

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, May 5, 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
- Lily Celedon, Staff Accountant
- Corey Brinkman, Interim Police Chief
- Rudy Ragle, Public Works Director
- Laura Cramer, Special Projects Supervisor
- Chris Motley, Fire Chief
- Patti Foster, Interim Building Official
- Holden Ezell, Building Inspector

Visitors:	David McGinty	Kenneth Hayes
	Ron Bachman	Ruben Renobato
	Margaret Bachman	Sam Reyna
	Linda Marshall	Nicole Mireles
	Manning Rollerson	

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 appreciated getting the audience participation forms prior to the meeting starting. He said he made a statement a few weeks back that he would really like to have these prior to the meeting. He said if the meeting starts at 6:00P.M. then he wants them before 6:00P.M. and does not want them once the meeting has already begun. He said he appreciated those that had turned them in and those who turned them in prior to it.

Sam Reyna resides at 2002 North Avenue G. He said Happy Cinco de Mayo. Mr. Reyna said it is unacceptable that Freeport City Councilman Jeff Pena is using his Jeff Pena for Freeport Ward A Facebook page, an extension of his public office, to suppress free speech. He said while he respectfully disagreed with one of his posts—Channel 13 interview—he deleted his comment and blocked him entirely from the page. He said the page uses the address of City Hall and clearly functions in his capacity as a City Councilman, as recently upheld by the U.S. Supreme Court, public officials cannot censor or block constituents from engaging on official social media platforms. He said this is an ongoing violation of his First Amendment Rights and should concern every resident who values transparency, accountability, open dialogue, and local government.

Manning Rollerson said he hoped the Council had a glorious holiday. He said he was there to address the 23-year-old problem. He said for 23 years, DOW has been dumping in the Brazos River without a permit. He asked if the City knew? He said the last time DOW had a permit was in 2014 to discharge in the Brazos and now they are coming back this month, and they are asking to increase the discharge into the Brazos. He said his concern is what he addressed with TECQ is at the end of the day, 36 years one man had a ripeness discharge permit and, for 36 years, how can you tell him that the water was not contaminated in the Brazos when they had no permit. He said every five years the question was every five years that they update those permits and asked where the City was at in all of this making sure that the waterways that they advertise, tourism, that the waterways are safe and the seafood in this community is safe to eat. He said at the end of the day, the City has a Health Department that is supposed to inform the residents of the water, if it is good enough to drink, but come to find out the Council has done nothing for 23 years. Mr. Rollerson said he blames it on every administration that was in the City government, because every quarterly they are supposed to know if that water is safe and if DOW has not had a permit in 23 years, that means the water is not safe. He asked who dropped the ball? He said he asked the same thing to DOW representative, the same thing he asked TECQ, same thing he asked emergency management, who dropped the ball? He said because at the end of the day, the Council says they care about the residents and if they do not know what is happening in that river over there, then they do not care about any of the residents. Mr. Rollerson said just like the incident with Freeport LNG. He asked what has the Council done about it yet? He said because there is a lawsuit going to go against Mr. Michael Smith. He said he even signed an arrest warrant for him just waiting for him to pick him up. He said the City of Freeport is an investor also. He asked what is the Council doing about getting these people paid in the City of Freeport and there is a contingency plan that the Japanese government and the German government said that they have each banker and his insurance company and asked the Council what are they doing? He said they are poisoning the river, blowing up in the community, ton of leaks, and then they say it is safe to live in Freeport. He said no economical growth, no growth in 57 years. Mr. Rollerson said he could not see it. He said they are fussing about the little things, but the bigger corporation is killing us and our children and this community. He said at the end of the day he was 63 years old and God only promised me three scores and ten and many are blessed to live the age they are today. He said our responsibility is for the future. He asked what was going on why are they running out of business? He said a lot of businessmen called him this week and said they can not do no business in Freeport so now they are buying property in Clute and Lake Jackson to build businesses. He asked why staff

move back down to City Hall? He asked what happened to the insurance money? He asked what happened to the FEMA money? He said to the Council to do something and expect you to invest in downtown. He said all these problems we have are these issues they ask him about. Mr. Rollerson said his main issue was about that Brazos River. He asked are we safe? He asked if the water was safe? He said we need some statistics with that, because he is requesting that every citizen of Freeport be tested for all of these exposures to the water and all exposures from these explosions, and that is what he is working on.

Proclamations - Presentations and Updates

Employee Recognitions – Employee of the Month, Lily Celedon, Staff Accountant, Finance Department- Lance Petty, City Manager

City Manager Lance Petty presented Employee of the Month to Lily Celedon, Staff Accountant, Finance Department.

Proclamation for National Correctional Officer's Week- Corey Brinkman, Interim Police Chief

Mayor Cain read the Proclamation declaring the week of May 4, 2025, to May 10, 2025, as National Correctional Officers and Employees Week.

Proclamation for National Police Week- Corey Brinkman, Interim Police Chief

Mayor Cain read the Proclamation declaring the week of May 11, 2025, to May 17, 2025, as National Police Week.

Upcoming Events - Port Freeport Take a Child Fishing May 10th at Freeport Municipal Park 8:00A.M.

Rob Giesecke said he wanted to invite the members of the community to come out to Port Freeport 25th Annual Take a Child Fishing Tournament, which is this coming Saturday at Freeport Municipal Park. He said they will provide the bait and the community will have to bring their own rods and reels. He said they have over 200 door prizes. He said there are two age groups and there are three prizes for the heaviest stringers in those two age group. Mr. Giesecke said there are some pretty nice prizes as they have been seen in the years past. He said to take the little ones and come out on Saturday, and he hoped to see everyone at 8:00A.M. at Freeport Municipal Park.

Business

Consideration and possible action approving Minutes from April 21, 2025.

A motion was made by Councilman Matamoros to approve the Minutes from April 21, 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 awarding Bid for Lift Station #1 Re location.

City Manager Lance Petty said on Thursday, March 27, 2025 the City opened BIDs for the relocation of Lift Station #1. He said the City engineer, Kimley Horn and Associates, have reviewed the BID documents attached. He said the City of Freeport and Port of Freeport entered into an agreement for the relocation of Lift Station #1 for the Port expansion a number of years ago. He said the agreement allowed for \$1.2 million dollars for the relocation of the lift station for Port expansion. He said this agreement included a 50/50 split cost of funding for any overages for the construction of the new lift station only, with the City of Freeport responsible for the costs associated with water and wastewater line extensions per the agreement. Mr. Petty said Texas Dewatering- \$2,298,646.03 and they were the lowest bidder. He said staff have reviewed the documents and have determined the City will need to provide a budget amendment to pay for the City's portion of the overage per the agreement. He said the \$1.2 million budgeted, and the City will need to utilize \$500,000 that is budgeted from Fund 14 Stormwater Project 2023-2024 which is a rollover, \$500,000 budget amendment from Fund 14 Project to be determined, which is a rollover in the budget, and \$98,646.03

budget amendment from Fund 25 for infrastructure roadway from OA Fleming Streets and that budget has \$1,000,000 in it. Mr. Petty said he has talked to Phyllis on the phone and the Port is not against maybe helping the City, but per the agreement, the City must fund this additional and then have discussions down the road. He said Kimley Horn and Associates were present, and Steven Kelly was the City Engineer that put this project together if the Council had any questions for him.

A motion was made by Councilman Matamoros to approve Texas Dewatering in the amount of \$2,298,646.03, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked if Texas Dewatering had done any work for the City in the past? City Manager Lance Petty said no. Councilman Pena said he guessed Kimley Horn was required to vet them to see if they qualified, had all the relevant experience and asked if this was right? Mr. Petty said yes. Councilman Pena asked if staffed reviewed Kimley Horn's reports and verified that everything was kosher? Mr. Petty said yes. Councilman Pena asked is part of that due diligence he guessed follow-up of the due diligence of Kimley Horn and asked if it was certain that Texas Dewatering meets all financial requirements as well as being properly insured and bonded to do this job? Mr. Petty said yes. Councilman Pena said he was curious as to why in the public packet the details of the BIDs by the different bidders were not included even in a redacted version, so that the public could review. He said he found over the last four and a half years as a Councilman is that there are a lot of shrewd residents that review these contracts and find a needle in the haystacks they get missed, and he just wanted to make sure that any contracts going forward are provided and is not sure why this one was not as they have been in the past, and so he was curious why that was decided that they would not be included. Mr. Petty asked as far as the contract? Councilman Pena said as far as the BIDs. Mr. Petty said he does not know why all the BIDs are not included. Councilman Pena said it was only a 36-page packet on the public side, and he knows on the Council side that it is the full packet but is wondering why that is not being disclosed to the public if that is public information. Interim City Attorney David Olson said he is not sure how it happened, but he will make sure that it is fixed moving forward. Councilman Pena asked if those could be posted on the City's website? Mr. Olson said yes, they are public documents. Councilman Pena asked if the public would have to make a public information request or could the City go ahead and be preemptive and provide them that everybody knew what the Council had? Mr. Petty said it can be provided it was a simple wrong click on the computer when making the agendas and something you hit the wrong button.

Mayor Cain said for those who are paying close attention to the budget under special consideration, the dollar amount is \$1,098,646.03.

City Manager Lance Petty said this project whenever the deal was done in the East End, it did include putting in water lines after all that was done, and Veolia went out and tested isolation and everything for their development, and they were not able fill the elevated tank and that is why there has to be an extension of the water lines and a reroute to make sure that they can fill the elevated tanks over there and so that is part of this BID as well. Interim City Attorney said, hence the overage and these are costs that the City is responsible for they were not contemplated by the settlement.

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".

Consideration and possible action approving Resolution No. 2025-2911 Amending the City of Freeport Policy Handbook Chapter 5 – Standards of Conduct revising Section 5.22 – Cell Phone Usage.

Human Resource Director Donna Fisher said she recommends approval of this resolution. She said the City has revised Section 5.22 Cell Phone Usage of the Policy Handbook to provide clear guidelines and expectations for cell phone usage in the workplace. She said the policy that is currently in the policy manual is from the original policy manual that was dated 2002 and so it does not reflect the prevalence of cell phones in the workplace. She said in 2002 and 2003 very few people had cellphones in the workplace, so

this revision will reflect the common usage and it will provide clear guidelines. She said the previous policy banned cell phones in the workplace, which is not reasonable now, but it does attempt to cover any situation that might arise from employees having cell phones in the workplace. She said so they have gone from a one-paragraph policy that basically said do not do it to a two-page policy that spells out expectations when you can and can not have your phone in the workplace and things like that.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2911 as presented, seconded by Councilman Davis with discussion that followed.

Mayor Cain said he liked what he read on this because it kind of follows the same policy he has at his work. Human Resource Director Donna Fisher said she tried to cover every possible scenario.

Councilman Pena asked what was the impetus for this? Human Resource Donna Fisher said that for one thing, she has been trying to go through policies to make sure they are up to-date for another, there have been instances where employees were scrolling through their phones when they should have been working and the previous policy said cell phones are banned, but that was not a reasonable expectation in this day and age so it was updated. Councilman Pena asked if there was a lot of lost company time? Ms. Fisher said not a lot but would like to prevent that. Councilman Pena asked how the City measure what was being lost and if it was able to monetize that or to enumerate it? Ms. Fisher said they have not and this was just some supervisor said so-and-so is scrolling through Facebook or so-and-so is listening to a podcast when they should have been answering a question from someone that kind of thing, but nothing major. Councilman Pena asked no mission-critical positions? Ms. Fisher said no. Councilman Pena asked if this was universal across the board for every employee or just specific departments. Ms. Fisher said across the board. Councilman Pena asked what department it was that this was being flagged for? Ms. Fisher said it was a couple of different departments. Councilman Pena asked if this policy covers both company cell phones and personal cell phone users? Ms. Fisher said yes it does and it has a separate section for City issued cell phones. Councilman Pena asked how is the City looking to enforce it or identify it? Ms. Fisher said that is going to be up to the supervisors and department directors, but that gives them more guidelines to use in doing that. Councilman Pena said he is just wondering about the privacy issues and concerns as the City staff on their personal phones versus the privacy of it are not really allowed he would image on the City phones. Ms. Fisher said City phones are subject to being examined at any time upon request and personal phones are not. Interim City Attorney David Olson said there is no expectation of privacy with the City-issued phone and this is really restricting use, and it is not about what they are doing it is about what they are doing. Councilman Pena said he just wanted to make sure to be clear about what is being restricted and asked if the City is restricting personal phone usage during business hours or both? Mr. Olson said both how they use it because they do not want people with a City issued phone driving, especially in a safety-sensitive position on the phone while driving, so this clearly outlines what they can and can not do when it comes to things like driving and other things. Ms. Fisher said driving and excessive personal calls during work time are that kind of thing. Councilman Pena asked if this is also retroactive from today? Ms. Fisher said it will be whenever the Council approves it. Councilman Pena asked what are the lines of punishment for disciplinary action if those particular norms were violated? Ms. Fisher said normal disciplinary action could be a written confirmation of a verbal warning, written warning, depending on how many violations it could be a demotion, suspension, or termination, depending on if somebody is texting while driving that is strictly prohibited and that is going to have a more serious discipline. Councilman Pena said if texting while driving is prohibited in the school zones that he is aware of, and he knows that in the City of Angleton if you are driving down to 288 there is no texting allowed and asked if the City of Freeport has that ordinance as well? Ms. Fisher said she believes statewide. Mr. Olson said it is a statewide offense but does not if there is an individual ordinance prohibiting that is not necessary for the Police Department to enforce certain things. Ms. Fisher said it is bolder in this policy that the City strictly prohibits any employee from texting while driving. Councilman Pena asked if the City employee phone numbers were available to the public or are they also private? Ms. Fisher said personal numbers are private. Councilman Pena asked the company City

issued phones? Mr. Olson said most of those are even posted as part of their job on the website so people can get in touch with them. Councilman Pena said so, typically in the City issued cell phones are administered to all City Staff? Ms. Fisher said no, it may be directors or supervisors or certain Police Department employees. Ms. Fisher said she does not issue those so she does not know exactly which employees and City issued phones are issued at the request of the department and so those are issued through IT.

Mayor Cain asked City Manager Lance Petty if he knew how many City-issued phones the City had? IT Director Toby Cohen said 47.

Councilman Pena asked how many employees there were? Human Resource Director Donna Fisher said 140. Councilman Pena asked if the public information request reached to the City issued one but not the personal ones? Ms. Fisher said personal cell phones can be removed for public information requests. Councilman Pena said he is just trying to understand how the City staff can actually still use their cell phones to conduct personal business and family business and also how they are going to be operating doing City business and what loopholes there might be for sharing information that might be of public interest.

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 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%) and being identified by the Brazoria County Tax office account number 8110-3450-000.

Special Projects Supervisor Laura Cramer said back in February she brought this particular piece of property to the Council and asked them to deny it on this resell offer to allow her time to contact the owner of the property of the other 50%, because these two lots they are only offering it for sale 50%. She said she was able to reach out to the other owners, and they were the ones that had made the BID on the property, so this would make them 100% owners of the lots.

Mayor Cain said he appreciated Special Projects Supervisor Laura Cramer doing that because it makes a lot more sense. Ms. Cramer said it does.

Interim City Attorney David Olson said basically the only part that was foreclosed upon was a 50% undivided interest, so two people owned half of the property and now 50% is what was being put up for auction. Special Projects Supervisor Laura Cramer said it has been BID on by the other 50%. Mr. Olson said he submitted the minimum BID, but it is there for the Council's consideration.

Mayor Cain said that way, instead of two people owning one piece of property, one person is going to own the whole. Interim City Attorney David Olson said it makes the property more developable and more marketable.

Special Projects Supervisor Laura Cramer said the family owns all the property in between the two lots because they are like bookends of about 5 or 6 lots.

A motion was made by Mayor Cain to approve the sale of trust property within the city limits located at Velasco Townsite, Block 747, Lot 4 & 10 (Undivided Interest 50.0000000000%) and being identified by the Brazoria County Tax office account number 8110-3450-000, seconded by Councilman Pena with discussion that followed.

Mayor Cain said, like he mentioned before, this makes perfect sense.

Mayor Cain called the motion to a vote with all present and voting "Aye" 5-0. The Council unanimously

approved the motion.

Consideration and possible action approving Ordinance No. 2025-2738 amending the Code of Ordinances to Adopt the 2021-2020 Editions of the International Codes.

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

Mayor Cain said the reason for tabling it is that it is not ready and the verbiage in the packet does not match with what needs to be voted on, so he would like it to come back with the proper verbiage.

Mayor Cain called the motion to a vote with all present and voting "Aye" 5-0. The Council unanimously approved to table this item.

A motion was made by Mayor Cain to adjourn the meeting, seconded by Councilman Matamoros with discussion that followed.

Councilman Davis asked how to make a motion to go into the Executive Session for an update?

A motion was made by Mayor Cain to table his motion to adjourn.

A motion was made by Councilman Davis to go into Executive Session for Consultation with Attorney, seconded by Councilman Rossow with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

Executive Session:

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

The Regular Session closed at 6:42P.M. and the Council entered into the Executive Session.

Reconvene into Open Session:

Take any action resulting from Executive Session.

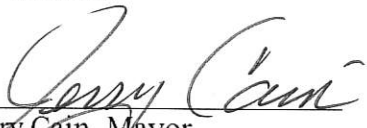
Executive Session ended at 7:17P.M. and the Council entered back into Regular Session.

There was no action from Executive Session.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made 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 7:18P.M.


Jerry Cain, Mayor


Clarisa Fernandez, City Secretary