

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, November 3, 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/Assistant City Manager
- Chris Duncan, 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
- Corey Brinkman, Police Captain
- Loretta Cady, Museum Programs Coordinator

Visitors:

|                   |                    |
|-------------------|--------------------|
| David McGinty     | Erich Hayes        |
| Brenda Laird      | James Saccommano   |
| Kenneth Hayes     | Thomas Koole       |
| Con McCleester    | Sam Reyna          |
| Diane McCleester  | Damarcus Rollerson |
| Manning Rollerson | Margaret Bachman   |
| Patti Richardson  | 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 6:01P.M. On November 3, 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.

Manning Rollerson resides in Freeport. He began by thanking God for the day and stated that it was a good day a day when many people in this country do not have to starve. He said the country has reached a point where so-called Christianity and prayer have failed through governance and through the so called church in America, while people continue to suffer. He expressed that those in leadership are the same people spreading hate, forgetting the hungry, the homeless, the poor, and the strangers that Corinthians speaks about. Mr. Rollerson stated that national problems are local problems because they start at the community level. He said Freeport did not get into its current condition overnight, noting that at 63 years old, he has seen many years of governance by people who claim to have morals and faith yet make judgments that harm rather than help. He questioned what the "greater good" has been for the City of Freeport over the past 57 years, explaining that he has lived here, raised five children, has 27 grandchildren, and recently welcomed a great-grandchild. He asked what Freeport has done to make life better for all citizens, saying he often hears complaints but sees little change. He stated that the City lacks strong communities and that residents are still voting on projects that were promised decades ago but never delivered. He said many promises have gone unfulfilled and that while the City has been quick to give away its assets to industry for growth, Freeport itself has not grown. Mr. Rollerson recalled being five years old when promises were made to buy back land for urban development, but he said no subdivisions have been built and those commitments were never kept. He criticized the City for continuing to make decisions that benefit industries without ensuring that those industries invest directly in the community. He specifically mentioned Lloyd's of London Maritime and insurance companies that insure Freeport LNG, saying they should be required to push contingency funds into the community. He stated that he plans to send a letter to Lloyd's of London and others ensuring Freeport LNG, noting that he recently learned of contingencies involving every citizen in the City. He questioned why the City and the Port of Freeport had not required the companies to fulfill those obligations or compensate citizens living in what he described as a toxically poisonous community. He asked why City leaders had not done more to protect residents. Mr. Rollerson said prayers were just done for safety of the community, but he questioned how that could be effective when City decisions are harmful rather than helpful. He stated that Freeport has not grown in 57 years and that the City continues to make excuses and empty promises. He said that no promises have been kept by leadership, naming Walker Royalty and Jason Wong, and that despite this, developers continue to seek rezonings.

Thomas Koole addressed the Council regarding the stop sign at Fourth Street and Pecan Street. He stated that nothing has been done about the issue. Mr. Koole explained that Fourth Street spans six blocks from Holly Street to Velasco Boulevard, with Pecan Street in the middle, and that there have been 95 citations issued on that street and 23 crashes at that intersection in the last ten years. He expressed frustration that only two tickets had been issued for drivers failing to stop at the sign and said something needed to be done. Mr. Koole stated that he could not address the problem alone and asked residents and community members to support him, including those watching online. He said that after his first appearance before Council, there were two officers patrolling the intersection the next morning. He spoke with one of the officers, who told him he was right and that there was indeed a problem at that location. The officer reportedly said that he himself was nearly struck by a vehicle that same morning. Mr. Koole urged citizens to back him up, saying, let's do something. He said that he had been told twice and practically laughed at for bringing up the issue, which he took as an insult. He stated that he expects an apology and questioned how anyone could laugh when they are talking about human lives here, people's wellness, especially the kids. He shared that he has personally witnessed three accidents at that intersection in the last seven years, describing them as nothing nice and recalling the loud crashes, car parts flying, and vehicles landing yards away. He said six vehicles had to be towed from those incidents and that children were inside those vehicles. He thanked God that no one was seriously hurt but warned that something is going to happen for sure. Mr. Koole told the Council

that he hoped they would not have that burden on their chest when it does, emphasizing that he has repeatedly raised the issue. He again asked residents to support his call for action and said that if the City cares about its citizens, residents, and those traveling through town, something needs to be done. He stated that traffic on Fourth Street moves too fast, with many drivers running the stop sign left and right. He acknowledged that officers cannot be at the intersection 24/7 but urged the Council to find a solution.

Sam Reyna introduced himself and stated that he resides at 2002 North Avenue G. He began by agreeing with Councilman Pena's proposal to implement the use of gun and metal detectors for all visitors and officials attending Council meetings. Mr. Reyna said the City should adopt the same system of rules that govern courtrooms and other formal chambers, not only using detectors, but also including audio recorders to capture all transactions before and after Council meetings, as well as enforcing a code of conduct requiring the removal of hats when entering the chamber. He acknowledged that he himself had previously entered with a cap on, apologized for it, and promised it would not happen again. Mr. Reyna stated that the request to place Item 6O on the agenda was made by Councilman Pena in response to repeated verbal and physical threats allegedly made by George Matamoras toward residents, City contractors, a Council member from Ward B, and the Mayor Pro Tem. He said he believed Councilman Pena had the names and addresses of those residents and contractors and should forward that information to the rest of the Council and the City Manager. Mr. Reyna then stated that if anyone was guilty of verbal attacks and physical threats, it was Councilman Pena and Councilman Davis. He mentioned that Cathy Ezell had a lawsuit against the City for that reason. He alleged that Councilman Davis had threatened former City Manager Lance Petty after disputing a water bill, claiming he had not used that much water and requesting that the meter be reread. Mr. Reyna said the result was the same, but Mr. Petty wrote it up as nonpayment and waived late fees. He further stated that this had occurred numerous times and that Mr. Petty continued to record the bills as nonpayment without late fees because he felt threatened by Councilman Davis. Mr. Reyna also alleged that Councilman Davis made a police officer feel threatened when he called and suggested the officer vote a certain way during Chief Howell's situation, saying two officers were present when that call was made. Mr. Reyna stated that such conduct was a violation of the City Charter, Section 3.08, and grounds for recall, adding that if Councilman Davis wished to speak with any City employee, he must do so through the City Manager rather than on his own. He went on to describe Councilman Matamoras as a threat—a threat against Councilman Davis and Councilman Pena's conspiracy, stating that the two would attempt to discredit Councilman Matamoras at every opportunity. Mr. Reyna concluded by saying, "We need to stand beside Councilman Matamoras." He thanked Mr. Pennington for putting up the doors at City Hall stating it keeps all Council members and citizens that have no business roaming the hallways.

### **Consent Agenda:**

Action regarding Minutes, October 20, 2025-Clarisa Fernandez, City Secretary

Action approving Ordinance No. 2025-2750, authorizing Budget Amendment #1 as approved October 20th, 2025-Ashlee Hurst, Finance Director

Action approving the payment to Central Square of the annual renewal of services for the Police Department-Jennifer Howell, Police Chief

A motion was made by Councilman Matamoras to approve the Consent Agenda as presented, seconded by Councilman Davis with all present and voting "Aye" 4-0. The Council unanimously approved the motion. Councilman Pena was not present for this motion.

### **Proclamations - Presentations and Updates**

Employee Recognitions –CPL Lorena Huerta, Officer Steven Early, Officer Julian Gonzalez and Officer Tyler MacAllister, Freeport Police Department-Dan Pennington, Interim City Manager

Police Chief Jennifer Howell presented Employee of the Month for the Month of September 2025 to CPL Lorena Huerta, Officer Steven Early, Officer Julian Gonzalez and Officer Tyler MacAllister.

Presentation by members of Kimley Horn on Impact Fees.

Kimley Horn representatives Stephen Kelly and Ben Plett presented the attached presentation titled "Exhibit A".

Presentation-Hurricane Beryl Financial Update-Ashlee Hurst, Finance Director

Finance Director Ashlee Hurst presented the attached presentation titled "Exhibit B".

Upcoming Events -

Senior Bingo, RiverPlace, November 17, 10:00A.M.-12:00P.M.

Merry Museum Christmas, Freeport Historical Museum, November 29, 11:00AM-2:00P.M.

Holiday on the Brazos, Freeport Municipal Park, December 5, 6:00P.M.-9:00P.M.

Blue Santa Pancake Breakfast, Freeport RiverPlace, December 6, 8:00A.M.-11:00A.M.

Christmas on Main, Historic Downtown, December 6, 4:00P.M.-8:00P.M.

Senior Citizens Christmas Party, RiverPlace, December 15, 10:00A.M.-12:00P.M.

Interim City Manager Dan Pennington gave updates on upcoming events.

### **Executive Session**

Executive Session regarding: Texas Government Code, Section 551.074 (Personnel Matters) 1.) Interview of City Attorney Applicant (Mark Swaim).

The Regular Session closed at 7:25P.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 9:31P.M. and the Council went back into Regular Session.

A motion was made by Councilman Matamoros to authorize the Interim City Manager to negotiate a preliminary contract with Mark Swaim for the City of Freeport Attorney position, seconded by Mayor Cain with all present and voting "Aye" 2-3. The motion failed. Councilman Pena voted "Nay". Councilman Davis voted "Nay". Councilman Rossow voted "Nay".

A motion was made by Councilman Davis to hire Chris Duncan as City Attorney, seconded by Councilman Rossow with all present and voting "Aye" 3-2. The Council approved the motion. Mayor Cain voted "Nay". Councilman Matamoros voted "Nay".

### **Business**

Consideration and possible action approving Resolution No. 2025-2984 appointing a member to the Historical Commission and Main Street Advisory Board.

A motion was made by Mayor Cain to table agenda item 6A, 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. 2025-2985 of Revised Leave Donation (Sick Leave Pool) Policy – Section 8.14.

Human Resources Director Donna Fisher presented proposed revisions to the Sick Leave Pool and Leave Donation Policy. She explained that the changes are intended to incentivize employees to donate sick leave to the City's shared leave pool. Under the proposal, for every 25 hours of sick leave donated, an employee would receive four hours of vacation time, up to a maximum of 24 hours of vacation per year. Ms. Fisher

noted that several employees currently carry more than 600 hours of sick leave and could easily donate additional hours if given an incentive. The goal of the amendment is to encourage participation and ensure that the pool remains adequately funded. She emphasized that the sick leave pool has been vital for employees facing extended absences due to life-threatening illnesses and that maintaining a healthy balance is important to support those in need. She added that the proposed change originated from an employee suggestion. An employee who had previously donated to the pool recommended offering an incentive to increase participation. Ms. Fisher said she brought the proposed policy forward at the employee's request, believing it would help sustain the program for the benefit of all staff members.

A motion was made by Councilman Rossow to approve Resolution No. 2025-2985 of Revised Leave Donation (Sick Leave Pool) Policy- Section 8.14, seconded by Mayor Cain with discussion that followed.

Human Resources Director Donna Fisher responded to questions regarding the proposed changes to the Sick Leave Pool and Donation Policy. She explained that the policy applies to all full-time city employees who have been employed with the City for at least one year and have donated a minimum of four hours of sick leave to the pool. Eligible employees may draw hours from the pool if they experience a life-threatening illness that requires extended leave. Ms. Fisher clarified that the policy is limited to serious medical conditions and does not cover minor illnesses such as colds or seasonal allergies. She further explained that while pregnancy alone does not qualify as a life-threatening condition, complications of pregnancy may meet the criteria if supported by appropriate medical documentation. Employees seeking to use the pool must provide certification from a physician confirming the nature of the illness or injury. Ms. Fisher noted that some employees have as many as 600 hours of sick leave, and the maximum allowable accrual is 720 hours. She stated that employees who donate sick leave in increments of 25 hours would receive four hours of vacation time in return. In essence, for every 25 hours of sick leave contributed, the employee earns four hours of vacation. Ms. Fisher explained that employees must donate a minimum of four hours of sick leave in order to qualify to participate in the pool. Each year during open enrollment, staff are reminded of the opportunity to donate, and forms are made available for employees to complete for the new year. The annual donations are typically processed on October 1, at which time hours are deducted from the donor's balance and added to the pool. She noted that the proposal was developed during the most recent enrollment period, although the policy revision request was brought forward later due to a busy schedule. Councilman Davis noted that similar donation systems exist in other workplaces, though without an incentive program. Ms. Fisher confirmed that the City's approach is designed to encourage greater participation by offering a modest incentive. Councilman Davis commented that while they personally already donate leave without compensation, they understood the benefit of offering a reward to encourage others to participate. He agreed that receiving four hours of vacation for every 25 hours donated was a fair exchange and a reasonable incentive for employees with large sick leave balances.

Councilman Pena asked Human Resources Director Donna Fisher for clarification regarding the City's sick leave and vacation accrual rates and the potential financial impact of the proposed Sick Leave Pool Incentive Program. Ms. Fisher explained that full-time employees earn 120 hours of sick leave per year, which equates to 4.62 hours per pay period. She noted that some employees have reached the maximum accrual of 720 hours, while others use their time as soon as it is earned, making it difficult to calculate a meaningful average. Ms. Fisher stated that employees receive 80 hours of vacation annually during their first five years of employment, 120 hours between five and fifteen years of service, and 160 hours after fifteen years. Councilman Pena asked whether the additional four hours of vacation granted through the donation incentive would result in a cost to the City. He referenced recent budget adjustments, including bonuses, salary changes, and cost-of-living increases, and expressed concern about understanding the fiscal impact of adding new employee benefits. Using rough estimates, he calculated that if the City's approximately 130 employees each received an average of 4.5 hours of additional vacation time at an average rate of \$20 per hour, the cost could be significant. Ms. Fisher responded that she had not yet calculated the total cost, but emphasized that the policy change was not expected to have a major financial effect. She explained that the

incentive is designed to encourage greater participation in the sick leave pool and would likely be cost-neutral overall, since the donated sick leave and earned vacation time would balance out in practice. Employees would use the vacation time throughout the year rather than receive direct payout, keeping the impact minimal. She also clarified that under IRS regulations, employees cannot donate leave to specific individuals, only to the general pool. Donations occur once per year during open enrollment, and the City has not yet experienced a shortage of hours in the pool, though the intent of the change is to prevent that possibility in the future. Interim City Manager Dan Pennington noted that employees with larger sick leave balances are often long-tenured and higher-paid, while those drawing from the pool tend to be newer employees at lower pay rates, effectively creating a natural balance. Ms. Fisher confirmed that unused sick leave is not paid out when an employee separates from the City.

Mayor Cain called the motion to a vote with all present and voting "Aye" 3-1. The Council approved the motion. Councilman Pena voted "Nay". Councilman Matamoros was not present for this motion.

Consideration and possible action approving Resolution No. 2025-2986 revising Section 9.18 – Residency Incentive Program in the Personnel Policy Manual.

Human Resources Director Donna Fisher presented a proposed revision to the Residency Incentive Policy. She explained that the change was made in response to prior comments from Councilman Pena, who had referred to the existing incentive amounts as minimal. The proposed update would increase the residency incentive for home purchases to \$10,000, paid out over five years, and the rental incentive to \$4,000, also distributed over five years. Ms. Fisher stated that the payment schedule would remain the same, with only the incentive amounts being adjusted. She noted that the City has had limited participation in the program to date, with only two employees utilizing the rental incentive, and no recent home purchases qualifying under the policy. Because of this, she said the financial impact is expected to be minimal. Ms. Fisher added that if participation were to increase, the City could accommodate the additional cost through budget amendments.

A motion was made by Councilman Pena to consider the agenda item 6C, seconded by Councilman Davis with discussion that followed.

Councilman Pena commended staff for their efforts in developing the proposed Residency Incentive Policy revisions, noting that the program represents a valuable opportunity to encourage more City employees to live within the Freeport community. He stated that the City offers competitive wages, which should allow employees to both live and enjoy a good quality of life in Freeport. Reviewing the proposed five-year disbursement schedule, Councilman Pena questioned the impact of providing only \$2,000 in the first year, observing that while the amount is helpful, it may not significantly offset closing costs for homebuyers. He referenced local housing data, citing an estimated median home price of approximately \$170,000, and explained that typical buyers face total closing costs of around \$14,000, including both down payment and fees. Councilman Pena suggested that the City consider restructuring the incentive to provide the full \$10,000 payment at closing, rather than spreading it over five years, and securing the City's investment through a tiered lien system. Under such a structure, the lien amount would gradually reduce each year of ownership, ensuring repayment if the employee sold the home or left City employment before the five-year period ended. He emphasized that this approach would make the program more impactful and motivating, especially for employees who might otherwise struggle to afford upfront homeownership costs. He also proposed an alternative option to apply each annual payment directly toward reducing the principal balance of the employee's mortgage, ensuring the funds are used to build long-term equity rather than as general financial assistance. Councilman Pena noted that such a policy would better align the incentive with the City's goal of fostering employee investment and community stability. Councilman Pena reiterated that while the \$10,000 incentive is a strong starting point, its structure could be refined to maximize participation and effectiveness, creating a meaningful benefit that supports both employees and the broader Freeport community. Councilman Pena asked whether the City could reasonably absorb that amount within the budget to support the program on an ongoing basis. City Manager Dan Pennington responded that the proposal appeared doable, but advised caution regarding the idea of securing the incentive with a lien on the

property. He cited potential risks such as environmental contamination or a property becoming a Superfund site and referenced a past incident in Pasadena where a City financed property later became contaminated, resulting in extensive litigation. Mr. Pennington stated he would not recommend a lien structure and instead favored using a written incentive agreement, similar to other City programs. Councilman Pena stated that the concerns raised were primarily caveats and exceptions rather than typical outcomes. He emphasized that the intent and spirit of the program were to encourage homeownership among employees, and that the financial impact to the City would be minimal. Councilman Pena noted that a \$50,000 annual allocation would be a drop in the bucket relative to the City's overall budget and reasonable given the purpose of the incentive. He further clarified that under the proposed structure, the City would hold a second-lien position on any property purchased through the program, ensuring accountability while maintaining flexibility for participating employees. He emphasized that providing the \$10,000 incentive at closing would make the program far more meaningful to employees seeking to buy homes. City Attorney Chris Duncan explained that providing a larger incentive upfront would make the program more immediately valuable to employees and could better assist with home purchases. However, spreading payments over several years would tie the incentive to continued employment and residency, ensuring that employees who benefit from the program remain invested in the community. Mr. Duncan noted that paying the entire amount at closing could risk situations where an employee purchases a home, collects the full incentive, and then leaves employment, turning the property into an investment or rental rather than a primary residence.

Mayor Cain called the motion to a vote with all present and voting "Aye" 4-0. The Council unanimously approved the motion. Councilman Matamoros was not present for this motion.

Consideration and possible action approving Resolution No. 2025-2987 to amend section 9.07, titled "Overtime/Compensatory Time", adding Section 9.07 A "Alternative to Overtime: Flextime".

Human Resources Director Donna Fisher presented revisions to the Compensatory and Flex Time Policy, explaining that the item had been previously tabled to allow for updates and clarifications. Ms. Fisher stated that employees are now encouraged to use accrued compensatory time within six months, as the City does not intend to allow comp time balances to be carried indefinitely. She further explained that the revised policy outlines the use of flex time for both hourly and salaried employees, up to but not including the level of Assistant City Manager. Department Directors utilizing flex time remain subject to call-back duty, meaning that if an urgent situation arises during their scheduled flex period, they are still required to return to work. Ms. Fisher emphasized that department heads and directors are expected to be available at all times, as their roles require continuous operational oversight.

A motion was made by Councilman Pena to approve Resolution No. 2025-2987 to amend section 9.07, titled "Overtime/Compensatory Time", adding Section 9.07 A "Alternative to Overtime: Flextime", seconded by Councilman Davis with all present and voting "Aye" 4-0. The Council unanimously approved the motion. Councilman Matamoros was not present for this motion.

Consideration and possible action approving change Order for Lift Station #1 Relocation.

Public Works Director Rudy Ragle presented the change Order for Lift Station No. 1, recommending approval in coordination with City Engineer Kimley Horn. The change order, in the amount of \$27,315.95, is proposed with Texas Dewatering, the contractor overseeing the relocation project. Mr. Ragle explained that during construction, crews encountered an existing sanitary sewer line that was not identified on any available design plans. The discovery created a conflict that required revisions to the project's scope of work. As a result, the change order was necessary to address unforeseen field conditions and to allow the project to continue without delay. He noted that the original contract for the relocation did not include a contingency for unforeseen conditions. The engineer of record, Kimley-Horn, reviewed and concurred that the additional work was both necessary and appropriate. Mr. Ragle emphasized that approval of the change order will prevent further project delays and ensure that the relocation of Lift Station No. 1 proceeds as planned. The financial impact increases the total project cost by \$27,315.95, with funding available in Fund

25, reallocated from the OA Fleming Street Infrastructure Project, which had a remaining balance of \$1,401,353.97 as of September 13. Mr. Ragle concluded by noting that the conflict boxes being added through this change will help improve system flow and efficiency as part of the relocation design.

Councilman Pena asked for clarification on the location of Lift Station No. 1, inquiring specifically which side of East End it was situated on. Public Works Director Rudy Ragle explained that the station lies along Highway 1495, near Second Street. The discovery caused a conflict with the planned flow line, making it necessary to install conflict boxes to accommodate proper drainage and ensure project completion. Mr. Ragle explained that although several cost-saving adjustments had been made in other parts of the project with the engineer's approval this particular issue required additional funding to proceed. The unrecorded pipe was unexpected and represented one of the few unforeseen field conditions encountered during the relocation project. The existing drainage pipe must pass through the construction area, and the conflict boxes will allow the water flow to remain unobstructed while maintaining system efficiency. Mr. Ragle noted that no party was at fault for the omission, as such discrepancies are not uncommon in older infrastructure projects.

A motion was made by Councilman Pena to approve the change Order for Lift Station #1 Relocation, seconded by Councilman Davis with all present and voting "Aye" 4-0. The Council unanimously approved the motion. Councilman Matamoros was not present for this motion.

Consideration and possible action approving Resolution No. 2025-2988 approving a Facility Use and Rental Policy.

Public Works Director Rudy Ragle presented the proposed City Facility Use and Rental Policy for Council consideration. He explained that the policy establishes a clear and equitable framework governing the use of City-owned facilities by Council members, nonprofit organizations, governmental entities, City employees, and the general public use. The goal of the policy is to promote fair access, accountability, and responsible stewardship of municipal properties. Mr. Ragle stated that the proposed policy provides standardized procedures and fee structures for renting and using City facilities. It includes detailed provisions for deposits, refunds, fee reductions, and administrative oversight to ensure consistent application. He noted that currently, the City of Freeport does not have a formally adopted policy regulating facility use. This has led to inconsistent practices and confusion regarding eligibility, rental responsibilities, and staff enforcement. The new policy would address these gaps by creating uniform guidelines that protect City assets and provide staff with a clear operational procedure. Mr. Ragle highlighted several key components of the proposal: Council Member Privileges: Each Council member would be entitled to one complimentary use of a City facility per calendar year. Alternatively, a Council member may sponsor one free event annually on behalf of a nonprofit organization or governmental entity. Unused privileges would not carry over to subsequent years. Nonprofit and Government Entities: Eligible organizations and agencies may rent facilities at a discounted rate, with partial deposit refunds available if the facility is returned in good condition. City Employees: City employees would also be eligible to rent facilities at a discounted rate, subject to the same refund conditions. Residents: Freeport residents presenting a current City water bill would qualify for discounted rental rates. City-Affiliated Athletic Organizations: These organizations would be required to follow standard nonprofit rental procedures, including deposits and fees, for all events beyond their required monthly meetings. Monthly meetings would remain free of charge, provided the organization submits an annual or monthly meeting schedule. Mr. Ragle added that adoption of the policy would establish a consistent, transparent system that balances community access with cost recovery. Facility rental deposits and fees would help offset the expenses of maintenance, cleaning, and wear and tear, while continuing to generate revenue through partial and full rentals.

A motion was made by Councilman Pena to consider this agenda item with a couple of changes.

A motion was made by Councilman Davis to approve Resolution No. 2025-2988 approving a Facility Use and Rental Policy, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked staff for clarification on the financial impact of the proposed Facility Use and Rental Policy, noting that the packet did not include revenue data for the prior year. He questioned whether the new policy would increase or decrease overall revenue, and whether the proposed changes would help or hurt the City financially. Public Works Director Rudy Ragle explained that the City currently has no formally adopted policy, making it difficult to provide accurate comparative numbers. It was noted that, under prior administrations, some facility uses were granted at no charge, and even cleaning fees were often not collected. The proposed policy would therefore serve as a formal framework and establish a consistent starting point for rentals and fee collections. Interim City Manager Dan Pennington confirmed that informal practices have been followed in the past and that this policy formalizes existing verbal procedures. Councilman Pena expressed concerns about potential giveaways and discounted use of City facilities. He emphasized the importance of starting from a conservative financial baseline, suggesting that the City first adopt a standard rental policy without discounts to measure demand and usage accurately. Once a baseline is established, the City could later introduce discounts or incentives as warranted. Mr. Ragle clarified that facilities are typically booked a year in advance for recurring events, and that employee or council requests are only approved when availability exists.

Mayor Cain called the motion to a vote with all present and voting "Aye" 4-0. The Council unanimously approved the motion. Councilman Matamoros was not present for this motion.

Consideration and possible action approving Resolution No. 2025-2989 amending City Policy 5.22 Cell Phone Usage.

Police Chief Jennifer Howell addressed the Council regarding revisions to a previously enacted policy. She explained that after implementation, conflicts were identified within the policy's provisions that affected certain departmental operations. Chief Howell noted that in the past, draft policies were circulated to all department heads for review and feedback prior to formal adoption to identify any potential conflicts within their respective departments. However, that review process had not occurred with this particular policy, leading to issues after it went into effect. She stated that, after discussions with Human Resources Director Donna Fisher and Interim City Manager Dan Pennington, staff recommended that the policy be revised and resubmitted for review. Chief Howell cited an example involving the Police Department, explaining that while some officers may not always have their body cameras readily available, they occasionally need to record certain situations. The current policy inadvertently limits this flexibility. She clarified that any revisions would continue to prohibit recording in private areas, such as bathrooms and locker rooms, to ensure privacy protections while allowing officers the ability to document incidents appropriately when necessary.

A motion was made by Councilman Pena to approve Resolution No. 2025-2989 amending City Policy 5.22 Cell Phone Usage, seconded by Councilman Davis with discussion that followed.

Mayor Cain asked if this was a citywide policy, not one specific to the Police Department. Police Chief Jennifer Howell emphasized that the policy applies across all City departments.

Councilman Davis asked which departments were affected by the policy revisions. Police Chief Jennifer Howell responded that she had spoken with several department heads to determine whether any conflicts existed under the policy. She noted that no significant conflicts were identified among other departments, as the Police Department is typically the only division that conducts recordings as part of its regular duties. Councilman Davis remarked that other departments should not be recording in general. Mayor Cain expressed his personal discomfort with the use of cell phone recordings by employees. He stated that recordings should be limited to specific law enforcement circumstances, such as pursuing a suspect or documenting an incident, but that otherwise, he did not support general phone recordings within City operations.

Councilman Pena asked for clarification regarding the purpose of the discussion, specifically inquiring whether the issue pertained to the use of recording applications on City devices. He noted that he may have missed part of the earlier conversation while reviewing materials and sought confirmation on what the original policy prohibited. Police Chief Jennifer Howell informed that the previous policy prohibited any type of recording including video, audio, or phone conversations under any circumstances. Councilman Pena stated that, in his view, recordings can be essential for transparency and accountability, emphasizing that recordings had proven invaluable in past situations. He added that, while privacy concerns are understandable, City-issued phones are public tools and should be subject to oversight. Councilman Pena remarked that many other cities already record all City Hall phone communications, noting that such practices are both reasonable and necessary for public safety. He further stated that, given the City's history, recordings serve as both a safety and liability safeguard, similar in importance to recent security measures such as wandering procedures. Councilman Pena questioned under what circumstances the current policy had been brought forward, suggesting that the intent appeared to be corrective rather than restrictive. Interim City Manager Dan Pennington confirmed that the policy was being revisited to resolve inconsistencies and ensure that officers would not inadvertently violate policy when using recordings for legitimate purposes. He explained that, under the prior policy, officers could have unintentionally breached rules while documenting incidents in the field.

Mayor Cain called the motion to a vote with all present and voting "Aye" 4-0. The Council unanimously approved the motion. Councilman Matamoros was not present for this motion.

Consideration and possible action approving Resolution No. 2025-2990 amending the Grants Management Policy originally adopted on September 15, 2025.

Finance Director Ashlee Hurst presented a request for Council approval of a resolution amending the Grants Management Policy. She explained that the GLO conducted an in-depth review of the policy previously adopted by Council on September 15th and identified a minor correction needed in Section 3, concerning the designation of the Labor Standards Officer. The revision replaces the wording "Finance Director" with "Grant Administrator or Internal", aligning the document fully with compliance requirements. Ms. Hurst noted that this correction will allow the agency to complete its grant closeout process.

A motion was made by Councilman Pena to approve Resolution No. 2025-2990 amending the Grants Management Policy originally adopted on September 15, 2025, seconded by Councilman Rossow with all present and voting "Aye" 4-0. The Council unanimously approved the motion. Councilman Matamoros was not present for this motion.

Consideration and possible action approving Resolution No. 2025-2991 appointing a member(s) to the Senior Citizens Commission.

Brenda Laird addressed the Council and stated that she wished to speak about serving again on the Senior Citizens Commission. She explained that she had previously served on the board for two years, describing it as both a painful and a lovely experience. Ms. Laird said that while the Senior Citizens Commission appears glorious on the surface, what occurred behind the scenes was hideous. She recounted that when she first joined the board, meetings were held at the Velasco Community House. She spoke highly of Crystal Ruiz, who served as the City's liaison at that time. Ms. Laird, who had been a teacher for 30 years and was accustomed to evaluating performance, said she was deeply impressed by Ms. Ruiz's work ethic, modesty, cheerfulness, and compliance, describing her as wonderful. Ms. Laird stated that after she expressed her admiration for Ms. Ruiz, she received a brutal time in return, and that Ms. Ruiz endured it quietly. Ms. Laird said she decided to step back and simply continue her term. She noted that Annabella Ramirez later replaced Ms. Ruiz and that the working environment remained very brutal. She emphasized that the young women were simply doing what they were instructed to do and following City directives. Ms. Laird said she eventually realized she was not well-suited to that environment at the time, but that circumstances have since changed. She expressed a strong desire to return to the Commission, explaining that most of the seniors were unaware of the internal conflicts. She described the Commission's mission as providing a safe,

appreciated, and welcoming place for seniors, mentioning that members enjoyed bus trips, bingo, and other activities. Ms. Laird concluded by saying she would love to be a part of it again and hoped the Council would allow her to return to the Senior Citizens Commission.

A motion was made by Councilman Rossow to bring Sister Brenda back, seconded by Councilman Pena with discussion that followed.

Councilman Pena asked if the applicant was the only attendee present, and it was confirmed that she was and noted that no vote could be taken on anyone who was not in attendance.

Councilman Davis asked how many more vacancies are there? Mayor Cain stated there was one open seat, but further discussion confirmed that the entire board was vacant. Interim City Manager Dan Pennington said that the applicant present was the newest, first, and only current member of the Senior Citizens Commission.

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. 2025-2992 Roadway Mill & Overlay Partnership – 2nd Street Revitalization Project.

Interim City Manager Dan Pennington provided an update to the Mayor and Council regarding the proposed Second Street milling and overlay project, explaining that the initiative is designed to improve the corridor from Highway 288 into downtown Freeport. Mr. Pennington stated that the project mirrors the recent overlay completed on Highway 288, though it will be more extensive. The plan involves milling the existing roadway to remove built-up layers of asphalt before applying a new surface overlay. He noted that Public Works recommended milling due to the excessive asphalt buildup currently on Second Street. Once completed, the new roadway will create a continuous, freshly paved route extending into downtown. Mr. Pennington described the concept as a visual and functional connection a yellow brick road that will eventually integrate with broader streetscape enhancements, including landscaping, trees, and wayfinding elements, to encourage downtown revitalization. He explained that the project aligns with recommendations from the UTSA Study, which identified the Second Street corridor as a critical link to downtown development. The effort is a collaborative partnership between the City, the Economic Development Corporation (EDC), and Brazoria County. The EDC will contribute \$442,000 toward the project, while the County will oversee the roadway portion. Mr. Pennington added that similar county partnership projects are planned for Districts C and D in future phases to ensure equitable investment across all areas. He said pending Council approval, staff will submit project documentation to the County before the November 15 deadline, and the work could begin within the next few weeks, weather permitting.

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

Councilman Pena raised questions regarding the proposed Second Street milling and overlay project, specifically concerning its funding source and approval process. He noted that, during his previous tenure as President of the Economic Development Corporation (EDC), he did not recall the EDC ever participating in road improvement projects within the City. While expressing support for the UTSA Corridor Revitalization Plan, Councilman Pena stated that it was unusual for EDC funds to be allocated for roadway construction or resurfacing. He further inquired whether all procedural requirements, such as public hearings and proper approvals, had been completed before the item was brought forward for Council consideration. Councilman Pena emphasized the importance of ensuring that all procedural steps and compliance measures were properly addressed before final approval of the project. City Attorney Chris Duncan clarified that the intent of the project is for the EDC to fund the county's portion, which includes supplies, equipment, and labor,

while the City will provide the materials necessary for the roadway improvements. It was emphasized that the current Council vote does not pertain to EDC funding, as that will be handled separately. The purpose of the resolution before Council is solely to designate Second Street as the City's selected county partnership project for this funding cycle. The project represents the annual allocation of roadway work provided by the County, in which the City submits a proposed project for approval or disapproval rather than being automatically granted a two-mile stretch. Mr. Pennington said EDC Director Robert Johnson had confirmed that the advertisement for the project had been issued to place the matter before the EDC for further review. However, the deadline to notify the County of the City's selected project is November 15, prompting the need for Council action at this meeting.

A motion was made by Councilman Pena to approve Resolution No. 2025-2992 Roadway Mill & Overlay Partnership-2nd Street Revitalization Project, seconded by Councilman Davis with discussion that followed.

Mayor Cain expressed full support for the proposed Second Street roadway improvement project, noting that since joining the Council, he has consistently advocated for prioritizing the worst streets first, regardless of which district they are in. However, he raised concerns about the condition of the concrete base beneath the existing asphalt. He explained that there have been reports of cracking, shifting, and settling in the original concrete roadway, which may be contributing to the current surface deterioration. He asked for clarification on the depth of milling planned for the project specifically, whether the work would involve removing only a few inches of asphalt or extend down to the concrete base. He cautioned that if the underlying concrete is compromised, it should be addressed before resurfacing, rather than simply adding new asphalt, which could result in similar issues within a few years. Councilman Pena commented that this concern reflects potential project creep, where the scope and cost could expand beyond the original intent. He stressed the need for the City and County to ensure that proper engineering discussions occur before finalizing plans, noting the various grade and drainage changes along Second Street, particularly near the high school and the area recently resurfaced along Highway 288. Mr. Duncan said the contract includes a provision requiring coordination between the City Manager and County Engineer to confirm the scope and description of work prior to final approval. He explained that milling depth is typically determined by drainage requirements and elevation, and that discussions with the County Engineer should clarify the final design and identify whether testing or sampling of the concrete base can be conducted before full milling begins. Mayor Cain agreed that ensuring this coordination would help avoid future surface failures caused by underlying structural issues. When asked for his professional assessment, Public Works Director Rudy Ragle explained that while he has limited experience with asphalt-over-concrete overlays, his recommendation would be to mill the existing surface to expose and evaluate the condition of the concrete base. He noted that the only way to accurately assess the substructure is to uncover it directly, as there is no reliable method to determine its condition beforehand. Mayor Cain said with general agreement that these engineering and inspection measures should be incorporated into the City's communication with the County Engineer before the project moves forward.

Mayor Cain called the motion to a vote with all present and voting "Aye" 4-0. The Council unanimously approved the motion. Councilman Matamoros was not present for this motion.

Consideration and possible action approving Resolution No. 2025-2993 appointing a City Representative and Alternate of the City Council to serve on the HGAC 2026 General Assembly.

Interim City Manager Dan Pennington explained that the item before Council was a standard annual request for the City's designation of representatives to the HGAC General Assembly. He stated that each member City is entitled to appoint one elected representative and one elected alternate to participate in the regional decision-making process. Mr. Pennington noted that the City had one representative and one alternate designated during the previous year and that the purpose of this agenda item was simply to confirm whether Council wished to reappoint the same individuals or select new representatives for the upcoming term.

Mayor Cain stated that he would entertain a volunteer instead of holding a formal vote and asked if anyone would like to volunteer.

Mayor Cain said that Councilman Rossow made a motion to volunteer, seconded by Councilman Pena.

Councilman Rossow volunteered to serve. The Mayor then announced to appoint Councilman Rossow as the representative, and for the alternate, he suggested Councilman Davis.

A motion was made by Mayor Cain to appoint Councilman Rossow and Councilman Davis as the alternate, seconded by Councilman Pena with all present and voting "Aye" 3-1. The Council approved the motion. Councilman Davis voted "Nay". Councilman Matamoros was not present for this motion.

Consideration and possible action approval of EDC Funding Project – Water Line Valve Installation Project.

A motion was made by Councilman Pena to table agenda item 6L, seconded by Councilman Davis with all present and voting "Aye" 4-0. The Council unanimously approved the motion to table this item. Councilman Matamoros was not present for this motion.

Consideration and possible action approving Resolution No. 2025-2994 to approve the City Manager Employment Agreement.

A motion was made by Councilman Pena to move agenda item 6M to Executive Session, seconded by Councilman Davis with all present and voting "Aye" 4-0. The Council unanimously approved the motion to move this item to Executive Session.

The Regular Session closed at 11:49P.M. and the Council entered into the Executive Session.

The Executive Session ended at 1:36A.M. and the Council went back into Regular Session.

Interim City Manager Dan Pennington presented the item for the hiring of Dr. Danielle Kelly as the next City Manager. He explained that the terms of the agreement were outlined in the contract provided for Council's review. Mr. Pennington stated that the City had received approximately 30 to 33 applications for the position and narrowed the field down to a small group of finalists. Following interviews, the Council unanimously selected Dr. Kelly as their preferred candidate and authorized him to begin negotiations on an employment agreement. He further noted that the City Attorney had reviewed the contract, made the appropriate revisions, and that the final terms were agreeable to all parties.

A motion was made by Councilman Pena to table agenda item 6M pending the results of the public information request based on the questions brought up to the interview process as facilitated by Clear Career Professionals. The motion died due to a lack of a second.

A motion was made by Mayor Cain to approve Resolution No. 2025-2994 to approve the City Manager Employment Agreement, seconded by Councilman Rossow with all present and voting "Aye" 3-1. The Council approved the motion. Councilman Pena voted "Nay". Councilman Matamoros was not present for this motion.

Consideration and take possible action approving ordinance no. 2025- to amend section 155.1108 (f) (3) revising the 4/5 council vote requirement to a simple majority.

Ron Bachman stated that he resides at 96 Dolphin Lane in Freeport and greeted the Council with goodwill. He spoke in opposition to Agenda Item 6, explaining that he serves on the City of Freeport Planning and Zoning Commission. Mr. Bachman said the proposal to make it easier for City Council to override a Planning and Zoning decision to deny a rezoning request is a touchy matter. He referred to a recent case involving approximately 380 acres that had been proposed for rezoning from residential and mobile home to industrial. Mr. Bachman stated that there was no one present to speak in favor of the request and that the Commission had no additional information showing how the rezoning would benefit the City. Based on that, he said the Commission concluded that the request was not appropriate and unanimously voted to deny it.

He explained that under current rules, a supermajority of the City Council is required to override a Planning and Zoning decision, and he believes that is a good system. Mr. Bachman said he would support an override if four out of five Council members and the Mayor felt that Planning and Zoning had made the wrong call. However, he noted that most Council votes tend to be 3–2 splits, and that rarely is there a 4–1 decision, which raises questions about whether real wisdom and good judgment are always being applied. Mr. Bachman encouraged the Council to leave the ordinance as it is, maintaining the requirement for a supermajority vote to override Planning and Zoning. He added that any changes made would likely apply to other City commissions as well. He concluded by stating that there are sound reasons why the ordinance was written this way and expressed his hope that it would remain unchanged.

Margaret Bachman stated that she resides at 96 Dolphin Lane in Freeport and spoke in opposition to the proposal. She said she believes the proposal is disrespectful to the citizens of Freeport who volunteer their time to serve on City committees. Ms. Bachman explained that when a committee votes on a proposal and forwards its decision to the City Council, that decision is made for the benefit of the community. She stated that for the City Council to overturn such a decision with only a simple majority vote is disrespectful to the time and effort of those volunteers. Ms. Bachman said that if a proposal brought before the Council is truly in the best interest of Freeport's citizens, then achieving a supermajority vote should not be difficult. She concluded that Council members should vote based on what benefits the City as a whole rather than on any personal agenda.

Eric Hayes stated that he resides at 1507 West Broad Street in Freeport. He began by noting that he often watches public council meetings, not because he enjoys wasting his time, but because he is deeply concerned about the Council's proposal to remove the supermajority vote requirement. Mr. Hayes explained that the Planning Commission has done its due diligence, reviewed all ordinances, and made decisions accordingly before forwarding them to the Council. He stated that if the Council wishes to override those decisions, it should require a two-thirds supermajority vote, comparing it to a filibuster rule in the U.S. Senate. He expressed concern that the Council too often makes decisions based on personal interests rather than the interests of Freeport's citizens, leading to repeated 2–3 vote splits. Mr. Hayes emphasized that the current supermajority rule serves as an important safeguard protecting citizens, the Planning Commission, and the integrity of the process. He urged the Council to reconsider changing the ordinance, stating that the proposal goes against the City's master plan. Mr. Hayes added that the land in question was never intended for industrial use and should remain residential, possibly allowing limited commercial development, but not industrial.

Andrew Dill stated that he resides at 132 Brazos Landing Court in Freeport. He began by expressing appreciation for the Council, noting that he respects the time and effort members dedicate to their positions, and added that he does not envy their responsibilities. Mr. Dill remarked that he is not typically decisive by nature and generally dislikes public speaking, but said that the matter before the Council had compelled him to speak. He referred to the proposed ordinance amending Section 155.1108 of the City Code, stating that the document claims to include findings of fact and to have been made in compliance with Section 155.1109. He asserted that those statements were inaccurate, stating that the required procedures had not been followed and that no public hearing had been held. He said it was concerning that the City appeared to be moving forward with an amendment to Section 155.1108 without adhering to the process clearly outlined in 155.1109. Mr. Dill questioned the validity of the ordinance's listed findings of fact, saying that none of them were factual. He read portions referencing public hearings, compliance, and consideration of the health, safety, morals, and general welfare of residents, calling the language unconvincing. He asked why the ordinance was being brought forward at all and stated that its purpose was clear: "A vote for this ordinance is a vote for 325 acres of industrial park in the Urban Renewal tract." He explained that the Planning and Zoning Commission had already received and reviewed the rezoning application associated with that land, but the application contained multiple discrepancies, including inconsistent acreage figures and the absence of required documents such as a legal description, site plan, drainage plan, or traffic impact

analysis. Mr. Dill said those materials did not exist, not simply because they had not been submitted, but because they were never created. Mr. Dill criticized the City for considering amendments that would effectively bypass established procedures, questioning whether the City might next attempt to amend requirements for site plans, landscaping plans, or other necessary components. He commented sarcastically that perhaps whatever certain developers wanted could simply go on the consent agenda at the next City Council meeting. He said that when the issue first arose, he met in the City Manager's office with Mr. Pennington and the City Attorney to discuss Section 155.1108. Mr. Dill stated that he was initially told that no such rule requiring a supermajority existed, but when he showed the provision in writing, it became clear that it did. He concluded by expressing concern that after realizing there were not enough votes to override Planning and Zoning, an ordinance was suddenly proposed to remove the supermajority requirement, saying, It is funny how no one knew the rule existed until now. Mr. Dill said there is a protest filed by the property owners and it is filed with the City Secretary.

City Attorney Chris Duncan addressed the Council to provide clarification regarding the agenda item under discussion. He explained that the memo included in the Council's agenda packet for this item specifies that proper consideration and amendment of the ordinance must follow required procedures. Mr. Duncan confirmed, as Mr. Dill had noted, that the proposed ordinance must first be referred back to the Planning and Zoning Commission and that a public hearing is required before any action can be taken. He emphasized that the ordinance presented at this meeting was provided for informational purposes only, allowing Council members to review the proposal and formally refer it to Planning and Zoning for consideration. He clarified that the item was not eligible for a vote at this time, reiterating that the process requires both Planning and Zoning review and a public hearing before the Council can take final action. Mr. Duncan also noted that he was unsure whether the memo explaining these procedural details was included in the public version of the agenda packet but confirmed that it was provided to the Council for guidance.

A motion was made by Councilman Pena to refer this back to Planning and Zoning, seconded by Councilman Davis with discussion that followed.

Councilman Matamoros stated that a special City Council meeting had been called for Wednesday at 6:00 p.m. to consider amending Section 155.1109, which is the provision requiring referral to P&Z. He said this was an attempt to do it the back way by amending the code so a P&Z referral would not be required.

Mayor Cain advised the public to watch the City website, noting the meeting might be canceled.

Councilman Davis began by thanking everyone for attending and for staying late to participate in the meeting. He expressed appreciation and respect for the men and women serving on the Planning and Zoning Board, acknowledging their work and commitment. He stated that the discussion regarding the supermajority vote requirement had become somewhat misunderstood. Councilman Davis explained that he understood the public's concern about the proposed change but clarified that he was not attempting to remove or alter the supermajority rule. He emphasized that his intentions had been misinterpreted. Councilman Davis also addressed the rezoning project involving approximately 300 acres, stating clearly that he does not support industrial zoning for that area. He reiterated multiple times that he was not in agreement with full industrial development on that property and wanted to make his position clear to the Council and the public. He stated that he has never said he supports Mr. Wong's industrial proposal, clarifying that his goal is to bring Mr. Wong to the table so that the City of Freeport has an opportunity to negotiate the use of the property. Councilman Davis explained that some industrial development on that tract is inevitable because the property was sold to Mr. Wong by previous City leadership, but he emphasized that there will also be residential development, with the main question being how much of each. He noted that past decisions and actions dated back to 2012 and that this is now 2025, adding that Mr. Wong has not met with the City since that time. He stated his intent is to have Mr. Wong meet with the City Manager, City Council, and Freeport officials to present detailed plans for the property. Councilman Davis said

negotiations should determine how much of the land will be zoned for development, making it clear that the City is not in favor of hazardous or toxic industries. He said any new development should be limited to factories or light industrial uses, not chemical or heavy industrial operations. Councilman Davis reiterated several times that he is not in agreement with full industrial zoning and that his position is on record and will be visible on camera. He stated that his actions are guided by integrity, honesty, faith, and accountability, adding that no one could truthfully say he had been dishonest. He referenced his family, church, and community as central to his values and said that those who misunderstand his position. He encouraged open communication, inviting residents and officials to sit down together to discuss and negotiate what the community truly wants for the property. Councilman Davis stressed that Freeport needs to grow, and that growth requires cooperation, compromise, and economic opportunity. He said new development could create jobs, increase homebuilding, and support local businesses, which in turn would boost restaurant and retail activity in Freeport. He emphasized that population decline has become a serious issue for the City, while neighboring areas continue to grow. He attributed this partly to poor negotiation and lack of collaboration in the past. Councilman Davis urged everyone Council members, City staff, and the Economic Development Corporation to work together, stop assigning blame, and focus on developing a shared strategy for responsible growth. He concluded by inviting all to come together to move Freeport forward.

Councilman Pena began by thanking everyone for remaining at the meeting late into the evening. He also thanked Andrew Dill and said he appreciated Mr. Dill's engagement with Council members and the community. He commended those efforts and said the City needed ten more Andy Dills, adding that the Senior Citizens Board still needed six members and that greater community participation was vital. He also thanked Eric Hayes for attending and the Bachmans for speaking and staying late. Councilman Pena then addressed the discussion surrounding Sections 155.1108 and 155.1109 of the City Code. He said that the upcoming Wednesday meeting referenced by others would be held to clarify those provisions. He emphasized that there was no back-room deal or underhandedness related to the ordinance, explaining that he had been direct and transparent with Mr. Dill and with any other resident who approached him about it. He stated his belief that no appointed board should hold greater authority than the elected City Council, noting that the City's organizational structure flows from the residents at the top, to the City Council, and then to all others. He encouraged continued public engagement, petitions, and community participation, saying such involvement promotes transparency, discussion, and understanding, while reducing misinformation. He characterized the ordinance revision as a matter of housekeeping, explaining that the supermajority requirement had been changed by a previous administration for political reasons, and that this action was intended to correct and streamline City processes. Councilman Pena said the proposal was not tied to any specific development, but was about improving how the City conducts business efficiently. He added that it was now 2025, and the City must evaluate what has changed since earlier plans, including those for the golf course, beach, museum, riverfront, City Hall, and the 300-acre tract under discussion. He emphasized that the City should make decisions based on current market conditions, not on 12- or 13-year-old plans, in order to address population decline and stimulate growth. Councilman Pena concluded by saying that while there are many ideas for how to achieve that growth, the present matter was simply about ensuring the City is run efficiently and effectively. He thanked the Mayor and expressed that he looked forward to seeing everyone at the Wednesday meeting.

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

Discussion and take possible action to implement the use of gun/metal detection wands for all visitors and officials attending all City Council meetings prior to entering the Council Chambers, including upon any re-entry after leaving the Chambers.

Ron Bachman explained that he had recently received a new pacemaker on the Friday before Halloween. Along with the device, he was given a card and several safety instructions, including guidance for security personnel. He stated that the card specifically warns that magnetic security wands may adversely affect pacemaker function. Mr. Bachman noted that if the City planned to implement the use of such wands or

detectors, this safety concern should be taken into account. He pointed out that, according to national statistics, approximately one in every 300 people in the United States has a pacemaker, meaning the issue could affect several residents. Mr. Bachman concluded by saying that he was not making a formal argument against the proposal but wanted the Council to consider this information carefully for the safety of those with medical devices.

Margaret Bachman stated that she resides at 96 Dolphin Lane in Freeport and spoke in opposition to the proposal for implementing the use of metal detectors for all attendees of City Council meetings. She noted that police officers are already present during meetings and expressed her belief that adding metal detection procedures would be unnecessary and a misuse of City resources.

Councilman Pena said that the proposal to implement metal detection at City Council meetings was a simple and reasonable request, noting that it is not unusual for the City to use such measures. He explained that metal detector wands are already used during municipal court hearings for traffic and code-violation cases, and the same level of safety should apply at Council meetings. He shared that he had recently noticed a security wand at the Council desk near the Information Technology Director, Mr. Toby, and inquired about it. He said that conversation took place shortly after another potentially violent altercation involving an elected official with a history of aggressive behavior. Councilman Pena stated that the City must ensure safety for everyone attending meetings because some officials and residents have already felt threatened or been attacked in the past. He added that he understood concerns raised by Mr. Ron Bachman regarding pacemakers and suggested a pat-down alternative as a fair compromise for individuals who cannot pass through magnetic screening. Councilman Pena referenced recordings related to a prior investigation involving the Police Chief, explaining that in those recordings, former officials Lance Petty and Jerry Cain had told the Police Chief not to add extra security, even after earlier incidents. He described incidents involving George Matamoros, stating that George Matamoros had assaulted him during a Council meeting and had a history of attacking Council members, residents, contractors, and volunteers. He stated that he and his family have personally experienced threats and intimidation, referencing an incident where his cat was mutilated, which he described as deeply disturbing and frightening. Councilman Pena said that as long as he serves on the Council, he intends to ensure that meetings are conducted as safely as possible. He questioned why no officers were stationed inside the chamber that evening and said he would follow up on that issue after the meeting. He concluded by reaffirming that the metal detection proposal was motivated by public safety, not politics, and that it was unreasonable to oppose a practice already used for simple municipal court proceedings.

A motion was made by Councilman Pena to approve this ordinance for the wandering of attendees to the meeting, seconded by Councilman Davis with discussion that followed.

Councilman Rossow asked about whether a pat-down is as effective as a metal-detecting wand. Police Chief Jennifer Howell explained that a pat-down allows officers to detect larger objects, such as firearms, though smaller weapons may be more difficult to identify. Officers typically rely on pat-downs in the field during traffic stops or arrests, as metal detectors are not used in routine enforcement. Councilman Rossow asked how the policy would work in practice specifically, whether someone refusing to be pat down could still attend a meeting. Chief Howell said that approval of the measure would not immediately implement it and that the City would first need to establish formal procedures and legal standards. Interim City Manager Dan Pennington noted that a written policy should be developed before any vote is taken to ensure compliance with state law and civil-rights protections. City Attorney Chris Duncan explained that the draft resolution was intentionally written with flexibility, authorizing the wandering only pursuant to state law and police policy. Chief Howell added that further guidance would be sought from the Attorney General's Office, the Texas Municipal League (TML), and other cities that have implemented similar measures.

Councilman Pena stated that the ordinance already contemplates the need for law enforcement and legal

review in its implementation. He said that once the measure is passed, the Police Department and City Attorney would work together to finalize the details and procedures to ensure compliance with state law and policy. Councilman Pena emphasized that the City must move in the right direction to protect public safety, describing the situation as an imminent threat. He said that every time the Council meets, he and his family feel nervous and unsafe, and that he is no longer willing to take that risk. He thanked Councilman Davis for listening and for conducting research that helped inform the discussion, noting that without that effort, the situation could have turned out differently. Councilman Pena added that this issue predates recent events, referencing an earlier assault incident involving Mr. Bass, and reiterated that these ongoing safety concerns underscore the need for stronger security measures.

Mayor Cain asked Police Chief Jennifer Howell to clarify for the record whether he had ever instructed her not to place officers in the Council chambers during meetings. Chief Howell responded that she had been told by others that the Mayor had made such a statement, which prompted her to reach out to him directly by phone. She explained that during that conversation, the Mayor's concern was limited to the placement of officers in the front row area, not a directive prohibiting their presence in the chambers altogether. Mayor Cain thanked Chief Howell for the clarification, stating that earlier comments had incorrectly suggested he had ordered officers to be removed. Chief Howell confirmed that was not the case.

Councilman Pena clarified his earlier remarks, stating that he had misspoken regarding officers being removed from the Council chambers. He explained that his intent was to address where the officers were positioned, not to remove them entirely. He said his concern was about officers being moved from the front of the room to behind the railings, which he believed to be a less effective tactical position. Councilman Pena explained that officers positioned at the front would be better able to respond quickly to a potential threat coming from the audience area. By contrast, he said, officers seated behind the railings would face difficulty intervening or apprehending someone in time should an incident occur. He proposed the implementation of metal-detection wands as an additional preventive measure so that officers would not have to place themselves in unnecessary danger. Interim City Manager Dan Pennington noted that from a tactical perspective, officers seated at the back of the room are often safer and have a wider field of vision, similar to how officers position themselves in restaurants to observe entrances and exits. Councilman Pena responded that City Council meetings are a different setting than restaurants and that having officers near the front especially given past physical altercations involving Council members would be a more strategic placement in this environment.

Mayor Cain addressed Councilman Davis and asked a clarifying question. He noted that approximately ten to fifteen minutes earlier, Councilman Davis had walked across the room to retrieve a key for the refrigerator and had gotten a bottle of water from the icebox. Mayor Cain then asked Councilman Davis if he had felt threatened while doing so. Councilman Davis responded no, indicating that he had not felt threatened at any time.

Councilman Davis asked regarding how such procedures are currently handled in municipal court and what protocols might apply in a public-meeting setting. Police Chief Jennifer Howell explained that in municipal court, a warrant officer who also serves as the bailiff performs security screening when court is in session, typically on Wednesdays. Court operations involve a smaller, controlled group, and the bailiff is generally the only individual making direct contact with attendees. Councilman Davis inquired how screening would apply to individuals with pacemakers or medical devices. Chief Howell noted that those with such devices generally carry identification cards from their doctors. She commented that while most do have cards, some may misplace them, which would need to be addressed in a written policy. Councilman Davis emphasized that given current safety concerns nationwide, implementing reasonable precautions such as screening should not be dismissed. It was stated that you never know what would happen and comparisons were made to schools now using metal detectors following incidents of violence. Councilman Davis agreed that since the topic had been raised publicly, the City could be held accountable if an incident occurred without

preventive measures in place. Chief Howell confirmed that the Police Department already has written security procedures for municipal court, which could serve as a foundation for developing a similar policy for Council meetings. City Attorney Chris Duncan advised that before moving forward, staff should consult with the Attorney General's Office and the Texas Municipal League (TML) to ensure compliance with applicable laws. He noted that there are differences between courtroom and council-meeting environments, particularly related to open-carry laws and public-access requirements.

Councilman Matamoros stated that a wand was not going to keep him from voicing his opinion, to which Councilman Pena responded that the concern was not about speech but about preventing physical threats.

Mayor Cain called the motion to a vote with all present and voting "Aye" 2-3. The motion failed. Mayor Cain voted "Nay". Councilman Matamoros voted "Nay". Councilman Rossow voted "Nay".

### **Work Session**

Councilman Pena Ward A announcements and comments.

Councilman Davis Ward B announcements and comments.

Councilman Matamoros Ward C announcements and comments.

Councilman Rossow Ward D announcements and comments.

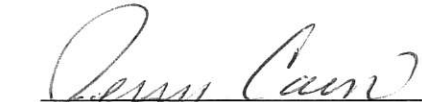
Mayor Jerry Cain announcements and comments.

City Manager announcements and comments.

### **Adjournment**

Adjournment – Jerry Cain, Mayor

A motion was made by Councilman Pena to adjourn the meeting, seconded by Mayor Cain with all present and voting "Aye" 4-0. Mayor Cain adjourned the meeting at 1:41A.M.

  
Jerry Cain, Mayor

  
Clarisa Fernandez, City Secretary

**“EXHIBIT A”**

**Kimley»Horn**

# **IMPACT FEES 101**

**Presented to City of Freeport**

NOVEMBER 3, 2025

# INTRODUCTIONS



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# PRESENTATION AGENDA

- Impact Fee Basics
  - » What are they (and what are they not)?
  - » Who administers them?
- Impact Fee Components
- Project Success
- Impact Fee Market
- Steps to Implementing Impact Fees
- Legislation Updates
- Other Funding Options
- Experience

# IMPACT FEE BASICS



## What are they?

- Mechanism to recover infrastructure costs required to serve future development
- ‘Rough Proportionality with mathematical exactitude’
- Governed by Chapter 395 of the Texas Local Government Code; Established in Texas in 1987
- Water, Wastewater, Roadway, and Drainage impact fees allowed in Texas

# IMPACT FEE BASICS



## What are the benefits of impact fees?

- Provide an additional funding tool for infrastructure systems
- Provide for the orderly growth of the community
- Allow balanced funding combination that recognizes the benefits of growth

# IMPACT FEE BASICS

## Who administers Impact Fees?

- City Council – Capital Improvements Advisory Committee (CIAC) – Staff
- Public Hearing and Process Requirements
- Budgeting, Programming, and Implementation
- Capital Improvement Advisory Committee (CIAC)
  - » Advise in the adoption of Land Use Assumptions
  - » Review the Capital Improvements Plan (CIP)
  - » Provides Comments to City Council
  - » CIAC Requirements:
    - Not less than five members
    - Must be appointed by City Council
    - Representation from real estate, development, or building industries
    - Extraterritorial Jurisdiction (ETJ) representation
    - No employees of a governmental entity

# IMPACT FEE BASICS CONT.

## Planning and Zoning (P/Z) members may act as the CIAC:

- Additional representation may be needed when P/Z members act as the CIAC
- If no real estate, development, or building industry representative exists on P/Z, one must be appointed
- Representation from the ETJ is required if fees will be assessed there
- Additional members are appointed as ad hoc voting members to serve when the P/Z meets as the CIAC

# IMPACT FEE BASICS CONT. CAPITAL IMPROVEMENTS PLAN

| COMPONENTS THAT CAN BE PAID FOR THROUGH AN IMPACT FEE PROGRAM | COMPONENTS THAT CANNOT BE PAID FOR THROUGH AN IMPACT FEE PROGRAM |
|---------------------------------------------------------------|------------------------------------------------------------------|
| Construction cost of capital improvements on the CIP          | Projects not included in the CIP                                 |
| Survey and engineering fees                                   | Repair, operation and maintenance of existing or new facilities  |
| Land acquisition costs, including court awards                | Upgrades to serve existing development                           |
| Debt service of impact fee CIP                                | Administrative costs of operating the program                    |
| Study/update costs                                            |                                                                  |

# IMPACT FEE COMPONENTS



**Service Areas**



**Maximum Assessable Fee**



**Land Use Assumptions (LUAs)**



**Collection Rate**



**Service Units**



**Policy**



**Capital Improvement Plan**

# IMPACT FEE COMPONENTS:

## Service Areas



Funds collected within a service area must be spent on projects within the same service area within 10 years



**Water** – Citywide Service Area (City Limits + ETJ)



**Sewer** – Citywide Service Area (City Limits + ETJ)



**Drainage** – Citywide/Regional Service Area



**Transportation** – 6-mile trip length limit

# IMPACT FEE COMPONENTS

## Land Use Assumptions

### 10-Year Growth

- Establishes infrastructure demands and master plans
- Population and employment projections
- Coordinate with future land use or other city model

# IMPACT FEE COMPONENTS

## Service Units

- Chapter 395 “Service unit” definition
  - » Standardized measure of consumption attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards and based on historical data and trends applicable to the political subdivision in which the individual unit of development is located during the previous 10 years
- Example – Roadway
  - » Vehicle-mile is the service unit
    - Trip generation
    - Trip length
  - » One average single family home produces
    - .99 peak hour trips
    - 3.96 miles traveled
    - = 3.81 vehicle-miles
- Example – Water/wastewater
  - » Meter connection size (3/4" and above)

# IMPACT FEE COMPONENTS

## Capital Improvement Plan

- Strategic document to help plan for City's infrastructure needs
- Assesses existing infrastructure and projects to prepare for future growth
- Outlines and prioritizes a list of projects through multiple disciplines
- Includes approximate project costs (current and future)
- Typically, a 5 -10-year document, updated every 5 years

# IMPACT FEE COMPONENTS

## Assessable Impact Fee

$$\text{Max. Impact Fee Per Service Unit} = \frac{\text{Recoverable Cost of the CIP (\$)}}{\text{New Service Units}}$$

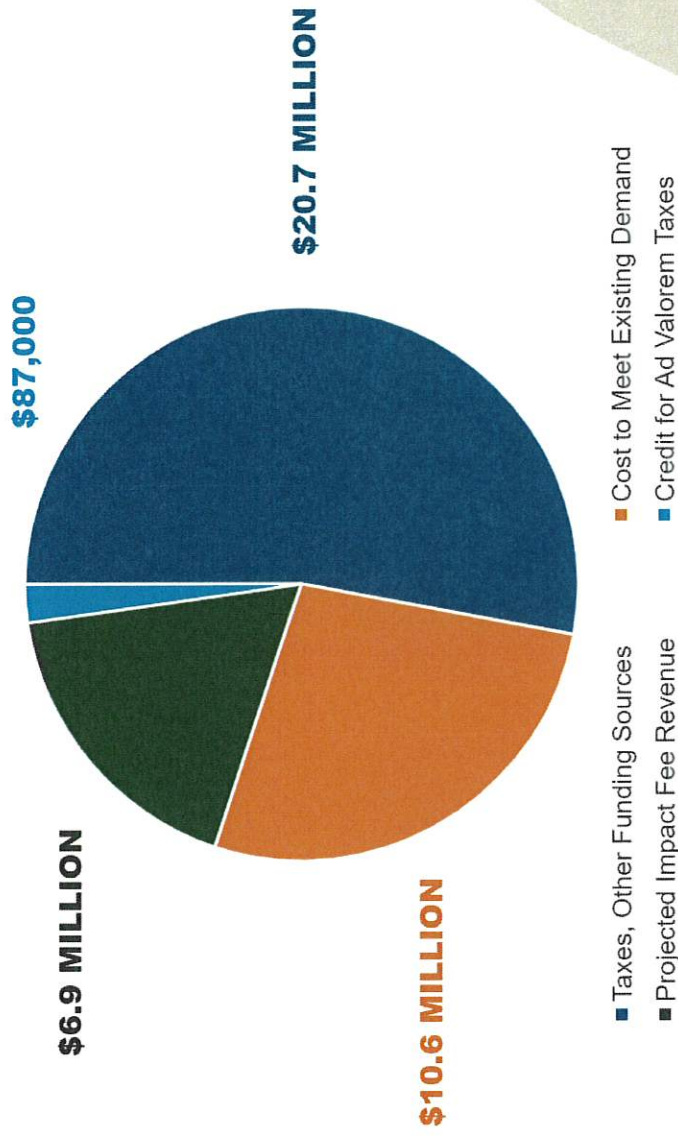
- New service units
  - » Land use assumptions (10-year growth) and future land use plan
- Impact fee capital improvements plan needed for growth
- Credits against impact fees due when a developer constructs or contributes to a thoroughfare facility
- Impact fee calculations must be updated at least every 5 years

# IMPACT FEE COMPONENTS

## Collection Rate

### ROADWAY IMPACT FEES IN SERVICE AREA D

\$38.3 MILLION | ADOPTED 25% OF MAX FEE



# IMPACT FEE COMPONENTS

## 'Politics' Or Policy



### Are there any checks and balances?

- Independent licensed professionals prepare:
  - » LUAs
  - » Master plans
  - » CIP
  - » Maximum assessable impact fee calculations
- CIAC
  - » Chapter 395.058 provides the CIAC role and makeup (typically P/Z)

# IMPACT FEE PROJECT SUCCESS



## Keys to a successful impact fee project

- **Defensible, up-to-date master plans**
- City manager and council support
- Stakeholder involvement
- Collective understanding of the project goals by
  - » Citizens, developers, and city staff
- What is the 'impact fee market'
  - » Comparison to neighboring/competing cities
- Active management of the program after adoption
- Benefits:
  - » **Predictable**                      » **Flexible**
  - » **Equitable**                        » **Legal**
  - » **Transparent**                    » **Consistent**



# STEPS TO IMPLEMENTING IMPACT FEES

**Here!**



- Impact Fee Update
- Council appoints a CIAC
- Establish land use assumptions and public hearing
- CIAC meeting on CIP and LUA's
- CIAC provides comments to council
- Public hearing on maximum assessable impact fee
- Council adopts ordinance

# LEGISLATIVE UPDATES

- SB 1883 (effective September 1, 2025)
  - Audits
  - Adoption Threshold
  - Increase Frequency
  - Public Access
  - Appeals
- SB 14 (effective January 1, 2026)
  - Amends Ch. 395 and requires credits to be earned for development that implements lower water consumption, conservation, and reuse measures

# FUNDING OPTIONS

|                                        |  |
|----------------------------------------|--|
|                                        |  |
| Impact Fees                            |  |
| TIRZ (Tax Increment Reinvestment Zone) |  |
| Bonds (GO/CO)                          |  |
| Developer Agreements (380 Agreement)   |  |
| MUD (Municipal Utility District)       |  |
| PUD (Public Utility District)          |  |
| Property Taxes                         |  |
| Utility Rates                          |  |
| Grants/Alternative Funding Sources     |  |

# KIMLEY-HORN TEXAS EXPERIENCE

Since 2002

## 60 IMPACT FEE STUDIES FOR 35+ CITIES

|              |                 |                  |
|--------------|-----------------|------------------|
| Round Rock   | New Braunfels   | Leander          |
| Austin       | Pflugerville    | Georgetown       |
| Lancaster    | Fort Worth      | Killeen          |
| Rowlett      | Little Elm      | Melissa          |
| The Colony   | Georgetown      | Burleson         |
| Flower Mound | Fate            | Fairview         |
| Mansfield    | College Station | Princeton        |
| Frisco       | Corinth         | Lakewood Village |
| Saginaw      | Houston         | Fulshear         |
| Decatur      | Farmersville    | McKinney         |
| Prosper      | Galveston       | Denton           |
| Colleyville  | Baytown         | Southlake        |



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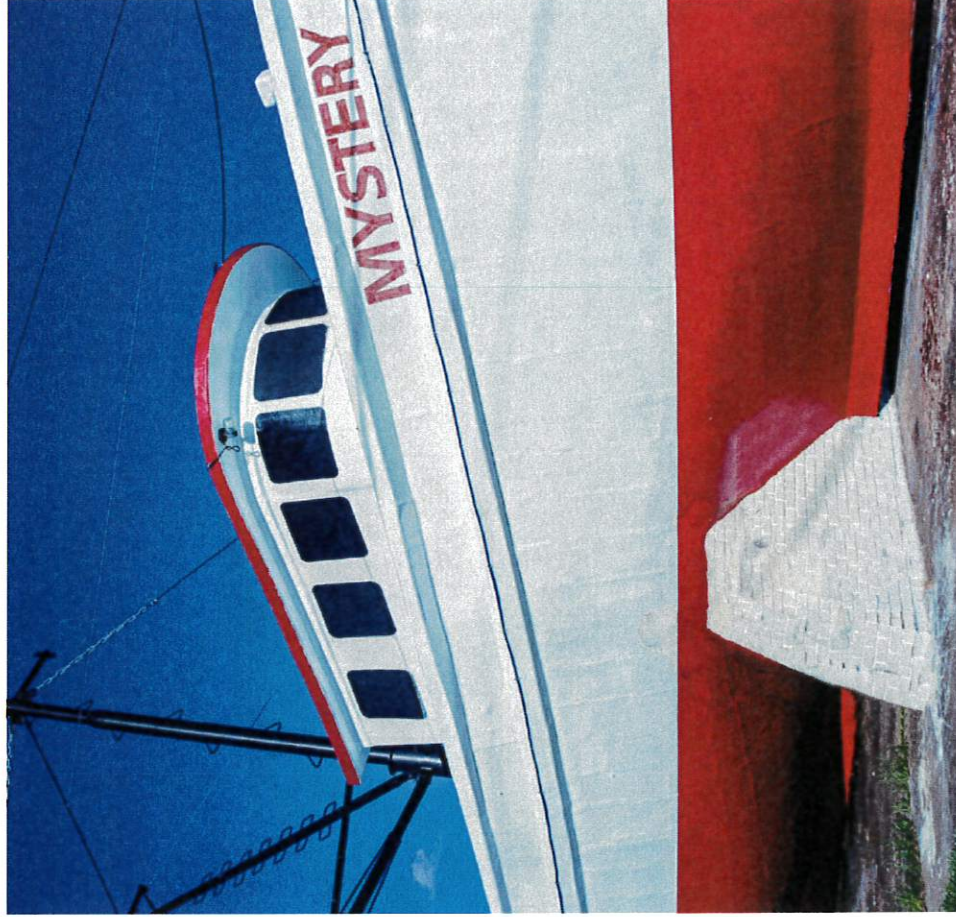
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**Kimley»Horn**

# **“EXHIBIT B”**



## **OVERVIEW OF HURRICANE BERYL DISASTER**

Prepared By: Ashlee Hurst, CGFO

Prepared On: October 13, 2025



# Agenda

FEMA  
reimbursements  
and how the  
process works

What services  
have been  
submitted for  
reimbursement?

What are we  
planning to  
submit?

What has been  
spent so far and  
what funds have  
been used?

Anticipated "final  
bill"



# Categories of Work

## Emergency Work

Category A – Debris Removal

Category B – Emergency  
Protective Measures

## Permanent Work

Category C – Roads & Bridges

Category D – Water Control Facilities

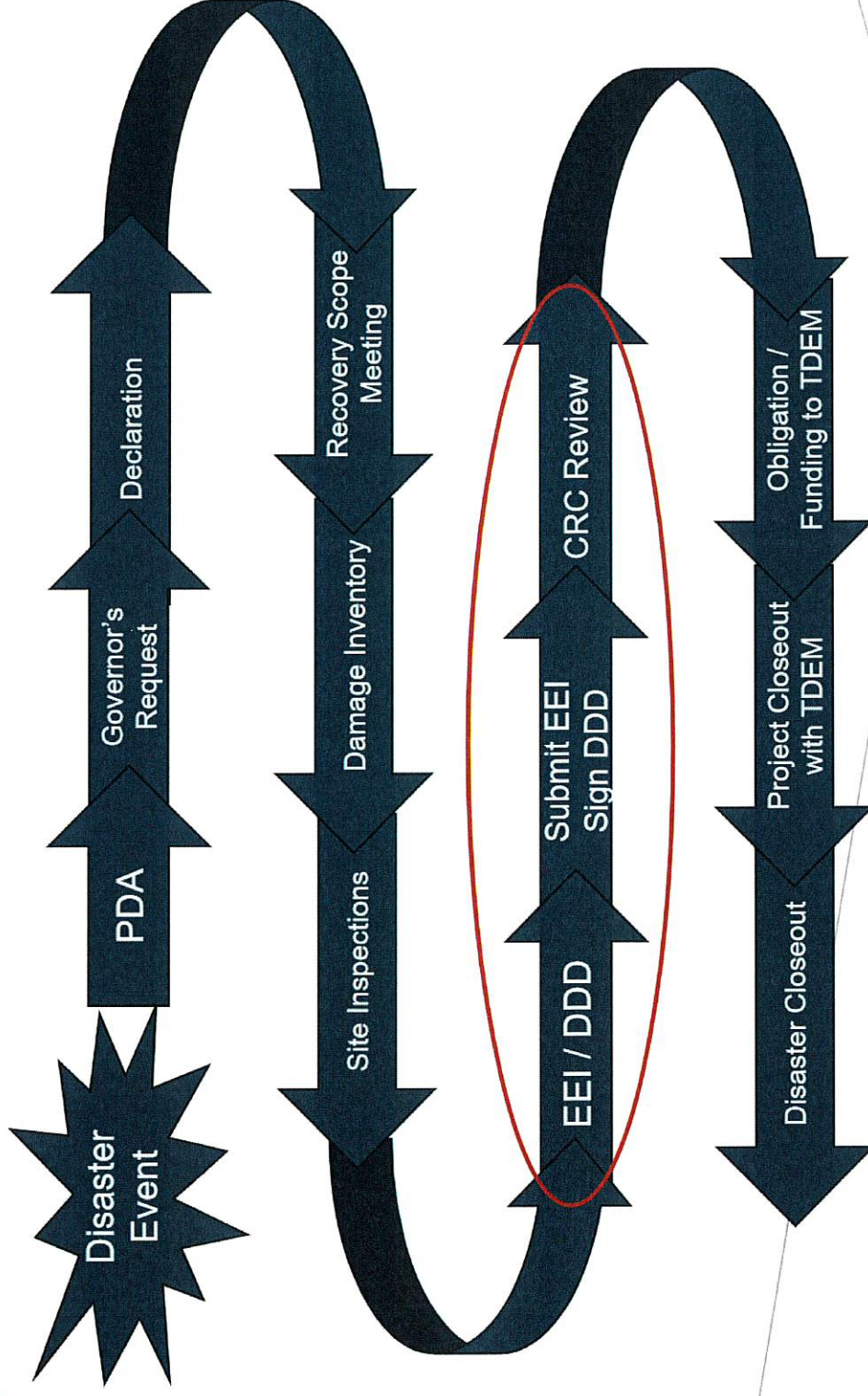
Category E – Buildings & Equipment

Category F – Utilities

Category G – Parks, Recreational,  
and Other



# FEMA Public Assistance (PA) Process



## Acronyms Legend:

PDA – Preliminary Damage Assessment

EEI – Essential Elements of Information

DDD – Damage Description and Dimension

CRC – Consolidated Resource Center

TDEM – Texas Division of Emergency Management



# FEMA Public Assistance (PA) Reimbursement Process

- All eligible costs have been submitted to the projects as the work was completed, bills had been paid, and all required documentation was generated.
- The City has started submitting costs related to all categories of work
  - Typical timeline for reimbursement of costs is projected to be between 1 and 3 years
  - FEMA and TDEM require federally compliant procurement for all work completed
  - Every document is reviewed extensively prior to any funding being obligated to us
  - The Public Assistance process is extensive and time-consuming



# FEMA Public Assistance (PA) Reimbursement Cost Share

- Federal Share = 75%
  - This is the maximum potential reimbursement amount that FEMA will pay
- Local Share = 25%
  - This is the minimum amount that must be covered by the City of Freeport



# Cost Estimates as of September 2025

| FEMA Damage Category                                | Hurricane Beryl (DR 4798)<br>Total Cost Incurred | Federal Share of Cost<br>Incurred | Local Share of Cost<br>Incurred |
|-----------------------------------------------------|--------------------------------------------------|-----------------------------------|---------------------------------|
| Category A (Debris Removal)                         | \$946,240.86                                     | \$709,680.65                      | \$236,560.21                    |
| Category B (Emergency Measures)                     | \$280,091.56                                     | \$210,068.67                      | \$70,022.89                     |
| Category C – G (Permanent Work)                     | \$684,211.93                                     | \$513,158.95                      | \$171,052.98                    |
| Ineligible Costs                                    | \$419,043.98                                     | -                                 | \$419,043.98                    |
| <b>Total Cost Estimates</b>                         | <b>\$2,329,588.33</b>                            | <b>\$1,432,908.27</b>             | <b>\$896,680.06</b>             |
| <b>Insurance Payments Received</b>                  | <b>-</b>                                         | <b>-</b>                          | <b>(\$560,754.72)</b>           |
| <b>Total Cost Estimates After<br/>Adjustments**</b> | <b>\$2,329,588.33</b>                            | <b>\$1,432,908.27</b>             | <b>\$335,925.34</b>             |

**\*\*These costs are still fluid and are subject to change**



# What Funds Have Been Used

- To date, the City of Freeport has spent \$2,329,588.33 in Hurricane Beryl related expenses
- These expenses are being tracked in Fund 12 – Hurricane Beryl and are included in your monthly financial report that I prepare for Council
- As expenses are deemed ineligible, a transfer from the General Fund at year-end will be done to cover the costs
- As reimbursements are received, they will be put back into Fund 12 – Hurricane Beryl to reimburse the fund



# Anticipated “Final” Bill

- As of September 2025, the City’s final amount is \$335,925.34
  - Total cost incurred = \$2,329,588.33
  - City responsibility = \$335,925.34 or 14.4%
- This figure will continue to change as FEMA’s CRC works through the various project’s final reviews





QUESTIONS?