



City of Freeport
Special Meeting and/or Executive Session Agenda

This meeting will be live streamed via YouTube Live and may be accessed on the City of Freeport Facebook page:
<https://www.facebook.com/freeporttexas> or by visiting <https://www.youtube.com/@cityoffreeporttx8375/streams>

Friday, February 13, 2026, 12:00 PM | Council Chamber | 430 North Brazosport Blvd., Freeport, Texas 77541

In accordance with Section 551.043 of the Texas Government Code, this agenda has been posted at Freeport City Hall, and distributed to the appropriate news media within the required time frame. All meetings of the Freeport City Council are open to the public. Public participation and written comments are invited on all open session business items.

The Mayor and City Council request that cell phones be turned off or set to vibrate. Members of the audience are requested to step outside to conduct a phone conversation. The Council Chamber is wheelchair accessible and special parking is available outside the building. If special accommodation is required, please contact the City Secretary a minimum of 72 hours in advance at 979-233-3526.

1: Call to Order:

- 1A. Call to Order - Jerry Cain, Mayor
- 1B. Invocation - Councilman
- 1C. Pledges - Pledge of Allegiance to the United States; Pledge of Allegiance to the State of Texas.
- 1D. Matters Subsequent to Posting.
- 1E. 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.

2: Business

- 2A. Consideration and possible action approving Ordinance No. 2026-2762 calling a Recall Election to recall Mayor of the City of Freeport, Jerry Cain in accordance with state and local election laws.(Councilman Pena)

3: Executive Session

The City Council may take action on any Executive Session item posted. 551.071. Texas Government Code. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legal posted agenda item, when the City Council seeks advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items: The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to consult with the city attorney to discuss any matters authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), but cannot vote or take action on any item unless it is set forth above in this agenda.

4: Reconvene into Open Session:

4A. Take any action resulting from Executive Session.

5: Adjournment

5A. Adjournment – Jerry Cain, Mayor

Items not necessarily discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to consult with the city attorney or discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), but cannot vote or take action on any item unless it is set forth above in this agenda. 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

CERTIFICATE I certify the foregoing notice was posted in the official glass case at the front door of the City Hall, with 24 hours a day public access, 1201 North Avenue H., Freeport Texas, 3 business days prior to meeting. in accordance with Open Meetings Act.



Clarisa Fernandez,
City Secretary, City of Freeport, Texas





City Council Agenda Item #[2.A]

Title: Consideration and possible action approving Ordinance No. 2026-2762 calling a Recall Election to recall Mayor of the City of Freeport, Jerry Cain in accordance with state and local election laws.

Date: February 13, 2026

From: Councilman Pena

Staff Recommendation: N/A

Item Summary: The City Council will consider and discuss the recall of Mayor Jerry Cain following the submission of a recall petition signed by registered voters of the City of Freeport requesting a recall election.

Background Information: A recall petition has been submitted by registered voters of the City of Freeport seeking the recall of Mayor Jerry Cain. The petition alleges that Mayor Cain has violated his duties to the City and its citizens and has engaged in incompetency, misconduct, and malfeasance in the performance of his official duties as Mayor.

Pursuant to applicable law, upon receipt and verification of a valid recall petition, the City Council is required to take action to call a recall election.

Special Considerations: If the recall petition is determined to meet statutory requirements, the City Council is required by law to adopt an ordinance calling a recall election for Mayor Jerry Cain in accordance with state and local election laws.

Financial Impact: The City is currently involved in ongoing litigation that may result in significant financial exposure. Actions and conduct related to these matters may impact the City's legal position, insurance coverage, and defense costs. Potential financial impact to the City could reach **millions of dollars**, including but not limited to litigation expenses, settlement or judgment amounts, and related costs.

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. Recall memo
2. Copier_20260209_145045_Redacted

AGENDA MEMO

Agenda Item No.: [TBD]

Topic:

Recall Election of Mayor Jerry Cain

Staff Recommendation:

N/A

Item Summary:

The City Council will consider and discuss the recall of Mayor Jerry Cain following the submission of a recall petition signed by registered voters of the City of Freeport requesting a recall election.

Background Information:

A recall petition has been submitted by registered voters of the City of Freeport seeking the recall of Mayor Jerry Cain. The petition alleges that Mayor Cain has violated his duties to the City and its citizens and has engaged in incompetency, misconduct, and malfeasance in the performance of his official duties as Mayor.

Pursuant to applicable law, upon receipt and verification of a valid recall petition, the City Council is required to take action to call a recall election.

Special Considerations:

If the recall petition is determined to meet statutory requirements, the City Council is required by law to adopt an ordinance calling a recall election for Mayor Jerry Cain in accordance with state and local election laws.

Financial Impact:

The City is currently involved in ongoing litigation that may result in significant financial exposure. Actions and conduct related to these matters may impact the City's legal position, insurance coverage, and defense costs. Potential financial impact to the City could reach **millions of dollars**, including but not limited to litigation expenses, settlement or judgment amounts, and related costs.

Board or 3rd Party Recommendation:

N/A

Supporting Documentation:

Recall petition submitted by registered voters of the City of Freeport (on file with the City Secretary).

PETITION FOR RECALL ELECTION OF
JERRY CAIN
MAYOR OF FREEPORT, TEXAS

TO THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

WE, the undersigned citizens of the City of Freeport, Texas and registered voters of the City of Freeport, Texas contained therein, do petition the City Council to call a RECALL ELECTION for the removal of, **JERRY CAIN**, holding the position of Mayor.

Such recall election is necessary, and the grounds of the petition are based upon incompetency, misconduct, or malfeasance, generally for supporting and encouraging financial corruption, actions to hide and cover up financial losses and misappropriations, failing to inform council of material items of concern, refusing or altering agenda requests of council members in violation of law, conspiring with the City Manager, Lance Petty to commit criminal and violent acts against a councilman, promoting risk of violence against a councilman by refusing and reducing security, failure to inform council about plans of violent criminal acts against a councilman, and additionally failing to report abuse of authority by City Manager, Lance Petty specifically set forth below:

1. Ex-City Manager **Lance Petty has sued the City of Freeport for over \$1 Million Dollars**. Cain volunteered to testify on Petty's behalf and aid his lawsuit against the City and the taxpayers. Cain **violated his oath** to Serve and Protect the City of Freeport's interest and his actions now jeopardize the City's legal position because of his help to Petty.
2. Jerry Cain was directly involved in the **Covarubias Construction Coverup** of the **unauthorized \$345K wire to Covarubias**. Cain took actions to hide the illegal payment of \$345K from the City Council for over two months. Today the City is still trying to recover the \$345K.
3. City Manager Petty informed Mayor Cain of his plan to physically assault Councilman Pena in a City Council meeting. Petty's statements were **recorded by the Police Chief Howell** and are not in dispute. After being informed of Petty's plans, Mayor Cain took the following actions:
 - a. **Ordered** the Police Chief to reduce and restrict police officer presence in city council meetings;
 - b. **Conspired** with Petty to provide the opportunity for Petty to assault Councilman Pena;
 - c. **Failed to Inform** Councilman Pena, or the city council of Petty's plans to commit **Criminal Conduct** against Councilman Pena; and
 - d. Failed to report **Insubordination** of City Manager Petty to the city council;

4. Cain **Failed to Inform** Councilman Pena, or the city council of Petty's plans to commit criminal conduct against Councilman Pena in the form of **Physical Assault, Kidnapping, and Murder.**

Mayor Cain is a traitor to the taxpayers and citizens of the City of Freeport. He is helping the ex-city manager sue the City for over \$1 million dollars. He has betrayed the citizens to help his friend win a lawsuit. A lawsuit paid by the taxpayer. The above actions constitute misconduct and malfeasance. Removal of Mayor Cain through a Recall Election will demonstrate that the citizens of Freeport refuse to tolerate coverups, coordinated corruption with the (Ex) City Manager, and malfeasance to bring legal liability and expense to the City.

By my signature below, I am requesting the City Council of the City of Freeport to call a recall election for removal of Jerry Cain as Mayor of the City of Freeport, Texas.

[Redacted]
Printed Name

[Redacted]
Signature

[Redacted]
Date of Birth

[Redacted]
Date of Signature

[Redacted], Freeport, Texas 77541 (Address of Person Signing)

[Redacted]
Witness Name

[Redacted]
Witness Signature

(22)