

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Tuesday, February 18, 2025 at 6:00 PM at the Freeport Council Chamber located at 430 North Brazosport Blvd. , Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Jerry Cain
Councilman Jeff Pena
Councilman Jarvis Davis
Councilman George Matamoros
Councilman Winston Rossow

Staff: Lance Petty, City Manager
Scott Bounds, Interim City Attorney
Clarisa Fernandez, City Secretary
Ashlee Hurst, Finance Director
Toby Cohen, IT Manager
Donna Fisher, Human Resource Director
Crystal Ruiz, Executive Administrative Assistant
Chris Motley, Fire Chief
Jennifer Howell, Police Chief
Rudy Ragle, Public Works Director
Jared Miller, Police Department

Visitors:	Manning Rollerson	Kenny Hayes
	Con McCleester	Carl Parker
	Diane McCleester	Mark Parker
	Pamela Dancy	

Call to Order:

Call to Order - Jerry Cain, Mayor

Mayor Cain called the meeting to order at 6:00P.M.

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.

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.

Pamela Dancy resides at 313 South Front Street. She said we are in February, and she remembers the Council telling the residents that in February 2025 they were going to start working on the road coming into Freeport. She said she was just curious if there were any updates on that from Mr. Petty. She said she had spoken to some people well out of a conversation out of Surfside, and they were stating that they were going to try to pay us back with FEMA funds, but she also read online that there was a pause on some of those FEMA funds, and she does not know what is actually factual or not, but if it is factual, then that could probably put a hickey on Surfside paying the City, and so she does not know how that would be handled since there is a recurring payment every month that they owe, but she would definitely like to know about the roadwork since we are almost done with February work.

Hans Marticiuc said he is a retired Houston Police Officer. He has 38 years in law enforcement, and he currently works for the Combined Law Enforcement Associations of Texas. He said he was there to speak on behalf of the agenda item on civil service 2I. He said they are in favor of it, but they are not in favor of the date.

Jared Miller said merit, a merit raise, also known as a merit increase, is a pay increase given to employees based on their performance. He said cola is a cost of living raise also called a cost of living adjustment and it is an increase in someone's salary or benefits designed to offset the rising costs of goods and services due to inflation, essentially allowing them to maintain their current standard of living despite price increases. He said good evening for everyone watching at home or watching across the nation he wanted them to all understand that he was not alone in this evening he stood with his brothers and sisters in blue and yellow, which were just behind him. He said you might not be able to see them on the camera, but they are there. He said his name is Jared Miller, and he resides in Freeport. He said he is coming to this Council meeting not only as a concerned citizen, but as a concerned employee. He said he has lived in the City for almost a year, and has worked for the Freeport Police Department for almost four. He said you are probably wondering why 2I is on this agenda for tonight. He said this item has been brought forth by the employees of the Freeport Police Department who are tired of sitting back and watching things unfold. He said this past year it was presented to the Freeport City Council in the budget that the entire City staff of Freeport was to receive a 3.5% cost of living adjustment, while most of the City employees did in fact receive it, it is the employees at the Police Department who are not on the pay matrix did not. He asked why did they not receive this? He asked, is everybody else's cost of living better than his? He said he paid \$6 a dozen for a thing of eggs, and he knows all the Council did as well with all the rising egg cost. He said to the Council he hoped that they would hear his heart and his concern. He said they did not put on this badge for the money they signed up to go save their children from people who should not be on the streets. He said they signed up to give chest compressions to the elderly woman who was on her deathbed that would ultimately pass while they struggled to keep her alive. He said they signed up to stay up all hours of the night protecting their family from the dangers that this world has, knowing that this would cause us to be away from ours. He said they have missed countless practices, games, Thanksgivings, Christmases, and major milestones in each of their children's lives so they could protect yours. He said they worked days on end to take care of the citizens of this City during Hurricane Beryl. He said he laid his head to rest right there and his partner laid right back behind the two Councilman. He said while they were out working and then at night, the night shift would come in there, and they would swap out, and it should, however, be duly noted that the ladies in yellow are also with them, the dispatchers, the ladies who are a lifeline on the radio. He said the ladies who are their cornerstone and the ones they depend on to keep things running seamlessly have endured the same treatment as the officers of Freeport. He said these ladies are highly trained and required to answer multiple calls for service guarantee accurate dispatch information is relayed to responding officers and ensure officer safety. He said during Hurricane Beryl, these ladies slept in the other rooms throughout the PD crammed 6 or 7 of them in dispatch with no AC, keeping up with the higher-than-usual call volume, and they were the voice of comfort on the other side of that phone while the citizens battled the hurricane. He said their

families suffered just as much as their officers' families, but they get paid significantly less. Mr. Miller said these ladies did not receive their cost of living adjustments either. He said they knew the job they were signing up for but what they did not realize was that while they swore to take care of the City, City management would refuse to take care of them. He said you need to understand that the men and women that he is representing right now are some of the bravest men and women there are, but they all fear retaliation from the City management for speaking out. Mr. Miller said while they fear, they feel it has come to the point where they need to take a stand and bring this to the attention of the community. He said their goal is to bring awareness to this injustice and encourage the right thing to be done.

Manning Rollerson said that it is a tough one to follow. He said it speaks a lot about the men and women that sit out in the streets all night long and watch our backs, make sure our kids can walk down the streets and make it home, keep criminals from breaking into our homes in the middle of the night, and they can not afford to buy a dozen eggs this speaks a lot about governance and management. He said he came today because he just got back from Japan February 1st. He said he went to Japan to find out who was responsible for the explosion of June the 8th, 2022 from LNG. He said he went to find out who was culpable for the citizens of Freeport. He said his concern from this Council was why have they not all tried to find out about the deliberate dumping in the City of Freeport when the mechanism showed and the CEO proved that he did not told them not to turn on the emergency warning system. He said that is a deliberate dumping and impact on the community. He said the City said nothing and the City did nothing. Mr. Rollerson said there are contingency plans to get the people taken care of that get sick based on June 8th, 2022 from all the major banks in Japan, the three that are financing the Japanese government, that are paying for LNG and the process of billing them out. He said this brings him to one thing and asked the Council why did they vote on tax abatements to bill LNG but not with one \$1 was invested to LNG and that was from the Japanese government? He asked how is that possible, and where is our money going? He said they do not have streets they do not have new neighborhoods. He said the land is being sold but yet they invested everything in this community but for 57 years, Freeport has not grown at all. He said, and then the City wants to run away from its obligations downtown to bring business back downtown and wants to buy another building. He said they can not afford to go buy more homes, nobody. He said this City must show some leadership for a change, because it is at the point now where he filed the human rights abuse case against the City of Freeport, and he did it with the Department of Interior, because at the end of the day, it is allowed to be poisoned, to drink bad water, and the Council knows everything that is going on in this government dealing with criminality, that is just plain and simple, plays out every week, the cover-ups. He said at the end of the day, there is a law firm that can not even write a contract to get money back. Mr. Rollerson asked what was going on here? He said all of these reasons are reasons why people are being neglected and these are human rights abuse claims. He said to the Council they would be getting a letter.

Business

Consideration and possible action approving meeting minutes, February 3, 2025, and workshop minutes, February 10, 2025.

A motion was made by Councilman Matamoros to approve the meeting minutes, February 3, 2025, and workshop minutes, February 10, 2025, as presented, seconded by Councilman Rossow with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

Consideration and possible action by City Council approving the sale of trust property within the city limits located at Velasco Townsite, Block 694 Lot 16.

Special Projects Supervisor Laura Cramer said tonight she had four offers on trust properties placed on this agenda. She said each of these properties has been approved by the Brazoria County Resale Committee and accepted the amount offered and, as a taxing entity, it is the Council's job to vote, to accept or deny their offers. She said before she began each of these offers, she wanted to kind of explain how a property ends up in front of the Council as a resale property. She said these properties end up there because of unpaid taxes

and when a property becomes delinquent, the tax attorneys, Perdue Brandon, file paperwork with the County and take possession of the lots, and they are presented for auction to the highest bidder at a live auction in Angleton, conducted by the Sheriff's Department. Ms. Cramer said the minimum bid for a tax sale is the total taxes due, penalties, interest, including court costs, or sometimes it is the value of what the property is, and it is usually whichever one is less. She said if there are no bids, the property goes on to a list called the resale list, and it is properties all over the county that there was no bid on at the auction and anybody can make a bid on that piece of property, and it will be presented to the resale committee that so it would be presented to the resale committee, and they approve it, or they deny it. She said when they approve it, then it ends up in front of the Council. Ms. Cramer said the purpose of this being presented is basically to get the unpaid taxes paid and get the property back on the tax roll. She said the purpose is not for the City to receive the dollar amount that it would receive if it was a private sale. She said this is simply the last step in the process of getting taxes paid and the property back on the tax roll. She said the next four items were made by the same person. She said so item 2B the Brazoria County Resale Committee met on January the 28th and accepted an offer of \$3,300 and the taxes due on the property were \$3,265 for the years of 2002 through 2022, and are expected to receive \$702.46 if this is approved.

Mayor Cain said that means that there are four more lots that the City does not have to mow as well. Special Projects Supervisor Laura Cramer said it is the City's obligation to do the maintenance on properties that are in trust to the City.

A motion was made by Councilman Matamoros to deny the sale of trust property within the city limits located at Velasco Townsite, Block 694 Lot 16. Motion died due to a lack of a second.

A motion was made by Mayor Cain to approve the sale of trust property within the city limits located at Velasco Townsite, Block 694 Lot 16, seconded by Councilman Davis with discussion that followed.

Councilman Pena thanked Special Projects Supervisor Laura Cramer for putting this information together. Councilman Pena asked Ms. Cramer if she knew who the buyer was on all four of these? Councilman Pena said he did not see it in the packet. Ms. Cramer said it is on the third page of this item, and it is halfway down on that sheet of paper, and it says property information at the top. Councilman Pena asked if it was Mr. Abbasaly.? Ms. Cramer said yes. Councilman Pena asked if Mr. Abbasaly had purchased other properties in the City prior to this? Ms. Cramer said not to her knowledge, but the County folks seem to be familiar with who he is, or she is this person should she say. Councilman Pena asked in terms of the back taxes, the back taxes annually that are owed so that was from? Ms. Cramer said it was from 2002 to 2022. Councilman Pena asked what happened in 2023 and 2024? Ms. Cramer said on the third page of the item it says post-judgment information and that shows what has accrued since judgment for the years 2023 and 2024. Councilman Pena said the value on this packet on page 43 of the packet shows \$11,720 as the market value and so all the taxes accumulated by the County and every taxing entity is basing their tax value on that \$11,000 and asked if that was right? Ms. Cramer said for the future going forward, but at the time it was when the judgment was which was in 2022 she believes. Councilman Pena asked what that value was in 2022? Ms. Cramer said the adjudged value was \$3,280. Councilman Pena said that was what he was kind of curious about, so as it stands, it is accruing tax revenue at that value. Ms. Cramer said yes but no one is paying it. Councilman Pena said no one is paying it, but it is being accrued, but the moment somebody pays it, all of that gets satisfied. Ms. Cramer said they would have to whoever the purchaser is also then have to go and pay the taxes and the ones that have accrued since judgment. Councilman Pena said correct if they were selling it for \$700 or, for that matter, what was it something. Ms. Cramer said the offer was \$3,300. Councilman Pena asked and so the City is getting \$700 of that? Ms. Cramer said yes, it is after court costs and penalties and all the fun stuff that goes along. Councilman Pena asked if it was fair to say then, that they are going to be getting less because it would be taxed on the \$3,000 value, or is it still going to be at the \$11,000 value once if the Council approves it, is the valuation going to be the \$3,000 or the \$11,000? Ms. Cramer said they would get exactly what was on the sheet of paper, that they would all split the \$3,300

because that is what it was adjudged. Councilman Pena said he understands. Ms. Cramer said when it goes back on the tax roll. Councilman Pena asked, so the valuation as of January 1st, 2025 is what amount? Ms. Cramer said they do not know those are not actually released she thinks, until September or October, something like that. Councilman Pena asked so for 2024 though, what do they have? Ms. Cramer said \$11,720. Councilman Pena asked if they traditionally see that if the value was at \$11,000, and sold it at a fraction of that the following year, and asked where it typically landed in Ms. Cramer's experience? Councilman Pena asked if it landed closer to the \$11,000, the higher mark of the County or at the lower mark that it sold? He said the reason he is asking this is that he is just really getting at it or is it better for the City to not sell it and then just have taxes accrued until actually get something closer to market value, that the county has it appraised that? Ms. Cramer said it will continue to be the amount that is on the sheet, and it is going to continue to be the \$3,280 until all the taxes are paid since judgment, and it is approve it, and then it will jump up to that higher amount regardless if they do it now or do it next year.

Councilman Davis asked if it said what size the lots were? Special Projects Supervisor Laura Cramer said it is one 25 foot on this particular item because there are four items on the agenda and this particular one is 25 foot.

Councilman Pena said he knows there is a previous motion of nay and now one for approval and is just curious as to the reason why the nay was by the Councilman from Ward C.

Councilman Matamoros said his decision to deny this sale is that we in Freeport want Freeport to get better and if they start undercutting ourselves and selling lots, that is what they are doing. He said this 25 foot lot is not being maintained by the City it is being maintained by the residents adjoining each of them and so the City is not maintaining it. He said this lot has been like that for 25, well probably over 60 years. He said his opinion is that they sit up there and have people complain about why they are selling Freeport short all the time and if they go and start themselves by selling property, then we are no better. Councilman Matamoros said we want Freeport to become a better place and that is his biggest reason. He said there would be somebody who is going to pay for that, especially with the \$11,720, especially because they know they can build on a 25 foot lot, and if they really want it, they will pay for it. He said and those are his reasons why he wanted to deny it. He said he would vote no on every single one of these just because it is not an adjoining property owner. He said it was just going to sit and sit and sit. He said we will get very little and is sure the moment they sell it for that \$3,300, they will be at the tax appraisal saying no, they only bought it for \$3,300 take that value down and that is what they want to pay taxes on. He said everybody else does it and these are his reasons.

Councilman Davis said it was said it was going to sit and sit there, and he does understand that, but that is the key word is going to sit there. He said to Councilman Matamoros no disrespect, but every time they talk about a builder going to build something, he does not like 25 foot lots and nothing can be built on 25 foot lots. Councilman Davis if nothing is going to be done with it, then let somebody else build something there then and just put it back on the tax revenue. Councilman Davis said what if it was just sitting there, it is not like that is a big piece and nobody is going to pay \$11,000 for no 25 foot lot. He said he had not seen it happen in a long time. Councilman Matamoros said he is against building on 25 foot lots because the houses in these established neighborhoods do not fit, and it is an ill-fitting design any way you try and build a house on a 25 foot lot and so it takes away from the character when you have houses that are nice and uniform styles, and then you got one two story, two and a half story house in the middle. Councilman Matamoros said he would like to see them on the tax rolls, but not to where it is devaluing the rest of the lots. He said there are a lot of people that are interested and there is nothing that he can do, and he is only a single vote on it. He said if somebody wants to build on the 25 foot lot, he can not deny it because he is only a single vote, but if the rest of the Council wants to go for it, they can go for it, but he can not deny it. Councilman Matamoros said those are just his thoughts and, of course, the Council everybody can make their own decision and these are just his thoughts. Councilman Davis asked if Councilman Matamoros had said there

are a lot of people wanting it or bidding on it? Councilman Matamoros said there are people who are buying 25 foot lots. Councilman Davis said yes but not for \$11,000. Councilman Matamoros said yes, if it has a developed street, then yes. Mayor Cain said he would tend to believe that if the minimum bid on this was \$3,280 and the gentleman bid \$3,300 and got it, he would think on this particular lot there are not a lot of people interested in it. Councilman Davis asked if it is the same person or are all four different people? Special Projects Supervisor Laura Cramer said for all four it was the same person and all four offers were from the same person. Councilman Davis asked if it is the same or are they side by side or are they spread? Ms. Cramer said they are spread around. Councilman Pena asked if they were all 25-foot lots too? Ms. Cramer said no, one is a 10-foot lot. Mayor Cain said he wanted to clarify something that he thought he had heard say, that the minimum bid is \$3,280 and that is based on when the judgment was made. Ms. Cramer said that is correct, that was the value. Mayor Cain said so if they decide they are not going to do this, and it comes back next year, and the next year and ten years down the road, it comes back again he heard Ms. Cramer says the minimum bid is still going to be \$3,280. Ms. Cramer said that is what was the adjudged value on the day that the judge hit the gavel. Mayor Cain said that number is not going to change. Ms. Cramer said just to clarify again, that this is not the value that they would be selling if it was a private sale, and this is just the final step in clearing up the tax, unpaid taxes and getting it caught back up and on the tax roll again. Interim City Attorney Scott Bounds said part of that subject to being brought back by the original property owner so they have to hold it for a period of time before they can develop. Ms. Cramer said that time has passed.

Councilman Pena asked who was right? He asked who was cutting that lawn, because who is actually cutting this particular lot? He said to Special Projects Supervisor Laura Cramer that she stated the City had been cutting it. Ms. Cramer said that it was the City's responsibility. Councilman Pena said he is just wondering if there is any record of the City actually mowing it and, in fact, if it is the residents that certainly paints a different picture. Councilman Pena said the City of Freeport does not really control and asked if the City was the last gatekeeper on this as far as the County is concerned? Ms. Cramer said the way she understands it is that they can deny an offer twice, and then it can be opened back up and go back to a live bid, and the City is completely cut out of it. Ms. Cramer said this particular one has come before you and this is the second time, so after this, if the county chooses to, they can bypass the Council altogether and just do another open auction and sell it for whatever they can sell it for. Councilman Pena asked if there was also an opportunity for the City to not sell it via the auction, but then try to sell it as an open market? Ms. Cramer said no because this is not the City to sell. Councilman Pena said it would be nice that they might be able to say to Mr. Abbasaly they would give this to him for free instead of \$3,000 on the contingency that he actually build on it, because that is really where the real meat potatoes are for the City and asked if this was right? Ms. Cramer said they can not do that. Councilman Pena said he is just trying to figure out really where the options are if they deny it, it goes back to the County, and it is out of the City's control at this point. Councilman Pena said they are almost at a take it or leave it at this point.

Mayor Cain called the motion to a vote with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Matamoros voted "Nay".

Consideration and possible action by City Council approving the sale of trust property within the city limits at Velasco Townsite, Block 61, Lot 10 (W/10').

Special Projects Supervisor Laura Cramer said the resale committee met on January the 28th, 2025 and accepted an offer for \$1,400 and the taxes due on the property were \$908 for the years of 2002 through 2022.

A motion was made by Councilman Davis to approve the sale of trust property within the city limits at Velasco Townsite, Block 61, Lot 10 (W/10'), seconded by Councilman Pena with discussion that followed.

Councilman Pena asked if the circumstances were the same that this was the second time as well? Special Projects Supervisor Laura Cramer said yes, this is the second time doing this. Councilman Pena said he kind

of agrees he does not want to get the lowest amount, and wants the City to get the highest value, but at the same time, if this presents an opportunity, if Mr. ZJ Abbasaly obviously gets this property and decides he can get \$15,000 on the open market for it, and at that point it gets stamped at \$15,000 and the City benefits from there.

Mayor Cain called the motion to a vote with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Matamoros voted "Nay".

Consideration and possible action by City Council approving the sale of trust property within the city limits located at Velasco Townsite, Block 571, Lot 4.

Special Projects Supervisor Laura Cramer said the Brazoria County Resale Committee met on January the 28th, 2025 and accepted an offer of \$3,300. She said the taxes due on the property were \$2,415.17 for the years of 2007 through 2022. She said this is the same situation and this is the second time it has been before the Council.

Mayor Cain asked if this one was a 25 foot parcel? Special Projects Supervisor Laura Cramer said yes, it is a 25 foot parcel.

A motion was made by Councilman Pena to approve the sale of trust property within the city limits located at Velasco Townsite, Block 571, Lot 4, seconded by Councilman Davis with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Matamoros voted "Nay".

Consideration and possible action by City Council approving the sale of trust property within the city limits located at Velasco Townsite, Block 747, Lot 4 & 10 (Undivided Interest 50.0000000000%).

Special Projects Supervisor Laura Cramer said this was a little different. She said this is the first time it has come before the Council. She said lots 4 and 10 have two owners for lots 4 and 10 ten. She said one owner has fallen behind on his taxes and the other 50% owner of the property has paid up and are good. She said so that the other 50% that have paid their taxes, own lots 4 through 10. Ms. Cramer said if you can imagine there are lots 4, 5, 6, 7, 8, 9, 10, so the people that have fallen behind are bookends for their half. Ms. Cramer said her suggestion to Council is to deny this offer, and she is going to reach out to the other 50% property owner and tell them if they know the other half of the two other lots are up for sale, and they might be interested in purchasing, making a bid for themselves and then fully owning those two lots.

Councilman Matamoros made a motion to deny approving the sale of trust property within the city limits located at Velasco Townsite, Block 747, Lot 4 & 10 (Undivided Interest 50.0000000000%), seconded by Councilman Pena with discussion that followed.

Councilman Davis asked if the lots were all the City's on all of those that they voted to approve, then he might look at them a little differently with the stipulations and that is why they approved them and that was a good idea.

Mayor Cain asked Special Projects Supervisor Laura Cramer if this was the first time this one has gone to the Council? Ms. Cramer said yes, this is the first time. She said she thinks maybe they are not even aware that the other property owners on those two lots have not paid their taxes. Ms. Cramer said she thinks it is fair to at least reach out to them and give them an opportunity so that they own those two lots 100%. Mayor Cain said he agrees and likes the plan.

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 purchase of Ballistic Shields.

Police Chief Jennifer Howell said this item is regarding a grant that was previously brought to the Council in

2024. She said as she recently mentioned everything they did receive the grant proposal for the Police Department to be able to purchase ballistic shields. She said the total amount awarded for the grant was \$95,602.05. She said when they originally applied for the grant, they obtained a quote that was for 20 shields for that price but however, with inflation things went up by the time the grant was awarded and once they received an updated quote, the updated quote actually is now at \$97,520.32, and it is actually only going to be for 14 shields. She said there was quite a large increase. She said they did attempt and everything to look for some other quotes for better cost, but unfortunately were unsuccessful in that, because there are limited vendors that do supply these shields. She said this would ultimately be at a cost to get those 14 shields, \$1,918.27, although this was not a budgeted item because it is an equipment item this would be able to be taken out of the asset forfeiture account therefore it would not affect the PD budget any.

A motion was made by Councilman Pena to approve purchase of Ballistic Shields, seconded by Councilman Davis with discussion that followed.

Councilman Davis said to Police Chief Jennifer Howell he appreciated her grant writing skills. Chief Howell said this is all Detective Fernandez that received the award. Councilman Davis said Chief Howell and Chief Motley are some grant writers, and he needs to get with them to write him a grant, so they can get this sports complex fixed back up. Chief Howell said they had just gone for a park safety grant, and so they are going to wait and see how that pans out this year. Councilman Davis said because he heard they get some grants around here.

Councilman Pena asked originally they were pursuing for 20 shields, but now they are at 14 shields? Police Chief Jennifer Howell said yes. Councilman Pena asked had they been at 20 shields if the price had not been exponentially higher? Chief Howell said yes, they just kept it as close to the range as possible, and it is their goal and everything to go back out for the grant this year to be able to get the additional six shields. Councilman Pena asked about this particular grant, had there been any communication through the office of the governor in terms of cutting these grants? Chief Howell said it is always a possibility, but they are going to continue to pursue grants until they do not have them posted anymore. Councilman Pena said the reason he asked is he was curious when they came forward and said they got these grants, but then the money is not really there, and it is almost an exercise in futility. Chief Howell said yes, once the grant gives the award letter, it is they have that money and everything that is available to them that has not been pulled or placed on hold yet. Councilman Pena asked how much that shortage was? Chief Howell said \$1,918.27, which, as she said they pull from asset forfeiture so not actually from the PD budget. Councilman Pena said no additional expense and no budget amendment needed. Chief Howell said no. Councilman Pena said good.

Councilman Matamoros said doing the math, it looks like for six shields it is \$41,800 short and asked Police Chief Jennifer Howell if she was planning to, if she does not get another grant, is she planning to look for other ways to get those six shields? Chief Howell said not right now in their ideal world, since they have 20 on patrol, she wanted to be able to issue those vests out individually to the officers. She said the way they would probably design this out, and everything, is to have those that are labeled off for kind of day shift and night shift, and they would be passed. She said, like she said in the ideal world, being able to have that individual ownership, to her made better sense, but if they do not do the grant again, she does not know that this will be a priority and everything as far as, like on future budget request. She said they will just kind of have to wait and see when they do like an overall analysis. Councilman Matamoros said the reason he is asking about these extra six is as looking at it, this is a needed device if you have to go into a hostile situation and is curious if her plans are to reach out to maybe other communities that help or other private businesses to assist with this. Chief Howell said potentially in everything she has heard, and everything, that some of the private industries are looking to be able to fund projects such as these and that is something that Detective Fernandez and herself have had conversations about as well.

Councilman Rossow asked Police Chief Jennifer Howell if they have shields now? Chief Howell said no

that the SRT, which is a special response team which is similar to what people commonly know as a SWAT team, do have shields that are just for them, not for the patrol officers on, like, day-to-day routine patrols. She said if there was an event at the school or even at the football field or something like that, our officers would not have shields being able to respond. Councilman Rossow said 20 shields sounds like a lot of police officers. Councilman Rossow asked Chief Howell if she is trying to equip 20 police officers with shields at one time? Chief Howell said that is what the patrol division is overall there are 32 officers, and she is trying to have where the patrol officers, they each have their own so that way they are responsible for that shield and keep up with that shield, and it does not turn into the "well, that was not broken when I gave it to you at shift change". She said she is just trying to get a little bit more ownership and individuals tend to take more pride when something is issued to them. Councilman Rossow asked where Chief Howell got the number 20 from? Chief Howell said that is how many there are on patrol. Councilman Rossow asked at one time? Chief Howell said no, that there are just 20 officers on patrol, so there are usually five at a time when fully staffed with a full shift. Councilman Rossow said he did not even know about these shields. He asked if they were the shields you see on TV? Chief Howell said yes, similar and there are different designs and everything, but yes, what is seen on TV would probably be similar to what these are, just the large platform shields where the officer can be behind it, they can also have a person behind them, for protection as well, trying to get from point A to point B. Councilman Rossow asked if the Police Department can exist without 20? Chief Howell said yes, they have been existing with none. Councilman Rossow said that is what he was getting at. He said they have never had shields. Chief Howell said no, but when there was a grant that was specific, this specific grant came in the wake of the Uvalde school shooting and this was one of the "hey, we are giving out free money, it covers 100% cost, there is no cost to the City at the time". She said so they put in for the grant they had put in for 20 shields since they had 20 officers on patrol and like she said, that is what they were initially awarded, however, it takes these grants so long. Chief Howell said it sometimes takes a year later, matter of fact, it has almost been a year since this one was applied for by now, and those costs have just gone up so much that now we can only get four for the amount that they were awarded.

Mayor Cain said to Police Chief Jennifer Howell he appreciated the grant writing skills. He said he had been sitting up there for six years, and it never fails that when these come across their desk, they are always short, and it is because they were done last year or such. Mayor Cain said so next time to say they want 24 or something. Chief Howell said actually Detective Fernandez, and she had that conversation and maybe start spitballing a little higher to try to get closer to the amount. Mayor Cain said to keep up the good work on this.

Councilman Pena said he would just say that the budget cycle for the next year is in four months, in June and to put that as part of the budget for the additional amount, if they do not get the grant by then.

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 purchase of Vehicle Radio Equipment.

Police Chief Jennifer Howell said in 2024 she had come to the Council for a grant that they had applied through the U.S. Department of Justice. She said this was to update the vehicle radio systems to be able to allow for encryption and better interoperability for officer safety. She said upon applying for the grant, again, they had initially requested \$131,524.58 and, with inflation, now gone to the current price of \$133,919.72. Chief Howell said this is actually an additional cost of \$2,395.14. She said these items were not budgeted because it is equipment they would look at again taking it out of the asset forfeiture and it would not affect the current PD's budget.

A motion was made by Councilman Pena to approve purchase of Vehicle Radio Equipment, seconded by Councilman Davis with discussion that followed.

Councilman Pena asked what the balance was on the assets forfeiture fund? Police Chief Jennifer Howell

said she did not want to misquote Councilman Pena on that. Councilman Pena asked what was the ballpark figure on that on an annual basis? Chief Howell said 80 something, but again she did not know that to be certain. Councilman Pena said the asset forfeitures are almost self-explanatory but is just curious and asked what drives that particular fund? Chief Howell said that it is from receiving forfeited money or forfeited products that are sold. She said for example, they have an investigator who is on the Brazoria County Joint Task Force and they do a big focus on narcotics, prostitution, gaming, a larger-scale operation such as that, and anything that they seize then goes before the DA's office. She said they go through a process of different civil court proceedings and then, if that money is deemed or those items are deemed to sell, then that money is then divided up against the entities that were involved in it. She said they also have some things that happened there within their own department and, again it can be anything from, again, a vehicle, an officer makes a traffic stop finds a large amount of drugs and money, and there are items that are led to believe that this is from a distribution or sale, then the officer again can seize those, file for the appropriate paperwork, it goes to the civil process at the DA's office, and if awarded, then the funds are dispersed out. Chief Howell said if not awarded, then the funds go back to that individual or items of property. Councilman Pena asked if we were to have equipment like we have had in the past that had been donated to other municipalities if we were to sell it instead at a discount to those municipalities where would those moneys go, would they go to this particular fund or would they go to a general fund? Chief Howell said no, that would go to a general fund because that is completely different. Councilman asked if that fund has any specific title or is it just the general fund for the PD? Chief Howell said it would just be the City's general fund like any of the auction items. Councilman Pena said he was just wondering, and it gives him an idea when they are looking at donating stuff, and maybe they might be able to get some value in return so that they might be able to supplement some of these expenses as well.

Councilman Matamoros asked if these are being purchased through Motorola? Police Chief Jennifer Howell said yes. Councilman Matamoros asked if they were any thoughts of switching to a different radio carrier? Chief Howell said she had a little bit of discussions as far as this area, looking at Kenwood that is about the only other standard acceptable for First Responders but primarily here because we are on the Harris County system, they maintain Motorola through that. Councilman Matamoros said the reason he is asking is that in his day-to-day professional life, they have Motorola, but they have been seeing more issues cost-wise. Chief Howell said they have a lot of frustrations with Motorola. Councilman Matamoros said he wished he could say more, but he could not. Councilman Matamoros said those were his thoughts if they were possibly looking, but of course, he would not want to change just for cost if it would sacrifice safety. He said he was just curious about that.

Councilman Jarvis said he appreciated Police Chief Jennifer Howell's preparation and her research. He said every time she goes up there, she puts in an effort to research and get answers. Chief Howell thanked Councilman Davis. Chief Howell said she always does not have the answers sometimes she has to ask. Councilman Davis said he knows Chief Howell looked at it whenever she came up with this idea. He said he knew she looked at that budget and said, "well we can get it out of this" and just did not say, "I am going to get it out of this budget". He said he was sure Chief Howell looked at it and just did not want to give an estimate and then had to come back and say "well, I thought you said you had it". Councilman Davis thanked Chief Howell. Councilman Pena asked Mayor Cain if he had seen that? Councilman Pena said it seemed like Councilman Davis pushed him just now. Mayor Cain said it is probably on the video.

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 purchase of Dispatch Radio Interoperability.

Police Chief Jennifer Howell said she saved the best for last and actually came in under. She said she is not really sure how that happened but is sure they will probably realize it was a mistake and then redo the quote to raise it. She said as of right now they are going to have a celebration for the fact that they put in for the grant and it was \$144,232.70 for the initial quote, however, since then, the price actually changed and has

gone down slightly. She said the new updated quote is \$143,710.73, so this will be at no additional cost.

A motion was made by Councilman Matamoros to approve purchase of Dispatch Radio Interoperability, seconded by Councilman Pena with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action concerning receipt of a petition requesting an election to adopt Municipal Civil Service for firefighters and police officers of the City of Freeport. (David Olson)

Hans Marticiuc said he wanted to read out a couple of things of the little bit of research that he did. He said, according to the City Attorney that this would have to go in November, and they do not believe that it has to go in November. He said first they followed the Local Government Code 143, collected signatures, and got them in on time, which is a requirement. He said then they went to the Election Code Chapter 41.01 (A), except as otherwise provided by this subchapter each general or special election in the State shall be held on one of the following dates and of course the first Saturday in May is one of those in odd number of years and number three taken from the Texas Government Code and the question is it election to adopt a Municipal Civil Service considered a special election? He said according to the Government Code and asked what is a special election? He said filling vacancies, proposing undecided or deciding on specific laws, amendments, or referendums, adopting or amending Charters, approving or rejecting bond measures, and the final one is making decisions on local issues such as adoption of the Municipal Service Code and that is 143, which to him that tells him they have the right to have that vote in May.

Interim City Attorney Scott Bounds said Civil Service elections and Civil Service matters are governed by Chapter 143 of the Texas Local Government Code. He said section 143.004 (B) says that if the governing body of the municipality receives a petition requesting an election that is signed by the qualified voters of the municipality of at least 10% of the number of votes, then the governing body shall order an election submitting to the voters the question of whether the chapter should be adopted the election must be held on the first uniform election date prescribed by Chapter 41 Election Code that occurs after the petition is submitted and which allows sufficient time to comply with all the requirements. Mr. Bounds said the City received this petition on February 13th and the order to call it must be by City Council which must be at an open meeting called at least posted at least 72 hours in advance and so there was no way that the City Council could take action on this matter before February the 14th, which was last Friday. He said last Friday was both the deadline for filing for office for a Municipal City, and it was the deadline for submitting to an election at the May uniform election date a special election on a special measure. Mr. Bounds said if you look at the Secretary of State website that information is in Chapter 41 of the Texas Election Code and is on the Texas Secretary of States election site. He said plus time would be needed to verify and there is some additional administrative time to review the petition and count but as a practical matter, the City did not receive this petition in time. Mr. Bounds said the Government Code as Mr. Hans points out it does define this as a special election and the election code is very clear a special election by a municipality had to be called by Friday at 5:00P.M. He said there are only two uniform election dates for municipalities under the election code there is a May date and the November date and as the staff recommendation is the petition should be reviewed, and it should be brought back with an order to call it at the next uniform election date assuming the petition is all in order and that would be in November and there will be plenty of time to do that.

Mayor Cain said to make sure he understands what Interim City Attorney Scott Bounds is saying due to the fact that the petition was not received by the City in time to be able to hold a meeting prior to February 14th and asked that is what keeps the City from being able to put it on the May election? Mr. Bounds said that is correct, and the City did not receive the petition in time to meet the election code requirements for a special election. He said generally, the City would order an election by ordinance or a formal written order and would wait for the City Secretary to complete her review of the petition and then make a recommendation to City Council and would have plenty of time to meet all the election deadlines for the November election. He said this simply could not be done in the May election given the timeframe in which the petition was

received.

Councilman Pena asked why is this on the agenda? He said they heard one of the officers earlier read a statement during citizen comments, Officer Miller. He said he wants to get to why are they even talking about this. He said and asked why the Police Department had decided to organize and put this on the agenda tonight or for that matter, on the next ballot? He said he would like to get an answer to that because from what he is hearing from this evening of the speakers that there are some serious problems that the Council needs to consider what is going on and when he hears and this actually goes on to one of the agenda items that he had later on about budgetary items but when he is hearing that the City of Freeport Police Department and is not sure if it is the full First Responders and the Fire Department as well are not in receipt of their overtime and that is being politicized by City Hall staff namely the City Manager he is curious why that has happened because he had been asking around and really the Civil Service and for that matter Police unions are not good for small Cities, but it seems like they have forced the hand of the local Police Department by playing games with their salaries and then when he hears the word retaliation that they are afraid of being retaliated upon that raises a whole bunch of other flags for him, and he wants to make sure that that does not go unsaid tonight, but they also consider that going forward because if they have a problem at City Hall where there is some kind of political weaponization of authority and position against the Police Department the City of Freeport is going to have a big big big problem. He said he hopes the Mayor is aware of that and, if he is not, he wants to let him know what he has been hearing. He said he does not know if the Mayor has been getting any phone calls, but they need to make sure that they rectify this and if the first order of rectification is making sure that they are in fact getting their cost of living adjustment per the budget, then that needs to make sure, and the Council needs to make sure that tonight the Council tells City Hall staff namely the City Manager Mr. Petty to instruct the CFO to release those funds at the next payroll period and, for that matter all the back pay, because this is what is happening you start messing with people's livelihood and their income and their salaries then they start organizing and the problems with this particular organization of the Police for is that it really disempowers the City, and he is not interested in disempowering the City, but he is not going to sit up there and say hey lets abuse our Police Officers either and that is what is going on as he understands it. Councilman Pena said so they can talk about this being on the next election or whatever else in November, but the truth of the matter is, and he knows because he has asked this before they do not have to worry about this deadline on the 14th to be on the election cycle that the County has and the City can actually call their own special election it will cost the City about \$10,000 maybe \$20,000 but shoot, and he will use other words in another day, but he can say they have been waisting that much more money other ways, but the City can have a special election. He said he hopes that the Police will be willing to cooperate with the City if they are able to actually just do what they were voted by Council to receive which was their cost of living adjustment, but also he wants to make sure that there is no single retaliation against any Police Officer and wants to make sure that everybody knows this that if anybody on City Staff ever feels threatened by senior management to let everyone of the Council because they will be gone, and they will have his vote that they are removed. Mayor Cain said they are getting off track on this. Councilman Pena said he wants to be clear on this that they need to make sure that the pay is restored, reinstated, or for that matter put in process, because that is what they passed for on the budget is that all the employees and, as he understands it, the Police Department is part of the employee staff, and he looked back at the video on the budget in August, and it said Ms. CFO Cathy Ezell was up there saying that they needed to make sure that they had 3% so that they would not lose any talent and that went across the board for all the staff and all of the employees, and he wants to make sure they did that first and foremost so that they instruct the City and does not know if they have to take a formal motion on a vote that was already passed or just say out loud to do your job, get them paid, and then lets talk about this vote at the next Council meeting and that is what needs to happen.

Councilman Davis said he had also gotten calls about this situation, and he has asked around to Councilman and all of Sheriff's Department and all County and they said that it is not good for the Police Department to want to form a union or something. He said he would hope to be able to come together and fix this, but he

understands if there are some issues going on, they need to get to the bottom of them. He said he heard the man say that they did not want to feel retaliations, and he would have to second what Councilman Pena said about if there is any the Council needs to know about it, because they are not going to tolerate it and should not tolerate it and across the board from the City. Councilman Davis said he is not saying City Manager Lance Petty did, but is just saying if that does happen the Council needs to know about it because they want the Citizens to be treated fairly and the people voted the Council to stand up for the residents and make good decisions for the City. Councilman Davis said what he wants to know is and asked why have they not gotten this raise? Councilman Davis said he needs an answer to his questions why did they not get this raise and what are they doing to do to make that raise happen? He said because it was voted on and when they vote on something and pass it they expect that to be carried out, and they can not do it, but it comes down there to the people in position. Councilman Davis asked he wanted to know why that had not been done? City Manager Lance Petty said the Police are on a step plan that was approved by the Council on the budget. Human Resource Director Donna Fisher said the Police Department is on what they call a step program that was put into place several years ago and the matrix for their steps was updated she believes 2023 or 2024 and gave them like a 3.5% on starting and then through the steps. She said they automatically on their anniversary date, get a raise going from step zero to step one, step one to step two, regardless of whether council votes for a Cola for the rest of the City employees or not, and so they are getting raises, but because of the step program, they are not eligible for the Cola because that would put them out of step. Mayor Cain said asked if this was the first year because he knew it has been probably three years since they were put on the step program is this the first year that they were on the step yet did not get the Cola or is this standard practice? Ms. Fisher said this is standard practice, the Cola that was passed by the Council was for all eligible employees and the word eligible was in that statement in the budget presentation, and there were a couple of people that were not eligible because they were already at the max for their pay grade. She said the Police Department is not eligible because of the step program and so even if the Council comes back during this budget cycle and says zero cost of living adjustment, the Police Department on the state program still gets a raise on their anniversary date when they move from one step to the next. Police Chief Jennifer Howell said as a part of the 2023-2024 budget she had asked for a Cola raise across the entire step matrix. Ms. Fisher said so they did raise it for 3.5%. Chief Howell said that it was done that year and then that was one of the things that she had asked on this last year but they did not do it for this last year. She said one had been done since she had been here, but this was only the second budget for her. Mayor Cain asked if Chief Howell had asked for the Cola as well as the step, or was the Cola added to the step? Chief Howell said the step is automatic, and she had asked for a Cola adjustment across the step so like all the different categories like Ms. Fisher was explaining step one, step two, step three, which goes to a range of 0 to 20 for all different positions. She said it is like a large excel spreadsheet is what it is, and so before they had placed 3.5% change across the entire spreadsheet and so if she was going to be honest she had asked for a 5% Cola this year but she had asked for that again going across the matrix, but this year there was not a change on the matrix. Councilman Davis asked if that had passed? He asked if that had to be passed? Ms. Fisher said to do a Cola on the matrix she is not the one that adjusted the matrix in 2023-2024 that was the previous Finance Director, and so she is giving the Council what she knows, but typically the step matrix that they have had has only been adjusted, like every few years, not necessarily every year, because it is part of the reason is, because it is extremely cumbersome and the other reason she does not know because she does not make those adjustments. She said you adjust the minimum salary, adjust the maximum salary, and then the steps kind of work themselves out in between at percentages, because you get bigger jumps at like five years or maybe seven, but some of the middle steps get bigger jumps than the lower end and the higher end and that is a retention tool. She said not each step is 3.5% between each step it is 3.5% on the minimum and may be 3.5% on the maximum and then the steps in between sort of fluctuate themselves out, and you may get 2.5 this year, but you may get 6 this year depending on where you are on the steps. Councilman Davis said he works for the County and so it works like that over there to and so he understands. Ms. Fisher said typically the City has not adjusted the step matrix every year like she said that was typically a finance but since the Finance Director is newer in her position than she is in hers, she is telling the Council what she knows. Councilman Davis asked if the Finance Director knew anything about it this year. Finance Director Ashlee

Hurst said no. Ms. Fisher said Ms. Ezell left September 25th by that time everything for the budget was pretty much done. She said she did have to do the spreadsheet that had the 3% for the people that are not PD. Ms. Hurst said coming from the County if a Cola is approved through the County the entire pay matrix is adjusted, but also all of the County is on a pay matrix and the City is not set up that way. Chief Howell said the County she comes from is a standard when they do the Cola it goes across a matrix as well which is why she had asked for that.

Mayor Cain said none of the officers have reached out to him, so he has no clue what the gripe is and does not know if they have reached out to Councilman Pena and Councilman Davis and that is what has been expressed or if they are assuming that is what the issue is.

Councilman Davis said it was heard earlier in the comment, but this is why he asked the question and this is how you get to the bottom of it. He said you do not just walk away and not say nothing. He said it is on the agenda. Councilman Davis said now everybody kind of is getting a better understanding of whether they agree or not, but now they have got the understanding. He said he did not even know and did not even think they knew that much that it was working like that. Councilman Davis asked Police Chief Jennifer Howell what the breakdown was? Chief Howell said yes from her previous City and the previous County they had pay matrix and so when she came here, that was pretty standard. Human Resource Director Donna Fisher said they are aware of the steps they are aware of when they move from one step to another.

Councilman Pena said they have this matrix for the Police Department that was adopted three years ago. Mayor Cain said it has been a while. Councilman Pena said two or three years ago maybe 2022 but then there is last year. He said there seems to be some ambiguity but maybe not, it seems a little bit subjective that the CFO last year went ahead and applied the Cola across the board on top of the matrix, and then they are hearing also is that the County does this as well, and he thinks that is where they are hearing is the chafing on this and asked why is it that this is not the same this year? Human Resource Director Donna Fisher said in 2023 the matrix was adjusted and it was signed off on by the previous City Manager, and she honestly does not remember if that matrix itself actually came to the Council. She said at that point she was working with what was given to her. Councilman Pena asked Mayor Cain if they had voted on one matrix? Mayor Cain said one that he can remember. Police Chief Jennifer Howell said she had not brought a matrix since she had been there, and it was a budgeted item to do a Cola and that was to affect the matrix as well and that was what was presented to the Council and not the actual matrix itself. Ms. Fisher said the increase was calculated by Ms. Ezell and signed by Mr. Kelty and then given to her. Councilman Pena asked if this year that particular step did not happen? Ms. Fisher said correct. Councilman Pena said that is why the Police force is there asking where their increase is. Councilman Pena said to the Council they have to decide whether or not they are going to honor that same adjustment they did last year.

Mayor Cain said it is truly a shame they did not have this specific conversation during the budget cycle. He said he has all respect for the First Responders 100%, but he does wish they would have reached out prior to sending a petition or having a petition signed.

Councilman Matamoros said all of this discussion by Council arose out of pay because of the statement made by Officer Miller and so that is what they were talking about, but they also heard that there was fear of retribution by administration and the way he understands it through the City Charter the only person who answers in the Police Force to the City Manager and the Council is the Chief. He said if the PD is having an issue fearing retribution by their administration, he takes that the Chief is there administration, so if they are having an issue with that, then that becomes an HR issue. Councilman Matamoros said there was one person in the entire Council who voted against cost of living raises in the last budget and is sitting there in Ward A. Councilman Pena said that is correct because there was no transparency. Councilman Matamoros said to the Police Department if they are having issues with their administration, then reach out to the Council because then they can go and put pressure on the City Manager to find out what that issue is and if there has to be a

change, then there has to be a change if it is verifiable. Councilman Matamoros said he is not against the Police Department getting better pay because he knows they do a very difficult job. He said he has a brother-in-law who is in Law Enforcement in probably the worst City to do Law Enforcement in, and it is Austin, Texas. He said his brother-in-law has zero support out of that City Council and that district. Councilman Matamoros said if the Police Department has an issue, please contact Human Resources and if they feel like they can not, then go to the Council or go to him. Councilman Pena said bring it to everybody there is not one gatekeeper there. Councilman Matamoros said he was not a gatekeeper. Mayor Cain said he agrees with Councilman Matamoros to reach out to the Council. Mayor Cain said not one of them had gone to him.

Councilman Pena said that is the reason why he had on the agenda item K is because he had been trying to talk about the various budget discrepancies, in particular this one, and it has been painstakingly difficult since December to try to put this on the agenda. He said to just be sure why the special election is happening, and it is because the Police Department does not feel like they can trust City Hall staff, at no point has anybody articulated that they do not trust the Chief, it is that they do not trust City Hall City Manager.

Councilman Davis said to Councilman Matamoros he is talking about come holler at you come to you, and well they must already know something, and they do not feel comfortable going to you. Mayor Cain said they are not going to throw stones. Councilman Davis said nobody threw any stones.

Mayor Cain said Legal has said that the item will be in an election in November.

Councilman Pena said to the Mayor that no, the City can actually call a special election. Interim City Attorney Scott Bounds said there are two uniform election dates. Councilman Pena said that it is not true you can also call a special election outside those particular dates. He said to get a second opinion on this. He said he has enough experience with Olson and Olson being wrong and, for that matter, giving false advice and so he would ask for a second opinion. Councilman Matamoros said to call TML.

Hans Marticiuc said in his experience in Law Enforcement in the State of Texas 38 years in law enforcement here in the state of Texas, when there is a 3%, 3.5%, or 5% across the board pay raise, every step gets it, and it only makes sense, particularly in today's world, when it is hard enough to keep people because everyone else is paying so much. He said the Council may be a little confused, and it is only an opinion from what he heard, but civil service has nothing to do with pay other than if you are not paying people on time, and you are not paying people accurately. He said civil service has nothing to do with pay raises, it is a matter of administrative due process. He said to Councilman Matamoros that he had said he had a relative that works in Austin he bets that that son of a gun is so happy that he has civil service protection, because, in today's world, you need civil service protection. He said that is a process because you have to take the politics out of policing and that is why the civil service came about hiring, promotions, discipline, and firing. He said these are all things that encompass civil service and the City Manager gets to pick the three volunteer citizens to sit on a civil service commission and hear the officer side of the story or the sergeant side of story, or any of the captain. He said in today's world, particularly with lawsuits. He said the responsibility and the accountability that is placed on these folks, you have got to have some form of due process, and he is not talking criminal due process he is talking administrative due process. He said any time someone gets three days off or five days off, that impacts not only them, it also impacts their family. He said they just need to make sure that discipline is fair and equal. He said they have been trying to get civil service for Harris County constables for the last three legislative sessions. He said the last session after the president of his group testified, he was asked by a committee member, are you in fear of losing your job? And he said, well, yes, I am, and the Assistant Chief that was sitting over there immediately went crazy and said he would never lose his job, blah blah, blah blah and said guess who was the only person out of a 500 man precinct that did not get sworn in on January 1st because he did not have any type of protection. He said the only person out of 500 members, he said 26 years in the constable's office, ten years as a supervisor, one day of

discipline for missing court 15 years ago and that is why you need civil service.

Mayor Cain said the petition has been signed and filed so it will go in front of the voters of the City of Freeport.

Councilman Pena asked what the Mayor meant that is going to before this petition is going to go before the public, the Council has to vote on that? Interim City Attorney Scott Bounds said State Law requires the City Council to order the election on the civil service if the petition has the 10% signatures as required by the statute. Councilman Pena asked because it has met the statute requirements it can be on the ballot? Mr. Bounds said yes it would and given it would be the November uniform election date. Councilman Pena said unless the Council decides to vote for it if they find out that in fact that is the case. Mr. Bounds said no, it has to be submitted to the electorate at the November election date because that is the next uniform election date that complies with all statutory requirements. Councilman Pena said he would contact TML about that.

Discuss and Take possible action on Agenda Rules and Guidelines – per Ordinance 2021-265, 2022-2657, 2022-2672. (Councilman Pena/ Councilman Davis)

Councilman Matamoros said he had a point of order on this and, speaking with TML Stephanie, a lawyer, Ordinance 2021-265 is not a legal ordinance number, and thus cannot be talked about within this. He said the other two ordinances could be because if you go to the TML training, which he has for newly elected officials, they have a document that states how specific the subject of the notice needs to be the more important the particular subject is to the community, the more specific the posted notice must be. He said this is an incorrect item that cannot be talked about, for fear of legal retribution by residents. He said he asked the Council to table this until it is correctly put on the agenda and if they do talk about this, he will be making sure that there will be some legal challenges made up, depending on what they talk about.

A motion was made by Councilman Matamoros to table this item, seconded by Councilman Rossow with discussion that followed.

Councilman Pena said he appreciated that a Councilman went ahead and made a call here, but these agenda items here again he wants to point to he really does wish that David Olson was there.

Councilman Davis said this is the problem that he called out all that, but when they do running and jumping up and tabling everything and nobody wants to talk about. Councilman Davis said to Councilman Matamoros he did not even know what they wanted to adjust on there or wanted to cut out. He said that is the problem up there. He said he had been sitting there for the whole time, and they were sitting there trying to silence people. He said that you can read through that, and you can tell why those things are put in place. He said he talked Iowa Colony, Lake Jackson, Richwood and now people are talking to him now, and now he is asking questions now. He said he had been sitting back and watching, and they said, and then they are telling him, and these are City Council people, and this is bull. He said you are silencing City Councilman because they are scared of what somebody is going to say. He said the people voted the Council to have to speak up and have a word for them to be their voice and all of this stuff there the Council cut it out. He said he was getting tired of it.

Councilman Matamoros said Mr. Rossow and he went when they were newly elected they went to a newly elected training by the TML and when they did, they gave them a document he was reading from. Councilman Matamoros said to Councilman Davis he should go to the training. Councilman Davis said he would go this year and was not able to go because his son got married that day. Councilman Matamoros said he was sorry. Councilman Davis said he knew Councilman Matamoros was sorry, but that is how he does. Councilman Matamoros said they just want to make sure that they talk about something, and they do it right. Councilman Davis said to Councilman Matamoros he had been tabling it for three weeks and then when Councilman Matamoros writes it down and then when it is turned it well, if it was a problem, the City Manager is supposed to tell the Council and rewrite you and tell you what you put there so it can be

changed.

Councilman Pena said this is a symptom of a larger problem, and first, the tabling on this they can table things under false pretense and they can table things under somebody's false opinion or false evaluation or understanding or interpretation of whatever rule they read or heard at some meeting that they thought they learned. He said here is the deal Olson and Olson, for three straight meetings or three opportunities in the last three weeks, have given him and the rest of the Council just misleading information after misleading information and he keeps asking, why did they not say that the first time or the second time, and why did they tell him that last week? He said then they are there tonight and have yet a fourth time when there is another gotcha and can not talk about this. Councilman Pena said, but he is saying what is the harm in basically trying to talk about these ordinances are doing exactly what is not beneficial to the City it is harming the City, because you are not getting the communication and that is why you have the Police Department feeling that they cannot go to Council as a whole because they do not feel that the items that are important are actually being spoken about. Councilman Pena said to Mayor Cain he can shake his head no, but it is true and that is the truth there, and he knows this. Councilman Pena said to Mayor Cain to not turn a blind eye to this. Councilman Pena said he was saying that they were going to talk about these other two ordinances, but he was going to tell Councilman Rossow he was voting or just seconded to table this, and asked him if he really understood or is he just going to just blindly trust Matamoros on this? Councilman Rossow said he has faith in Councilman Matamoros, Councilman Davis and Councilman Pena and has faith in them and feels like Councilman Matamoros is not doing this to get to Councilman Pena and or he is not doing this to get to Councilman Davis. Councilman Rossow said Councilman Matamoros believes what he says and that is why he said to table it and he did not say nay, but he said to table and look into it. Councilman Pena said the problem is that it becomes this administrative cat and mouse is what the problem is. Councilman Pena said now all of a sudden there is some newly ambiguous bar and some other threshold that they have to meet. He said first it was hey, get two Councilman to put it on the agenda, and he can say that in the month of December two Councilman asked for this discussion to be on the agenda, and it got denied, because Olson and Olson illegally removed it off of the agenda and the City Manager also illegally removed it off the agenda based on the rules that the Council has adopted, but he did not hear any crying of foul or tabling then but here they are now and is just trying to say if they can finally talk about this stuff because these rules hurt Councilman Rossow and Councilman Davis at the time, that you have two Councilman. Councilman Pena said the idea was, as the ordinance reads, it is supposed to be verbatim nothing is supposed to be changed and what you ask for be on the agenda, should be on the agenda and that did not happen and this whole deal about they can get into the other ordinances, but this one right here is to have two Councilman and that is the problem this particular ordinance is so problematic, and he had to have a question there that he wrote down for Olson and this is part of the discussion. Councilman Pena said some clarification is needed on why they are tabling this, and he is not going to take simply one Councilman's interpretation or of what he heard at a meeting last year or two years ago, or when he became elected. Councilman Pena said what he wants to know is what they are going to get from Olson and Olson tonight because this is the fourth time he wants to see on record yet again, because he has the paper trail and he does keeps the receipts of every time he gets a consultation from Olson and Olson and has three of them from David, and have another one here from Mr. Bounds. Councilman Pena asked how a Councilman is supposed to represent their constituents without violating the State law? Councilman Pena said because this particular ordinance, in fact, does violate the State law it sets the Council up for violating the State law in which you are not supposed to have a quorum. Mayor Cain said to Councilman Pena he is not talking about whether or not they are going to table this. Councilman Pena said he is trying to talk about whether this has merit to be tabled. Mayor Cain said to Councilman Pena he was going to Victoria by way of Houston. Councilman Pena asked the reason why they are tabling this, is it correct? Councilman Pena said he is looking for Olson and Olson's advice this ordinance right here is shutting out. Interim City Attorney Scott Bounds asked what ordinance Councilman Pena was talking about? Councilman Pena said 2021-2650. Councilman Pena said this particular agenda item requires that the Councilman who is he wants to put something on the agenda, he has to get a second so they have been told actually the new Councilman have been told because he has

already been through this here a couple of years now, and they have been trying to put him in legal jeopardy because of these, this particular rule and he just wants to get some clarification on this because as the rule is written right now, it requires two Councilmen to get this, to get anything on the agenda and the problem with that is that the new Councilmen have been sending out a request to all of the Council, and then they have been threatened to say, oh no that is illegal and can not do that because you are going to get a walking quorum. Councilman Pena asked so the other question is then, how do you get a second? Councilman Pena asked do you go to one Councilman and if he says no, you go to the second one? Councilman Pena said that there is a walking quorum and, so what he is trying to say that this ordinance violates the state law and has the Council created an ordinance that actually violates the State law of open meetings and so he wants to know from Olson tonight which one should they be following. Councilman Pena asked which should they be following? Mayor Cain said to Councilman Pena he would be surprised to know that he was interested in talking about this tonight. Councilman Pena said he is glad they are having this conversation, because he would like to get this answer from Olson. Mayor Cain said there is a motion to table. Councilman Pena said to Mayor Cain he was just contradicting himself. Mayor Cain said he is not, he is playing by the rules. Councilman Pena said it is a question germane to the topic, and so he is asking Olson. Mr. Bounds said 2021-2650 was prepared and approved by prior City attorney. Councilman Pena said regardless, he is asking what is legal's opinion? Mr. Bounds said it was prepared and approved by prior City attorney, Chris Duncan. Councilman Pena said no, it was approved by the previous Council four to one and he was the one. Mr. Bounds said it is not a typical of ordinances and rules of procedures that other Cities have that require the consent of or that require a City Manager or a Mayor to place an item on an agenda if two or more Councilmembers request the item to be placed on the agenda. He said the Texas Open Meetings Act has an exception, which he thinks he has discussed with City Council before, that you do not have to have an agenda item in a regular meeting to request something to be placed on a future agenda in general the discussion of an item to be put on an agenda, not the discussion of the merits of the matter, is an exception to the Open Meetings Act it is, as Councilman Pena points out a practical problem of if a Councilmember is lobbying multiple Councilmembers to put an item on the agenda and ends up discussing why they are putting that item on the agenda with and the merits of the item, and that is probably a violation of the Open Meetings Act. Mayor Cain said if it is done with more than just one on one. Mr. Bounds said if it is done with just like this is the agenda item and would like to be put on the agenda and sign off on it.

Mayor Cain said this is why he wanted to talk about this. Councilman Pena said there has been confusion. Mayor Cain said to Councilman Pena he was looking forward to having this discussion. Councilman Pena said he remembers he had Mayor Cain on video and both agree that it was confusing.

Councilman Matamoros said the reason why he is making the motion to table was because the request to have it on Council was 2021-265, and now it is being stated it is 2021-2650, and it is an entirely different ordinance. Councilman Pena said it is the same damn thing. Councilman Matamoros said no, it is not. Councilman Matamoros said to Councilman Pena he was telling him 265 is the same as 2650? Councilman Pena said it does not matter what language he speaks it is the document he prepared and gave it to the City Manager as directed by Olson and Olson.

Mayor Cain asked Councilman Matamoros if he would withdraw his motion to table this item? Mayor Cain said he would like to make a different motion. Councilman Matamoros said honestly, they were already taking a vote. Councilman Pena said the Mayor facilitates it. Councilman Matamoros said by the law they are supposed to continue with that vote.

Councilman Matamoros withdrew his motion, Councilman Rossow withdrew his second.

A motion was made by Mayor Cain to adjourn the meeting, seconded by Councilman Matamoros with all present and voting "Aye" 3-2. Councilman Pena voted "Nay". Councilman Davis voted "Nay". Mayor Cain adjourned the meeting at 7:55P.M.

Discuss and Take Possible Action regarding 2024 - 2025 Budget. (Councilman Pena/ Councilman Davis)

Discuss and Take Action on Veolia OM&M Contract and its Renewal (Councilman Pena/ Councilman Davis)

Executive Session

Executive Session regarding a.) (Consultation with Attorney) Real Property 2 North Front Street pursuant to Section 551.071.

Discuss and Take Possible Action on Demand Letters to all Responsible parties for recovery of \$345k identified by Olson and Olson: Covarubias Construction, Former City Manager Tim Kelty and Former CFO Cathy Ezell. (Councilman Pena/ Councilman Davis)

Reconvene into Open Session:

Take any action resulting from Executive Session.

Adjournment

Adjournment – Jerry Cain, Mayor



Jerry Cain, Mayor



Clarisa Fernandez, City Secretary