State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, September 29, 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 Rudy Ragle, Public Works Director Chris Motley, Fire Chief Reginald Harris, Building Official	
Visitors:	David McGinty Juan Garcia Debbie Garcia	Melanie Oldham Jay Zeller Pamela Dancy

Call to Order:

Call to Order - Jerry Cain, Mayor

Mayor Cain called the special meeting of the Freeport City Council to order at 6:03P.M. on September 29, 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.

Pamela Dancy resides at 313 South Front Street, addressed the Council and inquired about the status of applicants for the open position, noting that for now the City only has Mr. Pennington served for a short period of time. She asked how many applicants have applied and when this matter will be discussed by the Council. Ms. Dancy expressed the desire for this discussion to take place in the chamber.

Manning Rollerson addressed the Council regarding the recent 14th District Court ruling on eminent domain, expressing concern about the City's prior actions related to the Port of Freeport's use of eminent domain. Mr. Rollerson emphasized that the court found the taking to be illegal and questioned what steps the City would take to protect and support affected residents, who they stated were disadvantaged and misled. He referenced historical African American neighborhoods in Freeport, including a 1932 established by C.W. Collins, noting that it lacks historical markers. Mr.Rollerson urged the City to prioritize residential development rooftops on available land instead of commercial uses and stated that there are issues with accountability and protection of citizens' rights. He recounted personal experiences with arrest and charges he believed were retaliatory and called for the City to hold its officials accountable. He warned that, if action is not taken, he intends to pursue legal remedies and lawsuits on racial discrimination and eminent domain issues until the matter is resolved.

Debbie Garcia and husband Juan Garcia addressed the Council regarding a citation their household recently received for a small fire pit and swing located on City-owned property behind their backyard. She explained that her family has lived at the residence for over 28 years and has consistently maintained the area by mowing, clearing, and caring for it not out of ownership but stewardship, as the City has not regularly maintained the space and, to their knowledge, has no current plans for its development or use. She noted that the fire pit and swing are modest, safe, and not permanent structures, and have provided enjoyment for her family while enhancing the sense of community. Ms. Garcia stated that they installed the items in good faith, believing it aligned with civic responsibility. While recognizing the City's right to enforce property boundaries, she asked the Council to consider the family's decades of care, the absence of city maintenance, and the positive impact of the improvements. She emphasized their willingness to work with the City to find a fair resolution and whether through formalizing their use or exploring other options.

Business

Consideration and possible action approving Resolution No. 2025-2968 to Waive Brazosport HS Golf team player fees at the Freeport Municipal Golf Course.

Jay Zeller, Athletics Director with Brazosport ISD, thanked the Council for their consideration of items impacting the district's programs. He expressed appreciation for the Council's support of Brazosport's athletic programs and student athletes, especially the golfers who use the Freeport course as their primary practice facility. He commended the Council for thinking outside the box and considering the needs of students, regardless of the final decision taken that evening. Mr. Zeller also extended gratitude for the Council's prior approval of the Hopper Project, noting that it was a great success in improving safety by preventing fine arts students and visiting guests from having to cross six lanes of traffic at a flashing light. He concluded by thanking the Council again for their continued support, which he said is greatly appreciated by the district and its students.

Interim City Manager Dan Pennington addressed the Council regarding the Brazosport High School golf team's use of the Freeport Municipal Golf Course. He explained that the team currently pays a one-time fee per golfer each school year to practice at the course during the golf season. He noted that last year one female golfer advanced beyond the district tournament into the playoffs, and emphasized that continued access to the course without fees would allow the team's funds to be redirected toward other important needs during the season. Mr. Pennington shared that staff recommended waiving the practice fees for up to 25 players.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2968 to Waive Brazosport High School Golf team player fees at the Freeport Municipal Golf Course with a maximum number of players 25, seconded by Councilman Rossow with discussion that followed.

Councilman Pena presented questions regarding school district golf practices. He asked whether the proposed arrangement was limited to a single practice or applied to multiple sessions, the total number of rounds allowed, and the specific days practices would occur. Interim City Manager Dan Pennington noted that he did not have the schedule but expected the school district could provide that information, adding that practices would likely occur during the school golf season. He clarified that access would likely be Monday through Friday, outside of peak times, and that historically the fees have provided the school district access for practice purposes only. Jay Zeller provided an overview of school district golf practice access. He explained that the school district is historically allowed to use the facilities for practices, generally Monday through Friday. He emphasized that tournaments or special events would be handled separately and are not included in the standard practice access. Additionally, he confirmed that the arrangement includes use of the driving range, greens, and other relevant areas for player practice.

Mayor Cain asked whether advancement past district tournaments was uncommon for Freeport students. Jay Zeller and Coach Owens responded that while success varies, building participation requires committed staff who can recruit and mentor students. They emphasized that golf is a challenging sport, but with increased student involvement, more success can be achieved over time. Coach Owens noted that while the program has had individual students advance, forming complete teams is more difficult, particularly on the boys' side. Mayor Cain said he is 100% for this and just wanted to see if there was a measurement to be looked at to show how it is benefiting the students as far as their success is. Mr. Zeller responded that although traditional metrics such as scores and postseason advancement are limited, the waiver allows the program to redirect funds toward equipment, training, and student development.

Councilman Pena raised questions about the financial impact, specifically whether the expense should remain within the school district's athletic budget rather than shift to the City. Jay Zeller explained that the golf team's budget is funded through the BISD athletics office and managed by the coach, with funds allocated from the district's business office. He confirmed that historically the program has paid the golf course directly from this budget. Councilman Pena suggested that the school district consider increasing its athletic budget but ultimately expressed support for the City's assistance in this case.

Councilman Davis expressed his appreciation for the efforts of Coach Owens and Jay Zeller, emphasizing his support for youth programs and highlighting the importance of expanding opportunities for students. He also noted his new role as Booster Club President and voiced his commitment to continuing to work with the district to strengthen youth activities in Freeport.

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 Fire Chief to sign the 2025-26 Brazoria County Firefighter's Association Fire Protection Agreement with Brazoria County.

Fire Chief Chris Motley presented the annual Brazoria County Firefighters Association Fire Protection Agreement, explaining that it is a routine item renewed each year to authorize mutual aid fire protection outside the City limits and across Brazoria County. He noted the agreement carries no financial cost to the City and includes a $20,000 contribution provided annually.

A motion was made by Councilman Matamoros to authorize the Fire Chief to sign the 2025-26 Brazoria County Firefighter's Association Fire Protection Agreement with Brazoria County, seconded by Councilman

Davis with discussion that followed.

Mayor Cain asked where the $20,000 originated. Fire Chief Chris Motley clarified that the funds come from Brazoria County to the Firefighters Association, which then distributes amounts to each department, with Freeport receiving the maximum since it is outside an Emergency Services District (ESD).

Councilman Pena inquired about background language in the agreement stating that the County "provided each fire department a fire engine." He asked whether this was past or current practice. Fire Chief Chris Motley confirmed it referred to past actions, explaining that in 1986 the County purchased approximately 15 fire trucks, totaling several million dollars, and later developed the protection agreement as a long-term replacement strategy. He added that the City's truck from that era has since been retired, with the current replacement now more than 23 years old. Chief Motley also noted that the $20,000 contribution received under the agreement goes directly into the City's general fund. Chief Motley noted that the City's participation in the current program does not require extending services beyond the City's usual responsibilities. City boundaries are defined by 911 coverage, and the program provides compensation for responding to calls outside the City limits, similar to the EMS program, which provides limited support to other agencies. He further explained that while terminology like "two-alarm" or "three-alarm" fires is not commonly used locally, a typical house fire may involve two to three departments responding, with 14 to 16 personnel required. The City also participates in automatic aid agreements with neighboring departments, including Clute and Lake Jackson, to ensure adequate staffing for safety and property protection.

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. 2025-2969 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 informed the Council that information had been sent regarding reappointments to the Brazoria County Appraisal District Board of Directors and requested direction from Council.

Mayor Cain noted that the current members serving are Ms. Susan Spoor and Ms. Gail Robinson, and as far as he was aware, there were no new nominees or candidates. Interim City Manager Dan Pennington confirmed that the current members wished to be reappointed.

Councilman Pena recommended advertising the vacancies to allow additional residents the opportunity to apply, noting the deadline for consideration is October 15. He suggested placing the item on the agenda for the October 6 meeting and announcing the opportunity to the public by the upcoming Friday deadline.

A motion was made by Councilman Pena to table this item to invite more residents to be a part of it here in Freeport, seconded by Councilman Matamoros with all present and voting "Aye" 5-0. The Council unanimously approved the motion to table this item.

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".

Chief Howell presented a proposal from the Code Division to implement a Yard of the Month program, selecting one residential property from each ward. Nominations can be submitted online, by phone, or selected by Code staff if no nominations were received. She proposed awarding recipients a one-time $50 credit on their water bill, with eligibility limited to residential water customers who are current on their utility bills and free of code violations. Each household could receive the award no more than twice per year. Chief Howell explained the intent was to create positive interactions with residents and incentivize beautification efforts.

A motion was made by Councilman Pena to approve Resolution No. 2025-2970 to approve a water bill credit for the winners of Code Division's "Yard of the Month", seconded by Councilman Rossow with discussion that followed.

Councilman Davis sought clarification on the award, and Police Chief Jennifer Howell confirmed it would be a $50 water bill credit.

Councilman Pena asked if the program was restricted only to residential. Police Chief Jennifer Howell confirmed that it was, explaining that the City would focus on residential while working with the EDC to explore the business aspect. She noted that the EDC already conducts some recognition programs for businesses, so this approach would allow Code to concentrate on residential while EDC could potentially establish a similar program for businesses if the Council agreed. Councilman Pena stated that he liked the idea of the program but questioned whether it was enticing enough and if it would really capture the wards. He also asked if similar programs had been implemented in other Cities. Chief Howell explained that the idea was modeled after a program from a previous City, using the same structure. She further explained that individuals could nominate their own yard or a neighbor's yard, and if no nominations were received, staff would drive around to identify properties where residents had taken pride in their yards and gone above and beyond, provided there were no code violations present. Councilman Pena expressed support for the concept but suggested broadening the program to include first, second, and third place winners, or at least a first place and an honorable mention. He proposed prize amounts of $100 for first place and $50 for second place to make the program more enticing. He noted that this would result in a budget of $150 per ward, totaling $600, and when applied citywide, approximately $2,400 annually. He questioned where the additional funding would come from. Councilman Pena stated that the program was in the spirit of beautification and suggested that funding could potentially be borrowed from the beautification budget to encourage greater participation from residents. He reiterated that he believed the program was a great idea but felt the incentives needed to be increased to encourage participation. Interim City Manager Dan Pennington said that since the credit would be applied to the water bill, the program would need to be funded through the water enterprise fund.

Mayor Cain expressed excitement that council members would not be participating. Mayor Cain emphasized that this approach would ensure fairness in the program, particularly during the holiday season. He added that his wife enjoys decorating, but the cost of decorations would exceed the $50 allotment provided for participants.

Councilman Matamoros asked whether any unused portion of the credit, if the bill is less than $50, would carry over to the next bill. Police Chief Jennifer Howell confirmed the system is set up to allow this. Councilman Matamoros expressed support for the program but suggested it should be an annual event and recommended that the Beautification Committee, rather than solely Code Enforcement, review and select eligible properties to avoid potential favoritism. He emphasized the importance of including individuals who take pride in their yards but may not have resources for extensive decorations, ensuring fairness and inclusivity. Councilman Matamoros also proposed expanding the selection criteria to reward factors such as the use of native flowers, overall yard maintenance, and other beautification efforts. He suggested integrating members from both the Parks and Beautification Committee and Code Enforcement to oversee the program. Councilman Matamoros said that his intent is to see a few tweaks made so that the program would not place too much responsibility on City employees. He emphasized that the adjustments were meant to ensure the program functions effectively without overburdening staff.

Councilman Pena discussed the budget and structure of the Yard of the Month program. He explained that while the program is valuable and promotes positive interactions with the public, he did not want to overcomplicate the situation. He noted that using the water department budget for the program was not ideal, given the water fund's current critical condition. Instead, he suggested funding the program through the beautification or parks budget, which would allow for more flexibility and growth. Councilman Pena emphasized the importance of code enforcement doing their job properly, stating that positive community perception would naturally follow without needing additional contests or incentives. He also noted that integration with the beautification committee could help guide the program fairly and avoid favoritism. Councilman Pena discussed various options for providing awards, including cash, gift certificates, or applying the credit through the parks system, rather than the water bill, to simplify administration.

Councilman Pena withdrew his motion.

Councilman Pena amended his motion to integrate the Beautification Board and see if we can make sure that the money comes through the parks and however that is ironed out by City Hall staff to bring back.

Police Chief Jennifer Howell said she would withdraw her item if talking about pulling money from parks because, like she said, if that is the direction the Council would like to go, she would have to have a conversation with Public Works Director Rudy Ragle first.

Councilman Rossow withdrew his second.

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

The Council discussed the Parks Beautification Committee's involvement in the Yard of the Month program. Several Councilmembers emphasized including the committee as part of the selection process and reviewing the budget allocation for the program. Questions were raised about whether the funds should come from the Parks budget, the general fund, or the water department. It was suggested that Finance Director Ashlee Hurst review the funding options to determine the most appropriate source. Councilman Pena agreed that the program should continue monthly rather than annually, allowing multiple winners per year.

Councilman Matamoros seconded the motion to table this item.

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 Davis voted "Nay".

Consideration and possible action approving Resolution No. 2025-2971 deeming property surplus and donating to local police department.

Police Chief Jennifer Howell discussed the surplus of certain printers and related equipment. It was noted that in August, Councilman Matamoros had requested additional details regarding the clearing of the printers and the data stored on them. Information was provided in a memo, and it was stated that Detective Fernandez and IT Director Toby Cohen had reviewed the systems. The items were recommended to be deemed surplus so that they could be donated to a local agency.

A motion was made by Councilman Davis to approve Resolution No. 2025-2971 deeming property surplus and donating to local police department, seconded by Councilman Pena with discussion that followed.

Mayor Cain said the Council had the opportunity to review the report and ask questions.

Councilman Matamoros raised concerns regarding data security, particularly for devices that were still within their useful life. It was suggested that only the first thirteen devices be approved for donation, while the remaining four, which were still under vendor service or less than a year into their useful life, be retained. Councilman Matamoros expressed concern regarding the handling of certain devices. He stated that he was glad the last feature was never enabled, noting that this was positive. He emphasized that his concern stemmed from the type of devices being used and the potential risk of sensitive information falling into the wrong hands. Councilman Matamoros explained that while the department is controlling the devices internally, he did not feel comfortable allowing another department to manage them, as they might not follow the same standards and could dispose of them improperly.

Councilman Pena asked about the devices being given away to other agencies. He inquired if, in the event the agencies dispose of them in the future, they could be required to return them so proper disposal could be ensured. Police Chief Jennifer Howell noted that while a condition could be added requiring agencies to sign something when receiving items, there would be no absolute guarantee that the devices would be returned. Councilman Pena expressed concern that personnel changes or agency transfers could result in lost paperwork, even years later. He emphasized the importance of including a legal condition to protect the city in case of any worst-case scenario. Councilman Pena asked what a comprehensive legal recommendation would be in this situation. Interim City Attorney Chris Duncan said that typically this type of situation is handled with an indemnity or some clause in the agreement stating that the receiving agency indemnifies the City if anything bad happens, making it their responsibility. He suggested that the language of whatever accompanies the equipment be reviewed by him. Councilman Pena agreed that including an indemnification clause is a good idea to remove any liability on the City's side. Mayor Cain asked Interim City Attorney Chris Duncan if the motion should be amended with the added directions or just approved as is. Mr. Duncan clarified that the motion could be approved as is, with the amendments. The Council confirmed that the amendments should include the removal of the 420 items specifically, the five 20s deemed to be transferred to the other agency and the inclusion of the indemnification clause, with the contract finalized by legal review.

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

Consideration and possible action approving Resolution No. 2025-2972 to adopt a policy for Hiring Incentive for First Responders.

Police Chief Jennifer Howell presented the hiring incentive for first responders to the Council. She explained that Fire Chief Motley and she worked together on this program. The total incentive would be $5,000, divided into three payments: $1,000 issued at the first payroll when the employee is hired, $2,000 after one year of service, and $2,000 after the second year of service. She said an amendment to the policy was made from the last agenda item, noting that although it had not been fully discussed previously, there had been conversations regarding whether an employee could receive multiple incentives. The amendment clarifies that employees would be eligible for this hiring incentive, but could not receive both this incentive and the academy reimbursement. However, employees may still be eligible for other city-offered incentives, including assistance with moving into the city, closing costs, and other similar programs.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2972 to adopt a policy for Hiring Incentive for First Responders, seconded by Councilman Rossow with discussion that followed.

Councilman Davis stated that if a decision was made, it would determine whether an employee would receive one of the other incentives. Police Chief Jennifer Howell explained that based on prior discussion, it appeared the Council was leaning in that direction. Although a formal motion and vote had not occurred at that time, the modification was made to the hiring incentive and academy reimbursement policy to state that an employee could only receive one or the other.

Councilman Pena asked if the incentive helped. Police Chief Jennifer Howell responded that anything helps, though having both incentives would make the City more competitive. Councilman Pena emphasized that police and fire operations are distinct and should be treated separately in the resolution. Councilman Pena presented comments regarding the fire department bonus. He stated that the value lies in having one of the few, if not the only, fire departments with full-time staff at 100%. Chief Howell said that recruiting remains difficult due to competition with higher-paying agencies. Councilman Pena emphasized that while pay is important, leadership retention is equally critical for morale and retention. Councilman Pena expressed that the City should restructure emergency services compensation, prioritizing the police department while recognizing that the fire department operates differently and has separate priorities. He stressed that combining the departments under one resolution is not practical and that police, fire, and other departments like the museum perform distinct roles. Councilman Pena advocated for supporting police first responders to remain highly competitive, acknowledging their risks in service. He concluded that while the resolution includes both departments, it is important to treat them separately, and he wanted these points formally expressed.

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

<u>Consideration and possible action approving Resolution No.2025-2973 to amend a policy for Academy Reimbursement Program for First Responders.</u>

Police Chief Jennifer Howell presented an overview of a the program, noting that it is set up very similar to the last program. She explained that the only difference is the inclusion of a three-year benchmark, which is intended to help retain current employees a little longer by providing them with this option. Chief Howell stated that the program is structured for up to $5,000 in total reimbursement. The first payment, available within the first six months from the time of application, covers 25% of the employee's total academy cost. The second payment, also 25% of the academy cost, is issued approximately six months later or at the one-year mark. The final payment of 50% is then provided at the two-year mark.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2973 to amend a policy for Academy Reimbursement Program for First Responders, seconded by Councilman Davis with discussion that followed.

Mayor Jerry Cain asked for clarification regarding the reimbursement amount. Police Chief Jennifer Howell said that the program provides up to $5,000 of total cost and participants must provide actual receipts, explaining that most police academies are either affiliated with a college or another established program, and receipts would need to come from those entities. She further stated that documentation, such as receipts for required books, must be accompanied by academy verification showing which materials were necessary. Mayor Cain added that, after conducting some research, he found the average cost for a police academy in Texas ranges between $3,000 and $6,000. He asked if that estimate sounded accurate. Police Chief Jennifer Howell confirmed that the amount sounded correct. Mayor Cain asked how is it for the fire department. Fire Chief Chris Motley explained that local academy costs vary, noting that College of the Mainland quoted approximately $3,745, while Texas A&M's program listed tuition at $5,400 for the course alone. Chief Motley stated that overall costs differ depending on the program, but the prices typically fall within the range.

Councilman Davis asked how long the program would remain in effect and whether it would continue indefinitely. Police Chief Jennifer Howell explained that the policy would remain in effect until changed, but funding would require Council approval each budget year. Interim City Manager Dan Pennington said while the policy itself would exist, appropriations would need to be requested and approved annually. Councilman Davis raised concerns about whether the program should be applied retroactively for up to three years or limited to employees with two years or less of service. Councilman Davis said his only issue would be that he would agree with two years instead of three years but he is fine with two years.

Councilman Pena discussed questions regarding the retroactive eligibility and reimbursement process for the police and fire academy program. He asked how many employees would qualify at the one-year mark, noting that the current program provides retroactive reimbursement for up to three years. Police Chief Jennifer Howell explained that if the program goes back three years, six employees would be eligible, while a two-year lookback would capture only four or five individuals. Councilman Pena clarified that the current ordinance specifies a three-year retroactive capture. He also addressed questions regarding tuition and related expenses. He noted that academy costs vary, ranging from $3,600 to $6,300, depending on the program, with a reimbursement cap of $5,000. Councilman Pena asked for confirmation that any unused funds at the end of the year would automatically return to the General Fund. Interim City Manager Dan Pennington confirmed that the funds would indeed be returned, and the process would not require additional conditions. Councilman Pena emphasized that clear documentation of this process is necessary to ensure proper financial accountability.

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

<u>Consideration and possible action approving Resolution No. 2025-2974 Supporting the Negotiation and Execution of a New Brazosport Industrial Partnership Contract.</u>

Interim City Manager Dan Pennington explained that there are three different categories of industrial district agreements. The first includes solely Freeport agreements, which cover approximately nine companies. The second is the Brazosport Agreement, which involves Freeport, Clute, and Lake Jackson, and is the focus of this item. The third is the agreement with Oyster Creek LNG. He noted that several of these agreements are set to expire at the end of next year, and negotiations will begin in preparation. Both Clute and Lake Jackson have already adopted a similar ordinance. The ordinance under consideration is envisioned to follow the same structure as the previous agreements, which were 15-year terms the maximum allowed by law. Mr. Pennington stated that the strategy in pursuing 15-year agreements is to get ahead of potential legislative changes, as the Legislature frequently limits Cities' abilities to act in certain areas. By locking in the contracts, any future legislative changes would not affect the agreements. He clarified that the item before Council was a non-binding resolution expressing the City's intent.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2974 Supporting the Negotiation and Execution of a New Brazosport Industrial Partnership Contract, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked Interim City Manager Dan Pennington for clarification on whether the resolution was intended to formalize negotiations for all three categories of industrial district agreements or only one. Mr. Pennington explained that the resolution applied specifically to the Brazosport Agreement, while the Freeport agreements would also come up soon and would require a similar process. He noted that he hoped his replacement would be in place to continue the work and be brought up to speed on the various agreements. Councilman Pena inquired about the timeline for negotiations and whether any preliminary discussions had taken place. Mr. Pennington stated that meetings had already been held with the mayors of Clute and Lake Jackson, along with appraisal consultant Hughe Landrum, whose firm serves all three cities. He added that City Attorney and Assistant City Manager were also involved. The group reviewed how the agreements are calculated and discussed adopting non-binding resolutions to show a united front as negotiations begin. Councilman Pena asked about the meaning of designees in the resolution, Mr.

Pennington clarified that it referred to whomever the City designates to participate whether himself, his successor, or legal counsel. He confirmed that initial negotiations would likely take place in private meetings, but any items brought to the Council agenda would be available to the public well in advance, allowing time for questions and input. Mr. Pennington indicated that negotiations would likely begin in late fourth quarter or early first quarter of the coming year. He explained that the delay was partly due to waiting on updated appraisals and inflation factors, which the government typically releases several months behind. Councilman Pena asked about the financial significance of the Brazosport Agreement. Mr. Pennington confirmed that it is by far the largest of the agreements, with an estimated industrial revenue value of approximately $6.2 million.

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. 2025-2975 approving a Facility Use and Rental Policy.

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

Consideration and possible action approving Resolution No. 2025-2976 approving pool renovation and maintenance proposals- Freeport Recreation Center.

Public Works Director Rudy Ragle presented Resolution 2025-2976 for consideration, which addresses pool renovations and maintenance proposals for the Freeport Recreation Center. He explained that the item included staff recommendations for vendor approval to address critical pool repairs, replastering, tile coating, and other maintenance services, along with an ongoing professional care contract. Mr. Ragle noted that the City received two proposals for pool work. Hancock Pool Services proposed one-time major renovations, including pool replastering, tile coping repairs, leak detection, feature painting, and other repairs. Costs vary based on preparation methods and major items, with base replastering estimated at $60,000, an additional $18,400 for strip prep, and other related costs. AquatiCare (Landmark Aquatic) – Scope includes preventative and comprehensive care package for 3 years of Essential Care, from Landmark Aquatic at $7,056. The Freeport Recreation Center pool requires significant refurbishment to remain in compliance with state pool codes and provide safe and enjoyable use for residents. Hancock Pool Services' proposal focuses on one-time major renovations and replacements, while AquatiCare's proposal covers ongoing preventative and responsive maintenance. Mr. Ragle said for special considerations Hancock's pricing excludes taxes and bonding; a payment/performance bond would add 3% if required. AquatiCare's contract is for 3 years of essential care. City must ensure Health Department code compliance is met for all completed work. Hancock Pool Services: Base replaster cost of $60,000 plus $18,400 additional cost to strip to 90% of existing plaster, chemical start-up $5,850, miscellaneous coping repairs $3,500, add water depth markers $5,550, clean & seal waterline tiles $2,650, install transition line $950, perform leak detection $2,800, water feature repair $9,100, replacing slide feature pump and plumbing $21,450 and install a UV sanitizer on the existing filter system for $27,650 for a total cost of $157,900. Hancock Pool Services, Inc. is on a HGAC BuyBoard Cooperative Purchasing contract. AquatiCare:annualized maintenance cost for 3 years of essential care is $7,056. Bonding, if required, will increase Hancock's costs by approximately 3% ($4,737) bringing the total to $169,693. Mr. Ragle said no board or third-party recommendations have been provided at this time. Staff review supports contracting for both immediate renovations Hancock and structured maintenance AquatiCare to maximize pool safety, compliance, and long-term usability. Mr. Ragle explained that the project had been reviewed and approved by the TIRZ Board and would be financed through the TIRZ district. He noted that, an incident in Lake Jackson with the amoeba, this project would include a UV system required for water recirculation. This system would ensure that features such as slides and fountains are properly treated to eliminate bacteria, providing safe and compliant recreational water for users.

A motion was made by Councilman Pena to approve as long as it comes out of the Parks Department's budget or the Rec Center's budget, seconded by Councilman Davis with discussion that followed.

Mayor Cain noted that several neighboring cities have had to shut down municipal pools. Public Works Director Rudy Ragle said yes due to maintenance issues and the lack of proper disinfection systems. Mayor Cain explained that similar challenges had affected the Clute Pool near the high school, which had been closed the previous year, likely due to insufficient maintenance. Mr. Ragle emphasized that the Freeport pool has ongoing problems and requires professional assessment and repairs to remain operational. He noted that while the recreation center does not generate significant revenue, it remains an important service for residents. Interim City Manager Dan Pennington confirmed that the project qualifies for TIRZ funding and has been approved by the TIRZ board. He highlighted the inclusion of a UV system to disinfect the water and ensure safety for slides, fountains, and other features. Code violations identified during inspections would also be addressed as part of the project. Mr. Pennington said the TIRZ currently has a balance of approximately $900,000 and is projected to bring in about $500,000 in the coming year.

Councilman Pena presented comments regarding the operations and maintenance of the Recreation Center's pool. He expressed curiosity about the pool presented during a prior discussion, asking whether it was an exterior pool and inquiring about the maintenance and code requirements for interior versus exterior pools. Councilman Pena referenced prior comments about several municipal pools in other cities having been shut down due to maintenance issues and noted that, locally, the outside pool had experienced code-related challenges. Councilman Pena emphasized that the Recreation Center operates at limited capacity, approximately 4 to 8 weeks per year, and that issues with maintenance, staffing, and general wear and tear have significantly impacted operations. He raised concerns about whether the pool represents a financial burden for the City but noted that the discussion was intended to evaluate potential improvements for community parks. Councilman Pena highlighted resident feedback regarding inconsistent hours of operation. Interim City Manager Dan Pennington noted upcoming changes, including extended weekday hours from 8:00 a.m. to 7:00 p.m. starting November 1st, contingent on staffing, and regular Saturday hours, which would be communicated via social media. Councilman Pena suggested exploring alternative staffing or self-check-in options to improve service, noting that many gyms utilize ID-based entry systems with camera surveillance.

Councilman Pena addressed funding sources for the Recreation Center pool improvements. He stated that, if there is a high demand and need for the project, he prefers that funding come from the Parks and Recreation department budget to ensure it comes out of that bucket, since the Recreation Center is part of that department. He expressed concern over the current status of the City's water fund, describing it as busted and practically insolvent, noting that calculations from a prior meeting indicated a minimum balance of $2.6 million should be in the fund, but the actual balance is approximately $200,000. Councilman Pena explained that moving funds between budget buckets creates challenges, citing the beautification and Parks and Recreation budgets versus the water fund as examples. He questioned why funding is being drawn from the TIRZ fund instead of the Parks and Recreation budget, noting that TIRZ was intended for downtown and EDC waterfront projects. Councilman Pena emphasized the importance of maintaining a lean departmental budget and amending the budget only when necessary to maintain transparency and accountability. Finance Director Ashlee Hurst explained the foundation of governmental accounting, stating that it is based on buckets of money. She noted that funds are set up by individual funds, and expenditures must be strategic, drawing only from sources appropriate to cover the costs. She clarified that the general fund is generally for day-to-day operating expenses, while other funds have specific restrictions governing their use. She added that TIRZ funds are limited by statute or geographical restrictions, such as state parks funds. Ms. Hurst explained that this was the rationale for the discussion regarding funding the Recreation Center pool, questioning why taxpayer money from the general fund would be used when other allocated funds could cover the expense. She emphasized that the intent was not to move money arbitrarily or obscure financial transparency.

Councilman Pena explained that the TIRZ had a specific plan for the downtown. He clarified that while the plan allows for the money to be used, that was not the intended strategy. Councilman Pena reminded the Council that TIRZ was originally intended for the downtown and waterfront areas, not for the Recreation Center.

Mayor Cain stated that if the TIRZ was in fact just specifically intended for the downtown, then the map would have shown it and the available projects would have reflected it.

Councilman Davis stated that he thinks they do not have some of these problems anymore because of the work being done by Finance Director Ashlee Hurst over at City Hall and with the City budget. He added that he understands why some of what was said should cause concern, but he is confident that the matter is under control and that the city will not have problems with moving money from bucket to bucket.

Mayor Cain called the motion to a vote with all present and voting "Aye" 1-4. The motion failed. Mayor Cain voted "Nay". Councilman Davis voted "Nay". Councilman Matamoros voted "Nay". Councilman Rossow voted "Nay".

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2976 for the pool renovation and maintenance proposals for the Freeport Recreation Center as presented, seconded by Councilman Davis with discussion that followed.

Councilman Pena asked about when the repairs were planned to begin. Interim City Manager Dan Pennington responded and said that as soon as the schedule was available, the contractor could schedule the work. Councilman Pena asked about when the work would be completed. Public Works Director Rudy Ragle responded and said that no end date had been given, but she could ask for clarification. Councilman Pena asked if this particular plan would help protect the City from any type of amoeba liability. stated that no plan can completely eliminate the chances of that occurring, with the UV sanitation system and other improvements included in the project, the risk would be much less likely and in line with industry standards. Councilman Pena asked about when the project was expected to be completed. Mr. Ragle responded and said that the pool should be open in time for the spring season, hopefully before spring break.

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 Resolution No. 2025-2977 to amend section 9.07, titled "Overtime/Compensatory Time", adding Section 9.07 A "Alternative to Overtime: Flextime".

Human Resource Director Donna Fisher presented Resolution No. 2025-2977 regarding proposed updates to the City's policy on compensatory and flexible time. She explained that the City's current policy does not provide much guidance on the use of compensatory time, stating only that it is allowed at the discretion of the City Manager. To address this gap, the proposed policy would provide clear guidance on the use of comp time and allow employees to earn comp time instead of being paid overtime, which could potentially save the City money. Ms. Fisher also noted that the policy includes flex time guidelines. For example, if there is another seven-hour Council meeting, she could flex her schedule by taking off at 9:00 Friday morning. Hourly employees would also have the ability to flex time within the same seven-day workweek, thereby reducing overtime. She emphasized that the use of flex time would remain at the director's discretion, depending on staffing needs. She concluded that the updated policy would provide much greater ability to manage time and offer clear guidelines, replacing the prior policy's single-sentence guidance.

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

Councilman Davis asked regarding the City's guidelines for compensatory time and flexible scheduling. Human Resource Director Donna Fisher explained that under the current policy, compensatory time is minimally addressed, with only a single sentence providing guidance. The proposed updates would clarify that comp time must be approved by the department director to ensure that departments remain adequately staffed when employees use their earned time. In small departments, such as those with three employees, all staff could not take comp time simultaneously without director approval, reflecting the discretionary nature of the policy. Ms. Fisher emphasized that the updated policy would also provide flexibility to prevent operational disruptions, such as during extended Council meetings, by allowing employees to flex their schedules while maintaining adequate coverage. It was noted that most department directors would grant comp time as requested, except in cases where staffing constraints would prevent it.

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

Consideration and possible action approving Ordinance No. 2025-2746 proposed adjustments to the City of Freeport's Texas Municipal Retirement System (TMRS) plan to enhance recruitment and retention.

Finance Director Ashlee Hurst presented a proposal to update the City's TMRS retirement plan as part of efforts to remain competitive and retain qualified staff. She explained that Interim City Manager Dan Pennington, with extensive knowledge of TMRS, had been instrumental in providing guidance to make the plan both effective for employees and affordable for the City. After conducting research, it was noted that competitive neighboring cities, including Clute, Angleton, and Lake Jackson, offer retirement benefits that the City aims to surpass in order to attract and retain a highly qualified workforce. The proposed strategic update to the TMRS plan would increase the City's contribution rate to 8 percent. Initially, when staff met with TMRS, the total cost of this increase was considered unattainable for the City. However, through Mr. Pennington's expertise, staff identified ways to adjust the contribution while still providing strong benefits, resulting in a minimal additional cost of $4,300. She emphasized that no other city in the region currently offers this level of contribution, and implementing the update would provide additional leverage in attracting and retaining employees, a priority highlighted during the current budget discussions.

A motion was made by Councilman Matamoros to approve Ordinance No. 2025-2746 as presented, seconded by Councilman Pena with discussion that followed.

Interim City Manager Dan Pennington clarified that the City currently operates as a 7% City, meaning employees contribute 7% of their salary to TMRS, with the City matching at a 2-to-1 ratio. Recent changes to TMRS rules would allow the City to adopt an 8% contribution rate beginning January 1st. He said staff reviewed various options and adjustments to determine a structure that would minimize cost increases while still providing strong benefits to employees. Through this process, the additional cost to the City was determined to be approximately $4,300 annually. The proposed 8% plan would position the City above surrounding municipalities, where contribution rates range from 6% to 7%, thereby helping the City attract and retain highly qualified employees. Mr. Pennington emphasized that the plan would have a meaningful impact on every employee. For example, with an 8% employee contribution and a 2-to-1 City match, the total annual contribution would be 24%, compared to 18% in a typical 6% city, demonstrating a substantial difference over time in retirement savings. He noted that the plan is particularly beneficial as a retention tool, as the longer an employee remains with the City under the 8% plan, the greater the retirement benefit.

Councilman Pena asked regarding what other Cities are doing for their TMRS vesting and retirement contributions. Interim City Manager Dan Pennington explained that area cities, including Lake Jackson and Angleton, generally operate at a 6% contribution rate, while Allen is considering adopting 8%. Councilman Pena asked questions regarding employee departures and vesting. Mr. Pennington clarified that, consistent with TMRS rules, there is no clawback if an employee leaves; the only scenario in which funds would roll back is if an employee withdraws all of their contributions. Each employee has a sub-account, while the City maintains a master account, ensuring that funds remain secure even when employees exit. Vesting occurs over time, with employees typically becoming fully vested after five years of service. Contributions made by the City remain in the employee's account once they are vested. Mr. Pennington further explained that this structure is consistent across municipalities, with each city adopting its own vesting schedule. Councilman Pena addressed concerns regarding past employee terminations for cause, specifically citing instances of theft. He explained that while the City attempted to recoup losses, contributions made to TMRS by those employees could not legally be reclaimed. Mr. Pennington emphasized that under TMRS law, there is no mechanism to recover retirement funds from employees terminated for misconduct, even if they continue to receive pensions. He further noted that some former city managers who had retired while still collecting a pension also owe restitution to the City, underscoring the limitations imposed by law. Councilman Pena acknowledged that this situation is unfortunate and expressed that, from a taxpayer perspective, it is understandably frustrating.

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. 2025-2978 approving the Opioid Settlement Agreement.

Interim City Attorney Chris Duncan presented information regarding a recent settlement facilitated by the Texas Attorney General. He explained that over the past several years, the Texas Attorney General has pursued manufacturers and distributors of certain opioid prescriptions due to widespread addiction issues and related crime. The allegations in these cases center on insufficient warnings provided to patients about the addictive properties of these medications. This particular settlement involves five generic manufacturers. Mr. Duncan noted that all Cities in the state are eligible to participate and benefit from the settlement. The resolution before the Council would authorize the City to join the settlement and receive funds through the Texas Attorney General's office, allowing the City to share in the financial recovery.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2978 as presented, seconded by Councilman Davis with all present and voting "Aye" 4-0. The Council approved the motion. Councilman Pena was not present for this motion.

Councilman Pena said he wanted the Council to address the pending litigation involving Ezelle, Petty, Covarrubias, and Mireles, as well as other related matters in Executive Session. He noted that the current agenda did not fully reflect his requested discussion on real estate issues related to the EDC lawsuits. He clarified that some of these items may fall under consultation with the City Attorney. Councilman Pena emphasized that his intention was to ensure the Council is aware of all ongoing conversations regarding the pending litigation. He referenced a private conference call held the previous week and stated that personnel matters discussed during that call would not be addressed in the public meeting at this time. Councilman Pena noted that he still needed to review some new information before discussing those personnel issues.

Executive Session

Executive Session regarding: Texas Government Code 551.071 (Consultation with Attorney) 1.) Pending Litigation Ezell, Petty, Covarrubias, and Mireles.

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)

The Regular Session closed at 8:29P.M. and the Council entered into the Executive Session.

Reconvene into Open Session:

Take any action resulting from Executive Session.

Executive Session ended at 9:11P.M. and the Council went back into Regular Session.

There was no action from the Executive Session.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made by Councilman Pena to adjourn the meeting, seconded by Councilman Rossow with all present and voting "Aye" 5-0. Mayor Cain adjourned the meeting at 9:12P.M.

Jerry Cain

Jerry Cain, Mayor

Clarisa Fernandez, City Secretary