

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. Mumms*, 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.

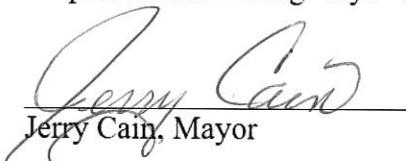
The Executive Session ended at 9:50P.M. and the Council went back into Regular Session.


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.

  
Jerry Cain, Mayor

  
Clarisa Fernandez City Secretary