State of Texas

County of Brazoria

City of Freeport
BE IT REMEMBERED, that the City Council of Freeport, Texas met on Tuesday, January 20, 2026 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 Toby Cohen, IT Director Maria Lopez, Main Street Coordinator John Perez, Interim Public Works Director Chris Motley, Fire Chief Corey Brinkman, Police Captain Craig Graham, Police LT Juanita Cardozo, Police Department	
Visitors:	Thomas Koole Kenneth Hayes Manning Rollerson Melanie Oldham	Nicole Mireles Sam Reyna Con McCleester Diane McCleester

Call to Order:

Call to Order - Jerry Cain, Mayor

Mayor Cain called the regularly scheduled meeting of the Freeport City Council to order at 6:00P.M. on January 20, 2026, 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.

Matters Subsequent to Posting.

City Manager Dr. Danielle Kelly stated that a monthly report from the Fire Department was not posted with the agenda; however, it was subsequently posted and distributed to Council members.

Audience Participation – Anyone who has registered to speak prior to the meeting being called to order and desires to address the City Council will be heard at this time, or during the discussion of an item listed on the agenda. These forms are located by the City Secretary. After completing the form, give it to the City

Secretary. She will give it to the Mayor. The Mayor will call on you when that item is presented, once a motion has been made by Council then public participation will not be allowed. You will have four (4) minutes to make your comments regardless of the number of agenda items to be addressed.

Sam Reyna resides at 2002 North Avenue G. He stated Texas Ranger Aaron Arezendis report of the allegations against Mr. Lance Petty found no criminal intent and no murder conspiracy plot, and while there may have been claims of unethical behavior, there was no conspiracy plot and no proof beyond a reasonable doubt, which he described as a key protection under the Fourth Amendment. Mr. Reyna characterized the matter as a witch hunt and the result of bad legal advice, stating that the report cost a lot of money. Mr. Reyna further stated that the investigator was very careful, paid close attention to every detail, and left nothing out. He said the investigation was precise, the analysis was correct, and that Mr. Lance Petty was innocent of a murder conspiracy plot. He stated that the allegations were a bunch of lies of two members of the governing body. Mr. Reyna stated that Mr. Petty filed for unemployment and that it was approved because the Texas Workforce Commission determined he was terminated for reasons unrelated to his job performance. He stated that the City's legal counsel, Mr. Chris Duncan, appealed the decision and claimed that Ms. Donna Fisher did not file properly. Mr. Reyna stated that Ms. Fisher indicated she filed what she had, which included meeting minutes. Mr. Reyna stated that Mr. Petty was never given notice of disciplinary action, which he said is the norm lately. He stated that there was nothing in Mr. Petty's HR file, that he was never written up or reprimanded, and that no complaints were ever filed against him. Mr. Reyna stated that Mr. Petty was terminated based solely on Mr. Pena's altered and edited audio accusations, which he stated were later proven incorrect. Mr. Reyna then discussed unemployment benefits, stating that Mr. Petty received $2,088 from June 11 to July 26, a six-week period, and that he was entitled to those benefits because he paid into unemployment. Mr. Reyna stated that Mr. Petty returned to work on July 28 and unemployment benefits ended. He stated that the City does not subscribe to unemployment but is billed quarterly. Mr. Reyna stated that he would be willing to bet that Mr. Duncan billed more than the $2,088 in legal fees to argue the claim, estimating $3,000 to $4,000. He stated that while he did not know the exact amount, what he did know was that the City lost money and Mr. Duncan made money. Mr. Reyna then referenced events from approximately twelve years prior when Mr. Arezendis was assigned to the Webster's Office. He stated that he gave him advice and direction on how to bring former City Manager Jeff Pynes and his administration to justice. Mr. Reyna stated that Mr. Pynes later received a ten-year sentence and stated that the City was now facing the same dilemma with different characters and that the result would be the same. Mr. Reyna stated that one individual would go to prison and another would be disbarred. He stated that he had plenty of time, that he was current on all obligations, and referenced the year 2026 as his. He concluded by stating that he would be their worst nightmare and thanked the Council.

Thomas Koole stated that he had brought photographs and materials and asked that they be reviewed. Mr. Koole stated that the intersection of Fourth Street and Pecan Street is a dangerous intersection and referenced a recently posted sign. He asked the Council to imagine themselves, their spouses, children, and grandchildren having to pass through that intersection daily. He asked the Council to put themselves in the shoes of the taxpayers and citizens who voted them into office. Mr. Koole stated that residents feel scared and terrified and have no peace of mind knowing it is a dangerous intersection. He stated that everyone already knows the intersection is dangerous and that the sign feels like it is rubbing the danger in residents' faces. He stated that the residents want and need a four-way stop at Fourth Street and Pecan Street and that there are no other intersections in the City of Freeport where dangerous intersection signs are posted in residential areas. Mr. Koole stated that the intersection is located in a residential neighborhood with three schools within blocks and that the intersection is busy seven days a week, not only on school days. He asked how Council members would feel if they had to drive through the intersection daily to pick up their children or grandchildren. He stated that Council members do not live in the neighborhood and do not experience the conditions there. Mr. Koole stated that residents avoid the intersection when possible and that something needs to be done. He stated that he was not going to go back ten years reviewing crashes but referenced testimony given at a prior meeting where a man stated that his own children were T-boned at that intersection. He stated that accidents continue to happen and that residents have reported incidents over the years. Mr. Koole addressed the City Manager, stating that he understood the City Manager had only recently been in the position, and referenced crashes occurring last year, the year before, and one he personally witnessed in 2017, which he described as severe. Mr. Koole then addressed the City Attorney and stated that the City should be careful. He stated that he did not want to pursue litigation but that if something were to happen, he would support victims and pursue involvement of the City of Freeport in litigation related to the dangerous intersection being posted in a residential neighborhood. He referenced testimony from a sergeant, a corporal, and a Public Works employee regarding the placement of signage. Mr. Koole stated that history shows accidents will continue and that citizens of Freeport are tired of living in fear and worrying about family members and friends becoming the next victim. He stated that if the Council truly put themselves in the residents' shoes, they might feel the fear associated with traveling along Fourth Street and Pecan Street in Freeport.

Maria Lopez, Main Street Coordinator, provided an update on the positive direction of the Freeport Main Street Program. Ms. Lopez stated that being recognized as a Main Street community is more than a designation, noting that it represents participation in a proven framework that helps communities build momentum, foster partnerships, and deliver measurable results. Ms. Lopez reported that the Main Street Program is strengthening its foundation by holding regular board meetings, staying organized, and following through on annual goals. She stated that progress is being actively tracked and that the program is also identifying areas where additional work is needed and developing strategies to address them. She emphasized that forward progress includes steady effort, measurable action, and a willingness to improve. Ms. Lopez highlighted collaboration as a key component of recent progress, noting close coordination with the Freeport Economic Development Corporation and other City staff to align goals and ensure downtown initiatives move forward cohesively. She also stated that transparency and accessibility have been improved through updates to the Main Street section of the City website, which now serves as a central resource for program information, events, and downtown resources. She noted that the Comprehensive Downtown Plan and Historic District Design Guidelines are publicly posted to promote transparency in planning and preservation efforts. Ms. Lopez expressed appreciation for sponsorships from BASF, Texas Gulf Bank, and Port Freeport, stating that their support extends beyond funding and has helped create strong partnerships that contribute to downtown revitalization and overall community success. She referenced recent momentum, including the inaugural Christmas on Main Street tree lighting event, which brought families and visitors downtown, increased awareness of the historic district, and demonstrated the community's ability to come together. Ms. Lopez stated that the program plans to build on this momentum with upcoming events, including a downtown community walk, a historic preservation workshop, and additional activities aimed at increasing downtown engagement and community pride. She concluded by asking for continued patience and support as the program continues to focus on targeted goals tied to the Comprehensive Downtown Plan and Historic District Design Guidelines. Ms. Lopez thanked the Mayor, City Council, and residents for their time and continued support of Freeport Main Street.

Manning Rollerson stated that he had concerns regarding a Texas Ranger's investigation that had been discussed earlier in the meeting. Mr. Rollerson stated that he recalled requesting an investigation related to issues on the East End of the City of Freeport in the past and asserted that the Ranger involved at that time did not conduct the investigation due to lack of time. As a result, Mr. Rollerson stated that he does not place value on the Ranger's judgment in the current matter. Mr. Rollerson expressed concern regarding the existence of an audio recording and stated that the reason for the recording remains unclear. He stated that the Ranger concluded there was no crime based on the recording, which Mr. Rollerson said upset him. He referenced a prior social media post in which he stated that he had threatened physical harm toward an individual affiliated with the International Longshoremen's Union, noting that this was different from statements involving threats to kill. He characterized the Ranger's report as inaccurate and stated that he intended to seek an investigation into the Ranger and Brazoria County. Mr. Rollerson stated that he has previously been charged multiple times with terroristic threats in the City of Freeport and asserted that the Ranger, the prosecutor's office, and county officials were on notice due to concerns raised in an investigation involving homeland security and allegations of organized crime within the prosecutor's office. He stated that he believes the Ranger is compromised by what he described as a good old boys system and requested that this statement be entered into the record. Mr. Rollerson also questioned why the elected body would not defend the City against a potential lawsuit in excess of one million dollars, stating that council members represent the residents and the City's assets. He expressed criticism toward a council member whom he stated had turned against the City and asserted that elected officials should respect the citizens who elected them. He said to Councilman Matamoros that it was not funny. Mr. Rollerson further stated that he believed City leadership was not acting in the best interest of the public and emphasized concerns about long-standing issues affecting the City, including environmental and public health concerns. He stated that the City has experienced prolonged hardship and that decisions should prioritize the people of Freeport rather than financial or industrial interests. He emphasized that leadership requires respect, accountability, and trust, and stated that trust in City governance has been eroded over time. Mr. Rollerson concluded by stating that ongoing conflict at council meetings prevents progress and that continued division will not move the City forward. He urged City leadership to focus on resolving longstanding issues and improving governance for the benefit of Freeport residents.

Proclamations - Presentations and Updates

Upcoming Events -
Just FOIA Live Date-February 2026
Daddy Daughter Dance, February 6th, Freeport RiverPlace, 6:00P.M.-8:30P.M.
Celebrating Black History Month, February 7th, Freeport Museum, 11:00A.M.-3:00P.M.
80 Years of the Wednesday Review Club in Freeport, February 12th, Freeport Museum, 11:00A.M.

City Manager Dr. Danielle Kelly gave an update on upcoming events.

Consent Agenda:

Action regarding Minutes for December 29, 2025 and January 5, 2026 - Clarisa Fernandez, City Secretary

Action approving Resolution No. 2026-3018 for the Joint Election Agreement and Contract for Election Services with Brazoria County and the City of Freeport - Clarisa Fernandez, City Secretary

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

Action approving Resolution No. 2026-3019 authorizing FY2026 Criminal Justice Grant Application (Grant #5104302) – Radio System Modernization Project - Jennifer Howell, Police Chief/Assistant City Manager

Action approving Resolution No. 2026-3020 authorizing FY2026 Criminal Justice Grant Application (Grant #5442501) – Dispatch Console Replacement Project - Jennifer Howell, Police Chief/Assistant City Manager

Action approving Resolution No. 2026-3021 authorizing FY2026 Bullet-Resistant Components Grant Application (Grant #5465001) – Ballistic Vehicle Safety Project - Jennifer Howell, Police Chief/Assistant City Manager

Action approving Resolution No. 2026-3022 authorizing FY2026 SLCGP Mitigation Grant Application (Grant #5479601) – Resilient Backup and Network Modernization Project - Jennifer Howell, Police Chief/ Assistant City Manager

A motion was made by Councilman Matamoros to approve the Consent Agenda as presented, seconded by Councilman Rossow with discussion that followed.

Councilman Pena stated that he was curious about certain agenda items, specifically Items 3D, 3E, 3F, and 3G, as they relate to the budget. He stated that he intended to ask whether either the City Manager or the Police Chief could explain whether those items were budget neutral. Councilman Pena further stated that, with regard to the monthly financial report, he wanted to ask Ms. Hurst whether there were any surprises, shortfalls, or overages that were unforeseen, and whether there were any items the City was required to pay for that had not been paid for or were later discovered. Councilman Pena stated that those were his questions and that he would like answers prior to the Council taking a vote. Police Chief Jennifer Howell stated that the items under discussion were grants that had been applied for previously. She explained that each time there is a change in City management, an updated resolution is required. She stated that the City recently learned it can adopt a resolution that references the City Manager position rather than a specific individual, and that this approach will be used in the future, so the items do not need to be brought back to Council repeatedly. Chief Howell stated that the different grant items have different requirements. She stated that the item that would be discussed further that evening was the dispatch furniture, which is 100 percent grant-funded and requires no local match. She stated that the grant had already been approved, and the funds had already been awarded, and that the item would be discussed later in the business agenda. Chief Howell further stated that the remaining items are also paid for through grants. She stated that she did not recall whether all three items were fully funded, noting that she believed one of the items may require a local match, but she did not recall which one and stated that the City was still waiting to hear back on those grants. Councilman Pena asked which grant item required a local match and whether the amount of that match was known. Chief Howell responded that she did not know the amount at that time and did not recall which specific grant required the match. She stated that she would need to log into the grant system to determine which grant it was. Chief Howell further stated that, generally, grant matches are typically in the range of ten percent, fifteen percent, or twenty percent.

Mayor Cain stated that the items were technically on the agenda so that the City could document Dr. Kelly. Police Chief Jennifer Howell stated that while the City already has what is needed to get her set up, a resolution is required in order to provide it to the grant administrators. She explained that this would allow the City to move forward with making purchases or obtaining reimbursement. She clarified that there were no changes to the grants themselves. She stated that the resolution would simply allow the City to file for reimbursement and allow Dr. Kelly to accept the grant funds.

City Manager Dr. Danielle Kelly stated that she had not been informed of any issues with the budget ending December 31.

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

Business

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, before proceeding, he had two matters to raise. He stated that, first, he would like the item to be tabled, noting that he was still waiting for information from the City of Galveston and from Surfside. Councilman Pena then raised a second concern, stating that there had been numerous complaints about Council members receiving messages throughout meetings. He stated that he was curious whether Council members could place their cell phones in a basket during meetings and, if a call was needed, make it at the end of the meeting or step outside. He further stated that he was wondering about the legal implications of such an action. Mayor Cain responded that the matter sounded like a subject that should be discussed during a work session. Councilman Pena stated that he was asking because he did not want to go through another meeting where Council members were receiving text messages from residents or other constituents during the meeting. Mayor Cain reiterated that the matter was not on the agenda and that it belonged in a work session. Councilman Pena asked whether the Mayor was saying the matter should not be addressed at that time, and stated that he would bring it up during a work session. Councilman Pena then asked whether Council members would voluntarily place their phones on the counter, referencing Councilman Davis having already done so.

Councilman Pena stated that, as he had previously mentioned, he wanted to table the item until he received additional information. He stated that everyone had been busy with MLK weekend preparations and festivities.

A motion was made by Councilman Pena to table this item (4A), seconded by Councilman Davis with all present and voting "Aye" 4-1. The Council approved the motion to table this item. Mayor Cain voted "Nay".

<u>Consideration and possible action approving Ordinance No. 2026-2757 calling the City of Freeport's Annual General Election to be held on Saturday, May 2, 2026, for the purpose of electing City Council Members for Wards A and C, and authorizing qualified voters residing in those wards to vote for the respective candidates.</u>

City Manager Dr. Danielle Kelly stated that staff recommends approval of the ordinance calling a general election on May 2, 2026, for the purpose of electing City Council members for Council Ward A and Council Ward C. She further stated that election administration would be conducted by the Brazoria County Elections Office under a Joint Election Agreement and contract for election services. Dr. Kelly stated that candidate applications would be accepted beginning January 14, 2026, and must be filed no later than 5:00 p.m. on February 13, 2026. She stated that the early voting period would run from April 20 through April 28, 2026, administered by Brazoria County. On Election Day, one polling location within the City would be available at the Freeport City Library, 410 North Brazosport Boulevard, and voters would also be permitted to vote at Brazoria County polling locations. She stated that applications for ballots by mail must be received by the County Elections Office, not postmarked, no later than April 20, 2026.

A motion was made by Councilman Matamoros to approve Ordinance No. 2026-2757 as presented, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

<u>Consideration and possible action approving Ordinance No. 2026-2758 calling a Charter Amendment Election for the City of Freeport, to be held on Saturday, May 2, 2026.</u>

City Manager Dr. Danielle Kelly stated that staff recommends City Council adopt an ordinance calling a charter amendment election to be held on May 2, 2026, for the purpose of submitting five proposed charter amendments to the voters. Dr. Kelly stated that Proposed Amendment Number One would revise the Charter to eliminate conflicting language related to filling Council vacancies and to conform with state law. Dr. Kelly stated that Proposed Amendment Number Two would revise the Charter to require any legally valid development agreement, rather than only an agreement under Chapter 380 approved by Council, before the expenditure of public funds for economic development can be authorized. Dr. Kelly stated that Proposed Amendment Number Three would revise the Charter to reflect that all City taxes shall be payable to the Brazoria County Tax Assessor-Collector at the place and by the methods designated by the Brazoria County Tax Assessor-Collector. Dr. Kelly stated that Proposed Amendment Number Four would revise the Charter to provide that the City shall not violate state or federal law when producing records to the public. Dr. Kelly stated that Proposed Amendment Number Five would revise the Charter to provide that, except for the Main Street Board, the Historical Commission, and the Economic Development Corporation, no person shall be qualified to serve on a City Council-appointed board unless they are a resident of the City of Freeport, Texas.

A motion was made by Councilman Matamoros to approve Ordinance No. 2026-2758 as presented, seconded by Councilman Rossow with discussion that followed.

Councilman Pena stated that he had a couple of questions. He stated that his first question related to Proposed Amendment Number Five and that he would be willing to move forward with the amendment provided the exception allowing nonresidents of Freeport to serve on the Main Street Board, the Historical Commission, and the Economic Development Corporation was removed. Councilman Pena then stated that his second question was regarding the deadline to include any additional amendments to the City Charter. City Attorney Chris Duncan responded that, typically, all proposed amendments are presented and considered by the time the Council reaches the meeting at which the ordinance is being discussed. He stated that, legally, the deadline would be the second week of February. He further stated that the ordinance is usually passed a few weeks earlier, typically at the second meeting in January.

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

<u>Consideration and possible action approving Resolution No. 2026-3023 to Declare City Equipment as Surplus and Authorize Auction.</u>

City Manager Dr. Danielle Kelly stated staff recommended that City Council approve a resolution declaring surplus water meters as excess property and authorizing the City to auction the equipment. She stated that the City recently completed a water meter replacement project, resulting in approximately 3,800 surplus meters that are no longer in use. Dr. Kelly stated that there has been some interest in the meters from surrounding cities that still use the older technology. She stated that the City had also received a quote from a company identified by Council that could potentially rehabilitate the meters, in the amount of $5,500. Dr. Kelly stated that the quote had since expired, but that there is still the potential to reach back out to those companies. She stated that, in her experience, there is definitely a market for the meters and that she believes the City would do well to at least attempt to obtain bids for them.

A motion was made by Councilman Pena to approve the seeking out of multiple BIDs to get a higher price on those meters, seconded by Councilman Davis with discussion that followed.

Councilman Matamoros asked for clarification of the language of the motion. Mayor Cain asked Councilman Pena to clarify or restate his motion.

A motion was made by Councilman Pena to approve the Resolution as Mrs. Kelly had drafted it for the Council this evening.

Mayor Cain then asked Councilman Davis whether he would withdraw his second to the original motion.

Councilman Davis withdrew his second.

Mayor Cain then asked Councilman Pena to restate the motion.

A motion was made by Councilman Pena to approve as written, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

<u>Consideration and possible action approving the purchasing of police vehicles for the Freeport Police Department.</u>

Lieutenant Craig Graham stated that staff recommends approval of the purchase of three vehicles for the Police Department from Sames Government Fleet Sales as part of the Department's annual vehicle rotation plan. He stated that one vehicle would be purchased for patrol, specifically a 2025 Ford F-150 Police Responder to replace a 2016 Chevrolet Tahoe that is currently out of service. He stated that a second vehicle would be purchased for the Patrol Lieutenant position, which would be a 2025 Ford Police Interceptor to replace a 2017 Ford Explorer. He stated that the third vehicle would be purchased for the Animal Control Officer, consisting of a 2025 Ford F-150 to replace a 2015 Chevrolet Silverado. Lieutenant Graham stated that three quotes were obtained from three different vendors and that Sames Government Fleet Sales submitted the lowest quote. He stated that the vendor is on the TIPS contract. He stated that the total cost for the three vehicles is $184,947.85. Lieutenant Graham stated that the purchase would be funded from the $350,000 budgeted for vehicle purchases. He noted that there are some additional expenses not included in the quoted amount, but that the cost includes the vehicles and a portion of the upfitting and lighting purchases. He stated that these items were already included in the approved budget.

A motion was made by Councilman Pena to approve the purchasing of police vehicles for the Freeport Police Department, seconded by Councilman Davis with discussion that followed.

Councilman Matamoros asked whether there was an approximate amount for the additional outfitting costs that were mentioned. He further asked whether those additional costs would still keep the purchase under the $350,000 budgeted amount. Lieutenant Graham responded that he did not have the exact amount at that time but stated that there were funds remaining and that the total expenditures were still well under the $350,000 budgeted for vehicle purchases.

Councilman Pena asked what the difference in cost would be. Lieutenant Graham stated that he did not have the specific number available and would need to go back and review the totals. City Manager Dr. Danielle Kelly stated that the amount was approximately $115,115. Mayor Cain stated that he believed the City could accomplish a lot more with the remaining funds.

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 the purchase of police dispatch console furniture for the Freeport Police Department.</u>

Police Chief Jennifer Howell presented a grant-funded resolution authorizing the purchase of new dispatch workstation furniture. She stated that the grant is 100% funded, had been previously awarded under a prior administration, and was updated earlier in the meeting to reflect current authorization. Chief Howell stated that the City had worked with the City Attorney to review the contract. She explained that the item under consideration involved the furniture currently located in the dispatch area. Chief Howell stated that the current dispatch setup allows for two dispatchers at a time, which is generally the daily operational staffing level when fully staffed. She stated that during large events or emergency situations, such as hurricanes, the department may need to staff three, four, or five dispatchers at a time. Chief Howell stated that during the Beryl event, the department staffed between four and six dispatchers at a time due to the high call volume, and that the existing setup did not provide sufficient space or stations equipped with phones and computers for additional dispatchers. Chief Howell stated that the new furniture would allow the department to establish multiple dispatch stations to better accommodate emergency situations and increased operational demands.

A motion was made by Councilman Pena to approve the purchase of police dispatch console furniture for the Freeport Police Department, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked whether the item had already been approved in the budget. Police Chief Jennifer Howell confirmed that it had and stated that the item is considered budget neutral and would not affect the budget. She explained that the City would initially make the payment and would then be reimbursed through the grant once the invoice is submitted. She further stated that Ms. Hurst would make the necessary adjustments and that a separate category had been created to process grant expenditures. Councilman Pena then asked whether the purchase included more than just a chair or desk and whether it encompassed the entire workstation. Chief Howell responded that the purchase includes the desk, mounts, plugs for cable management, and the chairs, and that it would constitute the entire workstation. Councilman Pena asked whether the setup would allow another dispatcher to be added as needed. Chief Howell confirmed that it would.

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

Consideration and Possible action to remove board member (s) illegally added to boards.

Councilman Matamoros provided a summary stating that board members are appointed by and serve at the will of the City Council. He stated that, at a previous Council meeting, it was presented that prospective board members are required to attend both meetings in order to be considered for appointment by Council.Councilman Matamoros stated that this requirement was not followed with respect to the Board of Adjustments. He stated that, as a result, the recent appointments were deemed illegal, per the City Attorney. Councilman Matamoros stated that the supporting documentation included a memorandum and the minutes from the Board of Adjustments meeting that occurred on November 13, 2025.

A motion was made by Councilman Pena to table this item (4G) with discussion that followed.

Mayor Cain stated that, under the City's ordinance, the individual who submits an agenda item has the opportunity to make the motion. Councilman Pena stated that he did not believed that was correct. Mayor Cain questioned whether that was correct and asked for legal clarification. City Attorney Chris Duncan stated that he did not recall an ordinance or resolution procedure requiring that the person who placed an item on the agenda must be given the first opportunity to make a motion. He stated, however, that he believed it would be a good practice to follow as a matter of courtesy. Mr. Duncan stated that procedural actions should not be used to change the outcome of a Council vote and that the vote would ultimately be the vote of the Council. He stated that there is no legal requirement to allow Councilman Matamoros to make his motion first, but that it would be appropriate courtesy to allow the Council member who placed the item on the agenda to explain the item and make the motion. Mr. Duncan further stated that, if there were a second to a motion to table, the Council could consider allowing Councilman Matamoros to make his motion on the item rather than tabling it immediately, in order to avoid a race to motions. He stated that the motion to table would ultimately be proper, noting that there may not be a specific resolution governing the matter, and that it would depend on whether another Council member seconded the motion.

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

A motion was made by Councilman Matamoros to remove Tom Pearson and Landis Adams from the Board of Adjustments effective immediately, seconded by Councilman Rossow with discussion that followed.

Councilman Matamoros stated that he had presented the minutes from the Board of Adjustments meeting at which an item was included to discuss and take possible action on reviewing board member applications for Council approval. Councilman Matamoros stated that, at that meeting, Mr. Tom Pearson and Mr. Landis Adams were not present. He stated that the only two individuals added to the Board of Adjustments were Mr. Con McCleester and Ms. Margaret Bachman, and that they were added as alternates. Councilman Matamoros stated that, as a result, those two individuals were the only ones eligible to be added to the Board of Adjustments at that time. He stated that this was the reason he requested the item be placed on the agenda.

City Attorney Chris Duncan stated that he prepared a memorandum regarding the issue and distributed it to all Council members after the meeting at which the appointments were made, when the issue was presented. He stated that he outlined the legal reasoning in the memorandum and reiterated that explanation to avoid confusion. Mr. Duncan stated that, historically, the City Council developed a policy, though not a written rule, resolution, or ordinance under which the Council desired to know whether a board had a preference or recommendation regarding board appointments. He stated that this information was intended to assist Council in its decision-making. Mr. Duncan stated that when the ordinance regarding board appointments was adopted, it was written to apply both to City Council and to the individual boards. He explained that boards are not legally required to make recommendations and may choose to allow Council to select whomever it deems appropriate. Mr. Duncan stated that if a board chooses to make a recommendation, it must follow specific procedures. He stated that the applicant must be present, all applicants seeking recommendation must be given an opportunity to make a presentation, and the board must vote to select its recommendation. He stated that if a board makes a recommendation without following those procedures, the Council cannot consider that recommended individual because the recommendation does not comply with the ordinance. Mr. Duncan stated that in such circumstances, Council must instead consider the remaining applicants. He stated that when the matter proceeds to City Council, the same procedural requirements apply, including that applicants must be present and given an opportunity to address Council. Mr. Duncan explained that if individuals appointed by Council were not the recommended candidates of the board, they were not required to be present at the board meeting. He stated that the presence requirement applies only to individuals being recommended by the board. Mr. Duncan stated that, based on this framework, appointments made by Council are not illegal unless the Council appointed a board-recommended individual where the board failed to follow the required procedures. He stated that, in his opinion, that was not the case with the appointments at issue. Mr. Duncan stated that Council is not required to remove the individuals appointed and that the appointments were not illegal. He further stated that, because all board members serve at the pleasure of Council, Council retains the authority to remove and appoint board members at any time for any reason. Mr. Duncan clarified that Councilman Matamoros's motion was to remove the individuals, not to remove them on the basis that they were illegally appointed. He reiterated that under the ordinance the appointments were not illegal, and the Council is not required to remove the individuals, but the Council has the authority to do so if it chooses.

Councilman Pena stated that the issue goes to the root of the matter, noting that if the appointments were not illegal, that had been the premise of the agenda item. He stated that he had reviewed the memorandum that was distributed to Council and that this was the reason he had wanted to table the item. Councilman Pena stated that, given the clarification provided, he questioned why there was a desire to remove two citizens from participating on the board, particularly when Council has repeatedly discussed how difficult it is to recruit individuals to serve on boards. He stated that he was curious whether the item had been placed on the agenda because the appointments were believed to be illegal, a premise that he stated had been proven incorrect both that evening and two weeks prior. Councilman Pena stated that he wanted to know, first, whether the motion would be withdrawn. He stated that if it was not withdrawn, he wanted Councilman Matamoros to explain why he wanted the individuals removed. He further stated that he would like to hear from Mr. Adams and Mr. Pearson. He stated that he was unsure whether Mr. Adams was present but noted that Mr. Pearson was in attendance. Councilman Pena stated that he wanted to know whether Mr. Pierson wished to continue participating if removed, whether he wanted to be removed, or whether he wished to resign.

Councilman Matamoros stated that he had read the email that was distributed to all Council members. He stated that he had already submitted his agenda item at the time he read the email. Councilman Matamoros stated that, based on the explanation provided, it appeared that the process being described would allow a quorum of a board to discuss an agenda item and decide on a nominee, and then require that individual to be present at the meeting. He stated that this was not the intent of the ordinance. Councilman Matamoros stated that he placed the item on the agenda due to what occurred at the previous meeting, referencing that Ms. Oldham was not appointed to a board based on the requirements written in the ordinance. Councilman Matamoros stated that he was following what is written in the ordinance and emphasized that he had nothing against the two individuals he requested be removed. He stated that his intent was to ensure that the City is not exposed to legal issues by failing to follow the ordinance.

Councilman Davis stated that when Council votes on board member appointments and receives a recommendation from a board, the Council is not required to follow that recommendation. He asked for confirmation and stated that Council may make its own selection even if a board recommends a particular individual. Councilman Davis stated that Council has the discretion to select a different applicant if it does not agree with the board's recommendation. He stated that, in his view, the decision should be based on what applicants present and what they bring to the table. Councilman Davis stated that, as both a citizen of Freeport and a Council member, he based his vote on the presentations made by the candidates at the meeting. He stated that this was the reason his vote differed from the board's recommendation, citing the experience and presentation reflected in the presentations. Councilman Davis stated that under the ordinance, if a board-recommended individual was not present when required, that would be against the rule. However, he stated that when applicants are present before Council and Council does not agree with the board's recommendation, Council may select another applicant. Councilman Davis stated that, based on the presentations made before the Council, he believed that nothing illegal occurred. He stated that from his understanding of the ordinance as read and explained, Council has the authority to make changes and decisions accordingly.

Councilman Pena stated that he still had two questions he would like answered. He stated that it appeared nothing had been done illegally and that the process had been followed properly. He stated that two citizens had expressed interest in serving the City, had presented their experience, and had made their case. Councilman Pena stated that, if the matter was going to be taken to a vote, he would like to hear from Mr. Tom Pearson regarding his thoughts on the situation.

Tom Pearson stated that when he signed up for the Board of Adjustment position, he did so in order to help serve the City. He stated that he was willing to assist in that role if needed. He further stated that during the presentation, he felt that the lady from Bridge Harbor, who was already serving as an alternate, should have been elected as a permanent board member instead of himself. He stated that she was familiar with the process, attended every meeting, and that he would otherwise be in a learning phase.

Councilman Pena asked Mr. Pearson whether he was stating that he wished to forfeit his position so that Ms. Bachman or another candidate could be considered. Mr. Pearson responded that he believed she should have been elected. Councilman Pena asked whether Mr. Pearson would be agreeable if Council decided to remove him from the position or whether he would still be willing to serve. Mr. Pearson responded that service on the board was voluntary and that he agreed to Council's decision. Councilman Pena stated that he believed Mr. Pearson would be useful.

Councilman Davis asked for clarification regarding whether Ms. Bachmann was still serving as an alternate and contributing. Mayor Cain confirmed that Ms. Bachmann remained an alternate and continued to contribute. Councilman Davis discussed the possibility of Mr. Pearson serving as an alternate instead, allowing Ms. Bachmann to continue as a permanent board member. Mr. Pearson stated that he would prefer to be an alternate if that allowed her to remain on the board.

Councilman Pena stated that he would be interested in seeing the item modified, noting that it appeared Mr. Pearson was willing to serve and was not unequivocally stating that he was uninterested in continuing his service. Councilman Pena stated that, under those circumstances, the Council could either choose not to take a vote or, if Mr. Pearson wished to resign, allow him to provide notice of that decision. He stated that it did not appear Mr. Adams was interested in resigning and questioned why any individual would be removed when no improper or illegal action occurred regarding their appointment. Councilman Pena stated that if the intent was to consider Ms. Bachman for service on the board, she is currently a board member serving as an alternate. He stated that if Mr. Pearson were not present, Ms. Bachman would be able to assume the seat pursuant to procedure. He further stated that if Mr. Pearson were to miss three consecutive meetings, the position would then become vacant, at which point Council could deliberate and vote on whether Ms. Bachman or another candidate should serve in that position. Councilman Pena stated that it was not his understanding that board positions could simply be reassigned or shuffled at the discretion of a board member or Council without following established procedure. He emphasized that there is a defined process that must be followed. Councilman Pena reiterated that Mr. Pearson had expressed a willingness to serve and stated that he did not understand why there would be a desire to remove him under those circumstances.

Mayor Cain stated that when the issue first arose at a prior meeting, when the recommendation was made to appoint Ms. Oldham, Council was advised that she could not be appointed because she was not present at the meeting. He stated that, at that time, he did not interpret the resolution in that manner. Mayor Cain stated that it was not until the City Attorney later sent an explanatory email, which had just been summarized for Council, that the specific interpretation of the resolution became clear. Mayor Cain stated that the City has historically had difficulty recruiting good volunteers to serve on boards. He stated that his initial opinion was that if Ms. Oldham could not be appointed because she was not present, then appointing other candidates who were also not present would likewise be illegal. He stated that, at that time, he agreed with Councilman Matamoros's position. He further stated that the City Attorney has since clarified that the appointments were not illegal. Mayor Cain emphasized that he wanted Council to clearly understand the distinction under the resolution. He explained that if the Board of Adjustments makes a recommendation for an individual to be appointed, that individual must be present at the meeting. However, if Council chooses to appoint someone who was not recommended by the board, that individual is not required to be present. Mayor Cain stated that, in his opinion, this distinction does not make sense and asked Council whether anyone else shared that concern. He stated that this indicated an issue with the resolution itself and expressed his belief that correcting the resolution would be the appropriate course of action. Mayor Cain stated that he personally disagreed with requiring candidates to attend meetings in order to be appointed, noting that circumstances such as illness could prevent attendance. He stated that, in his view, such a requirement was unreasonable.

City Attorney Chris Duncan stated that another option available to Council would be to amend the resolution so that boards no longer make recommendations and instead forward applications directly to Council. He stated that under that approach, Council would be free to appoint any individual who is present and able to address Council. Mr. Duncan stated that he wanted to emphasize that the concept of boards making recommendations to Council is relatively new. He stated that for decades, City Council and City operations functioned without boards providing appointment recommendations. Mr. Duncan stated that there are ways to follow the current resolution, noting that if a board wants to recommend a specific person who is not present, the board could simply refrain from voting. He stated that Council could either amend the resolution to remove the requirement that a person be present at the board meeting, or eliminate board recommendations altogether and allow Council to decide directly.

Councilman Pena stated that in his opinion, the resolution is appropriate as written. He explained that the intent of the resolution was to correct issues that arose under a prior ordinance. He stated that the previous ordinance was created because the Council was hesitant to make appointment decisions directly and instead deferred those decisions to boards in order to avoid making unpopular votes. Councilman Pena stated that the resolution was originally drafted so that Council could rely on board recommendations as justification for appointment decisions, thereby shifting responsibility away from Council members. He stated that over time, Council began to misuse that process by appointing individuals to boards who had never attended board meetings or Council meetings, and who later failed to participate, resulting in removals due to absenteeism. Councilman Pena stated that the resolution was amended to address those issues and to ensure fairness in the appointment process. He further stated that additional issues arose when multiple preferred candidates were placed on agendas, making it difficult to objectively and fairly consider all applicants. He stated that, in his opinion, nothing illegal occurred in the appointments at issue. He stated that the current dispute was the result of dissatisfaction over specific appointments, rather than any legal defect. He stated that Mr. Landis Adams was appointed properly, had presented strong credentials, and had made one of the strongest presentations the Council had seen in recent months. He stated that Mr. Adams was appointed in accordance with the rules. He stated that Mr. Pearson was likewise appointed in accordance with the rules. He stated that if there had been a desire to appoint Ms. Bachmann at the time, she could have been nominated, but he did not recall a second being made on her nomination. Councilman Pena stated that the issue before Council was whether it intended to remove board members who were properly appointed. He stated that if Council wished to remove a specific board member, that action should be taken through a clear and specific motion naming the individual. He stated that Council cannot add or remove multiple board members through a single unilateral action, and that separate votes would be required for each individual. Councilman Pena stated that, based on the discussion, nothing had been done illegally and that the ordinance is sufficient as written. He stated that if Council wishes to remove board members, a specific nomination could be made and voted on accordingly. Councilman Pena further stated that, consistent with the spirit of the same resolution, Council cannot unilaterally add multiple board members through a single motion. He stated that, in his view, the same principle applies to the removal of board members, noting that multiple individuals cannot be removed through a single unilateral action. Councilman Pena stated that separate votes would be required for each individual board member.

City Attorney Chris Duncan stated that he wanted to add an additional clarification regarding the resolution currently in place. He stated that while the Mayor had noted that the resolution may not appear to make sense at first, it becomes clearer when viewed through the lens of fairness. Mr. Duncan stated that when multiple individuals wish to serve on a board, each should be given an opportunity to be heard. He stated that the resolution requires applicants to be present so they may address the board and explain why they are seeking appointment. Mr. Duncan explained that when several applicants are present, each is given the opportunity to speak, explain their qualifications, and request the board's recommendation. He stated that this ensures all applicants are treated equally. Mr. Duncan stated that without this requirement, an individual who does not appear or speak could be appointed over someone who attended the meeting and presented their qualifications. He further stated that appointments could otherwise be made solely based on familiarity, rather than merit. Mr. Duncan stated that the purpose of the resolution is to prevent appointments based only on personal familiarity and to ensure fairness by allowing applicants the opportunity to present themselves, even if they are not already known to board members. He stated that the same procedure applies at the City Council level, noting that Council should not simply recognize a name and appoint an individual based on familiarity. He stated that doing so creates a public perception that individuals cannot serve on boards unless they know someone. Mr. Duncan stated that the system is designed so that individuals who wish to serve on a board must appear, speak, and present themselves. He stated that applicants should be given the opportunity to address the board or City Council, explain their interest, and demonstrate their willingness to serve. Mr. Duncan stated that the purpose of the resolution is to ensure that appointments are not made behind closed doors or based solely on personal relationships. He stated that while he was not alleging any conspiracy, it is human nature to favor individuals one already knows when reviewing applications. Mr. Duncan explained that when multiple applications are submitted and one applicant is personally known while others are not, fairness requires that all applicants be given an opportunity to speak and present their qualifications. He stated that this ensures unfamiliar applicants are not excluded simply because they lack personal connections. Mr. Duncan stated that requiring applicants to be present allows them to advocate for themselves, explain why they would be a good fit for the board, and demonstrate their eagerness to serve. He stated that this requirement encourages broader civic participation and reduces reliance on personal connections. Mr. Duncan stated that the resolution, as written, is intended to encourage new participation and ensure that citizens feel they have a fair opportunity to serve.

Councilman Pena stated that it had been established that nothing illegal occurred with the prior appointments, which had been the original premise of the motion. He then raised a new question regarding whether the motion itself was legal under the ordinance, specifically questioning whether two board members could be removed at the same time through a single motion. Mayor Cain referenced prior comments from legal counsel indicating that, as the motion was made, it would be considered illegal. Councilman Pena expressed concern about whether Council would be acting improperly by proceeding and referenced prior discussions about avoiding actions that could place the City in legal jeopardy. Mayor Cain clarified and said it is legal for the motion that was made. Mayor Cain stated it is legal to take a vote on the motion that was made due to the way the motion was made. City Attorney Chris Duncan stated if the motion had been to remove individuals based on an illegal appointment, that would be a different issue; however, the motion as made was simply to remove board members. Councilman Pena stated that it had been established that nothing illegal occurred at the prior meeting. He then asked whether the motion currently before Council violated the resolution by attempting to remove multiple board members at the same time, regardless of the reason. City Attorney Chris Duncan responded that he had not previously considered that specific point and stated that, procedurally, motions to remove board members should be made one person at a time. He confirmed that removals must be handled individually. Councilman Pena stated that, based on that clarification, the motion would need to be revised to be legally proper.

Councilman Davis stated that just as Council appoints board members one at a time, removals must also be conducted one at a time. He explained that Council cannot make a single motion to appoint or remove multiple individuals simultaneously, noting that Council would instead vote separately on each individual. He stated that the same rule applies when attempting to remove board members and that a motion to remove an entire board at once would not be proper. Councilman Davis further stated that if Council wished to change the process, it could amend the rules by removing board recommendations and leaving appointments solely to Council. He compared the process to a hiring scenario, noting that applicants would not typically be selected without appearing for an interview. Councilman Davis stated that allowing applicants to appear and speak before the Council is the appropriate process and helps avoid confusion. He further stated that boards may feel disrespected when they make recommendations that are not followed, but ultimately the final decision rests with Council. He stated that bringing applicants before Council to explain why they should serve allows Council to make informed decisions directly and avoids misunderstandings in the appointment process.

Councilman Pena stated that, at that point, an illegal motion would need to be revised. He stated that if Council intended to take action regarding Mr. Pearson and Mr. Adams, the actions would need to be handled individually. He requested that Mayor Cain instruct either to revise the motion so that it would be legally proper or to table the item.

Councilman Pena asked what the penalty would be for violating a City ordinance. City Attorney Chris Duncan responded that it would depend on the specific ordinance, noting that the City has many ordinances. Councilman Pena followed up by asking whether the ordinance in question could simply be ignored and whether other ordinances could likewise be disregarded. He stated that he was asking to understand what actions Council could take without consequence. City Attorney Chris Duncan responded that if Council were to take a vote on an improper or illegal motion, the action would be void.

Mayor Cain addressed Councilman Matamoros and asked whether, in light of the discussion, he wished to amend his motion. Councilman Matamoros stated that procedurally, the Council member who seconded the motion would need to withdraw the second before an amendment could be made.

Councilman Rossow withdrew his second.

Councilman Matamoros stated that he would withdraw his motion.

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

Discussion and possible action regarding City Boards' meeting times and meeting facilities.

Councilman Pena stated that City Council has oversight authority regarding the organization and operation of City boards and commissions, including meeting schedules and the designation of meeting locations. He stated that, from time to time, changes in meeting times or facilities may be necessary to ensure accessibility, efficiency, compliance with the Texas Open Meetings Act, and effective public participation.

A motion was made by Councilman Pena to require the various City boards to as a matter of transparency because that is what was really asked for the Civil Service with discussion that followed.

Councilman Pena stated that he was encouraged to see the Civil Service Commission members work collaboratively and agree that meeting times should not be set in a way that prevents Council members or working individuals from attending.

A motion was made by Councilman Pena to create or designate or require all City boards except for the Beautification Board and the Senior Citizen board be held in City Council Chambers so that the public can be able to witness it whether they are here or on the live webcast, we have that for all the boards except for Charter Committee and Main Street and Historical, and want to make sure that those because they are going to be moving forward with a lot of big spending items and want to make sure that is all transparent.

Councilman Pena said that is the motion that those boards be required to be in Council Chambers for their meetings and not in not sequestered in some other space.

Mayor Cain stated that there was a motion on the floor to require all City boards to hold their meetings in City Council Chambers, with the exception of the Beautification Board and the Senior Citizens Board.

The motion was seconded by Councilman Davis with discussion that followed.

Councilman Pena stated that the Civil Service Commission did a good job in planning and scheduling its next meeting. He stated that the initial meeting time was not well thought out, noting that it had been scheduled at 5:00 p.m., but that Council requested the meeting be moved to 6:00 p.m. Councilman Pena stated that within a short period of time the Civil Service Commission adjusted the meeting to 6:00 p.m. and selected a regular meeting time that did not conflict with another board. He stated that this was a positive outcome because it allows for greater Council participation and public participation. Councilman Pena stated that increased participation supports transparency, which he identified as the underlying intent of his agenda request. He stated that this was particularly important for boards that are responsible for spending significant public funds, including tens or hundreds of thousands of dollars, and in some cases millions of dollars, such as the Economic Development Corporation and the Tourism Board. Councilman Pena stated that these boards should be required to hold meetings in City Council Chambers and be recorded on camera. He stated that without such requirements, boards such as the Civil Service Commission could schedule meetings during the workday, limiting attendance by Council members and the public. Councilman Pena stated that he appreciated the Civil Service Commission's willingness to move its meeting to 6:00 p.m. He stated that his goal was to increase transparency and accountability so that residents can observe board discussions and actions, and that this transparency was the sole purpose of his request.

Councilman Davis stated that he understood the discussion and thanked Councilman Pena for the clarification. He stated that he agreed that Civil Service and other boards should attempt to schedule meetings at times when Council members and the public are able to attend, noting that the matter is new and that it is important for both Council and citizens to understand what actions are being taken. Councilman Davis stated that many citizens want to know what is being voted on, what discussions are taking place, and what actions are occurring, and that having meetings recorded and available on camera would allow the public to watch and stay informed. He stated that meetings held at 6:00 p.m. are more accessible, particularly given that many Council members and residents work during the day, and that 5:00 p.m. meetings are difficult to attend. Councilman Davis referenced his own experience missing meetings due to work obligations and stated that boards often discuss ways to increase public involvement. He stated that citizens frequently ask questions about development and other board actions, and that it is difficult to respond when meetings are not accessible or observable. Councilman Davis stated that allowing meetings to be recorded and available for viewing at home would help educate the public. He raised a concern regarding space limitations in City Council Chambers, noting that some boards have as many as nine members and questioning whether adequate seating would be available. Councilman Davis suggested that if boards are unable to meet in Council Chambers, they should at least be required to have meetings televised or recorded, similar to City Council meetings, such as through YouTube or another platform. He stated that transparency is about keeping people informed beyond Council meetings. Councilman Davis stated that it can be embarrassing when Council members are asked about board actions and are unaware due to limited access to meetings. He stated that it would benefit everyone if board meetings followed a process similar to City Council and Civil Service meetings, particularly for boards handling important matters. Councilman Davis stated that if citizens cannot attend meetings in person, they should at least be able to watch them, emphasizing the importance of transparency and public access. Councilman Davis stated that he believed the idea was a good one. He stated that he initially thought the motion might need to be modified because it appeared to require all boards to meet in City Council Chambers, and he expressed concern that there may not be sufficient space to accommodate all boards. Councilman Davis stated that, regardless of location, he believed all board meetings should be televised.

Councilman Pena stated that joint meetings between City Council and the Economic Development Corporation had been held previously in City Council Chambers and that seating arrangements were accommodated without issue. He stated that additional chairs could be placed as needed and that the existing cameras could capture participants seated in that area. Councilman Pena asked about the camera's capability to capture individuals seated to the side and referenced the 360-degree coverage of the system. He also noted that microphones could be added as needed, referencing prior meetings where microphones had been placed in that area. Councilman Pena stated that when the EDC previously met on the second floor of the old City Hall downtown, there were incidents where residents and developers became confrontational. He stated that meetings were moved to City Council Chambers to establish a clear and appropriate boundary and to ensure safety, noting that the presence of police officers has been beneficial when meetings become contentious. Councilman Pena stated that the Council Chambers provide adequate space for attendees and participants and that, compared to other meeting locations, the space avoids overcrowding. He further stated that the Chambers are already equipped with video and audio infrastructure, eliminating the need for additional setup costs or reinventing transparency measures.

Mayor Cain asked which boards currently do not use City Council Chambers, aside from the Beautification Board and the Senior Citizens Board. Councilman Pena stated that the Main Street Board and the Charter Review Committee. Mayor Cain stated that, as a result, the proposed change would primarily affect the Main Street Board and the Charter Review Committee. He stated that microphones would need to be moved or added when those boards meet in Council Chambers so that members can be recorded properly. IT Director Toby Cohen stated that additional microphones could be added if needed, depending on whether citizen comments were included. He stated that additional microphones would require an additional repeater, and that with one additional repeater, approximately two additional microphones could be supported.

Mayor Cain stated the seniors should be given the option to continue meeting in their current location due to the number of activities conducted prior to their meetings. Councilman Rossow stated that their meetings often follow immediately after scheduled activities and that moving locations would require shutting down activities, closing facilities, and relocating to the Chambers, which could be burdensome. He stated that such transitions would likely be inconvenient.

Main Street Coordinator Maria Lopez stated that the purpose of holding Main Street Board meetings at the Nat Hickey Education Center was intentional and based on the desire to be located in the downtown area. She stated that the decision was made for inspirational purposes, noting that being downtown helps the board remain focused on the area they are working to promote. She stated that she felt it was the right approach for the board and wanted the Council to consider that perspective, as it directly affects the board's work. Mayor Cain stated that he welcomed Ms. Lopez's input. Ms. Lopez stated that she had considered coordinating with staff to explore options such as broadcasting meetings via Facebook Live or other platforms, in order to make the meetings more public while still allowing the board to meet downtown and remain comfortable. Councilman Pena stated that holding meetings in City Council Chambers provides a centralized, uniform location that eliminates confusion for the public. He stated that residents often do not know where different boards meet and cited examples, including the Beautification Board, Senior Citizens Board, and Main Street Board, noting that meeting locations can be unclear unless someone is directly involved as a liaison. Ms. Lopez clarified that her reference to inspiration was tied to the board's work on downtown projects and the ability to conduct or plan future activities in close proximity to meeting locations. She stated that holding meetings downtown allows the board to immediately transition to project-related discussions or walkthroughs when needed. Councilman Pena asked how many downtown walkthroughs had actually occurred since Ms. Lopez assumed the coordinator role. Ms. Lopez responded that no walkthroughs had occurred during her tenure but stated that downtown walkthroughs were included as an annual goal for the year, with one planned for March, intended to encourage community engagement with the downtown area. Councilman Pena stated that he was attempting to evaluate the strongest and most practical argument for maintaining meetings downtown versus relocating them to City Council Chambers. He stated that historical practice showed very few walkthroughs had occurred over several years, even prior to Ms. Lopez's tenure, and that only one walkthrough had taken place in the past three years. Councilman Pena stated that given the limited use of downtown walkthroughs, he questioned whether it was practical to invest additional resources in creating audiovisual accommodations in a smaller downtown space when City Council Chambers already provide adequate space, existing audiovisual infrastructure, and greater public accessibility. Councilman Pena stated that the Council Chambers offer more transparency, better accommodations for the public, and built-in audiovisual systems for both board members and residents. He stated that attempting to replicate those capabilities downtown did not appear efficient or necessary given how infrequently on-site walkthroughs had occurred. Councilman Pena stated based on the information discussed, it made more sense for Main Street Board meetings to be held in City Council Chambers.

Police Chief Jennifer Howell stated that she wanted to add clarification regarding the Main Street Board meeting locations. She stated that when Ms. Lopez initially assumed the coordinator role, Main Street Board meetings were being held at City Hall.Chief Howell stated that Ms. Lopez expressed interest in moving the meetings downtown; however, at that time, there was not an appropriate meeting space available downtown. She explained that the area adjacent to the previous location was used for special exhibits and that a suitable space was not available until the expansion center was completed. Chief Howell stated that since the expansion center became available, the Main Street Board has held only two meetings at that location. She stated that the intent behind moving the meetings downtown was to allow board members to see firsthand, on a monthly basis, the projects and goals the board is working toward. Chief Howell stated that she understood the concerns raised during the discussion but emphasized that the downtown meeting space had not been available for an extended period, which is why only two meetings have been held there to date.

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

A motion was made by Councilman Pena that the Main Street be required to have live audiovisual during their meetings Main Street and Historical both with discussion that followed.

Mayor Cain stated that the motion could not be made because it was not specifically listed on the agenda. Councilman Pena responded that the matter was germane to the agenda item under discussion. Mayor Cain stated that Council could direct the City Manager to address the matter.

City Attorney Chris Duncan stated that the agenda item referenced discussion and possible action regarding City board meeting times and meeting facilities, and that audio and visual capabilities could reasonably fall under the definition of meeting facilities. He stated that, under that interpretation, Council could be permitted to make a motion requiring certain boards to have audiovisual capabilities. Mayor Cain clarified that the proposed motion would apply to the Main Street Board and the Historical Commission in Downtown.

A motion was made by Councilman Pena to have audiovisual to be placed at the meeting for Main Street and Historical as well ensuring that it is at 6:00p.m. like all the other boards that are publicly broadcasted so that everybody can attend, seconded by Councilman Davis with discussion that followed.

Councilman Pena stated that he had previously served as liaison for the Main Street Board and that one of the reasons he was unable to attend those meetings was due to the meeting time, which ultimately led him to stop serving as liaison.

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

Work Session

Councilman Pena Ward A announcements and comments.

Councilman Pena stated that he wanted to thank everyone who came out and spoke during the meeting. He stated that some individuals spoke forcefully and others spoke untruthfully, and that he believed it was clear who those individuals were. He stated that he would address truths and fallacies further through his social media podcast. Councilman Pena stated that he remained very concerned about the intersection of Fourth Street and Pecan Street. He stated that, in his view, the issue could be resolved in a simple and straightforward manner and questioned the need to involve engineers to overanalyze the problem. He stated that he was curious about the status of the money spent on the traffic study when potential solutions such as stop signs or speed humps could have been implemented. City Manager Dr. Danielle Kelly responded that the traffic study was received the previous Thursday afternoon and would be included on the February 5 agenda for Council consideration. She stated that the recommendation from the study was to install a four-way stop at the intersection. Police Chief Jennifer Howell explained that the reason the matter was referred to engineers was because it is required by the Texas Transportation Code. She stated that the City cannot install stop signs or speed humps arbitrarily and must follow a defined process. She acknowledged that the process can be slow but stated that the City did not receive the study in time for it to be included on the current agenda. Councilman Pena asked whether speed humps installed in parks had gone through the same engineering process. Chief Howell responded that roadways within parks are treated differently under the Transportation Code than public streets and residential roadways. She stated that streets fronting or running through parks fall under different standards. Councilman Pena addressed lighting in and around City Hall and downtown areas. He stated that lighting on Second Street and Cherry Street was inadequate and described the area as extremely dark. He stated that lighting downtown is important for residents and visitors and refuted claims that City Hall lights remain on continuously, stating that they operate using photo sensors like other streetlights. Councilman Pena stated that lighting in the City Hall parking lot had been installed because, after City Council meetings, the area was very dark and people felt unsafe. He stated that lighting helps ensure public safety and sends a message that the City is not abandoning downtown. He emphasized that City Hall lights should remain on. Councilman Pena stated that he remained serious about addressing the use of cell phones during Council meetings. He stated that he believed it was highly disrespectful and questioned whether it could violate the Texas Open Meetings Act. He asked the City Attorney to address whether Council members texting during meetings constitutes a violation. City Attorney Chris Duncan responded that it is a violation of the Texas Open Meetings Act for Council members to exchange messages, including text messages or emails, with other Council members or members of the public during a meeting. He stated that all deliberations must occur publicly and that communications outside the public forum during a meeting would violate the Act. Councilman Pena thanked Mr. Duncan and asked whether the matter could be placed on a future agenda as a resolution. Councilman Pena then thanked everyone who participated in the Martin Luther King Jr. festivities, including the parade. He stated that the event received positive feedback and thanked the Freeport Police Department and neighboring first responders for traffic control and assistance. He stated that the weather was favorable and noted that the Martin Luther King Jr. celebration originated in Freeport. Councilman Pena recommended that the City have an official presence at future Martin Luther King Jr. galas and parades, including an official City float featuring Council members, the City Manager, and senior staff. He stated that visibility is important and suggested that the City also participate in other parades, such as Mardi Gras and neighboring cities' events, to promote positive outreach. Councilman Pena also commended the Police Department dispatch staff for their responsiveness to incidents around town, particularly downtown. He cited instances involving illegal drugs, paraphernalia, and suspicious individuals near the museum and other downtown buildings. He stated that dispatch consistently responded appropriately and sent officers to address issues. Councilman Pena praised the professionalism, sensitivity, and rapport demonstrated by the Police Department toward citizens. He stated that his personal observations and experiences had been positive and encouraged the department to continue its efforts.

Councilman Davis Ward B announcements and comments.

Councilman Davis thanked everyone for coming out to speak. He stated that he had previously discussed the issue of stop signs and traffic control and reiterated that installing stop signs is a process that must follow established procedures. He stated that, based on his experience working with signage at the county level, stop signs cannot simply be installed without going through the required process, even though it can be frustrating and time-consuming. He stated that while the process can sometimes move quickly, it often takes time. Councilman Davis stated that the City is not ignoring the situation and has placed signage to raise awareness as a temporary measure. He stated that these measures are intended to address immediate concerns while the City works toward receiving the proper authorization to make a permanent decision. Councilman Davis asked who was responsible for the fire hydrants and replacing. Mayor Cain statedVeolia is responsible for their maintenance. Fire Chief Chris Motley stated that Veolia make the recommendations regarding fire hydrant replacement and that replacement costs are passed back to the City for approval. He stated that the City is responsible for paying for the replacement of fire hydrants, and that the work would be carried out through Veolia. Mayor Cain requested clarification on the process? Chief Motley stated that, based on his understanding, under past practice a project manager would determine that a fire hydrant needed to be replaced and direct that the replacement be completed. He stated that the cost would then be passed back to the City and reflected in the monthly service charges from Veolia. He noted that he did not recall the specific account or line item through which those charges were processed. Councilman Davis stated the fire hydrant on the south side of town had been leaking for an extended period, was recently repaired to stop the leak, but was determined to be no longer functional and in need of replacement. He stated that the issue had existed for over a year and raised concern about access to water during a fire. City Manager Dr. Danielle Kelly stated that in the Veolia contract there will be a schedule in there to exercise all of the hydrants to make sure that they are operating as required. Police Chief Jennifer Howell stated that on the night of the fire, the Patrol Sergeant reported the hydrant issue. She stated that she forwarded the information to Mr. Dawson and included Chief Motley and Dr. Kelly so that the matter was formally reported. She stated that Mr. Dawson responded that the issue would be addressed. Councilman Davis provided that hydrants identified as needing repair or replacement are flagged for correction, and that replacement costs are typically communicated to the City for approval. Councilman Davis stated that it had been known for some time that the fire hydrant in question was out of service. He stated that he was aware of the issue and referenced Rudy and his crew, noting that he had personally gone to the site and met with them. Chief Howell stated that, ultimately, responsibility for the hydrant falls under Veolia. She stated that when the information was received by City staff, it should have been communicated to Veolia, and that Veolia or City personnel later responded to address the issue. Councilman Davis stated that while repairs had taken place to stop the leak, the hydrant required replacement. He questioned who is responsible for authorizing that replacement and stated that the decision ultimately rests with the City of Freeport. Police Chief Jennifer Howell stated that the process ultimately depends on whether the issue involves a repair or a full replacement. She stated that if a replacement is required, the responsible party would provide the City with the replacement cost information for review and action. Councilman Davis stated that the hydrant in question had already been reported to Veolia for replacement. Chief Howell stated that she would follow up to ensure the hydrant replacement was addressed and expressed concern about public safety if hydrants are not functional during emergencies. Councilman Davis thanked the City and staff for their participation in the Martin Luther King Jr. celebrations and noted the importance of community involvement. Councilman Davis requested that an item be placed on a future agenda regarding the Senior Prom organized by Brazosport for the Seniors. He asked whether the Council could consider waiving the fee for use of the River Place facility, so the event could be held there in May. He stated that the prom is funded through fundraising and is not supported by the school district, and that the organizers did not have sufficient funds to cover the facility cost due to changes in room availability and associated fees. Dr. Kelly stated that Council members may use a one-time annual sponsorship to waive fees for an event. Councilman Davis stated that he had already used his sponsorship and that his was no longer available. Councilman Davis stated that the Council should revisit the rule governing facility fee waivers, noting that similar events had historically been supported or donated by the City or partner institutions. He stated that since the rule change, issues have arisen and suggested that Council review and possibly revise the policy to better accommodate community events. Councilman Davis stated that he wanted Council to look back at the rule to determine whether changes were appropriate.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros stated that the first issue he wanted to raise concerned recent violations issued by TCEQ related to the wastewater lift station located on Slaughter Road, near the golf course, due to a loss of power. He stated that to prevent future violations, the City should consider adding an additional generator at that location. He requested that this item be reviewed. Councilman Matamoros then addressed statements circulating on social media, which he stated were false. He stated that he has not sided against the City in relation to a lawsuit involving approximately one million dollars. He stated that he had provided a statement to the attorney representing the City in that lawsuit and that, if the matter proceeds to trial, his testimony would reflect that position. Councilman Matamoros stated that any person who claims otherwise is a liar. He expressed frustration regarding the misuse of public funds, specifically referencing hotel occupancy tax increases. He stated that it was unfortunate that the City must expend additional resources to defend lawsuits. Councilman Matamoros stated that anyone with questions is welcome to speak with him directly and that he would explain, within legal boundaries, what actions he has taken.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow stated that, like others, he appreciated everyone who attended the City Council meeting, including those participating online. Councilman Rossow cautioned residents to be mindful of freezing temperatures, specifically noting the need to protect plants, pipes, and pets. He emphasized that freezing conditions are serious and should be taken into consideration. Councilman Rossow expressed appreciation to City staff and volunteers who assisted with the Martin Luther King Jr. celebration, noting that the event marked its 40th year. He stated that one of the bishops who helped start the celebration 40 years ago attended this year's event. Councilman Rossow described the celebration as a festival, noting that it included vendors, music, and community activities. He stated that in past years there were multiple bands and that this year included performances by a band from Pearland and the ROTC. He stated that a large number of people attended and that the park was filled with residents and visitors from 11:00 a.m. to 3:00 p.m. Councilman Rossow thanked City employees for their efforts in assisting during the festival and cleaning up afterward. He noted the distribution of trophies and praised the parade, vendors, and food offerings, including fish, and sausage on a stick. He stated that the festival functioned similarly to previous years. Councilman Rossow stated that a recycling component was added to this year's event, including collection of paper, cans, and small items, and that a sorority group from Houston assisted with the recycling effort. Councilman Rossow stated that the celebration required significant coordination, including a gospel choir on Thursday, a preaching service on Friday, and a banquet on Saturday. He thanked the City of Freeport for sponsoring two tables at the banquet and stated that the event consistently features strong speakers.Councilman Rossow stated that he was proud to be a part of the festival and noted that the weather cooperated this year, resulting in a pleasant day. He contrasted this with the previous two years, when cold temperatures required cancellation of the parade and pavilion festival.

Mayor Jerry Cain announcements and comments.

Mayor Cain thanked everyone who attended the meeting, including those watching remotely and those who came forward to speak during public comment. He stated that public participation is meaningful to Council and emphasized that Council does listen to residents. Mayor Cain referenced repeated public comments regarding a particular intersection, noting that Mr. Koole had spoken about the issue for several months. He stated that it appeared progress was finally being made and emphasized that continued public input was instrumental in bringing attention to the matter. He encouraged residents to continue attending meetings and voicing their concerns. Mayor Cain stated that he was unable to attend the Martin Luther King Jr. parade and festivities on Monday due to work obligations but was able to attend the banquet on Saturday evening. He described the banquet as an excellent event and stated that the speaker was impactful. Mayor Cain stated that he was honored to read a proclamation recognizing the 40th anniversary of the Martin Luther King Jr. celebration. He noted that although he does not enjoy public speaking, it was an honor he was glad to accept and stated that he was proud to represent the City of Freeport. Mayor Cain then addressed upcoming weather conditions, noting that cold temperatures were forecasted. He encouraged residents to monitor the weather and take precautions to protect plants, pets, and property, advising residents to prepare in advance. Mayor Cain concluded his remarks by encouraging everyone to stay safe.

City Manager announcements and comments.

City Manager Dr. Danielle Kelly reminded Council and the public that, based on earlier discussion, the Civil Service Commission is scheduled to meet in City Council Chambers the following day at 6:00 p.m. Dr. Kelly stated that she thoroughly enjoyed attending the Martin Luther King Jr. celebration dinner and described the event as amazing. She stated that the speaker was outstanding. Dr. Kelly stated that she also attended the parade on Monday and initially believed it was limited to the downtown area. She stated that upon realizing the parade extended along Second Street, she arrived around 10:30 a.m. and walked the route, speaking with many people along the way. Dr. Kelly stated that she met local business owners, toured a downtown location currently under construction, and spoke with City employees and police volunteers from neighboring cities. She also stated that she spoke with the individuals coordinating the recycling effort at the event and provided them with her contact information, noting that the City is exploring opportunities to expand recycling initiatives. Dr. Kelly concluded by stating that the experience was enjoyable and engaging.

Mayor Cain stated that before entering executive session, the Council would address an item related to personnel. He stated that the item concerned discussion and possible action regarding personnel matters involving Assistant City Manager and Police Chief Jennifer Howell, including potential conflicts of interest arising from her dual role.

Mayor Cain asked Police Chief Jennifer Howell whether she preferred the discussion to be held in open session or closed session. Chief Howell responded that she preferred open session. Mayor Cain stated that Council would proceed with the discussion in open session at that time.

Councilman Pena stated that he wanted to explain why he placed the item on the agenda and to ensure that both the public and Council understood the proper procedure for the discussion. He stated that before proceeding, it was important to clarify the scope of Council's authority. Councilman Pena asked the City Attorney to confirm that Council does not have authority to hire or fire City staff, noting that Council's removal authority applies only to the City Manager and the Police Chief, and not to the Assistant City Manager. City Attorney Chris Duncan confirmed that this understanding was correct. Councilman Pena stated that the purpose of the discussion was to provide guidance to the City Manager regarding the will of Council concerning the management of the City, specifically to avoid any conflicts of interest that could place the City in a legally position. He stated that, in simple terms, the discussion concerned potential conflicts of interest.Councilman Pena stated that such matters are typically discussed in executive session, where Council deliberates and then provides recommendations to the City Manager, who generally acts in accordance with Council's direction. Councilman Pena stated that, typically, the City Manager abides by the will of the Council. He remarked that if the City Manager did not do so, they would be fired at the next meeting, then clarified that he was just kidding. He stated that he did not intend to make City Manager Dr. Kelly nervous and explained that his point was simply to describe the usual top-down structure of City governance. He described the organizational structure of the City as operating from the public and Council, through the City Manager, Police Chief, and City Attorney, and then down through the remainder of staff. Councilman Pena emphasized that Council does not operate solely on direction from residents but also exercises independent judgment as elected officials to oversee City operations. He stated that the intent of the discussion was to clarify the organizational structure and that no disciplinary action was being contemplated. Councilman Pena stated that the Assistant City Manager had been promoted to that position in early 2024. Councilman Pena stated that he recalled the issue because it arose only weeks after the tenure of the former City Manager, Lance Petty. He stated that, at that time, Ms. Howell was given the additional title of Assistant City Manager. He stated that he raised concerns with Chief Howell shortly after learning of the promotion and expressed that he did not believe it was a good idea. Councilman Pena stated that assigning the Assistant City Manager role to the Police Chief created a conflict of interest for the City. He explained that in the event the City Manager were unavailable, terminated, or otherwise incapacitated and unable to perform their duties, the Assistant City Manager would assume managerial responsibilities. He stated that this would result in an individual effectively serving as both City Manager and Police Chief, creating a situation where a person would be overseeing themselves. Councilman Pena stated that such an arrangement eliminates objectivity and presents both an active and potential conflict of interest. He stated that this concern existed even prior to the Civil Service discussion and that it represented a conflict of interest. Councilman Pena stated that allowing such a structure places the City at risk of legal jeopardy and moral dilemmas. Councilman Pena stated that an individual cannot be their own boss. He stated that this was the reason he opposed the arrangement when it was first implemented in 2024. Councilman Pena stated that the City now finds itself operating under a Civil Service system that was approved by the voters. He stated that, even with Civil Service in place, conflicts of interest have already arisen and that the appearance of impropriety has been breached in recent situations. Councilman Pena stated that, to address these concerns, the City should ensure that Ms. Howell serves either as a full-time Police Chief or as a full-time Assistant City Manager, but not both. He stated that Ms. Howell possesses strong experience and managerial qualifications as Police Chief and that the City should consider professionally recruiting an Assistant City Manager to eliminate the current conflict of interest. Councilman Pena stated that he would provide specific examples of these concerns but emphasized that conflicts of interest existed even prior to the implementation of Civil Service and continue to exist now. He stated that these conflicts have been exemplified by recent events that increase overall risk to the City and undermine objectivity, fairness, transparency, and proper governance. Councilman Pena stated that combining roles removes essential checks and balances, which is why City government is structured with separate departments. He stated that the City Manager is intended to oversee the Police Chief under the Charter to ensure accountability. Without those checks and balances, he stated, any Police Chief not Ms. Howell specifically could be left with unchecked authority, creating conditions where malfeasance could occur. Councilman Pena stated that the City has spent recent years addressing corruption and that it is not sufficient to simply remove corrupt actors. He stated that the City must remain diligent in holding everyone accountable, ensuring transparency across all boards, and managing the City properly so that roles and authority are clearly understood. Councilman Pena provided an example in which the City Manager becomes incapacitated and unable to perform their duties. He stated that under the current structure, an individual serving in both roles would become their own supervisor. He further stated that such a situation would leave Police Department personnel uncertain about where to raise concerns if they felt marginalized or targeted, as they would have no independent authority to turn to. Councilman Pena stated that this concern aligns with the underlying reasons Civil Service was created. He recalled that Police Department personnel previously expressed distrust in the former City Manager and were reluctant to bring forward complaints due to perceived abuse of authority. He stated that the former City Manager also weaponized his position against both officers and the Police Chief, contributing to the breakdown of trust. Councilman Pena stated that these events demonstrate the need to ensure proper checks and balances moving forward, rather than addressing issues only after problems arise. He stated that governance should be proactive, not reactive, and emphasized the seriousness of the issue by comparing it to safety measures that should be in place before an incident occurs, not afterward. Councilman Pena stated that the seriousness of the matter was demonstrated by a second example that had occurred recently. He stated that he would not sugarcoat the issue. He explained that City Council received notice approximately three weeks prior, for the January 2 meeting, regarding an agenda item involving the addition of a payment for a fire engine and an EMS truck. He stated that the item was promoted by both Chief Howell and Chief Motley. Councilman Pena stated that, at the time, Council questioned the propriety of the agenda item and determined that it was improper and illegal for a variety of reasons. He stated that Council had to exercise its checks and balances, and that City management and the City Attorney informed Council, allowing the issue to be corrected. He stated that, had City Manager Dr. Danielle Kelly been unavailable to perform her duties, the item would have remained on the agenda illegally, demonstrating the risk of insufficient checks and balances. Councilman Pena stated that the issue is about being proactive and informed, ensuring Council does not make improper or illegal motions, and making correct decisions before problems arise. He questioned why the City would create unnecessary political or legal problems rather than preventing them. Councilman Pena then moved to his third concern, recalling the conceptualization of Civil Service in January of the previous year. He stated that police officers contacted him and other Council members, including Councilman Davis, expressing concerns. He recalled that, during a February meeting prior to the illegal Police Chief's suspension, police officers and union representatives appeared before Council, having formed a union and requesting that Civil Service be placed on the ballot for public decision. Councilman Pena stated that officers were acting defensively due to actions taken by former City Manager Lance Petty, including weaponized criminal and internal affairs investigations that were ultimately unfounded. He stated that Council received documentation supporting those claims. Councilman Pena recalled a meeting involving early-stage Civil Service representatives, the Police Department union, the former City Manager, the City Attorney Olson and Olson, himself, and Mayor Cain. He stated that Mr. Petty chose to retain legal counsel, which Councilman Pena stated effectively disqualified him from his role. He further stated that concerns were raised by City staff and Police Department personnel that Mr. Petty was likely to retaliate against employees. He stated that shortly thereafter, Police Chief Howell was suspended without due process. Councilman Pena stated that this reflected a failure of checks and balances at the Council level at that time and emphasized the importance of being vigilant to prevent conflicts of interest from persisting. He stated that waiting for a crisis is unacceptable, as such crises inevitably recur. Councilman Pena stated that the City now has a Civil Service system, which he characterized as unfortunate due to the lack of understanding surrounding its implications. He stated that it had become clear during recent meetings that neither Council nor the public fully understood the consequences of adopting Civil Service, leaving the City in a difficult position. Councilman Pena stated that the underlying issue requires examining how the City arrived at its current situation and what actions can be taken to prevent further problems. He stated that the sequence began with morale concerns, which were initially directed toward former City Manager Lance Petty. He stated that within a matter of three to four days, those morale concerns shifted and were redirected toward Police Chief Howell. He noted that Chief Howell was ultimately reinstated. Councilman Pena stated that following those events, Mayor Cain and Councilmember from Ward C decided to hold a special meeting to allow police officers to appear before Council and express ongoing morale concerns. He stated that, as a result, the Civil Service issue was advanced and placed on the agenda. He explained that in July and August the issue was placed on the November ballot and ultimately passed, which he attributed in large part to public sentiment supporting law enforcement. Councilman Pena stated that, during that process, political considerations overshadowed substantive concerns. He stated that conflicts of interest and the continued disarray within the Police Department were lost in the shuffle of the ballot process. He stated that the Police Department remains in disarray today and that he continues to receive calls, as do other Council members, indicating that issues persist. Councilman Pena stated that, beyond morale, the practical realities of Police Department operations must be addressed. He stated that he has attempted to remain sensitive to the position of the Police Chief, acknowledging that she has been working hard. He stated that he personally reached out to Chief Howell as a courtesy to explain his reasons for placing the item on the agenda. Councilman Pena stated that, in his view, a conflict of interest existed prior to morale becoming an issue and that staffing challenges in the Police Department have continued. He recalled that during the budget cycle he advocated for comprehensive solutions, including cost-of-living adjustments and salary increases, stating that he encouraged Council to throw the kitchen sink at the problem. He stated that despite recent raises and ongoing discussion about correcting the compensation matrix, morale remains low and staffing losses continue. Councilman Pena stated that the City has lost officers, including command-level officers, and that additional officers are actively interviewing elsewhere. He stated that this is problematic and underscores the need for solid leadership within the Police Department that is able to focus exclusively on departmental responsibilities without distraction from City management duties. Councilman Pena stated that when Chief Howell was reinstated and former City Manager Lance Petty was terminated, he was appreciative that Chief Howell served as Assistant City Manager during the transition period. He stated that he communicated to her his hope that she would remain in that role until a permanent City Manager was hired and that the City was fortunate to ultimately select Dr. Danielle Kelly from the finalist pool. Councilman Pena stated that he was disappointed to learn that Chief Howell did not wish to continue serving in both roles due to the workload at the time. He stated that the City then proceeded with an interim City Manager arrangement, which produced mixed results, including both positive outcomes and mismanaged or missed issues. He stated that those details could be addressed at a later time. Councilman Pena emphasized that the City currently has a problem that should not be exacerbated. He stated that the Police Department requires full time leadership and that the Assistant City Manager position also requires full-time attention. He stated that the two roles cannot coexist simultaneously and that doing so constitutes a misuse of taxpayer funds and a failure to steward public resources responsibly. Councilman Pena stated that City Hall must be staffed with fully qualified individuals dedicated to their specific roles, rather than individuals learning on the job or dividing their attention between multiple responsibilities. He stated that, in his opinion, Chief Howell is one of the strongest Police Chiefs in the county and that he wants her to serve exclusively as Police Chief, not concurrently as Assistant City Manager. Councilman Pena stated that while he is confident in Chief Howell's qualifications as Police Chief, he does not have sufficient information regarding her credentials for the Assistant City Manager role. He stated that the City followed a rigorous process to hire a highly qualified City Manager and should apply the same standards to all leadership positions, including Assistant City Manager, Human Resources, Public Works, Parks, Economic Development, Main Street, and other departments. Councilman Pena stated that the practice of consolidating positions and requiring staff to wear multiple hats creates conditions conducive to corruption. He referenced prior administrations, including the tenure of Tim Kelty and later Lance Petty, stating that similar consolidation practices were used and resulted in detrimental outcomes for the City. He stated that such practices are harmful to any organization and often accompany incompetence and attempts to conceal misconduct. Councilman Pena stated that he does not want the City to repeat past mistakes. He stated that he does not want to be in a position in the future where conflicts of interest must be addressed after harm has occurred. He emphasized the importance of proactive, professional, and timely action to prevent such issues. Councilman Pena stated that the Police Department needs as much support as possible to function effectively and meet public safety and security needs. He stated that attracting and retaining quality personnel begins with leadership at the top. He stated that while he initially believed morale would improve, it has instead remained low or deteriorated, noting that several high-performing officers have left the department. He stated that the City cannot afford to lose its best officers.

Police Chief Jennifer Howell stated that she wanted to make a comment. She stated that she had never attempted to place the purchase of a fire engine on the agenda and that she was uncertain where that information originated. She stated that she had asked Fire Chief Chris Motley whether he had attempted to place such an item on the agenda and that he had confirmed he had not. Councilman Pena stated that the Council had received a series of emails over the past several weeks related to budget matters and that he would be willing to share those emails at a later time. Chief Howell reiterated that she had never requested that a fire engine be placed on the agenda. City Manager Dr. Danielle Kelly clarified that the matter in question involved a budget amendment proposed by the Finance Director, which was ultimately withdrawn. Chief Howell stated that while she was included in the email communications, she did not request the placement of a fire engine on the agenda. Councilman Pena stated that he would revisit the email correspondence and was willing to share that with Chief Howell. Chief Howell acknowledged that she had been included in the email thread referenced. Chief Howell explained that the budget amendment discussion related to a proposal originally initiated during Interim City Manager Dan Pennington's tenure. She stated that the discussion involved the potential use of leftover funds from prior fiscal years to begin earmarking money over time for large capital purchases, such as a fire engine, in order to avoid a single significant financial impact in one year. She stated that Ms. Hurst prepared the budget amendment reflecting that concept. She emphasized that she was not attempting to purchase a fire engine illegally or improperly. Councilman Pena stated his understanding that the budget amendment had initially been presented to Council as improper. Chief Howell stated Ms. Hurst had actually researched and got the information corrected and what she was trying to do was not illegal and provided that information to City Attorney Chris Duncan and that the matter appeared to be the result of a miscommunication. Councilman Pena stated that he was willing to discuss the matter further and review the emails in detail if desired, but he did not want to belabor the issue at that time. He stated that he wanted to ensure Chief Howell had the opportunity to address other items as well. Chief Howell stated for the record that she has not placed any illegal items on the agenda. She reiterated that neither she nor Fire Chief Motley attempted to place the fire engine item on the agenda and that she wanted that clarification entered into the record. Chief Howell stated that with respect to the broader discussion, the ultimate decision rests with City Council and City Manager Dr. Danielle Kelly. She stated that if Council determines that two separate standing positions are appropriate, it will then be up to the City Manager to decide where she is best placed within the organization. She stated that she is committed to serving the City in whatever position and capacity Council and City management determine is appropriate. Chief Howell stated that she informed Dr. Kelly earlier that day that if a decision were made to separate the roles, she would have several questions. She stated that given the relatively new working relationship with the City Manager, she believed it would be premature to fully address those questions while Dr. Kelly continues to learn the City, its systems, and her vision for the Police Department and City operations. Chief Howell further stated that during her time serving as Interim City Manager, she did not consider herself to be her own boss. She stated that she considered City Council to be her supervisory authority during that period. She explained that while serving in the interim role, she reported directly to Council, and Captain Brinkman assumed oversight of the Police Department during her absence, consistent with prior practice. Chief Howell stated that at no point did she view herself as overseeing herself. She reiterated that she viewed City Council as her authority during that time.

Councilman Pena stated that he appreciated the response that had been provided. He stated that his concern was not about being unfair with respect to timelines or allowing matters to be addressed comfortably during a future budget period. He noted that it had previously been discussed that the issue might be addressed during the budget process, including whether to retain an assistant city manager position, a dual role, or associated compensation considerations. Councilman Pena stated that the issue facing Council was that all parties are now operating under the constraints of the recently adopted civil service system. He stated that it is of no comfort to Council to be forced to fast-track decisions but emphasized that the current circumstances require prompt action. He referenced that Council had recently fast-tracked the formation of a new commission and noted that the commission was still in the process of learning its responsibilities, with a meeting scheduled for the following day. Councilman Pena stated that, in addition to that learning curve, there is an immediate and ongoing concern regarding conflicts of interest. He described this as a second layer of the discussion and stated that it is time-sensitive and does not allow for a wait and see approach by the City Manager, Council, or the public. He stated that the City is under pressure to act because the civil service program requires strict legal compliance, including avoiding conflicts of interest and appearances of impropriety. Councilman Pena stated that this concern had already manifested in recent discussions regarding meeting agendas and the facilitation of meetings, particularly with respect to whether Police Chief Howell or Fire Chief Motley would be involved. He stated that this raised the question of whether the situation constitutes a legal conflict of interest, in addition to presenting practical concerns. Councilman Pena reiterated his position that an individual cannot be their own boss. He further explained that when an individual serves simultaneously as Assistant City Manager and Police Chief, it creates a conflict of interest within the City's organizational structure. He described the structure as involving City administration including the City Manager, Assistant City Manager, City Attorney, and Chief Financial Officer on one side, the Police Department command structure on another, and the Civil Service Commission as a third, independent party. Councilman Pena stated that the Civil Service Commission cannot effectively negotiate or operate independently when dealing with an individual who simultaneously represents multiple parties within that structure. He described this situation as a triangulation that presents a significant problem for the City. Councilman Pena stated that he intended to ask the City Attorney to provide a legal opinion on whether this arrangement constitutes a conflict of interest. He also emphasized the practical implications, noting that even during the first Civil Service Commission meeting, commission members were still learning procedures and processes. Councilman Pena stated that it had already been conceded that Police Chiefs should not attend certain Civil Service meetings, and he noted that City Manager Dr. Kelly had instructed the Chiefs not to attend in order to avoid improper influence. He also referenced an earlier situation in which a meeting between the Chief and the Civil Service Chair had been intercepted by the City Manager to avoid an appearance of impropriety. Councilman Pena stated that these instances demonstrated that problems had already arisen. He stated that there had been issues related to Chiefs attempting to direct the Civil Service Commission, even though the Commission falls more appropriately under the administrative side of City operations for organizational and facilitation purposes. Councilman Pena stated that this creates a serious concern for police officers who may feel unable to bring complaints to the Police Chief and instead seek recourse through Civil Service. He stated that when Civil Service is effectively overseen by administration that includes the Police Chief in a dual role, officers are left without a clear, independent avenue for recourse. Councilman Pena stated that this situation creates uncertainty, discomfort, and low morale among officers. He further stated that it contributes to a perception that Freeport's civil service system is burdened by conflicts of interest and potential legal issues, which may discourage officers from seeking employment with the City. Councilman Pena stated that he wanted to ask a question in public regarding the legality of holding dual positions. He requested clarification on whether there is a legal conflict of interest when the same individual serves as both the Chief of Police and the Assistant City Manager. He specifically asked whether having the Police Chief also serve as Assistant City Manager presents any legal conflict of interest.

Mayor Cain requested clarification from legal counsel on whether there is any conflict of interest associated with an individual serving simultaneously as Chief of Police and Assistant City Manager. He asked whether holding both positions presents a legal conflict of interest.

City Attorney Chris Duncan stated that he did not believe there is a legal conflict of interest in an individual serving simultaneously as Assistant City Manager and Chief of Police. He explained that the issue previously raised regarding one individual serving as both City Manager and Chief of Police would violate the City Charter, because the Charter clearly establishes the City Manager and the Police Chief as two separate positions, with the City Manager supervising the Police Chief. Mr. Duncan clarified that while holding both the City Manager and Police Chief positions at the same time would violate the Charter, serving as Assistant City Manager and Police Chief does not. He explained that the Charter specifically requires the City Manager and Police Chief roles to be held by separate individuals, but it does not impose the same requirement on department heads serving in additional administrative roles. Mr. Duncan further stated that if an Assistant City Manager were to simultaneously become City Manager while also serving as Police Chief, that arrangement would violate the Charter because those roles must be held by two separate individuals. However, he reiterated that serving as Assistant City Manager and Police Chief at the same time does not violate the Charter and does not present a legal conflict of interest in his opinion.

Councilman Pena stated that this was the core of his concern. He explained that while the Charter component would be considered, the Charter itself clearly underscores the issue. He stated that the Charter makes it explicit that such an arrangement is not permitted, and questioned why the City would place itself in a position that could result in a violation of the Charter.

Police Chief Jennifer Howell stated that this was the reason that, when she served as Interim City Manager, Captain Brinkman was appointed as Interim Police Chief, in order to maintain separation between the two roles.

Councilman Pena stated that the idea of having an automatic trigger that allows individuals to default into roles for which they may not be prepared, trained, or credentialed was problematic, particularly when those individuals would be wearing both roles simultaneously. He emphasized that this situation did not involve minor or interchangeable duties, but rather the most senior positions within a municipal entity. Councilman Pena questioned why the City would proceed in a half-baked or half-cocked manner instead of ensuring that the best qualified individuals were fully focused on their respective jobs and performing those jobs to the best of their abilities. He stated that the City had recently worked to eliminate redundancies and address instances where individuals were not properly performing their roles, and that the City was better for having done so. He further stated that the City should not place itself in a position where it assumes someone will simply step up when a crisis occurs, but instead should have qualified experts already in place for each role. He noted that sharing roles creates conflicts of interest and potential charter violations, and added that one of his early concerns dating back to prior administrations and the initial move to assign Chief Howell as Assistant City Manager was that the arrangement was politically fraught with risk. Councilman Pena stated that, while he did not previously know how Chief Howell would handle the dual role, he had now seen enough to believe that the arrangement created too many problems. He reiterated that legal counsel had already articulated that such a situation could violate the City Charter and questioned why the City would allow a structure to remain that could unpredictably result in a charter violation at any moment. City Attorney Chris Duncan stated that he also wished to respond to the point raised, noting that he did not believe the situation became legal simply because the Police Chief became Interim City Manager while another individual was designated as Interim Police Chief. He explained that the individual would not cease being the Police Chief by serving in an interim city manager role. Mr. Duncan further stated that, in such a scenario, if termination were to occur, the City would still be required to follow all rules, procedures, and protections applicable to the Police Chief and to police officers generally. He stated that he did not believe the argument being discussed was sufficient, noting that the issue was not cured simply by asserting that the Police Chief had turned over responsibilities to another individual while serving as Interim City Manager. He explained that the individual still retained the position of Police Chief and had not resigned or been terminated from that role. Mr. Duncan stated that even if the interim arrangement was intended to be temporary, the Police Chief would still legally hold the position. He further explained that if the individual were removed from the Interim City Manager role, they would remain the Police Chief, which could present a potential problem.Mr. Duncan stated that, for these reasons, he believed there could be a violation of the City Charter when the Police Chief serves as Interim City Manager while another individual is designated as Interim Police Chief. However, he clarified that he did not believe holding the positions of Assistant City Manager and Police Chief simultaneously created a legal conflict. He stated that he believed it would be problematic for department chiefs, including the Police Chief and Fire Chief, to interact with the Civil Service Commission in a manner that involved directing, training, or influencing the Commission. He explained that the same concern would apply if an individual serving as Assistant City Manager were to engage in such interactions, noting that those responsibilities should be avoided to prevent impropriety. Mr. Duncan further stated that, absent such involvement with the Civil Service Commission, performing other duties simultaneously as Assistant City Manager and Police Chief would not, in his opinion, constitute a legal problem.

Police Chief Jennifer Howell stated that she wished to add clarification regarding an email she had sent to Council concerning the Civil Service Commission. She explained that it was never her intent, nor Fire Chief Motley's intent, to create any misconception or appearance of impropriety. She stated that the situation was viewed as one in which the Civil Service Commission had been established, and the department needed to begin moving forward within a limited timeframe. Chief Howell explained that she and Chief Motley approached the matter as go-getters who felt a need to hit the ground running, particularly given the short period available to get the Commission established and the concurrent transition in city management. She stated that it was a hectic period and reiterated that there was no intent to be perceived as directing or influencing the Commission. Chief Howell further stated that neither she nor Chief Motley intended to train or orient the Commission, and that their goal was instead to identify appropriate subject matter experts to assist. She noted that Mr. Duncan had sent an email regarding attorneys who could assist in that role, which reflected the nature of their discussions. She added that she had not yet completed gathering all relevant names at that time, which was why the information had not yet been provided. She stated that as soon as it became apparent that some Council members viewed the situation as potentially problematic, both she and Chief Motley immediately disengaged. She explained that she turned over all related information to City Manager Dr. Kelly and that neither she nor Chief Motley attended the most recent meeting. She also advised her staff of her absence to avoid creating the impression that she or the department did not support the Civil Service Commission. Chief Howell stated that Chief Motley shared similar concerns regarding how their absence might be perceived by personnel. She noted that, based on her research of other jurisdictions, department chiefs are often actively involved with their civil service commissions by providing reports, information, and explanations of standard operating procedures so that commissions can develop appropriate local rules. She emphasized that such involvement is intended as information sharing rather than guidance or direction. She reiterated that at no time was it her intent to guide, steer, or improperly influence the Commission. She stated that once concerns were raised, both chiefs chose to remove themselves entirely to avoid any appearance of impropriety. Chief Howell stated that neither she nor Chief Motley would attend the upcoming meeting, and that they would instead attend the BCCA meeting, in order to avoid any perception of improper involvement.

Councilman Pena stated that, in his view, intention was largely irrelevant in this matter and that the issue centered on perception and reality. He stated that while intentions may be one thing, the perception that had been created was another, and that perception mattered. Councilman Pena stated that concerns had been communicated to him by anonymous employees, officers, board members, and residents, all of whom expressed that there needed to be a clear delineation between the Civil Service Commission, department chiefs, and city administration. He stated that it did not take significant convincing for him to recognize the problems created by the lack of separation, which was why he continued to raise the issue. He emphasized that the matter was time-sensitive, legally significant, and that placing the City in a position where it could again violate the Charter was comparable to voting on an illegal resolution. Councilman Pena stated that he felt strongly that a structural change could be made that would allow Chief Howell to continue serving as Police Chief while allowing City Manager Dr. Kelly to conduct a professional search for an Assistant City Manager. He further stated that if Chief Howell wished to pursue a career as an Assistant City Manager, she should be afforded the opportunity to participate in a formal recruitment or staff search process at the appropriate time. He stated that he hoped it was understood that his comments were not personal and that he was aware of the sensitivity required when discussing first responders in a public forum. He stated that, despite the need for delicacy, he felt compelled to speak on issues that had been consistently brought to his attention. He emphasized that his position was reinforced by feedback from residents, city staff, police officers, morale issues within the department, and operational deficiencies. He further stated that he continued to believe Chief Howell was the right person to serve as Police Chief, noting that his comments would be substantially different if that were not the case.

City Attorney Chris Duncan stated that he wished to clarify the structure and relationships that existed prior to the implementation of civil service. He explained that, historically, department chiefs whether Fire Chief or Police Chief would consult with Human Resources when considering disciplinary action or termination of an employee. Typically, HR would provide guidance on policy compliance, documentation, and procedural requirements, after which the chief would proceed with discipline or termination. Mr. Duncan stated that the civil service statute was specifically designed to create a system intended to prevent officers from being treated unfairly due to political influence. He explained that police associations often advocate for civil service because they believe the prior system is broken and seek a new structure that removes political pressure. Under civil service, the chief may make a recommendation regarding discipline, but an independent Civil Service Commission reviews that recommendation and determines whether to approve or deny it. He emphasized that the intent of civil service is to create a commission that is completely independent neither pro chief nor pro officer and that there should be no perception that the commission is closely aligned with or unduly influenced by department leadership. Mr. Duncan stated that such a perception could undermine the integrity of the process and create the appearance that the commission is merely rubber-stamping the chief's decisions. Mr. Duncan further explained that civil service commissions are empowered to establish local rules governing employment matters, including disciplinary standards, termination grounds, vacation policies, sick leave, and other employment conditions. He noted that these rules are not necessarily bound by the City's existing HR policies, although many cities choose to adopt the City's HR rules with modifications. He stated that the overall structure places the commission in a position of oversight, noting that while chiefs make disciplinary recommendations, the commission reviews and ultimately decides those matters. As such, the commission does not answer to the chiefs; rather, chiefs are subject to the commission's review. Mr. Duncan stated that civil service was approved by the voters and that, regardless of whether all voters fully understood the mechanics of the system or simply voted in support of law enforcement, the result was that the system is now in place and must be implemented as intended. He emphasized that it is therefore critical to ensure that the commission is, and is perceived to be, fully independent from the chiefs, in order to maintain proper checks and balances and uphold voter intent. He stated that while it may seem intuitive for chiefs to be closely involved with the commission, it is essential that the separation remain clear and visible so that both officers and the public can have confidence in the fairness and independence of the civil service system.

Councilman Pena stated that, building on the prior discussion, it was important to clarify that while the residents ultimately voted to approve civil service, the initiative was originally pushed by the Freeport Police Officers Association, comprised specifically of Freeport police officers rather than a countywide organization. He noted that the officers advocated for civil service even after the turmoil and alleged criminal activity that occurred during the summer of 2025, expressing that they still believed civil service was necessary. He stated that the matter was subsequently brought before Council and approved unanimously. Councilman Pena emphasized that civil service was not created so that the commission would align closely with either the police chief or the officers, but rather to establish a fair, balanced system with a clear separation of powers and checks and balances. He stated that the intent was to ensure officers felt heard, safe, supported, and treated fairly. He added that voters supported the measure because they trust and rely on law enforcement officers who protect the community, often under dangerous conditions, and believed officers deserved fairness not only in the field but also in City Hall, particularly with respect to human resources matters. He stated that without such fairness, the City risks continued attrition and an ongoing cycle of instability. Councilman Pena stated that a simple step toward preserving the integrity of civil service would be to allow the Police Chief to remain solely in that role. He noted that if the Chief chose to transition to an administrative role instead, there were established procedures to address that change. He reiterated his support for the Police Chief remaining in her current position.

Police Chief Jennifer Howell stated that she had spoken with City Manager Dr. Kelly and explained that, while she did not personally know the Civil Service Commission Tyrone Morrow as well as some others might, she could speak from her own experience of knowing him for approximately three years. She stated that, in her experience, he was an independent individual who was not manipulated or controlled by others and made decisions based on his own judgment. Chief Howell stated that she believed he was an excellent choice for the commission, not only because of his prior civil service experience, but also because he was not easily swayed by outside influence. She noted that, in her view, he would not base his decisions on the opinions of herself or Fire Chief Motley, but instead would focus on the facts. She stated that this independence was a primary reason she was pleased with his selection and that she did not understand why anyone would believe he could be controlled or manipulated. Chief Howell acknowledged, however, that concerns regarding perception remained, and that perception can become reality. She stated that this concern was the reason she and Fire Chief Motley had taken steps to distance themselves from the Civil Service Commission process. She noted that Civil Service Commission meetings are public meetings and could technically be attended during personal time, and that it would be difficult to issue a directive prohibiting attendance at a public meeting during off-duty hours. Chief Howell stated that despite this, it was very important to both herself and Fire Chief Motley to avoid any appearance or misconception of impropriety. She explained that any actions taken to remove that perception were done intentionally and in good faith. She added that she was not speaking on behalf of Fire Chief Motley without his consent, but noted that they had discussed the matter several times.

Councilman Pena stated he understood the points that had been made and clarified that he did not wish to debate the merits of any individual member of the Civil Service Commission, including Mr. Morrow. Councilman Pena emphasized that his concern was not focused on any specific person, but rather on the positions themselves and how the organizational structure of the City should function moving forward. He stated that the discussion centered on ensuring the City operates effectively, fairly, and with proper checks and balances, without violating the City Charter. He further stated that the intent was to avoid placing the City in a position where it would be reacting to an unforeseen issue or crisis after the fact.

Councilman Davis stated that he wanted the public to clearly understand that Police Chief Howell was not in any trouble and had not done anything wrong. He emphasized that the discussion was not about terminating her employment or alleging misconduct. Police Chief Jennifer Howell noted that rumors had already begun circulating. Councilman Davis said his intent in addressing the matter publicly was to dispel misconceptions and prevent misinformation from spreading. Councilman Davis stated that Council was not throwing rocks at the Chief and that, to his knowledge, she had done nothing wrong. He shared that he had personally met with Chief Howell, including a face to face meeting the previous day, and that the topic was not a surprise to her. He reiterated that this was not an issue raised abruptly or without prior discussion. Chief Howell stated that was the reason she asked for this to be in public to help clarify the purpose of the discussion for the public. Councilman Davis stated that he believed Chief Howell was doing a good job as Police Chief. However, he expressed concern about the dual role she had been asked to perform. Councilman Davis explained that the circumstances leading to her appointment as Assistant City Manager created a situation that, in his view, resulted in a conflict of interest and placed her in an untenable position. He noted that during prior events involving the former City Manager, the Chief's workload increased significantly and that the responsibilities of managing both City administration duties and the Police Department were excessive. Councilman Davis stated that the Police Department had experienced significant challenges, including the Chief's suspension and subsequent reinstatement, and that the department needed stable, full-time leadership focused solely on policing. He expressed concern that dividing the Chief's attention between City administration and the Police Department made it difficult to fully lead, rebuild morale, and be present within the department. He further stated that the recent implementation of the Civil Service system added additional complexity and learning requirements, increasing the workload on the Chief while she continued to manage multiple roles. Councilman Davis noted that in the event the Chief were unavailable for an extended period, the City could face further instability by having to repeatedly assign interim leadership.Councilman Davis stated that he believed the best course of action was for Chief Howell to focus exclusively on her role as Police Chief and for the City to hire a separate Assistant City Manager. He emphasized that this would allow the Police Department to rebuild and grow under focused leadership while City administration responsibilities could be handled independently. He stated that this approach would benefit both the Police Department and the City of Freeport as a whole. He stated that during her prior situation, he had been on the front line supporting her and advocating on her behalf. He made clear that his position was not motivated by opposition to her, but rather by a desire for her to succeed. Councilman Davis stated that his goal was for Chief Howell to be the best she could be in her position and for the Police Department to continue rebuilding and improving. He emphasized the importance of working together to strengthen both the Police Department and the City of Freeport as a whole. He expressed his belief that removing the burden of multiple roles would allow leadership to be more effective and would help alleviate strain on staff. Councilman Davis stated that by allowing individuals to focus on their primary responsibilities, the City could grow more effectively and support one another better. Councilman Davis thanked Chief Howell for her service and leadership. He noted that since her arrival, transparency within the department had increased significantly and that she had helped demonstrate how operations could be conducted more openly and effectively. He expressed appreciation for her past contributions and for the work she continues to do on behalf of the City.

Councilman Davis stated that he wanted to make a recommendation to the City Manager. He recommended that Police Chief Howell return to focusing solely on the Police Department and that the City open the position for a new Assistant City Manager.

Mayor Cain stated that he greatly appreciated Police Chief Howell stepping up during a time of need. He recalled that on the evening Mr. Petty was released, they had an upfront conversation and that Chief Howell immediately stepped in to assist. He also expressed appreciation for her decision to have Captain Brinkman oversee operations at the Police Department and commended her for how the situation was handled. Mayor Cain stated that, from Council's perspective, the Council does not appoint or hire the Assistant City Manager and does not have direct authority over that position. He noted that the decision regarding the Assistant City Manager belongs to the City Manager. He explained that, in his opinion, Dr. Kelly would need to determine the appropriate job description for the Assistant City Manager position, including whether it should be a full-time role, a part-time role, or a position that primarily provides coverage during absences such as vacations or illness. He stated that he was not certain whether Dr. Kelly had yet determined what level or type of assistance she needed. Mayor Cain referenced a prior instance in which Mr. Kelty appointed Mr. Petty as Assistant City Manager, noting that the role at that time was intended to provide coverage during the City Manager's absence and serve as a point of contact for citizens and employees. He stated that he did not know whether the current workload had progressed to the point where additional assistance beyond that model was necessary, and emphasized that determining the need for and structure of the Assistant City Manager position was a decision for Dr. Kelly to make. Mayor Cain stated that Council appeared to be generally in agreement with providing Dr. Kelly with that direction.

Councilman Pena stated that he wanted to provide clarification on the matter. He explained that while it is ultimately the responsibility of the City Manager to make decisions regarding City Hall staff excluding the City Attorney and the Police Chief, whose appointments involve Council those decisions do not occur in a vacuum. He noted that the City Manager's own position is also subject to Council action. Councilman Pena stated that the role of City Manager in the City of Freeport requires consideration of guidance and direction from the Council, emphasizing that the city operates through a structure involving residents, Council, and City Hall staff. He expressed his expectation that Dr. Kelly would carefully assess the needs of the city and also take into account feedback from the Council, which he stated likewise observes and understands those needs. He emphasized the importance of avoiding additional legal pitfalls, noting that the city had already experienced such issues, even within the relatively short time Dr. Kelly had served as City Manager. He stated that he was not at liberty to discuss specific matters but stressed the seriousness of the issues at hand.

Councilman Pena stated that the matters being discussed were not trivial, emphasizing that they involved people's lives and millions of dollars in taxpayer funds. He asserted that all individuals involved in city governance must take these responsibilities seriously, from the highest levels of leadership to entry level staff, and stated that there was no room for complacency in City Hall. He further stated that Council members were elected to provide direction to City Hall and that Council could not rely solely on residents repeatedly raising concerns without action. He emphasized that it was the responsibility of Council to act and direct the City Manager accordingly. Councilman Pena stated that the City Manager does not direct the City Council, but rather the City Council instructs the City Manager regarding the will of the Council. He added that Council's intent was for the City Manager to succeed, noting that the success of the City Manager directly contributes to the success of the City of Freeport.

City Manager Dr. Danielle Kelly stated that she had been very forthcoming with Police Chief Jennifer Howell regarding the matter under discussion. She noted that as early as her second week in the position, she had a conversation with Chief Howell about the possibility of separating the roles. Dr. Kelly stated that she views the positions of Police Chief and Assistant City Manager as two distinct, full-time roles, each requiring full-time dedication. She emphasized that this assessment was not intended as a criticism of Chief Howell, whom she described as exemplary in every respect. Rather, she stated that there are simply not enough hours in the day for one individual to effectively fulfill both roles simultaneously. She explained that her initial plan had been to address the separation of the positions during the budget process in order to properly fund a new position. However, given that the issue had arisen sooner than anticipated, she stated that her direction was to move toward splitting the roles at this time. Dr. Kelly concluded by stating that this was her position on the matter so that Council was aware of her perspective.

Executive Session

Executive Session regarding: 1. Consultation with Attorney and Deliberation regarding status update of suit against the City by Jerry Lance Petty. 551.071

1. Personnel Matters (Texas Government Code § 551.074)
Discussion and possible action regarding personnel matters involving Assistant City Manager / Chief Jennifer Howell, including potential conflicts of interest arising from her dual role. (Councilman Pena)

2. Consultation with Attorney and Deliberation Regarding Real Property (Texas Government Code §§ 551.071 and 551.072)
Discussion and possible action related to the following matters:
a. Consultation with the City Attorney regarding pending litigation between the Freeport Economic Development Corporation and Realty World, related to the failed Skinner Street Townhome Project.
b. Consultation with the City Attorney regarding pending litigation involving alleged development contract violations by the Freeport Economic Development Corporation, as alleged by A&T LLC.
c. Deliberation regarding real property and consultation with the City Attorney concerning the Developer Agreement between the City of Freeport and Jim Maddux Properties, involving the vacant approximately 19-acre tract located on Skinner Street.
d. Consultation with the City Attorney regarding legal requirements and procedures governing the use, development, and disposition of City-owned real property, including compliance with applicable statutes and City policies. (Councilman Pena)

The Regular Session closed at 9:50P.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 10:58P.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 Mayor Cain to adjourn, seconded by Councilman Pena with all present and voting "Aye" 4-0. Mayor Cain adjourned the meeting at 10:58P.M. Councilman Matamoros was not present for the motion.

Jerry Cain

Jerry Cain, Mayor

Clarisa Fernandez, City Secretary