



**City of Freeport**  
Meeting and/or Executive Session Agenda  
**(AMENDED AGENDA)**

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

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Monday, June 1, 2026, 6:00 PM | Council Chamber | 430 North Brazosport Blvd., Freeport, Texas 77541

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

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

**1: Call to Order:**

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- 1A. Call to Order - Jerry Cain, Mayor
- 1B. Invocation - Councilman
- 1C. Pledges - Pledge of Allegiance to the United States; Pledge of Allegiance to the State of Texas.
- 1D. Matters Subsequent to Posting.
- 1E. Audience Participation – Anyone who has registered to speak prior to the meeting being called to order and desires to address the City Council will be heard at this time, or during the discussion of an item listed on the agenda. These forms are located by the City Secretary. After completing the form, give it to the City Secretary. She will give it to the Mayor. The Mayor will call on you when that item is presented, once a motion has been made by Council then public participation will not be allowed. You will have four (4) minutes to make your comments regardless of the number of agenda items to be addressed.

**2: Proclamations - Presentations and Updates**

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- 2A. Upcoming Events -
  - Juneteenth Exhibit, May 20-June 20, Freeport Historical Museum
  - Shark Exhibit, All Summer 2026, Freeport Historical Museum
  - Story Time with the Freeport Library, June 10, Freeport Historical Museum, 11:00A.M.
  - Fort Velasco Day, June 13, Freeport Historical Museum, 9:00A.M.-1:00P.M.
  - Senior Citizens Commission America 250 Indoor Picnic, June 15, Freeport RiverPlace, 10A.M.-12:00P.M.
  - Stars and Stripes, July 4, Historic Downtown Freeport, 9:00A.M.-1:00P.M.

### 3: Public Hearings

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- 3A. **Public Hearing:** Consideration and possible action approving Ordinance No. 2026-2768 on the rezoning request within the 200 Block of South Avenue B, legally described as Velasco (Freeport), Block 12, Lots 13 through 19, from C-2 (General Commercial) to R-1 (Single Family Residential), subject to compliance with all applicable City of Freeport ordinances and adopted codes. (Reggie Harris)

### 4: Business

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- 4A. Consideration and possible action approving Ordinance No. 2026-2768 on the rezoning request within the 200 Block of South Avenue B, legally described as Velasco (Freeport), Block 12, Lots 13 through 19, from C-2 (General Commercial) to R-1 (Single Family Residential), subject to compliance with all applicable City of Freeport ordinances and adopted codes. (Reggie Harris)
- 4B. Consideration and possible action approving minutes from May 11, 2026 and May 18, 2026. (Clarisa Fernandez)
- 4C. Consideration and possible action to set the FY2026–2027 Budget Workshop Dates. (Ashlee Hurst)
- 4D. Consideration and possible action approving Resolution No. 2026-3046 to amend section 9.07A Alternative to Overtime: Flextime to the Personnel Policy Manual. (Dr. Danielle Kelly)
- 4E. Consideration and possible action approving Resolutions appointing/reappointing members to various Boards and Commissions. (Dr. Danielle Kelly)
- 4F. Consideration and possible action on the appointment of City Council Liaison for City of Freeport Boards and Commissions. (Dr. Danielle Kelly)
- 4G. Discussion regarding amending Ordinance No. 2025-2756 establishing specific procedures and deadlines for items to be placed on the City Council agenda. (Dr. Danielle Kelly)
- 4H. Discussion regarding amending Resolution No. 2025-2951 standard procedures to nominate and select positions for all Council appointed boards. (Dr. Danielle Kelly)
- 4I. Consideration and possible action approving Resolution No. 2026-3052 deeming property of the Freeport Police Department surplus for donation. (Chief Jennifer Howell)
- 4J. Consideration and possible action approving Resolution No. 2026-3053 deeming property of the Freeport Police Department surplus. (Chief Jennifer Howell)

**5: Work Session**

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The City Council may deliberate and make inquiry into any item specifically listed as a Subsection under the itemized Sections A-F below, an item appearing on the City Council agenda for this meeting, on matters related to community events, or on matters that are not within the jurisdiction of the City for consideration by City Council. The City Council may not deliberate on any City matters not specifically disclosed under this Work Session or on this posted City Council Meeting agenda. City Council members and the Mayor always reserve the right to request that a matter be placed on a future agenda for consideration.

- A. Councilman McDonald Ward A announcements and comments.
- B. Councilman Davis Ward B announcements and comments.
- C. Councilwoman Mireles Ward C announcements and comments.
- D. Councilman Rossow Ward D announcements and comments.
- E. Mayor Jerry Cain announcements and comments.
- F. City Manager announcements and comments.

**6: Executive Session**

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The City Council may take action on any Executive Session item posted. 551.071. Texas Government Code. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legal posted agenda item, when the City Council seeks advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items:

- 6A. Executive Session regarding a.) Texas Government Code, Section 551.071 (Consultation with Attorney) 1.) Utility Billing. 2.) Tax Abatements.

**7: Reconvene into Open Session:**

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- 7A. Take any action resulting from Executive Session.

**8: Adjournment**

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- 8A. Adjournment – Jerry Cain, Mayor

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

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

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



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Clarisa Fernandez,  
City Secretary, City of Freeport, Texas





## City Council Agenda Item #[3.A]

**Title:** **Public Hearing:** Consideration and possible action approving Ordinance No. 2026-2768 on the rezoning request within the 200 Block of South Avenue B, legally described as Velasco (Freeport), Block 12, Lots 13 through 19, from C-2 (General Commercial) to R-1 (Single Family Residential), subject to compliance with all applicable City of Freeport ordinances and adopted codes.

**Date:** June 1, 2026

**From:** Reggie Harris, Building Official

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**Staff Recommendation:** Staff recommends the approval of reclassification within the 200 Block of South Avenue B for the rezoning request from C-2 (General Commercial) to R-1 (Single Family Residential) for the property legally described as: VELASCO (FREEPORT), Block 12, Lots 13 through 19 subject to compliance with all applicable City of Freeport ordinances and adopted codes.

### **Item Summary:**

The property owner has submitted an application requesting the rezoning of the above-referenced property from C-2 (General Commercial District) to R-1 (Single Family Residential District).

A public hearing will be conducted in accordance with City procedures. Following the close of the public hearing, the City Council will consider action on the rezoning request.

### **Background Information:**

The subject property is located within the incorporated city limits of the City of Freeport. Historically, the property was utilized as a residential homestead; however, the residence was destroyed by fire and subsequently abandoned.

The applicant is requesting the rezoning in order to allow the construction of a new single-family residence on the property. The proposed rezoning would align the property's zoning designation with its intended residential use and the surrounding neighborhood character.

### **Special Considerations:**

- The property is located entirely within the City of Freeport city limits.



- The requested zoning designation is consistent with residential redevelopment within the surrounding area.
- Any future development will be required to comply with all applicable City ordinances, building regulations, and development standards.

**Financial Impact:** Approval of the rezoning request may result in future residential development and associated property tax revenue to the City of Freeport.

**Board or 3rd Party Recommendation:** Planning & Zoning Commission Recommendation:

The Planning and Zoning Commission met on March 24 , 2026, to conduct a public hearing and consider the applicant's request to rezone the property located at 213 S Avenue B, Freeport, Texas, from C-2 (General Commercial) to R-1 (Single Family Residential). Following discussion and the close of the public hearing, the Planning and Zoning Commission voted to approve the reclassification within the 200 Block of South Avenue B as per the zoning request.

**Supporting Documentation:**

None



## City Council Agenda Item #[4.A]

**Title:** Consideration and possible action approving Ordinance No. 2026-2768 on the rezoning request within the 200 Block of South Avenue B, legally described as Velasco (Freeport), Block 12, Lots 13 through 19, from C-2 (General Commercial) to R-1 (Single Family Residential), subject to compliance with all applicable City of Freeport ordinances and adopted codes.

**Date:** June 1, 2026

**From:** Reggie Harris, Building Official

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**Staff Recommendation:** Staff recommends the approval of reclassification within the 200 Block of South Avenue B for the rezoning request from C-2 (General Commercial) to R-1 (Single Family Residential) for the property legally described as: VELASCO (FREEPORT), Block 12, Lots 13 through 19 subject to compliance with all applicable City of Freeport ordinances and adopted codes.

### **Item Summary:**

The property owner has submitted an application requesting the rezoning of the above-referenced property from C-2 (General Commercial District) to R-1 (Single Family Residential District).

A public hearing will be conducted in accordance with City procedures. Following the close of the public hearing, the City Council will consider action on the rezoning request.

### **Background Information:**

The subject property is located within the incorporated city limits of the City of Freeport. Historically, the property was utilized as a residential homestead; however, the residence was destroyed by fire and subsequently abandoned.

The applicant is requesting the rezoning in order to allow the construction of a new single-family residence on the property. The proposed rezoning would align the property's zoning designation with its intended residential use and the surrounding neighborhood character.

### **Special Considerations:**

- The property is located entirely within the City of Freeport city limits.



- The requested zoning designation is consistent with residential redevelopment within the surrounding area.
- Any future development will be required to comply with all applicable City ordinances, building regulations, and development standards.

**Financial Impact:** Approval of the rezoning request may result in future residential development and associated property tax revenue to the City of Freeport.

**Board or 3rd Party Recommendation:** Planning & Zoning Commission Recommendation:

The Planning and Zoning Commission met on March 24, 2026, to conduct a public hearing and consider the applicant's request to rezone the property located at 213 S Avenue B, Freeport, Texas, from C-2 (General Commercial) to R-1 (Single Family Residential). Following discussion and the close of the public hearing, the Planning and Zoning Commission voted to approve the reclassification within the 200 Block of South Avenue B as per the zoning request.

**Supporting Documentation:**

None

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, May 11, 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

Newly Elected Council:  
Councilman Larry McDonald for Ward A  
Councilwoman Nicolasa Mireles for Ward C

Staff: Danielle M Kelly, DPA, City Manager  
Christopher Duncan, City Attorney  
Clarisa Fernandez, City Secretary  
Ashlee Hurst, Finance Director  
Toby Cohen, IT Director  
Chris Motley, Fire Chief  
Maria Lopez, Main Street Coordinator  
Loretta Caddy, Interim Museum Director  
Nick Meeks, Utility Manager  
Crystal Ruiz, Executive Administrative Assistant  
Robert Johnson, EDC Director  
Corey Brinkman, Police Captain  
Kristy Mercado, Police Detective  
Leonel Organista, Police Department

Visitors:	David McGinty	Onnette Payne
	Gary Guerrieri	Mike Payne
	Linda Marshall	Rosa Morlan
	Manning Rollerson	Zane Morlan
	Sam Reyna	Robert Brooks
	Pamela Dancy	Thomas Koole
	Margaret Bachman	Debbie Brooks
	Ron Bachman	Karen Tait
	Kenneth Hayes	Carol Parker
	Troy Rivers	Mark Parker

**Call to Order:**

Call to Order - Jerry Cain, Mayor

Mayor Cain called the meeting of the Freeport City Council to order at 6:00P.M. on May 11, 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.

Troy Rivers addressed the council as a citizen, taxpayer, veteran, and an American exercising one of the oldest rights, the right to petition our government and speak publicly about grievances. He rejected remarks made at a prior meeting that he was a plant, stating he is not a plant, he is a citizen. Mr. Rivers spoke about the First Amendment and the historic role of petitions in American life, stating that a petition is not noise and not a political trick, but one of the peaceful tools free people use when government stops listening. He stated that a legally verified petition had come before the council and, as he understood it, council's duty had been ministerial, meaning to follow the process rather than decide whether they liked the petition or the politics behind it. He stated that by refusing to honor that process, the council had taken power away from the people, and warned that when government blocks the lawful voice of the people, serious questions arise. He asked council to remember its oath to the law, the character, and the people of Freeport, Texas.

Rob Giesecke, Chairman of the Port Freeport Commission, thanked the City of Freeport for its support of the Port's recent Take a Child Fishing Tournament. He reported that 395 children signed up, that the weather and participation were excellent, and that many fish were caught and prizes awarded. He said he was so overwhelmed by the support from the city, including council members, law enforcement, city staff, and the parks department, and emphasized that Port Freeport wanted to continue working with the city going forward. He also acknowledged council members rotating off the council and congratulated incoming members.

Carol Parker spoke on behalf of Freeport senior citizens. She promoted the upcoming May 15 senior bus trip, noting that the bus ride, food, and entrance would all be free for seniors age 55 and older, with 12 seats remaining at the time of her remarks. She thanked the EDC for support and encouraged everyone to help fill the bus. She also announced a May 18 bingo event with prizes and a free lunch and thanked staff and Councilman Rossow for their continued support of senior activities.

Pamela Dancy spoke primarily about the recall petition and council's prior handling of it. She said she had removed names and personalities from the issue and looked at whether the process had been done correctly: whether it had enough signatures, whether it was verified, and whether it was certified on time. In her view, that should have been enough. She spoke about what she described as efforts to muddy the waters because council did not like the outcome, and said that the council went against the will of the people. Ms. Dancy also commented on the attire the Mayor wore on Halloween. She spoke about former City Manager Lance Petty saying he was going to shut this city down. She concluded by telling several officials to take accountability and criticized what she viewed as bullying and political targeting.

Maria Lopez, Main Street Coordinator, spoke about the upcoming Stars and Stripes patriotic celebration on July 4 from 9:00 a.m. to 1:00 p.m. in partnership with the Freeport Historical Museum in Historic Downtown Freeport. She described the event as intended to be more than a holiday gathering and said its purpose was to create a meaningful community experience centered on family engagement and downtown revitalization. Activities would include a community bike parade, a most patriotic contest, the Texas 250 traveling exhibit, family-friendly activities, food vendors, music, daytime fireworks, and patriotic programming. She stated that the event aligned strongly with downtown revitalization efforts and was intended to become a signature community tradition. Interim Museum Director Loretta Caddy stated that one of the major highlights of the year's celebration would be the Freeport Historical Museum hosting the Texas 250 traveling exhibit. She explained that the exhibit commemorates the upcoming 250th anniversary of the United States and recognizes the role Texas communities played in the nation's history. Ms. Caddy stated that the Museum was honored to bring the exhibit to Freeport and provide local residents and visitors with the opportunity to experience it within the community. She further stated that, in addition to the exhibit, the event would include family-friendly activities, food vendors, music, daytime fireworks, patriotic programming, and various community engagement opportunities throughout downtown. Ms. Lopez stated that the project strongly aligns with the City's downtown Freeport revitalization efforts by encouraging visitation, creating photo opportunities, supporting community partnerships, and activating public spaces in a positive and memorable manner. Ms. Lopez further stated that the goal is for the celebration to become not only a successful Fourth of July event, but also a signature downtown tradition that residents will look forward to each year. She concluded by stating that staff looked forward to continuing preparations and providing the community with a fun, meaningful, and family-oriented experience during the summer season.

Sam Reyna congratulated the newly elected council members before they were sworn in and stated that the people had spoken, and the right choice had been made. He then spoke about the use of recall as a political weapon, calling the current mayoral recall effort a witch hunt. Mr. Reyna referenced charter provisions and a prior attorney general opinion and argued that the charter allowed the county judge to act if council declined to place a recall on the ballot. He stated that nowhere in Article 6 did it say council had to vote yes on the recall, nor that members would be punished for voting no. He spoke about how the recall elections can undermine representative government by making elected officials afraid to make unpopular but necessary decisions. He also suggested the Charter Commission consider adding specific recall criteria in the future and criticized spending on security, saying if an official wanted an escort, let him hire his own security officer and quit wasting our taxpayers' money.

Manning Rollerson addressed members of the audience and Council regarding his concerns about City leadership, community representation, and matters involving the East End of Freeport. Mr. Rollerson spoke about the voter participation within the Black community and expressed dissatisfaction with current and former elected officials, including Larry McDonald, Nicole Morales, and Winston Rossow. He alleged that certain officials had failed the citizens of Freeport and accused them of dishonesty and failing to follow the law. Mr. Rollerson also referenced religious leadership and stated that public officials and community leaders should uphold truth and accountability. He further alleged that there had been ongoing turmoil within the City and claimed that the East End had been taken illegally through actions involving the Port of Freeport and the City of Freeport. Mr. Rollerson referenced prior litigation and alleged violations of Texas law involving East End property matters. Mr. Rollerson additionally referenced prior federal litigation and cited decisions from cases involving Freeport and the Brazosport Navigation District, asserting that those decisions found no clear public purpose or public benefit related to the matters under discussion.

### **Proclamations - Presentations and Updates**

Recognition and Appreciation of outgoing Councilmembers for their service to the City - Dr. Danielle Kelly, City Manager

City Manager Dr. Danielle Kelly recognized and thanked Councilman George Matamoros and Councilman Jeff Pena for their service to the City of Freeport. Dr. Kelly stated that service in council roles requires time, dedication, and a genuine commitment to the community, often behind the scenes and without recognition, and she said that kind of service matters. She presented plaques to the outgoing members in appreciation of their service.

Councilman Pena then delivered farewell remarks. He said it was his last meeting, but he was not going anywhere. He described his service as built on transparency and accountability, said he was proud of every vote he cast, and stated that he had zero regrets because he believed he had told the truth while they kept telling lies. He referenced prior political controversies, announced that he would continue efforts relating to a recall of Mayor Cain, and formally announced his candidacy for mayor in 2027. He praised several city staff members, including the city manager, attorney, finance staff, billing department, and police department, and thanked Councilman Davis for what he described as bravery in prior matters.

## **Business**

Consideration and possible action approving Ordinance No. 2026-2764 canvassing the returns and declaring the results of the May 2, 2026 election.

Mayor Cain presented the item and explained that the ordinance would canvass the election returns and officially declare the results of the May 2, 2026, general election after receipt of the certified election results from the Brazoria County Elections Office. He noted that the results and ordinance had been posted on the city's website. Mayor Cain then read the certified totals into the record. For Council Position A, Larry McDonald received 40 votes and Melanie Oldham received 27 votes. For Council Position C, Nicole Mireles received 77 votes and Damond Peoples received 56 votes.

A motion was made by Mayor Cain to approve Ordinance No. 2026-2764 canvassing the returns and declaring the results of the May 2, 2026 election, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena questioned whether the Council was legally required to vote in favor of the ordinance, and whether voting against it or recusing was an option. City Attorney Christopher Duncan clarified that once the county certifies the election results, the council has a legal duty to vote yes and accept those results. He further noted that a no vote could result in a court ordering the council member to vote yes subsequently.

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 Ordinance No. 2026-2765 canvassing the returns and declaring the results of the May 2, 2026 Charter Election.

Mayor Cain presented the item, explaining that the Council was required to canvass and officially declare the results of the May 2, 2026, Charter Election. He confirmed the results had been posted to the city's website. The certified results were as follows: Amendment A, 249 for / 30 against; Amendment B, 237 for / 34 against; Amendment C, 238 for / 37 against; Amendment D, 256 for / 17 against; Amendment E, 242 for / 36 against. All five amendments passed.

A motion was made by Mayor Cain to approve Ordinance No. 2026-2765 canvassing the returns and declaring the results of the May 2, 2026 Charter Election, seconded by Councilman Matamoros with

discussion that followed.

Councilman Pena raised the same line of questioning regarding whether the Council was legally required to vote in favor. City Attorney Christopher Duncan confirmed the same legal duty applied. Councilman Pena asked whether he could vote no on items he had personally opposed as charter amendments. Mr. Duncan acknowledged that a no vote was possible but reiterated it would not be in compliance with the law.

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

Administer Oath of Office to newly elected Council Members for Ward A and Ward C and sign the required affidavits.

City Manager Dr. Danielle Kelly administered the Oath of Office to the newly elected Council members. Larry McDonald was sworn in for Ward A and Nicole Mireles was sworn in for Ward C. Both took the oath, affirming to faithfully execute their duties and to preserve, protect, and defend the Constitution and laws of the United States and the State of Texas. The required affidavits were signed following the oath.

Consideration and possible action of selecting a Mayor Pro Tem.

Ron Bachman resides at 96 Dolphin Lane, addressed the Council and community regarding the election of two new City Council members. Mr. Bachman stated that he wished to celebrate the occasion and encouraged residents and officials to forgive and forget as the City moves forward. Mr. Bachman stated that he hoped the community could begin with a clean slate and work toward a better future for Freeport. He commented that lingering on past offensive behavior, deceptive words, and prior transgressions would only contribute to continued division and conflict within the community. Mr. Bachman further stated that forgiveness requires thoughtful and intentional effort toward individuals who may have caused offense through words or actions. He encouraged residents not to speak disparagingly about others or express satisfaction over anyone's departure from public office, but instead to forgive and move forward. Mr. Bachman also commented that forgiveness and reconciliation are values not always actively practiced despite being commonly discussed in schools and churches. He concluded by encouraging everyone present to reflect on the process of truly forgiving and forgetting as the City moves forward together.

A motion was made by Councilwoman Mireles to select Winston Rossow as the next Mayor Pro Tem, seconded by Councilman McDonald with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

### **Proclamations - Presentations and Updates**

Presentation of Completed Golf Course Bathroom Renovations - Brian Dybala, Golf Course Director

Golf Course Manager and Coordinator Amaya Warren presented the update on behalf of the department. Ms. Warren reported that the bathroom renovations at the Freeport Golf Course had been completed in February and had been received with significant praise from customers, members, and staff alike. She noted the course was on forecast to reach 40,000 rounds of golf for the year, which she described as tremendous, and thanked the Council for approving the renovation. Mayor Cain remarked that 40,000 rounds might allow the course to break even or even generate a profit a notable improvement from prior years.

Proclamation of the City of Freeport declaring May 3-9, 2026 as National Jailer and Correctional Officer Appreciation Week - Mayor Cain

Mayor Cain read the Proclamation of the City of Freeport declaring May 3-9, 2026 as National Jailer and Correctional Officer Appreciation Week.

Proclamation of the City of Freeport declaring May 11-16, 2026 as National Police Officer Week - Mayor Cain

Mayor Cain read the Proclamation of the City of Freeport declaring May 11-16, 2026 as National Police Officer Week.

Upcoming Events -

Senior Citizens Commission Trip, May 15, Rosenberg

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

**Consent Agenda:**

Action regarding Minutes, April 15, 2026 and April 20, 2026 - Clarisa Fernandez, City Secretary

Action approving Road Closures for Fort Velasco Day, Saturday, June 13<sup>th</sup>, 2026, from 8:30 A.M. – 12:00 P.M - Loretta Caddy, Interim Museum Director

Action approving the Quarterly Investment Report for the FY26 Second Quarter, Ending March 31, 2026 - Ashlee Hurst, Finance Director

Action approving the iCAT Windstorm Insurance Policy renewal - Ashlee Hurst, Finance Director

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

**Business**

Consideration and possible action approving Individual Project Order No. 2026-04 with Kimley-Horn and Associates, Inc. for preparation of a Texas Water Development Board (TWDB) 2026 Water Supply and Infrastructure Grant (WSIG) Application.

City Manager Dr. Danielle Kelly presented the item, explaining that the proposed scope of work involved preparation of a single application to the Texas Water Development Board for the 2026 Water Supply and Infrastructure Grant. Key services were described as including coordination with city staff, site visits, preparation of required forms and supporting exhibits, development of an opinion of probable construction cost, assembly of a complete application package, and one round of revisions based on city review. Dr. Kelly noted the effort encompassed approximately 90 hours of work, that the final application would be submitted through the TWDB portal by the city, and that the submission deadline was July 30, 2026. The total cost for services was a lump sum of \$25,000, which Dr. Kelly confirmed would be reimbursed through the grant if awarded.

A motion was made by Councilman Davis to approve Individual Project Order No. 2026-04 with Kimley-Horn and Associates, Inc for preparation of a Texas Water Development Board (TWDB) 2026 Water Supply and Infrastructure Grant (WSIG) Application, seconded by Councilwoman Mireles with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2026-3043 an Agreement with Village of Surfside Beach - Repayment of Water Overbilling.

City Manager Dr. Danielle Kelly presented the item, explaining that the attached agreement formalized the repayment of \$651,641.41 in overbilled water charges to the Village of Surfside Beach. She stated the amount had been independently verified and mutually agreed upon by both parties as the full and final sum owed under the existing interlocal water supply agreement. The repayment structure included an initial payment of \$325,820.71 within 10 business days of execution, annual payments of \$100,000 beginning September 30, 2027, a final payment of all remaining principal and accrued interest at a rate of 3.6806 percent, and flexibility for prepayment without penalty. Dr. Kelly also noted the agreement included a mutual release of claims related to the over billing issue.

A motion was made by Councilman Davis to approve Resolution No. 2026-3043 an Agreement with Village of Surfside Beach - Repayment of Water Overbilling, seconded by Councilman McDonald with discussion that followed.

Mayor Cain provided context for the public, explaining that someone along the way fat fingered the billing rates for the Village of Surfside Beach which had been discovered internally by city staff, who then brought it to Surfside's attention. He emphasized the error was not malicious and that the city was doing the right thing by acknowledging and repaying the overbilled amount. He referenced prior council discussion confirming that the city could afford to pay half upfront, which formed the basis of the payment structure. He also noted that if budget allows in coming years, the city may elect to pay more than the \$100,000 annual installment.

City Manager Dr. Danielle Kelly stated that she wanted residents to know that internal controls had been strengthened. She explained that any utility changes made within the system now require director-level approval.

Councilwoman Mireles asked how long the overbilling had gone undetected. Finance Director Ashlee Hurst clarified that the billing rate in the city's system was correct per the master fee schedule; however, there was an interlocal agreement not known to her upon her arrival that capped the rate charged to Surfside at a set percentage above the BWA rate. The city had been charging its standard master fee schedule rate instead. She stated the discrepancy went on for just over two years, was discovered when Surfside went offline in early 2024, and had been under review since approximately October or November of that year. City Attorney Christopher Duncan clarified for the record that the error was made by a former lower-level employee who had since left the city, and was not the result of action by Ms. Hurst. Ms. Hurst also noted that internal controls had since been tightened, with any utility rate changes now requiring director-level approval.

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 Water Tender (Tender/Engine) Grant.

Fire Chief Christopher Motley presented the item, explaining that the Texas A&M Forest Service had contacted the city regarding a grant opportunity that had originally been communicated in error back in October. He recommended approval of the grant funding in the amount of \$300,000 for the acquisition of a water tender also commonly referred to as a tanker or engine subject to specific specifications. Chief Motley described the apparatus as intended to enhance the department's operational capabilities, particularly to improve fire protection in areas lacking established water infrastructure and to strengthen wildland interface fire response, especially at beachfront properties and rural acreage within the community. He noted the grant was structured as a reimbursement of up to 95 percent of qualifying costs, capped at \$300,000, and that the

department was currently evaluating manufacturers to identify an apparatus that fits within the grant parameters, with budget planning underway.

A motion was made by Councilman McDonald to approve Texas A&M Forest Service Water Tender (Tender/Engine) Grant, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Ordinance No. 2026-2766 Amending Chapter 124, "Short-Term Rental Facilities," by Removing the 200-Foot Density Limitation.

Robert Brooks resides at 101 Dolphin Lane, asked why the ordinance which he noted appeared to be fairly recent, was now being proposed for amendment. He specifically asked what had changed to make the 200-foot minimum distance requirement no longer tenable.

Annette Rael Ross resides at 119 Redfish Lane, stated her opposition to removing the 200-foot short-term rental restriction. She spoke about how the rule had helped reduce noise, transient traffic, and other disturbances in residential areas, and cited similar regulations in communities across the nation. She emphasized that the restriction had lowered problems experienced in the past and helped maintain the quality of the community.

Margaret Bachman resides at 96 Dolphin Lane, stated her concerns were not rooted in a not-in-my-backyard mentality but in preserving the character of all neighborhoods. She spoke about the short-term rentals operate as commercial businesses within residential areas, functioning as unsupervised hotels and subject to hotel tax collection. She further noted that many such rentals are owned by companies not individuals whose sole business model is purchasing homes for short-term rental, artificially inflating home values and contributing to housing shortages. She described a measurable reduction in incidents such as underage drinking, large parties, and overcrowded parking since the restriction had been in place.

Gary Guerrieri resides at 99 Dolphin Lane and EDC member, spoke about the current density regulations did not violate any rules or laws and that any legal advice to the contrary needed scrutiny. He warned that loosening restrictions would make Bridge Harbor a rental hotbed, dramatically reducing quality of life for residents. He cited personal experience with occupancy violations, noise complaints, and underage drinking at existing rental properties and warned of potential legal liability for the city if such conditions are allowed to proliferate.

City Attorney Christopher Duncan then presented the legal background. He explained that the issue arose when a resident was cited by code enforcement for operating a short-term rental without registration, and when he sought to register, was denied because another short-term rental existed within 200 feet of his property. The resident appealed administratively to the City Council, and Dr. Kelly asked Mr. Duncan to research the legal enforceability of the restriction. Mr. Duncan noted that he had drafted the original short-term rental ordinance but that the 200-foot density requirement was added after his prior tenure, likely sometime after 2022. Mr. Duncan presented an extensive review of relevant court decisions across the state and federal courts, summarizing each as follows: In *Village of Tiki Island v. Ronquill* (2015), a restriction creating a grandfathered class of short-term rentals was found unconstitutional for failing to treat similarly situated parties equally. In *City of Grapevine v. Munns*, prohibiting short-term rentals while allowing bed-and-breakfasts in the same neighborhoods was held unconstitutional. The City of Austin's multiple attempts in 2012 and again ten years later to restrict short-term rentals to owner-occupied properties were both found unconstitutional as regulatory takings, and outdoor assembly restrictions were additionally found to violate constitutional rights of assembly. In *Dallas Short-Term Rental Alliance v. Dallas* (2023), a ban on short-term rentals in single-family zones while permitting them in multifamily buildings resulted in an injunction. In *Stark v. New Orleans* (federal), restrictions applicable only to non-resident owners were found unconstitutional. In *Browning v. Hollywood Park, Texas*, an outright ban on short-term rentals was found to

be an unconstitutional regulatory taking. In *Marfield v. New Braunfels*, similar regulations were also found unconstitutional. Mr. Duncan concluded that he found zero cases in which a court upheld this type of density or eligibility restriction, and that the weight of case law clearly indicated the 200-foot restriction exposed the city to regulatory taking claims.

Mayor Cain stated that the matter had required significant time and discussion over the course of several meetings to reach its current stage. Mayor Cain stated that, on one hand, he did not want to take action that could place the City in jeopardy, but on the other hand, he wanted to protect the residents living in the affected areas to the greatest extent possible. Mayor Cain further stated that if the item passed, he encouraged continued discussion to determine what additional steps would be necessary to address the issue properly and protect residents living in neighborhoods surrounded by short-term rentals.

Councilwoman Mireles expressed concern that removing the restriction would put the residents, not just the city at risk.

Councilman Davis acknowledged it was a tough one and stated that the issue needed to be re-examined, suggesting that regulations addressing parking, occupancy, and noise might be a more appropriate approach.

City Attorney Christopher Duncan stated that, under state law, a short-term rental involves renting a residence for fewer than 30 days, while rentals of 30 days or longer are considered standard residential leases. He explained that the ordinance applies specifically to residential zoning districts, including R-1, R-2, and R-3 areas. Mr. Duncan further stated that the ordinance was originally drafted to provide regulations intended to protect residents in those neighborhoods and minimize disturbances associated with short-term rentals.

Councilman McDonald asked if homeowners could use their properties as Airbnb-style rentals. City Attorney Christopher Duncan clarified that the ordinance does permit short-term rentals, provided the rentals comply with the applicable regulations and involve rental periods of fewer than 30 days. Mr. Duncan explained that investor-owned homes rented on a month-to-month basis constitute regular rental properties, while short-term rentals differ only in that the rental periods are less than 30 days.

Councilman Davis expressed concerns regarding consistency and fairness in application of the regulations and suggested that the ordinance may need further review and revision.

Councilman McDonald asked whether this matter had previously been reviewed by the Planning Commission. Mayor Cain stated that the Planning Commission had not reviewed the matter. Councilman McDonald recommended the item be sent there before a vote.

A motion was made by Mayor Cain to table this item (6D), seconded by Councilman Rossow with discussion that followed.

Councilman McDonald sought clarification regarding the pending motion and asked whether the intent of the motion was to send the matter back to the Planning Commission. Mayor Cain confirmed and stated yes.

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

Discuss and take possible action to initiate an investigation of Councilman George Matamoros for LYING UNDER OATH @ trial with EDC, including TAX PAYER FUNDS recovery, administrative misconduct, and the authorization of a criminal referral for allegations of perjury or lying under oath during official proceedings.

Mayor Cain read the item summary stating that the City Council would discuss and take possible action regarding an investigation into Councilman George Matamoros for allegedly lying under oath during the lawsuit against the EDC. Mayor Cain further stated that the discussion would focus on the progress of fund recovery efforts, alleged financial irregularities, administrative misconduct, lack of transparency regarding expenditures, and the possibility of a criminal referral.

A motion was made by Mayor Cain to take no action on this item (6E), seconded by Councilwoman Mireles with discussion that followed.

EDC Director Robert Johnson addressed the Council and provided detailed background on the item. He explained that in 2011, Mr. Matamoros Senior had engaged with the EDC on a cleanup project that was ultimately shut down due to an injury and a claim by a rival party. Mr. Matamoros Senior filed a lawsuit against the Freeport EDC in September 2015. The case experienced delays due to medical issues with plaintiff's counsel, and ultimately proceeded to trial on January 28, 2019. The jury returned a verdict finding the Freeport EDC liable for breach of contract damages, plus interest and attorney's fees. Post-trial motions for judgment notwithstanding the verdict and a new trial were both denied by the court, and the case was not appealed. Mr. Johnson addressed the perjury allegation directly, explaining that during the post-trial motion process, an attempt was made to use bankruptcy records for impeachment purposes, but that evidence was not admitted. He emphasized the distinction between impeachment where a witness may acknowledge a prior inconsistency or a change in memory. He concluded that based on his review of the official court record, no credible basis for a perjury finding had been established. He further noted that even if such a claim had merit, misdemeanor perjury carries a two-year statute of limitations and felony perjury a three-year statute of limitations, both of which had long since expired. He stated that the appropriate time to raise a perjury claim would have been through an appeal, which the EDC did not pursue.

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

Discuss and consider possible action regarding a Resolution of Censure against Council Member Jerry Cain for vulgar, inappropriate, sexist, and perverted comments made to a fellow council member regarding a female resident in attendance at a public meeting.

Mayor Cain read the item summary, stating that Councilman Pena had alleged that following a regular council meeting, Mayor Cain made an offensive and sexist remark to Councilman Pena concerning a female resident who had spoken at a session addressing sexual harassment charges against a city official. The alleged remark and the financial implications of failing to address such conduct were also noted in the item description.

A motion was made by Councilwoman Mireles to take no action on this item (6F), seconded by Councilman McDonald with discussion that followed.

Mayor Cain stated that there is not a person in the room or within the sound of his voice that has ever heard him say what Councilman Pena is accusing him of saying. He further stated that even if such a remark had been made among friends in a private setting, it would not have been said to someone who publicly disparaged him in the manner Councilman Pena had.

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

## **Work Session**

### Council Ward A announcements and comments.

Councilman McDonald thanked everyone who had gone out and voted and acknowledged the efforts of those who supported his campaign. He noted he had not been in his seat long enough to bring forward specific issues but looked forward to the work ahead.

### Council Ward B announcements and comments.

Councilman Davis opened with a belated Mother's Day greeting to all mothers present and watching. He welcomed Councilman McDonald and Councilwoman Mireles, noting he already saw little change in the tone of the council meeting and expressing optimism going forward. He echoed remarks made earlier by Ron Bachman about forgiveness, urging all present to put past grievances behind them. He thanked the Port of Freeport for the Take a Child Fishing Tournament and praised Brazosport for a successful prom hosted at River Place, conveying the school's appreciation to the Council for making the venue available. He encouraged the Council and community to explore creating a scholarship for Brazosport High School graduates pursuing higher education, noting that Dow, BASF, and other entities already offer such support. He closed by expressing excitement for what lies ahead for Freeport.

### Council Ward C announcements and comments.

Councilwoman Nicole Mireles expressed her happiness to return to the Council, noting that some of her coworkers had questioned her decision to run again given her prior service. She reflected on having previously served alongside Councilman McDonald, stating the two had always been able to disagree respectfully and remain friends. She expressed that mutual respect was what she hoped to bring to the current Council. She acknowledged she was getting her feet wet again and stated that she would ask questions when she needed to in order to make informed votes, and thanked all those who had voted for and believed in her.

### Council Ward D announcements and comments.

Councilman Rossow responded to earlier public remarks that had characterized him as a liar, stating plainly and repeatedly, he is not a liar and describing such remarks as unnecessary. He affirmed his continued commitment to preaching the gospel. He promoted the senior citizens bus trip on May 15th, noting he intended to attend, and the bingo event on May 18th at River Place, encouraging all seniors to participate. He spoke warmly about the Take a Child Fishing Tournament, describing sitting on the levee with his wife to watch the children participate. Councilman Rossow noted that he is part of the Calvin Phillips Scholarship Fund, which recently distributed nine \$500 scholarships to student athletes at Brazosport. He encouraged families with college-bound students to seek out available scholarship resources, noting the existence of a thick book of opportunities for those willing to apply. He closed by thanking those present, praying for the new council, and expressing optimism that the unanimous votes throughout the meeting reflected a new collaborative direction.

### Mayor announcements and comments.

Mayor Cain thanked the audience for attending, noting it was the third consecutive meeting with a packed house at the start. He reflected on conversations with both Councilwoman Mireles and Councilman McDonald, both of whom had expressed a desire for a council that works together, and stated he believed the Council now had five members aligned around that goal. He expressed appreciation for the Port of Freeport's 26th annual Take a Child Fishing Tournament, sharing a personal reflection on watching children hold a fishing pole for the first time and the lasting memory that experience creates. He closed by stating the Council had a lot of work

ahead of them.

City Manager announcements and comments.

City Manager Dr. Danielle Kelly offered congratulations to the new Council members and expressed her anticipation of working with them. She shared a follow-up from AmeriWaste regarding the citywide cleanup effort, reporting that 43.48 tons just under 87,000 pounds of material had been collected. She described the result as remarkable and stated her intention to work with AmeriWaste on the possibility of holding such events more frequently and determining associated costs, noting there was clearly a community need for it.

Mayor Cain requested, without objection, that Ms. Laura Cramer and Mr. Robert Johnson be invited to attend the Executive Session.

**Executive Session**

Executive Session regarding a.) Texas Government Code, Section 551.071 (Consultation with Attorney) 1.) IDA Discussion 2.) Briarwood Property Discussion 3.) TPWD Land Swap 4.) Cause No. 125934-CV 5.) Antonelli's proposal 6.) Recall Election

The Regular Session closed at 8:12P.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 9:50P.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 McDonald to adjourn, seconded by Councilwoman Mireles with all present and voting "Aye" 5-0. Mayor Cain adjourned the meeting at 9:51P.M.

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Jerry Cain, Mayor

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Clarisa Fernandez City Secretary

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, May 18, 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 Larry McDonald  
Councilman Jarvis Davis  
Councilwoman Nicolasa Mireles  
Councilman Winston Rossow

Staff: Danielle M Kelly, DPA, City Manager  
Jennifer Howell, Police Chief/Assistant City Manager  
Chris Duncan, City Attorney  
Clarisa Fernandez, City Secretary  
Ashlee Hurst, Finance Director  
Toby Cohen, IT Director  
Chris Motley, Fire Chief  
Craig Graham, Police LT  
Juanita Cardozo, Police Department  
Loretta Caddy, Interim Museum Director  
Nick Meeks, Utility Manager  
Paul Pennington, Fire Marshal

Visitors:	Rosa Smith	Linda Marshall
	Sam Reyna	Jeff Pena
	Ron Bachman	Con McCleester
	Margaret Bachman	Diane McCleester
	Mark Parker	Pamela Dancy
	Carol Parker	Thomas Koole

**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 May 18, 2026, declaring a quorum is 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.

Carol Parker resides at 76 Dolphin Lane. She addressed the Council regarding an upcoming senior citizen event. Ms. Parker announced a celebration titled "Celebrating America 250 Indoor Picnic," scheduled for June 15th from 10:00A.M. to noon at the Freeport River Place on Mystery Harbor Lane. She noted the event would be catered by Mama C's, a newly opened Freeport restaurant, and encouraged all community members to attend without requiring advance registration. Ms. Parker distributed flyers to those in attendance.

Loretta Cady, manager of the Freeport Historical Museum, addressed the Council to announce the opening of a Sharks Exhibit that Saturday. Ms. Cady described the exhibit as featuring approximately a dozen life-size shark models, a scavenger hunt with prizes, and other interactive programming running all summer long. She emphasized that admission to the museum is completely free Tuesday through Saturday from 10:00 AM to 4:00 PM, and encouraged community members, families, and visitors to attend.

Jeff Pena resides at 224 West Park. Mr. Pena placed each Councilmember on notice, stating that any conduct he characterized as contract steering, weaponizing city departments, assisting in lawsuits against the city, or spreading false information would result in social media exposure and legal action. Mr. Pena then directed his remarks to the recall petition appearing as Agenda Item 4A, asserting that state law imposes a mandatory ministerial duty on the Council to pass the ordinance calling the recall election, and that the Council has no discretion to vote against it. He stated that legal counsel was prepared to pursue personal liability against any Councilmember who voted no. Mr. Pena further announced his candidacy for Mayor in May of 2027, emphasizing that he would continue to monitor city governance. He concluded by urging the Council to follow the law, avoid executive session on improperly posted matters, and remain accountable to what he described as the more than 10,000 residents of Freeport.

Thomas Koole addressed the Council on the subject of industrial tax abatements in Brazoria County. Mr. Koole stated he worked closely with the Texas Campaign for the Environment, stated that industries in the county receive approximately \$2.1 billion in tax abatements, with Freeport LNG receiving approximately \$1.1 billion, Dow Chemical approximately \$500 million, and Phillips 66 approximately \$208 million. Mr. Koole spoke about how these industries have failed to generate the promised jobs and have caused ongoing environmental and health hazards to the community, citing the 2022 Freeport LNG explosion, a 2024 Dow Chemical chlorine release, and subsequent flaring incidents releasing chemicals including benzene. He distributed petitions urging elected leaders to oppose further tax abatements for these industries and requested that Council members complete and circulate the petition.

Diane McCleester resides at 97 Dolphin Lane. She addressed the Council regarding the short-term rental ordinance she noted was discussed at the prior council meeting. Ms. McCleester stated she had originally introduced the ordinance in 2021, and expressed concern that cases cited at the previous meeting had since been overturned. She referenced the Draper v. City of Arlington ruling as affirming municipalities' authority to enforce strict zoning controls to preserve residential neighborhood character, and noted that Tiki Island now bans all new short-term rentals. Ms. McCleester cited the Texas Municipal League's position that home rule cities hold broad authority to regulate short-term rentals under Chapter 211.004 of the Texas Local Government Code, and noted that the Texas Legislature's 2019 House Bill 451 distinguished short-term rentals from long-term rentals for purposes of hotel occupancy tax collection. She also referenced the cities of McGregor, Waco, Belton, and El Paso as examples of municipalities with 500-foot distance rules for

short-term rental permitting, and maintained that the 200-foot rule proposed for Freeport does not deprive property owners of the right to lease, only the right to operate short-term rentals within that distance. She offered to provide additional zoning and statutory references to the Council.

### **Proclamations - Presentations and Updates**

Employee Recognitions – Employee of the Month, Paul Pennington, Deputy Chief Fire Marshal, Fire Department - Dr. Danielle Kelly, City Manager

Fire Chief Christopher Motley presented the Employee of the Month for the month of April 2026 to Paul Pennington, Deputy Chief Fire Marshal.

Upcoming Events -

Juneteenth Exhibit, May 20-June 20, Freeport Historical Museum

Toddler Takeover, May 20, Freeport Recreation Center, 10:00A.M.-12:00P.M.

Fort Velasco Day, June 13, Freeport Historical Museum, 9:00A.M.-12:00P.M.

Stars and Stripes, July 4, Historic Downtown Freeport, 9:00A.M.-1:00P.M.

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

### **Consent Agenda:**

Action regarding Minutes for April 29, 2026 - Clarisa Fernandez, City Secretary

Action approving the Monthly Financial Report through April 30, 2026 - Ashlee Hurst, Finance Director

Action approving the temporary road closure for the annual St. Mary Star of the Sea procession - Jennifer Howell, Police Chief

Action approving the temporary covering of no parking signs around FIS - Jennifer Howell, Police Chief

Action approving Resolution No. 2026-3044 authorizing the application to the Texas General Land Office (GLO) Beach Maintenance Reimbursement (BMR) Program and Designating the Finance Director as the Official with Full Authority to Act for the Purposes of the Program - Ashlee Hurst, Finance Director

Receive and File Kimley-Horn All-Way Stop Warrant Studies for Walnut Street Intersections - Dr. Danielle Kelly, City Manager

A motion was made by Councilman Davis to accept the Consent Agenda, seconded by Councilman McDonald with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

### **Business**

Consideration and possible action approving Ordinance No. 2026-2767 calling a Recall Election for the Office of Mayor to be held on November 3, 2026.

Sam Reyna resides at 2002 North Avenue G. He addressed the Council regarding consideration and possible action on Ordinance No. 2026-2767 calling a recall election for the Office of Mayor to be held on November 3, 2026. Mr. Reyna stated that the matter had already been considered by the Council and that the majority vote had been against placing the recall election on the ballot. He further stated that the City Manager and legal counsel do not have authority to override or veto the majority decision of the Council. Mr. Reyna asserted that Mr. Duncan should submit the Council's original decision from April 29 to the County Judge. He further stated that failure to do so would constitute neglect of duties and responsibilities to the Council and stated that Mr. Duncan's contract should therefore be terminated. Mr. Reyna concluded by requesting a legal explanation from Mr. Duncan regarding why Item 4A had been placed back on the agenda.

Councilman McDonald read aloud Section 6.11 of the City Charter, reiterating that the Charter empowers the county judge to act when the council fails or refuses to call a recall election. He expressed frustration that the same matter was being revisited after a majority council vote had already decided it, and urged the Council and City Attorney to follow the Charter as written.

City Manager Dr. Danielle Kelly presented Ordinance No. 2026-2767, explaining that the ordinance had been placed on the agenda pursuant to Article 6 of the City of Freeport Home Rule Charter regarding the calling of a recall election for the Office of Mayor. She noted the ordinance had been previously presented at the special meeting held on April 29, 2026, at which time the associated motion did not receive approval. Dr. Kelly stated that subsequent direction was provided to place the item back on a future City Council agenda for reconsideration. She confirmed that if approved, the ordinance would order a recall election to be held on November 3, 2026, the next authorized uniform election date under the Texas Election Code.

A motion was made by Councilman Davis to approve Ordinance No. 2026-2767 calling a Recall Election for the Office of Mayor to be held on November 3, 2026. The motion died due to a lack of a second.

Councilman Davis stated that he appreciated Councilman McDonald informing the Council and audience about what the Charter provides. However, he noted concerns regarding consistency in enforcement of Council rules related to speaking before a motion is made. Councilman Davis stated that there had been prior instances in which he had been corrected or stopped from speaking before a motion and discussion phase, and he requested that the rules be applied consistently to all Council members. He stated that he supports following the rules and explained that when informed he has violated procedure, he complies and waits respectfully before continuing discussion. Councilman Davis further stated that he did not object to the substance of the comments made, noting that the Charter had been read directly, but emphasized that Council members should be treated equally regarding speaking procedures and decorum during meetings.

Councilman McDonald responded that, in his opinion, discussion should occur before a motion is made. He stated that if a motion is taken before discussion, there is little opportunity to persuade or inform Council members prior to action being considered. Councilman McDonald further stated that the process had changed since he joined the Council and that he believed discussion should precede motions and seconds in the normal course of business. He also stated that concerns should be raised before a motion is made if the proposed action appears to conflict with the City Charter or Council bylaws.

City Attorney Christopher Duncan addressed the Council in response to public comments made during audience participation. Mr. Duncan clarified that nothing in Section 6.11 of the City Charter specifies that it is the city attorney's duty to refer the matter to the county judge, and that such an action would typically require direction from the council. He further clarified that he had not instructed Dr. Kelly to place the item on the current agenda, and asked the Council who had done so. Mr. Duncan addressed the matter of the item being placed on the agenda and stated that City Manager Dr. Danielle Kelly had previously read a memorandum before the motion was made. He noted that the memorandum indicated she had been instructed to place the item on the agenda. Mr. Duncan then asked the Council who had instructed Dr. Kelly to place the item on the agenda for that evening, stating that the instruction had not come from him or from Dr. Kelly. Mr. Duncan reiterated his question to the Council regarding who instructed Dr. Kelly to place the item on the agenda and asked whether anyone recalled the discussion from the previous meeting.

Councilman Davis stated that the instruction had occurred during executive session and that he believed the direction had come from the Council.

Mayor Cain affirmed that under current rules, a single councilmember's request is sufficient to place an item on the agenda.

Councilwoman Mireles stated that she disagreed with comments previously made by City Attorney Christopher Duncan indicating that Council members were required to vote in favor of the matter and had no alternative but to vote “yes.” Councilwoman Mireles stated that she had consulted with two attorneys, both of whom advised her that Mr. Duncan was incorrect and that he did not have the authority to direct Council members on how to vote. She further stated that legal counsel’s role is to advise the Council regarding the law and help keep the Council out of legal trouble, but not to instruct elected officials how to cast their votes. Mr. Duncan stated that he could provide the Supreme Court case supporting his position that the Council was required to vote in favor of the matter.

Mayor Cain then directed City Manager Dr. Danielle Kelly to contact the county judge to inquire whether the judge intends to take any action under Section 6.11 of the Charter, and stated that the item would continue to appear on future agendas depending on the county judge's response.

Consideration and possible action approving Resolution No. 2026-3045 to amend City of Freeport Policy 5.29 Academy Assistance Program.

Police Chief Jennifer Howell presented Resolution No. 2026-3045, explaining that staff recommended approval of an update to Policy 5.29, the Academy Assistance Program, which governs the city's process for sponsoring employees to attend the police or fire academy. Chief Howell noted that when the policy was originally established in the prior year, it lacked defined guidelines and structure. She further acknowledged that while a transition to civil service is anticipated in October, there is a current individual seeking city sponsorship for an upcoming academy class, making timely policy clarification necessary. She explained that under the proposed amendment, any city employee seeking academy sponsorship would first go through a departmental vetting process with the respective department head either police or fire prior to the city committing financial support. The intent of this change is to ensure that sponsored employees meet departmental mandates and standards before the city incurs costs, rather than discovering incompatibilities after the academy has been completed and funds have already been expended. She described the update as a housekeeping measure to establish proper procedures for the program going forward.

A motion was made by Councilwoman Mireles to approve Resolution No. 2026-3045 to amend City of Freeport Policy 5.29 Academy Assistance Program, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

**Work Session**

Councilman McDonald Ward A announcements and comments.

Councilman McDonald reported a drainage pipe, drainage line, and sidewalk issue in his ward that had already been addressed by City Manager Dr. Danielle Kelly's team, noting that staff responded ahead of schedule on Friday rather than waiting until Monday, which he expressed appreciation for. Councilman McDonald stated he had conducted a review of the city's drainage infrastructure and observed numerous deficiencies, particularly in Ward D. He indicated he intended to have photographs compiled and shared with the Council, possibly through the city's IT staff, and suggested the matter may need to be placed on a future agenda. Councilman McDonald also welcomed the new local restaurant Mama C's, noting he and Dr. Kelly had visited the establishment during its grand opening that day.

Councilman Davis Ward B announcements and comments.

Councilman Davis thanked attendees and those watching via YouTube for their participation. He recognized City Manager Dr. Danielle Kelly and the street department for their prompt response to a sidewalk hazard in Ward C near Agape Fellowship Church, noting that an elderly person had fallen and required an ambulance.

Councilman Davis expressed appreciation for the quick turnaround in addressing the hazard. He also spoke briefly to the broader tone of the Council, encouraging members to remain consistent in the application of rules and procedures, and urging Mayor Cain to ensure that governance is conducted equitably and in accordance with established procedures. Councilman Davis stated his remarks were not directed at any individual personally, but reflected a concern for upholding proper process.

#### Councilwoman Mireles Ward C announcements and comments.

Councilwoman Mireles reported that she had recently visited several locations in her ward, beginning with Stephen F. Austin Park's softball field, which she described as being in very poor condition. During her visit, a resident informed her that the field is used only as a practice field rather than for organized play. Councilwoman Mireles raised a concern about the concession stand at the park, noting it remains locked and that the city may be paying for electricity to power a refrigerator and other equipment that are not in active use. She requested that a staff member meet her at the facility to conduct an inspection of the concession stand. She acknowledged that City Manager Dr. Danielle Kelly is already addressing other issues she had raised, including drainage maintenance in preparation for hurricane season, and expressed appreciation for that responsiveness.

#### Councilman Rossow Ward D announcements and comments.

Councilman Rossow shared highlights from a recent EDC-sponsored community trip to the Rosenberg Railroad Museum. He described the museum as highly educational and impressive, noting exhibits dating back to the 1800s, along with photographs, souvenirs, replicas, and the opportunity to tour actual trains. He expressed that he had been unaware of the museum's depth despite living in the area his entire life. Councilman Rossow also praised the meal at Soda Fountain restaurant in Rosenberg, enthusiastically describing the half-pound cheeseburgers as perfectly cooked and unlike anything available locally. He noted the trip included approximately 33 participants on a chartered, air-conditioned bus with no incidents, and thanked the EDC for sponsoring the outing, as they had also sponsored an Astros game the prior year. He encouraged the audience to applaud the EDC for the experience and expressed anticipation for future events.

#### Mayor Jerry Cain announcements and comments.

Mayor Cain noted that one issue with the EDC trip was that he was unable to attend and that there had been empty seats. He expressed sincere thanks to all who attended the meeting and those watching from home, emphasizing that public engagement is meaningful to the Council. Mayor Cain offered a congratulatory acknowledgment to Mama C's on their soft opening, noting he had not been able to attend due to the meeting but intended to visit the following day. He encouraged the community to support the new downtown restaurant, expressing his belief that it could serve as a catalyst for broader downtown revitalization. Mayor Cain also extended congratulations to graduating seniors and encouraged them to make the community proud. Mayor Cain spoke directly about public comments made by former Councilman Jeff Pena referencing a Halloween costume worn by the Mayor. Mayor Cain stated openly that he has been passionate about Halloween for over thirty years, running a private Halloween party that has grown to incorporate a city-sponsored event since 2020. He acknowledged that the private group chooses more elaborate costumes than those worn for city events, where a family-appropriate theme is maintained. Mayor Cain stated that he is not ashamed of dressing as Little Debbie for Halloween and described the costume as one of the funniest he had ever worn. He expressed disappointment at what he characterized as Mr. Pena's use of the costume for political purposes, but acknowledged that such activity would likely continue.

#### City Manager announcements and comments.

City Manager Dr. Danielle Kelly shared that she had also visited Mama C's and expressed enthusiasm about having an additional dinner option available in Freeport. She noted she had inquired about organizing a formal ribbon cutting and community grand opening event, and that the owner had asked for approximately

two weeks before setting a date. Dr. Kelly confirmed she would announce the event to the public once a date is confirmed.

City Attorney Christopher Duncan requested that an additional item be included in the executive session. Mr. Duncan explained that City Manager Dr. Danielle Kelly had been conducting interviews for the assistant city manager position and had identified a primary applicant. He stated that Dr. Kelly required consultation with the city attorney and the council regarding certain provisions of a contractual agreement with that applicant, and confirmed that such consultation is permissible under the Texas Government Code. The Council concurred.

### **Executive Session**

Executive Session regarding a.) Texas Government Code, Section 551.071 (Consultation with Attorney) 1.) IDA Discussion. 2.) TPWD Land Swap.

The Regular Session closed at 6:59P.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 7:51P.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 McDonald to adjourn, seconded by Councilwoman Mireles with all present and voting "Aye" 5-0. Mayor Cain adjourned the meeting at 7:51P.M.

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Jerry Cain, Mayor

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Clarisa Fernandez City Secretary



# City Council Agenda Item #[4.C]

**Title:** Consideration and possible action to set the FY2026–2027 Budget Workshop Dates.

**Date:** June 1, 2026

**From:** Ashlee Hurst, Finance Director

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**Staff Recommendation:** Motion to establish the FY2026–2027 budget workshop dates of June 13, 2026 and July 11, 2026.

**Item Summary:** Staff is striving for improved collaboration, communication, and long-term planning during the FY2026–2027 budget development process. In an effort to work proactively and collaboratively with City Council throughout this budget cycle, staff recommends establishing two budget workshop dates, June 13, 2026 and July 11, 2026. These workshops will provide an opportunity for detailed discussion of departmental requests, financial priorities, capital needs, and overall budget planning to help ensure a thorough and transparent budget development process for the upcoming fiscal year.

**Background Information:** Staff recommends establishing the FY2026–2027 budget workshop dates to allow City Council and staff adequate time to review departmental budget requests, financial projections, capital improvement needs, and other related budgetary matters in preparation for adoption of the annual budget.

**Special Considerations:** N/A

**Financial Impact:** No fiscal impact associated with this action.

**Board or 3rd Party Recommendation:** N/A

**Supporting Documentation:**

1. 2026-2027 Budget Calendar

# CITY OF FREEPORT

## FY 2026-2027 BUDGET CALENDAR

Date	Activity
March 3*	OpenGov Budget Software End User Training
March-April	Prepare preliminary revenue estimates (Finance)
April 3	Department Heads may begin entering budget requests
April 20	Budget Priorities Council & Public Engagement Initiative
April 23*	Department Head meeting for revenue estimate discussion
April 30	1 <sup>st</sup> Estimate of 2026 taxable values received from Brazoria County Appraisal District (BCAD)
May 8	Finalize preliminary revenue estimates (Finance)
May 12*	Department Head meeting for revenue estimate update
May 15	Department Heads finalize all budget requests in OpenGov
May 19, 20*	One on one meetings held between City Manager, Finance Director, and Department Heads to discuss budget requests and five-year plans
May 22	2 <sup>nd</sup> Estimate of 2026 taxable values received from BCAD
June 13**	1 <sup>st</sup> Budget Workshop – Budget/Tax Rate Overview
June 16*	Extended Department Head meeting to discuss budget workshop requests
June 19	3 <sup>rd</sup> Estimate of 2026 taxable values received from BCAD
July 11**	2 <sup>nd</sup> Budget Workshop – Budget/Tax Rate Overview
July 14*	Department Head meeting to discuss budget workshop requests
July 24	Receive 2026 certified appraisal roll from BCAD and calculate Effective and Roll Back Tax Rates
July 31	Final review and decisions on proposed budget. File Proposed Budget with City Secretary and Publish online.
August 3***	Council action to set proposed 2026 tax rate and setting the public hearing (if necessary); Council action for setting the FY2026-2027 budget public hearing (required)
August 4	Publish/post notice of 2026-2027 Budget Public Hearing (required) and the Tax Rate Hearing (if applicable)
August 17	Public Hearing for budget (required) and tax rate (if applicable)
September 8***	Council adoption of the tax rate and budget
September 15***	Deadline to adopt the tax rate and budget
October 1	Fiscal Year 2026-2027 begins

\* - Department Head Meetings (6)

\*\* - Budget Workshop (2)

\*\*\* - Council Action (3)



## City Council Agenda Item #[4.D]

**Title:** Consideration and possible action approving Resolution No. 2026-3046 to amend section 9.07A Alternative to Overtime: Flextime to the Personnel Policy Manual.

**Date:** June 1, 2026

**From:** Dr. Danielle Kelly

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### **Staff Recommendation:**

Approve Resolution No. 2026-3046 amending Section 9.07A of the City Personnel Policy Manual to allow approved flextime to be utilized within 30 days of being earned rather than within the same pay period.

### **Item Summary:**

The proposed amendment updates the City's current flextime policy to provide additional flexibility in the scheduling and utilization of approved flextime. Under the current practice, employees utilizing flextime are generally required to adjust their schedules within the same pay period in which the additional hours are worked. The proposed revision would allow approved flextime hours to be utilized within 30 days of being earned, while continuing to prohibit the banking or accumulation of compensatory time. The amendment would continue to require supervisory approval and maintain compliance with operational staffing needs and applicable labor regulations.

The proposed change is intended to provide departments with greater scheduling flexibility while also supporting employee work-life balance and operational continuity. Supervisors would retain discretion to approve flextime requests based on departmental needs and staffing requirements.

### **Background Information:**

Section 9.07A of the City Personnel Policy Manual establishes flextime as an alternative scheduling tool intended to reduce overtime costs and provide flexibility for employees and supervisors. During recent discussions regarding implementation of the policy, Council expressed support for expanding the allowable timeframe for utilization of flextime in order to improve administrative flexibility and employee scheduling options. The proposed amendment would revise the policy language to expressly provide that approved flextime must be utilized within 30 days of being earned and may not be banked or accrued indefinitely. All other policy



provisions, including approval requirements and compliance with Fair Labor Standards Act (FLSA) requirements, would remain in effect.

**Special Considerations:**

The proposed amendment is not anticipated to have a direct financial impact and may assist departments in managing overtime obligations more efficiently through increased scheduling flexibility.

**Financial Impact:** N/A

**Board or 3rd Party Recommendation:** N/A

**Supporting Documentation:**

1. Resolution Overtime Comp Time 052126

**RESOLUTION NO. 2026-3046**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, AMENDING SECTION 9.07A OF THE CITY PERSONNEL POLICY MANUAL, “ALTERNATIVE TO OVERTIME: FLEXTIME,” TO EXPRESSLY ALLOW ALL CITY EMPLOYEES TO UTILIZE FLEXTIME; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Freeport, Texas, has adopted personnel policies governing employee work schedules and overtime practices; and

**WHEREAS**, Section 9.07A of the City Personnel Policy Manual establishes flextime as an alternative to overtime; and

**WHEREAS**, the City Council desires to clarify and expand eligibility under this policy to ensure consistent application across all departments and employee classifications; and

**WHEREAS**, the City Council finds that allowing all City employees to utilize flextime, when operationally feasible and subject to approval, supports efficiency, accountability, and employee work-life balance;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, THAT:**

**Section 1. Amendment Employees**

**Section 9.07A – Alternative to Overtime:** Flextime of the City Personnel Policy Manual is hereby amended to expressly provide that all City employees, including hourly and salaried employees, are eligible to receive and utilize flextime, subject to the terms, conditions, and approval requirements set forth in the policy.

**Section 2. Amendment Timeframe**

**Section 9.07A – Alternative to Overtime:** Flextime of the City Personnel Policy Manual is hereby amended for hourly employees and salaried employees, flextime must occur within 30 days in which the additional hours are worked and may not be banked.

**Section 3. Administration**

Flextime shall continue to be administered in accordance with applicable federal and state labor laws, including Fair Labor Standards Act (FLSA) requirements, and shall remain subject to supervisory and City Manager approval, operational needs, and coverage requirements.

**Section 4. No Other Changes**

All other provisions of Section 9.07A and the City Personnel Policy Manual not expressly amended by this resolution shall remain in full force and effect.

**Section 5. Effective Date**

This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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Jerry Cain, Mayor  
City of Freeport, Texas

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Clarisa Fernandez, City Secretary  
City of Freeport, Texas

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Christopher Duncan, City Attorney  
City of Freeport, Texas

## EXHIBIT A

### 9.07A Alternative to Overtime: Flextime

#### **Purpose:**

Provide an alternative to overtime through flextime scheduling, balancing operational needs and employee work-life balance.

1. **Eligibility.** Applies to all City employees (hourly and salaried)
2. **Flextime in Lieu of Overtime.**
  - When overtime is needed, schedules may be flexed to substitute equivalent time off during regular hours.
  - Prevents overtime for hourly employees and ensures salaried employees stay within 40 hours.
  - Police/Fire: adjusted per their 7(k) periods.
  - Must occur within 30 days for hourly and salaried employees and may not be banked.
  - Substitution can be scheduled before or after the overtime, with supervisor approval.
3. **Approval Process.**
  - Must have prior supervisor approval. Directors must have City Manager approval.
  - Requests follow the same process as vacation leave.
  - Supervisors must ensure adequate coverage of city operations.
4. **Implementation.**
  - Supervisors should balance operational needs with employee personal needs
  - Flextime may include:
    - Adjusted start/end times
    - Compressed workweeks
    - Other schedule variations
  - Remote work, hybrid work, job-sharing, and comp-time may be considered if operationally feasible.
5. **Responsibilities.**
  - Employees: Maintain productivity and meet performance standards.
  - Supervisors: Monitor attendance, ensure communication, and document flextime arrangements.

**Directors using Flex Time are subject to call back.**



## City Council Agenda Item #[4.E]

**Title:** Consideration and possible action approving Resolutions appointing/reappointing members to various Boards and Commissions.

**Date:** June 1, 2026

**From:** Dr. Danielle Kelly

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**Staff Recommendation:** Staff recommends approval of the proposed resolutions appointing and reappointing individuals to various Boards and Commissions as presented. These appointments are in accordance with established procedures and ensure continued functionality and representation on each board.

Additionally, each board representative would like the opportunity to provide a recommendation regarding the discussion considered during their respective board meetings.

**Item Summary:** Terms have expired on each of the Boards and Commissions. These terms expired on May 31, 2026. Additionally, there are several positions left vacant due to members stepping down before their term expired. At the time this memo was created the City has received applications from individuals who are interested in serving on these Boards and Commissions.

Additionally, board representatives wish to provide recommendations based on matters discussed at their respective board and commission meetings.

**Background Information:** N/A

**Special Considerations:** N/A

**Financial Impact:** N/A

**Board or 3rd Party Recommendation:** N/A

**Supporting Documentation:**

1. Boards and Commissions list 2026
2. Planning and Zoning Resolution 2026
3. EDC Resolution 2026
4. Board of Adjustment Resolution 2026
5. Historic Commission and Main Street Resolution 2026
6. Beautification Board Resolution 2026

**Planning Commission (3- Vacancies)**

<i>Applicant (Expired)</i>	<i>Reapplied</i>
Karla Clark	No
Andrew Dill	Yes
Loren Eric Hayes	Yes

***New Applications***

Patti Richardson  
Greg Bartosh  
Yanira Estrada  
Susan Landers

**Economic Development (3-Vacancies)**

<i>Applicant (Expired)</i>	<i>Reapplied</i>
Ronnie Martin	Yes
Kenneth Tyner	Yes
David McGinty	Yes

***New Applications***

Eric Hayes  
Jeff Pena  
Ralph Frazier  
Vanessa Warrick  
Greg Bartosh

**Board of Adjustments (3-Vacancies)**

<i>Applicant (Expired)</i>	<i>Reapplied</i>
Landis Adams	No
Kenneth Hayes	Yes
Margaret Bachman (Alternate)	Yes

***New Applications***

Yanira Estrada

**Historical Commission & Main Street (6-Vacancies)**

<i>Applicant (Expired)</i>	<i>Reapplied</i>
Flora Green	Yes
Jeff Crisp	No
Irene Ocanas	No
James Wood	Yes
Sandra Leavey	No
Michelle Bachman (Resigned)	No

***New Applications***

Leslie Anguiano  
Jeff Pena  
David McGinty  
Yanira Estrada  
Susan Landers

**Beautification Parks and Rec (2- Vacancies)**

<i>Applicant</i>	<i>Reapplied</i>
Julio Chavez (Resigned)	
Theodore Baker (Resigned)	

***New Applications***

Sunsan Landers  
Yanira Estrada  
Vanessa Warrick

**RESOLUTION NO. 2026-3047**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON(S) TO THE PLANNING COMMISSION OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.**

**WHEREAS**, the term of office of the Karla Clark, Andrew Dill, and Loren Eric Hayes named member(s) of The Planning Commission of the City of Freeport, Texas ("the City") has expired, of the appointed term;

**WHEREAS**, the term of appointment of the above member(s) terminates on May 31, 2026 the City desires to appoint the below named qualified person(s) as member of said committee.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:**

**SECTION ONE (1): APPOINTMENT**

The City Council of the City hereby nominates, constitutes and appoints or reappoints the following named qualified person(s) to the Planning Commission of the City for a term of two (2) years which expires on May 31, 2028 and until a successor for such person shall have been appointed and qualified, to-wit.

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**SECTION TWO (2): DUTIES**

The above-named appointee shall perform all of the duties imposed on members of the Planning Commission of the City by law and the ordinances and resolutions of the City.

**SECTION THREE (3): OATH OF OFFICE**

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitution Oath of Office as required by law.

**READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2026.**

\_\_\_\_\_  
Jerry Cain, Mayor  
City of Freeport, Texas

ATTEST: \_\_\_\_\_  
Clarisa Fernandez, City Secretary  
City of Freeport, Texas

**RESOLUTION NO. 2026-3048**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON(S) TO THE FREEPORT ECONOMIC DEVELOPMENT CORPORATION OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.**

**WHEREAS**, the term of office of Ronnie Martin, Kenneth Tyner, David McGinty board directors of The Freeport Economic Development Corporation of the City of Freeport, Texas ("the City") has expired of the appointed term;

**WHEREAS**, the term of appointment of the above director(s) terminates on May 31, 2026;

**WHEREAS**, the above director(s) holds the position of an "B" director, of which the term of "B" directors expires in even numbered years;

**WHEREAS**, the City Council of the City desires to appoint/re-appoint the below named qualified person(s) as member(s) of said board of directors.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:**

**SECTION ONE (1): APPOINTMENT**

The City Council of the City hereby nominates, constitutes and appoints the following named qualified person to the Freeport Economic Development Corporation of the City for the of a term of two (2) years which expires on May 31, 2028, and until a successor for such person shall have been appointed and qualified, to-wit.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**SECTION TWO (2): DUTIES**

The above-named appointee shall perform all of the duties imposed on members of the Freeport Economic Development Corporation of the City by law.

**SECTION THREE (3): OATH OF OFFICE**

Before engaging in the performance of the duties of office, appointee shall take the Oath of Office as required by law.

**READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2026.**

\_\_\_\_\_  
Jerry Cain, Mayor  
City of Freeport, Texas

ATTEST: \_\_\_\_\_  
Clarisa Fernandez, City Secretary  
City of Freeport, Texas

**RESOLUTION NO. 2026-3049**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, APPOINTING QUALIFIED PERSONS TO THE BOARD OF ADJUSTMENTS OF THE CITY TO FULFILL TWO-YEAR TERMS; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATHS OF OFFICE REQUIRED BY LAW.**

**WHEREAS**, the terms of office have expired for the Freeport Board of Adjustments members Landis Adams, Kenneth Hayes, Margaret Bachman (ALT) of the Board of Adjustment of the City of Freeport, Texas (“the City”) has expired, of the appointed term;

**WHEREAS**, the City Council of the City desires to appoint the below named qualified person(s) to fill the vacant or expired positions on the board for two (2) year terms, said appointments as members of said board.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:**

**SECTION ONE (1): APPOINTMENT**

The City Council of the City hereby nominates, constitutes and appoints the following named qualified persons to the Board of Adjustments of the City to fulfill the remaining term(s) as appointed, to wit:

- |      |          |                 |                              |
|------|----------|-----------------|------------------------------|
| Name | 1. _____ | Term expiration | <u>5/31/2028</u> (Regular)   |
|      | 2. _____ |                 | <u>5/31/2028</u> (Regular)   |
|      | 3. _____ |                 | <u>5/31/2028</u> (Alternate) |

**SECTION TWO (2): DUTIES**

The above-named appointees shall perform all of the duties imposed on members of the Board of Adjustment of the City by law and the ordinances and resolutions of the City.

**SECTION THREE (3): OATH OF OFFICE**

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitutional Oath of Office and signed the affidavit required by law.

**READ, PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Jerry Cain, Mayor  
City of Freeport, Texas

ATTEST: \_\_\_\_\_  
Clarisa Fernandez, City Secretary  
City of Freeport, Texas

**RESOLUTION NO. 2026-3050**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON TO THE FREEPORT HISTORIC COMMISSION AND MAIN STREET BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.**

**WHEREAS**, the term of office of the Flora Green, Jeff Crisp, Irene Ocanas, James Wood, Sandra Leavey board member(s) of The Freeport Historic Commission and Main Street Board of the City of Freeport, Texas ("the City") has expired, of the appointed term;

**WHEREAS**, the term of appointment of the above members(s) terminates on May 31, 2026;

**WHEREAS**, Michelle Backman has resigned from the Freeport Historic Commission and Main Street Board prior to the expiration of her appointed term, which expires on May 31, 2027, and the City Council desires to appoint a qualified person to fill the remainder of such unexpired term;

**WHEREAS**, the City Council of the City desires to appoint the below named qualified person(S) as member(s) of said board.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:**

**SECTION ONE (1): APPOINTMENT**

The City Council of the City hereby nominates, constitutes, appoints and/or re-appoints the following named qualified person(s) to the Freeport Historic Commission and Main Street Board of the City for a term of two (2) years which expires on May 31, 2028, and until a successor for such person shall have been appointed and qualified, except for any appointment made to fill the unexpired term resulting from the resignation of Michelle Backman, which term expires on May 31, 2027, to-wit:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_ **Term Expiration: 05/31/2027**

**SECTION TWO (2): DUTIES**

The above-named appointee(s) shall perform all of the duties imposed on members of the Freeport Historic Commission and Main Street Board of the City by law.

**SECTION THREE (3): OATH OF OFFICE**

Before engaging in the performance of the duties of office, appointee shall take the Oath of Office as required by law.

**READ, PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Jerry Cain, Mayor  
City of Freeport, Texas

ATTEST: \_\_\_\_\_  
Clarisa Fernandez, City Secretary  
City of Freeport, Texas

**RESOLUTION NO. 2026-3051**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON(S) TO THE BEAUTIFICATION/PARKS AND REC BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.**

**WHEREAS,** Julio Chavez and Theodore Baker have resigned from the Freeport Beautification/Parks and Rec Board prior to the expiration of their appointed terms, which expire on September 30, 2027, and the City Council desires to appoint qualified person(s) to fill the remainder of such unexpired terms;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:**

**SECTION ONE (1): APPOINTMENT**

The City Council of the City hereby nominates, constitutes and appoints/re-appoints the following named qualified person(s) to the Freeport Beautification/Parks and Rec Board of the City for a term to fill the unexpired terms resulting from the resignations of Julio Chavez and Theodore Baker, which terms expire on September 30, 2027, to-wit:

1. \_\_\_\_\_
2. \_\_\_\_\_

**SECTION TWO (2): DUTIES**

The above-named appointee(s) shall perform all of the duties imposed on members of the Freeport Beautification/Parks and Rec Board of the City by law.

**SECTION THREE (3): OATH OF OFFICE**

Before engaging in the performance of the duties of office, appointee(s) shall take the Oath of Office as required by law.

**READ, PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Jerry Cain, Mayor  
City of Freeport, Texas

ATTEST: \_\_\_\_\_  
Clarisa Fernandez, City Secretary  
City of Freeport, Texas



# City Council Agenda Item #[4.F]

**Title:** Consideration and possible action on the appointment of City Council Liaison for City of Freeport Boards and Commissions.

**Date:** June 1, 2026

**From:** Dr. Danielle Kelly

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**Staff Recommendation:** Staff recommends the Council members volunteer and formally be appointed to serve as Liaisons to the City's various Boards and Commissions.

**Item Summary:** According to Article 4. Sec. 2-143 of the City of Freeport Code of Ordinances. The city council shall appoint one of its members to attend the meetings of the boards and commissions established by the city Charter or the city council and to serve as a liaison between such boards and commissions and the city council.

**Background Information:** Active Boards include (with current Liaison)

- Planning and Zoning Commission (Councilman Matamoros)
- Economic Development (Mayor Cain)
- Board of Adjustments (Councilman Matamoros)
- Historical Commission and Main Street (Councilman Davis)
- Senior Citizens Commission (Councilman Rossow)
- Beautification/Parks and Recreation Commission (Councilman Rossow)

**Special Considerations:** N/A

**Financial Impact:** N/A

**Board or 3rd Party Recommendation:** N/A

**Supporting Documentation:**

None



## City Council Agenda Item #[4.G]

**Title:** Discussion regarding amending Ordinance No. 2025-2756 establishing specific procedures and deadlines for items to be placed on the City Council agenda.

**Date:** June 1, 2026

**From:** Dr. Danielle Kelly

---

### **Staff Recommendation:**

Discuss the current ordinance governing agenda item placement procedures and provide direction to staff regarding any desired amendments. If directed, staff will prepare a revised ordinance for formal consideration at a subsequent City Council meeting.

### **Item Summary:**

The City Council will discuss the current procedures and deadlines governing placement of items on City Council agendas and within Council agenda packets. The existing ordinance establishes timelines and procedural requirements for regular and special meeting agenda requests submitted by the Mayor or individual Council members. Discussion may include the timing of agenda requests, packet preparation deadlines, supporting documentation requirements, and overall workflow associated with agenda development and public posting.

No action is requested at this meeting other than policy discussion and potential direction to staff regarding whether amendments to the existing ordinance should be prepared for future Council consideration.

### **Background Information:**

On December 1, 2025, the City Council adopted Ordinance No. 2025-2756 establishing procedures and deadlines for items to be placed on City Council agendas.

The ordinance currently provides, among other provisions:

- Procedures for Mayor or Councilmember requested agenda items for regular and special meetings;
- Submission deadlines for agenda requests;
- Requirements for placement of requested items on agendas;
- Responsibilities related to preparation of resolutions, ordinances, and supporting documentation;



- Procedures regarding reconsideration of previously defeated items; and
- Requirements associated with workshop discussions and agenda compliance.

As part of ongoing Council governance and operational discussions, Council may wish to evaluate whether modifications to the current process are appropriate to improve efficiency, clarify expectations, enhance packet preparation timelines, or otherwise refine the agenda development process. Should Council provide direction to amend the existing procedures, staff will prepare a revised ordinance for formal consideration at a future meeting.

**Special Considerations:** Any amendments to agenda procedures must remain consistent with applicable provisions of the Texas Open Meetings Act and the City Charter.

**Financial Impact:** N/A

**Board or 3rd Party Recommendation:** N/A

**Supporting Documentation:**

1. Ordinance No. 2025-2756

**ORDINANCE NO. 2025-2756**

**AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, AMENDING ORDINANCE 2022-2672 AND 2025-2742 ESTABLISHING SPECIFIC PROCEDURES AND DEADLINES FOR ITEMS TO BE PLACED ON THE CITY COUNCIL AGENDA; CONTAINING A SEVERANCE CLAUSE, AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON SUCCESSFUL PASSAGE AND EXECUTION BY THE MAYOR AND CITY SECRETARY.**

**WHEREAS**, the City Council desires to ensure equal access by each Council member to bring items for consideration to the City Council as a whole; and

**WHEREAS**, the City Council recognizes that City staff must gather information, draft proposed resolutions and ordinances, and organize documents for each agenda item, and adequate time should be provided for City staff to perform those functions; and

**WHEREAS**, the City Council seeks to amend and modify Ordinances 2022-2672 and 2025-2742; and

**WHEREAS**, the City Council of the City of Freeport, Texas, has determined and does here now declare that the adoption of this ordinance is necessary to the fair and orderly administration of its constitutional and statutory powers as a home-rule municipality.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:**

FIRST, the City Council specifically finds that all items contained in the preamble above are true and correct.

SECOND, Ordinance is amended so that all agenda items shall be placed on the agenda of a regular or special Council meeting upon the request of the Mayor or a single council member and said ordinance shall read as follows:

“The City Council adopts the following rules, procedures and deadlines for items requested by the Mayor or Council member to be placed on a City Council Agenda:

1. Any request made by the Mayor or a single (1) Council member for an item to be placed on the agenda of a REGULAR Council meeting must be made in writing, to the City Manager, on or before noon (12:00 p.m.) on the Thursday that is nine (9) calendar days prior to the date meeting. The City Manger may place any item on the REGULAR Council meeting agenda prior to posting.

If a recognized City holiday falls at any time during the 9-day period preceding the meeting, including the Thursday deadline, the submission deadline shall be moved to noon (12:00P.M.) on the immediately preceding Wednesday.

2. Any request made by the Mayor or a single (1) Council member for an item to be placed on the agenda of a SPECIAL Council meeting must be made in writing, to the City Manager, at least ninety-six (96) hours prior to the meeting. The City Manger may place any item on a SPECIAL Council meeting agenda prior to posting.
3. The City Manager shall place the requested item on the agenda as requested within the timeframe above.
4. The City Manager shall place the requested item in open session or executive session as requested and shall use the exact language as requested.
5. The City Manager and City staff shall contact the requesting Council member should they have any questions or require more information to prepare the necessary documents for the item prior to the posting deadline.
6. The City Manager shall be responsible to have all necessary resolutions, ordinances, supporting documentation prepared and in the City Council packets delivered to Council members on the day the agenda is posted, and, if the City Manager chooses, the City Manager may prepare a Council memorandum with a recommendation regarding the requested action.
7. The Council may table any agenda item upon motion and majority vote during the open session of the Council meeting of which the item is on the agenda.
8. If an item is placed on a City Council agenda for action and such item is defeated by vote or inaction, that item may not be reintroduced on a future City Council agenda for (3) months unless requested by the Mayor or another single Council member who did not sponsor the original agenda item.
9. Any items discussed during a council member's workshop presentation, other than general announcements, shall be requested in compliance with this Ordinance.

THIRD, in the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

FOURTH, this ordinance shall take effect immediately upon its passage and execution by the Mayor and the City Secretary.

FIFTH, the City Council specifically finds and determines that the meeting at which this ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ, PASSED, AND ADOPTED this 1<sup>st</sup> day of December, 2025.

  
\_\_\_\_\_  
Jerry Cain, Mayor

ATTEST:

  
\_\_\_\_\_  
Clarrisa Fernandez, Secretary

APPROVED AS TO FORM ONLY:

  
\_\_\_\_\_  
Christopher Duncan, City Attorney



## City Council Agenda Item #[4.H]

**Title:** Discussion regarding amending Resolution No. 2025-2951 standard procedures to nominate and select positions for all Council appointed boards.

**Date:** June 1, 2026

**From:** Dr. Danielle Kelly

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### **Staff Recommendation:**

Discuss the current resolution governing appointment and nomination procedures for City Council and council-appointed boards and provide direction to staff regarding any desired amendments. If directed, staff will prepare a revised resolution for formal consideration at a subsequent City Council meeting.

### **Item Summary:**

The City Council will discuss the current procedures governing nominations and appointments to council-appointed boards, commissions, and related positions. Discussion may include nomination procedures, appointment processes, voting methodology, eligibility requirements, attendance requirements, liaison participation, and other procedural elements associated with board appointments and selections. No action is requested at this meeting other than policy discussion and potential direction to staff regarding whether amendments to the existing resolution should be prepared for future Council consideration.

### **Background Information:**

On September 2, 2025, the City Council adopted Resolution No. 2025-2951 establishing standardized procedures for nominations and selections conducted by the City Council and council-appointed boards.

The resolution currently includes provisions related to:

- Individual nominations for each position being considered;
- Opportunities for nominees present in person to address the Council or board;
- Discussion of qualifications and considerations related to nominees;
- Procedures allowing board liaisons to make initial motions for appointments;
- Requirements that appointments and votes occur individually rather than as part of a slate; and



- Requirements that individuals being considered for appointment be present in person.

As part of ongoing Council governance discussions, Council may wish to evaluate whether modifications to the current appointment procedures are appropriate to improve efficiency, clarify expectations, enhance flexibility in the appointment process, or otherwise refine the process used for board and commission appointments. Should Council provide direction to amend the existing procedures, staff will prepare a revised resolution for formal consideration at a future meeting.

**Special Considerations:** Any amendments to appointment procedures should remain consistent with applicable provisions of the City Charter, adopted board bylaws, and the Texas Open Meetings Act.

**Financial Impact:** N/A

**Board or 3rd Party Recommendation:** N/A

**Supporting Documentation:**

1. Resolution No. 2025-2951

**RESOLUTION 2025-2951**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, REQUIRING THE CITY COUNCIL AND ALL COUNCIL-APPOINTED BOARDS TO FOLLOW A STANDARD PROCEDURE TO NOMINATE AND SELECT POSITIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council is required among its duties to nominate and select persons to serve on various council-appointed boards; and

**WHEREAS**, the City Council is required among its duties to nominate and select persons to serve as mayor pro tem and on occasion to fill empty council seats; and

**WHEREAS**, council-appointed boards are required among its duties to nominate and elect officers, chairpersons, investment officers, secretaries, subcommittees, and other positions within their respective boards; and

**WHEREAS**, there has been a recent trend in which entire groups are nominated and selected in a rapid fashion without the ability to consider nominations made by other council members or board members, and without consideration of positions on an individual basis; and

**WHEREAS**, the City Council finds that consideration of all nominations all positions on an individual basis is the most fair, and the most effective method; and

**WHEREAS**, failure to all nominations by each member and failure to consider each person and position individually may result in an uneven and possibly discriminatory affect that excludes persons based on race, gender, religion, disability or other protected classes; and

**WHEREAS**, the City Council finds it necessary to set establish guidelines and procedures for nomination and selection to be implanted by the City Council and all council-appointed boards.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS;**

**SECTION 1.** The City Council finds the statements contained in the above preamble are true and correct.

**SECTION 2.** The City Council hereby requires that all positions selected by the City Council and council-appointed boards shall follow the following procedures:

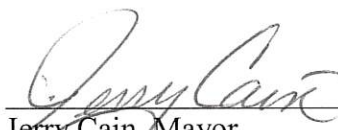
1. Every member of the council or board shall be allowed to make nominations for each position being considered; then
2. Each person nominated that is present in person, shall be provided an opportunity to present his or her merits to be selected; then

3. Every member of the council or board shall be allowed to discuss the pros and cons of selection for the personal nominated; then
4. For board appointments by the city council, the council member that is the liaison of that board, shall be allowed to make the first motion to appoint a single nominee and a vote will be taken;
4. After nominations and discussion set forth above, the Council or board shall entertain motions and votes to select appointments one at a time , and not as a slate.
5. No person may be selected or appointment voted on, unless that person is present in person.

**SECTION 3.** If any provision of this resolution is found to violate the City Charter, laws of the state, or laws of the federal government, upon a final judgment or order of a court of competent jurisdiction, that offending portion shall be severed from this resolution and shall not affect of the remaining provisions.

**SECTION 4.** It is hereby found and determined that the meeting at which this resolution was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

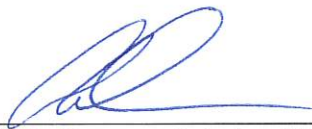
Read, passed and adopted the 2<sup>nd</sup> day of September, 2025.

  
 \_\_\_\_\_  
 Jerry Cain, Mayor  
 City of Freeport, Texas

ATTEST:

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Clarisa Molina, City Secretary  
 City of Freeport

  
 \_\_\_\_\_  
 Chris Duncan, Interim City Attorney  
 City of Freeport



# City Council Agenda Item #[4.I]

**Title:** Consideration and possible action approving Resolution No. 2026-3052 deeming property of the Freeport Police Department surplus for donation.

**Date:** June 1, 2026

**From:** Chief Jennifer Howell, Police Chief

---

**Staff Recommendation:** Staff recommends approval of a resolution deeming property of the Freeport Police Department as surplus for donation.

**Item Summary:** Freeport Police Department's K9 Abigail has faithfully served the City of Freeport as a police canine since 2019. Due to her age and increasing limitations, it is recommended by PD staff and her vet that she no longer perform the duties required of an active police canine.

**Background Information:** In 2026, Freeport Veterinary Office discovered some minor health concerns with K9 Abigail. At that time, it was discussed to review ending her career sometime within the next year. Recently, her handler is no longer an employee of the Freeport Police Department. Due to her age (9+ years), it would not be feasible to try and establish her with a new handler. Another former handler had expressed interest in her and could provide her a safe and loving home to enjoy her retirement.

**Special Considerations:** That she has been a good girl.

**Financial Impact:** None.

**Board or 3rd Party Recommendation:** None.

**Supporting Documentation:**

1. Resolution Surplus K9 Abigail (1)
2. K9 Abigail\_Retirement

**RESOLUTION NO. 2026 -3052**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, DECLARING CERTAIN PERSONAL PROPERTY A CITY ASSET, YET NOW OBSOLETE AND SURPLUS; PROVIDING FOR DONATION OF THE SAME BY THE CITY MANAGER OR THEIR DESIGNEE; AUTHORIZING THE MAYOR TO EXECUTE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City has certain City property to wit attached as Exhibit “A”; and,

**WHEREAS**, the City of Freeport owns certain property and equipment used by the Freeport Police Department in the performance of its official duties; and

**WHEREAS**, K9 Abigail has faithfully served the City of Freeport as a trained police service dog and is considered a City asset; and

**WHEREAS**, due to her age and resulting limitations, K9 Abigail is no longer able to perform the duties required of an active police canine; and

**WHEREAS**, the City Council finds that K9 Abigail no longer serves a necessary public purpose in her working capacity and therefore meets the definition of surplus property; and

**WHEREAS**, it is recognized as a longstanding and humane practice to retire police canines to the care of a previous handler who has an established bond, experience in meeting the animal’s needs, and the ability to provide an appropriate retirement environment; and

**WHEREAS**, the City Council desires to ensure that K9 Abigail is placed in a home that best supports her well-being following retirement;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, THAT:**

**SECTION 1:** K9 Abigail is hereby declared to be City property and is further deemed surplus property due to age and inability to continue performing active police duties.

**SECTION 2:** The City Council hereby authorizes the donation and permanent transfer of ownership of K9 Abigail to a previous handler, as recommended by the Chief of Police, provided that said handler accepts full responsibility for the ongoing care, custody, and control of the animal.

**SECTION 3:** The City Manager and Chief of Police are authorized to execute any documents necessary to effectuate the transfer of K9 Abigail in accordance with this Resolution, such as Exhibit A.

**SECTION 4:** This Resolution shall take effect immediately upon its passage and approval.

**PASSED and APPROVED** by the City Council of the City of Freeport, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**APPROVED:**

\_\_\_\_\_  
**Jerry Cain, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Clarisa Fernandez, City Secretary**

**APPROVED:**

\_\_\_\_\_  
**Chris Duncan, City Attorney**

## EXHIBIT A

### Permanent Custody Agreement for K9 Abigail

This Permanent Custody Agreement (“Agreement”) is entered into on this \_\_\_\_ day of \_\_\_\_\_, 2026, by and between the Freeport Police Department (“Department”) and City Council of Freeport and \_\_\_\_\_ (“Officer”).

#### Purpose

The purpose of this Agreement is to permanently transfer custody and possession of K9 Abigail to Officer while establishing the responsibilities and conditions associated with such transfer.

#### Identification of K9

- Name: K9 Abigail
- Breed: Black Labrador Retriever
- Approximate Age: 9 years old

#### City Asset and Surplus Declaration

K9 Abigail was previously designated as a City asset utilized by the Freeport Police Department. On June 1, 2026, the City Council of Freeport officially deemed K9 Abigail to be surplus property and authorized the transfer of permanent custody to Officer pursuant to this Agreement.

#### Transfer of Permanent Custody

The Department hereby grants permanent custody and possession of K9 Abigail to Officer effective \_\_\_\_\_, 2026. Officer accepts permanent custody of K9 Abigail and agrees to provide proper care, housing, supervision, food, and humane treatment for the remainder of the animal’s life.

#### Financial Responsibility

Effective upon transfer of custody, Officer shall be solely responsible for all costs and expenses associated with K9 Abigail, including but not limited to:

- Veterinary care;
- Emergency medical treatment;
- Prescription medications;
- Food and supplies;
- Grooming and boarding;
- Transportation;
- Any other expenses related to the care and maintenance of K9 Abigail.

The Freeport Police Department and the City of Freeport shall have no financial responsibility for K9 Abigail after the effective date of this Agreement.

#### Return of K9 Abigail

In the event Officer is no longer willing or able to keep K9 Abigail, Officer agrees that K9 Abigail shall be returned to the Freeport Police Department and shall not be sold, transferred, surrendered, or rehomed to any third party without prior written consent from the Department.

**End of Life Consultation**

In the event that K9 Abigail approaches end of life or requires euthanasia due to medical necessity, Officer agrees to consult with the Freeport Police Department prior to making any final decisions. The Department must be informed and involved in discussions regarding K9 Abigail’s care and welfare at this critical stage, ensuring all actions are taken in the best interest of the animal.

**Liability**

Officer assumes all responsibility and liability associated with the care, custody, control, and ownership of K9 Abigail from the effective date of this Agreement forward. Except as otherwise provided by law, each party shall remain responsible for its own acts and omissions.

**Entire Agreement**

This Agreement constitutes the complete understanding between the parties concerning the permanent custody transfer of K9 Abigail and supersedes any prior verbal or written agreements regarding her care or placement. Any amendments to this Agreement must be in writing and signed by both parties.

**SIGNATURES**

Freeport Police Department

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

City of Freeport Approval

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Officer

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

**NOTARY**

This instrument was subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public, State of Texas



5/19/26

RE: Abigail Retirement Consideration

Dear Freeport Police Department and City Council,

I am writing to confirm that the average retirement age for a working police canine is between 7 and 10 years. This retirement age varies based on how frequently a canine is used while in service, the type of service that the canine is responsible for performing, the overall health of the canine in question, and the unique characteristics of each canine and their respective breed.

As of the date of this letter, Abigail is 9 years 8 days old (birthdate on record of 5/11/2017). Abigail has hypothyroidism and urinary incontinence, which are both being actively treated. Additionally, as a labrador retriever, we consider Abigail to be a senior as of 7 years old. Based on her breed, Abigail's expected lifespan is anywhere from 12 to 15 years with arthritis usually starting around 9 to 10 years of age. This letter in no way means that her current ability to serve is greatly impaired, however retirement needs to be considered and planned for soon.

On a personal note, having personally owned a labrador, they are very social dogs. Labradors thrive when bonded with a person or family. I recommend finding Abigail a home where she will be socially engaged and enriched. Thank you for the opportunity to allow me to serve as Abigail's veterinarian and I hope to be given the opportunity to provide care for Freeport's next police canine.

Sincerely,

Kody Goerdel, DVM

Owner, Freeport Veterinary Medical Center



# City Council Agenda Item #[4.J]

**Title:** Consideration and possible action approving Resolution No. 2026-3053 deeming property of the Freeport Police Department surplus.

**Date:** June 1, 2026

**From:** Chief Jennifer Howell, Police Chief

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**Staff Recommendation:** Staff recommends approval of a resolution deeming property of the Freeport Police Department as surplus for destruction.

**Item Summary:**

The Freeport Police Department requests authorization to designate certain equipment as surplus property in accordance with City of Freeport property disposal procedures. The equipment listed below consists of ten (10) Symbol handheld ticket writing computers that were previously used for police service.

**Background Information:**

These devices were removed from service in 2025 after the operating systems on the units stopped being supported for ticket writing use. The units were replaced with iPhone devices, and the department has transitioned to iOS service.

Due to the technological upgrades and changes in system infrastructure, these devices are no longer required for departmental use and the department no longer has a need for them. These devices will be disposed in a similar manner to cell phones and/or computer hard drives.

**Special Considerations:** None.

**Financial Impact:** None.

**Board or 3rd Party Recommendation:** None.

**Supporting Documentation:**

1. Resolution Destroy Surplus (1)

**RESOLUTION NO. 2026-3053**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, DECLARING CERTAIN PERSONAL PROPERTY AS OBSOLETE, VALUELESS AND SURPLUS; PROVIDING FOR DISPOSAL OF THE SAME BY THE CITY MANAGER OR THEIR DESIGNEE; AUTHORIZING THE MAYOR TO EXECUTE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City has certain personal property to wit attached as Exhibit “A”; and,

**WHEREAS**, said personal property due to its age and/or use is obsolete, valueless and surplus and has no effective value for the City to otherwise dispose of such personal property; and

**WHEREAS**, the City no longer has any foreseeable use for such property which has no useful purpose and the same should be deemed to be surplus; and,

**WHEREAS**, the City needs to dispose of such personal property; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, THAT:**

**SECTION 1.** the personal property owned by the City identified by Exhibit “A”, attached, are hereby declared to be obsolete, valueless and surplus, and that the City Manager or their designee is authorized to dispose of such personal property by appropriate means.

**SECTION 2.** That should any word, phrase, paragraph, or section of this Resolution be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Resolution as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Resolution as a whole.

**SECTION 3.** That all provisions of the resolutions of the City of Freeport, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

**SECTION 4.** That this Resolution shall take effect immediately from and after its passage as the law provides.

**PASSED and APPROVED by the City Council of the City of Freeport, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.**

**APPROVED:**

\_\_\_\_\_  
Jerry Cain, Mayor

**ATTEST:**

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Clarisa Fernandez, City Secretary

**APPROVED:**

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Chris Duncan, City Attorney

**EXHIBIT A**  
**RESOLUTION 2026 - \_\_\_\_\_**

*Equipment Proposed for Surplus Designation*

Equipment Description	Model	Serial Number
Symbol	TC700H	16351522502455
Symbol	TC700K	18117522500656
Symbol	TC700K	18117522500648
Symbol	TC700K	19155522504317
Symbol	TC700H	16351522502118
Symbol	TC700H	16239522506811
Symbol	TC700H	16351522502615
Symbol	TC75AH	15202522500038
Symbol	TC70	15169522501479
Symbol	MC67ND	14011521401391