

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, June 16, 2025 at 6:00 PM at the Freeport Council Chamber located at 430 North Brazosport Blvd. , Freeport Texas for the purpose of considering the following agenda items:

City Council:

- Mayor Jerry Cain
- Councilman Jeff Pena
- Councilman Jarvis Davis
- Councilman George Matamoros
- Councilman Winston Rossow

Staff:

- Jennifer Howell, Interim City Manager/Police Chief
- Clarisa Fernandez, City Secretary
- Ashlee Hurst, Finance Director
- Toby Cohen, IT Manager
- Donna Fisher, Human Resource Director
- Crystal Ruiz, Executive Administrative Assistant
- Wade Dillon, Museum Manager
- Rudy Ragle, Public Works Department

Visitors:

David McGinty	Pamela Dancy
Manning Rollerson	Nicole Mireles
Linda Marshall	Ralph Frazier
Kenneth Hayes	Sam Reyna
Ron Bachman	

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.

Manning Rollerson said that it is quite disturbing since 2012 that is how long it has been happening in this

City government. He said the lies, the deceits, the cover-ups, the dropping cases, and the thievery. He said, and they wondered why Freeport had not grown in 57 years. He said he lives in a community that the City used a little child for the image of the Chief of Police, Raymond Garivey and that is the community that he lives in a corrupt society that is being governed by corruption within all of that number one. He said listening to all these tapes that are floating around, everybody is in the link and everybody is in the loop on this. Mr. Rollerson said he told Mr. Winston to not get caught up with these people and that was the first thing he told him when he took office, to not get caught up with these people, and he decided to follow this and look at where they are at today in Freeport. He said explosions in the community no warnings, broken infrastructure, no communities that were promised with the expansion program still do not have it and money going out the door, but our community is not being developed. Mr. Rollerson said he holds it to the leadership of this City. He said the Council have been attacking us all these years in the Council meetings and fighting for equal rights and equal justice and good government to find out the Council in a bad conspiracy, and they govern this City, and have a conviction rate of African-Americans and Latinos in this City based on policing. He said his family was attacked in 2005 and 2010 by this Police Department, and he has three federal cases to prove it. He said as a resident of the City, as a business owner, he believes Mayor Cain should resign effective immediately. He said Mayor Cain was mentioned in those tapes, and he was at his house and discussed that, and he should resign because the citizens' safety is more important than this nonsense that is playing out there. He said every citizen deserves to have a government that is going to protect them. Mr. Rollerson said to find out they were plotting to harm another citizen of this City. He said the Oath was to do no harm and the way it sounds is there is a plot to do harm. Mr. Rollerson asked how safe are we in our City from the industry or from the government in this City? Sam Reyna resides at 2002 North Avenue G. He said the assassination accusations against Mr. Lance Petty as of today they do not have any knowledge of when Chief Howell recorded the conversation in which the entire plot accusation hangs, or the context in which that conversation took place. He said this element matters according to the facts. Mr. Reyna asked when did Chief Howell recorded the conversation — last week, a month ago, two months ago, or three months ago. He said it was eight months ago in November of last year. Mr. Reyna said if Chief Howell believed Mr. Lance Petty intended to execute the plot of the assassination of Mr. Pena, she should have arrested him immediately and called the DA's office or FBI. He said in his opinion, she believed it was just locker room talk and that is why she did not take action. He said at one time, Mr. Petty and Ms. Howell was on good terms. He said Mr. Petty appointed her as his assistant. Mr. Reyna said when Mr. Petty tried to terminate her employment because too many officers were complaining about her hostile environment and other issues she gave the recording to someone, then Councilman Davis gave the recording to the rest of the Council, and Mr. Petty was terminated. He said Councilman Pena is demanding that Mr. Lance Petty be arrested by the DA's office as soon as possible. He said well the DA's office has been bypassed and the Austin Texas Rangers will be investigating the assassination plot and also investigate a conspiracy plot to out Mr. Petty, by all means. He said forensic science and technology to establish facts has come a long way. He said a person's voice sound can determine when someone is telling the truth, and they have the recording. Mr. Reyna asked if there was intent on Mr. Petty to assassinate Councilman Pena or was it just locker room talk? He said we should find out. Mr. Reyna said if the Texas Rangers determined there was no intent on Mr. Petty to assassinate Councilman Pena, his job should be restored with an apology. He said if the Texas Rangers investigation determined that Mr. Petty did intend to assassinate Mr. Pena, then Chief Howells career as a peace officer is over. He said she should be indicted for withholding evidence of the assassination plot of an elected official. He said if Texas Rangers determined there was no intent by Mr. Lance Petty to carry out the assassination plot, then the City Council should terminate Chief Howells employment and also remove Councilman Davis for being part of a conspiracy to remove Mr. Lance Petty by using false information. He said again, Councilman Pena is in the clear and in his opinion, he persuaded Chief Howell to release the recording to Councilman Davis and persuaded Councilman Davis to release the recording to the Council. Mr. Reyna said Mr. Pena praised Mr. Davis for a job well done several times. He said establishing a conspiracy only by Chief Howell and Councilman Davis. Mr. Reyna said to Councilman Pena job well done he threw him under the truck. Mr. Reyna said Ms. Howell gave Mr. Petty eight months to assassinate Mr. Jeff. Councilman Pena said to Mayor Cain he would like to make sure that they go back to

the ordinance that says that they cannot have inflammatory language and finds it offensive that Mr. Reyna keeps talking about, very flippantly, the attempt on his life. Councilman Pena asked Mayor Cain if this could be cut off? Councilman Pena said it is grotesque. Kenneth Hayes said he had a couple of questions. He asked why did it take so long for the Police Chief to address this deal? He said if that was a serious threat and asked why it took a year for it to become public? Mr. Hayes said it was through a public records search that Councilman Davis got and does not understand. He said he was asked by a number of Police Officers who had told him that if it was a credible threat, that he should have been arrested on the spot when the Texas Rangers brought in when it first happened. Mr. Hayes said he does not know. Mr. Hayes said Ms. Nicole Mireles is running for reappointment to the Board of Adjustments, and he serves with her, and he thinks she has done a great job and thinks she should be retained.

Mayor Cain said he wanted to remind the audience that, just as the Council does not respond to the citizens' comments, they do not need any heckling or comments coming from the audience. He said they can hold a professional meeting there, and it is not that difficult.

Tom Pearson resides at 110 South Front Street. He said he was there on a happy note, so he hoped. He said he wanted to let everybody know that the 78th Annual Fishing Fiesta is coming up this July 4th. He said there will be fireworks, big prizes and hopes everybody on the net can hear. He said he is just trying to get the word out and let everybody know they are going to have it and hope for some good weather this year.

Pamela Dancy resides at 303 South Front Street. She said she would like to apologize for her outburst at the last meeting as it was more directed towards Mr. Olson and apologized for that. She said she had read the 15-page report, the investigation report, and she did not know who had read that investigation report. She said when she read it, at first she thought it was pretty sour, going towards the Chief, then, when she finished reading it and continued to read it, she understood that she did her job, and she understood the division that was put up through the Police Department, and a lot of that was due to Mr. Garivey for being so lax with everybody is what she got out of the report. She said she was quite stunned by what she heard on the tapes, and a lot of the people in the community called her and said, is it going to be safe to even be up here tonight? Ms. Dancy said and another thing that got her was that she likes everybody and there is good and bad in everybody and the saying goes, it is easy to be fooled, it is easier to be fooled than to believe you are being fooled because you want to believe in people, because you like them, or you just want to believe in them, and then you find out you have been fooled. She said she is not easily to be fooled and she does not trust anybody. She said she is very disappointed in what she has heard in these videos. She said she understands how Councilman Pena went after certain things, and she understands why he did not. She said she also understands why Mr. Petty is really upset and understands that, but the main point is that all of this could have been prevented and would not even be here today if it was not because they started at Mr. Pynes, then the Brimage fiasco, and everybody knows what happened to that, then they had other things that happened. She said then with Mr. Kelty and the delay with that. She said that is the problem if all this stuff had been nabbed right then and there, they would not be there today. She said Mr. Lance would still have his job and this one would not have to be coming out trying to tell the truth about the City. She said the same thing with Ms. Cathy and all the lawsuits that they have. She said Mr. Kelty has a lawsuit against the City, Ms. Cathy has a lawsuit, Mr. Lance has a lawsuit against the City. She said that is all they do is sue, sue, sue, and sue. She said she would be doing an open records request to find out all the other lawsuits the City has. She said Ms. Cathy did two things for the employees' taxes and kept her longer than they should have and that is a shame and she believes it was because of the budget. She said if they would just nabbed stuff right away, they would not be there today. She said she hates to say it, but it is the darn truth, and she thinks the Council knows it too. She said they need to stick to principles right away and just put everything else aside and everything will be fine and when the City makes a mistake then say they screwed up and are sorry, but are on top of it and will say, okay at least they admitted it, and are on top of it instead of all this other stuff, trying to correct it or whatever, or play footsy with everybody. She said she hates it for every party that is involved in this absolutely hates it. Ms. Dancy said what bothered her was when she heard Mr. Petty tell the

Chief good luck when she said she was having three officers there and said good luck. She asked if the Council knew what ran through her mind? She said when the President almost got shot and a stray bullet hit that firefighter and anything is possible to happen.

Proclamations - Presentations and Updates

Employee Recognitions – Employee of the Month, Loretta Cady, Programs Coordinator, Museum- Jennifer Howell, Interim City Manager/Police Chief

Interim City Manager/Police Chief Jennifer Howell and Museum Manager Wade Dillon presented Employee of the Month to Loretta Cady, Programs Coordinator, Museum.

Upcoming Events - Freeport Historical Museum, Shark Exhibit, May 24th- August 13th

Fishing Fiesta, Freeport Municipal Park, July 3rd-July 6th

Touch The Truck, at the Freeport Library, July 17th 11:00A.M.

Interim City Manager/Police Chief Jennifer Howell gave an update on the upcoming events.

Consent Agenda:

Action regarding Minutes, June 2, 2025 and Special Meeting Minutes, June 11, 2025- Clarisa Fernandez, City Secretary

Action on the renewal of Memorandum of Understandings with Texas Department of Public Safety-Jennifer Howell, Police Chief/Interim City Manager

Consider and take possible to approve the Certificate of Mayor of the City of Freeport, Texas approving a tax-exempt bond financing to be undertaken by Texas Home Collaborative (the project is known as “Sienna Villas”) and authorize the Mayor to execute same- Jennifer Howell, Police Chief/Interim 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 approving Resolutions appointing/reappointing members to various Boards and Commissions.

Interim City Manager/Police Chief Jennifer Howell said this was on the last City Council meeting, but the cutoff was originally May 23rd. She said the City secretary had received some additional applications after that and the motion was decided and approved to put this to the next meeting to give the Council the opportunity to review all the candidates and so that information has been provided to the Council. She said there are different boards, including the Planning Commission, EDC, Board of Adjustment, Historic Commission and Main Street, the Charter Review and the Senior Citizens, the Parks and Rec Committee, as well.

A motion was made by Councilman Matamoros to appoint Ronald Bachman and James Saccomanno to the Planning Commission, seconded by Councilman Rossow with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

A motion was made by Mayor Cain to appoint Sandra Loeza, Mark Parker, Gary Guerrieri, and Ron Bachman, seconded by Councilman Matamoros with discussion that followed.

Councilman Davis said on these board selections and asked if it has always been a rule to make a motion to do all at one time? Mayor Cain said it is the quickest way to do it, and it is not a rule and what has happened in the past is motions have been made, collectively, like the ones that have been made so far, and they fail and then another group of people would be recommended, and they would fail, and then once the Council got to the point where they could not come up with an agreement on a group of people, then it was okay, let's try A and B, but no, there is no set in stone way that this procedure works. He said it can go one, it can go two, it can go three, and it depends on how the motion is made. Councilman Davis said his concern is and does not know how the Council can look into it and make a rule because when a motion is made to do it all at once, it is not fair to some of the Council that he might not agree with one or two of them, but he agrees with two of them, and then it makes him look like somebody else looked like they did not want to vote for them, but that is just his look at it. He said he thinks the Council should do at least half at a time or one at a time. He said it is not going to happen today but it is just a suggestion because when they vote on all of them like that, it is really not fair to do that, because like he said, it just makes you look like you do not want to vote for and then people take it the wrong way and really not trying to not vote for you or put you in and so it is hard to do this like this decision here today, but that was just a suggestion. Mayor Cain said he understood his concerns and he echoes one thing, and he has said this every year that he has been on the Council that this has come up this is the hardest decision that the Council has to make, maybe not the hardest, but one of them. Councilman Davis said then it is like a race to say I make a motion but it is what it is, and it is just a suggestion.

Councilman Pena said he was curious about those that reapplied who are there and that was Sandra Loeza, Mark Parker, and the other two were Ron Bachman, and Gary Guerrieri. Councilman Pena asked if Gary Guerrieri was in the audience? Mr. Gary Guerrieri said yes, he was there. Councilman Pena said his whole deal is this is that, if you want to be on the board, you got to be present and, for that matter, he is also interested in making sure they have fresh new ideas. He said it is his opinion that the EDC has been standing there or sitting in their hands over the last couple of years, and he actually has it from pretty good sources in the City Staff that it was purposefully done at the direction of Lance Petty, and that is actually in the audio recordings as well. He said so at this point he was thinking, okay, surely the board was thinking, well, they do not have to listen to Mr. Petty, but they could get something done, and so he is thinking about what has been done, and so he is looking for a fresh, clean slate altogether, not recycling folks. He said he was not going to vote yes to this nomination simply because there are two individuals that are nominated, and they are not there tonight, and they are part of the same board that has really moved no part of that needle for the EDC and he is curious, even, where the director for the EDC tonight to speak to the slow pace, the no pace of the EDC and that is Robert Johnson. Councilman Pena said he is going to say right now, and he has already been warned he has already been tipped off he should say, and the paper trail is going to come, that there was some colluding between Lance Petty and potentially some of the board members on the EDC to make sure things got stagnated and so that paper trail is coming and at that point, when that does happen he said to the Mayor he hoped they remove those individuals for that unethical, really non forward-thinking, irresponsible and really damaging, for the City and so that all said, he would hope, and he would ask that the nomination be revised to include four new people that are not on that board that are not currently on that board and so Mr. Bachman and Mr. Guerrieri, they are not on the EDC board now and asked if that was right? He said he is okay with those two individuals being on the board, and he would like to see two other individuals that are new to the EDC to get some new, fresh ideas and new energy. He said he would ask the Council to revise those last two Ms. Loeza and Mark Parker and remove that from the motion, and then he would approve it otherwise he would vote against it.

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

A motion was made by Councilman Matamoros to appoint Nicole Mireles, Sammy Moore, John Standridge

and Eric Hayes as the alternate to the Board of Adjustments, seconded by Councilman Rossow with discussion that followed.

Councilman Pena said he would like to make sure that the public is aware that the Council has been in receipt of an email complaint of Ms. Nicole Mireles abusing her position. Councilman Matamoros said that has nothing to do with what the Council is talking about. Mayor Cain said that it is a civil issue, and it is germane to the boards. Councilman Pena asked if they had Lance Petty sitting out there, would the Council be taking him as a board member? Councilman Pena said no. He asked if the Council is taking anybody that is abusing residents and that is what is documented there about Nicole Mireles, and he will be posting this on social media as well. Councilman Pena said he is saying they have to clean house and when people abuse their authority to murder or to mandate residents. Councilman Pena said his comment is to revise the motion to remove Nicole Mireles because they have documented emails on June 16th. Mayor Cain said it is a civil case. Councilman Pena said it was brought to the Council to make sure that they were attending to this. Mayor Cain said all citizens and all employees of the City of Freeport, Texas should have due process all of them, all the way down to the janitor. Councilman Pena said he was just saying and this is going to be out in public, and so are the other things. Councilman Pena said he will vote for the nominees if Nicole Mireles is replaced.

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

A motion was made by Councilman Matamoros to appoint Edith Fischer, Lon Y Siddall, Lucy Montiel Martinez, Sandra Leavey, and David McGinty to the Historical Commission and Main Street, seconded by Councilman Rossow with discussion that followed.

Historical Commission & Main Street President Irene Ocanas said she believed the Council was appointing too many people and only three needed to be appointed. Mayor Cain said the packet shows five. Ms. Ocanas said there are only three expired terms. Councilman Davis said what if that is happening on the other ones to. Councilman Pena said the motion has to be revised. Councilman Davis asked and said he thought everybody was up at the same time? Mayor Cain said it is typically half the board. Councilman Davis said every board up there the Council is fixing to vote for five people every time three, four, five people every person that is on the board. Councilman Davis said this is not ready. Mayor Cain said City Secretary Clarisa Fernandez is doing some digging right now. Councilman Davis said he had said it was not ready last week and guessed he is the new guy on the list. Councilman Pena asked Mayor Cain in the interest of time, why did they not table this one? Councilman Pena said, in the interest of time to get it right, this could be tabled. Councilman Davis said you do not even have some of these people on these next boards are not even there and their time did not even expire. Councilman Davis said right is right and wrong is wrong. Ms. Fernandez said she had Edith Fisher, Lon Y Siddall, Lucy Martinez, Sandra Leavey and Betty Acala with their terms expiring for this year. Councilman Pena said there is misinformation by the board themselves with the City and they need to get this straightened out, get it right and there is no rush. Councilman Pena said Mr. Petty stalled Main Street for four months it can wait another week or two. Mayor Cain said to Councilman Pena there is kind of a rush because they have boards that are unable to meet. Councilman Pena said to Mayor Cain he did not seem so concerned when it was stalled for four months when his buddy Lance was over there stalling. Councilman Pena said it is on video and audio that he admits to it. Mayor Cain said to Councilman Pena to keep it on topic. Councilman Pena said to Mayor Cain he needs his leadership that is all he needs. Mayor Cain said to Councilman Pena he needs him to keep it on topic. Councilman Davis asked why can they not meet if they have not been voted out? Mayor Cain said the boards cannot meet because the terms expire on May 31st and, the way it is written, they are not a year, and it says the term expires on May 31st so which is why they cannot meet. Councilman Pena said if there are no appointments they are still allowed to conduct business. Councilman Matamoros said that is incorrect TML states, because the Council put a termination date—if they do like every other City and just say a year then they can have the rollover

provision. Councilman Matamoros said Ms. Stephanie said because the Council puts an actual date and end date then they do not follow that rollover provision. Councilman Matamoros said the information from legal was incorrect because of the date that it was put in there. Councilman Pena said he would like to see a paper trail of that, because the last legal advice was they can continue and make sure to get it right, and he is not going to rely on one Councilman here saying, bring the receipts, just like he did from Ms. Nicole. Councilman Davis asked what board this was it the Historical? Mayor Cain said they have not been able to meet because they do not have a Director. Mayor Cain said they were going to have one and they were going to have a meeting this week but it had to be canceled because of this. Councilman Davis said no, he thought they had not been meeting because they do not have a Director. Mayor Cain said that was correct. Councilman Davis asked if a Director had been hired? Mayor Cain said no. Councilman Davis asked how they were going to meet? Mayor Cain said they were going to meet and give updates if he is not mistaken. Councilman Davis said they still do not have a director and asked how they are going to be able to meet? Mayor Cain said there are other boards that do have that and can not meet as well. Councilman Davis asked if they could not do the same thing that they were going to do? Mayor Cain said he does not know what they are going to do, but they can not have a full meeting until these positions are filled. Councilman Pena said that is not true. Ms. Ocanas said if they could get some clarification on the expiration dates. Mayor Cain said Ms. Fisher, Lon y Siddall, and Lucy Martinez are the three that are up and that so happens that those are three that Mr. Matamoros had made a motion for. Mayor Cain said if Councilman Matamoros was willing to amend his motion. Councilman Matamoros asked Ms. Ocanas how many members did she have on her board that would, if he appointed those three—would she have enough to make a quorum for her board? Ms. Ocanas said yes. Councilman Matamoros asked without the other two. Ms. Ocanas said she would have to look into that. Councilman Pena said there is so much uncertainty.

Councilman Pena said he wanted to reiterate two things the EDC board, which also has a director, operated for several years. Mayor Cain said they are talking about the Historical Commission and Main Street. Councilman Pena said to Mayor Cain if he understood he was trying to give context. Councilman Pena said to Mayor Cain to let him give context first he said he was not going on some crazy tangent there. Councilman Pena said to Mayor Cain to just listen, and he was so inclined to just shut him down it reminded him of Mr. Bass that is enough and to please, just give him a moment there to explain it is helpful and constructive and that is all he is trying to do. Councilman Pena said there are two boards that have directors, the EDC board and the Main Street, and there are no other boards that have a Director that is for hire or that is paid. He said the EDC had operated for over two years, three, maybe—without a director, and they met, they made agendas, they took action, they gave out grants, and made progress. He said the Main Street board is not any different. He said the Main Street Board could have been meeting these last four months and do not need to rush to go get a Director any more than they need to rush to try to get this board just shoved down the throats of everybody or the public because that is who they are trying to be serving and that is who they will be serving because the last time they rushed just to fill a position, they got Mr. Lance Petty and did not do the due diligence. Councilman Pena said the point was they went for a professional search. Mayor Cain said to Councilman Pena he had said he was not going to go off on some wild tangent. Councilman Pena said to not be rushing to judgment is his whole point it has consequences and Main Street can actually meet.

Councilman Matamoros amended his motion to appointment of Edith Fisher, Lon Y Siddall, Lucy Montiel Martinez to fill the terms on the Historical Commission and Main Street, seconded by Councilman Davis with discussion that followed.

Councilman Pena asked if any of those individuals were there tonight? Historical Commission & Main Street President Irene Ocanas said no they were on vacation, and she was there to represent them.

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

Councilman Davis asked if he could make a motion to add one of them? Mayor Cain said there are only three that have expired. Mayor Cain said this brings up an interesting dilemma for the rest of them.

A motion was made by Mayor Cain to table the Charter Review, Senior Citizens Commission, and the Beautification and Parks and Recreation Board until the next meeting to get an accurate account of who actually has expired, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena said he wants for the record the same thing that in that email to the Council about the abuses against residents, Sam Reyna was also named and he wants to make sure he is not on the Charter Review Board. Councilman Pena said that is also going to also come out in public because it is public record because it was emailed to all the Council.

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

Consideration and possible action approving Resolution No. 2025-2930 designation of representative, alternate, and proxy to the Gulf Coast Transit District.

Interim City Manager/Police Chief Jennifer Howell said the Gulf Coast Transit District is looking to have an appointee for proxy, in addition to an elected official and an alternate; these three would be positions appointed by Council and there would be Councilmembers fulfilling those. She said it does state that they meet every other month on the third Tuesday of the month but when the City Secretary did some checking, there are some months that they do meet consistently every month, so it could be every month or every other month commitment.

Mayor Cain said going to a meeting on Tuesdays in the middle of the day is kind of difficult for a working man.

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

Consideration and possible action approving the purchase order of the support renewal of Square 3 for Cluster Maintenance Servers.

Interim City Manager/Police Chief Jennifer Howell said the Police Department recommended approval of the purchase order. She said they have Square 3 providing maintenance software and hardware for their cluster server it is a two-year license, and it is one of the budgeted line items out of the 543 account. She said the proposed budget was initially \$33,000, and the final amount came in at \$32,957.85, so just a little under what the proposal was, because this is a purchase over \$30,000, it does have to go to the Council for approval.

A motion was made by Councilman Pena to approve the purchase order of the support renewal of Square 3 for Cluster Maintenance Servers, seconded by Mayor Cain with discussion that followed.

Councilman Pena asked Interim City Manager/Police Chief Jennifer Howell if they had the due diligence on Square 3 that they are able to perform and provide all these systems? Chief Howell said yes, that is who they have previously been with and have been very pleased and have not had any complaints or problems with them. Councilman Pena said he is just wondering, in terms of redundancy, if that has been studied and asked who was the IT person that put this particular cluster plan together? Chief Howell said David Fernandez is the Detective and also does IT work and has gone to the Council several times and does grants as well.

Mayor Cain said he appreciated the fact that it is a budgeted item, and it came below budget, which does not happen very often these days.

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 a professional service agreement with Clear Career Professionals for executive recruitment services for the City Manager position.

Human Resources Director Donna Fisher said she recommended that the Council approves the proposal submitted by Clear Career Professionals so that they can get started on a City Manager's professional search. She said they are a Texas-based recruitment firm that was founded in 2022, and they specialize in executive recruitment for local government. She said they include former City Managers in their staff. She said the plan includes meetings with the Council, meetings with Community Stakeholders, Staff, then a targeted nationwide search, candidate screening, helping with interviews, background checks, and they also offer a one-year guarantee if the selected candidate leaves the position within one year for any reason, whether voluntarily or by termination, they will conduct a new recruitment for free no cost to the City. Ms. Fisher said the financial impact of this would be \$16,000 paid in three payments, and the packet from Clear Careers in the Council's packet.

A motion was made by Councilman Matamoros to approve the agreement with Clear Career Professionals and for an amount not to exceed \$16,000.00, seconded by Councilman Davis with discussion that followed.

Councilman Pena asked Human Resources Director Donna Fisher if this firm had been used before? Ms. Fisher said no. Councilman Pena asked if Ms. Fisher has had any experience with them in the past? Ms. Fisher said she has not personally. She said she talked to two of the Cities on their references today and both highly recommended them. She said the City of Kemah has used them twice and said that the quality of candidates was outstanding. Councilman Pena said he is just kind of curious why they are on the agenda, which would have had to be placed to or given to the City Secretary last week and the references were called today, number one. He said number two he also sees that they have only been around since 2022 and he is just curious, who else has the City used in the past for professional recruitment? He said just a year ago, when they were supposed to do the recruitment of a City Manager, and asked who was the firm that the City was using then? Ms. Fisher said the City did not use the firm a year ago, and she was not instructed to contact anyone. Councilman Pena said that was interesting because the Council decided to do so. He said so at this point, they have the references that were contacted today and there were no other firms contacted. Ms. Fisher said she contacted both the SGR, who is who the City used when Mr. Kelty was hired, and also CPS HR Professionals and she did not receive a proposal back from either of them in time. Councilman Pena asked if SGR and CPS also have flat fees up front? Ms. Fisher said she does not have the answer to that because she did not receive a proposal, and she was not part of selecting them when Mr. Kelty was hired. Councilman Pena asked if Ms. Fisher contacted SGR and CPS? Ms. Fisher said yes. Councilman Pena asked if they responded? Ms. Fisher said not as of 5:00 this afternoon. She said she actually contacted those three firms on Wednesday afternoon in anticipation of meeting them. Councilman Pena said when they are trying to rush into hiring folks or other firms or for that matter, contracted third parties it gives him heartburn when they do not have multiple, number one and number two, when the due diligence has not been done prior to the item being on the agenda, and thirdly, he is not interested, especially now at this juncture with the history that they have had with contracts, without this contract being reviewed by any legal, it obviously, if they are just doing the due diligence on the background or the references that is one thing. Ms. Fisher said she talked to them today and the contact attempted to be made prior. Councilman Pena asked if they had any legal eyes that represent the City in any capacity to look into this? Councilman Pena said he knows they are in a rush to get things, but he is in no rush to make a mistake. Ms. Fisher said there is not a contract this is to have them send the City a contract to be reviewed. Councilman Pena said, so then that would mean they would be able to also afford two other firms additional time to send some other ones. Ms. Fisher said if that is what the

Council chooses to do. Councilman Pena said he thinks that is the wise choice, but he is just one vote.

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)

Councilman Pena said the agendas and the agendas that were also known as the Pena rules, which at his trial were found to be illegal and also disputed by a lot of the residents, even on a practical and common sense form. Councilman Pena said he knew that Mayor Cain and himself had a conversation about this on Friday a very blunt conversation about them, and it is the reason why residents can not speak up during the agenda items, and it is the reason why the Council does not have workshops.

A motion was made by Councilman Pena to repeal, dissolve, abolish Ordinance 2021-2650, 2022-2657, 2022-2672 and 2023-2820 and rely on the State Code, seconded by Councilman Davis with discussion that followed.

Councilman Pena said he wanted to start out with three bullet points and real simple, and number one is that these ordinances are illegal in structure, and illegal in application, and secondly, Freeport is the only City that has these ordinances, and the rest of the State of Texas and every City that it has to abide by the Texas Open Meeting laws do not have these ordinances. He said again these ordinances were known as Pena rules, and again, they were found to be illegal, and can operate simply on the standing open meeting rules and agenda rules that the State has that 99.9% of the rest of Texas follows and so, that is why they put this on the agenda. He said they had been trying to do this for the last seven months.

Councilman Matamoros said he was looking into this discussion item and came across the Texas Attorney General, and they have a pretty good website with opinions from the Attorney General and anyone can go to the TexasAttorneyGeneral.gov look up opinions for Attorney General and look up more specifically Dan Morales its opinions and look up Dan Morales opinion 0473 it falls under categories municipalities, home rule, public meetings. He said the summary of this opinion is the agenda for City Council meetings, City Council has discretion to determine reasonableness for rule requiring agreement of one third of City Council to place item on meetings, Home Rule City may adopt reasonable rules of procedure for meetings not inconsistent with constitution, statutes or City Charter provisions, agenda preparation for City Council meeting, Home Rule City may adopt reasonable rules for. He said this is an opinion by Dan Morales that states because the City of Dallas was having issues where Council members were not able to put items on the agenda, and so they made a rule where it would have to be 3/5 of their Council to put an agenda item on and what the Council is doing is not incorrect. He said there is an Attorney General opinion that States that what the Council is doing is legal. He said there is also another Attorney General opinion which states the Council does have the right to limit, with reasonableness the comments of the residents and that was just recently upheld by Ken Paxton so the issues that are being stated that they are illegal, and are the only City that has this is incorrect and it is false. He said there is an Attorney General opinion that proves what the Council did and what they are doing is legal, and so he wants to bring that to the Council's attention and he can share anything that Council may want to say but what they are doing is not illegal.

Mayor Cain said he would like to add the whole reason for these particular ordinances is there once was a time when Councilman did not have a tool that they could use to put stuff on the agenda and the Council visited this and discussed and voted upon it and came back and redid it, and used it for a couple months or six months or whatever, and found some flaws in it, came back and revisited again and that is where they got the current ordinances, and now he has an empty seat sitting to the left of him, so he does not have legal that he could turn to and say or ask is it legal or is it not. Mayor Cain said to Councilman Pena with all due respect he would trust an attorney's word on this.

Councilman Davis said maybe it is legal or not but the Council can all say that but the citizens are trying to get transparency and that is not happening. He said when the citizens go to the Council it just falls on a deaf ear and complain. He said some of the Council are not even looking at citizens while they talk. He said some of the Council sometimes and did not call no specific person out. He said some of the citizens are even saying the Council is not even looking at them whenever they are up there talking and making their complaints and there is no follow up on anything anybody goes up there and says. He said they have no meetings after the meeting in City Hall or within between the departments and the departments in the City, they do not come together and they do not meet and they do not discuss what issues are going on, what people are complaining on, what they can follow up on, call them back, email them back, or next week can come back and say Ms. So-and-so or Mr. So-and-so they did look into your complaint, and this is what they came up with or they are still looking into it. He said it is just all about being transparent. He said there are a lot of things going on there, and there is no transparency within the Council, within the community, and so that has to change, and it is not illegal to change it. He said you have to want to be transparent with the people. Councilman Davis said the people elected the Council to be up there, have a voice for them but that is really not happening at some case it is. He said some people call you, and you address some things, just like the rest of the Council but when they come there, they are not getting addressed and that's not too hard to do. He said when somebody goes up there and they have four minutes and they use three minutes and twenty seconds he said three minutes and thirty seconds they lost the other thirty seconds well maybe later on down the line, they had a question, and they still have thirty seconds left and they should have thirty seconds if they are being put a time limit on how they are talking, the time that they are talking. He said maybe it does not make sense to some of them he does not know. He said they have to care about the people it could be complaining it could be anything whatever it is, they should have the right to speak. He said a time limit has already been put on them, and they should have the right to speak and should want a response and that goes for anybody. He said if anybody does not like what he is saying there, well, one day they are going to be up there and not get a response, and it is going to be the same thing. He said people were laughing and going on. He said maybe it is just him, but he was trying to help everybody. He said he does not care who does not like him or who is following him, the rich, the poor, it does not matter to him everybody means something to him. He said if people are talking about him, he does not care. He said God will handle it he is not going to respond to that. He said that is just one of the things and when they have no workshop, they can not go back. He said some guys made some statements about him today and that is fine but everybody up there knows that that is really taken out of context of what was said. He said they said that she gave him the tape or whatever. He said she did not give him the tape, the tapes were in an investigation that was given to everybody. Mayor Cain said to Councilman Davis they have to stay on topic. Councilman Davis said that is on topic because that is the rule about a workshop talking about bringing a workshop back and that is why you can not respond let them say that, and that is fine they can say that they can have an opinion, but that is when something like that the Council needs to be able to respond to it.

Councilman Pena said reading comprehension is very important and if you are going to recite something, know what it says. He said Dan Morales's legal opinion, surprise, makes his point. Councilman Pena gave thanks for bringing that up, and it basically says that the Council can make everybody here stand on their head if they want to speak, or they can basically have a rule every City can make a rule that nobody speaks and that is what Freeport has and nobody is happy with that. He said Councilman Davis just spent the last five minutes explaining that very point the residents have been calling all the Council to tell them they are not being heard and want that workshop back, these rules are illegal and there are illegalities on these ordinances, but yes, Morales says, yes if they want to make stupid ordinances they can but here is the deal they can also make illegal ordinances that the residents can file an injunction on and basically embarrass the City for passing them and get them overturned, because that is what is next, so nobody wants these ordinances and so instead of just fixing it with a little drill, a bulldozer is being used which is the wrong solution, and so he is going to say again, you can get a show of hands, but nobody—nobody agrees with these ordinances because it is stifling transparency and when you stifle transparency, you have conspiracies to commit murders.

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

Executive Session

Executive Session: Texas Government Code, Section 551.074: Personnel matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee: Police Chief.

The Regular Session closed at 7:17P.M. and the Council entered into the Executive Session.

Councilman Pena did not attend the Executive Session.

Reconvene into Open Session:

Take any action resulting from Executive Session.

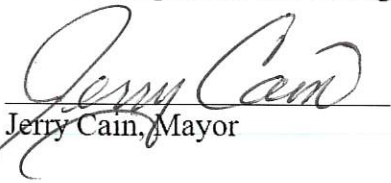
Executive Session ended at 11:17P.M. and the Council entered back into Regular Session.

There was no action from Executive Session.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made by Councilman Matamoros to adjourn the meeting, seconded by Councilman Davis with all present and voting "Aye" 4-0. Mayor Cain adjourned the meeting at 11:17P.M.


Jerry Cain, Mayor


Clarisa Fernandez, City Secretary