

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, March 17, 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
- David Olson, 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
- Shelby Araujo, Building Official
- Lily Celedon, Staff Accountant
- Chris Motley, Fire Chief
- Juanita Cardozo, Police Department

Visitors:

Con McCleester	Kenneth Hayes
Diane McCleester	Marinell Music
Nicole Mireles	Ruben Renobato
Sam Reyna	Pamela Dancy
Jill Friedman	Manning Rollerson
Linda Marshall	

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 he would like to remind the Council that they will have an orderly run meeting, and any disruptions could result in removal from the meeting.

Sam Reyna resides at 2002 North Avenue G. He said Councilman Jarvis Davis and Jeff Pena want to terminate City Manager Mr. Lance Petty's contract and, in his opinion it is just a vindictive, arrogant, hostile vendetta, and they are not providing enough legal justification for his removal. Mr. Reyna asked where Davis and Pena were when Tim Kelty was City Manager, and using general funds as his own piggy bank and misappropriating tax dollars? He said they did not try to get the contract terminated or did not try hard enough. He said Mr. Petty was the driving force in terminating Kelty's contract and terminating Kacey Roman's employment with the City. He said both Kelty and Roman misappropriated hundreds of thousands of dollars from the general fund. He said Mr. Petty is cleaning up Kelty's mess and doing a good job and his priorities are to eliminate corruption and excessive spending and his goal is to cut unnecessary costs and make every tax dollar count. He said Mr. Petty reminds him of Gary Beverly. He said Mr. Beverly once told him that Freeport was sitting on a gold mine, and he was referring to the old river. He said his plans for the river were more of a tourist attraction than building houses. He said the City Council terminated his contract and Clute hired him immediately, and he was the catalyst of the progressive change of Clute. He said he remained in Clute until his retirement on his terms. Mr. Reyna said he considers himself a good judge of character and believes City Manager Lance Petty is the future of Freeport. He said to the Council to not make the same mistake they made with Mr. Beverly. Mr. Reyna asked Mayor Cain if he watched President Trump's address to Congress on March 3rd? He said House Speaker Mike Johnson ordered the House Sergeant at Arms to remove Representative Al Green from the chamber because he was being disruptive. Mr. Reyna said to Mayor Cain he has the same powers as a House Speaker and if a member of the governing body disrupts the Council meeting and repeatedly is violating the rules of decorum, have the Sergeant at Arms remove him from the chamber. He said also if a Councilman is always late to Council meetings, there are possible sanctions for that type of intentional behavior, which are: 1. reprimand—a formal verbal or written reprimand from the Mayor or Council leadership, 2. fines—a small monetary penalty for each instance of being late, 3. loss of committee assignments—removed from important Council committees, 4. public censure—a public statement criticizing the Councilman's behavior, 5. removal from office—in very severe cases, a repeated tardiness. He said a Councilman could face removal from office through a formal process, and it does not take a rocket scientist to figure out who he is talking about.

Manning Rollerson said number one he elected Councilman Pena, and he is doing a damn good job for his ward whether you like it or not. He said they elected him to clean up City Hall, and that is his job. He said if you all want your Councilmen to be criminals and gangsters and can not take care of City Hall, do not know where the money is going at, no accountability, the same old thing happening over and over again, then you all keep these people because at the end of the day, the City of Freeport has not gradually grown in 57 years a bunch of excuses and pointing the finger. He said we know who are all the characters and all the characters are going to have their day. He said to mark his word they were going to have their day. He said this City government is going to have their day. He said number one and asked where is the accountability for the explosion on June 8th, 2022 for the citizens of Freeport out of this City government? He asked when the Council was going to do it? He said the Japanese government let him know it is the Council's responsibility, Ken Paxton's responsibility, to sue explosion in this community that affected his children, but the Council is sitting up there fussing about pushing things at each other, knowing that the City is going downhill. He said you can not even go to City Hall. He said the Council are too busy pointing fingers at one another. He said an investigation is needed all the way to 2012, when Troy Brimage administration all the way to the present, and he is pushing hard for it because too many people got away with too many things, and the City is not showing their moneys or return on the dollars and all the back and forth, and you have the yahoos back

there. He said when nobody feels safe. He said he was a black man up there. He said he is a black man that goes up there and all he sees is dysfunction. He said nobody is safe in Freeport especially when he is a climate activist fighting about the climate, and the Council is supposed to make sure that the citizens are safe, and the Council is too busy fighting one another. He said his children are in danger.

Jill Friedman said she has property at 203 Cherry Street in Freeport. She said she was notified when she came back from work in July of this year about this international property management code that has been enacted and put into effect according to the letter that she got it says, all apartment complexes must comply with the standards on or before January 1st, 2023 and this only got there in the late summer of 2024, so there is no way that she could ever possibly comply with something that was done a year before she was notified of it. She said this thing is supposed to be for anything over four units or more. She said she has a four-unit apartment complex and a five-unit apartment complex, and there is a lot of stuff in there that is extremely not relevant to a four-unit or five-unit apartment complex. She said this is stuff like big places, and things like the garbage collection notices there. She said there are other sections there about having to have electronic locks or keyless locks. She said there is no way in hell she is ever going to have that on any property of hers. She said she is not going to have people hacking into her tenants' properties or her property. She said the other objection that she has is that, it seems like the notices were not put on the water bills and any time the Council wants to let people know about what is happening, if there is a festival or whatever, but stuff is going in there where she can get a \$500 fine for any little discretionary thing in there that says the screen is ripped, or she does not have one of those locks on her doors or any little thing it is up to the discretion of whoever is going to go and inspect that she could get fined \$500 a day, which of according to her is against Constitution that is an excessive fine absolutely. She said \$500 a day fine is excessive and there is no argument about that. She said as far as the notification, the least the Council could do, she knows they have a list where they know who owns these apartment buildings, but the least the Council could do when it is something that affects that much, \$500 a day fine, that the Council can put a notice in the water bill like they do for a festival, but no the Council did not do that, apparently they put a notice in the back of The Facts that nobody reads, nobody ever reads The Facts, first, and certainly not going to read the small print in the back of the newspaper. She said her neighbor across the street is Spanish-speaking and she knows for a fact that those people do not read those little notices in the back of the newspaper. Ms. Friedman said to the Council when they know that they are going to do something that affects people to this major amount, they can make a small effort to let people know that they are going to do this to them. She said she really thinks now she had talked to the Code Enforcement people, and she thought that there was going to be some discussion about this and making some adjustments to people with small units that like a lot of this stuff, just does not apply, but apparently, that did not happen and is not going to happen. She does not know, but it needs to happen, and she really thinks this whole thing needs to be looked at again because, according to the letter, the purpose of it is to ensure safe, sanitary, suitable living environments and protect and secure the public health, safety and welfare of the citizens of Freeport well, what the hell difference does it make if she is telling the Council that she has a vacancy in her apartment or not that really has nothing to do with safety, security, the welfare of anybody in this City to invade her privacy and the privacy of all of her tenants. She said they really have no business knowing who is on her property and that is her business, that is her tenants.

Mayor Cain said he received another anonymous not a citizen, but one of the employees.

Councilman Pena said he wanted to ask legal the last time this happened that they were not allowed, and so he wanted to ask that question again if anonymous letters are supposed to be read? Interim City Attorney David Olson said the whole point of requiring somebody to go and make public comments is to know who the person is making the comment, but it is obviously not illegal and said the Mayor can do what he thinks is necessary. Mayor Cain said it is not illegal. Councilman Pena asked if it violates the open meetings rules? Mr. Olson asked in what capacity? Councilman Pena said in any capacity of the rules of the State Law. Mr. Olson said no, everybody has a right. He said if they were to go up to the Council and refuse to give their

address and their name, they would still have the right to talk. Councilman Pena said no anonymous letters have ever been read before.

Mayor Cain read the following letter that was given to him anonymously: Dear Mayor and Council, I am writing today as a follow-up to my previous anonymous letter and to further address concerns regarding retaliation within our community. As I mentioned in my previous communication, the reason for remaining anonymous was to avoid retaliation. During the last City Council meeting, Councilman Pena made a statement, saying "I want to be extra clear that no City Councilman can retaliate against any individual employee or resident". So, for that citizen comment, I want to make sure that we lean into that too, and you will never get that from me." However, Councilman Pena's actions contradict his statement. On March 3, 2025 he made a Facebook post which I believe is directed at me, stating, "Do not give in to Mr. Petty, if you do, there will be a cleaning in house." From this statement, I infer that my job is now at risk. I would like to clarify that the letter in question was not written by any relative of Mr. Petty, as may have been suggested. It was written by an employee, who now faces the real threat of being fired due to Councilman Pena's remarks. I must ask, why is such behavior being allowed? The City of Freeport deserves a Council that serves with integrity, transparency,, and respect for all its citizens, employees, and residents. The actions of Councilman Pena do not reflect those values, and it is clear that the current situation is not conducive to a positive or productive environment for our community. The citizens of Freeport, especially those in Ward A, deserve a Councilman who represents them in honesty, fairness, and a genuine commitment to the welfare of the community, not one who engages in retaliation and intimidation. Therefore, I once again ask that this Council take appropriate action to remove Councilman Pena from his position due to his actions, which I believe have harmed the community's trust.

Councilman Pena said an email was received this morning, and he wants to make sure that the City Council is aware, or has clarity on the direction they are supposed to be going as it relates to Mr. Petty has retained an attorney that Cathy Ezell is also retained, that Covarrubias has also retained. He said that is why, that is why he called the special meeting. Mayor Cain said this is an item that is in the executive session. Councilman Pena said a motion could be made to move into executive session early, and he wanted to make that request. Councilman Pena asked if he could make that motion to go to executive session? Mayor Cain said to Councilman Pena he had the right to make that motion. Councilman Pena said he would like to make that motion to get an executive session so that they do not put themselves in any additional peril, because right now there is an adverse relationship, as articulated in the letter by their attorney, Clay Thomas, who represents Cathy Ezell, Covarrubias, and Mr. Petty.

A motion was made by Councilman Pena to get into executive session due to the risk that are in currently involved with that lawsuit, pending the pending litigation as per the letters. Motion died due to a lack of a second.

Consent Agenda:

Action regarding Minutes, March 03, 2025.- Clarisa Fernandez, City Secretary

A motion was made by Councilman Matamoros to approve Minutes, March 03, 2025, seconded by Mayor Cain with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

Action approving the license agreement between the City of Freeport and Cirque Du Luxe LLC for March 21, 2025–March 23, 2025. - Lance Petty, City Manager

This item was moved from the Consent Agenda by Councilman Pena.

City Manager Lance Petty said Cirque Du Luxe LLC approached the City, and they are in Lake Jackson right now. He said they approached the City and wanted to bring their show over to Freeport. He said

everything was sent over to legal to make sure that everything was good, and legal advised to bring it to the Council for the final blessing. Mr. Petty said one of the representatives was in attendance to speak if needed to answer any questions.

A motion was made by Councilman Matamoros to approve the license agreement between the City of Freeport and Cirque Du Luxe LLC for March 21, 2025-March 23, 2025, seconded by Councilman Rossow with discussion that followed.

Councilman Pena said he is curious in light of a lot of the various Cirque shows that have occurred across the Country and asked if they are properly insured? Councilman Pena asked if the insurance had been vetted and the bonding had been vetted? He said he would hate to be in another situation like Covarrubias. City Manager Lance Petty said yes, they provided everything. Interim City Attorney David Olson said they provided the liability policy. Councilman Pena asked if it was validated that it was true? Mr. Olson said yes, it is a state-registered carrier. Councilman Pena said here they are 3/17, and they want to come on 3/21 in four days that is kind of short notice. He said he is curious if they pass this if there is going to be any follow-up due diligence to ensure that in fact the policies are in place. Councilman Pena said he was curious and asked what policy amount their company is bonded at? Mr. Olson said they have a \$1,000,000 per incident and \$2,000,000 general umbrella policy. Councilman Pena asked if that was standard for the City? Mr. Olson said yes, but something like this has not been done, but essentially kind of borrowed the policy because they were in Lake Jackson at the time and, so that is why the short notice, and so they had a general liability policy that they were able to share because they were currently doing that show in Lake Jackson.

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".

Proclamations - Presentations and Updates

Presentation – Presentation by Perdue, Brandon, Fielder, Collins, and Mott L.L.P regarding Collections

Hayden Bartley with Perdue, Brandon, Fielder, Collins & Mott, LLP, presented to the Council the collection of delinquent taxes, court fines, and fees.

Business

Consideration and possible action on approving replat of Lot 4c Coastal Country River Estates a Five Lot Subdivision of 18.578 Acres composed of Lot 4c of The Coastal Country River Estates and a 9.289 Reserve Tract of The Coastal Country River Estates recorded in County Clerk's File 2024017236 of The Brazoria County Plat Records Situated in The Sterling Mcneel League Abstrct 94 City of Freeport Brazoria County, Texas.

Mayor Cain opened the Public Hearing at 6:32P.M.

Building Official Shelby Araujo said the owner is requesting to replat the property due to death in family. She said daughter and son in law were planning to build on property new residential home. She said additionally dividing the remainder of Stephen Hawkins for other family members/grandchildren. She said the replat was approved by the Planning and Zoning Board by Public Hearing on February 25th, 2025 and approved it unanimously. Ms. Araujo said this property is located in the City of Freeport's ETJ.

Interim City Attorney David Olson asked Building Official Shelby Araujo if it does meet all the subdivision ordinance regulations? Ms. Araujo said yes.

Mayor Cain asked if it was approved unanimously? Building Official Shelby Araujo said yes.

Councilman Davis asked Building Official Shelby Araujo what the last part was that she had said? Ms. Araujo said the property is located in the City's extra-territorial jurisdiction.

Mayor Cain closed the Public Hearing at 6:34P.M.

A motion was made by Councilman Matamoros to approve replat of Lot 4c Coastal Country River Estates a Five Lot Subdivision of 18.578 Acres composed of Lot 4c of The Coastal Country River Estates and a 9.289 Reserve Tract of The Coastal Country River Estates recorded in County Clerk's File 2024017236 of The Brazoria County Plat Records Situated in The Sterling Mcneel League Abstract 94 City of Freeport Brazoria County, Texas, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action on approving replat of County Road 819 Subdivision An Eight Lot Subdivision of 8.270 Acres Out of Tracts 63,64,65, And 66 of The San Bernard Syndicate Subdivision As Recorded in Volume 2, Page 135 of The Brazoria County Plat Records in The Thomas B. Bell League Abstract 41 Brazoria County, Texas.

Mayor Cain opened the Public Hearing at 6:35P.M.

Building Official Shelby Araujo said the owner is requesting to split property into (8) 1 acre lots She said the replant was approved by the Planning and Zoning Board by Public Hearing on February 25th, 2025. She said the property is located in the City of Freeport's ETJ. She said it does meet subdivision standards and staff are recommending approval of the plat.

Mayor Cain closed the Public Hearing at 6:36P.M.

A motion was made by Councilman Matamoros to approve replat of County Road 819 Subdivision An Eight Lot Subdivision of 8.270 Acres Out of Tracts 63,64,65, And 66 of The San Bernard Syndicate Subdivision As Recorded in Volume 2, Page 135 of The Brazoria County Plat Records in The Thomas B. Bell League Abstract 41 Brazoria County, Texas, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2025-2907 for the appointment of a candidate to fill the vacant position on the Charter Review that will expire May 31, 2025.

City Manager Lance Petty said the Charter Review Commission has a vacancy due to the resignation of Ms. Shonda Marshall and this term expires on May 31st, 2025. He said the duties of the Commission shall be the duty of such Charter Review Commission to inquire into the operation of the City government under the Charter provisions and determine whether any such provisions require revision, propose any recommendations it may deem desirable to ensure compliance with the provisions of the Charter, propose, if it deems desirable amendments to the Charter to improve the effective application of said Charter current conditions, report its findings to the City Council. Mr. Petty said one application was received from Mr. Eric Hayes.

Councilman Pena said he did not have the application in his packet, and it was not included. Councilman Pena said he is looking at the packet, and it only has the memo and the resolution but no applicants. He said the way this has been handled before is that applicants had to be in the packet to be considered.

A motion was made by Councilman Pena to table this item until the packet is completed with all the applications, seconded by Councilman Davis with all present and voting "Aye" 2-3. The motion failed. Mayor Cain voted "Nay", Councilman Rossow voted "Nay", and Councilman Matamoros voted "Nay".

Councilman Pena asked if this was advertised? City Manager Lance Petty said yes. Councilman Pena asked

when was the advertising date on that, and when was the resignation submitted? Mayor Cain said January 17th. Councilman Pena said they keep bouncing around the rules and are not sure why this is being done this time around again.

A motion was made by Mayor Cain to appoint Eric Hayes, seconded by Councilman Davis with discussion that followed.

Councilman Davis asked if there was anybody or a family member of Mr. Eric Hayes on the Charter Review Commission? Interim City Attorney David Olson said they are not in charge of appointing the person the Council can appoint whoever they feel is fit for that position, but his understanding is that they are related. Councilman Davis said he does not think the Council should start getting into having a husband and wife on the same board. Mr. Olson said that is a policy decision for the Council. Councilman Davis asked if it was not in the policy? Councilman Davis asked if Mr. Eric Hayes's wife is on the Charter Review Commission or is a family member? Mayor Cain said he was not sure. Councilman Davis said if it is not, it is okay. Mayor Cain said he believes it was a girlfriend and there were heads being nodded in the audience. Councilman Matamoros said a long-time girlfriend and he kind of agrees with the line of thinking Councilman Davis is going with. Councilman Davis said he has nothing against Mr. Hayes but he does not want to take that route and start filling up the boards with wives and husbands or girlfriends, but that is his opinion. Councilman Davis said if he was not there he would appoint Mr. Hayes to that.

Councilman Pena asked if any testimony was given by Mr. Hayes beyond his application and for that matter could he see a copy of it first? Councilman Pena asked the Council if anybody else had a copy of the applications besides Mayor Cain? Mayor Cain said it was on his online packet. Councilman Pena said he was looking at his online packet and it was not there. Councilman Matamoros said yes, he has a copy of the application. Councilman Pena asked if the online copy get revised? Councilman Pena said he just downloaded it this afternoon about 30 minutes just so he did not have to print it out, and it is not there and that is why he asked. Councilman Pena said he does not have a problem with Mr. Hayes and he is a strong candidate, but he does see the point and does not know if the Council want households or two persons in the same household to be on the same board. He said his first contention is that they are out of procedure by not having this in the public packet, and he likes for anybody that wants to be on these boards to be present so that the Council can hear from them why they want to be on that board. He said he did not know if Mr. Hayes had spoken to any of the Councilman regarding his candidacy and so, but that is why they have these meetings so that they can actually have that discussion.

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

Councilman Pena asked if this could be on the next agenda? Mayor Cain said he was not sure because there is a three month. Councilman Pena said the next meeting will be in April. Interim City Attorney David Olson asked if there was a motion made to have this on the agenda? Mayor Cain said no. Mr. Olson asked if it was requested by somebody? Mayor Cain said no, by City staff. Mr. Olson said it could be put on the next agenda if it is the staff's desire to fill this position, which he believes it is. City Manager Lance Petty said staff would like to fill this position. Mr. Olson said if somebody could be put on the board it would be nice and there is nothing precluding them from being put on the next agenda. Councilman Pena asked how many meetings there are between now and the deadline the 25th. Mr. Petty said two meetings. Councilman Pena asked for the Charter Review? Mr. Petty said yes. Councilman Pena asked if anybody in the audience was in the Charter Review and if there are any pressing matters that are ongoing right now? Sam Reyna the Chairperson said the Charter Review has a meeting on Wednesday the 19th, which is the upcoming Wednesday, and will be discussing Article 3 and 4.

Mayor Cain said the City will try to get some more applicants.

Discuss and Take possible action on Agenda Rules and Guidelines – per Ordinance 2021-2650, 2022-2657, 2022-2672. (Councilman Pena/Councilman Davis)

A motion was made by Councilman Pena to table this item, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Discuss and take possible action on the City Staff Salaries and Bonuses... In particular the PD and the Museum/Mainstreet budgets. (Councilman Pena/Councilman Davis)

Marinell Music resides at 126 Dutch Lake Court. She said she was interested in this particular item on the agenda. She said she went back and did some looking at meeting minutes, and back in March of 2021, the Council had a salary survey done, and it pretty much revealed that the Police Department needed well they were recommended increases from either 6% to 23%. She said grossly underpaid came up in the minutes as well as a recommendation by City Manager Kelty at the time for a 6% increase across the board for the patrol officers and 6% for all the other positions below market value. Ms. Music said the question was raised about the last raise given to all employees prior, which was in October of 2020. She said there was a question about whether that was a COLA increase, and Mr. Kelty said that it was part of COLA and part merit increase it said increases in the Police Department are based on the pay matrix, and Mr. Kelty said that the increase was being discussed as a salary adjustment. She said Garivey also pointed out that there were in excess of 35,000 calls that year, and for the City of Freeport, that is quite a lot. She said traffic stops are not reported, and that number was also stated that year that the City had lost 20 people in the last two years from the Police Department. She said basically in all the years that she has lived here, the Police Department has been known to be a training ground for all the other departments and agencies in the area because of the pay, basically. She said she knows that because she has had family members who have worked for the Police Department, and many of the officers that work for the Police Department now are friends of hers. Ms. Music said basically, the Council made a motion to have a 6% across-the-board pay rate increase then we get to looking at that pay matrix that has been discussed, and she was looking at the 2024-2025 budget, and each department head clearly puts their own input out there, the achievements for 2023-2024, the goals and objectives for 2024-2025, and the major changes. She said the Police Chief put in there that salaries have been adjusted according to the pay matrix for those positions that are on the pay matrix, and salaries have been increased by 3% for a cost-of-living adjustment for those employees who are not, keyword, not at the maximum of the pay scale for their positions. She said it is her understanding that nobody in the police department who was eligible for the COLA got the COLA. She said on the matrix there is a 20-year cap, so if you have an employee, one of whom she knows has spent 28 years with the department, they do not get any kind of increase, they do not get a cost of living or anything, and they are just stuck, and she does not really think that is what the City of Freeport really wants because the whole reason behind giving this pay adjustment a few years ago was to get competitive and retain the officers. She said she is for the Police Department and would like for somebody to negotiate and talk about it.

Councilman Pena said he is glad that the Council is finally talking about this, because it has been since November or December and there they are three or four months later, finally trying to speak to this, but, and he appreciates the input by the residents, but, he also wants to make sure that they have time to meet with the Police so that their association they have unionized and making sure that the Council is present so that they can have that discussion if they need to make that a workshop to address the inconsistencies that have been brought up by the Police Department and have become very obvious, obviously here, even to residents of the greater Brazoria County that are not even residents of Freeport, and so he would just want to make sure that they address this. Councilman Pena asked what is the City Hall staff doing proactively or reactively to try to remedy this situation with the Police association or the Police Department and the various staff that either qualify or do not qualify? He said he wants to get into the weeds of all that and, if not tonight then going forward there so that they can get this resolved because there are a lot of Police Officers that do not feel that they are being appreciated and, for that matter listened to by the Council, and so he wants to make sure that is addressed. Councilman Pena asked he is curious what measures that either the Mayor himself and or the City Manager have taken to help remedy the situation? Mayor Cain said first off the way a typical

agenda item goes is that they read it, read the summary, and then call for a motion.

A motion was made by Councilman Matamoros to keep the budget as presented as voted upon in September, seconded by Councilman Rossow with discussion that followed.

Councilman Davis asked if it was just voted to keep the budget and there was no way nobody wanted to even sit down at the table to discuss this budget or to possibly adjust it? He said the rule is what the rule is and if it has already been explained, he understands and a Police Officer should know, like if you take a charge to court, and you go to court and have to present the evidence or do not go into court with that charge and so if that is what the rule says can it be taken to the table to change it since it was said like that and change it for next year and if that happens when the raise comes it can be put back to they can get that raise to. Councilman Davis said it sounds like the Council does not even want to talk about it. He asked if they could discuss it or go to the table and discuss whether it is changeable or are they able to go to the table and change it? Councilman Davis said last time it sounded like it was given approval by the Council even though they were on that, but he could be wrong and is asking the question and if he is wrong for somebody to correct him. City Manager Lance Petty said everything was presented to the Council and had worked numerous workshops for the budget session as well and those raises were not added in and never went to his desk. Mr. Petty said the Council did approve the budget as it is and this late in the budget year if you go in and start looking at it and he is not against giving a raise and things like that, but when you start making changes like that, you do have to make cuts in those budget somewhere to be able to cover those costs, but he does know that the Finance Director and himself have already started working on getting budget documents prepared for next year's budget to start a whole lot earlier this year and start having a lot of workshops and things like that. He said he has met with the Police Chief numerous times since this came up and they are on a close working relationship and working on things to try to get things resolved for the next budget because like he said this late in the budget cycle it would be real tough and would have to make some serious cuts somewhere else to do it. Councilman Davis thanked Mr. Petty and said he understood that but the other question was if it was done like that the last time they got it and did Council have to approve that doing the budget when it first was applied when it was brought to the Council? Mr. Petty said yes. Councilman Davis asked if that is how it needed to be done this time? Mr. Petty said yes, it should of been brought to the table during the budget season for sure.

Councilman Rossow asked if there was a new budget coming up in September? City Manager Lance Petty said yes October 1st, but will start working on the budget in April.

Councilman Pena said he had four points he wanted to make and the first point he wants to make is to be crystal clear about this that the Council approved this 4 to 1 and he does not want any misrepresentation of what he voted against. He said he did not vote against the Police Department as some up there and outside on social media try to portray but he is going to say right now the reason he voted against it, and he will say it again like he did in September The reason is that there were so many inaccuracies, deliberate inaccuracies, might he say lies that made it he can basically criticize the fact that he does not agree with this budget, and he can criticize the budget. Mayor Cain said he could, but the agenda item is. Councilman Pena said to Mayor Cain he is stretching the agenda item to be more than what it was originally but to let him go in and say this point, because they do have the second part of this, which is the Museum. Councilman Pena said, let him say this here: it is very clear and he wants to be very clear that this budget was not clean that is the first point he wants to make, and that is why he voted against it. He said it was not against the Police, the Police then came forward to say, hey, it is not clean on their behalf in terms of the bonuses, and so he thought, well, let's at least have a regular conversation about it let's have an intelligent, mature adult conversation about it, and they are not even wanting to do that there now and that leads him to his second point, is that the City can make an amendment at any point through the year. He said there are seven more months, and are saying, no, let's wait for, let's kick the can down the road. He said he could understand if it was three months he could understand if it was less than 50% of the year remaining but they were talking about seven out of 12 and

asked what that was? He said he does not know whatever that fraction comes out to, but he will just say they can make that amendment it is not late in the game because, while they are over there saying, hey, it is late in the game, there are Police Officers who are underpaid that are not getting the compensation they deserve and there are those, as was identified by the citizen comment, that have been there for so many years, and it is obvious that there are so many discrepancies, not only with the budget but on this particular model and have to clean it up and that is what they are supposed to do. He said they are not supposed to kick the can down the road until September or October and are supposed to fix it as soon as they can the moment they know things. He said that is the problem, is that you find out something is broken, like City Hall, and you kick the can down the road, and then it gets even more dilapidated. He said you kick the can down the road on this, you are going to have a morale problem with the Police Department, in which, in fact, they already do. Councilman Pena said they can talk about they are not going to modify the budget tonight, but he is going to make another agenda request that they specifically talk about the Police Association's request to discuss the bonus structure and this conversation is not over. He said he was curious about two other things and number one was that Mr. Olson got up for a minute ago and spoke to Mr. Petty in his ear, and was curious about what he said and asked if he could please share that with the public? Interim City Attorney David Olson said no. Councilman Pena asked if it was client attorney privilege? Mr. Olson said yes, he would be happy to discuss this in Executive Session with Councilman Pena. Councilman Pena said he just wants to be clear about that because everybody is always asking what is the Council whispering about up there and this came up about two years ago and the answer then was not very satisfactory, and he will share that video on social media because it is continuing to happen. Mayor Cain said to Councilman Pena if they could get back to the agenda item. Councilman Pena said to Mayor Cain this is all germane. Councilman Pena said he is curious that when talking about this amendment that is so nefarious, that it is so draconian, that it is so bad for the City that they can not even make this amendment for the men and women in blue the guys that are on the front lines. Councilman Pena asked what the total dollar amount of this budget, this amendment that they are talking about or this bonus because obviously now had the City Manager characterize it as being, oh, it is way too much, and they really can not do that and where are we going to get the money from. Councilman Pena said he wants to know what that dollar amount is that it is so bad. City Manager Lance Petty said he did not characterize it that way to begin with. Councilman Pena said he wanted to know what the total is and asked what is the total effect on our budget that the Police staff is asking for? Councilman Pena asked if the Council had that number and if anybody had made that calculation yet? Mr. Petty said no, it had not been presented yet. Councilman Pena said he was curious and asked has the City Hall staff made any proactive measures to actually try to figure out what that number might be? He said if they had not, he would request that they do so that by the time we had this on the agenda for the next meeting, that they could actually have an intelligent conversation about it, but he would also like to make sure that they also have an opportunity, as Councilman Davis had said, to sit down and discuss this, because this is a very serious matter, and that is all he had on that particular topic, but he had the second part about the museum he wanted to make sure they talk about.

Councilman Matamoros said he had done some research on his own and was just needing some clarification from Mr. Petty. Councilman Matamoros asked City Manager Lance Petty if the City gives out bonuses as a City because he had heard it stated that the City is giving out bonuses? Mr. Petty said absolutely not. Councilman Matamoros said that is what he was curious about and he believes that. Councilman Matamoros said he has been looking at the information from surrounding cities like Angleton they are on the step plan, Clute is on a cost of living plan, Richwood is on a cost of living annually and get a merit every other year, and he is still looking for Lake Jackson's, and other surrounding cities. He said he does not think Freeport is too far out. Councilman Matamoros said he does want to speak about this on the next budget and see what can be done, but anybody stating that the Council is against the police because of this, is lying and if there is any type of retaliation, that is another lie, that the Council does not back the blue, that is a lie because every single time they have a request, it is approved, and so he does know that their issues have come up because of some other problems that were created by a Council person. Councilman Matamoros said he thinks they should take a vote on this and move on to the executive session.

Councilman Pena said he had a response to that and definitely wanted to make sure that they do talk about Main Street, because that is a budgetary item that was on the agenda. He said he just wanted to say that as was stated there by the citizen comment he is not interested in comparing us to the rest of the County especially when it is common knowledge that the City ends up being a training ground. He said the Council has to make sure that they do take care of the Police Officers, First Responders, but let him also be clear to state this other problem there the comment was, hey, if you guys just came to the Council and mentioned it and requested it would have been approved it. He said to not forget that just three meetings ago, they had the very conversation that was actually ended up reposted on social media and that is if you do not recognize why the Police Department and the City staff are not calling you and asking you for questions, you need to have a like a self-awareness check on that and ask why is that happening. Councilman Pena said if you do not have a good answer pick up the phone and ask for a meeting so that all parties can be present, that is the leadership that the Police Department is looking for. Councilman Pena said to Mayor Cain he was asking him to get that meeting put together, and they had it informally before but could still try to create it informally, but when he had basically ask that if they could have that meeting that is when Mr. Petty lawyered up. Councilman Pena said he wanted to make sure people understand the full picture of this matter, because now there are other legal issues because of this if the Council had nipped this in the bud with the Police they would have been okay.

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".

A motion was made by Councilman Pena to make sure that the Main Street Director position which he understands, has been vacated, that the person that had that position, which is Mr. Wade from the Museum directorship, that his salary was commensurate with his return, or he should say his relinquishing of those responsibilities with which last year, when he took the position on top of his museum director position, he got away. Mayor Cain said this has been done. Councilman Pena said that was the question he had and that was his motion. Mayor Cain said that has been done and taken care of. Councilman Pena said he was curious though was the pay effected after the resignation was submitted and asked was the pay change made effective after or when was it when was it made effective the change? Councilman Pena said he was hoping that it would be naturally right after the resignation, that the next pay period would not include that additional salary and asked if that was correct? City Manager Lance Petty said exactly he was on a higher pay grade for three days, and he took those away. Councilman Pena said that is what he needed to know because it was brought to his attention that there are directors that are resigning and want to make sure that the Council can be made aware. Mayor Cain said that agenda item is closed. Councilman Pena said he is asking to have better communication with the Council about any director positions moving up or down or in or out.

Executive Session

Executive Session regarding:

Discuss and Take Possible Action on Demand Letters to Responsible parties for recovery of \$345k. (Councilman Pena/Councilman Davis)

Discuss and take possible action regarding Lance Petty's retention of Personal Legal Counsel. (Councilman Pena/Councilman Davis)

The Regular Session closed at 7:10P.M. and the Council entered into the Executive Session.

Reconvene into Open Session:

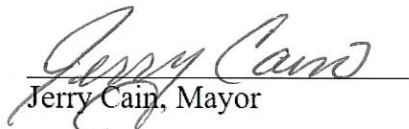
Take any action resulting from Executive Session.

Executive Session ended at 8:02P.M. and the Council entered back into Regular Session.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made by Mayor Cain to adjourn the meeting, seconded by Councilman Matamoros with all present and voting "Aye" 4-1. Councilman Pena voted "Nay". Mayor Cain adjourned the meeting at 8:02P.M.


Jerry Cain, Mayor


Clarisa Fernandez, City Secretary