on November 1, 2024, and November 8, 2024. She said the City received two responses but did not receive a response that included pricing both fuel and alternative fuel pricing. She said staff declined those responses and advertised RFP #2024-17 titled 'Fuel Re-Bid RFP' for an annual contract to provide fuel and alternative fuel products to the City fueling station on November 26, 2024, and December 3, 2024. She said the City received one response from MidTex Oil, LP and after an analysis it was determined that fuel costs were lower with them and staff would like to continue using this company for the next year. Ms. Hurst said all RFP documents can be found on the City website under the purchasing department section. She said the fuel usage was included in the adopted budget for 2024-2025. She said attached to the Council packet is a fuel BID analysis.

A motion was made by Councilman Matamoros to award the annual fuel and alternative fuel contract to MidTex Oil, LP and authorize the City Manager to sign the contract, seconded by Councilman Davis with discussion that followed.

Councilman Pena asked Interim Finance Director Ashlee Hurst if she said there was an RFP on November 26th and December 3th? Ms. Hurst said yes. Councilman Pena asked or was it November 1st and November 8th? Ms. Hurst said there was November 1st and November 8th was the first time they went out for BID and then went out again November 26th and December 3rd. Councilman Pena asked where these are posted on the purchasing department section of the City website? Ms. Hurst said yes. Councilman Pena said he was trying to figure out where that might be because he was curious if that is under the section of public notices and asked if that is it? Ms. Hurst said when you click purchasing Toby routed to the public notice's page. Councilman Pena said he sees government, businesses, residents, departments, and asked where should he be looking at? Ms. Hurst said at the top under departments there should be a purchasing option. Councilman Pena asked if that is where all the RFP's are located? Ms. Hurts said yes. Councilman Pena asked and the company that is being looked at there is the current oil provider and fuel provider? Ms. Hurst said yes. Councilman Pena asked if they are going up in their rates and their cost to the City? Ms. Hurst said from what she saw the amount per gallon for the fuel went down and then the cost for the fuel alternatives did go up a little bit. Mayor Cain said it went down almost a dollar or just over a dollar. Councilman Pena asked if only two responses were received after the December 3rd? Ms. Hurst said after the December 3rd just one. Councilman Pena asked under the current contract when did that terminate at the end of this fiscal year or this month? Ms. Hurst said it actually terminated in August. Councilman Pena asked so this has been going month to month? Ms. Hurst said yes. Councilman Pena asked on the rates on the previous contract? Ms. Hurst said yes by the previous contract rates. Councilman Pena said the BID was put out for the 3rd and asked what was the difference between the BID proposal that went out on November 1st and 8th and the one that went out December 3rd and was there any difference in its presentation? Ms. Hurst said no it was the

same more responses were needed for a complete response with pricing for everything that was asked for. Councilman Pena asked if there was a deadline on that or a timetable for that when it had been posted was there going to be like a 30 day window or a 60 day window? Ms. Hurst said it is two weeks. Councilman Pena said so December 3rd and they responded. Councilman Pena said what he is really getting at is if they have two weeks and have a minimum number of days that they offered the City the opportunity to get as many BIDs through that window versus the first one that comes through and for that matter he is always in extending it to at least a minimum of 30 days but are at two weeks which have been 14 days and if they have that. Ms. Hurst said it was closed on the 10th but it is pretty standard for municipalities to post for two weeks. Councilman Pena said if posted on the 3rd and close it on the 10th that tells him that it was only open for seven days. Ms. Hurst said it was first BID out on November 26th. Councilman Pena said so Ms. Hurst is telling him they are going off the November 26th date? Ms. Hurst said yes you off the first time you advertise it. Councilman Pena asked if the clocked reset every time you post the RFP? Ms. Hurst said no. Councilman Pena asked the clock starts only at the initial one? Ms. Hurst said yes. Councilman Pena asked so should they say instead of November 26th would it be November 1st and 8th? Ms. Hurst said yes. Councilman Pena said he is just trying to understand the methodologies that they are employing there and what rules Ms. Hurst is following so he can understand them and for that matter help to identify any problems. Councilman Pena asked if that single BID was received on the 7th? Ms. Hurst said on the 10th. Councilman Pena said at this point they are only operating with one BID which is the incumbent company and asked if that was right? City Manager Lance Petty said correct.

Mayor Cain said he is looking forward to the dollar savings per gallon.

Mayor Cain called the motion to a vote with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2024-2899 to update Texas Gulf Bank signatories

Interim Finance Director Ashlee Hurst said for starters by the next Council meeting Toby and herself will have her name corrected on CivicClerk so that it will not be confusing, but she did change her name in the middle of these last two weeks so it kind of created a little bit of confusion. She said staff recommends approval of the resolution and the signing of the Texas Gulf Bank signatory form. She said the authorized signatories for the City's Texas Gulf Bank account requires updating to reflect a name change due to marriage. She said this resolution would update her name from Ashlee Ferguson to Ashlee Hurst. She said this update would leave the signatories listed as Jerry Cain, Mayor; Lance Petty, City Manager; and Ashlee Hurts, Finance Director. She said Texas Gulf Bank does requires a resolution designating which City Officials are authorized to open accounts, sign checks, and other transactions for City funds. She said a letter is also required to make changes to the signatories.

A motion was made by Councilman Matamoros to approve Resolution No. 2024-2899 to update Texas Gulf Bank signatories, seconded by Councilman Davis with discussion that followed.

Councilman Davis congratulated Interim Finance Director Ashlee Hurst.

Mayor Cain called the motion to a vote with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Resolution 2024-2900 to update TexPool signatories

Interim Finance Director Ashlee Hurst said this is going to be the exact same thing that was just read as the Texas Gulf Bank. She said TexPool requires the form to be signed and the resolution to update her name to reflect the marriage and it will update it from Ashlee Ferguson to Ashlee Hurst. She said this one will leave two employees on the account Mr. Petty and herself listed as representatives with full access and then it still leaves the Mayor with inquiry access only.

A motion was made by Councilman Matamoros to approve Resolution 2024-2900 to update TexPool signatories, seconded by Councilman Rossow with discussion that followed.

Councilman Davis asked Interim Finance Director Ashlee Hurst if she got married before Christmas? Ms. Hurst said yes.

Mayor Cain called the motion to a vote with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action to approve the contract for Public Works uniform services to Unifirst and authorizing the City Manager to sign the contract.

City Manager Lance Petty said staff recommended awarding the contract to Unifirst for uniform services for the Public Works Department. He said a proposal was received from Unifirst to compare the current vendor pricing which is currently under contract to provide services to the Public Works Department that expires March 2025. He said after receiving the proposal from Unifirst and comparing the current services and rates, there will be substantial savings by selecting Unifirst as the vendor to move forward with. He said the current vendor for uniform services for the Public Works Department's contract expires March 2025. He said a non-renewal notice was issued to the current vendor in November. He said this notice was required due to an automatic renewal clause that would have renewed the current contract for an additional five years without the required notice. He said Unifirst's proposal is attached in the packet along with a comparison of fees associated with the uniform services. He said Unifirst is part of the Buy Board Co Op purchasing program and does not require a BID process.

A motion was made by Councilman Matamoros approve the contract for the Public Works uniform services to Unifirst and authorizing the City Manager to sign the contract, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked Unifirst is part of which group? City Manager Lance Petty said Buy Board. Councilman Pena said he has mentioned this before and he will reiterate again that despite they have contractors that are on the Buy Board list he would like for the City to at least seek out additional BIDs and give the City a chance to make even those guys on the Buy Board give the City a competitive BID versus thinking it is going to be a slam dunk. City Manager Lance Petty said those co-ops they are BID out every year themselves and by law they have to do that so when they give a pricing there is no negotiating your pricing it is a set price and those are BID out yearly. Councilman Pena said he is just curious if there is anybody else that would be able to get in there that is not on the Buy Board that might be able to give the City a better deal and if they cannot well they cannot. Councilman Pena said he is just always curious to make sure to ask the question and if you do not ask you will not know. Councilman Pena asked what was the budget for this and did it fall in budget? Mr. Petty said he does not know the exact budget number but it is going to come in way under because they are saving 50% of what is being paid now. Councilman Pena asked if this went out for an RFP? Mr. Petty said no because it is part of the Buy Board purchasing. Councilman Pena asked when will it expire? Mr. Petty said the current one expires March of 2025. Councilman Pena asked if there is any reason why they are doing it in December? Mr. Petty said once you send your non-renewal letter and select a different vendor there is a set up time where they would have to get all the uniforms size, get them ordered, get all the stitching on them, and everything else. Mr. Petty said so it takes a little bit so that way you are not stuck without uniforms for a month or two.

Mayor Cain called the motion to a vote with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made by Councilman Matamoros to adjourn the meeting, seconded by Councilman Rossow with all present and voting "Aye" 5-0. Mayor Cain adjourned the meeting at 7:02P.M.

Jerry Cain, Mayor

Clarisa Fernandez, City Secretary



City Council Agenda Item #[2.B]

Title: Action approving the date change for the 2nd meeting in February from Monday, February 17, 2025 to Tuesday, February 18, 2025 for the President's Day Holiday- Clarisa Fernandez, City Secretary

Date: January 6, 2025

From:

Staff Recommendation: Staff recommends rescheduling the second regular City Council meeting in February, from Monday, February 17, 2025 to Tuesday February 18, 2025 due to the President's Day Holiday.

Item Summary: The second meeting falls on Monday, February 17, 2025 and City offices are closed and regular meetings suspended.

It is recommended that the meeting be rescheduled to Tuesday, February 18, 2025 at 6:00P.M.

Background Information: N/A

Special Considerations: N/A

Financial Impact: N/A

Board or 3rd Party Recommendation: N/A

Supporting Documentation:
None



City Council Agenda Item #[4.A]

Title: Consideration and possible action to approve Ordinance No. 2025-2737 updating Article X Automobile Wreckers.

Date: January 6, 2025

From: Chief Jennifer Howell, Police Chief

Staff Recommendation: Staff recommends approving the update to city ordinance regarding wrecker services.

Item Summary: The PD met with wrecker companies and reviewed other city ordinances to update our ordinance. Additions to ordinance are noted in yellow and removals are in red with a strike out.

Background Information: Several sections have not been updated since 1962, 1986, 1992 and 2011 to include changes that have occurred with the vehicles and requirements with the state. The PD reviewed other city ordinances that are more up to date, reviewed state standards and met with wrecker companies to provide our community with a more up to date ordinance. Additions to the ordinance are noted in yellow and removals of the ordinance are in red with a strike out line.

Special Considerations: None.

Financial Impact: None.

Board or 3rd Party Recommendation: None.

Supporting Documentation:

1. Wrecker Ordinance
2. ARTICLE_X.___AUTOMOBILE_WRECKERS

ORDINANCE NO. 2025-2737

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING ARTICLE X. – AUTOMOBILE WRECKERS OF CHAPTER 8. – BUSINESSES AND PROFESSIONS, BY ESTABLISHING NEW REGULATIONS FOR AUTOMOBILE WRECKERS; CONTAINING A PREAMBLE AND FINDINGS OF FACT; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A PENALTY CLAUSE UP TO \$500 PER OFFENSE AND THAT EACH AND EVERY OCCURRENCE SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING A REPEALER CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

* * * * *

WHEREAS, the City Council of the City of Freeport, Texas (the “City”) wants to establish new regulations for the operation of automobile wreckers within in the City;

WHEREAS, the City Council has determined, based upon the findings stated above, that the regulations established by this Ordinance are necessary for the good government, peace and order the City; and

WHEREAS, City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

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

Section 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

Section 2. Chapter 8. – Businesses and Professions of the Code of Ordinances of the

City is hereby amended by creating a new Article X. – Automobile Wreckers to now read as established in **Exhibit A**, attached hereto and made a part of this Ordinance hereof.

Section 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgement or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 4. Any person violating this section shall be guilty of a misdemeanor and upon conviction therefor, shall be fined not to exceed \$500 each day any such violation continues or occurs shall constituted a separate offense.

Section 5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

Section 6. This Ordinance shall take effect and be in force from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this ____ day of _____, 2025.

Jerry Cain, Mayor

ATTEST:

Clarisa Fernandez, City Secretary

Exhibit A

Article X. – Automobile Wreckers

ARTICLE X. AUTOMOBILE WRECKERS

DIVISION 1. GENERALLY

Sec. 8-569. Definitions.

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

- (a) *Vehicle storage facility* means a garage, parking lot, or any type of facility owned or operated by a person other than a governmental entity with the capacity to store or park ten or more vehicles at any given time and complying with current state and local vehicle storage facility requirements.
- (b) *Wrecker business* means a person, corporation, partnership or other entity engaging for profit in commercial tow truck activities within the city.
- (c) *Light Duty Vehicle* means a vehicle that has a manufacturer carrying capacity of 2000lbs or less, or any other similar vehicle as defined by the Texas Transportation Code, Section 541.201.
- (d) *Heavy Duty Vehicle* means a vehicle that has a manufacturer carrying capacity of more than 2000lbs or requires such equipment that exceeds the operational abilities of a standard wrecker or tow vehicle.
- (e) *Light Duty Wrecker* means a wrecker that has the ability to retrieve and tow a vehicle described as a "Light Duty Vehicle" above.
- (f) *Heavy Duty Wrecker* means a wrecker that has the ability to retrieve and tow a vehicle described as a "Heavy Duty Vehicle" above.

(Code 1996, § 121.01; Ord. No. 1732, 12-7-1992)

Sec. 8-570. Wrecker business; general requirements.

- (a) Each wrecker business operating within the city must register with the police chief and provide proof that such business meets all state law requirements for such business. This applies for both Light Duty Wrecker Services as well as Heavy Duty Wrecker Services.
- (b) Each wrecker business operating within the city must continue to satisfy and meet all state law requirements, including, but not limited to, maintaining equipment and operations in accordance with all of the requirements thereof.
- ~~(c) Each wrecker business operating within the city must maintain a storefront operation for the business within the city.~~
- (c) Each wrecker business operating within the city shall be required to have a minimum of ten vehicle storage spaces in a state-approved vehicle storage facility, located within the incorporated limits of the city or within ten (10) miles of the intersection of Velasco Boulevard and Second Street, which spaces are dedicated solely to use in conducting a non consent tow business within the city.
- (d) Each wrecker business operating within the city in the manner of a Heavy Duty Wrecker Service, shall be required to operate, own, or be able to store said heavy duty vehicles in a state-approved vehicle storage facility for such vehicles located within the incorporated limits of the city or within fifteen (15) miles of the

intersection of Velasco Boulevard and Second Street, which spaces are dedicated solely to use in conducting a non consent tow business within the city.

- ~~(e) Each wrecker business operating within the city shall be required to have available at all times within the city at least one state permitted tow truck vehicles which complies with all state law requirements.~~
- (e) Each light duty wrecker business operating within the city shall have available, at all times, a light duty wrecker to respond to a scene within twenty (20) minutes from the time of contact.
- (f) Each heavy duty wrecker business operating within the city shall have available, at all times, a heavy duty wrecker to respond to a scene within thirty (30) minutes from the time of contact.
- (g) Light Duty Wreckers conducting a tow, other than a consensual tow in which the owner/responsible person is present and personal arrangements are made, shall not tow a light duty vehicle to a storage facility that exceeds the most maximum distance allowed by subsection (c) of this article, except with permission from the Chief of Police due to exigent circumstances.
- (h) Heavy Duty Wreckers conducting a tow, other than a consensual tow in which the owner/responsible person is present and personal arrangements are made, shall not tow a heavy duty vehicle to a storage facility that exceeds the most maximum distance allowed by subsection (d) of this article, except with permission from the Chief of Police due to exigent circumstances.

(Code 1996, § 121.02; Ord. No. 1732, 12-7-1992; Ord. No. 2011-2280, 4-18-2011)

Sec. 8-571. Storage facilities; general requirements.

- (a) All vehicle storage facilities with the city must register with the police chief and provide proof that such facility meets all state law requirements applicable to such facility.
- (b) Each vehicle storage facility within the city must continue to satisfy and meet all state law requirements, including, but not limited to, maintaining equipment and operations in accordance with all of the requirements thereof.
- (c) Each vehicle storage facility within the city must be surrounded by a solid fence of wood, iron, concrete, masonry, or chain link fencing with slats to enhance security and the visual effects of such facility. The plans for such fence must be approved by the building official prior to construction and such fence must continue to be maintained in good repair for security and visual screening purposes. All existing vehicle storage facilities within the city shall meet these fencing requirements within 90 days of the effective date of the ordinance from which this article is derived.

(Code 1996, § 121.03; Ord. No. 1732, 12-7-1992)

Sec. 8-572. Municipal control.

- (a) The police chief and city manager or their designated representatives shall have the right of inspection of all vehicle storage facilities within the city as well as any vehicle storage facilities that are utilized by the wreckers on any rotation list that are found within the distance requirements of Section 8-570 (c) or (d) and the facility's storage and other pertinent documentation and records pertaining to the storage of nonconsent tow vehicle traffic in and out of the storage facility. Failure to provide access to above shall constitute a misdemeanor.
- (b) The police chief and city manager or their designated representatives shall have the right of inspection of all facilities and equipment of all wrecker businesses in the city and all business documentation and records

relevant to the conduct of such business within the city. Failure to provide access to above shall constitute a misdemeanor.

- (c) Police, fire, ambulance, and emergency management personnel at an accident/incident scene shall have control over all responding wrecker business activity at such location. Failure by anyone associated with a responding wrecker service to follow directions given by the aforementioned city representatives shall constitute a misdemeanor.

(Code 1996, § 121.04; Ord. No. 1732, 12-7-1992)

Sec. 8-573. Nonconsent towing.

- (a) The police chief shall maintain in alphabetical order a master list (the rotation list) containing the names of all wrecker businesses operating within the city which have registered with the police chief and which desire to engage in the nonconsent tow business within the city. Where the same person owns an interest (whether in whole or in part) in more than one wrecker company, they shall not be listed consecutively. The police chief shall also maintain a separate listing (rotation list) for Heavy Duty Wreckers, which shall remain separate from the normal rotation list. This list shall be utilized in the event that a wrecker is required to retrieve and/or tow a heavy duty vehicle as described in 8-569 (d). In addition to the above, the police chief shall maintain a separate rotation for abandoned motor vehicles classified as light duty, as well as a separate rotation for abandoned motor vehicles classified as heavy duty, that are towed due to their abandoned status.
- (b) Each wrecker business engaging in nonconsent tow business within the city shall be responsible for the following:
- (1) Continually meeting all state and local regulations and requirements;
 - (2) Providing the police chief or designated representative with current business information as requested and in such form as may be requested;
 - (3) Provide accurate and timely information to the police department regarding the current ability of such business to handle nonconsent tow business;
 - (4) Providing response equipment fully capable of handling accident/incident scene vehicles;
 - (5) Providing personnel and equipment required to properly clean and remove accident/incident debris from the roadway site;
 - (6) Providing for professional handling of accident/incident scene vehicles, the security of contents thereof and for the courteous and professional attendance of subject vehicle owner/occupant/passenger concerns, inquiries and/or requests;
 - (7) Providing the police chief or designated representative with current information as to the location of the ten nonconsent vehicle storage facility spaces dedicated to the support of such wrecker business;
 - (8) Ensure all wrecker business personnel fully comply with directions and/or requests of accident/incident scene law enforcement, fire response, and/or other emergency response personnel; and
 - (9) Not charging more than **\$150.00** for a nonconsent wrecker tow for light duty tow services without proper authorization from the police chief for unusual accident/incident scene conditions.
 - (10) Not charging more than **\$450.00** for a nonconsent wrecker tow for heavy duty tow services without proper authorization from the police chief for unusual accident/incident scene conditions.
 - (11) Not charging more than **\$22.85** per day for vehicles under 25 feet in total length, or **\$39.99** per day for vehicles exceeding 25 feet in length for storage.

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- (c) Each vehicle storage facility used for nonconsent tow vehicle storage shall be responsible for the following:
- (1) Continually meeting all state and local regulations and requirements;
 - (2) Providing the police chief or designated representative with current business information as requested and in such form as may be requested;
 - (3) Provide for courteous and professional handling of all nonconsent tow vehicle's owner/occupant/passenger concerns, inquiries and/or requests; and
 - (4) Not charge a fee for a nonconsent tow vehicle storage daily rate, or fraction thereof, of more than \$22.85 for vehicles under 25 feet in length, or \$39.99 for vehicles exceeding 25 feet in length, without proper authorization from the police chief for unusual storage requests or from the owner, occupant, or passenger if the fee is understood and agreed to by all parties in advance of incurring the charges.
- (d) The police chief has the right to suspend or remove any wrecker business from the rotation list for failing to provide the proper level of support to the police department. Reasons for suspensions could involve problems such as:
- (1) A wrecker business failing to respond in a timely manner without reasonable justification for the delay (including advance notice of being out of service or being unavailable for service);
 - (2) Failing to follow directions given by fire, police, or accident scene personnel;
 - (3) Failure to properly clear debris from accident scenes;
 - (4) Responding to an accident/incident location without being dispatched by the police department and actively soliciting accident/incident scene business;
 - (5) Failure to satisfactorily perform at an accident/incident location and other matters perceived to be counterproductive to the efficient handling of an accident/incident site;
 - (6) Failure to use a vehicle storage facility meeting the requirements of this section.
- (e) Indefinite suspension or removal for prolonged periods of time from the rotation list is at the discretion of the police chief and could result from repeated violations of one or more of the provisions of this article or such things as failure to maintain proper licenses, insurance, facilities; causing additional problems at accident/incident scenes, or otherwise failing to demonstrate a responsible approach to the support of the city's nonconsent tow truck needs.
- (f) The city manager shall have the right to review and uphold, amend, and/or rescind any actions of the police chief taken under this section. The city council shall have the right to review and uphold, amend, and/or rescind any action taken by the city manager under this section.
- (g) In the event the owner or operator of a vehicle involved in an accident/incident is physically unable to designate for the investigating officer a wrecker business to tow such vehicle, or in the event that such owner has no preference as to a wrecker business, or in the event that the owner or operator of such vehicle (whether or not such vehicle has been involved in an accident/incident) is arrested and in the opinion of the arresting officer such vehicle cannot or should not be released to another person designated by such owner or operator, then the investigating or arresting officer, as the case may be, shall communicate such fact to the police dispatcher. On receiving such communication, the police dispatcher shall call the wrecker business next in line on the rotation list to tow such vehicle to a vehicle storage facility within the corporate limits of the city which meets all of the requirements of this article; provided, however, where the wrecker business so called does not arrive at the location given to it by the police dispatcher **within 15 minutes within the time frame prescribed by 8-570 (e) for Light Duty Wrecker Calls or 8-570 (f) for Heavy Duty Wrecker Calls** after receiving such call, the police dispatcher shall cancel such call and call the wrecker business next in line on the list to tow such vehicle.

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- (h) The police dispatcher shall have the right to call any wrecker business within or without the city not on the rotation list should all the wrecker businesses on the rotation list be overloaded or otherwise unable to meet the need for commercial towing services in a timely manner.

(Code 1996, § 121.05; Ord. No. 1732, 12-7-1992; Ord. No. 2006-2113, 2-6-2006; Ord. No. 2010-2262, 10-4-2010; Ord. No. 2021-2646, § 2, 11-1-2021)

Secs. 8-574—8-594. Reserved.

DIVISION 2. ROTATION WRECKER BUSINESS

Sec. 8-595. Invitation to scene of accident required; exception.

No person shall drive a wrecker to or near the scene or site of an accident or collision on the streets of the city, unless such person has been called to the scene by the city police department, provided that, when it is necessary to prevent death or bodily injury to any person involved in an accident or collision, the prohibition of this section shall be inapplicable.

(Code 1968, § 7-2; Code 1996, § 121.20; Ord. No. 1060, 1-22-1962)

Sec. 8-596. Following vehicles in response to accident report prohibited.

No person shall follow in a wrecker any ambulance or police car which is traveling on a public street in response to a report of an automobile collision or accident.

(Code 1968, § 7-3; Code 1996, § 121.21; Ord. No. 1060, 1-22-1962)

Sec. 8-597. Soliciting business prohibited.

No person shall solicit in any manner, directly or indirectly, on the streets of the city, the business of towing any vehicle which is wrecked or disabled on a public street, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading, or purchasing the vehicle. Proof of the presence of any person engaged in the wrecker business or the presence of any wrecker or motor vehicle owned or operated by any person engaged in the wrecker business, either as owner, operator, employee, or agent, on any public street in the city, at or near the scene or site of a wreck, accident, or collision within one hour after the happening of a wreck, accident, or collision, unless such wrecker was lawfully summoned to such scene, shall be prima facie evidence of a solicitation in violation of this section.

(Code 1968, § 7-4; Code 1996, § 121.22; Ord. No. 1060, 1-22-1962)

Sec. 8-598. Police influencing choice of wrecker prohibited.

No police officer investigating or present at the scene or site of any wreck, accident, or collision on a public street shall, directly or indirectly, either by word, gesture, sign, or otherwise, recommend to any person the name of any particular person engaged in the wrecker service or repair business; nor shall any such police officer influence or attempt to influence in any manner the decision of any person in choosing or selecting a wrecker or repair service; provided, ~~however, that this section shall not apply to any accident occurring on any bridge within the city limits, instead such accidents shall be governed by the provisions of sections 8-600(b)(3), 8-601, and 8-603.~~

(Code 1968, § 7-6; Code 1996, § 121.23; Ord. No. 1060, 1-22-1962; Ord. No. 1060-B, 2-2-1976)

Sec. 8-599. Impoundment of wrecked vehicle.

Any police officer, in the exercise of his discretion as a police officer, may direct that any vehicle (whether towed by a wrecker selected by the owner of the vehicle or from the wrecker rotation list) shall be taken by the driver of the wrecker towing the vehicle directly to a bonded storage enclosure and there held by the city for inspection or investigation to determine the cause or reason for the accident such vehicle was involved in or such vehicle's disability or for any lawful purpose.

(Code 1968, § 7-7; Code 1996, § 121.24; Ord. No. 1060, 1-22-1962)

Sec. 8-600. Wrecker selection form; contents and use.

(a) *Contents.* The police chief shall cause a wrecker selection form to be prepared which shall:

- (1) Contain a statement by the owner of the disabled vehicle designating in blank spaces therein the wrecker company (one authorized under this article to engage in the wrecker business) which he desires to remove the disabled vehicle and the place to which he desires the vehicle removed;
- (2) Contain a statement authorizing any police officer to call the designated wrecker company to remove the disabled vehicle;
- (3) Contain a statement in the alternative that the owner has no preference as to a wrecker company and authorizes any police officer to call the wrecker company next in line on the wrecker rotation list maintained at police headquarters and a statement that he desires the vehicle to be removed to the place designated by him in a blank space therein; and
- (4) Provide space for signature of the owner of the vehicle.

(b) *Use.*

- (1) When a police officer investigating an accident determines that any vehicle which has been involved in a collision or accident upon a public street is unable to proceed safely under his own power, or when the owner thereof is physically unable to drive such vehicle, such officer shall request the owner to designate on a wrecker selection form the wrecker company the owner desires to remove the vehicle. Such designation by the owner shall be indicated on the form and when completed shall be signed by the owner. The police officer shall give a copy of the authorization thus made on the form to the owner and shall retain for record the original thereof. Upon leaving duty on the same day, the police officer shall place such original in a well-bound book in the police department provided for that purpose.
- (2) When the owner has designated the wrecker company desired, the police officer shall communicate the fact immediately to police department headquarters, and it shall be the duty of the officer receiving such information at headquarters to call the designated company to send a wrecker to the scene of the accident or collision.
- (3) Provided, however, that the provisions of subsection (b)(1) and (2) of this section shall not apply to any accident occurring on any bridge within the city limits, when any police officer investigating any accident determines that the accident has occurred on any bridge within the city limits, the officer may call a wrecker using the wrecker rotation list system specified in this article, without first attempting to have the owner designate a wrecker of his preference. This provision is made necessary by the fact that a special hazard is created by an accident on a bridge, and it is imperative that the emergency and congestion created thereby be relieved as rapidly as possible.

(Code 1968, §§ 7-8, 7-9; Code 1996, § 121.25; Ord. No. 1060, 1-22-1962; Ord. No. 1060B, 2-2-1976)

Sec. 8-601. Wrecker rotation list; contents.

- (a) In the event the owner of a disabled vehicle involved in an accident or collision fails to designate a wrecker company, or refuses to designate one, or the accident occurs on any bridge within the city limits, so that the provisions of section 8-600(b)(3) apply, the investigating officer shall communicate that fact immediately to the police department headquarters. The police department shall keep a master list, known as the wrecker rotation list, in alphabetical order, of all wrecker companies qualifying therefor under the provisions of this article.
- (b) There shall be one wrecker per wrecker company designated for the wrecker rotation list. Each wrecker company may have a designated secondary or backup wrecker unit available for the rotation list when the regular rotation wrecker is mechanically inoperative, or when deemed necessary by the police department. A temporary rotation permit is not required for the backup wrecker, but it must comply with all provisions of section 8-608.

(Code 1968, § 7-10; Code 1996, § 121.26; Ord. No. 1060, 1-22-1962; Ord. No. 1060B, 2-2-1976; Ord. No. 1611, 1-20-1986)

Sec. 8-602. Qualifications of wrecker companies.

Only those wrecker companies which have met the following requirements shall be placed on the wrecker rotation list:

- (1) Have been issued a wrecker business permit under the provisions of this article;
- (2) Have applied to be on such list;
- (3) Own, lease, or otherwise lawfully possess and operate an automotive repair or storage yard or automotive wrecking and salvage yard, which has been inspected and found to comply with all applicable laws of the state and the ordinances of the city relating to such yards, and stores all vehicles picked up on rotation at such yard. The yard or facility shall have space for ten or more vehicles which may be removed or hauled and stored as a result of the name of the wrecker company appearing on the wrecker rotation list; a minimum ten-foot by 20-foot space shall be allowed for each vehicle;
- (4) Each company shall have deposited with the police chief or designee a garage keeper's legal liability insurance policy, covering fire, theft, and explosion in the minimum amount of \$9,000.00, such policy covering such garage, wrecker company, or storage facility.
- (5) Each wrecker company shall maintain 24-hour wrecker service and shall have an employee available to take telephone calls and release stored vehicles 24 hours per day, seven days per week.
- (6) A storage yard under this article shall be maintained for the convenience of the public within the city, or within the prescribed limits as defined by section 8-570 (c) or 8-570 (d), whichever is applicable.

(Code 1968, § 7-11; Code 1996, § 121.27; Ord. No. 1060, 1-22-1962; Ord. No. 1611, 1-20-1986; Ord. No. 2010-2268, 12-6-2010)

Sec. 8-603. Use of wrecker rotation list.

- (a) On receiving the first communication that the owner of a vehicle involved in an accident or collision has failed or refused to designate a wrecker company, or that the accident occurred on any bridge within the city limits as specified in section 8-600(b)(3), the police officer receiving such communication at police headquarters shall call the first wrecker company on the list to tow the disabled vehicle and remove the same from the public streets of the city.

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- (b) On each succeeding communication of the failure or refusal of the owner to designate a wrecker company, or upon the occurrence of an accident on any bridge within the city limits, in accordance with the provisions of section 8-600(b)(3), the next company on the list shall be called and so on, calling each wrecker company on the list in rotation; and proper notation of each such call shall be made on the master list.

(Code 1968, § 7-12; Code 1996, § 121.28; Ord. No. 1060, 1-22-1962; Ord. No. 1060B, 2-2-1976)

Sec. 8-604. Companies to keep records; contents.

- (a) *Companies to keep records.* Every wrecker company qualified for and whose name appears at its request on the wrecker rotation list shall maintain at its garage or storage location within the city **or at any facility that stores vehicles within the distance requirements of Section 8-570 (c) or (d)**, records as to all vehicles moved by it after being notified to do so by personnel of the city police department in accordance with the provisions of this article.
- (b) *Contents.*
- (1) The records required to be kept shall contain the following information:
 - a. Make, model, and serial number of **disabled** automobile moved by the company;
 - b. Location of **disabled** vehicle from which it was removed and time of removal;
 - c. Total amount charged for towing;
 - d. Storage rate per day; and
 - e. Description of all personal property within the **disabled** automobile at the time of its removal.
 - (2) The described records shall be preserved by the wrecking company for at least three months from and after the date the company came into possession of the **disabled** automobile.

(Code 1968, §§ 7-13, 7-14; Code 1996, § 121.29)

Sec. 8-605. Records to be available to police.

The records required to be kept by the provisions of section 8-604 shall be made available to the members of the city police department by the wrecker company at any reasonable time.

(Code 1968, § 7-15; Code 1996, § 121.30)

Sec. 8-606. Identification of vehicles.

All wrecker companies operating in the city shall have printed in letters not less than two inches in size the name, address, and telephone number of the owner thereof on each **door side** of such wrecker.

(Code 1968, § 7-16; Code 1996, § 121.31; Ord. No. 1064, 6-4-1962)

Sec. 8-607. Rotation wrecker equipment requirements.

Wreckers shall meet the following equipment requirements:

- (1) Shall not be less than one ton in capacity as reflected on the manufacturer's certificate, title, or by certification of capacity by a mechanical engineer licensed as a professional engineer in the state.

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- (2) Shall be equipped with ~~power booster brakes.~~ A braking system sufficient to halt the vehicle under any conditions to prevent a collision or other emergency circumstance while normally operating and under any towing circumstance, appropriate for the vehicle's towing abilities.
 - (3) Shall be equipped with a power operated winch, winch line and boom with a tested lifting capacity of not less than 6,000 pounds single-line capacity.
 - (4) Shall carry as standard equipment at least one each of the following: ~~tow bar~~, safety chain, and fire extinguisher. If such wrecker is to be used in collision hauls, it shall also carry a wrecker bar, broom, ~~fuses, axe~~, refuse container or bag, shovel, dolly, ~~25-foot chain~~, and a minimum of ~~75~~ 50 feet of cable, each having a 6,000-pound pull, and the collision call wrecker shall have dual rear wheels or rear wheel load capacity of 6,000 pounds. ~~The cable shall be certified as proscribed by the police chief or designee.~~ The cable shall be equipped with a device and/or system that arrests the motion, to the best of its ability, and/or prevents injury and damage, to the best of its ability if during the cable's usage, the cable snaps. Cables that are constructed with a fiber core, are not required to have this type of safety device.
 - (5) Shall be in such mechanical condition that it can be safely and reliably used as a wrecker.
 - (6) Shall comply with all applicable motor vehicle equipment laws of the state.
 - (7) Shall display atop the highest part of the wrecker ~~one or more revolving amber lights pursuant to state law.~~ Sufficient and required emergency vehicle light as per the Texas Transportation Code, Chapter 547.
 - (8) ~~Shall have two white flood lights projecting to the rear of the wrecker, mounted in such a manner as to light up the vehicle being loaded or unloaded, and which light shall be extinguished while towing is in progress.~~
 - (9) Shall have a small car dolly ~~and a cradle sling or bar to provide rigid spacing between the wrecker and the towed vehicle and~~ which is capable of lifting the front or rear of a towed vehicle clear of the roadway. A bed-type hauler capable of safely transporting the entire vehicle to be hauled is not required to have ~~a cradle sling or bar or~~ a small car dolly.

(Code 1968, § 7-17; Code 1996, § 121.32; Ord. No. 1611, 1-20-1986)

Sec. 8-608. Rotation wrecker regulations.

- (a) Failure of the wrecker business called to respond with an appropriate wrecker at the scene of the collision within ~~20 minutes~~ the prescribed time frame of this ordinance from time of notification, without justification acceptable to the police department, shall cause the permit holder to forfeit that call on the next wrecker business upon the wrecker rotation list. Failure to respond within ~~20 minutes~~ the prescribed time frame to two successive rotation list duty calls, without justification acceptable to the police department during a six-month period, shall be cause for the wrecker business to be passed over for a 30-day period at wrecker rotation list duty. A wrecker business which has been passed over two times within a one-year period shall be removed from the list for a period of six months upon the next occurrence of failure to respond for wrecker rotation list duty.
- (b) A wrecker business desiring to be placed upon the wrecker rotation list shall be required to make written application to the police department and shall execute an agreement to hold the city harmless from any claims arising from performance of wrecker services in connection with such listing upon a wrecker rotation list.
- (c) In the event that a police officer initiates the tow of a vehicle without the knowledge of the owner of the vehicle, the police department shall, as soon as possible attempt to determine the owner of such vehicle and notify such person by the fastest available means of the impoundment of the vehicle.

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- (d) The owner of a vehicle impounded as a result of a police-initiated tow may obtain the immediate release of his vehicle by paying the amount of towing and storage charges against the vehicle to the appropriate service. Upon receipt by the storage lot or wrecker company of the cash fee, the police department shall require the wrecker business holding the vehicle to release it to the owner. The city shall not be responsible for damages to the towed vehicle or loss of property from such vehicle. Such claims shall be the responsibility of the wrecker business conducting the tow and storage of the vehicle. This section shall not apply to vehicles held by the police department under authority of state and federal laws.
- (e) On all rotation wrecker calls, a complete written inventory of the towed vehicle contents shall be completed by the police department at the scene, or as soon thereafter as possible.

(Code 1968, § 7-18; Code 1996, § 121.33; Ord. No. 1611, 1-20-1986)

Secs. 8-609—8-634. Reserved.

DIVISION 3. WRECKER BUSINESS PERMIT

Sec. 8-635. Permit required.

Every person desiring to engage in the wrecker business in the city shall first obtain a permit to engage in such business. It is unlawful to engage in the wrecker business within the city without first obtaining a permit.

(Code 1968, § 7-27; Code 1996, § 121.50; Ord. No. 1060, 1-22-1962)

Sec. 8-636. Application.

Any person desiring a permit required by the provisions of this division shall file a sworn written application therefor with the police chief, which such application shall contain the following:

- (1) The name and address of the applicant.
- (2) The number of wreckers proposed to be operated by applicant.
- (3) The address and telephone number of the business location from which the applicant will operate such wrecker business, if he secures a permit.
- (4) The types of wrecker equipment which he proposes to place in operation.
- (5) Whether the applicant has available space for properly accommodating and protecting all ~~disabled~~ motor vehicles to be removed by him from the places where they are found ~~disabled~~.
- (6) Whether the applicant desires his name to appear on the wrecker rotation list.
- (7) The name of the true owner of the company concerned.
- (8) Such other information as the police chief shall find reasonably necessary to effectuate the purpose of this article and to arrive at a fair determination of whether the terms of this article have been complied with.

(Code 1968, § 7-28; Code 1996, § 121.51; Ord. No. 1060, 1-22-1962)

Sec. 8-637. Fee.

At the time of the application for a permit to be issued under the provisions of this division is filed with the police chief, the applicant therefor shall pay a fee of \$100.00 for the first wrecker proposed to be operated in the city under such permit and \$25.00 for each additional wrecker proposed to be operated in the city under such permit. Such fee shall not be refunded to the applicant in the event the permit is refused.

(Code 1968, § 7-29; Code 1996, § 121.52; Ord. No. 1060, 1-22-1962; Ord. No. 2006-2113, 2-6-2006)

Sec. 8-638. Liability insurance required.

No permit shall be issued under the provisions of this division, unless the applicant therefore shall procure and keep in full force and effect a policy of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the state and in the standard form approved by the state board of insurance commissioners, with the insured provisions of the policy including the city as an insured, and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of a wrecker of such company and providing that the amount of recovery on each wrecker shall be in limits of not less than the following sums:

- (1) For damages arising out of bodily injury to or death of one person in any one accident: \$10,000.00.
- (2) For damages arising out of bodily injury to or death of two or more persons in any one accident: \$20,000.00.
- (3) For injury to or destruction of property in any one accident: \$5,000.00.

(Code 1968, § 7-30; Code 1996, § 121.53; Ord. No. 1060, 1-22-1962)

Sec. 8-639. Local telephone number required.

No permit shall be issued under the provisions of this division unless the applicant therefor shall have and maintain a local exchange telephone number for the convenience of the citizens of the city.

(Code 1968, § 7-31; Code 1996, § 121.54; Ord. No. 1060, 1-22-1962)

Sec. 8-640. Storage enclosure required.

- (a) No permit shall be issued under the provisions of this division unless the wrecker owner shall have the use of a locked enclosure to store wrecked, disabled, or impounded motor vehicles. ~~Such enclosure shall be of the wire mesh type, at least six feet high with three stand barbed wire or better at the top.~~ Such enclosure shall have affixed to the fence at the entrance a sign indicating the name, address, and telephone number of the person in charge thereof. Such enclosure, if of the open type, shall be adequately lighted at night. The owner of the enclosure, whether opened or closed in, shall be bonded by some reputable bonding company authorized to do business in the state in an amount of not less than \$1,000.00 for bonded storage.

- (b) The enclosure mentioned in this section may be a completely enclosed building.

(Code 1968, § 7-32; Code 1996, § 121.55; Ord. No. 1060, 1-22-1962)

Sec. 8-641. Tax obligations.

No permit shall be issued under the provisions of this division if any delinquent taxes are due to the city by the applicant therefor upon any wrecker for which such permit is sought, or if the owner thereof has failed to render same for ad valorem taxation.

(Code 1968, § 7-33; Code 1996, § 121.56; Ord. No. 1060, 1-22-1962)

Sec. 8-642. Issuance.

The police chief shall issue a permit under the provisions of this division to all applicants complying with the provisions of this article.

(Code 1968, § 7-34; Code 1996, § 121.57; Ord. No. 1060, 1-22-1962)

Sec. 8-643. Revocation.

The city council shall revoke any permit issued under the provisions of this division when it finds any of the following:

- (1) The permit was procured by fraudulent conduct or false statement of a material fact in the written application; or
- (2) The permit holder has violated any applicable provision of this Code, state law, or city ordinance, rule, or regulation.

(Code 1968, § 7-35; Code 1996, § 121.58)

Sec. 8-644. Private parking hauls.

- (a) No wrecker company shall tow a vehicle parked on a private parking lot within the city onto a public street within the city unless the parking lot has signs with two-inch minimum height letters, readable day and night, prominently placed at all entrances, specifying those persons who may park in the lot and prohibiting all others from parking there.
- (b) Wherever it becomes necessary under this section for the wrecker company to disassemble parts of a vehicle in order to tow such vehicle, the wrecker company shall reassemble such parts upon reaching his place of business.
- (c) No wrecker company shall have the owner of a vehicle, which has been towed from a private parking lot, sign a release from liability, until the owner has inspected the vehicle. Any such release shall contain a notation of such inspection, as well as an enumeration of any damages alleged by the owner to be the responsibility of the wrecker company. The release shall be a full release, except as to specifically enumerated damages.
- (d) A wrecker company removing a vehicle from private property shall immediately, upon completion of the tow, notify the police department of such removal. Such notification shall include the following:
 - (1) The physical description and license number or vehicle identification number, if there are no license plates, of the vehicle to be removed.
 - (2) The name of the wrecker company removing the vehicle.
 - (3) The location of storage of the vehicle within the city and the telephone number of the lot.

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- (4) The parking facility from which the vehicle was towed and the person authorizing or directing the vehicle to be towed.

(Code 1968, § 7-36; Code 1996, § 121.59; Ord. No. 1611, 1-20-1986)

Secs. 8-645—8-661. Reserved.

DIVISION 4. VEHICLE INSPECTION PERMIT

Sec. 8-662. Vehicle inspection permit required.

In addition to the business permit required by section 8-635, no person shall operate a wrecker vehicle on the streets of the city unless an inspection permit for such wrecker has been issued for such vehicle by the police chief.

(Code 1968, § 7-46; Code 1996, § 121.70; Ord. No. 1060, 1-22-1962)

Sec. 8-663. Application to businesses outside city.

- (a) Any wrecker company having its business located outside the city limits may pick up wrecked or disabled automobiles or vehicles inside the city and remove the same from the scene thereof under the direction of the owner of the automobile or vehicle, provided such wrecker company is called and requested to remove the same, without the necessity of securing a permit to do so.
- (b) Nothing contained in this section shall be construed in such manner as to authorize any wrecker company to be at or near the scene of an accident contrary to the other provisions of this article, except upon being called thereto.

(Code 1968, § 7-47; Code 1996, § 121.71; Ord. No. 1064, 6-4-1962)

Sec. 8-664. Minimum requirements.

No vehicle permit shall be issued under the provisions of this division unless every wrecker proposed to be used by the applicant complies with the following minimum requirements:

- (1) Each wrecker shall be not less than ~~three-fourths-ton~~ one ton in size, and equipped with dual rear wheels.
- (2) Each wrecker shall be equipped with a power operated winch, winch line, and boom, with a factory rated lifting capacity (~~or a city tested capacity~~) of not less than ~~5,000~~ 6,000 pounds' single-line capacity.
- (3) Each wrecker shall carry as standard equipment towbars, safety chains, a fire extinguisher, wrecking bars, brooms one of which at least eighteen inches wide and not less than 36 inches in overall length, a shovel at least nine inches wide and not less than thirty-six inches in overall length ~~an axe, fuses, and an emergency flashing red light mounted on top of the cab.~~ Lighting as required by Texas Transportation Code.

(Code 1968, § 7-48; Code 1996, § 121.72; Ord. No. 1060, 1-22-1962)

Sec. 8-665. Contents of permit.

Each vehicle inspection permit required by the provisions of this division shall state that the vehicle for which such permit was issued has been inspected and approved under the direction of the police chief.

(Code 1968, § 7-49; Code 1996, § 121.73; Ord. No. 1060, 1-22-1962)

Sec. 8-666. Display.

Each vehicle inspection permit issued under the provisions of this division shall be affixed securely to the inside of the windshield of the appropriate wrecker vehicle; and it is unlawful for any person to operate any wrecker vehicle which does not have such permit so posted and displayed.

(Code 1968, § 7-50; Code 1996, § 121.74; Ord. No. 1060, 1-22-1962)

Sec. 8-667. Transferability.

No permit issued under the provisions of this article shall be transferable.

(Code 1968, § 7-51; Code 1996, § 121.75; Ord. No. 1060, 1-22-1962)

Sec. 8-668. Expiration.

Every permit issued under the provisions of this division shall expire at midnight on December 31 of the calendar year in which the same was issued.

(Code 1968, § 7-52; Code 1996, § 121.76; Ord. No. 1060, 1-22-1962)

Sec. 8-669. Revocation or suspension.

Any permit issued under the provisions of this division may be revoked or suspended at any time for the violation of any applicable provision of this Code, state law, or city ordinance, rule, or regulation.

(Code 1968, § 7-53; Code 1996, § 121.77)

Secs. 8-670—8-696. Reserved.



City Council Agenda Item #[4.B]

Title: Consideration and possible action approving Resolution No. 2025-2901 deeming property surplus.

Date: January 6, 2025

From: Chief Jennifer Howell, Police Chief

Staff Recommendation: Staff recommends city council to approve a resolution to deem property surplus.

Item Summary: We are requesting to designate the following items of Police Department equipment as surplus allowing for the sale/disposal. These Taser X26 devices have been owned by the City of Freeport for more than 10 years. They have exceeded their useful life in a law enforcement setting and are no longer being used for law enforcement purposes by the department.

Background Information: The Taser X26 device was discontinued in 2014 and is no longer serviceable by Taser/AXON but maintains usefulness to third-party sellers. The X26 is now 4 generations behind the most recent Taser product in service.

Special Considerations: If items are deemed as surplus, they could be used as a trade in value with a vendor. The purpose of the trade in of these surplus items is to allow for the purchase, via the store credit obtained, of additional X2 devices to help the department maintain enough useable inventory until replacement can be established.

Financial Impact: Items deemed as surplus could provide up to a \$2000 store credit with a vendor.

Board or 3rd Party Recommendation: None.

Supporting Documentation:

1. Resolution Taser Surplus

RESOLUTION NO. 2025 -2901

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, DECLARING CERTAIN PERSONAL PROPERTY AS OBSOLETE AND SURPLUS; PROVIDING FOR DISPOSAL OF OR TRADE IN THE SAME BY THE CITY MANAGER OR HIS DESIGNEE; AUTHORIZING THE MAYOR TO EXECUTE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has certain personal property to wit attached as Exhibit “A”;
and,

WHEREAS, said personal property due to its age and use is obsolete and surplus and has no effective value for the City to otherwise dispose of or trade in such personal property; and

WHEREAS, the City no longer has any foreseeable use for such property which has no useful purpose for the City and the same should be deemed to be surplus; and,

WHEREAS, the City needs to dispose of or trade in such personal property; and,

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

SECTION 1. the personal property owned by the City identified by Exhibit “A”, attached, are hereby declared to be obsolete and surplus, and that the City Manager is authorized to dispose of or trade in such personal property for its salvage value or donate it to any other nonprofit entity, by appropriate means.

SECTION 2. That should any word, phrase, paragraph, or section of this Resolution be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Resolution as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Resolution as a whole.

SECTION 3. That all provisions of the resolutions of the City of Freeport, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 4. That this Resolution shall take effect immediately from and after its passage as the law provides.

**PASSED and APPROVED by the City Council of the City of Freeport, Texas,
on the 6th day of January, 2025**

APPROVED:

Jerry Cain, Mayor

ATTEST:

Clarisa Fernandez, City Secretary

APPROVED:

City Attorney

EXHIBIT A
RESOLUTION 2025 - _____

20 x X26 Taser Conducted Energy Weapons

Serial Numbers:

X00-571209	X00-620934	X00-724124
X00-571261	X00-620945	X00-732072
X00-571277	X00-708527	X00-741950
X00-571304	X00-710066	X00-750245
X00-620680	X00-710067	X00-750262
X00-620917	X00-716391	X00-750313
X00-620925	X00-724118	

20 x Blackhawk Taser X26 Holsters

9 x Batteries (New)

6 x Batteries (Partially Used)

1 x Data Transfer Cable.



City Council Agenda Item #[4.C]

Title: Consideration and possible action approving the trade in of surplus items.

Date: January 6, 2025

From: Chief Jennifer Howell, Police Chief

Staff Recommendation: Staff recommends the approval to trade in surplus items and to enter into a purchase agreement with Accredited Security.

Item Summary: Surplus items would be sold/traded in for store credit to Accredited Security, a reseller in Naples, FL. As we are selling these items, Accredited Security carries any liability when these devices are resold. Accredited Security will also conduct a registration transfer, so the devices are no longer listed as belonging to our agency via Axon.

Background Information: The vendor, Accredited Security, has been used by other departments for the trade in of end of life Tasers.

Special Considerations: If purchase agreement is approved, items would be traded in for in store credit. The purpose of the trade in of these surplus items is to allow for the purchase, via the store credit obtained, of additional X2 devices to help the department maintain enough useable inventory until replacement can be established.

Financial Impact: Items could provide up to a \$2000 store credit with vendor, Accredited Security.

Board or 3rd Party Recommendation: None.

Supporting Documentation:

1. Accredited Security Purchase Agreement



PURCHASE AGREEMENT

----- TASER® X26 -----

Accredited Security, a Nevada Corporation at 6017 Pine Ridge Rd Ste 73, Naples FL 34119-3956 hereby agrees under terms of this Agreement to purchase a quantity of _____ TASER X26 from

_____ (Seller Agency)

located at _____

_____ as follows.

TERMS: Accredited agrees to pay \$100.00 (ONE HUNDRED DOLLARS) for each working or repairable TASER® X26 shipped in a marketable X26 holster with Serial Number of X00-300000 or greater, and \$75.00 (SEVENTY FIVE DOLLARS) for Serial Numbers of X00-200000 or greater, and \$50.00 (FIFTY DOLLARS) for others, and make payment within 10 weeks of receipt

payable to: _____ or ☐ Store Credit

REGISTRATION: Accredited will conduct the registration transfer and Certificate of Disposal. Accredited holds the Seller harmless to any liability in the very unlikely event of any legal action.

Were these serial numbers registered to you on Evidence.com? ☐ Yes ☐ No (Mandatory)

Purchaser:

Authorized Seller:

Jeffrey R. Wenger

Signed: _____

Jeffrey R. Wenger

Name: _____

President and CEO

Title: _____

Telephone: 702-617-3300

Phone: _____

Email: ContactAccredited.com

Email: _____

Ship to: Accredited Security, 6017 Pine Ridge Road Suite 73, Naples FL 34119-3956

INCLUDE A COPY OF THIS FORM INSIDE EACH CONTAINER

Effective 10/1/24. Valid for 90 days. Please include everything you no longer need. Limit L+W+H to 50" and weight to 35 lbs. Equipment is not returned. Accredited deducts for cosmetics, unmarketable cartridges & holsters and registered equipment.



www.AccreditedSecurity.com • www.ContactAccredited.com

Accredited Security • 6017 Pine Ridge Rd Ste 73, Naples, FL 34119 • 800-352-5294 702-617-3300

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City Council Agenda Item #[4.D]

Title: Consideration and possible action approving annual appointment of TIRZ Chairman.

Date: January 6, 2025

From: Lance Petty, City Manager

Staff Recommendation: Staff recommends City Council appoint a Chairman for Freeport Tax Increment Reinvestment Zone Number One.

Item Summary: In order to implement the purposes for which the TIRZ 1 was formed, as set in Ordinance No.2019-2590 approved on December 2, 2019, creating the TIRZ 1, City Council shall annually appoint a member of the TIRZ board to act as Chairman, whose term shall begin on January 1, 2025. The board is compromised of members of the EDC Board and a representative from each participating jurisdiction.

Shonda Marshall
Ronnie Martin
Josh Mitchell
David McGinty
Mark Parker
Ken Tyner
Sandra Loeza
David Thacker (Representing Brazoria County)
Anne Bartlett (Representing Brazosport College)

Background Information: The TIRZ that was adopted includes all of the Downtown and the OA Flemming property, as well as all the property along the old River from Downtown to the railroad trestle on the north side of the river. The function of the TIRZ is to capture the incremental revenue generated from new assessed value created in the district to be reinvested in the district to facilitate additional economic development in the District. The TIRZ captures 50% of City ad velorum revenues from incremental increases to from the 2019 base values established at that time. In 2021, both Brazoria County, and Brazosport College added 40% of their increment to the TIRZ district. A major effort will be targeted at revitalizing the downtown and the development of the EDC's 8.8 acres along the river.

Special Considerations: N/A

Financial Impact: N/A

Board or 3rd Party Recommendation: N/A

979.233.3526 Fax 979.233.8867



1201 North Avenue H. Freeport, TX 77541

Supporting Documentation:

None



City Council Agenda Item #[4.E]

Title: Consideration and possible action approving a representative of the City Council to serve on the HGAC 2025 General Assembly.

Date: January 6, 2025

From: Lance Petty, City Manager

Staff Recommendation: Staff recommends appointment of an elected representatives of the City Council to serve as the City's Representative and Alternate.

Item Summary: As a member of the Houston Galveston Area Council (HGAC), the City may select one elected official from its Council to serve on the HGAC General Assembly, and one elected official to serve as an Alternate.

The HGAC General Assembly meets twice per year. Once for an organization meeting, at which representatives are elected to serve on the HGAC Board of Directors (including 2 members from Small Home Rule cities like Freeport- under 25,000) and one Annual Meeting held in the first quarter of each year.

Background Information: HGAC is a regional coalition of Cities, Counties, and ISDs that serves the interests of the areas Government agencies and it focuses on Transportation Planning, Development, Public Procurement, and much more.

Special Considerations: Previously Councilman Rossow was appointed as the City's representative and Mayor Cain was appointed as the Alternate.

Financial Impact: N/A

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. 2025 Home Rule Letter
2. Home Rule Designation Form



HOUSTON-GALVESTON AREA COUNCIL
OFFICE OF THE EXECUTIVE DIRECTOR

To: Mayors – Home Rule Cities
Subject: 2025 General Assembly Designations
From: Chuck Wemple
Date: September 19, 2024

The Houston-Galveston Area Council has had an exciting and eventful 2024. We remain dedicated to better serving our member governments. We are working to do this by continuing to bring the conversation to your communities to listen to your needs and determining how we can help improve quality of life across the region. Thus far we have visited all of our regions' counties, and have started the second round of visits.

As we look forward to 2025, we ask that you appoint elected leaders from your governing body to represent your community and be a part of our decision-making progress. H-GAC bylaws allow each member of Home Rule cities to designate an elected official to represent you on the General Assembly and at the Home Rule cities caucus meeting. At the caucus meeting, Home Rule cities from across the region will elect two members to represent all Home Rule cities on the H-GAC Board of Directors, and two members to serve as alternates.

I have attached the nomination form on which you can designate your representatives. Please email the completed form to Vanessa.McKeehan@h-gac.com. If more information concerning General Assembly and Board of Directors membership would be useful, please contact me at 713-993-4514 or Rick Guerrero at 713-993-4598.

A dinner meeting of Home Rule city representatives is scheduled for Thursday, November 7, 2024 starting at 6:00 p.m. It will be at the The Royal Sonesta, 2222 W Loop S, Houston, TX 77027. Your city's designees are highly encouraged to attend and help elect the 2025 Home Rule Cities' representatives to the H-GAC Board of Directors.

Thank you for your continuing participation and support for the Houston-Galveston Area Council. We look forward to working with you in the coming year.

Sincerely,


Charles Wemple (Oct 1, 2024 05:35 CDT)

Chuck Wemple

DESIGNATION OF REPRESENTATIVE AND ALTERNATE
HOUSTON-GALVESTON AREA COUNCIL
2025 GENERAL ASSEMBLY

BE IT RESOLVED, by the Mayor and City Council of _____, Texas that _____ be, and is hereby designated as its Representative to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2025.

FURTHER, that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should he/she resign, is _____.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

PASSED AND ADOPTED, this ____ day of _____, 2024.

APPROVED:

Mayor

ATTEST:



City Council Agenda Item #[4.F]

Title: Consideration and possible action approving Resolution No. 2025-2902 amending the City of Freeport Policy Handbook Chapter 5 – Standards of Conduct revising Section 5.19 – Use of City Owned Vehicles.

Date: January 6, 2025

From: Donna Fisher, HR Director

Staff Recommendation: Staff recommends approval of the Resolution.

Item Summary: The City has revised the Use of City Owned Vehicles section 5.19 of the Personnel Policy Manual to prohibit City vehicles being used for transportation to and from work by any employee residing outside of a thirty (30) mile radius of the employee's normal work station. Previously the policy allowed Police Department staff to use a take-home vehicle regardless of where they reside. The revision to this policy brings the City in line with what other cities are doing.

Background Information: This policy was last revised on February 21, 2023.

Special Considerations: N/A

Financial Impact: Fuel and maintenance savings for vehicles not going outside the 30 mile radius on a daily basis.

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. Resolution - Vehicle Policy
2. Use of City Owned Vehicles Revised 12112024 Redlined
3. Use of City Owned Vehicles Revised 12112024 Final

RESOLUTION NO. 2025-2902

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, REVISING SECTION 5.19 USE OF CITY OWNED VEHICLES AND APPROVING THIS REVISION TO THE PERSONNEL POLICY HANDBOOK.

WHEREAS, the City of Freeport values all employees working to provide services to the citizens; and

WHEREAS, the City of Freeport seeks to revise the use of City owned vehicle policy for the benefit of our employees; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS;

SECTION 1. USE OF CITY OWNED VEHICLES POLICY. The City Council of the City of Freeport hereby approves and adopts the revision to the Use of City Owned Vehicles Policy attached hereto as Exhibit “A” and approves its addition to the Personnel Policy Handbook.

SECTION 2. PROPER NOTICE AND MEETING. It is hereby found and determined that the meeting at which this resolution was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

Read, passed and adopted the _____ day of _____, 2025.

Jerry Cain, Mayor
City of Freeport, Texas

ATTEST:

APPROVED AS TO FORM:

Clarisa Fernandez, City Secretary
City of Freeport

David Olson, City Attorney
City of Freeport

5.10 Use of City Owned Vehicles – REVISED 2/21/2023

Vehicles are to be used for City business. A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties. Exceptions may be given in writing by Department Director (see General Rules below).

City vehicle assignments will be reviewed annually as part of the budget review process and for IRS reporting purposes

Human Resources will maintain a listing of employees assigned take-home vehicles by department. Department Directors are required to notify Human Resources of any changes occurring due to reassignment or turnover. Those employees that are assigned City vehicles to commute back and forth to work may be assessed a taxable benefit through his/her regular paycheck. The determination of this taxable benefit is made by Human Resources based on rules set forth by the IRS in Publication 15-B, Employer's Tax Guide to Fringe Benefits. This benefit is not a monetary benefit to the employee; however, it does increase the employee's taxes based on the value of the benefit. Police and fire vehicles used by employees on call 24-hours are normally exempt from the benefit tax liability. For those vehicles that are not exempt, the City will include an additional \$3.00 of taxable income on that individual's W-2 for each day driven home.

General Rules

Use of a City vehicle by an employee is neither a right nor a privilege rather it is a trust conferred to facilitate necessary performance of job duties. Use of a City vehicle should always lead to positive perception by our citizens.

If an employee drives a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employees must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.
- City vehicles shall not be used to transport family members or other passengers not engaged in City business, without prior approval of the City Manager or designee.
- City vehicles shall be used only in the performance of City business, including meetings, conferences, or other business-related events. City vehicles shall not be used for private or personal business. Exceptions can be made if errand is in route to destination (stopping at the store on the way home). Personnel are prohibited from transporting personal property from one place to another, personal shopping trips, etc.

- Persons assigned a City vehicle may utilize the vehicle for meal purposes and authorized breaks within the general locality where the employee is performing duties or reporting for assignments.
- City vehicles shall not be used for transportation to and from work by any employee residing outside of a thirty (30) mile radius of the employee's normal work station without written approval by the City Manager or designee. ~~The only exception is the Police Department—Police Officers who are assigned a take-home vehicle may use that vehicle per City Policy.~~
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- NO EMPLOYEE MAY OPERATE A CITY VEHICLE WHILE IMPAIRED BY ALCOHOL, PRESCRIPTION OR ILLEGAL DRUGS, OR WHEN THEIR PHYSICAL OR MENTAL CONDITION OTHERWISE PREVENTS SAFE OPERATION.
- The lack of a City provided take-home vehicle is not a sufficient reason for an employee to refuse to respond to an after hour call back. Call backs will continue to be governed by existing City and Departmental policies, and employees who refuse to respond may be subject to disciplinary action.
- Employees shall not operate a cell phone while driving a City vehicle. Employees may proceed to a nearby safe stopping place to conduct business calls received while driving.
- Unassigned vehicles shall not be taken home at night except in special instances approved by the appropriate Department Director.
- Employees shall not carry a weapon in a City vehicle unless required to do so as a part of their job.
- Should a City employee assigned to a City vehicle on a twenty-four(24) hour basis be absent from work for an extended period of time, the employee may be required to ensure that the vehicle is returned to the work place during the employee's absence.
- The consumption or possession of alcoholic beverages in City vehicles is strictly forbidden, except that an alcoholic beverage which is considered evidence can be transported.
- Permanently assigned City-owned vehicles must be safely parked or stored at the employee's residence when not in use.
- Employees assigned vehicles will ensure that all required maintenance and inspection needs of the vehicle are adhered to as prescribed by the Department Head.

Revocation of Take-Home Authorization

Take-home authorization may be revoked:

- For failure to comply with the provisions of this policy;
- For a change in job assignment, duties, or responsibilities such that a take-home vehicle is no longer justified; or
- When it is in the best interest of the City of Freeport.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

5.10 Use of City Owned Vehicles – REVISED 2/21/2023

Vehicles are to be used for City business. A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties. Exceptions may be given in writing by Department Director (see General Rules below).

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Human Resources will maintain a listing of employees assigned take-home vehicles by department. Department Directors are required to notify Human Resources of any changes occurring due to reassignment or turnover. Those employees that are assigned City vehicles to commute back and forth to work may be assessed a taxable benefit through his/her regular paycheck. The determination of this taxable benefit is made by Human Resources based on rules set forth by the IRS in Publication 15-B, Employer's Tax Guide to Fringe Benefits. This benefit is not a monetary benefit to the employee; however, it does increase the employee's taxes based on the value of the benefit. Police and fire vehicles used by employees on call 24-hours are normally exempt from the benefit tax liability. For those vehicles that are not exempt, the City will include an additional \$3.00 of taxable income on that individual's W-2 for each day driven home.

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- Always wear seat belts when the vehicle is in operation.
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