State of Texas

County of Brazoria

City of Freeport
BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, October 6, 2025 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:	Dan Pennington, Interim City Manager Jennifer Howell, Police Chief Chris Duncan, Interim City Attorney Clarisa Fernandez, City Secretary Ashlee Hurst, Finance Director Toby Cohen, IT Director Donna Fisher, Human Resource Director Reginald Harris, Building Official Corey Brinkman, Police Captain Chris Motley, Fire Chief Robert Johnson, EDC Director Wade Dillon, Museum Director

Visitors:	David McGinty	Linda Marshall
	Melanie Oldham	Nicole Mireles
	Manning Rollerson	Ruben Renobato
	Pamela Dancy	Margaret Bachman
	Tom Pearson	Ron Bachman

Call to Order:

Call to Order - Jerry Cain, Mayor

Mayor Cain called the regular scheduled meeting of the Freeport City Council to order at 6:03P.M. on October 6, 2025, declaring a quorum was present.

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.

Tom Pearson resides at 110 South Front Street, addressed the Council, stating that it was apparent the City Council did little research when they decided to hire Mr. Chris Duncan as Interim City Attorney. He expressed concern that Councilman Pena voted for Mr. Duncan, noting that Mr. Duncan currently serves as the attorney of record in two cases involving Mr. Pena and the City of Freeport. Mr. Pearson stated that Mr. Pena has been involved in several lawsuits and compared the situation to a person being divorced multiple times, suggesting that at some point, one should consider whether they may be at fault. He referenced two lawsuits against the City of Freeport in which Mr. Duncan represents Mr. Pena: case number 125934, Pena v. Board of Adjustments, and case number 266626687, Jeff Pena v. City of Freeport, regarding nonpayment of hotel/motel taxes. He noted that in case 125934, a motion for dismissal of attorney was filed on September 10, 2025, and suggested that this action might be a tactic to delay proceedings until the City hires a permanent City Attorney. Mr. Pearson expressed concern that since Mr. Duncan attends all executive sessions of Council meetings, if his interim service were terminated, he could continue to represent Mr. Pena against the City. Mr. Pearson further stated that the Council had the opportunity to hire another attorney, Mr. Pat Taylor, who had offered to serve until a permanent attorney was selected, but the Council declined his offer. Two weeks later, the Council voted to appoint Mr. Chris Duncan as Interim City Attorney upon a motion by Councilman Rossow, Councilman Davis and Councilman Pena. Mr. Pearson asserted that Mr. Taylor did not have personal ties to any Councilmember. He shared that one Councilmember informed him Mr. Duncan was the only applicant for the interim position, but Mr. Pearson claimed that was untrue. He also noted that Mr. Duncan had previously been terminated by both the City of Freeport and the EDC, suggesting there must have been valid reasons for those actions. He concluded by stating that his concern was not about guilt or innocence, but rather about the Council's decision to hire an attorney with a potential conflict of interest, given his representation of a sitting Councilmember in cases against the City.

Sam Reyna resides at 2002 North Avenue G, addressed the Council regarding the executive session item listed as an ethics complaint filed by William Nelson against Ms. Nicole and himself. Mr. Reyna stated that the matter between himself, Mr. Nelson, and Ms. Nicole was personal and unrelated to City business. He emphasized that, because it was a citizen's complaint, it should be discussed in open session rather than in executive session. He added that, if the issue involved an ordinance violation, the agenda should have reflected that accordingly. Mr. Reyna referenced a recent newspaper article involving Councilman Pena and a Texas Ranger named Aaron. He noted that the Ranger, whom he described as a good officer, had previously met with him after being introduced by Tyrone Morrow in Webster. Mr. Reyna stated that he had provided the Ranger with documentation related to Mr. Pynes and the City administration, which the Ranger determined involved unethical behavior rather than criminal activity. According to Mr. Reyna, the Ranger advised him to take such matters back to City Council, as only criminal activity would fall under the Ranger's jurisdiction. Mr. Reyna explained that Councilman Pena had claimed to have contacted the Ranger twice and was told his case was a low priority due to other investigations. Mr. Reyna asserted that if Councilman Pena had evidence or witnesses to support criminal allegations, the Texas Rangers would have pursued the matter. He reiterated that the Ranger had made clear that cases involving unethical behavior alone would not be investigated. Mr. Reyna concluded by stating that, to his recollection, the Ranger had ties to Freeport and may have previously worked for the Police Department. He added that if any criminal activity existed, the Ranger would investigate it.

Wade Dillon, Museum Director for the Freeport Historical Museum, addressed the Council to highlight the museum's accomplishments over the past fiscal year. He reported that the museum welcomed 8,435 visitors, marking the largest visitation in recent history, and that its Facebook page recently surpassed 9,200 followers. Mr. Dillon reviewed the museum's key activities during the year. In October 2024, the museum distributed brand-new bilingual brochures to Texas Travel Centers statewide. In November, a monthly newsletter was launched to promote museum events and exhibits, and the museum hosted a tour for the Texian Rally, an annual conference organized by the Texas Independence Trail Region. In December 2024, the museum joined the American Alliance of Museums. In January 2025, it became a member of Museums for All, offering free or reduced admission to families eligible for SNAP benefits. In March, the museum transitioned to free admission for all visitors. In May 2025, the museum joined Blue Star Museums, a network providing free or reduced admission for military families, and also launched a museum membership program. Mr. Dillon noted that the Freeport Museum was featured 13 times in The Facts newspaper and held quarterly advertising space in Texas Highways magazine. He reported that over 800 new followers were added to the museum's Facebook page and that he secured more than $10,000 in donations to support renovations to the museum's expansion space. He invited the public to a ribbon-cutting ceremony on October 22 for the museum's new Nat Hickey Education Center, a 2,000-square-foot space dedicated to educational programming and community events. Mr. Dillon thanked the Council for approving the museum's budget, highlighting a $12,000 allocation for staff pay raises. He emphasized that the raises improve team morale, enhance quality of life, and bring museum salaries closer to the statewide average for comparable positions. He concluded by stating that the museum's visitation, community impact, and quality of exhibits demonstrate the value of the staff and the appropriateness of the approved pay raises.

Manning Rollerson addressed the Council regarding several concerns affecting the community and city planning. He first referenced a prior interaction with a Texas Ranger, noting that he could relate to Councilman Pena's experience because the same Ranger had been involved in the eminent domain process Mr. Rollerson had attempted to have investigated. He emphasized that this statement was on the record. Mr. Rollerson then discussed urban renewal land, stressing the need for the City and Council to prioritize community development. He expressed concern over the proliferation of industrial and toxic facilities on city land, emphasizing the need for housing, retail, and other infrastructure necessary for a sustainable tax base. He stated that for decades, the City had focused on attracting manufacturing and businesses, often providing incentives without ensuring the promised community development occurred. He referenced previous Council votes, including actions by Mr. Wong, Mr. Brimage, Mr. Bass, and Mr. Yates, asserting that promised downtown economic development had not been fulfilled and that agreements with developers must be honored to support the City's tax base and community needs. Mr. Rollerson questioned the closure of Starbucks and the City's handling of investments, urging city officials, including Mr. Robert Johnson, to explain the use of public funds in these matters. He stressed that City decisions must prioritize the citizens of Freeport and their children, noting that current actions would have long-term effects on the community. Mr. Rollerson addressed the topic of eminent domain, suggesting that the City consider exercising this power for public use on the East End, which had been previously taken by the Port. He recommended developing housing and facilities free from toxic materials to benefit the community. He concluded by urging the Council to focus on sustainable growth, responsible development, and the well-being of Freeport residents.

Melanie Oldham addressed the Council regarding recent legal proceedings involving Port Freeport and the use of eminent domain in the East End of Freeport. She noted that the 14th Court of Appeals recently ruled against the Port in its attempt to acquire property in the area. Ms. Oldham emphasized that eminent domain is a controversial issue that requires proof of public use. She explained that the Port had not clearly stated how the property would be used, which led to long-standing opposition from local residents, including Pam Tilley and her father, Mr. Marshall, who have lived in the East End for decades and actively resisted the eminent domain actions. Ms. Oldham recounted attending the 2019 Port Commission meeting when the commissioners voted to exercise eminent domain. She referenced statements made by Mr. Rollerson's attorney, Amy Dent, questioning the legality of taking property without specifying public use. She noted that the Port had decided to acquire the property first and determine its use later. She further suggested that the City of Freeport could assert its own eminent domain authority over the East End property, as the land does not flood and could be used for housing or other public purposes. Ms. Oldham concluded that the City should consider how the land could best serve the community, particularly in relation to zoning and public use planning.

Pamela Dancy addressed the Council regarding concerns about decision-making, accountability, and the influence of personalities in City Council voting. She expressed her concern about manipulation in the decision-making process, noting that Council members and the Mayor sometimes appear to influence votes based on personal feelings rather than principles or the law. Ms. Dancy referenced past incidents involving contracts and financial decisions, including actions taken by Mr. Kelty. She noted that while Mr. Kelty made calculated decisions that resulted in mistakes, subsequent City Council decisions appeared to reward improper behavior rather than enforce accountability. She emphasized the importance of separating personalities from facts, law, and principles when conducting executive sessions or making policy decisions.Ms. Dancy also highlighted the role of individual Council members, noting that some may vote in alignment with others to avoid conflict rather than voting based on facts or community interest. She urged that each Council member be allowed to vote independently, based on principles, law, and factual information, rather than peer influence or manipulation. She concluded by stressing that the City Council should prioritize the best interests of Freeport, uphold accountability, and ensure decisions are made in accordance with law and principle.

Executive Session

Executive Session regarding: Texas Government Code, Section 551.074 (Personnel Matters) 1.) Interview of City Attorney Applicants. Texas Government Code, Section 551.072 (Deliberations about Real Property) 1.) Presentation by Bracewell regarding the Skinner Property.

The Regular Session closed at 6:29P.M. and the Council entered into the Executive Session.

Reconvene into Open Session:

Take any action resulting from Executive Session.

The Executive Session ended at 9:25P.M. and the Council went back into Regular Session.

There was no action from the Executive Session.

Proclamations - Presentations and Updates

Proclamation for R. O'Hara Lanier Day, October 18, 2025-Interim City Manager, Dan Pennington

Mayor Cain read the Proclamation proclaiming October 18, 2025 as R O'Hara Lanier Day.

Presentation on the Launch of the City's New Website-IT Director, Toby Cohen

IT Director Toby Cohen gave a presentation on the City's new website.

Upcoming Events:
National Night Out with Freeport Police, Fire and EMS, Freeport Municipal Park, October 7th, 6:00P.M.-8:00P.M.
Fright Night 2025, Freeport Municipal Park, October 23rd, 6:00P.M.-9:00P.M.

Interim City Manager Dan Pennington gave an update on upcoming events.

Business

Consideration and possible action approving meeting minutes from September 15, 2025.

A motion was made by Councilman Matamoros to approve meeting minutes from September 15, 2025, seconded by Councilman Rossow with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

Second reading in consideration of approving Resolution No. 2025-2966 economic development projects to be enacted by the Freeport Economic Development Corporation.

EDC Director Robert Johnson presented the second reading and discussion regarding a resolution to approve economic development projects administered by the Freeport Economic Development Corporation (EDC) for the 25-26 fiscal year. Mr. Johnson explained that the Local Business Improvement Grant program provides grant funding to support local businesses through several categories, including façade improvements, signage improvements, general property improvements, fire suppression system upgrades, and landscaping improvements. Applications for these categories are reviewed individually by the EDC Board as they are received, with the exception of signage and fire suppression improvements. Funding limits include up to $10,000 per standard category, $25,000 for fire suppression, and $3,500 for signage. Additionally, a single mega grant of up to $30,000 is competitively offered annually in February. Businesses approved for the grant receive reimbursement of 50% of documented and qualified expenses up to the maximum grant amount. Mr. Johnson said the EDC is requesting Council approval for expenditures of up to $300,000 for the 25-26 fiscal year to support the grant program. He emphasized that the purpose of the program is to promote the development and expansion of both new and existing businesses within the City of Freeport, thereby enhancing economic welfare, retaining business enterprises, and maintaining employment and economic stability. He noted that the EDC conducted a public hearing with no opposition to the project and recommended that the Council approve the grant program for the current fiscal year.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2966 economic development projects to be enacted by the Freeport Economic Development Corporation as presented, seconded by Councilman Rossow with discussion that followed.

Councilman Davis asked who goes over these applications? EDC Director Robert Johnson explained the process for the Local Business Improvement Grant applications. He stated that while the EDC Board reviews all applications, staff assists applicants in preparing and reviewing their submissions before they are formally presented to the Board. Typically, the applicant presents their application directly to the Board. He noted that businesses are informed about the grant program through multiple outreach methods, including personal visits, website postings, and promotion during business development breakfasts, along with other standard marketing and promotional activities. Mr. Johnson clarified that businesses may receive one grant per year, allowing them to complete improvements in phases. Several businesses have utilized the program over multiple years, completing initial phases of improvements and subsequently applying for additional funding to continue projects. Mr. Johnson gave an example of On The River that received a grant in a prior year and was now applying for a second grant to complete further improvements, particularly to repair damage sustained during Hurricane Beryl.

Councilman Pena inquired about the total grant amount from the previous fiscal year, confirming that it was $300,000. EDC Director Robert Johnson clarified that not all funds were expended, with approximately $250,000 used and the remaining funds returned to the pot. Councilman Pena raised questions regarding grants related to Hurricane Barrel damage. Mr. Johnson explained that businesses began applying immediately following the hurricane, and additional grants were allocated to assist with repairs, with some businesses receiving phased funding. Specific examples included On the River and Sista White's, who were applying for second-phase improvements due to hurricane damage. Councilman Pena asked about outreach efforts to inform businesses of available grants. Mr. Johnson noted that outreach is conducted through personal visits, the EDC website, and business development breakfasts held twice a year. He explained that attendance varies, with 10 to 30 participants, and that invitations are extended primarily to Freeport-based businesses, while also engaging local chambers of commerce. Councilman Pena inquired about the program's structure, including the single Mega Grant. Mr. Johnson clarified that the Mega Grant allows a business to apply for one category with a maximum of $30,000, while standard grants are capped at $10,000 per category. Businesses may combine different grant categories up to the $30,000 limit, but cannot combine the Mega Grant with other grants in the same fiscal year. Councilman Pena expressed support for the grant program but emphasized the need to provide more significant assistance to local businesses, particularly given closures and economic challenges. He suggested increasing the grant funding, expanding grant categories, and enhancing cross-promotional marketing to support local businesses. Mr. Johnson responded that the EDC is open to balancing small grants with reserve funds for larger projects and noted current marketing initiatives, including highlighting businesses through events and social media. Councilman Pena recommended to Mr. Johnson to get back to the EDC board to create bigger grants for 50,000 or 100,000, and as well as all of these facade and the other minor ones at 10,000 to raise those because costs are going up.

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

<u>Second reading and consideration of approving Resolution No. 2025-2967 an economic development agreement to be enacted by the Freeport Economic Development Corporation and Developer.</u>

EDC Director Robert Johnson presented the second reading and consideration of a resolution approving an economic development agreement to be enacted by the Freeport Economic Development Corporation (EDC) with Mama C's Restaurant, owned by Albert and Crystal Penia, who were present in the audience. Mr. Johnson explained that the EDC had identified an economic development project it wished to fund, and due to the nature of the project, City Council approval was required through two readings, with this being the second and final reading. He stated that the EDC had negotiated a property sale agreement with Mama C's for the property located at 212 West Park Avenue in Freeport, Texas. Under the agreement, the EDC would grant a low-cost property sale in exchange for specific refurbishments and development of the building, the creation of five jobs, and a requirement that the business remain open for a minimum of five years. Mr. Johnson noted that if these requirements and benchmarks were not met, ownership of the property would revert back to the EDC. He further explained that the EDC believes this project supports the City's goal of downtown redevelopment and revitalization, as it will bring additional traffic to the Downtown Historic District. The project also aligns with the recommendations outlined in the University of Texas at San Antonio Center for Urban and Regional Planning Research's Comprehensive Downtown Plan for the City of Freeport. Following a public hearing held on September 10, 2025, the Freeport Economic Development Corporation voted unanimously to recommend approval of the low-cost property sale agreement with Mama C's Restaurant.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2967 the economic development agreement between the Freeport EDC and Developer, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked EDC Director Robert Johnson to clarify details regarding the reduced sale price mentioned earlier. Mr. Johnson confirmed that the property at 212 West Park Avenue was being sold for $10. Councilman Pena asked if Mr. Johnson remembered how much the City originally purchased the property for, to which Mr. Johnson replied that he did not. Councilman Pena then confirmed that the structure in question had previously housed The Lucy Goose. Mr. Johnson affirmed this and added that there was another property adjacent to it, but stated that the second property would not be part of the current transaction, emphasizing that this deal applied strictly to 212 West Park Avenue. Councilman Pena inquired about the plans for the neighboring structure owned by the EDC. Mr. Johnson explained that there had been some interest from different parties looking at the property, but many felt the building required too much work. Councilman Pena then asked about the performance conditions related to construction for Mama C's. Mr. Johnson stated that Mama C's would handle all construction, build-out, and development to make the business operational, and that if those requirements were not met, the property would revert back to the EDC. Councilman Pena asked whether the business would be eligible to access grant funds recently approved for the fiscal year. Mr. Johnson responded that there was nothing prohibiting them from doing so. Councilman Pena asked if there was an anticipated renovation budget. Mr. Johnson stated that the estimated cost was around $125,000 to $150,000. Interim City Manager Dan Pennington also asked if there were additional requirements, such as a minimum number of employees. Mr. Johnson confirmed there was a requirement to create five jobs and restated the agreement details for the record: the property sale is in exchange for outlined refurbishments to and development of the building, the creation of five jobs, and the requirement that the business remain open for at least five years. If these requirements and benchmarks are not met, the property will revert back to the EDC. Councilman Pena asked if turnover or a reduction below five employees would trigger any contract termination or violation. Mr. Johnson explained that the EDC would work with the business to get re-staffed, and that they would not immediately take action if the business was actively attempting to meet the requirement.Councilman Pena then asked if there were any performance requirements that the City or EDC would be obligated to fulfill in order to make the business successful. Mr. Johnson stated that only normal code enforcement and compliance with building standards would apply. Councilman Pena asked if the property had been inspected and if the City had full knowledge of the infrastructure beneath the slab. Mr. Johnson confirmed that scoping had been completed for both water and sewer lines and that everyone involved was aware of the infrastructure's limitations. Councilman Pena added that the infrastructure would require improvements. Councilman Pena asked whether any of those improvements would create obligations for the City or the EDC. Mr. Johnson explained that the City had discussed providing assistance with equipment to help dig up water and sewer lines leading to the alley, but ultimately, responsibility for those improvements would remain with the property owners. Councilman Pena asked whether the City would assist from the meter inward. Councilman Pena talked about several concerns regarding drainage issues, as the structure had previously experienced flooding during heavy rains due to the alley's grade and the way the backyard drained into the structure and neighboring buildings. Mr. Johnson noted that drainage would be reviewed and addressed during the construction process to ensure the building would be functional and not prone to flooding. Councilman Pena asked about the status of the development agreement and whether a copy had been provided. Mr. Johnson explained that the agreement would be drafted following the Council action and that the EDC had not yet written the agreement to avoid being premature. Councilman Pena inquired whether the agreement would return to Council for final review or approval. Interim City Attorney Chris Duncan clarified that once the Council approved the project itself, the contract would be between the EDC and the developer. Councilman Pena expressed concern that the agreement should return to Council for review to ensure that the terms were appropriate. Mayor Cain said that if Council desired to review the final agreement, that request could be accommodated. Mr. Johnson cautioned that additional review could delay the project. Councilman Pena discussed the possibility of tabling the item to allow time for the agreement to be finalized and reviewed. Mayor Cain stated that the applicants had worked closely with the EDC for some time and that the project represented a positive opportunity for downtown. Councilman Pena agreed that the project was well-intentioned and expressed enthusiasm for seeing the business owners succeed. Councilman Pena noted that one of the applicants, Ms. Penia, had long been part of the Freeport community, and that her desire to open a restaurant downtown was encouraging. Mr. Johnson confirmed that the EDC's attorney would begin drafting the development agreement immediately and that it should be completed within the next few days. Mr. Duncan raised a legal concern regarding the property's grease trap, noting that it was located on the neighboring parcel. Mr. Johnson confirmed this and stated that the issue would be addressed in the contract through an easement agreement, allowing continued access.

Albert Penia and Crystal Penia then addressed the Council, expressing their eagerness to proceed with the project. They stated that they had been waiting for several months and were ready to begin work immediately, emphasizing their commitment and work ethic. Mr. Penia shared that they work seven days a week and were anxious to start developing the property into a thriving restaurant and community anchor. Councilman Pena acknowledged the applicants' enthusiasm and reiterated their support, but emphasized the need to ensure the contract was properly reviewed. He noted that Council, the EDC, and legal counsel must protect both the City's and the applicants' interests to prevent future complications. He expressed that a short delay to finalize the agreement approximately two weeks would allow all parties to move forward with confidence and ensure the contract addressed key items such as infrastructure responsibilities and the grease trap easement. Mr. Penia said that he understood the need for review but reiterated frustration with the length of the process and the desire to begin construction soon. Councilman Pena reassured the applicant that the delay was procedural, not a denial, and reaffirmed support for the project moving forward once the agreement was properly prepared.

Councilman Davis expressed understanding of the applicants' passion and frustration, noting awareness of challenges the applicants faced prior to the meeting. He acknowledged hearing the applicants' statements and emphasized concern over the risks associated with the contract, including the requirement to maintain five employees and invest funds to bring the building up to code. He highlighted potential unknown issues with the property and cautioned against rushing the process before all details were finalized. Councilman Davis acknowledged that the applicants may have a solid plan but emphasized the importance of avoiding surprises or overlooked risks, referencing prior lawsuits related to other buildings. EDC Director Robert Johnson responded, noting that the EDC had directed the developers to address building refurbishments, and that tax revenue would be generated while putting the buildings back on the tax rolls.Councilman Pena emphasized legal concerns, noting the building's existing problems and the need for the City to ensure all aspects of the agreement were correctly documented to avoid future litigation. Councilman Pena stated that he would be on the record regarding his vote, emphasizing that his vote was in favor of allowing two weeks to finalize details. He clarified that this should not be mistaken for opposition. Councilman Pena noted his personal investment in downtown, expressing his desire to see hardworking residents from Freeport succeed and establish roots through their investments. He emphasized the importance of leveraging grants more effectively and expressed support for increasing the size of grants to better assist local development projects.

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 approving Ordinance No. 2025-2749 Cost-of-Living Adjustment (COLA) for City Employees.

Human Resources Director Donna Fisher addressed the Council, stating that the ordinance is intended to provide transparency and clarify the Cost of Living Adjustment (COLA) approved during the budget process. She explained that the ordinance specifies a 5.5% COLA for all police department employees and positions, and a 3% COLA for code enforcement employees and all other departmental employees and positions. Ms. Fisher noted that the new police department pay matrix and city pay scale range are attached. Additionally, she outlined a $6,000 allocation to the museum director, $4,000 to the museum programs coordinator, and $2,000 to the museum attendant.

A motion was made by Councilman Matamoros to approve Ordinance No. 2025-2749 as presented, seconded by Councilman Rossow with discussion that followed.

Interim City Manager Dan Pennington followed up on the discussion regarding the ordinance, stating that typically these ordinances are done for transparency, as Human Resource Director Donna Fisher mentioned, and to assist the auditors when they come in, allowing them to reconstruct actions rather than trying to infer from the budget alone. He noted that this is a typical follow-up, and that the appropriations had already been made when the budget was passed. Mr. Pennington emphasized that this is housekeeping, a formality, and serves as documentation for transparency.

Councilman Pena addressed the matter of museum raises, stating that this issue was not discussed at the last meeting because the meeting was prematurely and irresponsibly tabled while deliberating on the museum raises. He noted that raises were being considered for the police department and cost-of-living adjustments for the fire department, along with other cuts, and he expressed that he was not in agreement with the museum raises, specifically given the previously described numbers during the citizen comment section. Councilman Pena emphasized that the intended discussion should have been an intelligent and responsible conversation about the allocation of funds and fiscal priorities. He shared that City staff approached him after the last budget meeting, expressing frustration over the perceived irresponsibility in the budget process, particularly regarding raises for museum staff while first responders faced scrutiny over their cost-of-living adjustments. He highlighted that museum operations had been reduced, including a shift from seven to five days per week and a reduction in events from 10–12 down to 4–5. Councilman Pena questioned the value of spending $300,000 on the museum given its reported attendance of approximately 8,000 for the year, comparing it to Starbucks' reported 400 daily transactions, totaling 144,000 visitors annually. He suggested that funds allocated to the museum could be redirected to support local businesses through outreach programs or other revenue-generating venues. Councilman Pena concluded by stating that his talking points were focused on fiscal responsibility, maximizing City resources, and ensuring that programs benefit local businesses.

Councilman Davis spoke regarding the current vote, emphasizing that while he understood the need to vote, he wanted to clarify the context of his decision. He noted that during the budget discussions, all raises and adjustments that had been reviewed were agreed upon, but there were still four or five departments that had not yet been discussed. Councilman Davis explained that City employees in those departments could have received a 3.5% adjustment or similar, but the meeting had been adjourned before those discussions could occur. He stated that his vote should not be misinterpreted, as he agreed with all the raises that had been addressed, but because other departments had not been considered, his vote would be no for the current item. He concluded by reiterating that his vote was based solely on the incomplete consideration of all departments and not a rejection of previously approved raises.

Councilman Rossow stated that he had always been supportive of giving people raises, noting from his personal experience that he had always wanted a raise during his working years. He indicated that his vote would be in favor of the pay increases because he believes people need more money as the economy and cost of living rise. He emphasized that his position was to ensure that employees receive the financial support they need.

Mayor Cain called the motion to a vote with all present and voting "Aye" 3-2. The Council approved the motion. Councilman Pena voted "Nay". Councilman Davis voted "Nay".

<u>Consideration and possible action approving Resolution No. 2025-2979 approving amendment to Certification Pay Policy.</u>

Human Resource Director Donna Fisher stated that Council had requested a way to recover costs for certifications that the City pays for if an employee does not remain employed for a period of two years following the date of certification. She explained that this amendment adds a certification cost reimbursement clause for any certification class and/or testing that is paid for with City funds. If the employee does not remain employed for two years following the date of certification, they must repay the cost of either the certification class or the testing, whichever the city has paid for.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2979 as presented, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked if this was strictly for first responders? Human Resources Director Donna Fisher clarified that this policy applies to any City employee not just first responders who uses City funds to pay for a certification class or testing. She noted that certifications exist across various departments, including Public Works, Dispatch, Police, Fire, and other divisions. Councilman Pena asked whether the amendment also covered college expenses. Ms. Fisher clarified that it does not; the policy applies strictly to professional certifications such as intermediate or advanced firefighter or peace officer certifications, HR professional certifications, pesticide application licenses, and other job-related credentials. Ms. Fisher clarified that if a City employee completes a certification course funded by the City and then leaves employment before completing two years of service, they must reimburse the City for the cost of the class or testing. Councilman Pena asked whether the City hires individuals who are not yet certified and requires them to obtain certification after hiring. Interim City Manager Dan Pennington clarified that this policy is not intended for such cases. Mayor Cain said the intent of the amendment is to support current employees seeking advancement or specialized training while ensuring cost recovery if they leave employment shortly after certification. Ms. Fisher also noted that the only exception is the City's CDL program, which has a separate policy.

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 regarding an application for rezoning submitted by Headway Estates, Ltd to rezone from R2 and MH to IN, a part of the Velasco Townsite North of Ave F, Southeast of Skinner Street & Northwest of Velasco Blvd.

Ron Bachman stated that Andy Dill, Chairman of the Planning and Zoning Commission, was unable to attend the meeting due to a prior commitment with a funeral service, but had reached out to provide input on the matter. He explained that at the Planning and Zoning meeting held on August 26th, the Commission voted unanimously against the rezoning request currently before the Council. He noted that the Commission's primary concern was that this property represents the last significant large tract of land in the City zoned for residential use, and the request seeks to change it to industrial zoning. He also pointed out that the tract includes land formerly designated as parkland, and there has been no indication of plans to replace that parkland elsewhere. Additionally, he mentioned that there were discrepancies in the acreage descriptions within the application that required clarification.

Melanie Oldham addressed the Council, clarifying that the rezoning request was submitted by Mr. Clinton Wong, who is seeking to rezone approximately 300 acres from residential/school to industrial use, which could include light or heavy industrial development. She urged the Council to consider that the City had previously been promised in 2014 that housing would be developed on the urban renewal land, including portions along Second Street. Ms. Oldham expressed concern that Mr. Wong continues to pursue industrial rezoning each time the Planning Commission changes membership, despite prior denials. She stated that the Planning and Zoning Commission had engaged in a thorough discussion and strongly recommended that the Council vote against the request, noting that circumstances have changed since 2014 and that the prior agreement may no longer be enforceable. She emphasized the City's ongoing need for housing and urged the Council to stand firm against rezoning the residential area to heavy industrial use, as it was originally intended to be a residential neighborhood with parks and community amenities. Ms. Oldham concluded by encouraging the Council to follow the Planning Commission's recommendation to deny the rezoning request.

A motion was made by Councilman Davis to table this item, seconded by Councilman Pena with discussion that followed.

Councilman Davis said he favored tabling to allow direct negotiations with the applicant, noting that the applicant holds a significant amount of property in Freeport and that there has not been a substantive, in-person discussion at the table regarding current plans. He stated that past references to contracts have been largely accusatory without the specific documents being produced and that he does not expect 300 acres of single-family housing, but believes a negotiated approach could balance housing needs with appropriate, non-hazardous industrial uses. He added that market conditions have changed, restaurants and retailers have struggled due to limited rooftops, and that a workable sequence for community growth includes jobs, housing, and then large retail. He urged inviting Mr. Clinton Wong to City Hall for an in-person meeting to explore concessions on both sides.

Councilman Matamoros stated he did not support tabling and favored denying the rezoning request, explaining that the applicant is seeking industrial zoning across the entire tract without a residential component and has historically presented the matter as take it or leave it. He said tabling would only allow further delay and recommended the Council vote to deny and then invite the applicant to return with a plan that includes both commercial/industrial and residential uses. As liaison to Planning and Zoning, he noted the matter came to the Commission because an application for rezoning was submitted and, after the Commission's denial, the item properly moved to Council for action.

Councilman Pena stated he supported tabling so the Council could first understand the City's legal position regarding prior agreements before taking action. He expressed concern that the item reached the agenda without all supporting materials, such as complete maps, and said he preferred that the Council receive privileged legal guidance in executive session to avoid exposing the City to unnecessary risk. He emphasized the need to base decisions on facts and legal realities rather than emotions and reiterated that a pause would allow counsel to brief the Council and enable stronger negotiations.

Councilman Matamoros explained that, as a liaison for Planning and Zoning, the application had been brought to the Planning and Zoning Commission. He noted that the application was included in the Council's packet and involved a rezoning request from Mr. Wong. He stated that the matter had been sent to Planning and Zoning because there was an application, which he had previously mentioned a couple of meetings ago when providing an update to the Council as the liaison for Planning and Zoning. He noted that multiple members of the Planning and Zoning Commission had informed him that they received a phone call from a Council member urging them not to derail the deal, as it had already been negotiated and the Council was aware of it. Councilman Pena clarified that he had not made the call and indicated that he had been contacted in full. He added that questions arose regarding what information was available, and he responded that the Commission did not have enough information, emphasizing the importance of the matter.

Interim City Attorney Chris Duncan stated he would prefer to discuss the matter in executive session and noted that he has previously reviewed the 2013 and 2014 contracts and prepared summaries of key provisions, including areas where the City might be constrained and where there may be flexibility. He said he could retrieve those materials and present them to the Council.

Mayor Cain remarked that the City has limited available property and must decide whether to pursue an all-industrial path warehouses and plants or to preserve and develop property for housing consistent with the original vision when the land was sold.

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

<u>Consideration and possible action approving Resolution No. 2025-2970 to approve a water bill credit for the winners of Code Division's "Yard of the Month".</u>

Police Chief Jennifer Howell presented the updated "Yard of the Month" program, noting the revisions previously discussed: eligibility limited to once every twelve months rather than every six months and the addition that Code Enforcement will work with the Parks and Beautification Committee to select the monthly winners.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2970 as presented, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked who would serve as judges. Police Chief Jennifer Howell stated selections will be made by a joint group consisting of Code Enforcement staff and members of the Parks and Beautification Committee. Councilman Pena confirmed the award amount totals $200 per month—$50 per ward—and

Chief Howell stated the expense will be funded from the Water Department budget.

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. 2025-2980 replacing Section 9.14 of the Employee Handbook and Establishing a Travel Authorization and Expense Policy.

Police Chief Jennifer Howell explained that while Human Resources typically oversees City policies, the Police, Fire, and EMS departments manage most of the City's training due to state-mandated continuing education requirements. She stated that many of the proposed policy items reflect practices already in place within those departments and that the goal is to establish a citywide policy to ensure consistency across all departments, including City Council, when attending training. This would create uniform accountability and standards citywide.

A motion was made by Councilman Pena to approve Resolution No. 2025-2980 replacing Section 9.14 of the Employee Handbook and Establishing a Travel Authorization and Expense Policy, seconded by Councilman Davis with discussion that followed.

Councilman Matamoros asked about hotel accommodations for training held in distant areas, such as north Houston. Police Chief Jennifer Howell explained that hotel arrangements are generally not provided and are determined on a case-by-case basis, depending on the training location, duration, and the employee's residence.

Councilman Pena inquired whether the policy applied to City staff only or also to City Council. Police Chief Jennifer Howell confirmed that it would apply to all City employees and Council members, emphasizing the goal of uniformity. She added that the policy includes an expense report section to improve auditing and financial tracking.

Councilman Pena also asked if rental car reimbursements were included. Police Chief Jennifer Howell stated that rental cars would only be used if pre-approved by a department head or the City Manager, such as in cases where a City vehicle breaks down during out-of-town training. Otherwise, transportation would be provided through a City vehicle or mileage reimbursement. Councilman Pena raised questions about potential liability when employees or Council members use personal vehicles for training. Chief Howell explained that mileage reimbursement rates are set based on IRS standards, which account for wear and tear, and Interim City Manager Dan Pennington added that in his experience, there has never been a liability issue related to employees using their own vehicles for training purposes. Chief Howell noted that the proposed policy aligns with common practices in other municipalities and was developed to create consistency, as no standardized citywide procedure previously existed. She added that her department had already implemented internal systems requiring training request forms, course flyers, and supervisor approvals to establish accountability.

Councilman Pena asked a follow-up question regarding vehicle use during meetings with developers or off-site visits involving Council members and City staff. Police Chief Jennifer Howell responded that, in such cases, if a City vehicle is used, it would typically be driven by a City staff member, such as the City Manager, ensuring proper oversight and adherence to policy.

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 authorizing the Chief of Police to sign MOU.

Police Chief Jennifer Howell explained that the City previously had a Memorandum of Understanding (MOU) with Harris County regarding the fingerprint database system known as AFIS. She stated that Harris County is transitioning the system from a server-based platform to a cloud-based platform, and the updated MOU reflects this change. Chief Howell clarified that there will be no changes to the services provided to the community; the only modification is how Harris County will now receive and process fingerprint data through the cloud-based system.

A motion was made by Councilman Matamoros to authorize the Chief of Police to sign the Memorandum of Understanding with Harris County, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2025-2969 on the nomination of candidates to be placed on the ballot for the Brazoria County Appraisal District's Board of Directors.

Interim City Manager Dan Pennington presented Resolution No. 2025-2969, concerning the nomination of candidates to be placed on the ballot for the Brazoria County Appraisal District Board of Directors. He explained that the resolution allows the City Council to nominate up to two individuals for consideration. The deadline for submitting nominations to the Appraisal District is October 15th. Once all participating entities submit their nominations, the Brazoria County Appraisal District will distribute a final ballot to each taxing entity, at which time the City Council will have eight votes to allocate among its selected candidates. Mr. Pennington noted that Eric Hayes and Michelle Wetzel both submitted to be appointed for this position.

A motion was made by Councilman Matamoros to appoint Eric Hayes as one of the Board of Directors Candidates to be on the ballot, seconded by Councilman Pena with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

A motion was made by Councilman Rossow to appoint Michelle Wetzel, seconded by Councilman Matamoros with all present and voting "Aye" 3-2. The Council approved the motion. Councilman Pena voted "Nay". Councilman Davis voted "Nay".

Consideration and possible action on TML Region 14 Director Ballot.

Interim City Manager Dan Pennington stated that the Texas Municipal League (TML) had distributed the official ballot for the Region 14 Director election to its member cities. As a TML member City, Freeport is entitled to cast one vote. The elected Region 14 Director will serve a one-year term on the TML Board of Directors beginning October 31, 2025. He explained that TML revised its constitution in 2023 to centralize the administration of regional director elections, which were previously conducted during regional meetings. Mr. Pennington noted that the ballot includes six nominees: Sally Branson, Robin Collins, Tom Cruise, Emmanuel Guerrero, Charles Pratt, and Frank Robinson. He further explained that ballots must be properly signed and submitted to TML by 5:00 p.m. on October 23, either by mail or electronic scan. There is no financial impact to the City, and the ballot must reflect the majority decision of the City Council as required by TML election rules. Failure to submit the ballot by the deadline would result in Freeport not being represented in the election.

A motion was made by Councilman Matamoros to approve Robin Collins as Region 14 Director, seconded by Councilman Rossow with all present and voting "Aye" 3-2. The Council approved the motion. Councilman Pena voted "Nay". Councilman Davis voted "Nay".

Consideration and possible action approving Resolution No. 2025-2981 approving a Facility Use and Rental Policy.

A motion was made by Mayor Cain to table this item, seconded by Councilman Pena with all present and voting "Aye" 5-0. The Council unanimously approved the motion to table this item.

Consideration and possible action approving FEMA American Firefighter Grant for Self-Contain Breathing Apparatus (SCBA) in the amount of $108,900.00.

Fire Chief Chris Motley presented a recommendation to approve acceptance of a FEMA Assistance to Firefighters Grant in the amount of $108,900 for the purchase of firefighting equipment. He explained that the City applies annually for this federal grant, which has previously supported training and radio equipment initiatives. This year's grant is designated for the replacement and upgrade of self-contained breathing apparatus (SCBA) units for fire and emergency response vehicles, including ambulances and staff units. Chief Motley stated that the City's required matching portion is $9,900, which will be covered within the existing SCBA line item of the Fire Department's budget, resulting in no additional financial impact. He recommended that Council approve acceptance of the grant and authorize the purchase of the equipment.

A motion was made by Councilman Pena to approve FEMA American Firefighter Grant for Self-Contain Breathing Apparatus (SCBA) in the amount of $108,900.00, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving FEMA S.A.F.E.R. Program grant for personnel for the amount of $964,434.95.

A motion was made by Councilman Pena to approve FEMA S.A.F.E.R. Program grant for personnel for the amount of $964,434.95, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Discussion and possible action regarding the recent ruling by the 14th Court of Appeals against Port Freeport in its attempt to acquire property in Freeport's East End through eminent domain.

Councilman Pena stated that he placed the item on the agenda in response to concerns from residents, particularly those from the East End, regarding a recent 14th Court of Appeals decision involving eminent domain. He said he wanted to ensure that the City Council had an opportunity to discuss whether any legal or procedural action was necessary to protect the City's position and boundaries in the future, and to clarify the implications of the ruling for Freeport in potential future eminent domain cases initiated by the Port or any other outside entity. Councilman Pena emphasized that he wanted the discussion to occur publicly rather than relying on information from media reports.

Interim City Attorney Chris Duncan provided an overview of the court's decision and the general legal framework governing eminent domain. He explained that when a governmental entity exercises eminent domain, it must demonstrate a clear public necessity and purpose for taking private property. The entity must also show that the specific use of the property serves the greater public good and that there are no reasonable alternatives for achieving the same objective. He noted that in the case involving the Port, the court found that the Port had failed to demonstrate a specific plan or public necessity for the properties it sought to condemn. Mr. Duncan explained that, in prior negotiations between the City and the Port, the City questioned the Port's justification for eminent domain because the City already had existing public infrastructure such as roads and parks serving legitimate public purposes. Mr. Duncan added that while the City could not legally represent individual property owners affected by eminent domain proceedings, the City was able to defend its own interests successfully during that period. He noted that the recent appellate ruling does not establish new law but reaffirms long-standing legal principles requiring proof of public necessity and lack of alternatives.

Councilman Davis asked Interim City Attorney Chris Duncan to confirm whether he had served as the City's attorney during that earlier period. Mr. Duncan replied that he had, and that the Port had retained one of the state's leading eminent domain attorneys, Mr. McFarland, for the case. Mr. Duncan emphasized that the City ultimately prevailed in defending its position.

Councilman Pena asked whether the new appellate decision strengthens the City's future legal standing. Interim City Attorney Chris Duncan responded that while the legal principles remain the same, the recent 14th Court of Appeals ruling is beneficial because it reaffirms those principles in a modern context, creating a new, relevant precedent that can be more easily cited in future cases. He commended the private property owners involved for pursuing the appeal, as their efforts reinforced protections for municipalities and individuals alike.

Councilman Pena confirmed that no additional action was necessary for the City at this time, observing that the ruling actually benefits Freeport's defensive position in any future eminent domain disputes. Interim City Attorney Chris Duncan agreed but noted that the precedent works both ways helping the City defend against eminent domain actions while also requiring the City to meet strict legal standards if it were ever to exercise eminent domain itself.

Work Session

Councilman Pena Ward A announcements and comments.

Councilman Pena thanked all residents and City staff who remained at the meeting, as well as those who spoke during the public comment period. He acknowledged that several citizen comments contained misinformation and stated that he would address those matters separately on social media rather than during the meeting due to the late hour. Councilman Pena then brought forward several concerns raised by residents, noting that while he could have submitted them by email, he wanted to ensure they were entered into the public record. He first discussed safety concerns regarding crosswalks near the middle school, specifically the crossing areas on Fourth Street between the school and the Circle K, and across State Highway 288 near Arlan's Market. He stated that parents reported the absence of crosswalk markings or signage at these locations, creating unsafe conditions for students who frequently cross the road. Councilman Pena asked whether responsibility for those areas lies with TxDOT, due to their proximity to Highway 288, or with the City, and requested that staff review and address the issue. He next mentioned ongoing concerns about lighting poles in the downtown area. Councilman Pena noted that he observed new light poles installed on Fourth Street that were not reflected on the most recent map discussed by the Council. He asked Interim City Manager Pennington to review the matter, as the locations of the new poles did not appear to match the approved placement plan, and several designated areas still lacked the planned lighting installations. Councilman Pena also raised questions regarding warehouse development activity near Park and Fourth Street. He said several downtown property owners had expressed concerns about whether the construction was properly permitted and compliant with current zoning regulations. He asked for confirmation that the remodeling work and fencing on that site were reviewed and approved through appropriate permitting processes and consistent with the zoning map. Councilman Pena additionally requested an update on whether drainage grading at the property had been assessed to ensure compliance and prevent runoff issues.

Councilman Davis Ward B announcements and comments.

Councilman Davis thanked everyone who attended the meeting, acknowledging both the residents who stayed late and those who participated during the citizen comment portion, as well as those watching remotely. He noted that despite the late hour, he wanted to address several issues raised by community members. He stated that residents had contacted him regarding lighting at the fishing pier specifically the pier located in front of RiverPlace and the main pier near the front of town. He said several of the lights, including the green illumination that residents particularly enjoy, are currently out. Councilman Davis emphasized that the piers remain popular gathering spots at night and that proper lighting is important for both safety and community enjoyment. He asked that staff coordinate with the appropriate department to inspect and replace the lights so the area remains well-lit and safe for public use.Councilman Davis also mentioned concerns about a dangerous intersection where residents have reported drivers running stop signs, raising the risk of an accident. He said he had been considering possible solutions to increase visibility and driver awareness. Councilman Davis suggested installing stop signs equipped with flashing red LED lights, noting that similar measures used in county areas have proven effective. He also proposed adding fluorescent orange flags to the top of existing signs to make them more noticeable to drivers, particularly in high-traffic or problematic areas.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros stated he had two brief items to address. First, he noted that he had already emailed the City Manager regarding soccer-related matters and requested to schedule a meeting with the Parks and Recreation Department, Public Works Director Rudy Ragle, the City Manager, and representatives from the Freeport Soccer Club. He explained that while the new soccer field has been well-received and has drawn great participation, a few issues have begun to arise that need attention. Councilman Matamoros asked that the meeting be scheduled soon to discuss possible improvements and ensure continued success for the program and its facilities.Secondly, Councilman Matamoros acknowledged that Mr. Rob Geseicke is running for County Judge, which requires resignation under the resign-to-run position. He expressed his appreciation to Mr. Geseicke for his service and leadership as Chairperson of the Commission, thanking him for his contributions to the City.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow thanked the City of Freeport and the Council for honoring the proclamation recognizing Lanier High School, expressing appreciation for the recognition and community support. He then promoted the Senior Citizen Program, encouraging all residents aged 55 and older to participate in the twice-monthly gatherings, where attendees can enjoy bingo, food, and fellowship. Councilman Rossow also shared that he recently attended his first Brazoria County Transit District meeting, where he learned more about the organization's operations, budget, and growth. He explained that he had been "voluntold" to serve on the board but found the experience valuable, noting that the district has a substantial budget, employs many workers, and continues to expand affordable transportation options across the region. He reminded residents about the upcoming Brazoria County Fair, scheduled for October 10–18, with the parade taking place on October 10 in downtown Angleton at 10:00 a.m. He encouraged everyone to attend and support local participants. Councilman Rossow also reminded the public about National Night Out, taking place the following evening, describing it as a growing event with many tables, giveaways, and community engagement opportunities. He went on to praise the success of the new Freeport Soccer Field, sharing that he attended a game over the weekend to watch a relative play. He said the field had quickly become a popular destination, drawing large crowds. He added that, to address safety and congestion issues, the City should consider adding "No Parking" signs on one side of the road and enforcing parking restrictions once those signs are posted.

Mayor Jerry Cain announcements and comments.

Mayor Cain thanked all residents who attended the meeting, expressing his appreciation for their continued engagement and participation. He shared that he feels encouraged when he arrives to find a stack of citizen comment forms, noting that even when the discussions are challenging, it is uplifting to see residents who care deeply about their community and are passionate enough to speak up. He reminded everyone that National Night Out would take place the following evening October 7 from 6:00P.M. to 8:00P.M., encouraging residents to come out and join the community event. Mayor Cain also announced the upcoming grand opening of the Nat Hickey Education Center on October 22 at 3:00P.M., acknowledging Mr. Wade Dillon for sharing details about the project earlier in the meeting. He concluded by highlighting Fright Night 2025, scheduled for October 23 from 6:00P.M. to 9:00P.M. at Municipal Park, proudly noting that the event will be sponsored by The Misfits.

City Manager announcements and comments.

Interim City Manager Dan Pennington thanked the City Council for their work and collaboration, noting that with the adoption of the budget, the City had officially entered the new fiscal year. He expressed enthusiasm for moving forward and mentioned that Finance Director Ashlee Hurst was especially pleased to have the budget process completed. Mr. Pennington also extended his appreciation to Councilman Matamoros for meeting with staff to discuss one of the City's policies and providing feedback on areas of concern. He stated that those items would be addressed and brought back before the Council for review. He further reported that both Chief Howell and Public Works Director Rudy Ragle had already been contacted regarding the parking issues near the new soccer fields. Chief Howell had previously dispatched officers to assess the situation, and staff were now working together to find a reasonable solution. Mr. Pennington said the City's goal was to take a softer, more cooperative approach first, by exploring ways to educate and encourage compliance before resorting to issuing citations.

Mayor Cain asked Councilman Pena regarding an email he had sent requesting that Human Resources Director Donna Fisher's portion of the discussion be tabled. Councilman Pena stated he wanted that portion of the Human Resources tabled and only to discuss the other legal items.

A motion was made by Councilman Pena to invite Mr. Johnson in the Executive Session, seconded by Mayor Cain with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Executive Session:

Executive Session regarding: Texas Government Code, Section 551.074 (Personnel Matters) 1.) Interim City Manager Contract. Texas Government Code 551.071 (Consultation with Attorney) 1.) Discussion of Potential Eminent Domain Matters 2.) Ethics complaint brought by William Nelson against Nicole Mireles and Sam Reyna.

Personnel Matters (Gov't Code § 551.074)
Discussion and possible action regarding personnel matters related to Human Resources Director Donna Fisher, specifically in connection with:
o Lance Petty's Unemployment Compensation Claim
o Timesheet reporting violations
o Other alleged work-related violations (Councilman Pena)

Consultation with Attorney (Gov't Code §§ 551.071) and Deliberation Regarding Real Property (Gov't Code §§ 551.072)
Discussion and possible action to consult with the Economic Development Corporation (EDC) Director Robert Johson and EDC's legal counsel, Olson & Olson, LLP, and deliberate legal and real property matters, related to:
o Lawsuit between the Freeport EDC and Realty World, related to the failed Skinner Street Townhome Project
o Lawsuit involving alleged development contract violations by Freeport EDC, as alleged by A&T LLC
o Developer Agreement between the City of Freeport and Jim Maddux Properties concerning the vacant 19-acre tract located on Skinner Street (Councilman Pena)

The Regular Session closed at 11:53P.M. and the Council entered into the Executive Session.

Reconvene into Open Session:

Take any action resulting from Executive Session.

The Executive Session ended at 1:30A.M. and the Council went back into Regular Session.

A motion was made by Mayor Cain to extend the contract to keep Mr. Pennington on as the Interim City Manager for an additional 90 days, seconded by Councilman Pena 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 Pena to adjourn the meeting, seconded by Councilman Davis with all present and voting "Aye" 5-0. Mayor Cain adjourned the meeting at 1:31A.M.

Jerry Cain

Jerry Cain, Mayor

Clarisa Fernandez, City Secretary