State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, November 17, 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	
	Rudy Ragle, Public Works Director	
	Chris Motley, Fire Chief	
	Loretta Cady, Museum Programs Coordinator	
Visitors:	David McGinty	Con McCleester
	Linda Marshall	Diane McCleester
	Manning Rollerson	Nicole Mireles
	Ruth Rollerson	Sam Reyna
	Sam Reyna	Thomas Koole
	Pamela Dancy	Melanie Oldham

Call to Order:

Call to Order - Jerry Cain, Mayor

Mayor Cain called the regular scheduled meeting of the Freeport City Council to order at 6:00P.M.on November 17, 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.

Sam Reyna resides at 2002 North Avenue G. He began by referring to the 350-acre urban renewal tract owned by Clinton Wong. Mr. Reyna explained that when the City sold the property to Mr. Wong, it had been zoned for residential use. At the time of purchase, Mr. Wong stated that he intended to develop new housing on the site, something Mr. Reyna noted the City of Freeport desperately needs. Mr. Reyna then stated that Mr. Wong has not developed any new housing and, in his opinion, never will. He emphasized that there is no clawback stipulation in the contract agreement. Mr. Reyna continued by stating that Mr. Wong is now requesting rezoning of the urban renewal property rezoned for industrial use. With this change, Mr. Wong would have the option to develop or lease the land for chemical plants, gas plants, or other industrial facilities. Mr. Reyna explained that citizens who own property adjoining the tract do not want to share a border with any type of industrial use. He reported that Nicole Mireles, Andy Dill, Eric Hayes, and himself went door-to-door to speak with all property owners living within the 200-foot buffer zone. Mr. Dill was given a list of residents' names within that zone, but Mr. Reyna stated that many addresses were left off the list. For example, there are four houses on Avenue G within the same buffer zone, and only one appeared on the list. Mr. Reyna further stated that all residents within the 200-foot buffer were supposed to receive a letter notifying them by mail about the discussion of a possible rezoning from residential to industrial. He said not one resident received the letter. He questioned who was responsible for sending the notices and whether they were sent by regular mail or certified mail. If certified, he said, there should be proof that they were sent. Without such proof, he stated, there is no way to know whether residents were properly notified. Again, he emphasized that not one resident received the notice. He added that many residents did not even know Mr. Rossow was their Councilman and asked him how Mr. Rossow stood on the issue. Mr. Reyna said that at the time he did not know. Mr. Reyna stated that Mr. Wong felt now was the time to pursue rezoning because of what he perceived as a weak City Council. He claimed that Mr. Wong would use this situation selfishly and unfairly for profit or personal gain. He described this as a move in which Mr. Wong would manipulate circumstances for his own benefit, something Mr. Reyna claimed Mr. Wong has done for years and is very good at. He said that Mr. Wong owns prime real estate that he will never develop. As an example, he mentioned the 13 acres by the high school, which Mr. Wong purchased for $138,000. Mr. Reyna noted that Ms. Lucy Ware paid $78,000 for just one lot, while Mr. Wong paid $138,000 for 13 acres. Mr. Reyna questioned how Mr. Wong obtained the property so cheaply. Regarding that 13-acre tract, Mr. Reyna stated that the contract agreement does include a clawback stipulation, requiring that the property be developed within five years. He noted that nearly ten years have passed with no development. He suggested the City should hire an attorney and try to retrieve the property.

Tom Pearson resides at 110 South Front Street. He spoke regarding the vote in executive session related to hiring Chris Duncan as the contracted attorney for the City of Freeport. Mr. Pearson asked whether Chris Duncan is still the attorney of record representing Councilman Pena in a lawsuit against the City of Freeport. He referenced September 10, 2025, as the date of the last entry of record for a proposed order granting a motion for withdrawal of counsel. According to Mr. Pearson, the record shows that Duncan still appears to be retained by Councilman Pena. He explained that, typically, if the motion to withdraw had been granted or approved, the court record would show a strike-through indicating the change. Since no such strike-through appears, he questioned whether Mr. Duncan has in fact withdrawn. Mr. Pearson then asked if Chris Duncan was telling the Council that he no longer represents Jeff Pena, has he provided the Council with any proof of that withdrawal? He stated that he would think the Council would want to know this before making a vote to hire Mr. Duncan or not.

Melanie Oldham resides at 531 West Brazos. She began by speaking briefly on Item 4F. She noted that she attends many EDC meetings, and at one of those meetings she heard Mr. Pennington discuss the waterline valve installation project. She expressed that she believes this is a good project, explaining that the money is intended to replace old valves and improve conditions downtown and in the surrounding area. She stated that she supports the project. Ms. Oldham next commented that she was not entirely sure what 4G referred to, but believed it might concern discussion about hiring a grant writing firm to help obtain funding, possibly for the wastewater treatment plant or another major project. If that is the case, she stated, then it would also be a good thing. She then referred to the executive session, noting that the agenda includes economic development negotiations involving a development agreement with Sky Mark, which she identified as again being connected to Clinton Wong. She pointed out that Mr. Wong has several companies under various names. She assumed the negotiations might relate to his 13-acre property off of Skinner, in addition to property across the street by CVS, which he also owns. Ms. Oldham compared this situation to the long-standing issues with the urban renewal land, noting that for more than ten years, people have attempted to negotiate with Mr. Wong. She explained that for the 13-acre tract, Mr. Wong had promised to build either single-family homes or nice townhomes, and had also promised to maintain a green zone between Heritage Park and whatever he built, since a road would need to be constructed. She said that whenever anyone negotiates with him, he repeatedly asks to turn the property into a MUD, which she described as a very bad deal for anyone who purchased a home in that area. Ms. Oldham stated that in her view, if Mr. Wong wanted to demonstrate good faith, he could begin by doing one thing he promised ten years ago building housing on Second Street. If he followed through there, she said, then perhaps negotiations on the rest of his land could move forward. However, she emphasized that he had never once followed through on his promises regarding housing in the City of Freeport. She went on to say that although she had been out of town, she watched previous City Council meetings. Regarding the urban renewal land, she stated that the agreement clearly says that the property can be rezoned from residential only to commercial and light industrial, and she did not believe that language has changed. Because of that, she said, the City still has leverage in negotiations with Mr. Wong. She concluded by stating that the Council must remain firm and insist that he act in good faith on behalf of the City.

Thomas Koole addressed the Council and began by stating that he wished to correct a mistake he made at the previous City Council meeting. He clarified that when he had mentioned Holly Street to Velasco, he had spoken incorrectly; he was referring to Yaupon to Velasco, and he wanted the record to reflect that correction. Mr. Koole stated that down Fourth Street, from Yaupon to Velasco, there have been 95 citations, over the last seven years, there have been 23 crashes at the intersection of Pecan and Fourth Street and only two citations running stop signs at that location. He said that at the first meeting he ever attended, he spoke with Sergeant Torres, who also acknowledged there was a serious problem at that intersection. Mr. Koole said Sergeant Torres told him that he himself almost got hit there the previous Thursday. Mr. Koole stated that there are three patrol officers who regularly monitor the area. He said that when he stopped to speak with Corporal Collins, within 20 to 30 minutes, the corporal had already pulled over four vehicles. Mr. Koole noted the proximity of several schools an elementary school seven blocks away, an intermediate school nearby, and the high school six blocks away. He reported that he had met with the Public Works Director, who said that engineers would be assigned to survey and investigate the intersection. Mr. Koole stated firmly that it does not take a rocket scientist to see the problem there. He said taxpayer money should not be wasted on prolonged studies when, in his view, the danger is already clear. He stated that he had testimonies from residents, and had walked door-to-door on Fourth Street, Broad Street, and Fifth Street. He said that residents are terrified of that intersection and are genuinely scared. Mr. Koole reminded the Council that the residents voted them into office, and the public expects them to make decisions in the best interest of Freeport. He described the intersection as devastating and questioned why the City would allow people especially children to live in constant fear. He emphasized that children's lives and development could be permanently harmed by dangerous traffic conditions, stating that some may not make it through life if accidents continue. He stressed the need to slow down traffic on Fourth Street, explaining that many of the accidents are so severe because drivers travel at excessive speeds. He mentioned accidents occurring from Broad Street and Fifth Street, noting repeatedly the severity of collisions there. He urged the Council to make the right decision and to vote for what the residents of Freeport want. Mr. Koole questioned why taxpayer money was being wasted when the solution was clear. He acknowledged the installation of two lighted stop signs, and thanked the Council for those improvements, but said plainly that it is not enough. He also noted that the two lighted stop signs were different kinds and not consistent. He stated that the residents he spoke with strongly wanted a four-way stop at that intersection. He said that even Corporal Collins, whom he spoke with on Thursday, confirmed there was a problem and agreed that the intersection needs a four-way stop. Mr. Koole concluded by saying that everyone is praying and hoping the Council will make the right decision.

Manning Rollerson stated that he wished to speak on the same topic referenced earlier by Ms. Melanie Oldham regarding the urban renewal land. He said that the land and the housing promised there were promises made to the citizens of Freeport, and that the City had committed to building homes on that land. Mr. Rollerson stated that Freeport already has enough industrial development and that the City fails to hold any industrial companies accountable. He expressed concerns about the death rate and disease rate being high in the community. He also spoke about industrial dumping permits, explaining that industries are permitted to increase their dumping every four to five years, and that these discharges contaminate waterways. He referenced a Texas A&M study finding the Brazos River contaminated. He questioned why the City continues adding more industrial development when the community lacks housing. He asked where the workforce is coming from, noting that many workers come from Bay City, Houston, and Pearland, and not from Freeport. He stated the reason is simple there is no housing, no qualified or safe communities for families. Mr. Rollerson referenced the earlier speaker's comments about dangerous intersections and stated that one cannot safely drive down certain streets without getting T-boned. He shared that his nephew, mother, and daughter were all T-boned on the same road back in 1996, and said nothing has ever been done about it. He stated that Freeport is a highly impacted industrial community that has shown no population growth in 57 years. He said Mr. Wong had promised to build houses under Mayor Norma Garcia, yet the City still does not have permits to redevelop downtown. He referenced a lawsuit in which, according to him, the City lost $20 million because the case was dropped, and noted that despite this, Mr. Wong still did not carry out the promised development. Mr. Rollerson stated that Mr. Wong continually seeks meetings and tries to influence decisions, but that the Council's loyalty should be to the people. He said the community rejects the rezoning because residents have nothing and cannot build a strong, profitable future without a tax base. He criticized the City for depending on industry for taxes, stating that industries are not paying what they should. He noted that Freeport LNG received another 15-year extension, which he said leaves the taxpayers burdened for those 15 years. He asked when the City will stop subsidizing industries that are supposedly multibillion-dollar corporations, yet still rely on taxpayer dollars to build and operate. He described this as corporate welfare taken from the most vulnerable people in the most vulnerable cities. Mr. Rollerson expressed gratitude toward certain Council members, thanking Mr. Matamoros and Mr. Winston for thinking about the City. He addressed the Mayor, Councilman Pena and Councilman Davis, emphasizing that what matters is growing Freeport. He stated that he has lived in the community for 41 years, raised his children here, and that promises for community housing have never materialized. He said his daughter is now 41 years old, started elementary school in Freeport, and the promised homes still have not been built. He said every Council seems quick to bow down to industry instead of prioritizing the people. He said the community pays more money into taxes, abatements, and school district bonds than is returned in benefits. He criticized reliance on trickle-down economics asserting that it will not flow back into the community. Mr. Rollerson concluded by thanking the Council, expressing appreciation for the hiring of a good city manager. He urged the Council to think about the citizens of Freeport for a change.

Consent Agenda:

Action regarding Minutes, November 3, 2025-Clarisa Fernandez, City Secretary

Approval of Road Closures for Christmas on Main, Saturday, December 6, 2025, from 12:00 PM- 10:00 PM-Main Street Coordinator, Maria Lopez

Action approving Monthly Financial Report through October 31, 2025- Ashlee Hurst, Finance Director

Action approving road closures for the MLK, Jr. Parade on January 19, 2026-Jennifer Howell, Police

Chief/Assistant City Manager

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

Proclamations - Presentations and Updates

Upcoming Events-
Merry Museum Christmas, Freeport Historical Museum, November 29, 11:00AM-3:00P.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.

Mayor Cain announced the upcoming Thanksgiving Super Feast, which will be held at the River Place on Thanksgiving Thursday. He stated that event organizers are looking for volunteers between the hours of 9:00A.M. and 3:00P.M., and that dinner will be served from 11:00A.M. to 1:30P.M. Mayor Cain encouraged everyone to help spread the word to anyone who may need a good meal or who would simply like to come out and participate.

Business

Consideration and possible action approving Resolution No. 2025-2995 appointing a member to the Historical Commission and Main Street Advisory Board.

Main Street Coordinator Maria Lopez addressed the Council and stated that staff recommends that the City Council appoint one of the two recommended applicants Michelle Bachmann or Flora Greento fill the vacant position on the Freeport Historical Commission and Main Street Advisory Board, a position previously held by Lucy Martinez, whose term is set to expire on May 31, 2027. She explained that the agenda item considers approval of a resolution appointing a qualified individual to fill the unexpired term of Lucy Martinez, who recently resigned from the board. Ms. Lopez noted that Board Member Lucy Martinez resigned before the end of her appointed term, which was scheduled to expire on May 31, 2027. Ms. Lopez reported that the Main Street Advisory Board reviewed all applications submitted for the vacant position and identified two qualified applicants, Michelle Bachman and Flora Green, for the City Council's review and consideration. She confirmed that these were the two candidates under consideration. She further explained that although only one position was posted to be filled, a vote conducted on September 18th by the Historical Commission and Main Street Board resulted in a tie between the two candidates. Because of the tie, both applicants were forwarded to City Council for final consideration. Ms. Lopez concluded by noting that both candidates were present and available to answer any questions from the Council.

Michelle Bachman addressed the Council and introduced herself. She stated that she believes she would be a good candidate for the vacant position. She shared that she has lived in the community for 60 years and does a lot for the community. Ms. Bachman noted that her job and business come first, but she is still willing to make a difference in Freeport. She expressed her love for the city and said that Freeport has a good dream and vision, and simply needs to keep moving forward. She concluded by stating that she believes she would be a good candidate for the job, and thanked the Council.

Flora Green addressed the Council and introduced herself. She thanked the Council for their time and for acknowledging her. She stated that she would like to volunteer for the Main Street program in Freeport, Texas. Ms. Green shared some background about herself, stating that she is originally from Bay City, Texas. She recently retired from the U.S. Post Office in September after 30 years of service. She noted that she has been in the public sector for many years, though she chose not to say exactly how many in order to avoid revealing her age. She explained that she has been involved in public and Main Street-related work for a long time. Referring to the ongoing downtown renovation efforts, Ms. Green said she believes it would be a good idea to bring all of that revitalization together for the Freeport area, and that it would look great if everything could be unified in one little area. Ms. Green concluded by thanking the Council again for their time and wished everyone a great evening.

Mayor Cain addressed the City Attorney and stated that he wanted to ask a legal question. He explained that it was his understanding that another person had resigned from the board earlier that day. He asked whether if that was the case, the Council could appoint both applicants, or if they would be required to appoint one now and another at a later date. City Attorney Chris Duncan responded that if the resignation was submitted in writing, and confirmed, then the Council could proceed with two appointments.

Councilman Davis addressed the two applicants and stated that he wanted to thank both ladies for volunteering to step up and be part of the Main Street Board. He told Ms. Bachman that he believes she has a good business mind and vision. He then addressed Ms. Green, noting that she has a lot of energy and may also have a lot of available time, mentioning that she had said she is retired.

A motion was made by Councilman Davis to appoint Ms. Bachman to Main Street, seconded by Councilman Pena with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

A motion was made by Councilman Davis to appoint Ms. Green to the Main Street Advisory Board, seconded by Councilman Pena with discussion that followed.

Councilman Matamoros asked who had resigned from the board. Interim City Manager Dan Pennington said Ms. Oldham.

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

<u>Consideration and possible action approving Ordinance No. 2025-2751 approval of Slaughter Road Generator.</u>

Public Works Director Rudy Ragle stated that staff recommends authorizing the purchase and turnkey installation of a 96-kilowatt natural gas generator at the Slaughter Road Pump Station from Worldwide Power Products, in the total amount of $95,750. Mr. Ragle explained that the purchase would provide a complete energy generator system and installation to ensure uninterrupted service during utility outages at the Slaughter Road Pump Station. The scope of work includes procurement of the generator, an automatic transfer switch, electrical installation, a concrete pad, gas connection, freight, and startup. He provided background information, stating that the Slaughter Road Pump Station is a critical facility for the City's water system. During extended power outages, operations are at risk without a backup generator. The proposed Gillette SB 960-3-2N2 96-kilowatt generator, with a sound-attenuated enclosure and automatic transfer switch, will provide reliable emergency power. The vendor will perform all electrical, mechanical, and software work necessary to deliver a complete turnkey solution. Mr. Ragle highlighted special considerations, stating that the price reflects the vendor's participation under TIPS Cooperative Purchasing Contract No. 221001, Vendor #4981. Delivery and installation are estimated at 4 to 6 weeks from the time of order. He noted that the City is responsible for extending CenterPoint's gas line to within five feet of the generator, along with permitting and floodplain structural surveys beyond the electrical drawings, which will be handled by others. Regarding financial impact, Mr. Ragle stated that the total package cost is $95,750, plus applicable term surcharge. The quote is valid through December 31, 2026. He provided a cost breakdown as follows: Generator: $35,000 Installation: $45,000 Startup: $2,000 Concrete: $6,000 Generator stand: $3,500 Gas connections: $2,500 Crane: $1,750. Mr. Ragle concluded by reiterating staff's recommendation to approve the total turnkey package for $95,750 plus the applicable surcharge, with the cost breakdowns as presented.

A motion was made by Councilman Matamoros to approve Ordinance No. 2025-2751 approval of Slaughter Road Generator as presented, seconded by Councilman Rossow with discussion that followed.

Councilman Davis asked whether the proposed generator would be the only generator in that area. Public Works Director Rudy Ragle said this was only for the water plant. Councilman Davis said he was simply trying to verify this information because he remembered discussions at a prior time about a generator under the Veolia contract. Mr. Ragle confirmed that a generator had been present at one point, but clarified that it had been a temporary generator brought in and rented as a short-term solution, not a permanent installation. He concluded by confirming that the City is responsible for its own power and any required secondary or emergency power for its facilities.

Councilman Pena asked Public Works Director Rudy Ragle how long the particular pump station had been in need of a backup generator. Mr. Ragle responded that the need had existed probably since inception. He explained that after the major winter freeze, TCEQ came through and almost made it mandatory to have backup power on all water and wastewater facilities as part of their statewide planning efforts. Councilman Pena asked when TCEQ made that recommendation or identification. Mr. Ragle replied that he did not want to be quoted on the exact date and would need to look it up, but stated that it was after the 2021 freeze. Councilman Pena noted that this meant approximately four and a half years had passed and asked what had been done during that time to meet the need or requirement. Mr. Ragle stated that Veolia has been bringing in a temporary generator when needed. Councilman Pena asked how that system had been working and whether it was costing the City money. Mr. Ragle confirmed that it had been costing the City, but he did not have the specific numbers. He added that the temporary generator works as long as it is continuously fueled. Councilman Pena then asked whether providing the temporary generator was part of Veolia's contract whether it should be at Veolia's expense, or if the City absorbs the cost. Mr. Ragle said he believed the City absorbs it. Mr. Ragle clarified that the difference between the permanent generator and the temporary one is that the Veolia unit is only brought in during emergencies as needed, while the proposed generator would be on-site permanently. Mr. Ragle expressed concern about nighttime outages, stating that if the power fails while no one is present to deploy a temporary generator, the City could run out of water. He asked whether Veolia or someone was on call. Mr. Ragle replied yes, but added that without power, they still might not get the generator onsite in time, which would result in a boil water notice. Councilman Pena said he wanted to see the cost numbers and that he would have liked to see those numbers before. He stated that the need for a generator is clear, but that the need has still been met since 2021 with the temporary units. He gave examples, saying that if the cost of the temporary solution were $300,000 or $400,000 a year, the decision would be easy but the City does not even know what the actual expense has been. He asked whether Mr. Ragle had any idea how many days Veolia had placed the emergency pump or generator at that location. Mr. Ragle said he did not. Councilman Pena concluded by saying the Council needs more information, including the current costs and the current equipment needs, in order to make an informed decision. Without that, he said, the Council would be making a blind decision, and therefore he could not support the purchase without further data.

Councilman Davis asked if there were different quotes. Public Works Director Rudy Ragle said yes, he had three different quotes.

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

<u>Consideration and possible action approving Ordinance No. 2025-2752 canvassing the results and declaring the results of the November 4, 2025, Special Election.</u>

Interim City Manager Dan Pennington addressed the Council, stating that the item before them was the canvassing of the election, specifically the election concerning civil service. He noted that the Council could see in the agenda packet the attached results, showing the vote was roughly two to one in favor. Mr. Pennington stated that staff recommends approval of the ordinance canvassing the election returns and declaring the official results of the November 4, 2025, special election regarding the adoption of the Firefighters and Police Officer Civil Service Law, pursuant to Chapter 143 of the Texas Local Government Code.

A motion was made by Councilman Pena to approve Ordinance No. 2025-2752 canvassing the results and declaring the results of the November 4, 2025, Special Election, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2025-2996 appointing a candidate for the Board of Directors of the Brazoria County Appraisal District.

Interim City Manager Dan Pennington stated that the item concerned appointing a candidate to the Board of Directors for the Brazoria County Appraisal District. He noted that in the agenda packet, toward the back, there were eight names listed. He said that, if he understood correctly, the City had eight total votes to cast. Mr. Pennington stated that staff recommends approval of a resolution nominating, constituting, and appointing a qualified person or persons to the Board of Directors for the Brazoria County Appraisal District for the upcoming four-year term beginning January 1, 2026.

A motion was made by Councilman Pena to nominate Eric Hayes with all the votes, seconded by Councilman Matamoros with discussion that followed.

Mayor Cain said before calling for the vote, Mayor Cain clarified the voting process. He explained that the City of Freeport has eight votes, which may be assigned in several ways: all eight votes to a single person, split between two candidates, distributed one vote each to eight candidates, or divided in any other combination Council chooses. Councilman Pena said that he believed Eric Hayes had demonstrated that he is well-qualified, does his homework on P&Z, and understands the responsibilities involved.

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. 2025-2997 appointing a member to the Senior Citizens Commission.

Interim City Manager Dan Pennington stated that the Senior Citizen Commission has several openings. He noted that Ms. Laird had recently joined the Commission at the last meeting. Mr. Pennington informed the Council that Nicole Mireles had applied for one of the open positions and stated that he believed she was present at the meeting.

Nicole Mireles stated that she knew she did not have to introduce herself. She spoke about the Senior Citizens Center, explaining that she usually goes there and had gone earlier that day and observed that there was a need for something different. She said that something was lacking during her visit and that she had already spoken to Mr. Pennington about it. Ms. Mireles expressed her deep connection to the community, stating that she has lived in Freeport for 77 years and is not going anywhere. She said, "You can knock me down, but I am still here," emphasizing her commitment to remain involved. She stated that she hopes to help make a difference, and added that she hopes the City gets another person involved as well, noting that she is trying.

A motion was made by Councilman Rossow to accept Nicole, seconded by Councilman Matamoros with discussion that followed.

Mayor Cain asked how many vacancies remained on the Senior Citizen Commission. Interim City Manager Dan Pennington responded that there were five more vacancies and noted that they had received one additional application earlier that day, bringing the total to three applications on file. He stated that if they received a fourth application, the Commission would have a quorum, allowing them to begin holding meetings again. Mayor Cain encouraged everyone to spread the word to help fill the remaining positions. Councilman Pena asked for confirmation that no meetings could be held until a quorum was established, and staff confirmed that this was correct.

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

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

Interim City Manager Dan Pennington explained that the project had been brought before the EDC. He stated that the EDC had included a budget line item of approximately $200,000 to $250,000 he noted he could not recall the exact amount specifically for valves targeting infrastructure around local businesses. Mr. Pennington reported that Nick Meeks reviewed the City map to determine where the City could get the most impact for the funding, and he identified the necessary locations. These targeted sites are shown on the map provided. He explained that the City currently has large sections of the water system where, if a break occurs, it is difficult to control and isolate the issue without impacting large areas of customers. The new valves will significantly improve that situation. Mr. Pennington noted that in addition to the EDC funding, there is another grant that Finance Director Ashlee Hurst has worked on. Combined, these two projects will provide between 40 and 50 valves. He stated that staff is excited about the improvements, as the new valves will allow the City to reduce the impact of water main issues on the business community, while also benefiting some residential areas as well.

A motion was made by Councilman Pena to table this item. Motion died due to a lack of second.

A motion was made by Councilman Matamoros to approve EDC Funding Project-Water Line Valve Installation Project as presented, seconded by Councilman Rossow with discussion that followed.

Councilman Pena raised concerns about the map that had been presented. He stated that the print and font were very small, and questioned whether residents could even see it on the overhead display. He asked if the map could be zoomed in, noting that it was terrible and that the City needed to improve its technology. He asked for clarification on whether the map displayed Highway 288, and commented that from the audience perspective, it was impossible to tell. He noted that the map appeared to show part of Freeport, but the details were difficult to distinguish. He referenced the presence of red dots and what appeared to be properties, and stated that he was trying to understand what the map was actually showing. Councilman Pena then pointed out that no one from the EDC was present to discuss or explain the project, and why it had been approved by the EDC. He asked if anyone from the EDC was in attendance, and after confirming that no one was, he stated that this was interesting. He said he wanted to understand which businesses the valves were intended to serve, and asked how much the City had already paid toward the valve project. He also asked how many valves were being requested from the EDC and whether those numbers had been enumerated. He stated that these were only his first questions, and that he also had compliance questions. Interim City Manager Dan Pennington said the document stated that the project involved 26 valves, at a cost of approximately $209,000, and noted that the EDC had budgeted $200,000. Councilman Pena asked how many valves the City had already paid for. Mr. Pennington said to his knowledge, the City had paid for none. Councilman Pena asked again what specific businesses this project was intended to serve. Mr. Pennington responded that he did not request the list of businesses, but instead asked Mr. Meeks to identify locations where the valves would have the most impact for businesses. Councilman Pena repeated that no specific businesses had been identified and that he did not have names or documentation. Councilman Pena explained why this troubled him so much, noting that he previously served on the EDC for three or four years. He said that not once during his tenure had EDC funds been used for valves or general city infrastructure. He reminded the Council that there are very specific legal rules governing how EDC funds may be used. He stated that when he saw the valve project listed as an EDC-funded item, it raised a significant red flag. He contacted the state EDC regulatory office for guidance, and they informed him of several issues: EDC funds cannot be used for general infrastructure costs, including water projects especially on this scale. Any EDC-funded project must involve a specific, identified project. EDC-funded water or infrastructure components cannot exceed 30% of that project. A qualifying project must identify the specific business or businesses benefiting. The purpose of EDC funding is to support job creation, which has not been demonstrated here. Councilman Pena stated that none of these criteria had been met or documented. He warned the Council that approving this project under EDC funding posed serious risks: Best case scenario: The state orders the City to return the $200,000 to the EDC and pull the money from the general fund instead. Worst case scenario: The state determines that the City violated the law, resulting in the loss of its EDC credentials entirely, meaning Freeport would no longer qualify for EDC funding. He emphasized that this was why compliance matters, and why he found it concerning that the project was even placed on the agenda as an EDC item. He noted that genuine EDC projects require specific public hearings and more detailed documentation than what had been provided. He stated he did not know who approached the EDC about this project, but stressed that using EDC funds for what is essentially general City infrastructure does not appear to qualify. Councilman Pena concluded by stating that if the project is truly necessary, the City should use general fund money not EDC funds to remain compliant. He reiterated that his recommendation was for the Council not to move forward with the item until the City receives: Clarification from the state EDC office and answers from EDC leadership.

Councilman Davis asked whether anyone could provide information to support or verify the concerns that had just been raised. Interim City Manager Dan Pennington responded, noting that a question had come up previously about whether a public hearing was required for this type of project. He stated that the EDC's attorney had already reviewed the project, confirmed that it qualified, and had determined that the City was not at risk of losing any EDC funding or its EDC designation as a result of the project. He explained that for a City the size of Freeport, public hearings are waived for this category of EDC action. He stated that the project was included in the EDC budget, which had been approved by the City Council when the EDC budget was originally passed. City Attorney Chris Duncan explained that some questions had arisen regarding the process, so Interim City Manager Dan Pennington and he had gone through those questions and forwarded them to the EDC attorney. The attorney reviewed the concerns and provided a written opinion stating that the project was in compliance with the applicable requirements, citing specific sections of the law.

Councilman Pena stated that there was a reason the City no longer used Olson & Olson as its City Attorney because the Council had lost confidence in their legal opinions and in their truthfulness when dealing with the City. He stated that if staff wished to rely on Olson & Olson's opinion for this EDC matter, they could, but he personally would not. He cautioned that when the State audits the EDC, the City must be certain everything is accurate and compliant. Councilman Pena continued, stating that the simplest solution would be to fund the project from the City's general fund through a budget amendment rather than using EDC funds. He said the Council could approve such action at the next meeting, ensuring that the process is done correctly. He emphasized that relying on Olson & Olson's interpretation was risky, and he respectfully disagreed with both Mr. Pennington's reliance on that opinion and the legal conclusion itself. He stated that EDC funds and other restricted funds were being applied too liberally, in ways that could be illegal. He warned the Council about the potential consequences and stated he would be bringing further receipts as he gathered more information from the state EDC regulators and TML.

Interim City Manager Dan Pennington asked City Attorney Chris Duncan if he had any questions or comments regarding the specific code sections referenced by Olson & Olson. Mr. Duncan responded that the City relies on the EDC's attorney for interpretations related to EDC matters. He said he did not have an independent opinion because the responsibility falls to the EDC attorney. He stated he felt satisfied that the EDC attorney had reviewed the issues and provided their professional opinion.

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

Councilman Pena asked what would happen if the State EDC office or TML were to come back and determine that the use of EDC funds for the project was, in fact, an incorrect application of those funds. He asked whether, in that scenario, the City would bring the item back, reverse course, and correct the action, and whether staff would help ensure that the corrective process took place. Mayor Cain said yes, if the City received information confirming that the expenditure was illegal or could not be done, then the matter would be brought back before Council. Councilman Pena replied that he would be sending the emails he received regarding the issue.

<u>Consideration and possible acting approving Ordinance No. 2025-2753 approval of DWSRF Abridged Application for TWDB.</u>

Interim City Manager Dan Pennington explained that this item relates to what Ms. Oldham had previously discussed. It involved hiring Westwood Professional Services, a firm with extensive experience working with this specific Texas Water Development Board (TWDB) program. He stated that the program is administered through the Texas Water Board and includes two different funding routes: DW (Drinking Water) and another application category for Clean Water, which appears in the next resolution. Because of this, there are two separate applications and therefore two separate resolutions. Mr. Pennington explained that the process has two hurdles. The first hurdle is completing what is called a PIF the Public Information Form and submitting it to the Texas Water Board. The City must submit this by March. TWDB will receive PIFs from Cities across the state, review them, and determine which applicants receive an invitation to the second round. He stated that if the City receives an invitation, then based on his experience the City is very likely to receive the funding. Mr. Pennington then described the nature of the funding: It begins as a low-interest loan, and can be up to $10 million or more, for both water and wastewater infrastructure projects. He noted that because Freeport's average median household income (AMHI) is below the state level, the City qualifies for significant forgiveness. Under the current formula, up to 70% of the loan is immediately forgiven. For example, if the City borrows $2 million, then $1.4 million (70%) would be forgiven, functioning essentially as a grant, with the remaining 30% as the City's match. He also explained that a recently passed ballot proposition Prop 14, approved in November may increase the forgiveness amount even further, possibly above 70%. The remaining portion the City must finance would be offered at below-market interest rates, currently around 2.5%, for terms up to 30 years. Mr. Pennington emphasized that this makes the program exceptionally beneficial for the City, stating that there are very few opportunities to obtain significant funding and have such a large percentage forgiven immediately. He added that the second-round application is more costly to complete, but those costs can be rolled into the loan amount, similar to refinancing a home mortgage and rolling in the closing costs.

A motion was made by Councilman Matamoros to approve Ordinance No. 2025-2753 approval of DWSRF Abridged Application for TWDB as presented, seconded by Councilman Rossow with discussion that followed.

Councilman Pena stated that he was curious to hear from the City's CFO regarding the proposed funding program. Finance Director Ashlee Hurst responded that the program appeared to be very good, noting that the interest rate was better than anything available elsewhere at this time. When asked whether she had ever used the program before, Ms. Hurst said no, and further stated that they were not personally aware of any other Cities using it. Interim City Manager Dan Pennington stated that they had used the program in Pasadena, and that although the program had existed since 1987, the City of Freeport had never received funding through it. He added that the City had only applied once, in 2016, and that the project submitted at that time did not make the cut.

Councilman Davis asked whether this was the only type of grant writing Westwood Professional Services handles. Interim City Manager Dan Pennington responded that the City has been in contact with approximately four other grant writers. One recent grant application approximately $900,000, at 100% funding had been submitted on the 13th and they were awaiting a response from TxDot. He added that the City has several other grants in progress and that the various grant writers each specialize in different types of funding programs.

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 Ordinance No. 2025-2754 approval of CWSRF Abridged Application to TWDB.

Interim City Manager Dan Pennington stated that this item was similar to the previous one, noting that while the first was for the Drinking Water State Revolving Fund, this request applied to the Clean Water fund and would address wastewater system needs. He explained that the funding could reach $10 million or more and includes the same structure of up to 70% loan forgiveness with the remaining portion available at below-market interest rates.

A motion was made by Councilman Matamoros made a motion to approve Ordinance No. 2025-2754 approval of CWSRF Abridged Application to TWDB as presented, seconded by Councilman Davis with discussion that followed.

Councilman Pena asked whether the 70% forgiveness was automatic or triggered by a specific action. Interim City Manager Dan Pennington responded that once the City is approved, the Texas Water Board would review income eligibility, noting the City is approximately 10–11% below the state median household income level, which qualifies the City for the forgiveness percentage. He added that after receiving the loan, the required paperwork would be submitted to finalize the forgiveness component. Mr. Pennington also clarified that the process could still be halted if the Council decided not to proceed before execution. Councilman Pena then asked who would be responsible for submitting the paperwork if the project moved forward, and Mr. Pennington responded that it would typically fall under the responsibility of the Finance Director.

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. 2025-2998 amending the Purchasing Policy.

Finance Director Ashlee Hurst explained that the state recently increased its purchasing threshold guidelines in Local Government Code Chapter 252 from $50,000 to $100,000. This change prompted staff to review current workflows and look for ways to reduce unnecessary administrative burden created by the City's relatively low internal thresholds, which were adopted in March 2024 and have not been updated to reflect inflation, higher unit costs, or operational realities. As a result, many small and mid-sized purchases currently require higher-level approvals than operationally necessary, causing delays and added workload without improving internal controls. After reviewing peer-city practices and internal approval workflows, staff recommended updating the internal thresholds without changing formal competitive bidding requirements to better align with state law, the City Charter, and existing purchasing policies. The amendment would not alter competitive bidding rules; it would only adjust internal approval authority for commitments below the formal procurement thresholds. Ms. Hurst proposed raising department-head purchasing authority from $1,000 to $5,000 (5% of the state threshold), the Finance Director's authority from $10,000 to $20,000 (20% of the state threshold), and the City Manager's authority from $30,000 to $60,000 (60% of the state threshold). She noted that the current requirement for three quotes and a purchase order on purchases over $3,000 would be raised slightly to $5,000, significantly reducing workload for both the Finance Department and department heads, as any purchase over $1,000 now requires both the department head and Finance Director's signatures. Ms. Hurst stated that this has become a burden and causes lags in invoice processing, and the proposal would correct policy language that currently allows the

Finance Director and City Manager to enter contracts without requiring City Attorney review. Under the proposed changes, all purchases must still comply with the purchasing policy, quote requirements, encumbrance controls, budget availability, and applicable state law; purchases at or above formal procurement thresholds would remain subject to competitive processes and City Council approval. She emphasized that the rationale is to improve operational efficiency, reduce bottlenecks for routine budgeted expenditures, keep higher-level review on larger or higher-risk purchases, reflect inflation and market pricing, and maintain transparency through documentation, quote requirements, and audit trails. All purchasing would remain subject to adopted budget line items. A motion was made by Councilman Matamoros to approve Resolution No. 2025-2998 amending the Purchasing Policy as presented, seconded by Councilman Rossow with discussion that followed.

Mayor Cain remarked that former City Manager Kelty had approval up to $50,000 and that City Manager Petty later reduced it to $30,000. Finance Director Ashlee Hurst said it was her belief that after the Covarrubias matter, thresholds were drastically lowered and additional paperwork requirements were added. Mayor Cain asked whether the spending authority amounts assigned to department heads and to the Finance Director had changed over the years. Ms. Hurst responded that yes, those amounts had changed. She explained that the adjustments occurred during the same update cycle. She noted that the Finance Director, prior to the most recent revision, had a spending authority of $20,000. She added that department heads previously held an approval authority of $3,000, although she stated she was not completely certain on that specific figure and did not want to be quoted on it. However, she confirmed that the other two amounts she mentioned had definitely changed. Ms. Hurst confirmed the proposal would raise the department-head limit to $5,000 (from $3,000) before a purchase order is required and reiterated that the Council could adjust any of the proposed levels individually. She stressed that even with higher limits, department heads must remain within their approved budgets and cannot make purchases that would push their budgets over; in such cases, the City Manager and possibly Council would become involved.

City Attorney Chris Duncan explained that he had concerns about contracts being signed without review by the City Attorney. To illustrate why this concerned him, he provided two examples from his prior experience serving as a city attorney. Mr. Duncan said that several years earlier, a credit card processing agreement was sent to him for review. On the surface, he noted, it appeared straightforward there was no specific dollar amount involved but the standard vendor agreement included clauses that were illegal under state law. These clauses allowed the credit card company to perform chargebacks and withdraw funds from any of the City's bank accounts. Mr. Duncan explained that many of the City's accounts are restricted by law and cannot be accessed in that manner. He stated that these kinds of provisions often appear in standard agreements simply because companies issue the same form of contract to everyone unless someone raises an objection. When he contacted the credit card company and explained that those provisions were illegal for a governmental entity, they readily agreed to remove the unlawful terms, saying they routinely do so when dealing with cities but only if someone asks. Mr. Duncan emphasized that this is exactly why attorney review is necessary. Mr. Duncan then gave a second example involving a cell tower agreement. He said that while the agreement initially appeared simple, it turned out that the purpose behind the installation was not only to improve service for residents but also to block competitors from placing towers in the same area. Because he was familiar with such agreements, he pointed this out and worked with Mr. Kelty to ensure the contract required the tower owner to allow other cell carriers to lease space on the structure. Without legal review, he noted, such anticompetitive provisions might have gone unnoticed. Finance Director Ashlee Hurst noted that the current City policy does allow the City Manager to enter into contracts without attorney review, and that the proposed policy update would correct that issue and require City Attorney review. Mr. Duncan acknowledged the clarification, saying he had initially misunderstood the direction of the change but now understood the intent. Ms. Hurst said the updated policy now clearly states that if the City Manager is unavailable for any reason, the Assistant City Manager automatically holds the same purchasing authority. She noted that this provision was not included in the prior policy.

Councilman Pena stated that there were many problems with the entire situation under discussion. He said he was shocked that the item was even being brought to the Council, especially in light of the ongoing Covarrubias lawsuit. He remarked repeatedly that the City should not be trying to uncuff City Hall while still in the middle of litigation. He stated that the smoke has not even cleared, yet the Council was being asked to give City Hall more latitude. He emphasized that trust must be earned, and that the public does not currently trust City Hall to handle public money responsibly. He said he includes himself in that concern, because he is also a citizen. Councilman Pena stated that the City must be more responsible with tax dollars and how City Hall is allowed to spend those funds. He reminded the Council of past incidents involving a former City Manager and a City Secretary who mishandled or stole funds. He asked where the oversight had been then, and said the City should be asking for more oversight not less.He then referred to a section of the purchasing policy, stating that the current language allows for the Finance Director to be vested to enter into a contract, which he said scares him because of easy money. He noted that the language also allows the City Manager to enter into a contract without City Attorney approval. He asked for clarification on whether this was current policy or future policy. It was clarified that this was the current policy, and that the proposed revision was intended to fix both problems. Councilman Pena then asked whether the updated policy would ensure that any contract executed by either the Finance Director or the City Manager would require legal review every time. Interim City Manager Dan Pennington confirmed that was correct. He then asked what oversight applied to department heads, and was told that department heads have no authority to sign contracts and that only a select few positions after legal review are authorized to execute contracts. He then stated that the proposed wording was misleading, and that this had caused confusion about who was allowed to sign what. He said that the corrected legal-review provisions were acceptable to him, but that there were many other things wrong with the policy revisions. Councilman Pena said the most glaring issue was the massive increases in spending authority levels. He listed them explicitly:Department heads increasing 500% Finance Director going from $10,000 to $20,000 (200%) City Manager going from $30,000 to $60,000 (200%). Mr. Pennington noted that state law had changed on September 1st, but Councilman Pena asked whether those increases were required. Mr. Pennington answered and said he did not say that. Councilman Pena noted that the City is in a transition, with a new City Manager beginning December 15th, and said it would be irresponsible to give a new City Manager such large spending authority before proving trustworthiness and compliance. Councilman Pena then referenced the budget process from two months earlier, when he said two Councilmembers became upset and walked out of the meeting, preventing the Council from reviewing line items. He stated that Council never got to review line items, meaning they did not know what was actually in the budget. He said the Council was now being asked to authorize more spending under conditions that he called the blind leading the blind. He said the proposal appeared to be something being pushed during a leadership transition while no one was looking, and that it has grossness written all over it. Councilman Pena said the only responsible option would be to line-item the policy and fix it, because it was not acceptable in its current form. He asked how Council members could defend these increases if someone later abused their authority or overspent. He asked what Council would say when told, well it was in the budget, even though Council never reviewed those details. He said that the City has had terrible audits for years and cannot even walk yet, and that Freeport is not a light on the hill for fiduciary responsibility. He stated he recently recorded a podcast discussing how the City still struggles with public trust. Councilman Pena said he is excited for the incoming City Manager, but does not want her set up to fail, nor does he want anyone taking advantage of gaps in oversight. He said the Council should not raise spending authority limits at a time when past abuses should be discouraging such increases. He said the City should be holding the line at minimum, not expanding authority. He stated he is fully supportive of legal oversight and wants to ensure the City Attorney reviews every contract. He said he is okay with the legal-review provisions, but the rest of the policy is entirely irresponsible. He said he did not understand how anyone could recommend approval, wished the proposal had been workshopped, and urged the Council to consider whether they had truly read it. He said Freeport is not ready for these spending increases, and that there is no harm in going back and doing it right. He closed by stating that he will continue to strongly criticize this item until it is fixed.

Councilman Davis asked whether it would be possible to approve one portion of the policy but not the other, specifically referring to the department head spending authority increases. He suggested waiting for the incoming City Manager to begin and evaluate the department heads herself, to determine whether we are stable in that area before granting increased authority. He stated that he was otherwise comfortable with the rest of the proposal but believed the new City Manager should have input before Council made those decisions.

Councilman Pena spoke referencing prior discussion, and asked whether Council would consider amending the proposal so that it better fits Freeport's current transition and allows the incoming City Manager, Ms. Kelly, to structure operations as she sees fit. He asked whether Council was interested in making such an adjustment. Mayor Cain responded that Council should not halt city operations simply because a new City Manager is entering the role. He stated that with the assistance of Mr. Pennington and Mr. Duncan, the City will continue functioning. He added that, based on the argument presented by Councilman Pena, the Council might as well suspend all activity until she arrives, which he disagreed with. Councilman Pena responded that this was not his point. Councilman Pena then explained that his broader concern centered on the City's poor historical track record with three previous city managers in a row, accompanied by problems among their subordinate staff. He said these issues involved various forms of malfeasance, and yet the Council was now considering providing more spending authority and more allowances. Mayor Cain stated that $1,000 does not go as far today as it did five years ago. Mayor Cain stated that the financial problems referenced by Councilman Pena did not fall under the provisions currently being discussed in the purchasing policy revision.

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

Consideration and possible action to approve Resolution No. 2025-2999 authorizing the police department to submit for Bullet-Resistant Components grant and approving the city manager as the authorized official.

Police Chief Jennifer Howell said that the Police Department is seeking a grant to provide bullet-resistant components for patrol vehicles. She noted that this opportunity arose from recent legislation allowing patrol units to be outfitted with bullet-resistant features in response to an increase in officer-involved shootings. Chief Howell stated that the grant is 100% funded with no match requirement, has no minimum or maximum amount, and requested authorization to apply for the grant and to designate Interim City Manager Dan Pennington as the authorized official.

Councilman Pena asked when the item under discussion was supposed to go into effect. He further asked whether the authorized official listed should be Mr. Pennington, or whether the authorization should instead be assigned to Ms. Kelly, the incoming City Manager. Police Chief Jennifer Howell responded that the deadlines for submission were approaching, which is why the resolution was being presented now, so that everything could be submitted on time. She explained that the deadline occurs before Ms. Kelly's arrival, and therefore Mr. Pennington would need to be listed as the authorized official at this stage.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2999 authorizing the police department to submit for Bullet-Resistant Components grant and approving the city manager as the authorized official, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action to approve the Chief of Police to enter into updated MOU with the Texas Department of Public Safety.

Police Chief Jennifer Howell explained that the item presented was a Memorandum of Understanding with Texas DPS. She stated that nothing would change operationally for the City, noting that the update reflects changes made by DPS related to entering vehicles into the TCIC system for stolen vehicle records. She added that the update includes new MOU language required by DPS and does not alter local policies, procedures, or practices, nor does it create any cost to the City.

A motion was made by Councilman Matamoros to approve the Chief of Police to enter into updated MOU with the Texas Department of Public Safety as presented, seconded by Councilman Pena with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Ordinance No. 2025-2755 establishing written procedures to consider Ethics Complaints.

City Attorney Chris Duncan explained that an ethics complaint had been filed several months earlier, and after beginning his interim role, he was asked to review it. During his review, he found that while the existing ethics ordinance included procedures and potential consequences such as censure for violations committed by Council members, it did not include any process for ethics complaints filed against Council-appointed board or commission members. After discussing this gap with Interim City Manager Dan Pennington, he drafted an amendment to the ordinance to create formal procedures for handling ethics complaints involving board members. He explained that under the proposed amendment, an ethics complaint must be submitted in writing to the City Secretary. The City Secretary would then forward the complaint to the City Manager and City Attorney. The City Attorney, together with the City Manager, would review the allegations, gather relevant facts, and compare those facts to the ethics ordinance. The City Attorney would then prepare a written report to City Council stating one of two findings: either the allegations could constitute an ethics violation under the ordinance, or the allegations do not fall within the ordinance and therefore do not constitute a violation. Once the report is presented, the City Council would determine whether the complaint should move forward. If Council votes to proceed, a public hearing would then be held at a regular Council meeting, where evidence and testimony could be presented by both the complainant and the respondent. After hearing the matter, the Council would vote on whether an ethics violation occurred. If a violation is confirmed, the board member will be automatically removed and barred from serving on any board for a period determined by Council, up to four years. Mr. Duncan clarified that board service is already discretionary and appointed members may be removed by the City Council at any time with proper agenda posting meaning this ordinance does not limit or change Council's existing authority. Instead, it provides a clear due-process path specifically for ethics complaints.

A motion was made by Councilman Davis to approve Ordinance No. 2025-2755 establishing written procedures to consider Ethics Complaints, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked whether the ordinance was related to previously submitted ethics complaints and whether a ruling existed. City Attorney Chris Duncan confirmed the ordinance revision was prompted by complaints involving the Charter Review Chairperson Sam Reyna and the Board of Adjustments Chair Nicole Mireles. He stated no ruling had been issued because the ordinance lacked procedure and once adopted, he would move forward with the required report.

Councilman Davis asked whether if a board member were to come forward and lie to the Council, he would be able to file an ethics complaint against that individual. City Attorney Chris Duncan responded that he does not engage in hypotheticals, but explained the formal process: if an ethics complaint is filed in writing and submitted to the City Secretary, he would then consider the allegations contained in the complaint. Mr. Duncan confirmed that yes, any person may file a complaint if that is what Councilman Davis was asking.

Councilman Pena then asked whether the proposed item under discussion regulates the procedure for Council to remove board members, whether tied to an ethics complaint or not. He asked whether the item diminishes or reinforces existing authority. City Attorney Chris Duncan stated that the proposed item does not affect that authority at all and that the process remains the same. Council may remove appointed board members by placing the item on the Council agenda and taking a vote. Mayor Cain confirmed that if citizens wish to file an ethics complaint, the matter would still come back to Council and require a vote

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

Work Session

Councilman Pena Ward A announcements and comments.

Councilman Pena began by thanking everyone who came out to the meeting and expressing his appreciation to those who volunteered to serve on the boards, specifically recognizing Ms. Green, Ms. Queen Michelle Bachman, and stating that he looked forward to their energy and ideas on the Main Street Board. He then referenced Mr. Koole's earlier comments regarding the intersection at Fourth and Pecan, noting the history of accidents and citations there and stating that the City should consider whatever measures are necessary, such as a four-way stop, speed bumps, or other traffic-calming features to improve safety. He asked whether the City had considered any additional measures beyond the newly installed stop signs. Interim City Manager Dan Pennington responded that the City had already contracted with an engineering firm to conduct a study as required by the Texas Transportation Code before any permanent traffic-control changes could be made, and that a proposal would be brought to Council, with the anticipated cost in the range of \$6,000–\$7,000. Councilman Pena then asked if temporary measures such as cones or lighted barricades could be placed at or near the intersection to draw driver attention and encourage slowing down while the study is pending. Mr. Pennington stated he would not recommend placing cones in the middle of the roadway but could have staff Mr. Ragle review the location and the Transportation Code to determine what could be safely and legally deployed on the roadside to increase awareness until the engineering recommendations are complete. Councilman Pena referenced the portable barricades with blinking LED lights, commonly called "horses," and noted that similar devices had been used near the Pine Street exit onto Broad Street to discourage 18-wheelers from making illegal turns. He acknowledged that such measures do not completely stop the behavior, but they do increase awareness. Councilman Pena said that for the residents, children, and families in the affected neighborhood, more visibility and safety measures are needed especially given that the existing stop signs are not solving the issue. He referred to the resident who spoke earlier, noting that the citizen articulated the dangers and concerns passionately and clearly. Councilman Pena said that, at minimum, the City should consider placing the LED-lit barricades ("horses") at the intersection until the traffic study is completed and a long-term solution can be implemented. He concluded by stating that he wanted to go on record formally requesting that the City take this interim safety measure. Councilman Pena addressed concerns raised during citizen comments and recent executive sessions, stating that all recent hires had been fully vetted from a legal standpoint and that allegations raised there had been considered and, in his view, disproven. He noted that some accusations made by Councilman Matamoros in executive session were supposed to be supported by a paper trail that he had not yet received and said he would be following up after the meeting to obtain that documentation. He then turned to upcoming community events, saying he was very excited about the City's Thanksgiving dinner the following week, which he described as one of the best events the City hosts and a strong expression of the community's generosity. He said he would be there volunteering and enjoying pumpkin pie and encouraged everyone to attend. Councilman Pena also gave a shout-out to Main Street Director Ms. Lopez for organizing the City's Christmas holiday events, encouraging that any need for volunteers be advertised so citizens could assist, and closed by noting that all hands on deck for those events would be greatly appreciated.

Councilman Davis Ward B announcements and comments.

Councilman Davis thanked everyone for attending and expressed appreciation to the volunteers who agreed to serve on the boards, noting that their support and hard work are needed because they got a lot of work to do. He congratulated Danielle Kelly on her appointment as the new City Manager, saying she is coming in with vision, energy, and experience, and that it is time for a new mindset and leadership focused on the future of Freeport. He shared that after attending the TML conference, he returned with a vision and a plan that he would be presenting soon to the public and to the Council, and asked that everyone keep an open mind, carefully weigh the pros and cons, and focus on what would benefit Freeport rather than personal interests. Councilman Davis also addressed a recent citizen comment alleging that he was receiving free water bills. He stated that the accusation was untrue and unfair, explaining that he pays high water bills like other residents and has never received free service. He gave an example of a recent bill reflecting usage of 13,000 gallons well above his usual 7,000 gallons with no leak found, which still had to be paid at nearly $300. He invited anyone with doubts to speak with staff in the Water Department to verify his account, emphasizing that attempts to undermine his integrity and character are not going to happen. Looking ahead, he said he is excited about the changes to come with the new City Manager and stressed that the Council must come together, put differences aside, and do what is best for Freeport. He expressed confidence that, with the right leadership, the Council can function effectively for the residents, navigate the inevitable bumps, and begin to see new investment, development, and foot traffic in the City. He stated that Freeport must stop declining in numbers and start growing, and that achieving this will require everyone, Council and community alike to keep an open mind and work together. He closed by challenging his fellow Council members to unite and make some good happen here in Freeport and thanked everyone for their time.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros expressed his appreciation to Interim City Manager Dan Pennington and the Public Works Department for addressing several maintenance concerns raised within his ward, noting that the items handled were completed promptly. He stated that there are still a few outstanding issues needing attention, specifically mentioning Yellowstone Street heading north where the road was cut for utility work but has not yet been fully repaired. He asked for an estimated timeline on when that repair would take place, noting that the southbound side though in better condition had already been addressed. He also referenced a drainage concern at the corner of Avenue G and Yellowstone, where a resident has had stagnant water sitting in the ditch for several months, despite little to no rainfall during that time. Councilman Matamoros explained that the water is collecting both in the ditch and across the street and is beginning to pose a health concern. He stated he has photographs and will forward them to Mr. Pennington for review and requested Public Works investigate and correct the issue. Councilman Matamoros encouraged residents to remain after the executive session, stating that one of the items scheduled for discussion is important and that residents should be aware of what is being proposed.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow thanked the Freeport residents who attend City Council meetings regularly, noting their continued participation every first and third Monday to hear both concerns and positive news happening throughout the City. He said he is looking forward to the upcoming holiday season, calling October, November, and December the most wonderful time of the year, and expressed confidence that the City's annual Thanksgiving Feast will once again be successful, noting it is a special tradition supported by strong community participation. Councilman Rossow also shared that he serves on the Gulf Coast Transit District Board, meeting every other month, and expressed gratitude for the opportunity to represent the City in that capacity. He commented on the recent weather, appreciating the stretch of pleasant days and acknowledging that while rain was expected later in the week, it was needed given current dry conditions. He also discussed burn ban status, noting uncertainty over whether Brazoria County remained the only coastal county not under one. He then directed comments to viewers watching online, stating that despite public assumptions, Council members care deeply about Freeport and want what is best for the community. He expressed enthusiasm about the arrival of incoming City Manager Danielle Kelly and thanked Interim City Manager Dan Pennington for his service, stating he has performed well and will be missed.

Mayor Jerry Cain announcements and comments.

Mayor Cain thanked everyone in attendance and noted that the meeting began with nearly a full house and still had strong participation even as the time passed 8:00P.M. He expressed appreciation for residents who continue attending and staying involved. He echoed earlier comments that this is one of his favorite times of year and thanked Main Street Director Ms. Lopez for coordinating the many seasonal events taking place, including the upcoming Thanksgiving Feast. He encouraged the public to check the City's new website for event details, adding that the full schedule is also being displayed on the in-room screens. Mayor Cain highlighted improvements to the new city website, describing it as greatly improved compared to the previous version. He thanked staff and specifically acknowledged Mr. Cohen for leading the upgrade, noting that searching ordinances and navigating information especially from a mobile phone is now significantly easier. He then requested an update from Interim City Manager Dan Pennington regarding the traffic signal at Second Street and Brazosport Boulevard, stating that citizens had expressed concern over the extended red-light timing. He noted increasing reports of drivers running the light out of frustration and emphasized the need to address the issue quickly. Interim City Manager Pennington stated he had already notified Public Works and would follow up to expedite the review. Mayor Cain then congratulated staff on the success of Fright Night, recognizing the Parks Department and the City as a whole for what he described as one of Freeport's most heavily attended events. He noted that comments from the previous meeting were not shared due to time constraints, so he wanted to be sure his appreciation was publicly stated at this meeting. Speaking not only as Mayor but also as part of the Misfits group, he thanked the City for the opportunity to participate in the event and expressed hope that the collaboration continues for many years.

City Manager announcements and comments.

Interim City Manager Dan Pennington addressed the Council and stated that he wanted to acknowledge that the City still has several openings on the Senior Citizen Commission. He noted that almost half of the board was either in queue or online, and emphasized that the City would be happy to receive additional applications. Mr. Pennington commented that the Senior Citizen Commission is one of the boards with the greatest public attendance, observing that earlier in the day there were approximately 75 to 100 people participating in bingo at the center. He shared that several attendees submitted applications, and he expressed gratitude for those individuals as well as for Ms. Laird and Ms.Nicole, who have stepped up to serve. He encouraged anyone who knows someone who is 55 or older to invite them to apply, stating that the City would be excited to have more participation.

Executive Session

Closed Executive Session as authorized by the Texas Open Meetings Act: A.) Section 551.071 Consultation with Attorney; B.) Section 551.072 Deliberation Regarding Real Property; and C.) Section 551.087 Deliberation Regarding Economic Development Negotiations including the following items: 1.) 21 acre Skinner Street Project 2. Development Agreement with Skymark et al. D.) Section 551.074 Personnel Matters 1.) Negotiate and Discuss City Attorney contract.

The Regular Session closed at 8:07P.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 11:20P.M. and the Council went back into Regular Session.

A motion was made by Councilman Pena to accept the contract as presented by Chris Duncan as the full-time City Attorney, seconded by Councilman Rossow with all present and voting "Aye" 4-0. The Council unanimously approved the motion. Councilman Matamoros was not present for the motion.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made by Councilman Pena to adjourn the meeting, seconded by Councilman Davis with all present and voting "Aye" 4-0. Councilman Matamoros was not present for the motion. Mayor Cain adjourned the meeting at 11:21P.M.

Jerry Cain, Mayor

Clarisa Fernandez, City Secretary