

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.

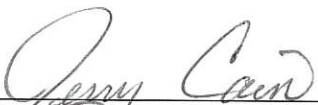
The Executive Session ended at 7:51P.M. and the Council went back into Regular Session.

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.



Jerry Cain, Mayor



Clarisa Fernandez City Secretary