

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, April 6, 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
Christopher Motley, Fire Chief
Maria Lopez, Main Street Coordinator
Juanita Cardozo, Police Department
Angela Rivera, Police Department
Jared Miller, Police Department
Robert Johnson, EDC Director

Visitors: David McGinty
Manning Rollerson
Melanie Oldham
Sam Reyna
Kenneth Hayes
Linda Marshall
Nicole Mireles

Call to Order:

Call to Order - Jerry Cain, Mayor

Mayor Cain called the regularly scheduled meeting of the Freeport City Council to order at 6:01P.M. on April 6, 2026, declaring a quorum was present.

Invocation - Councilman

Councilman Matamoros led the Invocation.

Pledges - Pledge of Allegiance to the United States; Pledge of Allegiance to the State of Texas.

Councilman Matamoros 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 announced that agenda item 2E would be postponed until the next meeting, explaining that the auditor's daughter went into labor, and he was unavailable to attend.

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 addressed the council regarding the Veolia contract, expressing strong concerns about the agreement. Mr. Reyna discussed that the contract was worth \$2.9 million with an additional \$366,000 for repairs, totaling over \$3.266 million, which he characterized as over 25 percent of the city's general funds. He stated about the contract structure, arguing that repairs should be handled through a bid package process rather than giving a lump sum for potential repairs. Mr. Reyna detailed the penalty system in the contract, noting that penalties were capped at \$30,000, but fines could reach \$500,000. He expressed his opinion that somebody got paid regarding the contract negotiations and predicted that Veolia would breach the contract like Covarrubias and AmeriWaste Solutions had done. Mr. Reyna specifically mentioned that AmeriWaste had grabber trucks that were used initially but were now only used every six months to unload waste from trucks and trailers, forcing residents to take their waste to the company rather than having it picked up from their properties.

Manning Rollerson spoke agreeing with Mr. Reyna about the AmeriWaste contract and expressing frustration about paying for trash service. He then discussed downtown Freeport development, emphasizing the need for the city to invest in city hall downtown rather than running away from problems. Mr. Rollerson stated that the city was paying \$25,000 per month when they own the building, stating that the city should show progress and fix what they own. He expressed disappointment that the city stabbed him in the back regarding the East End situation and called for leaders to explain where they stand on constitutional rights and property rights.

Kenneth Hayes spoke about the Blue Santa golf tournament, noting that he and his wife had been supporters for years, but the event had lost support. Mr. Hayes observed that only Councilman Davis from the city was present at the recent tournament, and that raffle ticket sales and player support had declined significantly. He requested that someone at the top help support the officers who work hard on the event to restore it to its former status.

Proclamations - Presentations and Updates

Proclamation Celebrating the Outstanding Achievement of the Brazosport High School Boys Basketball Team - Mayor Cain

Mayor Cain read the Proclamation Celebrating the Outstanding Achievement of the Brazosport High School Boys Basketball Team.

Proclamation of the City of Freeport declaring April 2026 as 'Fair Housing Month' - Mayor Cain

Mayor Cain read the Proclamation of the City of Freeport declaring April 2026 as 'Fair Housing Month'.

Proclamation of the City of Freeport declaring April 11-17, 2026 as Animal Control Officer Appreciation Week - Mayor Cain

Mayor Cain read the Proclamation of the City of Freeport declaring April 11-17, 2026 as Animal Control Officer Appreciation Week.

Proclamation of the City of Freeport declaring April 12-18, 2026 as National Public Safety Telecommunicator Appreciation Week - Mayor Cain

Mayor Cain read the Proclamation of the City of Freeport declaring April 12-18, 2026 as National Public

Safety Telecommunicator Appreciation Week.

Presentation by Brooks Watson & Co. on the Audited Financial Report and Auditor's Opinion for the fiscal year ending September 30, 2025, followed by consideration to receive and file - Mike Brooks, Partner

This item was postponed as announced in Matters Subsequent to Posting.

Upcoming Events -

City Transition to Hyper-Reach for Emergency Notifications

El Nacimiento de Selena, April 11, Freeport Museum, 11:00AM-3:00PM

Reimagining Main Street, April 18, Freeport Museum, 9:00AM-11:00AM

Community Clean-up, April 18, 431 West 4th St., 8:00AM-12:00PM

Senior Bingo, April 20, RiverPlace, 10:00AM-12:00PM

Riverfest, April 24-25

Glow Zumba, April 29, Freeport Rec Center, 8:30AM

City Manager Dr. Danielle Kelly gave updates on upcoming events.

Consent Agenda:

Action regarding Minutes, March 16, 2026 - Clarisa Fernandez, City Secretary

Action approving the updated Resolution No. 2026-3040 regarding the Cybersecurity Grant - Jennifer Howell, Police Chief

Action approving purchase of Motorola Radio Console equipment to be 100% reimbursed by grant funds - Jennifer Howell, Police Chief

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

Councilman Pena requested discussion on item 3B regarding the cybersecurity grant. Police Chief Jennifer Howell explained that the total project amount was \$108,025.60, with \$86,420.48 covered by the grant and a city match of \$21,605.60. She described the cybersecurity grant as helping enhance security features at the police department, one of several grants submitted by IT Detective David Fernandez that was awarded this year. When Councilman Pena asked for specifics about the cybersecurity measures, Chief Howell preferred to discuss the information offline, explaining she did not want to discuss security measures publicly given recent cyberattacks on other cities. She praised the work of Toby and David for keeping Freeport secure.

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

Business

Consideration and possible action approving the renewal of the Texas Main Street Program contract.

Main Street Coordinator Maria Lopez presented the item, explaining that staff recommended approval of the annual renewal of the Texas Main Street program contract between the City of Freeport and the Texas Historical Commission for the 2026 program year. She detailed that this renewal maintains Freeport's designation as an official Texas Main Street City and allows continued participation in statewide and national downtown revitalization initiatives. Ms. Lopez explained that the contract formalizes participation in the statewide Main Street network, ensuring continued access to technical assistance, training, and

resources supporting revitalization, preservation, and economic development of Freeport's historic downtown district. The agreement designates Freeport as a Texas Main Street City and allows use of the Main Street America brand and participation in a national network focused on preservation-based economic development. Under the contract, the city agrees to maintain a full-time Main Street program manager, support an active advisory board, and submit required quarterly and annual reports demonstrating program impact and progress. Participation requires adherence to statewide standards including community engagement, preservation-based development, and measurable reinvestment outcomes. Ms. Lopez noted that failure to maintain compliance could result in probation or removal from the program. The annual participation fee is \$535, which supports program services provided by the Texas Historical Commission. The Freeport Historical Commission and Main Street Advisory Board support continued participation as a critical tool for downtown revitalization and economic development.

A motion was made by Councilman Matamoros to approve the renewal of the Texas Main Street Program contract, seconded by Councilman Davis with discussion that followed.

Councilman Pena questioned the value of the \$535 fee and whether being part of the organization brought value or limitations to Freeport. Main Street Coordinator Maria Lopez responded that the Texas Historical Commission provides valuable professional advice based on what other cities are doing, including consultation from their architect and numerous on-site and virtual training opportunities. When asked about architectural consultation engagements in the past year, Ms. Lopez explained they had several consultations regarding the heritage house project, maintaining contact with Jamie Qualley, the Texas Historical Commission representative who provides expert advice. She confirmed they utilize both the Texas Historical Commission and UTSA study resources, with the Commission typically responding within 24 hours to questions about historic preservation and economic development. Councilman Pena inquired about the role of revitalization and preservation efforts compared to the UTSA consultation and whether the EDC property remained part of the scope. Ms. Lopez clarified that they had not discussed the 8.8 acres, focusing instead on manageable, doable projects within budget constraints working with the Main Street Board. When asked about a sufficient budget, Ms. Lopez explained they were working on determining needs for the next fiscal year, actively coordinating with the city manager, Main Street board, and finance director. Councilman Pena mentioned receiving budget information showing Main Street was almost \$100,000 in the red, questioning whether this represented overspending or poor budgeting. Ms. Lopez responded that for the current fiscal year, they were right on budget, only receiving budget allocations for events and advertising without detailed departmental breakdowns.

Mayor Cain thanked Main Street Coordinator Maria Lopez for her work.

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. 2026-3041 for property to be declared surplus and to be authorized for disposal through destruction in accordance with City policy.

Police Chief Jennifer Howell presented the item, explaining that the resolution concerned Sierra wireless modems previously used on vehicles with an outdated system. The department had received a new system through a grant, leaving these modems unused. On the recommendation of IT Detective, Chief Howell requested that these items be destroyed rather than auctioned or donated due to the information they store.

A motion was made by Councilman Pena to approve Resolution No. 2026-3041 for property to be declared surplus and to be authorized for disposal through destruction in accordance with City policy, seconded by

Councilman Rossow with discussion that followed.

Mayor Cain questioned the city's policy regarding the destruction of such items. Police Chief Jennifer Howell mentioned she would coordinate with IT Manager Toby regarding different destruction methods, noting that in the past some items had been used for targeting practice at the gun range, though that was not her preferred method. She expressed interest in exploring alternative destruction methods with IT.

Councilman Pena asked whether any items were telephone-related evidence or if any items were considered evidence in particular cases. Police Chief Jennifer Howell clarified these were just wireless modems that provided wireless capabilities to patrol unit equipment, not evidence in any cases.

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. 2026-3042 for an EDC Settlement Agreement.

A motion was made by Councilman Pena to move 4C into Executive Session for Attorney Consultation. The motion died due to a lack of a second.

City Manager Dr. Danielle Kelly presented the settlement agreement, explaining it resolves outstanding property ownership and development disputes involving multiple lots within the Velasco townsite and establishes a path forward for infrastructure completion and residential development. Under the agreement, Freeport EDC conveys property interests to GLNL and AMG, with developers committing to complete required infrastructure improvements and construct residential units according to city standards. The agreement includes a completion deadline of December 31, 2027, with liquidated damages for failure to meet deadlines. It also includes mutual releases of claims, dismissal of pending litigation, and provisions ensuring clear title, tax responsibility, and lien resolution. Dr. Kelly explained that council had considered a previous version at the February 17, 2026 meeting, directing staff to pursue additional sureties and clarifications to strengthen accountability and ensure project completion. The revised agreement includes infrastructure completion requirements for roadway and related improvements including North Avenue N and West Roller extensions, with shared cost participation. GLNL and AMG are each responsible for development of specific lots with all construction required to comply with applicable codes. Cost division was established at 50% to Freeport EDC, 25% to AMG, and 25% to GLNL.

A motion was made by Councilman Matamoros to approve Resolution No. 2026-3042 for an EDC Settlement Agreement as presented, seconded by Councilman Davis with discussion that followed.

City Attorney Christopher Duncan stated that he wanted to address concerns raised at the previous meeting, emphasizing that accountability to citizens and taxpayers should never be treated as an inconvenience. He explained that under state law, the Economic Development Corporation (EDC) must follow specific procedures before undertaking a project and expending funds, including holding a public hearing at the EDC level. He noted that for cities under 20,000 population, the EDC may proceed with economic development projects if it adopts a resolution determining whether the project serves a public purpose and promotes economic development. Mr. Duncan further explained that once such a resolution is passed, the project must be presented to the City Council at two separate meetings requiring two readings. Only after council approval can the EDC proceed. He added that another statutory requirement prohibits the EDC from spending authorized project funds for at least 60 days following the public hearing, allowing time for citizens to protest the expenditure through a petition and potential election. Addressing prior discussion on whether the proposal constituted a new project, Mr. Duncan stated his position that it does. He explained that the original agreement involved the EDC and Realty World Freeport (RWHP) for home construction and did not require EDC funding. In contrast, the current agreement involves different parties specifically, the financing entities rather than the original developer and requires the EDC to expend funds. He also noted

differences in the number and quality of homes, as well as other terms, indicating that nearly all material aspects differ from the original 2018 project aside from location. Based on these distinctions, Mr. Duncan advised that the project should be treated as a new project and that all required statutory procedures should be followed before the City Council votes to approve the agreement.

EDC Director Robert Johnson stated he disagreed with City Attorney Christopher Duncan's legal assessment, stating the EDC attorney believes this is merely settling litigation rather than a new project, and that two attorneys disagree on the interpretation.

Councilman Pena expressed frustration that steps discussed at the last meeting had not been completed, including an attorneys meeting to discuss property ownership details. He spoke about the lack of material legal discussion for items specifically requested and questioned why the item was on the agenda when homework assignments had not been completed. Councilman Pena emphasized that this was a new contract with different parties. Councilman Pena noted that Olson and Olson had a history of being untruthful to the city, which was why they no longer represented the city. He demanded the attorneys meet and figure out the legal issues before returning to council rather than pressuring for hasty decisions that led to the original EDC problems with Realty World.

Ms. Chan, litigation attorney for EDC, clarified that the main purpose of the lawsuit was determining who actually owns title to the lots, which cannot be decided outside of litigation. She emphasized that neither Olson and Olson nor Mr. Johnson were part of the EDC when the original agreements were made, and the settlement aims to resolve title issues while providing good housing for Freeport citizens.

Mr. Torres, speaking for the development team, expressed frustration with continued delays, stating they had started permit applications in August and could have had houses completed by now. He explained reaching out to Mr. Johnson years ago with the idea of generating mutually beneficial relationships and future housing development but felt stuck between a rock and a hard place without progress. Mr. Torres emphasized they had completed all requested homework including providing proof of funds, scope of work, budgets, and engineering through multiple meetings and calls. He expressed disappointment about potential property taxes not being collected and streets and houses not being built.

City Attorney Christopher Duncan clarified that houses could not have been built in August because the agreement was just completed the previous week. He emphasized that state law requires accountability to the public before EDC spends funds, and suggested following standard procedures that provide the safest legal approach. Mr. Duncan noted that going through the proper legal process public hearing, two readings, and a 60-day waiting period ensures no citizens can complain or file lawsuits.

Mr. Torres acknowledged his lack of understanding of legal procedures and expressed willingness to wait the required time if necessary, but requested that after 60 days, there would not be additional barriers. City Attorney Christopher Duncan assured him that his role was advising council on legal requirements, not creating arbitrary resistance, and he believed council would approve the project if proper procedures were followed.

Mayor Cain suggested scheduling a special meeting on Wednesday for the first reading to avoid further delays, emphasizing his discomfort with potential lawsuits. He noted that if moving the process two more weeks would keep the city out of lawsuits, he would feel more comfortable with that approach.

Councilman Davis withdrew his second.

Councilman Matamoros asked EDC Director Robert Johnson to clarify for everyone who ordered mediation, noting that although he knew the answer, he wanted it stated for the public because some individuals at the

prior meeting may not have heard. Mr. Johnson responded that the judge in the case ordered mediation and appointed Judge Sebesta to conduct it, confirming that they were ordered into mediation on the lawsuit and that Judge Sebesta mediated the agreement. Councilman Matamoros stated that he wanted to make that point clear and emphasized that the council was present to approve a settlement agreement, not to debate the original project. He asserted that the project had issues from the beginning and referenced prior actions involving the previous EDC attorney Christopher Duncan which was one of the reasons for his termination. Councilman Matamoros further stated that Mr. Torres had indicated he would consider requested items and agree to them if feasible, and that the EDC had expressed the same position. He then spoke about the city attorney, stating in his opinion that the attorney's advice had been horrible and referencing prior terminations. Councilman Matamoros stated that requiring additional steps would cause Mr. Torres to go through more processes and incur additional costs because of differing opinions about whether the matter constituted a new project despite being litigation. He expressed frustration with what he described as changing opinions, stating that positions had remained consistent for years but were now shifting as the matter approached resolution.

Councilman Matamoros then asked City Manager Dr. Danielle Kelly whether all items requested by council at the February meeting had been included in the agreement. Dr. Kelly confirmed that the requested deal points had been incorporated. Councilman Matamoros responded that he believed it was absolutely asinine to go through the entire process again for what he characterized as a litigation settlement, stating that while he supports transparency and public input, the process imposed more steps than necessary.

Mayor Cain thanked Mr. Torres for his patience during this process.

Councilman Matamoros withdrew his motion.

Consideration and possible action approving IPO No. 2026-03 with Kimley-Horn and Associates to design and coordinate relocating a water line for the TxDOT Gulf Boulevard/FM 523 project.

City Manager Dr. Danielle Kelly presented staff's recommendation to approve IPO No. 2026-03 with Kimley-Horn and Associates for \$45,000 for final design and coordination services associated with waterline relocation for the TxDOT Gulf Boulevard FM 523 project. The IPO authorizes Kimley-Horn to perform final design and coordination services for waterline relocations required as part of the TxDOT CCSJ 1003-01-098 Roadway Project. Services include preparation of plan and profile sheets for approximately 13 waterline conflicts, development of technical specifications and bid items, and coordination with TxDOT and TCEQ for approvals.

A motion was made by Councilman Matamoros to approve IPO No. 2026-03 as presented, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action on the approval of a POD trailer Replacement Agreement between City of Freeport and the Brazoria County Health Department.

Fire Chief Christopher Motley presented the recommendation to approve the dispensing pod trailer replacement program agreement between the City of Freeport and Brazoria County Health Department for their health pod distribution. He explained they had a trailer in service for close to 15 years that was being replaced. The city currently has an interlocal agreement for participation in the health pod for mass immunization or treatment during public health emergencies. This additional agreement covered the trailer itself, with the county taking over maintenance and housing responsibilities that the city previously handled locally. Chief Motley preferred keeping it local to monitor condition and location.

A motion was made by Councilman Matamoros to approve a POD trailer Replacement Agreement between

City of Freeport and the Brazoria County Health Department as presented, seconded by Councilman Davis with discussion that followed.

Councilman Pena asked about costs to the city, which Fire Chief Christopher Motley confirmed would be zero dollars. The trailer is housed at Station 2 and gets activated for specific events, last being activated for H1N1/swine flu and COVID-19 for immunization and testing support, but not since 2020.

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 on the approval of Texas A&M Forest Service Personal Protective Equipment (PPE) Grant.

Fire Chief Christopher Motley presented the recommendation to accept the Texas Forestry Service grant funding for PPE in the amount of \$25,000 with no city matching portion required. The grant will assist in PPE for firefighters, replacing 5 sets of gear including coats and pants for fire suppression personnel. Chief Motley emphasized the critical timing as recent PPE inspections identified several fire and EMS members' structural gear had reached or exceeded recommended service life. He explained that the Texas Commission on Fire Protection adopted NFPA standard 1851 through legislative authority, establishing a maximum 10-year lifespan for structural PPE. The grant would help bring the department into compliance.

A motion was made by Councilman Matamoros to approve Texas A&M Forest Service Personal Protective Equipment (PPE) Grant, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Freeport Fire & EMS department surplus equipment donation to College of the Mainland.

Fire Chief Christopher Motley recommended transferring ownership of the department's personal protective equipment that had completed its service life to College of the Mainland. This included the expired gear with 10 years of service. He explained that in the past, equipment was typically donated to Texas A&M Forestry Service for distribution to other departments, but they were experiencing the same abundance of expired equipment. Previously, donations went to faith-based groups for use in Mexico and Central America. Chief Motley noted they found a local need at College of the Mainland, where students could use the equipment for training other than suppression, such as rescue-type training, but not in burn houses due to the equipment's condition.

A motion was made by Councilman Matamoros to approve the Freeport Fire & EMS to donate the surplus equipment to College of the Mainland as presented, seconded by Councilman Davis with discussion that followed.

Mayor Cain sought clarification about equipment being expired for fire fighting but safe for college practice use. Fire Chief Christopher Motley explained the equipment would not be used for any structural firefighting training but could be used for other activities like rope rescue. He noted that the 10-year service life relates to vapor barrier damage over time, and some equipment proves ineffective even when stored on shelves, with repair costs often being prohibitive.

Mayor Cain called the motion to a vote with all present and voting "Aye" 4-0. The Council unanimously approved the motion. Councilman Pena was not present for this motion.

Discussion and Take Action on 2nd street property with TPWD restrictions

A motion was made by Councilman Pena to table this item (4H). The motion died due to a lack of a second.

Councilman Matamoros stated that he had requested the item be placed on the agenda because council had received legal emails that he said were not truthful. He indicated that the item related to prior discussions and stated that not everything had been forthright.

A motion was made by Councilman Matamoros to take no action on 2nd street property with TPWD restrictions, seconded by Councilman Rossow with discussion that followed.

Councilman Matamoros stated that he asked for the item to be put on the agenda because council received legal emails that he said were not truthful. He stated that the item had been discussed somewhat at the previous meeting, but that not everything had been forthright. Councilman Matamoros read the item summary into the record, stating it was for discussion and take action on Second Street property with TPWD restriction. He read the background information, stating that emails sent by legal and prior council direction from the November 17, 2025, executive session to the previous interim city manager created confusion regarding the direction of the property, and that there may be information needing disclosure that council may not be aware of. He also read the special considerations regarding removal of the property from TPWD open space restrictions and noted that the financial impact was currently unknown and that there was no board or third-party recommendation. Councilman Matamoros stated that he placed the item on the agenda because of an email in which the legal attorney stated that is not what was discussed, and alleged that Robert Johnson was overstepping his bounds. He then referenced an email dated November 18 from Dan Pennington to Robert Johnson, copying Rachel Cohen, Jennifer Howell, and Chris Duncan, which stated, "per Council's direction, please make haste with pursuing the Parkland swap on the Second Street property with the TPWD," and outlined council's interest in potential locations and supporting information including appraisals and the TPWD process. He stated that there were additional emails being provided and asserted that these documents showed that the EDC Director and EDC Board were not overstepping their bounds. Councilman Matamoros then asked Mr. Johnson whether the Second Street property had ever been tied up in any legal litigation for a project with the EDC. Mr. Johnson responded that it is currently tied up in litigation against the EDC and clarified that the City is not a party to the case. Councilman Matamoros confirmed that the property is City of Freeport property. He then questioned why the city had not been brought into the lawsuit if that was the case and stated that the legal counsel at the time failed to do so. He stated, again, another screw up, and referenced that as another reason for termination. He expressed frustration with the situation, stating that it was so frustrating to see what the council had to go through because of what he described as horrible information and that it resulted in Mr. Johnson having to bring his legal team forward at a cost to taxpayers.

Councilman Matamoros continued by asking Mr. Johnson a question and invited City Manager Dr. Danielle Kelly to also respond. He asked whether they were working together to address the matter and first asked Dr. Kelly if she was aware that the property could be tied up in possible litigation involving an EDC lawsuit, to which she responded yes. He then asked whether she was working in conjunction with Mr. Johnson and his legal team, as well as city legal counsel, to determine a course of action regarding both the property and the legal issue before council. Dr. Kelly responded that she had spoken with Mr. Johnson and relayed what had been discussed in closed session regarding her taking over the swap negotiations with TPWD. Dr. Kelly stated that Mr. Johnson provided her with documentation on a thumb drive and that she also spoke with the property manager working with Mr. Johnson to identify the proper acreage. She explained that there had been changes regarding whether measurements would be taken at the top of slope or toe of slope, and that a new survey was underway to allow for reappraisal and submission to TPWD. She clarified that she was not involved in the EDC's litigation discussions, stating that it is city property, and she has no role in their litigation. Mr. Johnson confirmed Dr. Kelly's statements as accurate, noting that he provided her with the documents and apologized for not ensuring they were included in the meeting packet. He referenced an

email from Mr. Duncan stating that he had no authority to speak for the City of Freeport and acknowledged confusion caused by communications between Mr. Duncan and the Freeport EDC, noting that those plans may not align with EDC goals and that the lack of communication was problematic. He stated that these matters had not been discussed with him and explained that the situation has created complications because the lawsuit involves only the EDC and not the City, even though the property is city-owned. Mr. Johnson explained that the EDC is attempting to resolve the lawsuit while being told it does not have standing to discuss matters with TPWD, which he described as problematic given court timelines and obligations. He stated that no coordinated plan had been discussed and that the EDC also owns 8.8 acres involved in the matter. He emphasized that the EDC never intended to make a decision on the property but was instead gathering information. He further explained that the EDC reviewed the original contract with Texas Parks and Wildlife, worked with staff to locate the original grant requiring the property to remain parkland, and coordinated with the Velasco Drainage District regarding development constraints related to the levee. He stated that property valuation for TPWD purposes is based on value rather than acreage and that the EDC was identifying comparable properties, such as O.A. Fleming and Skinner Street, consistent with prior direction. He reiterated that any decision would have been brought before council since the property belongs to the city and that the EDC's role was to gather information and provide clarity for council decision-making. Mr. Johnson stated that the situation creates a quandary because the EDC is obligated under mediation timelines while the City is not a party to the case, and that the EDC cannot act on behalf of the City, resulting in separate timelines between the court proceedings and city actions.

Councilman Pena stated that he did not want what he described as a continued misrepresentation of the facts and sought to clarify the situation. He asserted that Dan Pennington failed to follow council direction on two key issues, explaining that council had instructed him to hire a professional real estate firm to market city-owned properties, but instead he directed EDC Director Robert Johnson, who was not part of city staff nor included in that instruction. He emphasized that this directive was intentional because the EDC had not effectively marketed properties, and cited the example of a real estate sign being placed on the O.A. Fleming property without council approval and subsequently removed shortly after being questioned. He explained that the Second Street property discussions stemmed from a Fort Worth conference where council members explored the idea of developing a sports complex in Freeport, and that while council supported moving forward with that concept, they did not direct Mr. Pennington to involve Mr. Johnson. He stated that Mr. Johnson was not at fault for being assigned tasks, but that Mr. Pennington deviated from council's instructions. Councilman Pena also expressed concern that over the past two years, the EDC and its legal counsel had failed to provide updates on litigation despite repeated requests, often citing attorney-client privilege, which he argued was inappropriate given council's oversight role. He stated it was inaccurate to suggest council had knowledge of these matters. He referenced a recent executive session where council again provided direction to Dr. Kelly consistent with prior instructions and noted that complications arose when TPWD would not cooperate, which he attributed to confusion in communication and authority. He stated he was willing to take direct action if necessary to resolve the issue. He emphasized that the property is city-owned and that the lawsuit involves only the EDC, not the city, and stated he would not support using city property as part of any settlement. He reiterated that council had already decided to proceed with removing TPWD restrictions and identifying replacement land, questioning why the issue was being revisited.

EDC Director Robert Johnson acknowledged Councilman Pena's points about Mr. Pennington's direction and the RFP process failure, reading from an email stating that no real estate firms responded to the four-week RFP advertisement, making it senseless to list the property while it was being considered for the parkland swap or sports complex. Mr. Johnson addressed transparency concerns, explaining that Texas Supreme Court decisions and law referenced by Judge Sebesta, plus required mediation waivers, prevented disclosure of mediation details. He emphasized they were not trying to avoid communication but were legally constrained from sharing certain information.

Councilman Davis clarified that the issue was about telling EDC to stand down rather than transparency about the mediation case, noting confusion between different issues.

Mayor Cain encouraged EDC Director Robert Johnson and City Manager Dr. Danielle Kelly to communicate about timeframes without sharing case details but ensuring city needs for timely information were met.

Councilman Rossow supported not blaming EDC Director Robert Johnson for following Mr. Pennington's direction, emphasizing that anyone should do what their supervisor instructs. He spoke about the pattern of repeatedly discussing the same issues multiple ways and noted that Mr. Pennington needed to have input before the issue could be resolved.

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

EDC Director Robert Johnson requested that a second communication be sent to Texas Parks and Wildlife clarifying that his actions were not miscommunication and restoring his reputation.

Work Session

Councilman Pena Ward A announcements and comments.

Councilman Pena was not present for this item.

Councilman Davis Ward B announcements and comments.

Councilman Davis praised the positive start to the meeting with the boy's basketball team proclamation and emphasized the importance of investing in youth and sports programs. He described how the room was packed when acknowledging youth, with parents, siblings, and friends present, noting this was the fullest he had seen the room during his time on council. Councilman Davis emphasized that investing in youth brings crowds and community engagement, stating that building sports complexes would bring 50–60 teams every weekend along with families and visitors. He explained how local youth currently miss opportunities because they lack transportation to play sports in Angleton, West Columbia, or Lake Jackson, leaving them sitting around without activities. Councilman Davis connected youth sports to the success of the honored basketball team, describing how he had coached youth basketball when his son was little. He noted that his son and Councilman Rossow's son were on the first team to reach state championship, which had never happened in Brazosport High School history until the team honored that evening accomplished it. Councilman Davis emphasized that sports teach more than athletic skills, including discipline, respect, and how to interact with others, providing experiences that last a lifetime. He advocated for giving Freeport youth something productive to do through sports investments, arguing this would spark growth in the community.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros addressed City Manager Dr. Danielle Kelly about the increasing illegal dumping throughout Ward C. He requested that code enforcement conduct more regular drive-bys and when issuing letters for violations, distribute them to entire blocks rather than single properties to avoid wrongly targeting innocent residents. He thanked staff for clearing a previous illegal dumping issue and requested homeowners receive documentation explaining proper bulk trash bundling procedures for new residents. Councilman Matamoros congratulated athlete Ms. White for her gold medal performance in Class 4A triple jump at the Clyde Littlefield University of Texas track and field relays, describing it as one of the toughest relays accepting only the state's best athletes. Councilman Matamoros then addressed what he characterized as transparency issues, presenting documentation of an active lawsuit Jeff Pena versus David Olson and Olson

LLP, filed September 30, 2025 in Harris County District Court where Christopher Duncan from Duncan Law Firm represents Councilman Pena. He noted that during attorney interviews, Mr. Duncan had stated he would drop existing clients if hired as city attorney but failed to do so, creating a potential conflict of interest. Councilman Matamoros expressed his inability to trust whether legal advice received was genuine or slanted to help one person, describing this as the source of his passion during the meeting. He emphasized caring about the city he grew up in and wanting to see it improve, but feeling unable to trust the advice received. Councilman Matamoros detailed receiving phone calls from city employees reporting difficulties obtaining needed items despite following proper procedures and sending emails with appropriate recipients copied. He connected these delays to previous EDC termination reasons and cited examples including delayed cleaning services contracts and delayed public information request responses. He concluded by questioning whether the attorney represents the council or one individual, presenting the active lawsuit documentation as evidence of ongoing representation conflicts.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow apologized for being late due to conducting a funeral and having to leave immediately after preaching to attend the meeting. He thanked everyone for attending and acknowledged never knowing what to expect at Freeport council meetings. Councilman Rossow reminded attendees about upcoming senior events: bingo on April 20 for citizens 55 and older, guaranteeing they would enjoy it; bingo on May 18 and July 20; and a trip on May 15 to the Railroad Museum in Rosenberg with EDC paying for the bus and including restaurant dining. He mentioned the April 18 citywide cleanup, encouraging all residents to participate in cleaning up the city. Councilman Rossow emphasized his continued love for Freeport despite any conflicts, encouraging residents with problems or concerns to contact him through the city website for his phone number and email address.

Mayor Jerry Cain announcements and comments.

Mayor Cain thanked everyone who attended, expressing pleasure at seeing every seat filled to start the meeting, with over half being young gentlemen representing the next generation. He emphasized pride in the basketball team and appreciation for those who remained throughout the meeting. Mayor Cain announced that early voting begins April 20 for upcoming elections, with vacancies in Ward A and Ward C currently held by Councilman Pena and Councilman Matamoros. He noted four candidates running for the two positions and several charter amendments on the ballot, encouraging all residents to vote regardless of their ward.

City Manager announcements and comments.

City Manager Dr. Danielle Kelly reminded everyone that the community survey was available on the city's website front page, closing Friday at midnight, and requested feedback. She announced that board applications had been extended for an additional two weeks for residents interested in volunteering on city boards.

Executive Session

Executive Session regarding a.) Texas Government Code, Section 551.071 (Consultation with Attorney) 1.) DOW IDA negotiations update 2.) Surfside Utility Billing Counteroffer.

The Regular Session closed at 9:12P.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 9:42P.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 Davis with all present and voting "Aye" 5-0. Mayor Cain adjourned the meeting at 9:42P.M.



Jerry Cain, Mayor



Clarisa Fernandez City Secretary