

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, March 3, 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:

- Jennifer Howell, Assistant City Manager
- David Olson, Interim City Attorney
- Clarisa Fernandez, City Secretary
- Toby Cohen, IT Manager
- Donna Fisher, Human Resource Director
- Shelby Araujo, Building Official
- Chris Motley, Fire Chief

Visitors:

David McGinty	Linda Marshall
Sam Reyna	Margaret Bachman
Nicolasa Mireles	Pamela Dancy
Brenda Laird	

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.

Mayor Cain said due to the way that the previous meeting transpired and for the possible nature of items that will be on agendas in the foreseeable future, he wanted to make a few things clear. He said the Council will

act in a professional manner when making decisions for the City of Freeport. He said he will continue to encourage comments from citizens and on-topic comments from the Council. He said in an effort to run the meetings in an orderly fashion, he will not put up with any more disruptive behavior, such as but not limited to, talking over the citizens or commenting during citizens' comments, talking over other Councilmen during any part of the meeting, especially during an agenda item discussion or using that platform to promote personal agendas that are not related to the current agenda item. Mayor Cain said these types of actions are not only disruptive and unproductive but are also highly unprofessional. He said as the Mayor he would no longer put up with this type of behavior from the Council. He said instead of continually slamming the gavel he would start having people removed for disrupting an official public meeting. Mayor Cain said to the Council let this be the warning. He said this stops now.

Interim City Attorney David Olson said to the Mayor and Council that he knows they are all aware of the fact that the City received a representation letter for Lance Petty he is now as City Manager represented by legal counsel. He said this would be discussed later in the executive session, but he wanted the public to know that they are aware of this and are working with all parties to try to resolve the matter and move forward. Mr. Olson said as of now, Lance Petty is not there tonight, but he is still the City Manager, fully acting full access from the public and continuing to do all the duties of City Manager.

Donna Fisher said she is proud to serve as an employee of the City of Freeport. She said during a recent Facebook post, Councilman Pena invited any employee who signed the letter of support for City Manager Lance Petty to step forward and address the council. She said she was there tonight to respond to Councilman Pena's invitation and to share her perspective. She said she did not feel pressured to sign the letter of support. She said she did not feel that her job depended on her signing, and Mr. Petty never spoke to her about the letter of support. She said, regarding concerns about a City employee collecting signatures during work hours, she checked the time card and this employee used vacation hours. She said regarding the statement that a vote for Mr. Petty was a vote against the Police Department she does not see it that way. She said she firmly believes that supporting Mr. Petty and supporting the Police Department are not mutually exclusive. She said she had not witnessed Mr. Petty commit any acts that could be considered retaliation. She said he has not disciplined, demoted or terminated any employee of the Police Department, and no employee has reported any such acts to her. She said if she were to receive a report of retaliation by Mr. Petty, she would report such to the Mayor and all the Council, as is her legal, moral and ethical responsibility to uphold the integrity of our City government.

Pamela Dancy resides at South Front Street and her phone number is (979) 482-4862 and her landline (979) 233-6962. She said she wanted to address something that took place after the meeting that was so bizarre. She said she was walking out and next thing she knew Councilman Matamoros was walking up next to her and got into her personal space, and he kept saying this saying over and over "I know about you", and she thought it was like a threat, like he was going to let some cat out of the bag. She said then he said what it was and the way he expressed himself, she thought Councilman Matamoros was going to say she had somebody buried a body in her backyard or something. She said she had a little umbrella on her wrist, and it was closed up, and it was a child's umbrella and Councilman Matamoros said "do not touch me, do not touch me". Ms. Dancy said the umbrella might have tapped Councilman Matamoros, she had no clue because it was on her wrist. She said Councilman Matamoros made something up about her that is so insane. She said she does not know where he got it from, but she will say that she is not upset nor mad at him because Councilman Matamoros has something up there and thinks Councilman Matamoros needs a therapist. She said as she was walking out next thing she knows Councilman Matamoros was right there with her all up in her personal space. She said to Councilman Matamoros if he had something on her. She said she is nervous right now. She said to Councilman Matamoros she gives him till Wednesday and would meet him at the Police station so they can discuss this and if Councilman Matamoros was not there by 4:30 on Wednesday, then she would let it go. Interim City Attorney David Olson said to Ms. Dancy that she is not supposed to be speaking to individual Council members. Ms. Dancy said she was sorry and would direct

to Mayor Cain. She said it was so bizarre and insane, and it was a lie, made-up something or another. She said if Councilman Matamoros happens to have something which she can not see how he could, by Wednesday, 4:30, she will wait for him in Chief's Howell office and if he does not show up, then she will let it go. She said if Councilman Matamoros ever approaches her in her space and makes any allegations towards her that are untrue she will put a she forget what it is called right now, and she will take him to court because this was a made-up lie of some sort, and there was no way he has any proof of this made up lie about her. She said there was something wrong up there and is unhinged.

Mayor Cain said, although we do encourage citizens' comments, we prefer to have them towards City business.

Brenda Laird resides at 1005 North Avenue B. She said she hopes this is about City business and is about the Police, who she loves. She said she did not know about it. She did not know about any controversy between the Police and the City Manager. She said she did not expect to see Police Chief Howell sitting at the dais, and it is intimidating. She said she is crazy about the Police Department and Fire Department. She said she is working on a book where she has a Police character and so, for years and years, she has been going to Citizens Police Academies and talking to the Police and trying to find out what it is like to live the lives that they live. She said Friday night she went on a ride along. Ms. Laird said she had been on several, but she was just so deeply impressed as a person, as a citizen. She said it was 6 to 11 Friday night, and it was dark, and she was at home taking care of business, relaxing at night, and it was about 7:30 that a thing happened that hit her really hard. She said they had been out and there had been a couple of crash scenes, and the officers worked with each other, and she got a chance to see how they were working together and getting a reading on the Police Officer she was riding with and rode by the Police Department, and he looked up at Chief Howell's window, and it was lit up. She said it was 7:30 at night. Ms. Laird said the Officer said Chief Howell was still working. She said she could hear the admiration in his voice, and it was a perfect chance for her to turn to him and say, "What is she like to work for?". She said she asked for her book and as a resident of Freeport. She said the officer said that Chief Howell was his North Star. She said she thought this was a big strapping man who was his own person, a Police Officer, and he did not mind saying that this lady was his North Star. Ms. Laird said she asked him, so what do you mean? She said the Officer said he meant that Chief Howell leads him in his education as a Police Officer and his development and has told him no a couple of times, but for the most part, Chief Howell just respects them. She said she just wants to say to the Council that she feels so safe. She said she knows there is controversy there. She said she has been living here in Freeport for 28 years, and there has always been controversy of one kind, but she knows as a citizen she lives over there on Avenue B, and she feels safe with the Police force. She said she feels the same for the Fire Department with Chief Motley with the Senior Citizens, Police, Fire Department guys go out there and they help them, and they are so sweet to them. She said with the Police she feels safe and happy that the force wants to be working for Chief Howell. She said she is so thankful to the Council. She said she taught Councilman Davis's son and has known Councilman Davis forever. She said she lives in Freeport and she loves Freeport. She said she is so thankful that the Council is working hard to take care of the citizens. She said she knows the Council's job is very difficult, fielding citizen's phone calls, dealing with all the different personalities, and things that happen. She thanked the Council for the work that they do.

Sam Reyna resides at 2002 North Avenue G. He said he has addressed this issue with the Council not once or twice, but three or four times. He said he is doing it again because the Police and Fire Departments are trying to adapt to the Civil Service commission. He said there are some drawbacks to utilizing a TIRZ, and probably the most notable drawback is the fact that all of your property taxes, above and beyond you based tax value number go into TIRZ funds for the TIRZ district and that is great but for the rest of the City there are other things to consider. He said there are City support services, such as the Police Department and the Fire Department that the City has to pay for out of these general funds and the property taxes that the TIRZ is creating on going into the general fund to help pay for those departments and services. He said if we need more Policemen, Firemen, City planners and any other City employee due to growth in the TIRZ area, the

funding will not come from a TIRZ funds, it will come from the City's general fund and, regardless of property tax appraisal growth, only the base amount of property tax revenue will go into the City's general fund. He said that is one other reason the City does not have enough money in the general fund to support a Civil Service Commission. He said the startup fee for adopting the Civil Service Commission the first year is between 25,000 to 700,000 depending on the population. Mr. Reyna said there are the yearly expenditure the City has to pay. He said he respects and supports the blue, but he loves his City the most. He said he has been here 82 years, and he is not going anywhere. He will finish his journey in Freeport, so he wants his tax dollars properly used. He said if this governing body decides to place the adoption of a Civil Service commission on the November ballot and the Citizens vote to adopt the ordinance, his advice is to dissolve the TIRZ Project #1. He said the TIRZ can be dissolved at any time as long as debt that has not been issued and remains outstanding. He said by dissolving the TIRZ #1 the City will generate 150 to 200,000 of property tax revenue that will go into general fund that will pay for the set up and yearly expenditures of the Civil Service Commission if it is adopted. He said this TIRZ area is another of Mr. Kelty's blunder stuffing money out of the general fund. He said if Mr. Petty is listening he knows he has his hands full cleaning up Mr. Kelty's mess. Mr. Reyna said he wanted to thank Mr. Petty for getting rid of both Mr. Kelty and Kacey Roman he was the catalyst behind the departure of those two and if it was not for him, those two would still be milking the cow. He said to Mr. Petty he has saved the City a lot of money and his advice to Mr. Petty is any and everything Mr. Kelty initiated, get a magnifying glass and review also all the personnel Mr. Kelty hired, will sooner or later stab him in the back, surround yourself with your own staff that will be loyal to you. He said there have been City Managers that have completely gotten rid of everybody. He said there was one City Manager that got rid of the Fire Chief, Police Chief, Finance Director, Building Officer, and David was the only one standing, the street personnel. He said that the City Manager fired everybody and brought in his own crew. He said to Mr. Petty said that is what he has to do bring his own administration, otherwise he is in a lot of trouble. Mr. Reyna thanked Mr. Petty for the work he has been doing and he appreciates him and the City should also appreciate Mr. Petty because he has saved the City a lot of money.

Manning Rollerson said when Mayor Cain said about City business it is about City business the reputation and integrity is City business when you are a City leader, that matters it all matters. He said how the citizens are handled matters and can not brush over none of this. He said it can not be brushed over what Mr. Tim Kelty and Ms. Ezell did. He said it can not be brushed over what happened with Troy Brimage. He said none of this can be brushed over because all of this has gotten the City to where we are today, all of this. He said there is an issue in this City with transparency. He said there is an issue with the City when it comes to accountability. He said nobody is held accountable. He said we watch everything out of this City about all kinds of embezzlement, all kinds of misappropriation of funds, like if it is nothing, and it is something because anybody else can be held criminally for those same things. He said Jeff Pynes was held accountable. He said if we want to go back to that and when you go to praising City Managers for doing things that you say that Mr. Lance is doing remember Mr. Troy did the same thing and came back and got the City with Brexit LLC. He said at the same time, the same characters, the same people are still up there that were a part of all of this. He said when it comes down to it, none of this can be resolved until they fix these issues. He said the citizens need their money back. He asked where the accountability is? He said it was used on Jeff Pynes. He asked where the accountability out for Mr. Tim Kelty and Ms. Ezell? He asked where the accountability is? He said the taxpayers need that money. He said we do not have good infrastructure, good sidewalks, the ditches can not be cleaned. He said there is a budget shortfall, IRS problems and there has to be some accountability. Mr. Rollerson said to the Council with them as leadership and asked if they think they need to be asking for accountability instead of signing non-disclosure agreements where the citizens get screwed in the long run out by a law firm that is supposed to know better? He said an officer of the court, the problem is trustworthiness, the problem is criminality, the problem is no respect. He said the citizens deserve better. He said he lives in a City that is highly impacted by petrochemical companies and has no responsibility if he is watching this, how dangerous it is for the citizens because this is being done. He said he traveled all over the world to find out who is responsible and the insurance companies are responsible, they have a contingency plan and asked the Council why have they not fought for the citizens that were

dumped on in June of 2022? He said this Council is supposed to do something about that and the citizens were poisoned and the Council is saying nothing. He said to the Council they need to wake up.

Mayor Cain read the following comment that was given to him anonymously: Good evening Council I am replying to a request that was made by Council member Pena on Saturday, 2-22-2025 Council member Pena made a post on Facebook saying that City of Freeport employee's that signed the letter of support to the City Manager Lance Petty to speak up and defend their support of Lance Petty over the Police department. Before I make my response, know that I will always support the Police Department, Public Works, Fire Department, Golf Course, Rec Center, Museum and City Hall equally because, as an employee of the City of Freeport, I must support every department with equality. If you don't, you have the division we have now. This is my response to his request, because I might not be able to make the council meeting. In Council member Pena's post, he said if the employees that didn't sign the letter of support for Lance Petty the Freeport City Manager would face retaliation or be fired. That is one million percent false. When I signed the letter of support, I was under no pressure of losing my job. Unlike now, with the fear of retaliation from the sitting Council member for supporting the City Manager and reading my response to Council members Pena request. Lance Petty has shown time and time again his dedication and support to both the City of Freeport citizens and its employees, whether as City Manager or as his previous role as Public Works Director. To have a sitting Council member act the way he does inciting division within the City's staff and creating a hostile work environment in both internal and external is not appropriate and should not be the reason I have to write this. I have support for both the Police Department and Lance Petty. I will not support the divide that this Council member is trying to install here. I am sick and tired of all the false and defamatory statements that a Council member has been spewing, and it needs to stop. The Freeport Police Department will always have my support no matter what they think. I will not sit by and continuously watch a Council member vilify, crucify and demoralize any City of Freeport employee and City council member of the great City and try to use employees for his vendettas. The reason I am making this response anonymous, is not in fear of retaliation from any City of Freeport employee whether the person is my director position or just a regular employee. The reason I am submitting this anonymously is in fear of retaliation from a council member.

Mayor Cain read the following comment that was given to him anonymously: Dear Mayor and City Council members, I am writing to you today with a deep sense of concern regarding the state of our City which has been negatively affected by the actions of Councilman Pena. It is with a heavy heart and great hesitation that I express my fears about the potential retaliation that may follow by voicing these concerns this is why I rather remain anonymous, but it is necessary for the well-being and future of our community that we address the issues caused by his leadership. Over the course of his time in office, Councilman Pena has unfortunately become a source of division within our City. His actions and decisions have alienated many members of our community, gradually destroying the sense of unity that is essential for our City's success. Rather than fostering an inclusive environment, his leadership has deepened rifts and created a toxic atmosphere which has harmed the progress our City could otherwise have made. The consequences of his decisions have extended beyond personal conflicts within the community. He has deeply tarnished our City's image and hindered its ability to move forward together in harmony. His divisive actions have contributed to widespread discontent and frustration, and the negative impact on the spirit of our City is undeniable. The damage done to our community will take years to repair. It is evident that Councilman Pena's leadership has, in many ways, hindered our City's potential to thrive. His poor leadership and reckless decision-making have not only pushed many away, but have also hindered our process as a community. For these reasons, I strongly believe it is time for him to step down from the position as Councilman. The continued tension and division caused by his actions will only worsen if he remains in office. Our City deserves leadership that fosters unity and progress and a sense of shared responsibility. While I understand that resignation is a difficult decision, I am confident that it is the best course of action for both Councilman Pena's personal integrity and for the future well-being of our community. The ongoing harm caused by his leadership must be addressed if we are able to begin rebuilding the trust that has been lost. Given these circumstances, I urge

you to request that Councilman Pena step down from his position. His resignation is necessary for us to heal and move forward. The City's future depends on leadership that unites rather than divides. Thank you for your time and consideration for this important matter. I trust that you will act in the best interests of our community and work towards a solution that will help heal the wounds caused by this divisive leadership. Respectfully, a supporter of law enforcement and our City Manager.

Business

Consideration and possible action approving meeting minutes February 18, 2025.

A motion was made by Councilman Matamoros to approve meeting minutes February 18, 2025 as presented, seconded by Councilman Rossow with discussion that followed.

Councilman Davis said at the last meeting in the minutes, the meeting was adjourned and there were still items on that agenda that the Council had not gotten to and asked if the items would have to be resubmitted again, or they do not just roll over to the next meeting? Interim City Attorney David Olson said he does not know specifically what happened to this one. Mr. Olson asked Councilman Davis if it was the case that the items were not rolled over? Councilman Davis said no, there was nothing there. Mr. Olson asked Councilman Davis if it was at the end of the meeting? Councilman Davis said no, they had not even gotten to the items. Mr. Olson asked Councilman Davis if his question was, should it had been rolled over to this meeting? Councilman Davis said yes. Mr. Olson said the Council can decide that and at the staff level he does not know what steps were taken. Councilman Davis said the meeting had just adjourned and got to the meeting and there was nothing on there. Councilman Davis asked if they requested an agenda items on the meeting they were approved, and they were placed on the agenda and did not talk about them? Councilman Davis said he does not know the rule but either they have to send the items back in and would like to know. Mr. Olson said he does not know if the request was made for a specific meeting and his suggestion would be to say something in the request that states that this goes to the meeting and if the item is not reached for any reason that it will be addressed at the following meeting until it is reached. Councilman Davis said it would not have to be approved again or whatever it should not be no discrepancy that it be put at the next meeting. Mr. Olson said they could talk about this another time because he does not want to get into it under this item, but his suggestion would be to Councilman Davis to send an email reaffirming the prior request.

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

Consideration and possible action approving Resolution No. 2025-2906 for annual re-affirmation of Ordinance 2024-2726 establishing the City's ethics policy for all elected and appointed city officials and all city employees.

Human Resource Director Donna Fisher said this is the annual reaffirmation of the ethics policy. She said the ethics policy was updated and adopted in 2024 and there have been no changes made to it for 2025, so it is just the annual reaffirmation which is required by the ethics ordinance and staff recommends approval of this.

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

Councilman Pena said he wanted to table this simply because he is just kind of wondering why it is even on the agenda. He said he knew Ms. Fisher just explained that it is an annual but is just wondering why the agenda tonight only has this particular item when they had all those other pressing items. Councilman Pena said he was just curious how Mayor Cain decided that this was going to be the only thing tonight on the agenda when they had all those other pressing items that included the discussion about the grievances and the complaints and the concerns that the Police Department and does not want Mayor Cain to say he does

not have an answer like he has done before. Mayor Cain said this is what he was talking about, about talking off-topic. Councilman Pena said they could have a conversation. Mayor Cain said this is what he is talking about, talking off-topic. Councilman Pena said to Mayor Cain he does not get to control the dialogue. Mayor Cain said he is not trying to control the dialogue Mr. Pena, he is trying to control the meeting. He said right now they are talking about consideration and possible action approving this ordinance, which has been tabled. Councilman Pena said his comments on this are that this particular agenda is a miscarriage of the justice and transparency that the Police association and the residents. Mayor Cain asked Interim City Attorney David Olson if he considered this off-topic? Councilman Pena said it was a comment on the topic. Mr. Olson said the topic was the ordinance. Mayor Cain said no, the being tabled. Mr. Olson said he thinks the only thing that the Council should be talking about is why they are tabling this particular ordinance. Councilman Davis asked do you vote on it? Mr. Olson said once the Council is done deliberating, why the issues being tabled, then yes and anybody can call the vote at any time. Councilman Pena said that it is another good way to go ahead and just circumvent the discussion, as if somebody wants to table this right off the bat feel free to just go ahead and do that. He said he would go ahead and just wanted to ask the questions there. Councilman Pena asked if this ordinance had been, since last year been violated by any Councilman, by any elected official, by any City official that Ms. Fisher was aware of? Ms. Fisher said nothing had been reported to her as a violation of that ordinance. Mr. Olson said that is what he was going to suggest, is that they are not in the business of trying to hunt for this and if a complaint is received it is investigated, and have not received a complaint. Councilman Pena said he is just trying to get an understanding of how games are being played with this thing and is going to say he will have more editorials on that later so that he can expose the differences. He said there is a disparity and this is not about trying to create division, but this is about to expose a disparity by those who want no transparency and those that do. Councilman Pena asked from the ordinance that was adopted last year, and it is apparently the very same one verbatim and asked if that was correct? Ms. Fisher said yes. Councilman Pena said he just wanted to be abundantly clear about that and is just curious for any of the violations that, or the rules and regulations that are being applied to the City Council or, for that matter, any City management staff and asked what is the process for accountability? Councilman Pena asked what are the measures? Councilman Pena asked what section of this ordinance articulates what those measures are and, for that matter, who is responsible for actually applying those? Councilman Pena said because he is just curious that, if anything comes up, he wants to know who is responsible for enforcing the accountability, because he wants to make sure that he can highlight going forward that when this particular ordinance was violated in 2024 and for that matter, in 2025, up to date, that then we are responsible for whatever the method is, for responsibility in holding, holding these particular individuals accountable, but he wants to make sure that the public is crystal clear on who is responsible for applying responsibility and accountability on these elected individuals and senior management officials. Ms. Fisher said she had no authority as Human Resources manager to apply anything to the Council to elected officials. She said if a City employee, if she gets a report of a City employee violating the ethics ordinance, then as Human Resource Director, she can investigate that, but for as far as elected officials, as Human Resource Director she has no authority over the Council. Councilman Pena asked and does this particular ethics ordinance have any provisions in terms of social media force for City staff first? Ms. Fisher said City staff have a separate social media policy in the personnel policy handbook that is not specifically addressed in the ethics ordinance. She said the ethics ordinance covers a lot of grounds of ethical behavior, but not like she said social media policy for employees is a whole separate policy in the policy handbook. Councilman Pena asked does any of this ordinance violate the First Amendment? Mr. Olson said no. Councilman Pena said he was asking Ms. Fisher, and then he would ask legal. Mr. Olson said Ms. Fisher could not answer a question about a legal interpretation of the First Amendment. Ms. Fisher said that is not a question that she is able to answer, that would be a legal question. Councilman Pena said for the record and asked does this have any language that limits the dialogue of any City Councilman, any freedom of speech? Mr. Olson said there are limitations that are authorized limitations. Councilman Pena asked what are those limitations defined as or those specifically and only those that are client, attorney, privileged pieces of information? Mr. Olson said he is not sure he understands the question. Councilman Pena said he is just trying to understand how they are going to try to corral what

people say, which is actually freedom of speech. Mr. Olson said he was not sure what Councilman Pena was saying and asked what people he was talking about? Mr. Olson said to Councilman Pena there are different policies that apply and obviously elected officials you self-regulate, and there is a whole section in there and assumes Councilman Pena had read this, that talks about you as Council by two thirds vote will decide how they are going to publicly censure somebody up there who violates and does not have anything to do with Human Resources. Councilman Pena said he was glad Ms. Fisher said that she has no authority to actually hold accountable the City Council and he wants to make sure that he leans into that just a little bit more to say by the very same token, the City Council, everyone there has only one vote and so they can not hold anybody accountable singularly and, for that matter, any City employee or for that matter, any resident. He said he wants to be clear that no City Councilman can retaliate against any individual employee or resident, so for that citizen comment he wanted to make sure that he leaned on that too, because that is a misnomer and you would never get that from him.

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

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2906 for annual re-affirmation of Ordinance 2024-2726 establishing the City's ethics policy for all elected and appointed city officials and all city employees, seconded by Councilman Rossow with discussion that followed.

Councilman Davis asked Human Resource Director Donna Fisher if this was already something they already had and are not changing anything? Ms. Fisher said that it is correct this is just reaffirming the ordinance that was passed a year ago, and it needs to be reaffirmed every year as close to the anniversary date of passage as possible.

Councilman Rossow asked Human Resource Director Donna Fisher if it passed last year? Councilman Rossow asked for 2023? Ms. Fisher said 2023 was a different ordinance, and 2024 the ordinance, had the training section added to it, and that passed, and that is the one that the Council is reaffirming this year was the one that was passed in 2024. Interim City Attorney David Olson said, for everybody's benefit, remember that this annual reevaluation and review process is built into the ordinance that the Council passed, and so the Council has created this kind of annual review process, just forcing staff to bring this ordinance back to the Council so that they can reconsider it annually.

Councilman Pena asked if this ordinance requires an annual review of employee staff as well and in any capacity? Interim City Attorney David Olson said the annual review is just the ethics ordinance. Councilman Pena said at the last meeting and does not think Mr. Olson was there but Mr. Bounds was there and it was articulated that at any time during the meeting that they could request that at the next meeting, the agenda items be added. Mr. Olson said any time during an open meeting, you can make a motion to place them at a future meeting, yes. Councilman Pena asked if it was a motion? Mr. Olson said if Councilman Pena wants to be formalized a majority count to ensure that it is on a future agenda, there would need to be a formal motion. Councilman Pena said that is not what was said before it was simply saying they can. Mr. Olson said he does not care what was said before, but if they would like to formalize this, it can be done by a motion. Mr. Olson said to Councilman Pena he can make the request, but it is not a formal motion made in open session, and the majority of the Council is going to rule the day when making motions relating to future agendas, so yes, he can make the request without the motion but that it is not going to guarantee it is going to be on the next meeting. Councilman Pena said he is just trying to understand the process that they are being told about how to get items on the agenda because they called for a special meeting for this coming Friday, and got no response from Mr. Olson's office on it, and one party of his firm says they can call it at any point in the meeting and now Mr. Olson is saying it has to be formally voted upon. Mr. Olson asked Councilman Pena if he was going to call it unilaterally? Councilman Pena said he was just asking to

get stuff on the agenda. Mr. Olson said they are going to discuss scheduling the special meeting.

Councilman Matamoros said as he was going over the ordinance and there was a statement made about if there were any violations of this ethics ordinance. He said he wanted to make aware to the residents of Freeport that he would like for legal to send a letter to the District Attorney and to the Attorney General to have criminal charges be looked into. Councilman Pena asked if this was a motion? Interim City Attorney David Olson said if Councilman Matamoros wants to instruct legal to do it, he is an individual Council member he answers to a majority of the Council. Councilman Matamoros said he is aware of two violations of the ethics ordinance, there is an information training by the Office of Attorney General for Open Meetings Act, and he had done a public information request and there are three sitting Council members who have taken this training and have turned in their certificates on this training and those three Council members are Mayor Jerry Cain, Council member Winston Rossow and himself. He said there are two others that have not taken it and State law states you have 90 days after an election or appointment to complete this required training, and thus there are two that are in violation because they are outside the 90 days. Mayor Cain asked if this had anything to do with the resolution? Councilman Matamoros said yes, it is part of the ethics and would look it up for the Mayor. Mayor Cain said he was not going to say he appreciates what he is doing, but he understands what he is doing, but he thinks that that is a discussion that needs to be with legal. Councilman Matamoros said he was just trying to make it make sense since it is part of the ethics ordinance and was just making it to be known but, yes, they can have time with legal. Councilman Davis asked which one was that? Councilman Matamoros said it is open meetings training.

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

Councilman Pena asked Interim City Attorney David Olson how is it that they can call an executive session when, in the last 3 or 4 meetings, it has been so difficult to get anything on the agenda, much less on executive session, unless it is specifically articulated and written out on the actual agenda for public notice, on the signs outside of the City hall, and for that matter, on the website, and then there tonight, they have nothing on there about executive session, and they are going to go into executive session to talk about what? Councilman Pena said this is the problem that the public has with how the Council are facilitating these meeting agendas, because what happens is, you guys put consult with an attorney and everybody is like "what the hell are you all talking about?" and "why are they not spelling it out?". Councilman Pena asked how do you explain that? Mr. Olson said one of the reasons why he brought up and made the statement at the beginning of the meeting was for that very reason that some information has come to their attention in the last several days that he needs to update the Council about, and it is absolutely well within the Council's right to consult with legal counsel about stuff like that. Mr. Olson said now, when they have adequate notice of information, or, and depending on whether there is actual pending litigation or otherwise personal matters, a good example, it is required to post specifics and this is an exception to that rule. Mr. Olson said he is obligated by his rules of professional responsibility to convey some information to the Council that he received today, and so they are going to consult with legal counsel in executive session so he can update Council and answer questions about that matter. Councilman Pena asked is that matter the same subject matter as it relates to Lance Petty for the requested special meeting for this coming Friday at noon is it the same subject matter? Mr. Olson said it is the precursor to that discussion, yes just to lay the foundation so that then a proper meeting can be posted and identified. Councilman Pena said they had already requested a proper meeting. Mr. Olson said he is aware of that and will be going to discuss that as well.

Executive Session

Executive Session regarding a.) Consultation with Attorney pursuant to Section 551.071

The Regular Session closed at 6:52P.M. and the Council entered into the Executive Session.

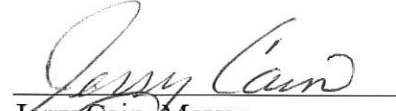
Reconvene into Open Session:

Executive Session ended at 7:56P.M. and the Council entered back into Regular Session.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made by Councilman Matamoros to adjourn the meeting, seconded by Mayor Cain with all present and voting "Aye" 5-0. Mayor Cain adjourned the meeting at 7:56P.M.



Jerry Cain, Mayor



Clarisa Fernandez, City Secretary