

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, June 2, 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: Chris Motley, Fire Chief
David Olson, Interim City Attorney
Clarisa Fernandez, City Secretary
Ashlee Ferguson, Interim Finance Director
Toby Cohen, IT Manager
Donna Fisher, Human Resource Director
Crystal Ruiz, Executive Administrative Assistant
Wade Dillon, Museum Director
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Visitors:	David McGinty	Linda Marshall
	Melanie Oldham	Manning Rollerson
	Betty J. Lopez	Pamela Dancy
	Ralph Frazie	

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.

Thomas Koole said he is a concerned citizen. He said he wanted to give a couple of officers recognition at the last Council meeting, he spoke to Sergeant Torres. He said Sergeant Torres said he heard his concerns.

He said Sergeant Torres was at the intersection the following Monday when he talked to Sergeant Torres he had just finished pulling over a vehicle, and he told Mr. Koole was right about what he was saying, and there was a problem at that intersection. Mr. Koole said Sergeant Torres himself told him he was driving down Fourth Street and Officer Johnson was coming the other way and Sergeant Torres almost got hit by a vehicle at that intersection. Mr. Koole said there is a problem. He said he wanted to recognize them if they were there, and he thanked them for their outstanding job. He said he did not know if they went on and beyond their duties or if the Captain of the force put pressure on them to patrol the area, but the thing is that the intersection is still a problem. He said yes, it was the last day of the week for the school kids, and it does not matter they pass up that stop sign on weekends and, now that school is out, they are still going to do it, so he hopes the Council is hearing him and needs to get something done about the intersection.

Museum Director Wade Dillon said he just wanted to invite the Council as well as the Freeport community to the Shark Exhibit, which opened on May 24th. He said on opening day there were 273 people in attendance and every day, except the rainstorm that blew in last week, there were 100 people in attendance, which was fantastic to see. Mr. Dillon said he wanted to take a moment to recognize the City staff who were involved in helping him and his staff put the Shark Exhibit together and the Street department took the sharks over, helping mount them. Mr. Dillon also thanked IT Director Toby, with the Hammerhead vision station was a huge help. He said the Museum is open Tuesday through Saturday from 10:00AM to 4:00P.M. and it is free to the public.

Sam Reyna resides at 2002 North Avenue G. He said he gave a package to the Council on City ordinances. He said the reason he brought this up was because at the last Council meeting somebody tried to adopt an ordinance without going through the proper channels, which is the Charter Review Committee. He said to adopt a new ordinance in a Home Rule City like Freeport the process typically involves identifying a need for the ordinances, drafting the proposed legislation, presenting it to the City Council for review and public hearings, gaining approval from the Council through a vote, and finally publishing the ordinance for official enforcement. He said this process will be guided by the City's Home Rule Charter, which outlines specific procedures for enforcing local laws. He said the key steps, identify the need and gather support number one identify a local issue that requires regulation through a new ordinance, number two, gather community input and support for the proposed ordinance change, draft the ordinance, number one, work with the City Attorney to draft the ordinance, ensure it is legally sound and aligns with the City's Home Rule Charter, number two clearly define the scope, regulations, and enforcement mechanism within the ordinance, submit to City Council present the drafted ordinance to the City Council for review and consideration, number two the Council may refer the ordinance to relevant committee for further analysis and public hearing, public hearings, the City Council will hold public hearings to allow residents to provide feedback on the proposed ordinance, number two, citizens can voice their concerns, ask questions, and support or oppose the proposed ordinance, Council deliberations and vote, number one, following public hearings, the City Council will deliberate on the ordinance and make necessary amendments, number two, the City will then begin enforcing the new regulations outlined in the ordinance, publication and enforcement, if approved the ordinance is officially published in a designated legal newspaper, number two, the City will then begin enforcing the new regulations outlined in the ordinance, important considerations, Home Rule Charter review always consult the Freeport Home Rule Charter to understand the specific procedures and requirements for adopting new ordinances. He said legal compliance ensures the drafted ordinance adheres to state laws and does not conflict with existing ordinances; Community engagement actively involves residents throughout the process to build consciousness and support for the proposed ordinance.

Melanie Oldham said she is a resident of Freeport. She said she is a retired healthcare professional. She said she attends most City Council or EDC meetings, either online or in person. She said she has continued to talk to residents and to make public information requests since the last meeting. She said, as she mentioned at the last City Council meeting, she also attended the City of Freeports/D.A. versus Councilman Pena trial and listened to the testimony of witnesses Mr. David Olson, Betty Wells, Mr. Kelty, the DA's investigator,

etc. She said after hearing that she knew for a fact that the D.A. did not have a case. Ms. Oldham said she would respectfully say again Mr. David Olson the City Attorney, she said she felt like when he testified he changed his testimony and was not open and honest and actually, the defense lawyer had to show him the emails between Mr. Pena and himself and the fact that he told him to post that second agenda. Ms. Oldham said she would suggest that the Council form a citizen's committee with maybe two public members on it to start doing some serious search for another City Attorney. She said she knows it is tough, but the ordinances say that the City does not have to have an attorney from Brazoria County and, in fact, Mr. Olson and Olson are in Houston. Ms. Oldham said something to consider. She said also she is on the Historical Mainstreet Board, and the Council may not have heard, but they have now become accredited a lot due to Wade Dillon who has stepped down. Ms. Oldham said the problem is they have not met in three months, even though four of the board members have constantly requested it to Ms. Irene Ocenaz and Ms. Edith, who is the chair and vice chair. She said because of that and asked who was going to do the quarterly report that is due to Mainstreet? She said this is a big concern. She said when she asked Ms. Irene it comes back to well they have to get approval from Mr Petty. She said something needs to get done before they lose the accreditation that they have worked for a long, long time to get. She said she would like to know and a lot of people in this room and asked why and who decided to suspend Chief Jennifer Howell and say she needed to be investigated? She said shockingly, the City Council, most of them, do not even know the reason why she is being investigated, let alone the public. She said something was wrong there. She said Ms. Howell was not only Chief, but she was Assistant City Manager and, over Code Enforcement a very smart, important employee. Ms. Oldham said she hopes that at some point the Council will all share with the public why a good lady like Chief Howell her name is being defamed and all they know is she is being investigated for some reason. She said finally, building inspections she has talked to people in code and the enforcement officers are leaving. She said there is not maybe one part-time person left. She asked why was that? Ms. Oldham said the City has no Certified Floodplain Manager and that is a problem because people want to come here and build houses. Ms. Oldham asked why does the City not have a floodplain manager? She said the final thing was that she heard Mr. Reyna spoke and needs to consider putting on the ballot that the City has two at large City Councilman, because it is so sad when you have certain situation where there is always a 3 to 2 vote, no matter what the issue is. She said, why not consider Mr. Reyna and his Charter Review.

Pamela Dancy said she two and what the citizens have been telling her is that, as a prime example, the first gentleman that talked, would like to see the workshop brought back on board, because when they call or any of the Council it needs to be where the Council is out driving around and looking at what is happening in their ward and bring it to the Council. She said if it is brought to the Councilmen, then asked when they are supposed to talk about it because it is not on the agenda? Ms. Dancy said they want that brought back that way they do not have to feel like they are going up there and complaining. She said a lot of people have stated that they feel like the Council took it off because things were being said, and the City did not want to be embarrassed. She said these are not her words, but what others are saying. She said she kind of feels there is some truth to that. She said also Ms. Howell and said to the Council, remember each one of them always said what a great job she was doing, thank you, thank you. She said it has taken two months to do an investigation. She said she could see it if it was in the City of Houston or somebody that is larger than Freeport, but two months. Ms. Dancy asked what in the heck did she even do? She said she does not think she did anything and thinks it is a setup time. She said she hates to say that, but she really does feel like it is some type of a setup going on against her. She said she hopes that the Council can get their, stop being the way they are. Ms. Dancy asked how long it took to get rid of Garivey after he you know, they know all the funny stuff not that he did not do some good stuff but also Chief Howell is a great woman, and she does not know what is happening, but she does not like it. She said a lot of citizens do not like it, and they definitely want to have the workshop brought back up so that the Council drive around in their wards, bring up what is happening in the wards. She said this City is a mess. She said when she drives around it is a mess. She said the road construction is getting better and certain things they are doing, but there is a mess Downtown it is a freaking mess. She said to the Council to stop fighting between each other. She said principles before personalities. She said principles before personalities. She said to get some stuff done there and reinstate

Chief Howell.

Manning Rollerson said he too would like to piggyback off of Melanie Oldham, which is true it is time for the nonsense to stop, even with Ms. Pamela. He said number one, how is it possible that this City discredit the man's name that was elected by the people of his ward to get transparency. He said the problem with Freeport 57 years. He asked where is Freeport growth at? He said 57 years of taxation. He asked where the return on the dollar? He said 57 years of the Council permitting dumpings upon dumpings. He said 50 years of this Council agreed to tax abatements. He asked where is it for Freeport? He said while there is a dwindling budget, while the City owes the IRS and asked what is going on in Freeport? He said he drove in every last one of the wards and videotaped every last one of the storm drainage. He said, but the professionals are doing a good job. He said storm drainage has been like this over 15 to 20 years. He said the Council sat up there since 2012 and played games with the lives of every single citizen in this City. He said they can not get accountability for explosions in this City or dumping. He said those are the main key things that are supposed to protect the citizens of this City, because the Council are the frontliners. He said when the Council does not do anything about it, it leaves the citizens in danger. Mr. Rollerson said he flew all the way across the world to find out who blowed up in this community, and who was responsible, and all fingers pointing back at the Council because the Council did not ask for it or force it to happen. He said this was directly from the Japanese government. He asked what is the Council going to do to protect the people of Freeport? He asked where the homes that was promised with the expansion project with the Port of Freeport. He asked when the City was going to start breaking ground on that? He said that is important. Mr. Rollerson said he has an investigation going on the Council based on the water problems that are in Freeport. He said which the Council should know that because the requests have been asked for months now. He said the problem they have is a dwindling City, a deteriorating City, bad governance, and a downtown that has not grown since 1979. He said Freeport heyday was in the early 80s, and it started on the decline in mid 80s to the present day. He said infrastructure is not taken care of. Mr. Rollerson said dwindling is destruction and problems with budgeting. He asked what that sounded like? He said that sounds like a broken governmental system that continuously governs this City, and it has to change. He said their children should have a better future and the Council should do better. He said to the Council to get past the nonsense that they just went through and change this. He said the Council are some good people, but have to change hearts because this is about the children of the future it is not about none of our egos or our feelings, because we all have one.

Mayor Cain said he has one more citizen's comment by Ms. Kathy Cox. Mayor Cain said there was a time when he was getting multiple emails from citizens wanting him to read stuff anonymously or they were not going to be able to be there, so he would comment for them. Mayor Cain said in his opinion, this part of the meeting is for audience participation. He said he appreciated Ms. Cox's concerns and her concerns are on the splash pad. He said what he had decided to do as opposed to reading it, he will share this this letter with each of the Council members that way they are aware of the concerns. He said if Ms. Cox is listening, he will also pass this on to the City Manager that will look into it and get it taken care of.

Consent Agenda:

Action regarding Minutes, May 19, 2025 - Clarisa Fernandez, City Secretary

Action approving Road Closures for Fort Velasco Day - Saturday, June 21st- Wade Dillon, Museum Director

Action approving Resolution 2025-2919 authorizing the application to the TxDOT SP2125 program- Ashlee Hurst, Finance Director

Action approving Resolution No. 2025-2920 Cooperation agreement between the City of Freeport and Texas Home Collaborative (Public Housing Authority) Sienna Villas Apartments- Lance Petty, City Manager

A motion was made by Councilman Matamoros to approve the Consent Agenda as presented, seconded by Councilman Rossow with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

Business

Consideration and possible action by City Council approving items for surplus and authorize the sale with an online auction using Public Surplus.

Special Projects Supervisor Laura Cramer said she was presenting for the Council's approval several items to be declared as surplus from the Police Department and the Museum. She said the items are in a list in the Council's packets and staff recommended approval of these items as surplus.

A motion was made by Councilman Matamoros to approve the City to sell these items as surplus using a public auction, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Mayor Cain said he would like to make a quick announcement. He said City Manager Lance Petty was home sick this evening and for doctor's order, he should be out until Wednesday, and thanked Chief Motley for sitting in that evening.

Consideration and possible action approving Resolutions appointing/reappointing members to various Boards and Commissions.

Mayor Cain said staff recommended approval of the proposed resolutions appointing and reappointing individuals to various Board and Commissions as presented. He said these appointments are in accordance with established procedures and ensure continued functionality and representation on each board. He said the terms have expired on each of the Boards and Commissions. Mayor Cain said these terms expired on May 31, 2025. He said additionally, there are several positions left vacant due to members stepping down before their term expires. He said at the time this memo was created, the City had received applications from individuals who were interested in serving on those Boards and Commissions. He said this agenda item involves the City Council's consideration and possible action on resolutions to appoint or reappoint individuals to several municipal Boards and Commissions. He said this process helps maintain full membership on advisory and regulatory bodies that serve an essential role in local governance. He said all board members are appointed to fulfill 2-year terms and serve at the pleasure of City Council. He said a summary list has been created of expiring terms for each Board and a list of interested applicants is attached to the memo. Mayor Cain said to the Council as they are considering the members of these Boards, a couple of things need to be thought of, and number one is the person qualified and capable of performing the duties, and two is the person, a team player. He said in these committees the Council wants everybody to work together towards a common goal. He said he wants to make it the least disruptive as possible. Mayor Cain said the first one on the list is the Planning Commission, which currently has Mr. Ronald Bachman and Mr. James Saccomano whose term has expired and has reappplied, as well as Ms. Melanie Oldham.

Melanie Oldham said she would like her name to be taken off the list for the Planning Commission.

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

Councilman Davis said he wanted to table this item for the reason that Mayor Cain said to look over it. He said the Council received about five applicants today as they walked in, and he wants to look over them. Councilman Davis said Mayor Cain gave a great example of what the Council needs to be looking for and what they need to pay attention to. He said it is great to see that people come out to want to get on these boards, and he wants to look over them and try to make a better decision about what they are going to do.

Mayor Cain asked Councilman Davis when he said to table this item was he talking about tabling the whole agenda item? Councilman Davis said the whole agenda item.

A second was made by Councilman Pena to table this item with discussion that followed.

Councilman Pena said he was not sure if since Mr. Petty had put this on the agenda if he needed to be here as well to facilitate it. He said that is one of his concerns as well, in addition to the same-day applications.

Mayor Cain said he understood the concerns and one of his concerns with the whole situation was that there is a process for doing this particular item and that is to publicize that these appointments are coming up and put a date on which these applications are supposed to be in and those rules and that process are there for a reason. Mayor Cain said his opinion was that the rules are there, time has passed, and the rules are there for a reason. He said he is against tabling it because there are a lot of citizens that have come out tonight expecting to hear yes or no and this will just push it off that much longer but he is but one vote.

Councilman Pena said he saw that there was an application for Shonda Marshall, but then on the agenda it says she was not reapplying, but he has her application and asked how was that going to be navigated? Mayor Cain asked City Secretary Clarisa Fernandez when Ms. Marshall turned in her application? Ms. Fernandez said it was turned in this morning. Mayor Cain said Ms. Marshall turned in her application this morning and the agenda packet was put together already. Interim City Attorney David Olson said the only thing that matters is when the City actually received it, regardless of how it made its way. Mayor Cain asked when the deadline was? Ms. Fernandez said the 23rd. Mayor Cain said this is just his concern, but the Council is the one that decides he is but one vote and one voice. Councilman Pena said he knows the Council has done this at the last minute of people in attendance writing it up right there and then. He said he does not know why the Council would not want to try to include as many people as possible, especially when they are always trying to get people in. Mayor Cain said it was the Council's decision.

Councilman Matamoros said he sees it both ways, but the Council definitely want to have quite a few applicants, but do need time to vet the applicants that turned in their applications. He said he would like to delay it, but there are boards that will have meetings next week, especially Economic Development and they will not have a full board because four members are no longer on that board their term is expired and so if it is delayed for two weeks, there will be boards that are harmed because they can not conduct business they do not have a quorum and so that is where the tough decision comes in. He said the City did advertise this and put it out on social media and other places. Councilman Matamoros said he looks at it like this if you are applying for a job and there is a deadline, and you miss that deadline after the deadline, they do not say they are going to take your application and still hire that person, they are going to say sorry that person missed the deadline. He said they are caught in that rock and hard place of what to do. He said he believes there are some really good applicants that have met the deadline and would hate to see these boards harmed because they do not have enough members to have a quorum and the City business can not be moved forward.

Councilman Davis said he respected that, and he sees it both ways too and sees the point Councilman Matamoros is saying and but there is a board that has been out two months, and they have been calling for a meeting, and they have been hindered because they are not getting a response from the Council. Councilman Davis said it is the same thing when you go to a job and the job puts out applications that is a paying job and this is a volunteers and they are trying to raise up the volunteers and want to find good people in the same team. He said he does not want to hinder the board and does not want them to stay out two weeks maybe there could be a special meeting. He said it was just two days to look over these and the Council does not have to, and he is just one vote but he sees the point and it is valid. Councilman Davis said they have to get to the point at some time when the deadline has to stay, and he understands that but also have to raise it for the volunteers and do not want to discourage the volunteers, but at the same time, they need to understand there are deadlines for a reason. He said he understands that, but he was just excited to see all of these

people come out and finally want to be a part of something that they have going on. He said either way it goes, he was fine with it. He said you asked not you should receive.

Councilman Pena said he appreciated these concerns, but he just wanted to make sure that he demystified or clarified any of these concerns that actually might be ill-founded or by that he means number one the Council definitely wants to increase the level of participation by the public and so when these social media posts and sharing it apparently did not get promoted enough before the 23rd but in the last week there has been a lot more chatter about the boards, and so he is glad to see all the even last minute applications. He said the concern was expressed that well, they do not want to hinder the rest of these boards in terms of the timetables well he wants to let everybody know that in 2021, 2022, and 2023 the EDC board and other boards actually did not pick their new board members, and it did not mean that they did not get to meet. He said he remembers vividly in 2022 that there was no new election until July and what happened is that the EDC just continued to operate with the same board members all in good faith. He said nobody said they could not they were not renewed yet the ordinance said by May 31st or May 25th whatever the date was, they were not going to show up, but no they all showed up so by the same token we are in 2025 and are not asking for anybody to not show up to these boards and the Council has that authority. He said in fact, the Council did not express that authority in those years the boards must wait for the Council to bring it to the agenda and so the Council will not be losing out. He said all the boards can still be filled as they are now, and they can operate and do the business of the City as they volunteer to do so until the Council is actually able to consider all the other multiple participating residents, and so he thinks it is great that they have all the applications because in years past it has been like pulling teeth to get new folks and new ideas.

Mayor Cain said he agrees that it is exciting to have the amount of applications that the Council has received.

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

Consideration and possible action on the appointment of City Council Liaison for City of Freeport Boards and Commissions.

Mayor Cain said staff recommended the Council members volunteer and formally be appointed to serve as Liaisons to the City's various Boards and Commissions. He said according to Article 4. Section 2-143 of the City of Freeport Code of Ordinances, the City Council shall appoint one of its members to attend the meetings of the boards and commissions established by the City Charter or the City Council and to serve as a Liaison between such boards and commissions and the City Council. He said the active boards include with the Liaison: Planning and Zoning Commission-Councilman Matamoros, Economic Development-Mayor Cain, Board of Adjustments-Councilman Matamoros, Historical Commission and Main Street-Mayor Cain, Charter Review Commission-Councilman Davis, Senior Citizens Commission-Councilman Rossow, and Beautification/Parks and Recreation Commission-Councilman Rossow.

A motion was made by Councilman Matamoros to reappoint Mayor Cain to Economic Development, himself to Planning and Zoning, himself to Board of Adjustments, Councilman Davis to Charter Review, Councilman Rossow to Senior Citizens, Councilman Rossow to Beautification/Parks and Recreation, and with the only change if Councilman Davis would take over the Historical Commission and Main Street with discussion that followed.

Councilman Pena said he guessed that made him a lucky person that he did not have to be a part of the City's boards per Mr. Matamoros. Councilman Pena thanked Councilman Matamoros.

A second was made by Mayor Cain with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

Consideration and possible action awarding the bids and authorizing the City Manager to sign the contracts for the City Hall Generator, Service Center Generator, and Riverplace Generator.

Finance Director Ashlee Hurst said on Friday, May 16th, the City opened bids for the three separate generator installation projects and staff had reviewed the bid documents. She said she attached them all to the packet. She said staff recommend approval of the bids for the City Hall and Service Center, and then recommending tabling Riverplace for now, as she is working with TDEM, Texas Division of Emergency Management to try to get the total for the grant increased, as the bids came in higher than what the grant allows. She said the City Hall Project Award was awarded to the City by TDEM for \$425,000. She said the apparent low bidder for that project was McDonald Municipal and then their proposals were also within the grant project range. Ms. Hurst said the Service Center project was awarded to the City by TDEM for \$200,000 and the apparent low bidder was McDonald Municipal and their proposal is within the grant project range. She said the Riverplace project was awarded to the City by TDEM for only \$143,000 and the apparent low bidder is McDonald Municipal, but their proposal is higher than the grant project range by \$73,469, and she is working with TDEM to increase that cost, hopefully. She said if awarded to the apparent low bidder for City Hall and the Service Center, the City's portion for the local match would be \$49,311.80, and it actually comes in a little bit lower than when these grants were originally accepted and that money would be funded from Fund 21- facilities and grounds.

A motion was made by Councilman Matamoros to approve the bids for grants for City Hall Generator and Service Center Generator, and to table the Riverplace Generator bid until staff brings back to the Council, seconded by Councilman Davis with discussion that followed.

Mayor Cain said to Finance Director Ashlee Hurst that he appreciated the due diligence on this. He said hopefully, since these other bids came in under they can reallocate some of that money to the third one.

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 awarding bid and authorizing the City Manager to sign contract for the Freeport Brownfields Program.

Finance Director Ashlee Hurst said also on Friday, May 16th, the City opened the bids for the Freeport Brownfields Grant program. She said the City of Freeport was awarded a \$500,000 project by the U.S. Environmental Protection Agency, referred to as EPA, for what they call the Brownfields Program. She said the grant provides funding for the City of Freeport to conduct eligible assessment-related activities, and this bid is to award a qualified environmental professional to conduct the environmental site activities for the project. She said the awarded contractor would essentially oversee everything for the City and the bids were received, and she put everything in the packet. Ms. Hurst said Altamira submitted a schedule of rates, Geosyntec also had just a schedule of rates, and Terracon total bid was \$452,200 and this grant is 100% reimbursable, so there is no local match on the City's part, and staff recommend awarding the bid to Terracon.

A motion was made by Councilman Matamoros to award the contract to Terracon as presented, seconded by Councilman Rossow with discussion that followed.

Councilman Pena thanked Finance Director Ashlee Hurst for putting this package together. Councilman Pena asked if Terracon had been vetted? Ms. Hurst said yes. Councilman Pena asked if Ms. Hurst knew that they were properly insured and properly bonded for this project? Ms. Hurst said yes. Councilman Pena asked at what level of due diligence does the City do for the bonding and the insurance? Ms. Hurst said for the bonding it was submitted. Councilman Pena asked Ms. Hurst if she calls the insurance or the bonding

company to verify that it is in good standing, or if there are no outstanding claims against them? Ms. Hurst said no, it was just submitted with their packet. Councilman Pena asked, so if there were claims against them in other municipalities, would that matter to the City? Ms. Hurst said she was not sure that they would be able to tell the City. Interim City Attorney David Olson said the bonding company would not be able to tell the City that, but there might be some things that are a public record. Councilman Pena said he was wondering if there should be a line in the applications for these biddings that basically asked these bidders explicitly that question so that they are held liable and also have legal recourse going forward to have that question answered, and he wished he would have asked the same question in the previous agenda item here. He said there have been a lot of issues with bonding and insurance problems, and it would be good to know that these guys are in good standing because Covarrubias did not, and the due diligence on that was not performed, and so he would like to see some additional due diligence on this one, and for that matter, even on the one from the previous agenda item, 3D. Councilman Pena said he does not know if Ms. Hurst could still do that between now and the time that it is kicked off, but definitely that concern, especially since the City has been burned by it and now find ourselves in a lawsuit at the hands of Covarrubias, who received that \$345,000. Mayor Cain said to get back to the point. Councilman Pena said he is describing the precedent of the problem, and he wants to make sure to not repeat it, and so he wants to make sure that it is expressed as the public knows that. He said he can not vote in approval for it until he is sure that that bonding has been vetted.

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 2025-2928 amending the City of Freeport Master Fee Schedule for miscellaneous water-related fees.

Finance Director Ashlee Hurst said this item would amend the Master Fee schedule for the City to adjust two items that are already on there, and then add three new fees that the City currently does not have there. She said as of right now, the charges are \$25 for a return check fee and a \$10 flat rate late fee. She said she has worked really closely with the billing department to get accounts cleaned up, and the system is working better. She said they are just incorporating a lot of changes in areas that can be improved on. She said she reached out to neighboring Cities to kind of find out what they were charging, mainly, and the biggest issue is, now that the City has the new smart meters, when disconnecting a customer for nonpayment, they can see that they are going back and flipping that meter on, and that can be seen on there. She said they can see there is usage. She said the meters were costly for the City and so the City wants to have a way to protect the investment and that is how all this came about. She said the proposed changes would increase the return check fee to \$30 from \$25, change the late fee to be 10% of the balance owed or \$10, whichever is greater. She said additionally, staff would recommend the introduction of three new fees with regard to tampering it would allow the City to charge the customers a nominal fee for instances, such as turning their meter back on. She said the fee would be a flat rate of \$100 should the customer damage the meter box, the fee would be \$150, and then should the customer damage the meter, the customer would be charged the full replacement costs for the meter. She said she believes Code Enforcement is working on getting some type of legal action in regards to this as well, but that is outside of her realm. She said the Finance Department is working very hard to implement better practices, and feels that some adjustment in the fees and additional fees would better align the City in protecting its investments and generating new revenue.

Councilman Rossow asked if the old meters had a way of locking so that the customer could not turn them back on after? Mayor Cain said the meter itself is not lockable, but the valve before the meter, if he is not mistaken. Councilman Rossow asked whether the new meters that they put in can not be locked? Mayor Cain said he would assume the valve is still the same and does not have that exact answer, but the valve prior to the meter is, if he is not mistaken is the same, it is just a meter that is different whenever, with the old meters if the City turned it off and someone went back out and turned it back on, the City had no way of knowing that it was turned back on but with the smart meters, if that happens, then the City is aware instantly, that it has been turned back on. Councilman Rossow asked if there is a problem with people

turning them back on after they have been turned off? Finance Director Ashlee Hurst said yes, and in the process of cleaning things up they found some accounts that had not been disconnected or billed in over a year. She said she does not know if it is a system issue, but they are still working with the software to try to figure out and clean and make sure everything is on the up and up but as of now, they are just manually reviewing every account that has a balance and doing the best they can, but yes, there is an issue. She said there are accounts with usage and there are accounts that are sent out to turn off and then the next day they have usage again and that is how all of this kind of started bubbling up, because there is not much recourse they can do. Ms. Hurst said at the end of last week, she believes on Friday, actually, they ordered numbered tags for Veolia to lock the valve with, and then they can give the number to know if the customer tampers with it. Councilman Rossow said it seems like the City created a problem of their own. Ms. Hurst said she thinks the problem has always been there, but the City was not able to really see how much it was costing until now. Mayor Cain said he thinks that hit the nail on the head.

Mayor Cain said Finance Director Ashlee Hurst had mentioned that they are in the process of ironing everything out and asked how long she thinks it will be before she has it streamlined and everything running the way she anticipated? Ms. Hurst said as of this week, the girls are working on scanning all old files, so they are still just going through files, getting them paperless, trying to streamline everything. She said they now have scanners on their computers, so while customers are out the window, things are going directly into the system, so she hopes very soon. Mayor Cain said personally, he is 100% okay with charging people for tampering or damaging the meters. He said the rest of the charges, he thinks, are probably justifiable, but he personally would like to do this once everything is in line and running the way it is supposed to. Councilman Rossow said it sounds like the City has created crooks. Ms. Hurst said the late fee is what really caught her eye too, because Surfside's balance is paying a \$10 late fee for the same customer that is paying \$10 for \$55 past due when every City around us charges 10% and they do not charge a flat rate.

Councilman Davis said he liked what Finance Director Ashlee Hurst said about tampering with it and agrees to that too, but he would like for the City to get their end straightened out first because this has been a problem with this water bill for years. He said his water bill was wrong. He said he has to take it up every month and show how it is wrong, and it can not be right. He said he thinks the City needs to get their end, and he is not with raising the price on the citizens yet right now and he thinks the City needs to get their stuff because a lot of people's water bill has been wrong. He said he knows they are wrong because his has been wrong. He said they have been paying the City already and the City just needs to get their stuff fixed right.

A motion was made by Mayor Cain to table this item until the City gets everything running in billing the way they anticipated it to, seconded by Councilman Pena with discussion that followed.

Councilman Pena asked if there was anybody there from staff that knew anything about the meters, the actual workings of them? Mayor Cain said he thinks Rudy called in sick today. Councilman Pena asked if all the meters were installed from Ameresco in the City? Ms. Hurst said she thinks there are like 3% left of the City or 0.3 percent they are almost all the way done. Councilman Pena asked who was overseeing that installation on the City side? Ms. Hurst said on the City side would be Rudy and Ameresco. Councilman Pena said as it relates to the Water Department he asked last summer and again this early earlier this year during the whole Surfside water delinquency issue, and he asked staff, in particular Mr. Petty are there any other outstanding bills that are greater than 30 days or 60 days and the answer then was no, and so here now he is hearing that, well, three or four months later, there are bills that have been unpaid for over a year so that tells him that the water department, as he has been saying for the last two years, maybe more, is in complete disarray and so he is asking, who is the current director of the water department? Ms. Hurst said that would be hers, and she does not think anyone meant to steer him wrong when they run a report, and it is not pulling that account because that account was previously checked to not be billed and not be disconnected and there are a lot of things that were put on people's accounts that she does not agree with and

as they touch an account, they are getting straightened out. Councilman Pena asked what the current outstanding balance based on actually, the balance does not even matter because it is probably wrong. He said there are delinquent bills from residents that said, hey, this is not possible and it is completely outside the range of what they normally have and so when saying that there is an outstanding balance, he asked that question and wrote it down to ask that question, but now he is thinking about it, and it is almost meaningless because it seems to be a moving target that needs to still be cleaned up and so if they are all in agreement that it needs to be cleaned up before they actually do anything with this, and asked how long is it going to take to get cleaned up in her estimation. Ms. Hurst said she would not have brought it before the Council tonight if they had not known the problems, and they were in the second phase of getting this done and became fully staffed again in that department three weeks ago and then on top of that, with those new meters came a new billing system and so everything is really great, really detailed, there are a lot of hands on deck working on that. Councilman Pena asked if everybody understood the new software and the new training, and they had all been through it. Ms. Hurst said yes. Councilman Pena asked how long does Ms. Hurst think it is going to be till she has it all under control? Ms. Hurst said she thinks it is all under control now, and it is just a matter of continuing to fix the issues that have already been found. Councilman Pena said he guesses the question he is asking the next time Ms. Hurst goes to the Council is she going to be saying, well, there are still some accounts that are still delinquent and have not decided what they are going to do with those, but still trying to find out who is, in fact, delinquent or not. He said he just likes to know that whatever billing they have outstanding for all the residents, and just say there are 100 out there that are having some funny billing for the first time that those are resolved and so that tells him, there are going to be errors, right, and have to have some tolerances he gets that, and he is just trying to figure out whether or not they are moving forward and saying they trust the water department that they know how the systems work and that the billing integrity is good. Ms. Hurst said she has never not trusted her employees that are there right now and every single issue they found they have worked together as a team since the day she came in she said she is very thorough, very detailed, very black and white and every single, and there is nothing that is being pushed to the side. Councilman Pena asked when she became the Director of the Water Department? Ms. Hurst said when Ms. Ezell left.

Mayor Cain said he appreciated Finance Director Ashlee Hurst's thoroughness.

Councilman Matamoros said there has been a lot of hey, they are a lot of creating crooks, they are turning on water, and did not know about it and that has been happening for a while, that is the main reason why the City went to these new meters, and so they can actually catch them because when the testing was done, he thinks it was 20% of the meters coming back as non reading, so people were getting water for free for years and so that is why the City went to these new meters so they can get their place in order and charge the people the correct amount, and so he appreciated Ms. Hurst and her staff work hard on getting these issues caught and rectified. He said he does want to see something within these fees as maybe a little bit harsher if they are stealing water, he would like to see something harsher because it is not fair to the rest of the citizens, to subsidize their theft. Councilman Matamoros thanked Ms. Hurst for her hard work.

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

Consideration and possible action approving Resolution No. 2025-2929 authorizing a revision to the City of Freeport Policy Handbook Chapter 5 – Standards of Conduct adding Section 5.29 Academy Assistance Program for Public Safety Personnel.

Human Resources Director Donna Fisher said this proposed revision to the City of Freeport Policy Handbook will introduce a new section, section 5.29 Academy Assistance Program for Public Safety Personnel. She said this section establishes a framework for financial support of academy expenses for eligible employees that want to attend the Police Academy or Fire Academy. She said this Academy assistance program is structured to qualify as an educational assistance program under Section 127 of the Internal Revenue Code. She said under this up to \$5,250 per calendar year of Educational Assistance could

be provided by the City and not be charged as taxable income to the employee. She said this will support the professional development of current City employees that are in public safety roles such as jailers, dispatchers, EMS personnel by offering financial assistance for their attendance at either certified Police or certified Fire academies. She said there is a statement in the expense and educational expense agreement that they will work for the City for two years after graduation and if it is less than that, if it is up to six months, then the entire amount needs to be paid back and if it is between six months and two years, then it is a prorated amount, but that will give the City certified public safety employees that are guaranteed to work for the City for two years.

Mayor Cain said he thinks the City tried a program like this in the past. Human Resources Director Donna Fisher said it was talked about in the past but never got to the Council. Mayor Cain said he personally thinks this is a really good program.

A motion was made by Councilman Pena to not approve until some additional revisions. The motion failed due to a lack of a second.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2929 authorizing a revision to the City of Freeport Policy Handbook Chapter 5- Standards of Conduct adding Section 5.29 Academy Assistance Program for Public Safety Personnel, seconded by Councilman Rossow with discussion that followed.

Councilman Pena said something of this nature came back to the Council before, and he thinks the issue was, the ongoing chatter that the City of Freeport seems to be some kind of breeding ground or training ground for new officers just trying to cut their teeth and then move on, and then that might have been addressed, and he thinks the question was how are they addressing that, to have a retention rate, and for that matter, having, the City be reimbursed and his concern on this is that they are talking about the residents on that water issue and putting really tough teeth on the residents, and he is thinking, you know what, if you want to be here, the City is going to help you develop your career, but he would like to see some stronger teeth on the payback provision and all he is saying is maybe there should just be a flat fee and no proration up until the end of the two year, term and this way we have folks that are committed to Freeport until that two year time and so, that is his concern is that right now, he thinks they are talking about 550 bucks, but what does that buy, you know that certification? Councilman Pena asked what it provides? Councilman Pena asked does it provide that much more of a marketable in the job market? Human Resources Director Donna Fisher said it allows a jailer to become a certified Peace Officer, to become a Police Officer for the City of Freeport, or dispatcher or, and EMS to become a certified Firefighter. Councilman Pena said he is all for helping everybody move up in their careers and having the City pay for it but the City has got to make sure that they keep them and that do everything to encourage if that means they have clawback provisions on this that are stronger, but also have other incentives, like they give a down payment assistance for their housing, a portion of the rent. He said those are things that he is open to and those are the kinds of things that he thinks would encourage. Ms. Fisher said there is a residency incentive program for people that are moving to Freeport. Councilman Pena said he remembers when that came up, and he remembers the numbers were really nominal. Ms. Fisher said they are and had to start low because of budgetary constraints, but at least we have the framework in place. Councilman Pena said that is his concern.

Mayor Cain said he thinks this is a great program.

Councilman Davis said he did like the program.

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".

Discuss and Take possible action on Agenda Rules and Guidelines – per Ordinance 2021-2650, 2022-

2657,2022-2672, and 2023-2820. (Councilman Pena/Councilman Davis)

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

Mayor Cain said he wanted to table this item not because he does not want to discuss it, not because he does not feel like they should discuss it, not because he does not feel like they need to discuss it, but the current guidelines state that they are supposed to have supporting documentation with agenda items. He said he is not saying to table this indefinitely, and he is saying they will table this until the next meeting.

Councilman Pena said all the materials were previously provided, and they are in the City's possession. Mayor Cain said they are not in the packet. Councilman Pena said he did not even want to get into the packet, but the agenda rules also affected the packet, yet Mayor Cain is the only one with a printed-out packet. Mayor Cain said his printed-out packet looks exactly like the one that is online. Councilman Pena said the packets were never clean, and he ended up getting all the janky ones and that is where the whole Betty Wells situation came about. Mayor Cain said they are not talking about back then, they are talking about today. Councilman Pena said well, he is talking about this packet argument that Mayor Cain is making. Councilman Pena said to clarify that to then and that needs to be addressed. Councilman Pena said he would like to have the printed out packet as well.

A second was made by Councilman Matamoros with discussion that followed.

Councilman Matamoros said he is seconding it because it says supporting documentation testimony from Pena Agenda Trial witness testimony by citizens who attended trial respective ordinance in City possession on City website, and he does not have it, and he never received it. He said if they can get it, then let's talk about it.

Councilman Pena said he was glad it was stated that in those terms that identifying the fact that part of the information that he wants to take into consideration was this whole bogus lawsuit against him for the last couple of years and the evidence that he is referring to is actually in that court transcript. Mayor Cain said they are talking about the agenda and not Councilman Pena's trial. Councilman Pena said the trial was all about the agendas and all of these particular ordinances, and so he is asking that if they are going to be required that documentation, then they have to order that transcript. Councilman Pena said the City has to order that transcript so it will not be. He said he does not know how fast they turn around their open records request for the transcript for the trial, but that is exactly what they are going to need, because it has all those details. Councilman Matamoros asked why does the City have to if this is Councilman Pena's agenda item? Councilman Matamoros said to Councilman Pena he should have ordered it and provided it to the Council. Councilman Matamoros asked why the City has to afford the cost? Councilman Pena said the same reason that the Mayor does not have to pay \$200 for a printed packet. Mayor Cain said he spoke with Ms. Oldham today who looked into what it would take to get a transcript. Mayor Cain asked Ms. Oldham what was the cost that she was told? Melanie Oldham said \$3,800.00. Mayor Cain said it would be \$3,800 for the transcript. Councilman Pena said the City has wasted a lot more on other really unnecessary items, legal fees included, so he thinks this would be helpful.

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

A motion was made by Councilman Pena to order that transcript so that in fact they can address this agenda item otherwise, they can never bring this back without that information, unless the Council just considers that agenda items without that transcript. Mayor Cain said or they could change the supporting documentation.

Councilman Pena said there is a lot of evidence at that trial that the City can make use of.

Mayor Cain said he is aware it is not on the agenda. Councilman Pena said it is germane. Mayor Cain said a Councilman, according to legal can make a motion. Interim City Attorney David Olson said they can make a motion to request that something be placed on a future agenda, so if they are essentially moving that this be coupled with this item being placed on a future agenda with the ordering of the transcript formerly as part of the supporting documents. Councilman Pena said Mayor Cain put it right and he quoted exactly what Mr. Olson said before, and now he is changing it and that is the problem that they have, which is why they are going to be talking about that in 3I they cannot be moving the goalposts the Mayor just articulated exactly what legal had said before, that he could in fact make a motion not that it had to be in conjunction with some other action.

Mayor Cain called the motion to a vote. The motion failed due to a lack of a second.

Discuss and take possible action on interim city attorney Olson and Olson. (Councilman Pena/Councilman Davis)

Mayor Cain said this is something that he feels like the Council should have a conversation about. Councilman Pena said that is why it is on the agenda. Mayor Cain said however, the supporting documentation is David Olson's testimony at the Pena trial, and witnessed testimony by citizens who attended the trial—that is not supporting documentation.

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

Mayor Cain said he would like to table this item till next week if this item has some supporting documentation. Councilman Davis asked what was the supporting documentation to that? Councilman Davis asked if Mayor Cain wanted a witness? Councilman Davis said taking a witness is supporting documentation. Mayor Cain said supporting documentation can be a number of things, it could be a video. Councilman Davis said a witness. Mayor Cain said he is not ruling out a witness however, there are people in the audience in the City that read these agendas, and they want to make educated decisions as well. Mayor Cain said if they want to say a witness is supporting documentation, once again, nobody has the ability to study it. Councilman Davis said this is the problem here and that is why the Chief is standing out there on administrative leave and nobody in the Council knows why. Mayor Cain said Chief standing up there has nothing to do with this agenda item. Councilman Davis said he knows, and it is an example of what is going on there. Councilman Davis said they want documentation and transparency and the Chief's is sitting out there on administrative leave and knowing nothing. Councilman Davis said he understands what Councilman Davis is saying, but that has nothing to do with this agenda item. Councilman Davis just exposed Freeport.

A second was made by Councilman Davis to table this item with discussion that followed.

Councilman Pena said they talk about all of these agenda items here, and talk about all the supporting documents, yet during these meetings, the Council never goes through all of the supporting documents, and in fact, there are some of these agenda items that are not able to have supporting documents, so they want to have a discussion, but the paper trail is already out in the public. He said the paper trail is in the videos of every Council meeting when the items were violated, the rules were violated, the examples that would be discussed there at the Council are already in the public domain so the issue of like they need to make sure they have all of this, the checklist items that was part of the problem of those agenda item rules, those Pena rules to really bottle them up because prior to him getting on the Council they never had to provide any supporting documents until ordinance 2022-2672, the Pena rule number three, and that is the problem there, and they are talking in circles there. Mayor Cain said the reason they put that particular item on there is because Councilman were putting blank agenda items with absolutely nothing other than a title. Councilman Pena said that is not true, but the City Council was fulfilling all the documents. Councilman Pena said he

would bring back other agendas that when they first got on the Council, the first year those and Mayor Cain and himself requested anything to be on the agenda and there was no documentation required from Mayor Cain and himself and so when they put it in the memo, there were no supporting documents on those memos. Councilman Pena said he would bring those as evidence as well and asked if that is going to change Mayor Cain's mind at that point, or can he change his mind now by just looking at it online? Mayor Cain said he has expressed that he too wants to have this conversation, but he wants to do it right on the agenda. He said the reason for that is not only are those the rules that are supposed to be followed, but he does not want to not follow the rules today and then in six months when this happens again, it turns out, how come you accepted it on that one and not this one? Councilman Pena said he can appreciate that logic, but the problem with that logic is, that Mayor Cain is leaning on poor ordinances, politically derived ordinances and Mayor Cain is saying he is going to lean on those wrong ordinances that were actually even proven to be illegal. Mayor Cain said it is the City Council's job and ability to make changes to those ordinances if they are written poorly therefore more of a reason to get this portion of it correct. Councilman Pena said to Mayor Cain he is asking to fix this problem with broken rules and that is the problem.

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

A motion was made by Councilman Pena that the agenda item gets placed on the next meeting as well as the previous one.

Mayor Cain said he anticipated tabling it for the next meeting. Councilman Pena asked if those two items would be on the next agenda? Mayor Cain said as long as they have the proper documentation, then yes.

Councilman Davis said in the ordinance it says if you put in a request and something is wrong with the request, then the City Manager supposed to email you back and tell you what is wrong with it and how to correct it. He said somebody should know this. Councilman Davis said he was the last one there. Mayor Cain said that is why he is saying he does not disagree in the fact that they need to bring this up and talk about it, because there are some things in there that he does not like as well. Councilman Davis said he needed somebody to tell him what he needed to put in there to make it go through them, because that is what it said in the book that they are supposed to respond and say, this was wrong, and need you to add this and write it like this. He said somebody is supposed to help you and can not keep doing this because they have been doing this all year.

Discuss and Take possible action on Police Chief investigation status and discussion. (Councilman Pena/Councilman Davis)

Councilman Pena said his motion was a two-part motion.

A motion was made by Councilman Pena to table this agenda item, but only and for that matter, even in executive session, but only upon receipt of the investigation report that was performed or ordered by City Manager Lance Petty so that the council can actually review it, if it is in fact going to be provided this evening that every councilman be given a copy of it.

Mayor Cain said his question for legal is it is his understanding that any discussion about employees should be done in executive. Interim City Attorney David Olson said that's correct unless they decide to avail themselves of certain rights, but they are planning on having a discussion tonight. Councilman Pena said to let him just say that they can have a discussion about this particular item without getting into the details and weeds of the legalities of HR and Texas employment laws being violated. Councilman Pena said he is interested in making sure that all the Council receives a copy so that they can then review it, call a special meeting then to discuss this information with the full report in all of their hands. He said he thought they were supposed to have it on Friday by using the Mayor's very same argument the public does not have any

of this information and asked why are they talking about it? Councilman Pena asked why is it even in executive session? Councilman Pena said they should have had the report three weeks ago, four weeks ago, here they are and did not even have it on Friday. Councilman Pena asked Mr. Olson if he had it and if it was ready? Mr. Olson said yes, they finalized the report over the weekend. Councilman Pena asked Mr. Olson if he had a copy of it for review tonight? Mr. Olson said he has an electronic copy to go over and then copies will be distributed. Councilman Pena asked tonight? Mr. Olson said after the person the subject matter of the complaint receives a copy. Councilman Pena said the Chief. Mr. Olson said the Chief. Councilman Pena asked Mr. Olson if he would just hit to send all the Council and the Chief right now? Mr. Olson said his plan and recommendation was to send the Chief an email in the morning with the copy and as soon as she receives it, acknowledged receipt, he was going to send it to staff and the Council for review. Councilman Pena asked if they could call her and her attorney up there now to just ask them that question now versus waisting a billable hour for tomorrow and just do it now in thirty seconds. Mr. Olson said he was not going to be able to send that email. Councilman Pena said he could send it if Mr. Olson sent it to him. Councilman Pena asked if he had it on his phone? Mr. Olson said he was not going to send a formal email like that from his phone. Councilman Pena said he is not sure how Mr. Olson is going to provide it to the rest of the Council tonight. Mr. Olson said he just him how he was going to provide it in the morning and they were going to discuss it tonight and was going to send Council copies, but he needed to get the green light to move forward from the Council tonight. Councilman Pena said he is zero interested, zero interested in having a half-baked discussion about the Chief, her reputation, her position, the City's reputation and image when the Council does not have that information in their hands, and Mr. Olson is holding it hostage yet again, and this is why they do not know anything, and this is why they do not know a damn thing because these guys are working to keep it all a damn secret. Mayor Cain asked Councilman Pena if he was sticking with his motion to table? Councilman Jarvis said on the record and asked when did the City got the email of the investigation? Mr. Olson said the final report he received was he believed Saturday, after they had done some revisions last week. Councilman Davis asked Saturday? Mr. Olson said correct. Councilman Pena said he would like an email open records request of when that email was received by Olson from this investigator. Councilman Pena said he was curious why the agenda was placed in executive session if they did not have those materials. Councilman Pena said you guys are just tripping up on yourselves, and to just tell the truth, be transparent, and can get through this now they are going to wait another two weeks. Councilman Pena said sorry, Chief and sorry City. Councilman Pena said they are going to call a special meeting is what is going to happen.

Interim City Attorney David Olson said to Councilman Pena to correct him if he was wrong but the motion was to table this and the executive session. Councilman Pena said it was to table this and provide the report that was his motion and the first part of the motion. Mr. Olson asked Councilman Pena if he would like to have a discussion in executive session. Councilman Pena said no, and he would like to have that report now. Councilman Pena said he would like to make sure that they make a decision on the report being provided tonight. Mayor Cain asked if the motion is to table and executive session. Councilman Pena said he is so distrustful of the process he is worried that the report is going to be modified tonight that is how crazy this is. Councilman Pena said crazier things have happened and just go look at the transcript of the trial. Councilman Davis said he would at least like to see it or get something tonight. Mayor Cain said there is a motion to table item 3J and 4A which is executive session. Councilman Pena said no, he never said anything about the executive session, and he said about tabling the topic here on the open discussion in conjunction with making sure they get the report. Councilman Pena asked why they were holding the report hostage? Councilman Pena said this right here is so unethical if not illegal and had to be embarrassed about this. Mayor Cain said not at all. Councilman Pena said no shame then. Mayor Cain said the motion is to table 3J. Councilman Pena said no, it is a two part motion, and asked why the Mayor keeps trying to paraphrase it? Mr. Olson said he thinks that the motion was to table the item and instruct staff to send the report tonight. Councilman Pena said yes, so that in fact they can discuss it in an executive session. Councilman Pena said he would like it prior to executive session. Councilman Pena said the truth of the matter is it is a miscarriage of justice to talk about the Chief's investigation when they have not had a chance to review it thoroughly.

Councilman Pena said to not give him they were going to read it in five minutes and then make a decision about her life, no that is terrible and for that matter, the rest of the Police Department, that is irresponsible. Mayor Cain said there is a motion to table 3J and executive session is not to happening until the Council has possession of the report. Mayor Cain asked Councilman Pena if that was more like he was saying? Councilman Pena said it is really simple and he wants the report now and if they had it on Saturday, they should have gotten it on Saturday. Councilman Pena asked Mayor Cain why did he not want it? Mayor Cain said he wanted to discuss it in a formal meeting. Councilman Pena said he wanted to review it beforehand because of the way the agenda item was written for executive session. Councilman Pena asked what the language on that was? Councilman Pena said it was about to stamp, seal and deliver the Chief's position in one way or another, and it did not sound like it was very constructive or positive for her retaining her position, the way the language on that executive session was. Councilman Pena said he was thinking why is that even on the agenda, like with that kind of negative complexion, when they do not even have the report to know whether or not it should be read that way or written that way. Councilman Pena said he just wanted to know who requested that way. Mayor Cain said Councilman Pena made a motion. Councilman Pena said he wanted to revise his motion he will not table it, but he wants that report before they go into executive session. Mayor Cain said now there is a motion not to table 3J and asked if that is correct? Councilman Pena said correct. Mayor Cain said not table 3J. Councilman Pena said but to deliver the report before it goes into executive session.

A motion was made by Councilman Pena not to table 3J and to deliver the report before it is discussed in executive session, seconded by Councilman Davis with discussion that followed.

Councilman Pena said to Mayor Cain he only wants the report and that is all he is asking for. Mayor Cain said there is a motion to table 3J on the floor and a second. Councilman Pena said that is not the motion. Councilman Davis said the motion was to get the report. Mayor Cain said there is a motion on the floor to get the report before going to executive session. Councilman Pena said any executive session. Councilman Pena asked Mr. Olson if that tablet is able to forward emails? Mr. Olson said yes. Councilman Pena said then do it that way, there are 2 I.T. gurus and between the two of them, they can figure it out. Mayor Cain said the Chief needs to get it first. Mr. Olson said he will make sure she does and is working on that. Mr. Olson said he thinks the intention was to give copies for purposes of having time to look at them and maybe recommend calling a special meeting about it and that was the goal. Councilman Pena said yes, but he would like that report tonight before they have any. Mr. Olson said that it is fine they are seeing what can be done.

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

A motion was made by Councilman Matamoros to go to executive session with the intent of coming back out of executive session and discussing 3J, seconded by Councilman Rossow.

Councilman Pena said he wants to be abundantly clear about this, the message that they are sending there, not only to the public but to the Police Officers who are risking their lives daily. He said this is just the same way when you have just scuttled and scrambled and untrustworthy leadership at the Council level, providing no clarification and allowing ambiguity and confusion and suspicions to fester for two months that is not very reassuring as a Police Officer putting their lives on the line for us. Councilman Pena said he wants to make sure that everybody knows that all he is asking for is that everybody gets treated fairly, that there is due process and that everything is transparent for every employee, the Chief included, and the janitor down to the janitor, because otherwise there is going to be another mass exodus because of how this is being mishandled. Councilman Pena said to Mayor Cain that it is going to be on him, and Councilman Matamoros and anybody else.

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".

Executive Session

Executive Session regarding a.) (Consultation with Attorney) pursuant to Section 551.071 b.) (Personnel Matters) pursuant to Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Police Chief.

The Regular Session closed at 7:52P.M. and the Council entered into the Executive Session.

Reconvene into Open Session:

Take any action resulting from Executive Session.

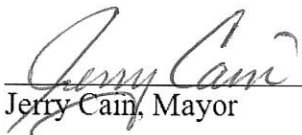
Executive Session ended at 8:54P.M. and the Council entered back into Regular Session.

A motion was made by Councilman Davis to instruct the City Manager Lance Petty to reinstate Chief Jennifer Howell, Assistant City Manager, Code Director, as Police Chief with all responsibilities and privileges affected immediately, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made by Councilman Pena to adjourn the meeting, seconded by Councilman Davis with all present and voting "Aye" 5-0. Mayor Cain adjourned the meeting at 8:54P.M.



Jerry Cain, Mayor



Clarisa Fernandez, City Secretary