State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, February 2, 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 Craig Graham, Police LT

Visitors:	Jill Friedman	Thomas Koole
	Carol Parker	Melanie Oldham
	Mark Parker	Nicole Mireles
	Diana Parker	Manning Rollerson
	Jane Scott	Sam Reyna
	Lesa Girouard	Pamela Dancy
	Linda Marshall	Con McCleester
	Julian Arevalo	Diane McCleester
	Ron Bachman	Margaret Bachman

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 February 2, 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 there were no matters subsequent to posting.

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.

Julian Arevalo resides at 711 West 7th Street. He discussed ongoing issues with shoreline water overflow in his area, specifically regarding lift station number 5, which serves approximately 300 houses plus apartments. He explained that the pumps frequently break down, sometimes leaving the area without functioning pumps for extended periods. He expressed concern about the health hazards of wastewater overflow into the streets, referencing a child's death in Lake Jackson from water-borne bacteria. Mr. Arevalo urged the city to focus on fixing existing infrastructure before investing in new projects.

Manning Rollerson addressed the council regarding permit WQ00442900, which relates to the proposal to increase dumping in the Brazos River. He expressed significant concern that the permit does not meet necessary criteria, citing existing health problems in Freeport as evidence of the issues that increased dumping could exacerbate. Mr. Rollerson elaborated by mentioning a 14-year investigation into heavy materials and particles dumped in the river, suggesting that past exceedances have already had negative health impacts. He emphasized Freeport's struggle with high disease rates and climate challenges, using these points to argue against the permit approval. Additionally, Mr. Rollerson took the opportunity to critique the city's fiscal policies, especially tax abatements provided to large companies, which he termed as corporate welfare. He highlighted the financial support, like tax abatements, these industries receive as contradictory to the lack of aid provided to the city's low-income residents a sentiment he expressed with strong disapproval. Mr. Rollerson also raised social concerns by pointing out an instance where city resources were spent on industrial welfare rather than addressing urgent issues within the community, such as a 94-year-old man living in poor conditions, including with bedbugs. He attacked the city's spending priorities, arguing that funds are misallocated, leaving public housing and facilities in desperate need of attention while continuing to support wealthy corporations with tax breaks.

Melanie Oldham resides at 531 West Brazos. She discussed industrial district agreements and referenced a recent Brazoria County tax abatement study showing Freeport had given substantial IDAs over the last ten years. She suggested the city should focus on negotiating better agreements with industries and recommended assembling a skilled team for these negotiations, including the city manager and specialized attorneys. Ms. Oldham also mentioned that her son watches council meetings remotely and had asked if anyone in city leadership tries to do positive things for the city. She encouraged focusing on positive developments in Freeport.

Jill Friedman resides at 229 Laurel Street in Lake Jackson but owns property in the city. She expressed her concerns regarding the International Property Management Code. She noted that she received notice of compliance requirements well after the implementation date and objected to several provisions, including requirements for dumpsters and electronic locks that she felt were unnecessary for small apartment complexes. Ms. Friedman particularly objected to monthly reporting requirements about tenants, questioning how this related to public health and safety.

Sam Reyna addressed the council expressing his concerns regarding the Board of Adjustment appointments. He addressed the council with concerns about recent proposals to remove members from the Board of Adjustment, specifically highlighting the cases of Tom Pearson and Landis Adams. He expressed support for Councilman Matamoros' insistence that compliance with city procedures is crucial. Mr. Reyna emphasized the importance of adhering to city ordinances in appointing board members, voicing his disapproval of appointing individuals who are not residents of Freeport to city boards when qualified residents are available and interested in serving. He cited the particular case of Mr. Landis Adams, whom he alleged lacks the necessary qualifications primarily because he is not a Freeport citizen. In contrast, he pointed out that Ms. Margaret Bachman, a Freeport resident and an experienced alternate member of the board, was passed over for the position. Mr. Reyna further alleged that Councilman Pena had attempted to remove him and another member, Nicolasa Mireles, from commissions using false allegations. He asserted that these actions contradict the council's purported difficulties in filling board positions. Mr. Reyna questioned why there would be efforts to limit the pool of volunteers when residents are willing to serve. He claimed that many citizens are eager to volunteer but are being denied opportunities due to the council not approving appointments of Freeport residents. Additionally, Mr. Reyna expressed optimism that more residents will volunteer to serve on boards once Councilman Pena leaves office in May, as his departure would potentially eliminate a barrier to citizen participation. Mr. Reyna concluded by encouraging citizens to support the upcoming ordinance requirement in the May ballot, which he stated would mandate that board volunteers be Freeport citizens. He assured attendees he would notify them once the ballot language is officially posted.

Thomas Koole expressed his gratitude to the council for contemplating the installation of a four-way stop at the intersection of Pecan Street and Fourth Street, underscoring the hazards associated with this location. He emphasized the intersection's reputation for accidents, intensified by its proximity to three local schools, making it a significant safety concern for residents and commuters alike. Mr. Koole elaborated on the dangers by detailing that the speeding vehicles in the area make navigating this juncture particularly perilous for children, families, and the community. He reported on his efforts to collect FOIA reports, and testimonies from public workers, a sergeant, a corporal, a public works employee, and statements from residents. All indicating the intersection's notorious status and necessity for enhanced traffic control measures. Mr. Koole also noted that some residents intentionally avoid driving near the intersection due to these dangers, reinforcing the need for immediate action. He expressed optimism that the council’s decision would bring peace of mind to residents and improve safety conditions, urging them to vote for this crucial measure.

Proclamations - Presentations and Updates

Presentation of the annual TCOLE Racial Profiling Report 2025 - Jennifer Howell, Police Chief/Assistant City Manager

Police Chief Jennifer Howell presented the Texas Commission on Law Enforcement Annual Racial Profiling Report. She explained that the report is required by law and must be presented to the governing body and submitted to TCOLE by March 1st each year. Chief Howell provided historical data from the previous three years for comparison purposes.

Councilman Pena inquired about the major takeaways from the report regarding public safety. Chief Howell clarified that the report specifically addresses traffic data rather than crime statistics. She explained that the data tracks traffic stops, including warnings, citations, the race of individuals stopped, searches conducted, and any resulting arrests or use of force incidents. Chief Howell noted that statistical trends have remained consistent over the years, with no dramatic changes in racial demographics of those stopped. She highlighted that physical force resulting in bodily injury was used in only three instances out of approximately 3,500 stops, which she attributed to good training and de-escalation techniques.

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, January 16, 2026, and January 20, 2026 - Clarisa Fernandez, City Secretary

A motion was made by Councilman Matamoros to approve Consent Agenda 3A and 3F as presented, seconded by Councilman Rossow with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

This item (3A) was approved together with Item 3(F).

Action approving date change for the second City Council Meeting in February 2026 to Tuesday, February 17, 2026 due to President's Day Holiday - Clarisa Fernandez, City Secretary

A motion was made by Councilman Pena to approve date change for the second City Council Meeting in February 2026 to Tuesday, February 17, 2026 due to President's Day Holiday, seconded by Councilman Davis with discussion that followed.

Councilman Pena asked about the agenda submission deadline for the rescheduled meeting, which City Secretary Clarisa Fernandez confirmed would be Wednesday, February 4 at noon. Councilman Pena also raised concerns about trash collection during the President's Day holiday, noting that Ward B residents who have Monday collection are frequently affected by holiday schedules. He requested that the city communicate with the waste collection company to ensure prompt makeup collection after the holiday.

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

Action approving Ordinance No. 2026-2759 amending Ordinance No. 2026-2757 related to the May 2, 2026, General Election - Clarisa Fernandez, City Secretary

Mayor Cain announced that item 3C was being removed from the consent agenda as legal counsel had determined the ordinances were already in compliance and did not need to be voted on.

Action approving Ordinance No. 2026-2760 amending Ordinance No. 2026-2758 related to the May 2, 2026, Special Election - Clarisa Fernandez, City Secretary

Mayor Cain announced that item 3D was being removed from the consent agenda as legal counsel had determined the ordinances were already in compliance and did not need to be voted on.

Action approving a Four Way Stop Sign Installation at the Intersection of 4th Street and Pecan Street - Dr. Danielle Kelly, City Manager

City Manager Dr. Danielle Kelly explained that Kimley Horn and Associates had conducted a traffic engineering study evaluating whether the intersection met criteria for all-way stop control under the Texas Manual on Uniform Traffic Control Devices. Based on analysis of traffic volumes, crash history, sight distance, and roadway configuration, they recommended upgrading from the current two-way stop to an all-way stop to improve safety and reduce right-angle crashes.

A motion was made by Councilman Pena to approve a Four Way Stop Sign Installation at the Intersection of 4th Street and Pecan Street, seconded by Councilman Davis with discussion that followed.

Councilman Pena expressed support for the measure but noted it had taken several months to address Mr. Koole's concerns. He mentioned other dangerous intersections that should be examined, including Seventh and Walnut, Eighth and Walnut, and Velasco and Avenue A. He also suggested improving street striping and adding reflectors to increase visibility.

Councilman Davis explained that proper engineering studies are required before installing traffic control devices, noting that this process, while sometimes lengthy, is necessary. He emphasized that the city was not dragging its feet, but following required procedures. He also recommended that when the four-way stop is installed, the flashing lights should be positioned on Fourth Street where drivers are not accustomed to stopping.

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

Action approving the Quarterly Investment Report for the FY26 First Quarter, Ending December 31, 2025 - Ashlee Hurst, Finance Director

A motion was made by Councilman Matamoros to approve Consent Agenda 3A and 3F as presented, seconded by Councilman Rossow with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

This item (3F) was approved together with Item 3(A).

Business

Consideration and possible action approving Resolution No. 2026-3024 appointing members to the Senior Citizens Commission.

City Manager Dr. Danielle Kelly presented the item, explaining that two members of the Senior Citizens Commission, Linda Harrison and Lorraine Mitchell, had resigned, and two qualified individuals were being considered to fill the unexpired terms: Carol Parker and Diana Parker.

Carol Parker resides at 76 Dolphin Lane. She described her 55-year career as an occupational therapist, during which she operated businesses and planned numerous professional meetings and social events. Ms. Parker also shared her volunteer experience, including 10 years with a professional organization and working with a food bank. She expressed her desire to help seniors feel a sense of belonging in the community and to assist with planning activities.

Diane Parker resides at 95 Dolphin Lane. She stated she had been a resident of Lubbock for about 65 years before retiring to Freeport approximately 18 months ago. She currently volunteers at the Freeport Cares Food Bank. Ms. Parker expressed confusion about why she needed council approval to volunteer but stated she would like to help seniors, being a senior herself.

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

A motion was made by Councilman Matamoros to appoint Ms. Diane Parker to fulfill the remaining term, seconded by Councilman Pena with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Councilman Rossow announced that the Senior Citizens Commission would be meeting the following Monday and invited all interested senior citizens to attend.

Consideration and possible action approving Resolution No. 2026-3025 appointing a member to the Beautification/ Parks and Recreation Board.

Interim Public Works Director John Perez presented the item, explaining that the staff recommended appointing a qualified individual to fill a vacancy on the Beautification committee due to Robert Dohle's resignation. He noted that Robert Dohle's term was set to expire on October 31, 2027. The committee met on January 23, 2026, and unanimously voted to present Lisa Gerard to the city council for recommendation.

Lesa Girouard resides at 121 Brazos Landing Court. She stated her love for Freeport and her interest in serving on the Parks and Recreation Board. Her focus was on beautification, mentioning that she frequently drove down Second Street and Brazosport Boulevard, often thinking of ways to enhance their beauty. Ms. Girouard shared her previous experience serving on several boards, including the Economic Development Corporation (EDC) and the Planning and Zoning Committee. She also mentioned her educational background as a graduate of Stephen F. Austin State University and her professional experience in procurement, having worked at Dow Chemical and as the purchasing director for Brazoria County. She expressed her desire to use her skills and experience to benefit Freeport through her service on the board.

A motion was made by Councilman Rossow to appoint Lesa Girouard to the Beautification/Parks and Recreation Board, seconded by Councilman Matamoros with discussion that followed.

Councilman Davis commented that he lived in the same neighborhood as Ms. Girouard and often noticed her working in her yard, which further supported her suitability for the beautification committee. He praised her for being frequently seen raking, planting, picking, and watering her flowers, demonstrating her commitment to beautification.

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

Consideration and possible action approving Resolution No. 2026-3026 to amend section 9.07A Alternative to Overtime: Flextime to the Personnel Policy Manual.

City Manager Dr. Danielle Kelly explained that this item would update the city's personnel policy manual to clarify and standardize the use of flex time as an alternative to overtime. The amendment would ensure that all city employees, including hourly and salaried employees, would be eligible to utilize flex time when operationally feasible and approved. She noted that flex time must be used within a single pay period instead of the week it's earned, and may not be carried forward or banked.

A motion was made by Councilman Matamoros to approve Resolution No. 2026-3026 as presented, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked about the financial impact of the proposed change to the Flex Time policy. City Manager Dr. Danielle Kelly explained that implementing this change would result in a net savings for the city by reducing overtime costs. To illustrate, she shared an example from her own experience, mentioning that in her seven weeks with the city, she had accumulated 54.5 hours categorized as flex time but had only used 3.5 hours. This adjustment spared the city from incurring additional overtime expenses. Councilman Pena sought clarification on the practical application of the flex time policy. Dr. Kelly elaborated that employees would only be able to utilize flex time within the pay period it was earned. Such usage required operational feasibility and necessitated approval from a supervisor. She further noted that one key amendment to the current policy included extending eligibility to the assistant city manager position, which had previously been excluded. Additionally, the policy adjusted the timeframe for using flex time from a 7-day work week to a more flexible pay period. Dr. Kelly assured him that it would indeed be a net savings since the city would not be compensating employees with overtime pay; instead, providing them flexibility to adjust their hours as required. She also highlighted that this change would maintain fairness and uniformity across all employees, both hourly and salaried, making them eligible for flex time where possible. She emphasized the need for trustworthy employees who would judiciously use this benefit and noted that while the term operational feasibility is subjective, it is crucial for maintaining service levels. Dr. Kelly reassured the council that the policy's main goal was to benefit employees while upholding labor law compliance and supporting the city's operational needs.

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

Consideration and possible action approving Resolution No. 2026-3027 adding Section 9.23 to the Personnel Policy Manual.

Police Chief Jennifer Howell explained that the resolution would formalize existing practices regarding professional development reimbursement. In recent conversations with City Attorney Chris Duncan, the need for an explicit policy on professional development practices was highlighted. This resulted in the creation of a policy to codify existing rules that ensure employees can only be reimbursed for professional services with supervisor approval. Chief Howell affirmed that this codification aligns with current practices at the Police Department, where reimbursements for professional development already require supervisory endorsement. She stated the policy is aimed at providing clarity and consistency across departments, reinforcing that any form of professional development reimbursement must be prefaced by approval. This includes covering costs such as certifications, training, and other job-related educational activities that contribute to an employee's professional growth and effective service delivery.

A motion was made by Councilman Pena to approve Resolution No. 2026-3027 adding Section 9.23 to the Personnel Policy Manual, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2026-3028 determining the methods of making Public Information Requests (PIR).

Police Chief Jennifer Howell explained that with the launch of "Just FOIA," a web-based system for processing public information requests, the city needed to formally establish acceptable methods for submitting requests. She noted that the city would continue to accept requests in person, by mail, and by email, in addition to the new web-based system. Once approved, informational posters would be displayed in public buildings to inform citizens of the various submission methods.

A motion was made by Councilman Pena to approve Resolution No. 2026-3028 determining the methods of making Public Information Requests (PIR), seconded by Mayor Cain with discussion that followed.

IT Director Toby Cohen demonstrated the Just FOIA interface, showing how the system allows for submission and tracking of requests. Police Chief Jennifer Howell elaborated on how the system streamlines processing by automatically calculating deadlines, thus improving efficiency and transparency in handling public information requests. The system not only enabled requesters to track the progress of their requests but also reinforced administrative efficiency by eliminating manual deadline counting. She confirmed that individuals involved in processing requests for police department records must meet CJIS (Criminal Justice Information System) compliance standards, ensuring both fingerprinting and background checks are conducted, which underscores the department's commitment to maintaining secure procedures around sensitive information.

Councilman Pena proposed adding a prominent button specifically for public information requests on the city website's homepage. The emphasis was placed on enhancing visibility and user-friendly access to the system, potentially enriching public engagement. Police Chief Jennifer Howell acknowledged the suggestion, noting potential challenges in the website's design, especially concerning mobile device display, which would require evaluations to ensure a clean interface while meeting user needs effectively.

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

Consideration and possible action approving Resolution No. 2026-3029 amending section 9.01 Texas Municipal Retirement System of the Personnel Policy Manual.

Police Chief Jennifer Howell explained this was a housekeeping policy update to reflect the increase in the retirement contribution rate from 7% to 8%, which council had approved in September of the previous year and which had taken effect in January.

A motion was made by Councilman Pena to approve Resolution No. 2026-3029 amending section 9.01 Texas Municipal Retirement System of the Personnel Policy Manual, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2026-3030 authorizing the application for an acceptance of State and Local Cybersecurity Grant Program.

Police Chief Jennifer Howell explained that this grant opportunity required a 30% match, amounting to approximately $6,000 from the city. However, this would not impact the current budget as the funding would not be awarded until the next fiscal year. She noted that the grant would fund citywide email system cybersecurity improvements, enhancing protection against cyberattacks that have impacted other cities. This initiative aims to tighten up the city's cybersecurity, specifically focusing on enhancing the security of the email system. The grant, valued at a bit under $20,000 in total, is slated for the next fiscal year (FY2027) to allow the city sufficient time for budgeting. Chief Howell emphasized that the application for the grant was due by the end of this month, highlighting the urgency in obtaining Council approval to proceed with the application process. She further underscored that the proposed cybersecurity measures would benefit the entire city, providing a more secure email infrastructure.

A motion was made by Councilman Matamoros to approve Resolution No. 2026-3030 as presented, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2026-3031 authorizing the City Manager to apply for and accept grant funding from the Office of the Governor of the State of Texas under the FY2027 Criminal Justice Grant Program for the Portable Radio Upgrade project.

Police Chief Jennifer Howell presented this 100% covered grant opportunity that would fund 20 new portable radios for the police department. She explained that while the department needs more than 20 radios, the maximum grant request was $150,000, which would cover 20 units. If successful, the department would apply for another grant the following year to cover the remaining needed radios.

A motion was made by Councilman Pena to approve Resolution No. 2026-3031 authorizing the City Manager to apply for and accept grant funding from the Office of the Governor of the State of Texas under the FY 2027 Criminal Justice Grant Program for the Portable Radio Upgrade project, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2026-3032 authorizing the City Manager to apply for and accept FY2027 Criminal Justice Grant Program funding from the Office of the Governor of the State of Texas for the Server Modernization Project.

Police Chief Jennifer Howell provided an overview of the grant opportunity, explaining that this was another 100% covered grant that would fund replacing the city's cluster server. The existing server would be approximately five years old by the time funding was received, making this an opportune time to modernize and prevent future issues. Upgrading the server was deemed essential to avoid maintenance problems and potential downtime that could disrupt city operations. Chief Howell emphasized the proactive nature of this grant application, aiming to stay ahead of potential technical issues that could arise as a server ages. By securing the funding now, the city could ensure continued efficient operation and service delivery without unexpected interruptions. This approach aligns with the city's ongoing efforts to maintain robust and reliable infrastructure across its operations.

A motion was made by Councilman Matamoros to approve Resolution No. 2026-3032, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action awarding the annual fuel and alternative fuel contract to Senergy Petroleum, LLC.

Finance Director Ashlee Hurst presented the item, explaining that the city had received three responses to its request for proposal (RFP) for fuel services, which had been advertised on November 30, 2025, and December 5, 2025. Staff recommended awarding the contract to Senergy Petroleum, LLC, as the company offered a competitive proposal expected to save the city approximately $50,000 annually compared to the current provider, Mid Tex Oil. Ms. Hurst noted that the selection was made following careful evaluation of the proposals and confirmation of the pricing structure.

A motion was made by Councilman Matamoros to approve awarding the annual fuel and alternative fuel contract to Senergy Petroleum, LLC, seconded by Councilman Davis with discussion that followed.

Councilman Pena sought more information regarding the pricing structure and overall annual costs to fully comprehend the financial implications of the new contract with Senergy Petroleum, LLC. He expressed concerns about understanding all terms involved, particularly the fuel pricing format, which Finance Director Ashlee Hurst specified would include a daily variable price added to a base rate. Ms. Hurst confirmed that there were no hidden or additional fees beyond the terms outlined in the proposal. To alleviate worries about unforeseen costs, Councilman Pena emphasized the importance of monitoring the contract execution phase diligently. He questioned if finalizing this agreement would obligate the council to any unforeseen financial obligations. Councilman Pena continued by inquiring about the verification of the submitted bid, asking about the legitimacy of the bonds and insurance claims included in the proposal package. Ms. Hurst informed the council that the city's standard procedure involved comprehensive verifications of these claims prior to contract finalization. She emphasized that any discrepancies found during this verification phase would be addressed and could lead to reconsideration of the award or necessitate rebidding if terms remained unfavorable.

City Attorney Chris Duncan clarified the procurement process, explaining that the council's current action was to approve the contractor selection based on the proposals received. The more detailed contract, which would spell out specific terms and conditions, would be negotiated subsequently. Mr. Duncan further explained that this step-by-step approach is a standard practice in municipal procurements. It allows the city to fully confirm all contractual details with the chosen contractor before finalizing the terms, providing an added layer of scrutiny and safeguarding against potential financial pitfalls.

Mayor Cain stated for the record that he would enjoy paying 18 cents per gallon for diesel fuel, whether diesel or unleaded. He emphasized that when the contract is drawn up, he wants to make sure the price is close to $0.18. He further noted that if the measure does pass, there needs to be someone keeping an eye on it.

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 awarding the annual janitorial services contract to Marsden South, LLC.

Finance Director Ashlee Hurst presented the item, explaining that staff had advertised RFP No.2025-19 for annual janitorial services on November 28, 2025, and December 5, 2025. The city received eight responses. Ms. Hurst informed the council that the current provider was not recommended for renewal due to unsatisfactory performance, citing ongoing issues at several facilities and numerous complaints that began before her time in management. Ms. Hurst further elaborated that after verifying the lowest-priced bids through reference checks, staff recommended Marsden South LLC. She praised the company for receiving the most impressive reviews, emphasizing that the selection was made with a focus on service quality. The recommendation promised an annual savings of $973.96 compared to the current contractor, and Ms. Hurst confirmed that janitorial services were included in the adopted 2025-26 budget.

A motion was made by Councilman Matamoros to approve Marsden South, LLC, awarding the annual janitorial services contract, seconded by Councilman Davis with discussion that followed.

Finance Director Ashlee Hurst clarified that the recommendation was not based solely on cost. She explained that the RFP process allowed the city to select the option that best fit its needs rather than automatically going with the lowest bid.

Councilman Pena inquired about the specific facilities to be serviced under the new contract, which Finance Director Ashlee Hurst confirmed included City Hall, the Police Department, the Library, and the Public Works Department.

Councilman Pena also raised concerns about the security of these facilities, asking about background checks for janitorial staff who would have access to secure areas. Police Chief Jennifer Howell addressed this by explaining that there was a different process for the Police Department, requiring individuals to become CJIS (Criminal Justice Information System) compliant, which includes fingerprinting and background checks.

City Attorney Duncan stated that contract terms regarding security concerns would be negotiated to ensure adequate measures were in place.

Councilman Pena expressed interest in implementing similar security checks for all facilities to ensure safety.

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 awarding the engagement of real estate representative contract to The Guess Group, Inc.

Finance Director Ashlee Hurst presented the item, explaining that the city had advertised for a real estate representative to provide professional advice related to city-owned real estate and received one response. She expressed uncertainty regarding council's specific expectations for the real estate representation. Ms. Hurst pointed out that while The Guess Group, Inc. had submitted an impressive proposal highlighting collective senior-level expertise and relevant project experience, there were concerns regarding the unclear scope and potential costs involved. The company proposed an hourly rate of $225, but without clear information on the number of billable hours or specific projects, estimating an annual cost was challenging. She noted that expenses related to this engagement had not been included in the 2025-2026 adopted budget. The recommendation to explore the partnership stemmed from the firm's qualifications, though further discussion would be necessary to determine funding and project scope.

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

Councilman Pena voiced concerns regarding the lack of clarity on the engagement's scope and potential obligations involving billable hours, which he argued required a detailed understanding prior to finalizing any agreement. He emphasized the importance of having a conversation with the real estate firm to align on council's needs and expectations, ensuring that the city would not commit to an open-ended financial obligation. Councilman Pena suggested that a precise framework be established, encompassing project scope, anticipated involvement, and cost estimations, which would then aid council in making an informed decision. He also expressed willingness to sit down with any council members interested in further discussions to offer his professional insights.

Finance Director Ashlee Hurst affirmed that the bids were still open, allowing council the opportunity to engage further with the responding firm for more robust details and possibly conduct an interview for better clarity.

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

Consideration and possible action regarding repayment options for local sales and use tax overpayment of $139,671.50.

Finance Director Ashlee Hurst explained that the city received a letter from the state comptroller dated January 14, 2026, which addressed an overpayment of local sales and use taxes amounting to $139,671.50. The overpayment happened because a taxpayer initially accrued local sales taxes on items that the state auditors later determined were non-taxable. Consequently, the state refunded these taxes to the taxpayer, leaving the city to repay the overpayment to the state. The city's portion of this repayment was calculated at $93,114.34, while the Economic Development Corporation's responsibility was $46,557.16. In response to the letter, the comptroller provided the city with three distinct repayment options. The first option was a one-time payment either by check or ACH, accompanied by a 2% discount incentive. This choice would effectively reduce the total repayment amount from $139,671.50 to $136,878.07, saving the city $2,793.43. The second option was to deduct the overpayment amount from the city's next monthly payment, while the third option allowed for a 75-month payback plan with monthly deductions of $1,862 over 74 months, followed by a final deduction of $1,883.50 on the 75th month. She recommended selecting option 1, citing it as the most fiscally responsible choice due to the discount savings. Ms. Hurst reassured the council that, despite the absence of a specific budget line for this refund, the city's adopted budget was conservatively prepared, likely allowing the city to recover the amount by the fiscal year's end. She also mentioned that it's not uncommon for overpayments like these to be discovered by the state, emphasizing the process as one where businesses pay taxes upfront and later appeal for refunds if deemed non-taxable.

A motion was made by Councilman Matamoros to repay the overpayment using Option 1, seconded by Councilman Rossow with discussion that followed.

City Attorney Chris Duncan provided additional clarity, explaining that this situation was not a reflection of any error on the city's part. He emphasized that the issue arises from businesses initially paying sales taxes and later having transactions reviewed and deemed non-taxable, leading to refunds issued to the businesses by the state. Consequently, these reimbursements necessitate cities to return the overpaid amounts to the comptroller, a process that Mr. Duncan noted as standard and outside the city's direct control.

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 began by expressing gratitude to the citizens who spoke during the meeting, particularly acknowledging Mr. Thomas Koole for his ongoing persistence and efforts concerning the four-way stop at the intersection of Fourth Street and Pecan Street. Councilman Pena highlighted the importance of citizen engagement in driving community safety improvements. Councilman Pena raised concerns about the scheduling of trash collection during holiday weeks, specifically addressing the challenges faced by residents in Ward B, where Monday collections are often interrupted by holidays. He asked City Manager Dr. Danielle Kelly to reach out to AmeriWaste, emphasizing the need for prompt makeup collection to prevent waste accumulation. He addressed the issue of stray dogs, Councilman Pena noted residents' concerns about the visibility of animal control services. Police Chief Jennifer Howell clarified that citizens should contact dispatch to request animal control services, indicating that the city's animal control officer proactively and reactively manages stray animal pickup. Councilman Pena questioned the current permit process for residents looking to obtain a dumpster permit. He noted feedback from the community regarding difficulties faced when trying to address large trash removal needs, prompting Dr. Kelly to agree to investigate the procedure further. Councilman Pena addressed specific drainage problems at Velasco and 10th and 11th Streets were also addressed. Councilman Pena highlighted area residents' concerns, particularly during heavy rainfall, indicating an urgent need for assessment by Public Works. Mr. Julian Arevalo's testimony and photos documenting recent overflows were acknowledged as essential insight, reinforcing the need for departmental focus on infrastructure. Councilman Pena stated in light of recent announcements of potential layoffs at Dow, he inquired about any proactive discussions or actions being undertaken by the city and the Economic Development Corporation (EDC) to mitigate potential economic impacts on the community. Dr. Kelly reassured that while specifics of the layoffs impacting Freeport were not yet confirmed, the city maintained active communication with Dow's executive staff to monitor and respond appropriately to developments. He raised concerns regarding the lease of the current City Hall, expiring in May 2027, and the status of planned renovations to the old City Hall building were broached. He asked for updates on sublease agreements promised by the landlord and emphasized the importance of revisiting the financial allocations for planned downtown renovations. Councilman Pena reiterated the need for more comprehensive housing resources within the city, pushing for an office to offer guidance for Section 8 housing, senior housing, and affordable housing solutions. He expressed a keen interest in ensuring resources are accessible to the community, considering the high percentage of residents living at or below the poverty line.

Councilman Pena raised concerns regarding regulations affecting multifamily housing, particularly for small property owners. He referenced Ms. Jill Friedman's comments, questioning if current compliance requirements, like the installation of electronic locks and monthly tenant reporting, were onerous or unnecessary. Dr. Kelly committed to engaging directly with Ms. Friedman to better understand and potentially address these concerns. Councilman Pena stated he would also like to be put on the agenda regarding cell phone usage during the city council meetings. Councilman Pena proposed increasing visibility on streets like Seventh and Walnut, Eight Street and Walnut, Second Street, Fourth Street and Eighth Street by adding reflectors and improving striping. He highlighted the success of previous reflector installations, referencing increased visibility and safety benefits, especially during adverse weather conditions. Councilman Pena concluded by addressing recent criticisms about council disagreements. He asserted that while disputes are an expected part of governance, his concerns lie with bona fide corruption and illegalities. He reiterated his unwavering dedication to maintaining transparency and accountability in city government, ensuring that such issues do not go unchecked. He vowed to continue asking questions and holding officials accountable to serve Freeport's best interests.

Councilman Davis Ward B announcements and comments.

Councilman Davis extended his gratitude to the volunteers who had stepped forward to serve on city boards, emphasizing the importance of their contributions to the community. He then took the opportunity to address what he described as a mischaracterization related to his involvement in the Lance Petty case. He explained that the testimony in question was specifically for an unemployment hearing, clearly differentiating it from the much-discussed million-dollar lawsuit. During this clarification, Councilman Davis confirmed that certain council members, including himself, had taken an oath to provide testimony for Lance Petty during the unemployment case against the city. He reiterated that he was involved in the process to ensure that their actions were aligned with the requirements of the legal proceedings. Councilman Davis also highlighted a crucial detail: despite the concerns surrounding this involvement, the city ultimately prevailed in that unemployment matter. This outcome, he suggested, underscored the city's justified position in the proceedings, thus aiming to dispel any circulating inaccuracies about the council's role.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros reported that residents in Ward C had voiced complaints concerning the collection practices of AmeriWaste, particularly the discontinuation of personal trash can pickups. He noted that this had been a consistent practice since the contract's inception but had recently been altered by the company. City Manager Dr. Danielle Kelly responded by noting that the contract explicitly specifies that only authorized cans would be collected, preventing the city from enforcing a verbal or handshake agreement contrary to the contract terms. Councilman Matamoros also highlighted the ongoing issues with drainage during heavy rainfall, particularly stressing that areas within his ward experienced significant issues, notably around the Stephen F. Austin area. He acknowledged that these challenges were not isolated to his ward, indicating ongoing citywide drainage concerns. In addressing broader community concerns, Councilman Matamoros emphasized the importance of direct communication with residents, encouraging them to reach out to him to address and clarify any concerns they might have. He highlighted the significance of truthful and transparent communication, particularly in dispelling what he referred to as falsehoods being spread on social media platforms. By inviting residents to communicate with him directly, Councilman Matamoros aimed to nurture trust and ensure that they receive accurate information directly from the source rather than relying on potentially misleading or erroneous reports online. In particular, Councilman Matamoros addressed the issue pertaining to Lance Petty, a former city official, clarifying his stance on the matter to allay any misconceptions. He candidly expressed that he had zero clue about the specific nature of any testimony he might be required to provide when first approached about the case. He stated he wanted to reflect his commitment to maintaining transparency and open dialogue with the community, reinforcing his dedication to addressing rumors and misinformation head-on and providing residents with the facts necessary to form informed opinions. Councilman Matamoros stated a commitment to transparency, thereby fostering a sense of accountability and open communication between himself as a city official and the residents he serves. Javonce Dawson, representing Veolia, approached the city council to provide insights into potential solutions for the drainage issues specifically affecting Ward C. Mr. Dawson expressed his understanding of the area, noting severe drainage concerns observed especially in regions like the Stephen F. Austin area during heavy rainfall. He reassured the council of Veolia's commitment to address these concerns promptly and proposed a collaboration with the city to develop comprehensive strategies for improvement. With a background in project management and wastewater construction, Mr. Dawson emphasized Veolia's commitment to addressing the root causes of these issues and working towards sustainable and effective solutions.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow began by discussing fire hydrants with Mr. Dawson from Veolia, requesting that all hydrants in the city be serviced and a maintenance log kept. Mr. Dawson confirmed this was already part of their contract and agreed to share the log. Councilman Rossow then thanked everyone for attending the meeting and watching online. He expressed pleasure at seeing the Senior Citizens Commission fully staffed, noting that they had many fun activities planned, including trips to see the Astros, a paddle boat cruise, and regular bingo games. He also praised the success of the recent Martin Luther King Jr. Day events, noting that the park was full, vendors sold out, and the parade and banquet were well-received by visitors from out of town.

Mayor Jerry Cain announcements and comments.

Mayor Cain thanked everyone in attendance and those watching online, expressing his gratitude for their enduring participation throughout the meeting. He shared his excitement about the upcoming Daddy Daughter Dance, noting how he had been voluntold by his seven-year-old daughter about their attendance, a sentiment he expressed with eager anticipation for the event. Mayor Cain underscored the importance of Ms. Oldham's remarks made during the audience participation section. He praised her for advocating bringing forward constructive solutions instead of merely raising complaints to the council. He specifically highlighted Mr. Koole's proactive approach regarding the four-way stop at the intersection of Fourth Street and Pecan Street. Mayor Cain elaborated, noting how Mr. Koole did not just voice concerns but provided a potential solution, which the council followed, resulting in a four-way stop being approved after a comprehensive study. This collaborative approach led to tangible results, demonstrating an effective partnership between residents and the city government for the community's benefit. Mayor Cain addressed ongoing speculation about the Lance Petty case. He clarified unequivocally that although he was asked to participate in the proceedings, he did not testify. Mayor Cain took the opportunity to explain his decision regarding the manner in which Lance Petty was fired, expressing that his vote against the firing method was not an endorsement of Mr. Petty but was done out of concern for the city's potential legal and financial exposure. He emphasized that his main priority was safeguarding the city from a multi-million dollar lawsuit, ensuring fiscal responsibility for Freeport and its residents. This action reflects his commitment to prudent decision-making to protect the city's interests, while also maintaining transparency about his actions in the matter. Mayor Cain reaffirmed his dedication to transparency, expressing an openness to address constituents' questions, underscoring that his approach to transparency remains pivotal in maintaining trust in city leadership. This action emphasizes his ongoing commitment to prudent decision-making that upholds the city's integrity and preserves the public trust.

City Manager announcements and comments.

City Manager Dr. Danielle Kelly announced that the wastewater treatment plant ribbon cutting was scheduled for March 18th at 10:00 AM. She highlighted that the plant was currently undergoing testing and was expected to be fully operational soon. She emphasized the significance of the event by encouraging attendees to save the date, showing her appreciation for the important milestone in the city's infrastructure improvement.

Executive Session

Executive Session regarding: Texas Government Code, Section 551.071 (Consultation with Attorney) 1.) Discuss Industrial District Agreements. 2.) Discuss Surfside Water Billing updates.

The Regular Session closed at 9:10P.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 10:06P.M. and the Council went back into Regular Session.

There was no action from the Executive Session.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made by Councilman Pena to adjourn, seconded by Councilman Matamoros with all present and voting "Aye" 4-1. Councilman Davis voted "Nay". Mayor Cain adjourned the meeting at 10:06P.M.

Jerry Cain

Jerry Cain, Mayor

Clarisa Fernandez City Secretary