State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, December 15, 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:	Danielle M. Kelly, DPA, 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 Chris Motley, Fire Chief Maria Lopez, Main Street Coordinator Corey Brinkman, Police Captain

Visitors:	David McGinty	Pamela Dancy
	Jane Hawkins	Thomas Koole
	Brenda Laird	Virginia Tippen
	Manning Rollerson	Linda Marshall
	Kenneth Hayes	Nicole Mireles
	Rob Giesecke	Sam Reyna

Call to Order:

Call to Order - Jerry Cain, Mayor

Mayor Cain called the regular scheduled meeting of the Freeport City Council to order at 6:02P.M. on December 15, 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 stated that housing in Freeport continues to be a serious and longstanding concern for him. He noted that promises regarding development have been made since he was a child living in the City, yet Freeport still lacks sufficient safe and adequate housing. He explained that the majority of homes in Freeport were built in the 1930s and 1940s, and many are not certified to meet federal safe living standards, especially in light of the disasters the community has experienced over the past ten years, including freezes, tornadoes, and floods. Mr. Rollerson emphasized that Freeport needs housing in order to build a stable tax base and should not have to rely so heavily on corporate industry to fund the City's budget. He stated that it is time for Freeport to establish a tax base that allows the City to meet its financial obligations. He explained that Freeport Haven for Environmental Justice, the organization he represents, prioritizes the development of housing in Freeport, noting that decades of promises have not resulted in meaningful progress. He expressed a desire to partner with the City to ensure a redevelopment plan for downtown Freeport is implemented, stating that such action is necessary for Freeport to function as a thriving City. He pointed out that downtown Freeport has not been economically viable for over fifty years, which he described as unacceptable. He compared Freeport to surrounding cities such as Jones Creek, Oyster Creek, Lake Jackson, and Clute, all of which have implemented building and community development plans. He stated that although Freeport has spent significant funds on economic development plans, none have come to fruition during his adulthood while raising his children. Mr. Rollerson said he hopes the City will hold to its promises. He further stated that the City should reflect on the centennial celebration, asserting that the City harmed its own residents during the hundred years being celebrated. He expressed that he does not feel the City truly cares about him as a resident or about people of his race, stating that the City has shown his community that they are insignificant by allowing harm to occur to residents with the City's involvement. He referenced his involvement in a federal investigation and a case related to the East End, noting that he fought for the community alongside others. He stated that he wishes the City would be transparent, fair, and honest with its residents, and urged the City not to betray the trust of its people. He expressed frustration with years of unfulfilled promises and stated that continued inaction leads to ongoing complaints from residents due to a lack of truth from City administrations. Mr. Rollerson concluded by stating that he hopes the new City Manager will consider the concerns of Freeport residents and focus on growing the city. He expressed his willingness to work with the City fully, but emphasized that without action, residents will continue to raise concerns. He noted that his daughter will be 42 years old on January 3, 2026, and stated that this reflects how the City has been governed over the past 42 years without meaningful economic growth.

Rob Giesecke, Chairman of the Port Freeport Commission, welcomed Dr. Kelly to Freeport on behalf of Port Freeport. He stated that he was not present to give a campaign speech, but rather to address a citizen complaint he received the previous week. Mr. Giesecke explained that a citizen observed an 18-wheeler traveling down East Park Avenue through downtown Freeport and took a photograph of the truck, which was then forwarded to him. He stated that he worked with Port Freeport operations staff to determine that the truck belonged to a trucking company that serves one of the Port's tenants. He stated that Port Freeport is addressing the issue with the trucking company to ensure they understand where trucks are permitted to travel and that downtown streets are not appropriate routes for 18-wheelers. He emphasized the importance of trucks remaining on designated truck routes. Mr. Giesecke referenced a prior meeting during which he, along with Ms. Phyllis the Port's CEO, met with Sergeant Broadway to obtain the City's designated truck routes. He stated that the Port's intention had been to publish the truck routes on the Port Freeport website. He noted that the process has taken longer than expected due to a miscommunication with the web designer; however, the website is currently in final edits. He explained that the website is optimized for truck drivers using mobile devices and will prominently display gate locations and information relevant to truck drivers. He stated that the designated truck routes will be clearly identified on the map and expressed hope that this effort will help prevent similar issues in the future and keep trucks on appropriate routes. Mr. Giesecke thanked the Council for their time and wished everyone a Merry Christmas.

Kenneth Hayes welcomed the City Manager to Freeport. He stated that he wished to speak regarding what he described as an injustice carried out by Council at the previous meeting during the appointment of a member to the Board of Adjustments. Mr. Hayes stated that Council appointed a resident of Lake Jackson instead of Ms. Margaret, who he stated had been serving on the committee for approximately six to eight months and had not missed any meetings. He expressed concern that Ms. Margaret was kicked to the curb to bring somebody in from Lake Jackson to be on the board and stated that he did not believe Council fully considered the decision. He acknowledged that the individual appointed had an extensive résumé but stated that Ms. Margaret is also an accomplished individual and suggested the Council review her qualifications. Mr. Hayes stated that he serves on the committee with her and expressed that she performed her duties well and served the committee effectively. Mr. Hayes concluded by urging Council to give greater consideration in the future when voting on appointments to boards and committees.

Sam Reyna congratulated Dr. Kelly, and welcomed her to the City of Freeport. He wished everyone a Merry Christmas. Mr. Reyna resides at 2002 North Avenue G. He noted that December 15 is Bill of Rights Day and stated that the day recognizes the fundamental freedoms outlined in the first ten amendments to the United States Constitution. Mr. Reyna referenced the First Amendment, stating that it provides freedom of religion, freedom of the press, and freedom of speech, including the right to address Council and express concerns regarding Council decisions. He further stated that the First Amendment provides the right to assemble peacefully and to petition the government for redress of grievances. Mr. Reyna stated that a petition was signed by residents who live within a 200-foot buffer zone adjacent to a 350-acre urban renewal property. He stated that residents within the buffer zone do not want the property rezoned to industrial use and expressed opposition to chemical plants being located near residential neighborhoods. He stated that decisions should focus on the safety of children and residents rather than revenue and urged Council to keep chemical plants on the outskirts of the City rather than within the inner City. Mr. Reyna stated that he submitted six additional signatures from members of Abundant Life Ministry, which he stated is located within the buffer zone, as well as eleven signatures from members of First Emanuel Baptist Church, who he stated are also protesting the proposed rezoning. Mr. Reyna expressed concerns regarding the appointment of Landis Adams to the Board of Adjustment and stated that he believed the appointment was a mistake. He stated that, in his view, certain boards and commissions including Planning and Zoning, the Senior Citizens Board, the Board of Adjustment, and the Charter Review Commission require members to be citizens of Freeport. He stated that he did not believe there is an ordinance or charter provision stating otherwise. Mr. Reyna made statements regarding Mr. Adams' background, qualifications, and employment history and asserted that those qualifications were misrepresented. He stated that, in his opinion, Mr. Adams should be removed from the Board of Adjustment. He further stated that he believed the appointment related to efforts to obtain a variance for property. Mr. Reyna referenced Agenda Item 4J and stated his belief that the investigation related to complaints had been completed and lacked substance. He stated that he did not believe he or Ms. Nicole had cost the City any money. Mr. Reyna stated that, in his opinion, if anyone has caused the City to incur costs, it was Mr. Jeff Pena. He asserted that those invoices had cost the City thousands of dollars.

Thomas Koole resident of Freeport, Texas, provided a recap of concerns he previously raised. He stated that, in his opinion, certain former Mayors appeared to have received preferential treatment regarding traffic control measures. He referenced multiple four-way stops and speed bumps installed on streets near the residences of former officials, stating that he did not understand the reasoning behind those decisions. He stated that he would not name specific streets for privacy reasons. Mr. Koole referenced a four-way stop at South Magnolia and 8th Street, noting the proximity of railroad tracks approximately half a block away and stated that he did not understand the need for the stop at that location. He also referenced a four-way stop at Sixth Street and Mesquite, stating that he previously lived on Fifth Street and Mesquite and did not observe significant traffic in that area. He further stated that there are multiple four-way stops located near dead-end streets, including at Avenue Q, Avenue G, Vernon Street and Yellowstone. Mr. Koole identified Fourth Street and Pecan Street as a very busy intersection and stated that only a one-day traffic study was conducted at that location. He stated that he contacted an individual from Houston who installed cameras for the study and that the cameras were removed the following night. He expressed concern that a one-day study was insufficient to accurately assess the traffic conditions at the intersection. Mr. Koole stated that he observed information posted on the City of Freeport website indicating that the Public Works Department keeps the City functioning safely. He expressed disagreement with that statement, asserting that City leadership is not adequately prioritizing resident safety and that, in his opinion, taxpayer money is being wasted. He stated that residents of Freeport elected Council to lead and make decisions in the best interest of resident safety and questioned why residents should feel fear or concern regarding the safety of the Fourth Street and Pond Street intersection. He stated that residents are seeking change and hope City leadership will act in the interest of public safety. Mr. Koole stated that there have been 23 crashes at the intersection over the past ten years and 95 citations issued on Fourth Street from Pond Street to Velasco Boulevard, including two citations for passing stop signs. He stated that two police officers provided testimony at prior meetings acknowledging issues at the intersection. He questioned what actions would be required before improvements are made and referenced a vehicle and bicycle crash at the intersection. Mr. Koole stated that residents have informed him of additional accidents occurring over the years. He stated that his review of available records over the past seven to ten years showed eight tow calls and three crashes in which all involved vehicles required towing. He concluded by stating that he hopes Council will make the right decision for the safety and well-being of Freeport residents, urged Council to take action, and expressed concern that limited traffic studies do not adequately address the ongoing issue. He stated that he has been attending meetings for approximately eight months and will continue to do so until action is taken.

Consent Agenda:

Action regarding Minutes, December 1, 2025- Clarisa Fernandez, City Secretary

Action approving Monthly Financial Report through November 30, 2025- Ashlee Hurst, Finance Director

A motion was made by Councilman Matamoros to approve the consent agenda with the corrected minutes that were given to the Council and residents, seconded by Councilman Rossow with discussion that followed.

Councilman Pena thanked Finance Director Ashlee Hurst for preparing the financial report and asked whether there were any irregularities identified in the report provided through November 30. Finance Director Ashlee Hurst responded not to her knowledge. Councilman Pena asked whether the City remained in compliance in preparation for upcoming audits. Ms. Hurst confirmed that the City remained in compliance. Councilman Pena further asked whether there were any unexpected or unbudgeted items reflected in the report. Ms. Hurst stated that there were no items that had not already been presented to the Council.

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

Proclamations - Presentations and Updates

Employee Recognitions – Employee of the Month, Lt. Justin Davison and FF/EMT Robert Phillips- Dr. Danielle Kelly, City Manager

Mayor Cain tabled this item due to the fact that the employees were unable to make it to the meeting.

Presentations – GFOA Distinguised Budget Award FY 2025-2026- Ashlee Hurst, Finance Director.

Finance Director Ashlee Hurst presented the GFOA Distinguished Budget Award FY 2025-2026.

Mayor Cain expressed appreciation and thanked Finance Director Ashlee Hurst for the hard work put into the preparation of the current year's budget and for their efforts throughout the entire budget process.

Councilman Matamoros congratulated Finance Director Ashlee Hurst and stated that her hard work during the previous budget cycle was exemplary. He expressed his appreciation and thanked her.

Councilman Davis expressed his appreciation and stated that Finance Director Ashlee Hurst did a great job, as always.

Upcoming Events -
City Hall will be closed on December 16
City Manager Welcoming, RiverPlace, December 16, 4:00P.M.-6:00P.M.
First Responder Neighborhood Parade, December 18, 5:00P.M.
2026 MLK Parade, Downtown Freeport, January 19, 11:00A.M.
MLK Festival, Freeport Municipal Park, January 19, 12:00P.M.

Mayor Cain gave updates on upcoming events.

Business

Consideration and possible action approving Resolution No. 2025-3007 appointing a member(s) to the Senior Citizens Commission.

City Manager Dr. Danielle Kelly stated that there were two resignations from the Senior Citizens Commission, specifically from Member Moore and Member Childress. She noted that their terms were scheduled to expire on May 31, 2027. Dr. Kelly further stated that there are two applicants for Council's consideration to fill the vacancies: Ms. Jane Hawkins and Ms. Virginia Tippen.

Jane Hawkins stated that although she was not born in Freeport, she moved to the City at a very young age and has lived there for nearly 82 years. She stated that when she first became involved with the Senior Citizens Commission, she did not initially know many of the elderly residents but quickly grew to enjoy working with them. She noted that at the time she joined the Commission she was younger and stated that she is now 81 years old. Ms. Hawkins stated that she enjoys spending time with senior citizens and looks forward to visiting with them, noting that they also look forward to those interactions. She expressed that senior citizens need a place to go where they can gather, play games, sing, dance, and enjoy spending time with others rather than staying at home watching television. Ms. Hawkins stated that she values those opportunities and expressed her desire to continue being part of those efforts.

Virginia Tippen stated that she resides on Avenue Q. She stated that she has lived in Oyster Creek or Freeport for approximately 46 years and raised her children in the community. She noted that she has been active in the community, including involvement with Girl Scouts when her children were younger, and stated that her children are now in their forties. Ms. Tippen stated that she wishes to give back to Freeport for what the community has provided for her. She expressed that senior citizens have always been a valuable mentoring influence in her life and stated that she learns a great deal from seniors. She stated that she enjoys being active and spending time with people in small group settings.

A motion was made by Councilman Rossow to accept these two ladies, he knows them, they are good people, and they will definitely be an asset to the Senior Citizens, seconded by Councilman Pena with discussion that followed.

Councilman Pena stated that the procedure requires appointments to be considered one at a time. He noted that the ordinance cannot be violated and emphasized that Council must proceed with one appointment at a time.

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

A motion was made by Councilman Rossow to appoint Ms. Tippen, seconded by Councilman Matamoros with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving the Fire Chief to enter into a MOU with Brazoria County Sheriff's Office and Texas DPS.

Fire Chief Chris Motley stated that the item in the meeting packet was a staff recommendation regarding an agreement involving Brazoria County Sheriff's Office, the Texas DPS, and Freeport Fire and EMS. He stated that staff is recommending authorization from Council for him to sign the agreement. Chief Motley explained that the agreement is part of the Uvalde Act, House Bill 33, similar to the agreement previously presented to Council for law enforcement. He stated that the agreement expands participation to include EMS and fire protection services. Chief Motley further stated that there are training mandates from the Texas Department of Health that will need to be followed as part of the agreement. He noted that the requirements are expected to be finalized by the end of the month and that additional details regarding training requirements are anticipated to be available in the spring.

A motion was made by Councilman Pena to approve the Fire Chief to enter into a MOU with Brazoria County Sheriff's Office and Texas DPS, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action awarding the Insta-Valve CDBG Grant contract to Android Construction Services, LLC.

Finance Director Ashlee Hurst stated that staff recommends awarding the contract to Android Construction Services LLC and approving the additional cost associated with upgraded materials included in the contractor's estimate. Ms. Hurst explained that on October 23, the City of Freeport opened bid responses for the project titled Insta-Valve Installation CDBG Grant, RFP No. 2025-15, which had been properly advertised. She stated that the City received three bid responses and that Android Construction Services LLC submitted the lowest bid in the amount of $229,000. Ms. Hurst stated that the project is funded through a Community Development Block Grant awarded by Brazoria County in the amount of $220,000. She noted that after discussions with the Utility Operations Manager, it was determined that the materials included in the original bid were not the best long-term investment for the City. She stated that the Utility Operations Manager worked directly with Android Construction Services LLC to obtain a revised estimate using higher-quality materials that would provide greater longevity for the valves. Ms. Hurst stated that the upgraded materials would result in an additional cost to the City of $20,587. She further explained that, prior to bringing the item before Council, the City was required to submit a recommendation letter to Brazoria County HUD for review and approval of the contractor. She stated that the County's approval letter was included in the Council packet as supporting documentation and that approval was received on December 1. Ms. Hurst stated that Council approval is required in order to proceed with development of the contract. She explained that the grant will reimburse the City $220,000, resulting in a City contribution of approximately $9,000 if the original bid amount is approved. She further stated that approval of the upgraded materials would bring the City's total responsibility to $29,587. Ms. Hurst stated that the City's portion of the cost can be funded using remaining project funds from a bond fund that has available balance due to a cost reduction on another grant project. She noted that one of the City's other grants experienced a cost reduction of more than $1.4 million. She stated that, based on discussions with staff, the upgraded materials are considered a better option. Ms. Hurst concluded by stating that the project will allow the City to better isolate water main leaks, reducing the number of residents affected by water outages during repairs.

A motion was made by Councilman Matamoros to approve Android Construction Services and allowing for the better material with that additional cost of $229,000, seconded by Councilman Davis with discussion that followed.

Councilman Pena thanked Finance Director Ashlee Hurst for preparing the item and for soliciting three bids. He asked how long the bid notice was advertised. Ms. Hurst responded that the notice was advertised for 30 days. Councilman Pena asked whether Android Construction Services LLC, Experts Underground Solutions, or Power Scoop Utility had previously performed work for the City and whether any issues had occurred with their work. Ms. Hurst stated that she was aware Android Construction Services LLC had performed work for the City, but she could not confirm at that time whether the other companies had done prior work. She stated she could research that information if needed. Councilman Pena stated that he was curious whether any of the companies had completed work successfully or if there had been any issues. He asked whether staff could speak to that. Ms. Hurst stated that she could not speak to that at the time. She added that, as part of the contract requirements, the contractor is required to provide a performance bond, submit a bid bond, and carry liability insurance. Councilman Pena asked whether the bid bond and liability insurance were verified and active .Ms. Hurst stated that the performance bond would not be issued until the contract is executed, but the bid bond was submitted as part of the bid package. Councilman Pena asked whether the bid bond had been verified. Ms. Hurst responded affirmatively. Councilman Pena asked whether the liability insurance had been verified. Ms. Hurst stated that liability insurance verification is part of the contract process and will be verified when the contract is finalized.

Mayor Cain asked whether the valves being discussed were separate from those funded by the Economic Development Corporation (EDC). Finance Director Ashlee Hurst confirmed that they were separate, stating that the valves associated with this project focus on residential areas, while the EDC-funded project focuses on businesses. She stated that both projects address similar needs but serve different segments of the community. Mayor Cain stated that the project would result in many satisfied residents.

Councilman Pena stated that his question might be directed to legal counsel and expressed concern about framing the question appropriately without compromising negotiations. He stated that the City had encountered issues in prior years regarding whether contracts might infringe upon other existing contracts that could require solicitation of certain contractors. He asked whether the bid process addressed that concern. Ms. Hurst stated that the project was publicly posted and open to all bidders. She further stated that Mr. Pennington had specifically asked the Utilities Operations Manager to reach out to potential contractors to invite them to bid. She stated that the three responses received were those included in the Council packet.

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

<u>Consideration and possible action approving Resolution No. 2025-3008 to amend TexPool signatories.</u>

Finance Director Ashlee Hurst stated that this item, along with the next several agenda items, relates to updating City bank accounts. She explained that the updates are required so that City Manager Dr. Kelly is added as an authorized individual on the accounts and that Mr. Pennington is removed from the TexPool account. Ms. Hurst stated that the update would add Dr. Kelly and retain herself and Mayor Cain with read-only access to the account. She stated that staff recommends approval of the resolution.

A motion was made by Councilman Pena to approve Resolution No. 2025-3008 to amend TexPool signatories, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

<u>Consideration and possible action approving Resolution No. 2025-3009 to amend Texas Class signatories.</u>

Finance Director Ashlee Hurst stated that this agenda item addresses the City's smaller investment bank account. She explained that the resolution would add City Manager Dr. Kelly as an authorized individual on the account and remove Mr. Pennington. She stated that this is the purpose of the resolution being considered.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-3009 to amend Texas Class signatories as presented, 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. 2025-3010 to amend Texas Gulf Bank Signatories.

Finance Director Ashlee Hurst stated that this agenda item addresses the City's operating bank account. She explained that, as with the previous items, the purpose of the resolution is to add City Manager Dr. Kelly as an authorized individual. She noted that this account is essential for issuing payments to vendors and employees and stated that staff recommends approval of the resolution.

A motion was made by Councilman Pena to approve Resolution No. 2025-3010 to amend Texas Gulf Bank Signatories, 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. 2025-3011 to approve Veolia temporary contract extension.

City Manager Dr. Danielle Kelly stated that the City entered into a contract with Veolia on September 14, 2015, for operation of the municipal water utility. She noted that the contract was originally set to expire on September 30 of the current year and had previously been extended through December 31 to ensure continuity of services and to allow her time to review the contract and continue negotiations. Dr. Kelly stated that the City has requested an additional extension of the contract through the end of February and that Veolia is amenable to extending the agreement for that period.

A motion was made by Councilman Pena to approve Resolution No. 2025-3011 to approve Veolia temporary contract extension, seconded by Councilman Davis with discussion that followed.

Councilman Pena asked whether the new deadline for the contract extension was the end of February. City Manager Dr. Danielle Kelly said yes. Councilman Pena stated that he hoped a workshop could be scheduled to bring Council up to speed on the contract details outside of a regular Council meeting, so discussion would not extend late into the evening. Mayor Cain responded that staff could attempt to schedule a workshop.

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".

Confirmation of City Manager's appointments to the Police Officer's and Firefighter's Civil Service Commission.

A motion was made by Councilman Pena to table this item (4H), seconded by Councilman Davis with discussion that followed.

Mayor Cain asked whether the City was operating under a time constraint related to the item under discussion. City Attorney Chris Duncan responded that, under statute, Council is required to appoint three positions to the commission within 60 days of the election. He stated that the deadline would be January 3. He then clarified his statement, noting that the statute provides the City Manager with the authority to appoint members to the commission; however, those appointments must be voted on, approved, and confirmed by the City Council.

Councilman Davis stated that he wished to explain his reason for seconding the motion. He stated that the matter involves a new process related to civil service and expressed concern that Council has not been adequately informed about how the process works. He stated that Council has not been informed about the roles, responsibilities, or authority of the individuals who would be appointed to the board and expressed that Council does not fully understand the scope or implications of the appointments. Councilman Davis stated that he believed a workshop should be held to inform Council about the process. He stated that this is something new for the City and that there are no nearby cities with similar processes that Council could easily reference for guidance. He expressed concern about voting on the matter without sufficient information, even acknowledging that there is a time constraint. He stated that if a workshop needed to be held within 72 hours, he would be willing to return, noting that serving the City is part of his responsibility as an elected official. Councilman Davis further stated that he was unsure whether even the Police Department fully understands the implications of the process at this time. He stated that while he assumed the Chief may have been briefing officers internally, Council had not received similar information. He emphasized that this represents a significant change and a new process for both the Council and the Police Department. He stated that making a decision without adequate understanding is not wise, given the seriousness of the matter, and emphasized that this is not a minor issue but a substantial change requiring careful consideration. He expressed frustration that, despite the 60-day timeline, Council had not been previously informed or involved in discussions. He stated that he believed the matter had been brought forward too late and expressed concern about a lack of transparency. Councilman Davis concluded by stating that, in his opinion, it was not appropriate to make a decision on the matter during the meeting without proper information and discussion through a workshop.

Police Chief Jennifer Howell addressed Council and stated that the civil service process is new for both herself and Fire Chief Chris Motley. She stated that neither had previously worked under civil service and that the process represents a learning curve for them as well. She stated that they have reached out to attorneys who specialize in civil service matters and are in the process of obtaining proposals. She noted that several attorneys indicated they could provide training; however, all indicated that such training would not be available until next year. Chief Howell stated that the City became aware of the requirement on the same day the notice was posted and that staff acted immediately to begin the process. She stated that due to the time constraints and the holiday season, staff worked quickly with administrative staff to create a flyer and post it the same day. She stated that applications were accepted through 5:00P.M. that day and were promoted through social media, City Hall, and the Police Department in an effort to maximize outreach. Chief Howell stated that she and Fire Chief Motley have been researching civil service requirements, studying relevant materials, and reaching out to various organizations to obtain policies, procedures, and forms. She stated that staff has been working diligently but has not yet felt confident enough to present detailed information to the Council, explaining that she did not want to provide inaccurate information. She stated that the intent is to ensure the process is done correctly and thoroughly. Chief Howell stated that she provided a general informational sheet regarding the Civil Service Commission to help give Council an overview for the meeting. She emphasized that it was not staff's intention to rush the process, but rather to meet statutory deadlines while beginning the necessary groundwork. She stated that an important civil service training session is scheduled for the end of January for herself, Fire Chief Motley, and other staff members, including Human Resources, and expressed hope that the training would provide additional clarity and guidance. Fire Chief Chris Motley stated that staff has reviewed the timeline required to implement civil service by October 1 of the following year and has identified deadlines to ensure the process is completed properly. He stated that staff does not intend to rush the process but wants to ensure it is done correctly from the beginning. He stated that part of the initial planning included the need to publicize and appoint members to the Civil Service Commission. Chief Motley stated that he continues to review state law, Attorney General opinions, and practices from other cities that have recently transitioned to civil service, including San Marcos, Forney, Ennis, and Victoria. He stated that his goal is to present the Council with a well-researched and complete recommendation. He stated that he continues to research the matter, including reviewing materials during personal time, to ensure full understanding of the requirements and best practices. He emphasized that the January training would be a key step in gaining knowledge and coordinating with peer cities that already operate under civil service.

Mayor Cain asked whether tabling the item and holding a special meeting the following Monday would allow sufficient time for staff to gather additional information. Police Chief Jennifer Howell stated that the information she had already provided represented the extent of the information currently available and that staff would not likely have additional information available by that time. Fire Chief Chris Motley stated that some of the available PowerPoint materials from prior seminars could be used to brief Council at this time, noting that this would be the best information currently available. Chief Howell acknowledged that some of the materials are outdated and stated that updated information would not be available until the training scheduled for January. Chief Motley stated staff could provide Council with an overview of the Civil Service Commission, including its general functions, responsibilities, and the matters over which it has authority.

Councilman Davis stated that he appreciated the honesty of staff and thanked them for coming forward and sharing the information they currently have. He stated that his concern is that Council is being placed in a difficult position and expressed that he wished this process had been addressed prior to the matter being placed on the ballot. He stated that the issue originated from the Police Department but emphasized that he was not placing blame on staff. Councilman Davis stated that staff had demonstrated transparency since the prior City Manager's departure and that he recognized and appreciated that transparency. He stated that he supports the Police Department and referenced his prior support during challenges faced by the department. He stated that while the vote has already occurred and Council must move forward, he believes Council needs a clear understanding of how the process will function. He stated that he understands staff does not yet have all the answers and acknowledged that this lack of information is not the fault of staff. He emphasized that citizens voted on the issue without being fully informed about what civil service implementation would entail and stated that many voters may have believed they were simply supporting the Police Department without understanding the broader implications. Councilman Davis expressed concern that Council is now unable to provide information to the public because the details are not yet fully known. He stated that this creates difficulty when making appointments, as Council does not have clarity on what qualifications, experience, availability, or mindset should be sought in potential commission members. He emphasized that Civil Service Commission members must be open-minded, fair, and balanced in representing the interests of citizens, the Police Department, and the City as a whole. Councilman Davis stated that the Civil Service Commission is a significant body and not comparable to other boards or committees. He reiterated that his comments were not directed personally toward staff and emphasized that his statements were intended to reflect the current realities and challenges facing Council. He stated that holding a meeting the following Monday would not provide sufficient time to obtain meaningful information and suggested that additional time, potentially closer to January 3, may be necessary. He stated that despite the inconvenience of the holiday season, he is willing to return for additional meetings if necessary to ensure Council makes an informed decision. Police Chief Jennifer Howell stated that she could provide Council with PowerPoint materials she had obtained from prior trainings; however, she noted that the materials contain outdated information. She explained that she had not previously shared those materials because she wanted to ensure Council receives the most current and accurate information. Chief Howell stated that her concern was that sharing outdated information could cause confusion, particularly once new information becomes available following upcoming training. She stated that her intent was for staff, including Fire Chief Motley, to attend the new training, obtain updated information, and then provide Council with the most current guidance, rather than presenting a mix of old and new information that could lead to misunderstanding. Chief Howell stated that, with regard to the composition of Civil Service Commission members, practices vary among cities. She stated that some cities appoint individuals with prior police or fire experience. She noted that different cities approach the process differently and stated that this will be part of a learning curve for the City of Freeport. Chief Howell stated that she has spoken with potential candidates who asked how often the commission would meet. She explained that there is currently no established meeting schedule and that the commission will not operate on a regular schedule like other City boards or commissions, such as meeting on a specific day of the month. She stated that meetings would occur as needed, typically when a disciplinary action is appealed by a police officer or firefighter, at which point the commission would convene to hear the appeal. Chief Howell further stated that when they begin developing local civil service rules, one of the first steps will be to convene the commission members to discuss and establish those rules. She stated that, initially, there may be several meetings to address the creation of local rules. However, once that process is completed, the commission may not meet again for an extended period of time, potentially even years, if there are no disciplinary appeals. Chief Howell stated that she was being realistic in explaining that the commission's activity depends on whether suspensions, terminations, or appeals occur. She stated that if no such actions take place, there may be no reason for the commission to meet. She emphasized that much of the process remains uncertain at this time due to the limited information currently available. Councilman Davis commented that the process involves more than disciplinary matters and referenced issues such as pay disputes. Chief Howell said that would be with the associations, which is separate from the Civil Service Commission. Councilman Davis stated that he has spoken with individuals at the county level, including constables and acquaintances, who have advised that the civil service process is a serious matter requiring close attention, particularly for small cities. He emphasized that education is needed on the issue and expressed concern about the implications of moving forward without full understanding. Councilman Davis stated that he appreciated the efforts of staff. Chief Howell stated that training related to civil service is offered only once per year. She explained that when the petition process began, the annual training had already occurred in January of the previous year, requiring staff to wait until the upcoming January to attend. She stated that she and Fire Chief Motley explored numerous options and directions in an effort to locate training opportunities to educate themselves but were unable to find alternatives.

Councilman Rossow asked whether any other cities in Brazoria County are operating under civil service. Police Chief Jennifer Howell responded that they did not state that no other cities were participating, but clarified that the City of Alvin and the City of Pearland are civil service cities. Fire Chief Chris Motley stated that during the previous legislative session, there was an effort at the state level to require cities with populations over 10,000 to implement civil service. He stated that the legislation did not pass; however, there continues to be interest and discussion at the state level regarding civil service mandates, and similar proposals could return in future legislative sessions. Councilman Rossow asked whether the state is currently pushing the City toward civil service. Chief Motley responded that the legislation did not pass and is not currently mandated statewide. Councilman Pena stated that the City of Freeport voluntarily adopted civil service through voter approval. City Attorney Chris Duncan stated that while civil service is not mandatory statewide, it is now mandatory for the City of Freeport due to the November election results approving the measure. Mr. Duncan stated that, under state law, the City Manager is required to appoint the commission members within 60 days of the election. He stated that failure to do so could constitute a misdemeanor offense. It was clarified that while the City Manager must make the appointments within the 60-day timeframe, the statute does not explicitly require City Council confirmation to occur within that same period. City Manager Dr. Danielle Kelly stated that the staff report states January 2.

Councilman Pena stated that there is a significant amount of information to consider regarding the civil service process and emphasized the need for careful and prudent decision-making. He stated that when both the Police Chief and Fire Chief have expressed discomfort due to unknowns, Council, residents, and the departments are similarly uncomfortable. He stated that there are too many unanswered questions at this time. Councilman Pena clarified that he is not concerned about the individuals being considered, noting that the Council knows the community and is confident in the competence and capability of its residents. He stated that he supported tabling the item due to the number of unknowns, including uncertainties that existed even prior to the election. He acknowledged that he understood the circumstances that led to the petition and that was because of the politics with Lance Petty.Councilman Pena stated that he previously believed it was unfair for City Manager Dr. Kelly to be expected to immediately negotiate the Veolia contract upon her arrival and expressed appreciation that Council acted prudently by extending that contract. He stated that the same level of prudence should be applied in this matter, noting that rushing the civil service process would be unfair to Dr. Kelly, the Police Department, staff, and, most importantly, the residents of Freeport. He stated that staff is being placed in a difficult position without sufficient information and emphasized that Council must also be comfortable with the decisions being made. Councilman Pena stated that there are many unanswered questions regarding authority, roles, and responsibilities under civil service, including the relationship between the Police Department, the Civil Service Commission, and police associations. He stated that Council does not yet have a clear understanding of these distinctions and that the public also deserves clarity. Councilman Pena stated that he had not previously been aware that failure to meet the statutory deadline could constitute a misdemeanor and asked who would be responsible for enforcing that provision. He questioned whether enforcement would come from civil service representatives, an executive or leadership body, or another entity. He sought clarification regarding who would pursue any legal action, questioning whether it would be the Civil Service Commission members, a police officers' association, or another party. Councilman Pena stated that he did not believe enforcement would come from City staff and expressed his view that county officials or judges would be unlikely to pursue a misdemeanor case unnecessarily. He asked whether there was a lawful way to request additional time, allow for training by subject-matter experts, and conduct a workshop so Council could be better informed before proceeding. Police Chief Jennifer Howell asked whether she was being requested to confirm an action that would violate the law. Councilman Pena clarified that he was not requesting any action that would violate the law and asked that he be allowed to clarify his request. He stated that his intent was to identify a prudent way forward that would avoid rushing into unnecessary action. He explained that Council does not need to resolve every operational detail at this time but does need to understand how the civil service system functions and what roles and responsibilities would apply to the three Civil Service Commission members. Councilman Pena stated that Council does not yet know the commission's meeting schedule or operational framework and acknowledged that some of those details may not be fully known at this stage. He stated that Council is learning in real time and asked whether legal counsel believed there was an opportunity to table the item beyond the January deadline with permission from the entity responsible for enforcing the statute. Councilman Pena asked who would initiate enforcement of the misdemeanor provision and sought clarification on whether any exception, relief, or injunction could be pursued to allow additional time for education and workshops. Chief Howell stated she would be the one to turn it in to the state if they do not comply. Councilman Pena stated that his concern was to avoid rushing the process during the holiday season and noted that the Council is being asked to make significant decisions late in the year with limited preparation time.

City Attorney Chris Duncan stated that he understood the question as to whether the City could proceed beyond the January 3 or January 4 deadline. He stated that he does not recommend going past that deadline. He explained that the statute is clear and that there is no authority to grant permission or an extension to exceed the deadline. Mr. Duncan stated that his review of Chapter 143 of the Texas Local Government Code, which governs civil service commissions, indicated that there have been very few changes to the chapter since approximately 2015. He noted that the only recent amendment occurred in 2025 and related to election procedures and the conduct of the election, which has already been completed. Mr. Duncan stated that it would not be difficult or impossible for the Council to hold another meeting prior to January 2 or January 3. He stated that informational materials could be prepared and presented by Fire Chief Chris Motley, Police Chief Jennifer Howell, and himself. He stated that such a presentation could answer many of Council's questions and provide clarity regarding the functions and responsibilities of the Civil Service Commission. Mr. Duncan further stated that the Civil Service Commission consists of three positions, each with three-year terms. He stated that the initial appointments are required to be staggered, with one member appointed to a one-year term, one to a two-year term, and one to a three-year term. Mr. Duncan stated that the Civil Service Commission differs from other City boards and commissions. He explained that, unlike most boards, whose members may be removed and replaced by City Council at any time, members of the Civil Service Commission may only be removed for cause. He stated that removal requires meeting a high burden, such as criminal conduct or serious misconduct, and that Council cannot remove members simply due to disagreement or dissatisfaction with their performance. Mr. Duncan stated that while the initial appointments are staggered for one-, two-, and three-year terms, future appointments will be for full three-year terms. He emphasized that these are long-term commitments and are not easily reversed once made. Police Chief Jennifer Howell stated that local rules may be adopted to establish guidelines for commission members, including standards of conduct. She noted that some cities have adopted local rules that provide for removal if members fail to comply with established requirements; however, she stated that the Texas Local Government Code provides limited additional authority beyond those guidelines.

Councilman Pena stated that he found it reassuring that legal counsel advised against extending the process beyond the statutory deadline. He stated that, based on the discussion regarding the specialized nature of civil service training, which is only offered once per year he was encouraged that staff and legal counsel would be able to work together to provide Council with a clear and thorough understanding of the civil service program. He stated that this approach would allow Council to avoid making rushed decisions based on incomplete or unprocessed information. Councilman Pena stated that it was important for Council to have time to review and process new information before making decisions. He stated that, in his view, the vote required prior to the January 3 or January 4 deadline would not be to finalize operational details or local rules, but rather to appoint the Civil Service Commission members. He emphasized that Council's request is to first understand what it is being asked to vote on. Councilman Pena thanked staff for their honesty and stated that transparency reflects integrity. Police Chief Jennifer Howell stated that informational sheets were provided to give Council general guidance based on the information currently available. Fire Chief Chris Motley stated that the Civil Service Commission primarily relates to the human resources aspect of public safety rather than day-to-day operations. He explained that civil service governs areas such as hiring processes, testing requirements, and disciplinary appeals, but does not affect daily operational control, which remains local. Chief Howell stated that the commission serves as a system of checks and balances, reviewing disciplinary appeals to determine whether actions taken by department leadership were appropriate or unjustified.

Councilman Pena asked whether if the item were tabled, any workshop or special meeting would be open to the public so residents could also learn about the process. Mayor Cain stated that he supports holding a workshop or special meeting provided that meaningful and valuable information can be presented. He stated that if no additional information would be available beyond what was presented at the meeting, he questioned the benefit of delaying action. Councilman Pena stated that the goal would be for Council to receive information in advance, study it, and come prepared with informed questions so that decisions are made thoughtfully.

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

<u>Consideration and possible action approving Resolution No. 2025-3012 accepting the Charter Review Commission's Recommendations for Proposed Charter Amendments.</u>

City Attorney Chris Duncan explained that the City Charter Commission met several times throughout the year to conduct a comprehensive review of the City Charter. He stated that the commission reviews the charter every two years and that, despite prior reviews, new items requiring attention are often identified during each review cycle. Mr. Duncan stated that the Charter Commission reviewed every section of the City Charter in a diligent manner, held discussions, and voted on which items to recommend to City Council for potential charter amendments. He explained that any recommendations approved by City Council would be included in the ordinance calling a charter election, which is typically adopted in January. He stated that the election would be held in May, at which time voters would consider each proposed amendment individually and vote to approve or disapprove each item. Mr. Duncan emphasized that the Charter Commission's role is advisory in nature. He stated that City Council may accept or reject the commission's recommendations and that Council also has the legal authority to propose charter amendments independently. He noted that any proposed amendment must receive a majority vote of Council in order to be placed on the ballot. He stated that, ultimately, the citizens decide whether charter changes are adopted, as the charter belongs to the residents of the City.

City Attorney Chris Duncan then presented the first proposed amendment approved by the Charter Commission, which involves revising Section 3.01 of the City Charter to change the elected terms of the Mayor and Council Members from three-year terms back to two-year terms. He stated that for most of the City's history, Council Members served two-year terms with a maximum of two consecutive terms. He explained that, several years ago, around 2021 or 2022, the Charter Commission recommended extending terms from two years to three years, and voters approved that change. Mr. Duncan stated that the current recommendation would revert terms from three years back to two years and clarified that the change would not affect current officeholders. He stated that the amendment would only take effect after all currently serving three-year terms have concluded. Mayor Cain stated that Council would begin with Proposed Change No. 1, which revises the charter to change the terms of the Mayor and Council Members from three-year terms to two-year terms.

A motion was made by Councilman Pena on Proposal Change No. 1 to not place it on the ballot, seconded by Councilman Davis with discussion that followed.

Councilman Davis stated that the change from two-year terms to three-year terms occurred in approximately 2021 and that the change was made for a reason, reflecting a vision or rationale at that time. He stated that while he did not know the exact reasoning behind the change, he believes longer terms were intended to allow elected officials adequate time to accomplish meaningful work. Councilman Davis stated that it takes considerable time for Council members to learn their roles, collaborate with other council members, and begin moving projects forward. He expressed concern that with two-year terms, much of the first year is spent in a learning phase, leaving little time to initiate and complete projects before the next election cycle. He stated that if residents are dissatisfied with a Council member's performance, they have the right to vote that individual out of office. Councilman Davis stated that he believes accountability ultimately rests with voters and expressed that he supports doing what is right and ethical. He stated that residents have the right to vote and make changes if they disapprove of Council actions. Councilman Davis stated that during his attendance at a Texas Municipal League conference, he spoke with Council members from other cities who discussed different approaches to term limits. He stated that some cities operate without term limits, which he described as risky, and clarified that he was not advocating for unlimited terms. He stated that those cities emphasized the importance of having a shared vision, the ability to agree or disagree respectfully, and an open-minded approach to governance. Councilman Davis stated that successful Councils establish long-term plans, typically spanning three to five years, and work collaboratively to achieve those goals. He stated that such planning is difficult to accomplish within a two-year term. Councilman Davis stated that he is optimistic about the City's future due to the recent appointment of a new City Manager with experience in development and other areas important to Freeport.

Councilman Rossow stated that he also attended the Texas Municipal League conference and that the individuals he spoke with supported longer terms, including unlimited terms or terms of four or five years. He stated that he did not hear support for two-year terms at the conference. He expressed agreement with Councilman Davis's comments and stated that he believed those remarks accurately reflected the discussion and concerns regarding term lengths.

Councilman Pena stated that he agreed with the prior comments and echoed the sentiment that two-year terms do not allow sufficient time to accomplish meaningful work. He stated that a significant portion of a two-year term is spent campaigning for reelection, which detracts from governing responsibilities. Councilman Pena stated that he also attended the Texas Municipal League conference and commended Councilman Davis and Councilman Rossow for consistently representing the City at association meetings. He stated that they actively ask questions and learn from other municipalities, which he described as impactful and beneficial for Freeport. Councilman Pena stated that based on those experiences and discussions, two-year terms do not make sense for effective governance. He stated that Council could consider longer terms in the future but expressed that reverting to two-year terms is not advisable. He stated that for those reasons, he made the motion not to include the proposed change on the ballot.

Councilman Matamoros stated that he understood and respected the intent of the Charter Review Commission. He noted that many surrounding cities operate with two-year terms and a maximum of three consecutive terms and stated that he understood why the commission proposed the change. Councilman Matamoros stated that he was personally indifferent as to whether terms are two or three years and that he could see valid arguments on both sides.

Mayor Cain explained that with two-year terms, elections occur frequently, potentially resulting in a rotating Council with new members elected each year, which could hinder progress and continuity. He stated that, conversely, with three-year terms, if a Council member is disruptive or engages in misconduct, the City must endure that situation for a longer period. Mayor Cain stated that, ultimately, he believes the decision should be left to the citizens of Freeport. He stated that residents should have the opportunity to determine how long elected officials serve and expressed that Council should not decide term lengths for itself but instead allow voters to make that determination at the polls.

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

Councilman Davis stated that he wanted to clarify earlier remarks and asked that citizens not misunderstand the discussion. He stated that the Council was not attempting to prevent citizens from voting on the issue. He emphasized that the citizens had previously voted to establish the current term structure and that the proposal to change the terms did not originate from the voters. Councilman Davis stated that the recommendation came from the Charter Review Commission, which consists of five or six members, and not from a citizen-initiated request. He stated that if citizens had come forward requesting a change and asked for the issue to be placed on the ballot, he would support allowing voters to decide the matter.

Councilman Davis stated that his concern was ensuring the record was clear and that the Council was not mischaracterized as opposing citizen input. He reiterated that if citizens express a desire to revisit the issue, Council would support taking the matter to the polls. He thanked Council for the opportunity to clarify his comments.

Councilman Matamoros stated that he held a differing view and expressed that, in his opinion, the Council removed the opportunity for citizens to vote on the matter.

City Attorney Chris Duncan presented Proposed Change No. 2, which involves revising Section 3.05 of the City Charter, titled Mayor Pro Tem. He explained that the first paragraph of the section addresses the role of the Mayor Pro Tem, while the second paragraph addresses the process for filling vacancies on City Council and includes a requirement for a special election within 40 days. Mr. Duncan stated that another section of the City Charter also addresses the process for filling Council vacancies and specifies a 120-day timeframe for a special election. He explained that state law governs these provisions and that the second paragraph of Section 3.05 is both duplicative and inconsistent with state law. Mr. Duncan stated that the Charter Review Commission reviewed the matter and recommended that the second paragraph of Section 3.05 be removed. He stated that the proposal would eliminate the inaccurate and redundant language and allow the correct provision located elsewhere in the Charter to remain in effect. Mayor Cain commented that the proposed amendment was primarily housekeeping in nature. Mr. Duncan confirmed that the proposed change is intended as a housekeeping measure.

A motion was made by Councilman Matamoros for Proposed Change No. 2 be put on the ballot, seconded by Councilman Davis with discussion that followed.

Councilman Pena asked for clarification regarding the specific language proposed for removal in order to ensure compliance with state law. City Attorney Chris Duncan responded that the proposed amendment would remove the entire second paragraph of Section 3.05 of the City Charter. He stated that while portions of the paragraph accurately reference state law, the provision requiring a special election within 40 days does not comply with state law. He explained that state law generally requires special elections to be held on uniform election dates and, under certain circumstances, allows a special election within a minimum of 120 days if provided for in the charter. Councilman Pena asked for the City Attorney's recommendation. Mr. Duncan stated that his recommendation is to place the proposed change on the ballot and remove the paragraph because it does not comply with state law. Councilman Pena asked whether the provision had previously caused problems for the City of Freeport. Mr. Duncan responded that he was not aware of any prior issues resulting from the provision, noting that he did not know whether the City had ever conducted a special election within the 40-day timeframe referenced in the Charter.

Councilman Davis stated that whenever items are proposed to be placed on the ballot in the future, he intends to request that a workshop be held prior to Council action. He stated that this position was influenced by recent experiences related to the Police Department ballot item and emphasized the importance of ensuring that citizens fully understand what they are being asked to vote on. Councilman Davis stated that workshops would provide transparency and ensure that information is shared evenly across the community rather than selectively. He expressed that all citizens should have the opportunity to attend, observe, and become educated on ballot issues before they are presented for a vote. He stated that this approach would prevent confusion and misinformation and promote informed decision-making. Councilman Davis stated that transparency with citizens is essential and suggested that Council consider establishing a practice or rule requiring a workshop for any item placed on the ballot. He concluded by stating that the City should begin this approach immediately and ensure that all ballot matters are presented openly and clearly to the public.

Councilman Pena asked whether the proposed charter amendment addressed the issue previously discussed regarding the use of "shall" versus "will" in the appointment of the Mayor Pro Tem. City Attorney Chris Duncan responded that the proposed change does not alter that portion of the City Charter.

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

City Attorney Chris Duncan presented Proposed Change No. 3, which involves revising Section 3.12 of the City Charter regarding official bonds for City employees. He explained that the current Charter requires certain positions, including the City Manager and Finance Director, to be bonded to cover potential financial losses. He stated that the Charter also allows City Council to require bonding for other positions at its discretion. Mr. Duncan stated that the existing Charter language does not establish a minimum dollar amount for required bonds. He explained that the Charter Review Commission determined it was important to set a minimum bonding amount and recommended establishing a minimum bond of $200,000 for the City Manager and City Secretary. Mr. Duncan stated that the bond would be paid for by the City and not by the individual employees. He noted that the cost to the City to obtain a $200,000 bond is relatively minimal. He stated that the purpose of the proposed amendment is to establish a minimum bonding threshold to ensure adequate financial protection for the City.

A motion was made by Councilman Pena to add this to the ballot with a couple of revisions to clearly itemize the minimum bond amount for the City Manager at $1,000,000, COF at $1,000,000, and the City Secretary at $200,000 and any other officers or employees designated by the Council at minimum $200,000, with discussion that followed.

Councilman Pena stated that his position was influenced by past situations in which the City did not have adequate bonding in place. He referenced prior issues involving Kelty and the Covarrubias matter, as well as similar concerns related to Petty. Councilman Pena stated that he supports the proposed charter amendment but emphasized the need to ensure that the bonding amounts are appropriate. He noted that the City routinely handles contracts valued in the millions of dollars and stated that future agreements, including those involving Veolia, will involve multi-million-dollar contracts. He stated that his intent is to ensure the City is adequately protected.

Mayor Cain called the motion for a second. The motion died due to a lack of a second.

Councilman Pena asked whether the City currently has bonding in place and stated that he believed a minimum bond had previously been required for the City Manager following the Covarrubias situation. Councilman Pena asked whether a resolution had been adopted to that effect. Mayor Cain responded that they did not believe a formal resolution had been adopted and stated the former City Manager elected to obtain a bond larger than the prior bond amount.

A motion was made by Councilman Matamoros to approve the language as presented, seconded by Councilman Davis with discussion that followed.

Councilman Pena asked whether bonding is currently in place for the officials identified in Proposed Change No. 3. City Attorney Chris Duncan confirmed that bonding is currently in place but stated that they were unsure of the exact dollar amounts. Finance Director Ashlee Hurst stated that the City Secretary is currently bonded at $20,000 under the existing Charter, the Finance Director is bonded at $250,000, and the City Manager is bonded at $1 million. She stated that staff is in the process of obtaining the required bond for the current City Manager. Councilman Pena expressed concern that the proposed charter language would allow for lower bonding amounts than those currently in place and stated that the higher bonding levels were established due to past issues. He stated that bonding protects the City in the event of both intentional and unintentional financial losses and questioned why the City would reduce coverage. He requested that Council reconsider the proposal to ensure the City remains adequately protected.

Councilman Davis withdrew his second.

Finance Director Ashlee Hurst provided additional information regarding bonding costs, stating that a $250,000 bond costs approximately $800 annually and that a $1 million bond costs approximately $1,800 annually.

Mayor Cain called the motion for a second. The motion died due to a lack of a second.

A motion was made by Councilman Pena to require all of our officers to have the $1,000,000 bond officially is the City Manager, CFO, and the City Secretary, with discussion that followed.

Councilman Pena stated that his motion was based on prior circumstances involving the Covarrubias matter, during which both the CFO Cathy Ezell and Tim Kelty were involved.

Mayor Cain called the motion for a second. The motion died due to a lack of a second.

A motion was made by Councilman Pena to table this for the next meeting with discussion that followed.

City Attorney Chris Duncan explained that if no motion is approved, the Charter Review Commission recommendations would follow the City's standard process. He stated that the Charter Commission present its recommendations to Council in December, and actual implementation would occur through the January ordinance calling the election, at which time the specific language would be finalized. He stated that, theoretically, charter changes could still be considered at that stage. However, if a proposal is formally voted down, it cannot be reconsidered for three months under Council procedure. Mr. Duncan stated that if no action is taken either by voting for or against the proposal the Charter remains unchanged. He explained that the current Charter does not set a minimum bonding amount but does require certain officials to be bonded. He stated that City Council retains the authority at any time to require bonding at any dollar amount through ordinance or resolution.

Mayor Cain called the motion for a second. The motion died due to a lack of a second.

A motion was made by Councilman Pena to not allow it on the ballot, seconded by Councilman Davis with all present and voting "Aye" 3-2. Mayor Cain voted "Nay". Councilman Matamoros voted "Nay".

City Attorney Chris Duncan stated that the next item discussed by the Charter Review Commission was not a proposed charter amendment, but rather a matter the Commission wished to note in its report. He stated that the Commission considered whether, if council terms were reduced from three years to two years, term limits might also be increased from two consecutive terms to three consecutive terms. He noted that the Commission ultimately chose not to recommend increasing term limits. He further stated that because the earlier proposed change to reduce council terms from three years to two years did not pass, the discussion regarding increased term limits is now moot. He stated that the Commission requested the matter be documented in the report as an item that was reviewed and considered. Mr. Duncan responded that no vote was required and that the item was being presented for informational purposes only and for the record.

City Attorney Chris Duncan then presented Proposed Change No. 5, which involves revising Section 8.02 of the City Charter regarding the development of property. He explained that the current Charter limits the expenditure of City funds for economic development of privately owned land to situations involving a legally valid Chapter 380 agreement. Mr. Duncan stated that while Chapter 380 agreements were historically the primary development tool available to Cities, state law has since expanded to allow additional mechanisms, including public improvement districts, municipal utility districts, public improvement zones, and planned unit developments. He stated that the Charter Review Commission determined the existing language is overly restrictive and may limit the City's ability to pursue economic development opportunities. He stated that the Commission recommends revising the Charter language to allow City funds to be expended pursuant to a legally valid development agreement, rather than limiting such expenditures solely to Chapter 380 agreements. Mr. Duncan stated that this change would allow the City to utilize any development tools authorized under state law. He noted that under the current Charter language, certain development opportunities could not proceed due to the limitation to Chapter 380 agreements.

A motion was made by Councilman Matamoros to approve Proposed Change No. 5 and put it on the ballot, seconded by Mayor Cain with discussion that followed.

Councilman Davis addressed City Manager Dr. Danielle Kelly and asked for her perspective based on her experience in development and whether she had any advice regarding the proposed charter amendment. Dr. Kelly stated that she would fully support the proposed change. She stated that she is not interested in expending City funds without City Council approval and explained that her understanding of the proposed amendment is that it would still require Council approval for any such expenditures.

Mayor Cain stated that, as he understands the Charter and subject to legal confirmation, the current Charter limits the City's ability to pursue economic development projects to those utilizing Chapter 380 agreements. He stated that under the current language, if a developer wished to use another tool, such as a public improvement district, the City would be unable to proceed. Mayor Cain stated that the proposed charter amendment would remove that limitation and allow the City to utilize any legally authorized development tool. City Attorney Chris Duncan stated that the change would provide greater flexibility while still requiring that all development agreements be in writing and approved by City Council in every instance.

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

City Attorney Chris Duncan presented the final proposed charter amendment recommended by the Charter Review Commission, which involves revising Section 9.24 of the City Charter regarding when and how City taxes are due and payable. Mr. Duncan explained that the current Charter language requires City taxes to be paid to the tax collector at the office located in Angleton. He stated that while this may have been appropriate in the past, taxpayers now have multiple payment options, including payment at other county locations and through online methods. Mr. Duncan stated that the Charter Review Commission determined that the existing language is outdated and unnecessarily restrictive. He explained that the proposed amendment would allow taxpayers to pay City taxes through any payment location or method authorized by the county tax assessor-collector, rather than limiting payment to in-person transactions at a single office.

A motion was made by Councilman Pena to approve Proposed Change No. 6, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked whether it was necessary for the proposed charter changes to be placed on the ballot, questioning whether certain matters such as those related to public improvement districts could instead be addressed through a resolution. Mayor Cain responded that City Council cannot change the Charter. City Attorney Chris Duncan stated that Council is not permitted to violate the Charter and emphasized that the Charter functions as the City's constitution.

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

City Attorney Chris Duncan presented Proposed Change No. 7 to revise Section 11.01 of the City Charter concerning the publicity of records. He explained that the current Charter language states that the City shall provide all records to any citizen or representative of the press unless doing so would defeat the lawful intent or purpose for which the records were created. Mr. Duncan stated that the existing language is problematic because it conflicts with state and federal law. He explained that there are specific state and federal restrictions governing the release of records in response to public information requests, including privacy protections and other legal limitations. He stated that when records requests are received, the City is required to review the records to ensure compliance with applicable state and federal laws. Mr. Duncan stated that the proposed amendment would revise the Charter language to clarify that the City will make records available for inspection or provide copies to any citizen or representative of the press except where disclosure is restricted by state or federal law.

A motion was made by Councilman Matamoros to approve Proposed Change No. 7 and put it on the ballot, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Councilman Matamoros stated that he would like to consider adding a charter change requiring residency in the City of Freeport for all City boards and commissions, with the exception of the Main Street Board and the Economic Development Corporation.

A motion was made by Councilman Matamoros to consider adding a charter change requiring residency in the City of Freeport for all City boards and commissions, with the exception of the Main Street Board, Historical Commission and the Economic Development Corporation pending the legal drafting the necessary documentation with discussion that followed.

City Attorney Chris Duncan stated that Council may consider and pass a motion on the proposed item and that staff would then prepare the specific language for inclusion in the election ordinance to be presented in January.

Councilman Pena asked whether a proposed charter recommendation could be initiated by a Council member, added to a future Council agenda, and considered prior to adoption of the election ordinance, in order to allow time to review the specific ordinance language. City Attorney Chris Duncan responded that Council may propose charter amendments at any time prior to adoption of the election ordinance. He stated that if Council agrees with a proposed change, Council may pass a motion and staff would then prepare the corresponding language. He stated that Council would then have the opportunity to review the drafted language to ensure it aligns with the intent of the motion before voting. Councilman Pena asked regarding whether such a charter amendment would affect individuals who are not residents of the City but currently serve on boards due to their expertise. Mr. Duncan stated that the discussion should proceed only if there is a second to the motion.

Mayor Cain called the motion for a second. Councilman Rossow seconded the motion.

Councilman Davis expressed opposition to the proposed charter amendment requiring residency for most City boards. He stated concern that the proposal would allow non-residents to serve on the Economic Development Corporation and Main Street Board described as two of the City's most significant boards while restricting service on other boards. He questioned why it was acceptable for individuals from other cities to serve on those boards but not others and stated that he did not understand the rationale for changing the rules now. He stated that qualified and willing individuals currently serve on City boards and expressed concern about limiting future appointments. He noted that there are only one or two non-resident members on certain boards and questioned why the City would restrict those appointments going forward. He stated that this was his personal opinion on the matter.

Councilman Rossow asked whether the proposal would remove any current board members. City Attorney Chris Duncan explained that when changes are made to the City Charter, such as changes to council terms, those changes cannot be applied retroactively. He stated that if an individual has already been elected to a three-year term, the City cannot later reduce that term to two years. Mr. Duncan stated that the situation differs with respect to board and commission eligibility. He explained that if a charter amendment requiring residency for board membership is placed on the ballot and approved by voters, any individual who does not meet the residency requirement would become disqualified from serving. He stated that this would apply even to individuals who were appointed prior to the amendment's adoption. Mr. Duncan emphasized that the City Charter functions as the constitution of the City and serves as the supreme governing document. He stated that once amended by voter approval, the Charter's requirements would control eligibility. He clarified that the amendment would not apply only to future appointments but would also affect current appointments if those individuals no longer meet the Charter's qualifications. Councilman Rossow asked regarding whether such an amendment would undo an existing appointment, Mr. Duncan confirmed that it would, provided the voters approve the change. He stated that if the Charter election is held and voters approve a residency requirement, any non-resident board member would no longer be qualified and would be removed as a result of the Charter amendment.

Councilman Matamoros stated that the proposal was not intended to remove anyone from a board and that it was not a slick game. He stated that his intent was simply to place the matter before the voters and allow them to decide whether residency should be required for board service. Councilman Matamoros stated that he is not removing any individual from a board at this time and that the proposal is intended to give voters the opportunity to clarify a rule that the City previously believed required residency. He stated that a misunderstanding had been identified and clarified by legal counsel and that his intent was to align the Charter with what had previously been understood and practiced. He stated that his goal was to place the issue on the ballot so that voters could make the determination.

City Attorney Chris Duncan stated that he generally avoids commenting on political considerations. He explained that he responded in this instance only because a specific question had been asked regarding whether the proposed charter amendment would apply to individuals currently appointed to City boards. Mr. Duncan stated that his intent was to ensure that Council members clearly understood the effect of the proposed amendment. He stated that Council members are free to vote either way on the matter and emphasized that he was not making a recommendation for or against the proposal, but only clarifying what the proposed charter change would mean if adopted.

Councilman Pena stated that he believed the proposed charter amendment was inconsistent and raised several concerns. He stated that Council had just learned that the proposed change would undo decisions recently made by Council, decisions that Council was elected by the public to make. Councilman Pena stated that one of his primary concerns was that the City has historically struggled to fill board and commission positions. He questioned why Council would want to further limit the pool of qualified individuals willing to serve. He stated that narrowing eligibility to only City residents would reduce the number of available candidates at a time when recruitment has already been difficult. Councilman Pena asked how many non-residents currently serve on the Economic Development Corporation board and requested clarification from Council members serving as liaisons. Mayor Cain said they were no known non-residents currently serving on the EDC board. Councilman Pena then asked about non-resident participation on the Main Street Board, and it was stated that there are several non-resident members serving on that board, as well as on the Historical Commission. Councilman Pena reiterated that the City has had difficulty filling boards and commissions and expressed concern that limiting eligibility would exacerbate the issue. He stated that another problem the City has faced is repeatedly appointing the same individuals to multiple boards. He questioned why the City would turn away qualified, interested individuals from nearby communities who are willing to commit their time and expertise to Freeport. Councilman Pena stated that he values experience and fresh ideas and noted that this same reasoning was previously discussed when Council intentionally sought a City Manager from outside the City to avoid political conflicts. He stated that limiting board participation strictly to City residents could create similar political pitfalls. Councilman Pena concluded by stating that he did not see the wisdom in making the proposed residency requirement part of the Charter and noted that Council already has the authority to vote on board appointments as they arise.

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

<u>Discussion and possible action regarding multiple ethics complaints filed against **City Charter Review Board Member and Chair Sam Reyna** and **Board of Adjustments Board Member and Chair Nicole Mireles**.</u>

Margaret Bachman resides at 96 Dolphin Lane, addressed Council regarding the possible removal of Nicole Mireles from the Board of Adjustment. Ms. Bachman stated that she believes Ms. Mireles is an upstanding and ethical leader on the Board of Adjustment. Ms. Bachman stated that she has served as an alternate member of the Board of Adjustment since June 2024. She stated that she has attended all scheduled meetings and has served as a voting member in ten out of eleven meetings. She stated that during her time on the board, there were no discussions prior to meetings regarding how members should vote. She stated that discussions were limited to property-related matters, such as whether members had visited the property, its previous condition, or any work being done. Ms. Bachman stated that there were no discussions outside formal meetings regarding voting or decision-making on properties.

Nicole Mireles stated that she has lived in the City of Freeport for most of her life and that she spoke because of her love for the City. She stated that while she could sell her home and leave, she has chosen to stay because she is not a quitter. Ms. Mireles stated that it is often said that it is difficult to find individuals willing to serve on City boards, yet she has continued to step forward and make herself available. She stated that she has nothing to hide and expressed appreciation for the comments previously made by Margaret Bachman. She stated that she is not seeking anything for herself, but rather what is best for the City. Ms. Mireles stated that she believes the situation involving her does not relate to City matters but instead involves family issues. She stated that she had done nothing wrong and that her son-in-law contacted a Councilman Pena, after which she felt she had been repeatedly harassed. She stated that if Council were to take action based on those circumstances, she would find it unfair. Ms. Mireles stated that she continues to attend Council meetings, has not violated any laws, and has nothing to conceal. She stated that if Council members have questions, they should ask her directly. She concluded by stating that she is embarrassed by the situation, that it relates to her family and not the City, and that Council should proceed as it deems appropriate.

Councilman Pena stated that there is no shame in doing what is right for the City. He stated that when documentation exists, there should be no hesitation in presenting it, and that he has consistently presented supporting documentation when bringing matters forward. Councilman Pena stated that the documentation related to the current discussion and potential action involved ethics complaints filed against Nicole Mireles, Chair of the Board of Adjustment, and Sam Reyna, Chair of the Charter Review Commission. He stated that these complaints had been documented and brought before the Council. He further stated that Council generally has the authority to remove board members at will, except for the newly established police civil service commission. Councilman Pena stated that, at the time the complaints were submitted, the City did not have a formal procedure for handling ethics complaints against board members. He stated that such a procedure has since been implemented, which he believes is a positive step to ensure that no board member is unfairly removed. He emphasized that board members serve at the will of the Council and are held to a higher standard, similar to elected officials. Councilman Pena stated that when he placed the matter on the agenda, it was based on documented complaints alleging abuse of authority by Ms. Mireles and Mr. Reyna. He stated that the complaints were reviewed by legal counsel and that the legal review determined there was no violation of the City's ethics ordinance. He stated that, based on that determination, he would not be taking action against Ms. Mireles related to that specific complaint. Councilman Pena further stated that he has been made aware of additional complaints that may be brought forward in the future and that Council will address those matters accordingly if presented. He stated that he believes board members should take an honest assessment of their actions and consider whether continuing to serve is in the best interest of the City. Councilman Pena stated that the situation involving Mr. Reyna was separate and distinct. He stated that Mr. Reyna also serves on the Board of Adjustment and that a complaint alleging abuse of authority was filed against him by residents. He stated that this complaint was likewise reviewed by legal counsel and found not to violate the ethics ordinance. However, Councilman Pena stated that service on City boards is a privilege and expressed concern when board members make statements he characterized as illegal or slanderous toward Council members.

A motion was made by Councilman Pena to remove Sam Reyna as the Chair of the Charter Review board with discussion that followed.

Mayor Cain stated that when legal counsel provided a review of the agenda item and the related ethics complaints, the review included written responses and outlined Council's available options. He stated that legal counsel noted that Council was not required to accept the recommendations but that, at the City Council meeting, the appropriate actions would be one of two options. Mayor Cain stated that the first option would be, after review of the ethics complaint and the recommendation of the City Attorney, for Council to make a motion to decline to hold a public hearing and dismiss the complaint against the individual involved. The second option would be, after review of the ethics complaint and the recommendation of the City Attorney, for Council to make a motion to set the matter for a public hearing to consider the facts and evidence related to the complaint. Mayor Cain stated that those were the motions presented by legal counsel as the appropriate courses of action. He further stated that the motion that had been made did not align with either of those outlined options, which was the reason he sought clarification from legal counsel.

City Attorney Chris Duncan stated that the short answer to the issue raised was that the motion made by Councilman Pena was not listed on the posted agenda. He stated that, under the Texas Open Meetings Act, City Council could not legally take action on a matter that was not properly posted, and therefore no action could be taken on the motion as presented. Mr. Duncan provided background regarding the ethics complaints filed against Mr. Reyna and Ms. Mireles. He stated that when he began his position, during the last week of July, Police Chief Howell provided the complaints and requested that he review them. He explained that the City has an ethics ordinance with specific requirements and rules, and that his review focused on whether the allegations, even if assumed to be true, would constitute a violation of the ethics ordinance. Mr. Duncan stated that the ethics ordinance clearly outlines what actions constitute violations and that those provisions are very specific. He further explained that while the ordinance provides a process and potential censure for City Council members, it does not include procedures or penalties specific to board members, even though board members are covered by the ordinance. He noted that this lack of procedure contributed to a delay in addressing the complaints. Mr. Duncan stated that staff brought proposed procedures to Council to address this gap, and that Council subsequently voted to approve those procedures. He explained that once the procedures were adopted, he reviewed the complaints again and compared the allegations to the ethics ordinance to determine whether the alleged conduct, if true, would violate the ordinance. Mr. Duncan explained that under the adopted procedure, he is required to make a recommendation to Council, but that Council is not bound by his recommendation. He stated that if allegations were found to have merit, the Council would be required to hold an open public hearing similar to a mini-trial, where both sides could testify under oath and present evidence. He noted that such hearings are time-consuming and therefore require an initial legal determination as to whether the allegations even rise to the level of an ethics violation. Mr. Duncan stated that his conclusion was that none of the allegations against either individual violated the ethics ordinance. He explained that he prepared and submitted written reports to Council for both Mr. Reyna and Ms. Mireles, noting that there were two allegations reviewed for each individual. His recommendation was that the allegations did not violate the ethics ordinance and that a public hearing was therefore not necessary. Mr. Duncan stated that his report outlined two options for Council's consideration: Council could either disregard his recommendation and vote to hold a public hearing, or follow his recommendation and vote that no public hearing would be held on the matters.

Councilman Pena stated that a prior statement made to forego action did not require a formal motion. City Attorney Chris Duncan advised however, that the issue raised was not specifically listed on the posted agenda. He clarified that the only item properly before Council for action was the ethics complaints themselves.

A motion was made by Mayor Cain to decline to have a public hearing and dismiss the complaints against Mr. Reyna and Ms. Mireles, seconded by Councilman Pena with discussion that followed.

Councilman Pena stated that he had originally placed the item on the agenda based on the information available at the time. He stated that after receiving the legal review, he wanted to ensure fairness and transparency, and therefore supported declining a public hearing in order to avoid unnecessary use of City resources.

Councilman Matamoros asked regarding whether the ethics complaints could be provided to Ms. Mireles following Council action. City Attorney Chris Duncan confirmed that the complaints could be released and stated that the individuals involved would need access to the complaints in order to understand and respond to the allegations. Mr. Duncan noted that he believed the complaints had already been provided, as they were submitted to him after having been filed for several months, and apologized if that had not occurred.

Mr. Duncan reiterated that his review concluded the allegations did not constitute violations of the City's ethics ordinance.

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

Public workshop to discuss and take possible action regarding the **maintenance and development of the Beach Plan for Freeport's Bryan Beach.**

Councilman Pena stated that he placed the item on the agenda to inform the public and Council that the City is moving forward with long-term planning efforts. He stated that following discussions at the Texas Municipal League conference and on the first day of City Manager Dr. Kelly's tenure, Council believes there is a strong team in place to begin making high-impact changes for the City of Freeport and to better maximize the City's assets. Councilman Pena stated that he did not wish to prolong the meeting and noted that his intention had been to address the item earlier in the evening. He stated that the item would be tabled for consideration at a future meeting. Councilman Pena further stated that he was encouraged by discussions during the City Manager interview process, particularly Dr. Kelly's interest in the City's waterfronts and opportunities for improvement. He invited Council members and the public to begin exchanging ideas and stated that the item would be brought back for discussion at a meeting in January.

A motion was made by Councilman Pena to table this item (4K), seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion to table this item.

Work Session

Councilman Pena Ward A announcements and comments.

Councilman Pena thanked all individuals who attended the meeting and remained present throughout the evening. He stated that Council should take note of those who continue to show up and invest their time, and he expressed appreciation to all members of the public who spoke during the meeting. Councilman Pena extended holiday greetings to the public and wished everyone a Merry Christmas, noting that there may not be another Council meeting prior to the holiday. He also welcomed City Manager Dr. Danielle Kelly to her first City Council meeting and stated that the Council is very excited about moving forward with her leadership. Councilman Pena stated that there will be numerous changes, improvements, projects, and plans moving forward and that Council intends to revisit studies and initiatives that have previously been tabled. He referenced discussions and ideas generated at the Texas Municipal League conference and stated that those conversations were reinvigorating. He commended Councilman Davis and Councilman Rossow for their continued work and representation of the City. Councilman Pena stated that recent changes did not occur by accident, but rather as a result of holding the prior administration accountable. He emphasized that accountability must remain ongoing and stated that Council is not finished addressing issues within City Hall. He stated that additional investigations would occur and that some matters would be discussed in executive session. He emphasized that there is still significant work ahead and that Council must continue holding City Hall accountable. Councilman Pena stated that while thousands of dollars have been spent on public information requests he submitted, those efforts resulted in saving the City millions of dollars and holding individuals accountable for misuse of public funds. He stated that those requests led to the Covarrubias investigation and other reviews that were later substantiated by additional legal counsel, including in-house and third-party attorneys. Councilman Pena stated that delays and increased costs associated with prior public information requests were attributable to Olson and Olson, which he noted was one of the reasons the firm is no longer retained by the City. He further stated that the same due diligence efforts were criticized by others as wasteful but, in his view, were necessary to investigate waste and abuse of authority by former City management, including actions taken against police officers and the suspension of the Police Chief. Councilman Pena stated that those efforts contributed to reversing the Police Chief's suspension and ultimately uncovered serious misconduct, asserting that the investigations not only protected City employees and leadership but also saved lives. Councilman Pena stated that he requested City staff investigate what he described as waste and abuse of authority by former Lance Petty, alleging that Lance Petty investigated police officers in an effort to pressure them to leave their positions or align with his agenda. Councilman Pena stated that the same public information requests and demands he initiated, which others criticized, contributed to overturning the suspension of Police Chief Howell. He stated that he makes no apology for those actions and believes residents would not view the expenditures as wasted funds. Councilman Pena stated that a public information request made during efforts to investigate and reverse the suspension of the Police Chief led to the discovery of recordings involving former Lance Petty that he characterized as evidence of a plot to kidnap and murder him. He stated that, in his view, those investigations saved lives as well as jobs. Councilman Pena further stated that if anyone believes City funds were wasted as a result of those investigations, he would defer that judgment to the residents, adding that he does not believe the public would agree that the expenditures were unnecessary. Councilman Pena then thanked the Main Street organization for hosting downtown Christmas events, stating that the events were well attended and well received. He noted that residents and visitors have continued to enjoy the holiday decorations, including families spending time downtown in the evenings. He expressed a desire to expand the event in the future and to include a nativity scene as part of the holiday décor. Councilman Pena concluded by emphasizing that the residents of Freeport are the City's ultimate authority, as they elect the City Council. He reiterated that Council oversees the City Manager and that City staff operate under that structure. He encouraged residents to remain engaged, to report concerns, and to continue advocating for community improvements. He thanked City staff and residents who have done so in the past and stated that additional matters would be addressed in executive session.

Councilman Davis Ward B announcements and comments.

Councilman Davis thanked everyone in attendance for coming to the meeting and expressed appreciation for the public's support, comments, and complaints, stating that all feedback is necessary for Council to hear and address. He thanked the Council for conducting the meeting professionally, noting that members were able to agree and disagree respectfully. Councilman Davis congratulated and welcomed City Manager Dr. Danielle Kelly to her first City Council meeting, stating that he was excited about her experience, vision, and leadership. He expressed confidence that Dr. Kelly would help establish a clear vision for the City, City Council, department heads, and staff, and stated that meaningful changes and improvements are forthcoming. Councilman Davis discussed future development opportunities for the City, including a proposed project he plans to present that has been discussed in prior years but has not yet moved forward. He stated that the project would benefit youth, support economic development, attract visitors, and generate growth for local businesses. He stated that development efforts, particularly those tied to downtown and the waterfront, would have a positive ripple effect throughout the City, including increased housing, restaurants, and commercial activity. Councilman Davis emphasized the importance of having a clear vision, setting goals, creating a plan, and executing that plan. He stated that progress requires faith, action, and a willingness to move forward despite challenges. He expressed optimism about the City's future and stated that development along the waterfront and throughout Freeport would attract residents and visitors alike. Councilman Davis stated that achieving the City's goals would require collaboration among all Council members, City leadership, legal counsel, and staff. He emphasized that success would be a collective effort and not attributable to any single individual. He concluded by stating that the ultimate question facing leadership is whether decisions are made for personal interests or for the benefit of Freeport, and he expressed confidence that the City is positioned to move forward with unity, purpose, and renewed growth.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros began by noting the recent passing of Joe Williams, Superintendent with the Velasco Drainage District. He stated that Mr. Williams had worked closely with the City and was a key contact during storms and flooding events, providing timely updates on floodwall operations and pump activity. Councilman Matamoros described Mr. Williams as a valued partner and personal friend and stated that the City lost an important asset with his passing. He requested that Council and the public keep Mr.

Williams' wife, Ethel, his sons Brandon and Jeremy, and his grandchildren in their thoughts and prayers, as well as his colleagues at the Velasco Drainage District. Councilman Matamoros then addressed issues affecting residents in his ward. He stated that he would be sending City Manager Dr. Kelly a list of streetlights that are currently not functioning. He noted that the issues had been reported to CenterPoint but that no response had been received and requested assistance in having the lights reviewed and repaired. Councilman Matamoros also raised concerns regarding AmeriWaste placing tags on residents' privately owned small trash containers indicating they could no longer be used. He stated that this restriction is not part of the City's contract with the service provider and that residents are allowed to use their own containers. He indicated that he would provide photographic documentation of a resident who received such a tag and requested the matter be reviewed. Councilman Matamoros concluded by welcoming Dr. Kelly and expressing optimism about moving forward, thanking her for her attention to the issues raised.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow stated that he considers it a privilege and a blessing to serve on the City Council and to address residents both in attendance and watching remotely. He thanked the public for their participation and noted that City Council meetings receive significant viewership. He expressed hope that future meetings would reflect less disagreement and more cooperation. Councilman Rossow reported on his service on the Gulf Coast Transit District Board and informed residents that the district recently purchased a new van dedicated to providing transportation services for veterans. He stated that veterans have access to the vehicle for transportation needs and wanted to ensure the community was aware of the service. Councilman Rossow welcomed City Manager Dr. Danielle Kelly to Freeport and expressed appreciation for her decision to join the City. He encouraged residents to give her the opportunity to address issues that need improvement and stated that there are matters within the City that require attention. Councilman Rossow reminded the public of upcoming Martin Luther King Jr. festivities scheduled for later in the month. He outlined planned activities including recycling events, a parade along Second Street (MLK Drive), and a festival at the park. He stated that the parade would begin at 11:00 A.M. downtown and conclude at the park, followed by entertainment, food trucks, church services, choir performances, and other events. He noted that the celebration typically draws visitors from surrounding areas and encouraged residents to review the City's website for event details. Councilman Rossow thanked Pamela Dancy for providing a Christmas present and described her gesture as a thoughtful gift. He reported that the recent Senior Citizens Day event was highly successful, noting strong attendance, full parking, and active participation. He stated that additional volunteers are needed for the Senior Citizens Board and encouraged individuals aged 55 and older to apply. Councilman Rossow also announced that the funeral service for Ms. Sandrea, a former board member, would be held Saturday at 4:00P.M. at Dixon Funeral Home in Angleton. He noted that Ms. Sandrea served on multiple boards and would be greatly missed, and he encouraged residents to attend if possible to support her family, particularly her two sons.

Mayor Jerry Cain announcements and comments.

Mayor Cain congratulated the City and the Main Street program on the success of the first annual Christmas tree lighting held the previous weekend. He described the event as impressive and well attended, noting the number of vendors present and the appearance of the tree and park decorations. He encouraged residents who were unable to attend to visit downtown while the display remains lit, bring family and friends, and take photographs, stating that the presentation reflects a high standard for the City. Mayor Cain thanked all individuals who attended the meeting in person, those watching remotely, and those who would view the meeting at a later time, stating that public participation is appreciated. Mayor Cain addressed a comment he made at the prior meeting regarding trash collection by AmeriWaste. He explained that his trash had not been collected earlier that evening but was emptied later that night. He clarified that the delay was due to increased trash volumes following the Thanksgiving holiday, which required additional trips to empty collection trucks, and stated that the issue was resolved appropriately. Mayor Cain concluded by welcoming City Manager Dr. Danielle Kelly and expressed optimism about the City's future, stating that he looks forward to the next chapter for Freeport.

City Manager announcements and comments.

City Manager Dr. Danielle Kelly informed the public of a Main Street photo competition related to the Christmas tree lighting and stated that additional information on how to participate can be found on social media. Dr. Kelly stated that she and her husband, Mike Kelly, are excited to be in Freeport and announced that they closed on their first home in the City that day, noting that they are now residents of Freeport. She expressed appreciation for the warm welcome. Dr. Kelly stated that despite it being her first day, she and her husband drove twelve hours to attend the Christmas tree lighting ceremony because she viewed the event as an important moment for the City and did not want to miss it. She expressed optimism about Freeport's future, stated that she believes the City has tremendous potential, and conveyed her enthusiasm for beginning the work ahead.

City Attorney Chris Duncan stated that, for the record, the item concerning Mr. Price's appointment was scheduled to be discussed in executive session. He explained that Mr. Price had the option to participate in executive session or to request that all discussion be held in open session. He asked Mr. Price to indicate his preference to the Council. Mr. Price stated that he preferred the matter be discussed in executive session.

A motion was made by Councilman Matamoros to invite Ms.Fisher into Executive Session only on an as needed basis, seconded by Councilman Davis with all present and voting "Aye" 4-0. The Council unanimously approved the motion. Councilman Pena was not present for the motion.

Executive Session

Executive Session regarding a) Texas Government Code, Section 551.071 (Consultation with an Attorney) to discuss and take possible action regarding water billing issues.

Executive Session pursuant to **Texas Government Code §551.074 (Personnel Matters)** to discuss the following:

a. **Transition of the City Manager position**

b. **Personnel matter involving Public Works Employee Vonn Price** (Councilman Pena)

The Regular Session closed at 9:17P.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 10:47P.M. and the Council went back into Regular Session.

There was no action from the Executive Session.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made by Councilman Pena to wish everybody a Merry Christmas and to adjourn, seconded by Councilman Rossow with all present and voting "Aye" 5-0. Mayor Cain adjourned the meeting at 10:47P.M.

Jerry Cain, Mayor

Clarisa Fernandez, City Secretary