

STATE OF TEXAS
CITY OF FRIENDSWOOD
COUNTIES OF GALVESTON/HARRIS
SEPTEMBER 14, 2020

6 PM – REGULAR MEETING

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD CITY COUNCIL THAT WAS HELD ON MONDAY, SEPTEMBER 14, 2020, AT 06:00 PM AT FRIENDSWOOD CITY HALL COUNCIL CHAMBERS, 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, WITH THE FOLLOWING PRESENT CONSTITUTING A QUORUM:

MAYOR MIKE FOREMAN
MAYOR PRO-TEM TRISH HANKS
COUNCILMEMBER STEVE ROCKEY
COUNCILMEMBER SALLY BRANSON
COUNCILMEMBER ROBERT J. GRIFFON
COUNCILMEMBER JOHN SCOTT
COUNCILMEMBER BRENT ERENWERT
CITY ATTORNEY MARY KAY FISCHER
CITY MANAGER MORAD KABIRI
CITY SECRETARY MELINDA WELSH

1. Call to order

Mayor Foreman called the meeting to order.

2. Invocation

City Secretary Melinda Welsh gave the invocation.

3. Pledge of Allegiance – United States and Texas

(HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE)

Mayor Foreman led the Pledge of Allegiance to the United States and to the State of Texas.

4. Communications from the Public

Communications from the Public (To comply with provisions of the Open Meetings Act, the City Council may not deliberate on items discussed under this agenda item. The Council may refer this item to the City Manager or direct this item to be placed on the next regular Council agenda. Out of respect for those speaking during public comment, please refrain from any outbursts or interjections to include, but not limited to, applause and/or disparaging noises from the audience. Doing so discourages others

from voicing their thoughts and opinions, and disrupts the meeting. Furthermore, any personnel complaints against a City employee aside from the City Manager, City Secretary, City Attorney or Municipal Judge cannot be discussed under this section. Please contact the City Manager's office for concerns involving a City employee.)

Lee Coggins, Friendswood resident, addressed Council and stated he is here to give full support to the grant on the agenda tonight, helps Autumn Creek, Friendswood Cove and Friendswood Oaks subdivisions, detention basins will be combined and expanded, terracing is a good mitigation plan, detention ponds help that out, shout out to Jil Arias and Samantha Haritos in the city's Engineering Department, listened to his ideas and thoughts, based all decisions on good, sound engineering judgement, fully supports grant, will take multiple projects along Clear Creek to mitigate to not experience another Harvey or other type of rain event or flood, and read from a mitigation study Dr. Bedient did for the city, additional considerations, and supports Blackhawk Detention Basin Project #2 for the previously mentioned neighborhoods.

5. WORK SESSION

A. Drainage Update

Samantha Haritos, Deputy Director of Engineering, stated she is here to give the drainage update but first wished to thank Project Manager Hailee Medwedeff who was instrumental in getting this grant together, Fire Station and Public Works expansion, and thanked Hailee for all of her hard work. Ms. Haritos gave the update from a PowerPoint presentation and began with a brief overview of Imperial Estates, construction at 55% of (600 ac-ft), 84,000 truckloads, city has contributed \$5.5 Million and Galveston County Consolidated Drainage District (GCCDD) has put in \$5.1 Million as of this date, had lower Clear Creek Study meetings with Freese and Nichols who is doing the study, a July 24 stakeholder meeting, next public meeting on November 4 tentatively, data on study may be found at <https://www.leaguecitytx.gov/LCCDB>, completed Hydrologic Technical Memo June 2020, Hydraulic Model Calibration September/October and study completion should be February 2021, displayed a map from the team doing the lower Clear Creek Study, there are 13 alternatives within our area, more than any other area, is a regional study and Friendswood is being considered, if can help divert some of the flow or relieve flooding in this area that is going to help translate all the way down, potential to turn into a federal study which would be a good thing for the city, showed a slide of cost factors weighed of land acquisition, community impact/aesthetics, Operations and Maintenance (O&M)/resiliency, other agency coordination and speed of implementation, reported on summary of Hurricane Harvey Community Development Block Grants (CDBG – DR), awarded CDBG-DR Grants are Forest Bend detention (Harris County) of \$3,451,022 with a local contribution of \$25,000 plus overages in the engineering status, Acquisition Grant (\$2,691,517) which includes Frenchman's Creek and Deepwood with local contribution of \$0 plus overages and is in Grant Administration Request for Proposal (RFP) status, Infrastructure (\$2,762,650) of piperack relocation and Deepwood terracing with \$0 plus overages with a grant awarded status, discussed Forest Bend offline detention, RPS Group selected as engineering contractor on August 3, 2020, total CDBG-DR Grant is \$3,451,022 with city contribution of \$25,000, engineering costs of \$435,048, engineering timeline of September to May of 2021, showed map of work being proposed at Forest Bend, Frenchman's Creek, Deepwood, and a Clear Creek utility relocation with Request for Qualifications (RFQ) for engineering and environment going out this week with an award in November. Round 1

Hurricane Harvey Community Development Block Grants (CDBG – MIT) and Harvey Round 1 CDBG-MIT Grants due on October 28, 2020, Mitigation Action Plan approved March 31, 2020, applying for one grant application with minimum funding of \$3 Million and maximum funding of \$100 Million, with maximum possible score being 105 points and a minimum qualifying score of 65 points, Low to Moderate Income (LMI) counts for 20 points, with an LMI $\geq$ 51%, went over scoring factors and accomplishments, and an online application system is located at <https://recovery.texas.gov>. Ms. Haritos showed a map and reported on Clear Creek inline and offline detention at Bay Area Blvd. Phase I, project benefits are reducing risk of severe riverine flooding and hurricane and tropical storm impacts, add nature park with native vegetation to help with flooding and less mowing, add trails and parking lot, beneficiaries (Housing and Urban Development (HUD) Methodology) with 4,130 total with 2,335 LMI, other beneficiaries not on application such as Blackhawk Wastewater Treatment Plant service area, project benefits Low-to-Moderate Income (LMI) households in target Census Block Groups benefiting from project, total beneficiaries in tract - Census Tract 3508.01 Block Group 1 and Census Tract 3508.02 Block Group 2, showed area of groups on a map, according to Census data, total beneficiaries in tracts is 4,130 and total LMI beneficiaries are 2,335 with LMI of 56.5%, showed map of additional persons who benefit from Clear Creek inline and offline detention, total CDBG-MIT Grant award is \$78,147,895, local match is 1% for a total of \$789,373, with construction costs of \$67,699,200, engineering (10%) \$6,769,920, project delivery (6%) \$4,468,147 with net cost of \$78,937,267.

Discussion took place between Mayor, Council and Staff regarding what is being done with the city-owned land on Deepwood in the area where the old Public Works and Animal Shelter were located, will be part of a larger flood mitigation project once funding is found, will ultimately be a pond, cell tower will need to stay unless can find a suitable relocation for it, of four projects only paying \$25,000 of \$9 Million worth of work, these projects were done by Fire Marshal's office and City Manager's office, if do not own property then putting that all together so city can qualify, is a complicated issue, has to be coordinated, if it qualifies for CDBG, is a great benefit using bond dollars for tax dollars, timeline in grant award, and response times vary to a year or two or less.

Ms. Haritos reported that engineering would soon be posting an online request for comments for a 14-day period, send comments to engineering@friendswood.com and will respond to all comments.

Further discussion was held regarding any change on the Army Corp of Engineers project on Clear Creek above Friendswood in Harris County, Engineering Department met with Harris County Flood Control District, working on 70% design, will be ready in the Fall, may be an opportunity for city to partner but will not know until is reviewed, struggling to find detention for this project, a history and update on potential benefit to Friendswood was given, discussed Lower Clear Creek Watershed Study, Dixie Farm Road, federal study, will be sticky, authorized by two different agendas, will be difficult to tie it together, may have to get in the middle to make sure that happens, and city would tie it together to make sure there is a net benefit to Friendswood.

With concurrence of Council, Mayor Foreman moved to Agenda Item 14.

6. Public Hearing

To receive comments from the public, both oral and written, regarding:

- A. A zone classification change request for a 6.3951 acre tract of land being the remainder of a 19 acre tract of land being the Northwest ½ of Lots 2 & 3, Whitney Subdivision, located at 801 W. Parkwood Ave., Friendswood, Galveston County, Texas, to change from Single Family Residential (SFR) to Community Shopping Center (CSC; 4.3025 acres) and Office Park District (OPD; 2.0926 acres).

Mayor Foreman called a Public Hearing to order to receive comments from the public both oral and written, regarding a zone classification change request for a 6.3951 acre tract of land being the remainder of a 19 acre tract of land being the Northwest ½ of Lots 2 & 3, Whitney Subdivision, located at 801 W. Parkwood Ave., Friendswood, Galveston County, Texas, to change from Single Family Residential (SFR) to Community Shopping Center (CSC; 4.3025 acres) and Office Park District (OPD; 2.0926 acres).

Community Development Director/City Planner Aubrey Harbin presented a PowerPoint presentation regarding the proposed zone change of Manison property of 6.3951 acres, currently has one 6,156 square foot home on the property that was built in 1970, fronts FM 528/W. Parkwood Avenue between another commercial development and Chigger Creek, nearby is Neighborhood Commercial (NC) and Hunters Creek Subdivision was a Planned Unit Development for residential, current zoning for this property is Single Family Residential (SFR), proposed zoning is for two different zoning districts with 4.3025 acres to Community Shopping Center (CSC) at the front and 2.0926 acres to Office Park District (OPD) towards the rear of the property to serve as somewhat of a buffer to nearby residential areas.

Mayor asked the size of the buffer and someone in the audience stated it is 150 ft.

Ms. Harbin reviewed permitted uses for CSC and OPD, screening requirements for commercial uses adjacent to residential uses are 8 ft opaque fence, 15 ft landscape buffer and 8 ft tree planted every 25 ft within the landscape buffer, public hearing notices were distributed per requirements, newspaper notice was published, 24 property owners within 200 ft of the boundary of the property were mailed out, sign was posted on the property, showed flood zone map, on-site detention required, engineered drainage plan required, 2 ft over natural grade or 18 in over back of curb, whichever is greater, on-site mitigation/one-for-one for any fill brought in, developer intends to stay away from the creek to avoid any development in the floodway, Planning and Zoning Commission recommended 4-1 to approve with two commissioners absent, some reasons given were that property was fronting FM 528, adjacent to existing commercial zoning, seemed better suited for commercial than residential, appreciated added buffer, one had concerns with increased traffic with additional commercial development, and applicant is here.

Councilmember Rockey asked if there would be an opaque fence and border on the side that faces the creek and properties on Layfair Place as well. Ms. Harbin said no, if it is a minimum 30 ft natural buffer then would not require a buffer on that side. City Manager Morad Kabiri stated that based on current regulations, would be no visual barrier.

Councilmember Erenwert asked who is the developer and Ms. Harbin said applicant is Virgata Development. He asked if the developer has a site plan of tenants they want to possibly put in and

Ms. Harbin said no, is a straight rezoning request at this time. Councilmember Erenwert stated he is concerned with traffic, took him more than three minutes to take a left turn out of 528 Asian Bistro during evening rush hour, drivers may cut through parking lot from HEB, no speed bumps, will increase traffic if those two parking lots connect, developer also developed property at Leisure Lane, a lot of changes on that, added cut-through, traffic issues there, need to see a site plan before going further, and would like to motion to table when ordinance comes up.

Mayor asked if anyone would like to speak in favor of the rezoning request.

David Boone stated he and Jim Peterson are developers of this tract, will have 162 ft buffer in the back, will plat the OPD section as detention reserve only, will be a dry detention pond with green space and grass, is 6.2 acres but developable land is only a little over three acres, leaving 100 ft along the creek, will leave trees so will be a buffer to neighborhood on other side of the creek, and then whatever fence requirements would be required along the residential, plus the green space would be the buffer for residential.

Mayor Foreman asked if detention was needed or could they leave trees in OPD so could have a tree buffer. Mr. Boone answered are required to have large detention pond, will maximize to alleviate potential flooding or drainage.

Councilmember Hanks asked if OPD portion would be a detention pond. Mr. Boone answered would leave SFR if could still put a detention pond there but understands since it is facilitating the commercial drainage then it needs to be commercial zoning.

Councilmember Branson asked Mr. Boone if they would be developing OPD portion anytime soon and he answered only for dirt work to create the grassy pond.

Mayor Foreman asked if anyone would like to speak in opposition of the request.

Chris Cooper, Friendswood resident, stated he lives on Hunters Trail, appreciates perspectives and questions, Council thought Chick-fil-A and Chipotle development was a great plan, found later was going to need more work, property is then flipped and can build anything on the site, do not put families in jeopardy, chose their homes and researched zoning in surrounding area before purchasing, commend work in residential development, bringing property values up, tragedies in commercial property are also in Friendswood, community is well represented, retail property is failing right now especially near this property, losing a lot of property in this area, if rent goes down questionable businesses will come in, if allow any developer who is not committed to the full project of development to take any piece of land in Friendswood are putting in question our future, rezoning this property has no financial or beautification value, compromises can be made, postpone decision, wait until economy is stable and improved, traffic accidents increased in other development, will increase at Sunset intersection if allowed, creating commercial space does not raise incomes for the City of Friendswood, occupancies are low, diminishes values in neighborhoods and diminishes the beauty of Friendswood.

Brad Ballard, Friendswood resident, stated he has been in Friendswood 38 years, concerns are loss of property value, traffic and safety in the area, lives in Hunters Creek, bought his house and backs

up to HEB, has 10 ft fence in his backyard, when had 8 ft fence had shoplifters being chased in his backyard, across cul-de-sac from where this office park development would be, has traffic concerns, close to Sunset, running through the retail area near HEB, development near Chick-fil-A is very dangerous, do not need another intersection like this in this town, especially close to busiest intersection in town, says they will put detention pond in OPD, and then someone buys pond and put underground in to put retail on top, could put 5-story building in later, only 162 ft deep detention, flood plain and elevation issues, four homes that back up to this property will lose value overnight, bought knowing it was SFR, requests it be tabled until can get a better plan in place, buyer should have come to Hunters Creek residents with a site plan and come up with a 50 ft permanent buffer, put yourselves in their shoes and homes and look at what it will do to value and increased traffic, 15 ft is not enough, will put in cheapest trees they can for buffer and cause problems later as it did with HEB.

Gus Pasquini, Friendswood resident, stated he lives next to Chris Cooper in Hunters Creek, concerned with safety issue with traffic, daughter had accident near intersection, last ones to build in Hunters Creek, he flooded and was the only one on his street, was not in a flood zone so had no flood insurance, putting in a pool to increase value of his home, moved here from Chicago, concerned with safety issues with traffic, please table this item.

Minh Tran, Friendswood resident, stated he is new to Hunters Creek and moved from Clear Lake and then Pearland, too busy on west side of Pearland so bought dream home in Friendswood in April, is in real estate business and saw nearby zoning was SFR so thought there were no issues, even if a pond is put in can still develop later, a retail development is going in next to Masa Sushi where they are building over the detention pond, loves small town feel of Friendswood, difficult to develop here, loves the safety here, has two small kids, lives in gated community and feels safe, did not realize how bad traffic was going to be when his family moved there, retail is most hurt industry right now, occupancy is low 80's in Friendswood, a lot of empty space around, does not understand why developer has to do OPD, would be disappointing if values drop a few months after buying his dream house.

Theresa Smith, Friendswood resident, stated she lives on Hunters Trail, has traffic behind her house between 2-4 AM, other side of house would be this development, spotlights will be in her backyard, has a pool and teenage daughter with friends that come over to swim, losing privacy on other side of her house to some sort of development, house was on market recently and buyer turned down because of commercial property behind her home, please take into consideration the value of their homes, safety of children and privacy of their backyards.

Vanessa Cordell, Friendswood resident, stated this development does not affect her directly, her home backs up directly to HEB and has 10 ft fence and trees, has to clear litter from her yard, putting another business in behind them will create more trash, bought their dream house, surrounded by nature with beautiful trees when first moved there, late night deliveries are loud, property value will drop, most paid \$750,000 for their houses, asinine to put commercial there, pays \$17,000 a year in taxes and this development will diminish home values, knows what she has experienced and does not want the same for her neighbors.

Ben Mills, Friendswood resident, stated he is on the board of his neighborhood homeowners

association, is not directly affected by this development, concerned about safety, property values, health, traffic, there is plenty of commercial space in Friendswood, look for buffer zones when looking at a house, merchant builder model does not have a home town vested interest in the long-term viability of its neighbors, does not make a good neighbor, remain SFR, is not directly affected but represents all neighbors, and is not a great choice.

Ruth Ann Manison Prince, Friendswood resident, addressed Council and stated she is the property owner, cannot live there anymore, nobody wants to buy, meets criteria for development, some spent \$750,000 for their homes but her family cannot live there anymore, think about what is good for the city, is not a Chick-fil-A, and if people drove more carefully would not have the same traffic issues.

Chris Cooper, Friendswood resident, stated he thought the positive reinforcement was at the first part of this public hearing, if somebody wants to put their SFR home on the market they should do that, should be subject to same terms he would be when it comes to selling their home as SFR, if no one wants to buy it because value is depressed then so be it, hope Council makes a good decision.

Hearing no further comments from the public, Mayor Foreman closed the Public Hearing.

B. Proposed Tax Rate for Fiscal Year 2020-2021

Mayor Foreman called a Public Hearing to order to receive comments from the public, both oral and written, regarding the proposed tax rate for Fiscal Year 2020-2021.

City Manager Morad Kabiri stated the proposed tax rate is \$0.497314 and a reduction from current tax rate.

Mayor Foreman asked if anyone would like to speak in favor or in opposition to the proposed tax rate for Fiscal Year 2020-2021. No one spoke.

Hearing no comments from the public, Mayor Foreman closed the Public Hearing.

7. Communications from the Public

Communications from the Public (To comply with provisions of the Open Meetings Act, the City Council may not deliberate on items discussed under this agenda item. The Council may refer this item to the City Manager or direct this item to be placed on the next regular Council agenda. Out of respect for those speaking during public comment, please refrain from any outbursts or interjections to include, but not limited to, applause and/or disparaging noises from the audience. Doing so discourages others from voicing their thoughts and opinions, and disrupts the meeting. Furthermore, any personnel complaints against a City employee aside from the City Manager, City Secretary, City Attorney or Municipal Judge cannot be discussed under this section. Please contact the City Manager's office for concerns involving a City employee.)

Mayor Foreman asked if anyone would like to speak. No one spoke.

8. City Manager's Report

A. Government Treasurers' Organization of Texas Award

City Manager Morad Kabiri reported on the Certificate of Distinction awarded by Government Treasurer's Organization of Texas (GTOT) for the city's Investment Policy, recognition is for the two-year period ending August 31, 2022, GTOT formed in 1987 and is made up of Texas cities, counties, ISDs and other special districts, Friendswood's investment policies are governed by the Texas Public Funds Investment Act. The City Manager thanked Administrative Services Director Katina Hampton and her Staff along with the Investment Committee who plays a significant role in the policy.

B. Hurricane Harvey Update

The City Manager reported on Hazard Mitigation Grant Program buyouts, 24 properties included in the original application, three properties have closed, seven properties are under negotiations and were sent final offer letters, 14 properties have declined the offers altogether, demolition services have started on the properties acquired, but were delayed due to natural gas disconnects and asbestos, Senate Bill 7 - 75% of 25% Local Match, are still awaiting written confirmation from Texas Division of Emergency Management (TDEM). Mr. Kabiri reported on Texas Water Development Board – Flood Mitigation Assistance Grant, four properties included in the initial application, three properties closed/soon to be closed upon, one property declined offer, demolition services have started on the properties acquired, but were delayed due to natural gas disconnects and asbestos. Mr. Kabiri reported on CDBG-DR (Harris County), no significant update since last month, kick-off meeting with Harris County held for the Blackhawk Facility (Food Lion); and engineering firm selected from the RFQ process for Forest Bend Detention Project. He reported on CDBG-DR (Galveston County) – General Land Office (GLO) has approved and started contracting phase for kick-off meetings with the GLO have been held for the Acquisition Project (Frenchman's Creek & Deepwood) and the Infrastructure Project (Utility Line Burial & Deepwood Flood Mitigation), disconnect with GLO and perspective vendors for grant administration. Mr. Kabiri reported on Federal Emergency Management Agency (FEMA) Disaster Assistance, FEMA has completed their review of the Deepwood/Shadwell damage costing/project efforts, State has approved the 428 Project and forwarded to FEMA for approval, and effort to acquire the Blackhawk Facility (Food Lion).

Councilmember Rockey asked if there is a time limit on seven properties being negotiated for Hazard Mitigation Grant Program buyouts and City Manager answered no, when properties are demolished can institute a time limit, voluntary application so can institute a 30-day time limit.

City Manager Morad Kabiri stated concerning drainage, some of Council may have received notification regarding a concern at Lake Friendswood and League City development adjacent

to it, Staff has been in communication with counterparts in League City on a resolution and the item will be resolved, fence is starting to collapse on the property abutting League City's jurisdiction due to the amount of dirt brought in by developer behind and just south of Lake Friendswood, and working with League City to get it rectified.

C. Coronavirus Disease 2019 (COVID-19) Update

The City Manager reported that Staff continues to follow Continuity of Operations and Pandemic Plans, ensured the provision of vital services, city facilities set to reopen to the public starting October 5 with improvements to protect front line Staff, evaluating a partnership with Friendswood Independent School District for the use of Coronavirus Relief Fund (CRF) dollars, no businesses have been closed by the city due to COVID, no citations have been issued by the city relative to compliance with Governor Abbott's Executive Orders.

With concurrence of Council, Mayor Foreman moved to Agenda Item 9B.

9. Communications from Committees and Special Reports

A. Annual Report from Friendswood Downtown Economic Development Corporation President Pat McGinnis

Friendswood Downtown Economic Development Corporation (FDEDC) President Pat McGinnis presented the annual report, introduced FDEDC members present, and thanked Economic Development Coordinator Karen Capps for her hard work and keeping everything straight for the FDEDC members.

Mayor Foreman expressed his appreciation to Dr. McGinnis, was a great appointment in 2016 of each of the FDEDC members, appreciates their service, and reported the contract with HDR Engineering, Inc., was approved earlier in tonight's meeting.

With concurrence of Council, Mayor Foreman moved to Agenda Item 6A.

B. Annual Report from West Ranch Management District

City Manager Morad Kabiri stated West Ranch Management District was not in attendance to present the annual report. The annual report may be found in the agenda backup material.

With concurrence of Council, Mayor Foreman moved to Agenda Item 11A.

10. Discussion and Possible Action

A. Discussion and possible action regarding approving a license agreement with Jim Jamail for the installation of fencing and landscaping within the City's Right-of-Way on Sierra Madre Drive.

**Councilmember Griffon moved to approve a license agreement with Jim Jamail for the installation of fencing and landscaping within the City's Right-of-Way on Sierra Madre Drive.
The motion was seconded and approved unanimously.

B. Discussion and possible action regarding the disposition of RFQ 2020-07 Public Safety Building Expansion.

**Councilmember Branson moved to approve the disposition of RFQ 2020-07 Public Safety Building Expansion and award to PGAL, Inc.
The motion was seconded and approved unanimously.

C. Discussion and possible action regarding the disposition of RFQ 2020-08 Fire Station No. 2 Reconstruction.

**Councilmember Griffon moved to approve the disposition of RFQ 2020-08 Fire Station No. 2 Reconstruction and award to PGAL, Inc.
The motion was seconded and approved unanimously.

With concurrence of Council, Mayor Foreman moved to Agenda Item 10E.

D. Discussion and possible action regarding amending the Appointment Policy for Boards, Committees, and Commissions.

**Councilmember Griffon moved to approve amending the Appointment Policy for Boards, Committees, and Commissions.
The motion was seconded and **failed** unanimously.

Mayor, Council and City Manager held a lengthy discussion, with comments by Community and Economic Development Committee (CEDC) Chair Skip Evans, regarding the merits of one of the proposed amendments to the Appointment Policy to change the CEDC from a standing committee to an ad hoc committee.

Mayor Foreman recessed the meeting at 6:57 PM, reconvened at 7:09 PM and moved to Agenda Item 9A.

E. Discussion and possible action regarding approving the Friendswood Downtown Economic Development Corporation (FDEDC) contract with HDR Engineering, Inc., authorizing the expenditure of funds, and authorizing the FDEDC President to execute the contract.

**Councilmember Branson moved to approve the Friendswood Downtown Economic Development Corporation (FDEDC) contract with HDR Engineering, Inc., authorizing the expenditure of funds, and authorizing the FDEDC President to execute the contract.

The motion was seconded and approved unanimously.

With concurrence of Council, Mayor Foreman moved to Agenda Item 10D.

11. Resolution

Consideration and possible action regarding the following:

- A. Resolution R2020-21: A resolution of the City Council of the City of Friendswood, Texas approving a Purchasing Cooperative interlocal agreement with Fort Bend County, Texas.

****Councilmember Scott moved to approve Resolution R2020-21 – A resolution of the City Council of the City of Friendswood, Texas, approving a Purchasing Cooperative interlocal agreement with Fort Bend County, Texas.**

The motion was seconded and approved unanimously.

12. Ordinances

Consideration and possible action regarding the following:

- A. Ordinance No. T2020-30: Second and Final reading of an ordinance amending Ordinances No. 2012-04 and 2016-46 in order to approve an annual rate adjustment as provided for in the City of Friendswood – Progressive Waste Solutions of TX, Inc., d/b/a WC of Texas (formerly known as IESI TX Corporation) solid waste franchise.

****Councilmember Griffon moved to approve the Second and Final reading of Ordinance No. 2020-30 – An ordinance amending Ordinances No. 2012-04 and 2016-46 in order to approve an annual rate adjustment as provided for in the City of Friendswood – Progressive Waste Solutions of TX, Inc., d/b/a WC of Texas (formerly known as IESI TX Corporation) solid waste franchise.**

The motion was seconded and approved unanimously.

- B. Ordinance No. T2020-31: Second and Final reading of an ordinance of the City of Friendswood, Texas, amending the Code of Ordinances, Chapter 26, Environment, by repealing Article III. Sanitary Nuisances, Sections 26-69 through 26-73 and adopting Chapter 26, Environment, Article III. Sanitary Nuisances, Sections 26-69 through 26-77; amending the Code of Ordinances, Chapter 26, Environment, by adding a new Article VIII. Graffiti Abatement, Sections 26-293 through 26-301 and adding a new Article IX. Maintenance of Storm Water Systems, Section 26-302; providing a penalty clause; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability, publication and an effective date.

****Councilmember Hanks moved to approve the Second and Final reading of Ordinance No. 2020-31 – An ordinance of the City of Friendswood, Texas, amending the Code of Ordinances, Chapter 26, Environment, by repealing Article III. Sanitary Nuisances, Sections 26-69 through 26-73 and adopting Chapter 26, Environment, Article III. Sanitary Nuisances, Sections 26-69 through 26-77; amending the Code of Ordinances, Chapter 26, Environment, by adding a new Article VIII. Graffiti**

Abatement, Sections 26-293 through 26-301 and adding a new Article IX. Maintenance of Storm Water Systems, Section 26-302; providing a penalty clause; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability, publication and an effective date.

The motion was seconded and approved unanimously.

- C. Ordinance No. T2020-33: First reading of an ordinance amending the Code of Ordinances of the City of Friendswood, Texas, Appendix C – “Zoning,” by amending the zoning classification for a tract or parcel located at 801 West Parkwood Avenue containing 6.3951 acres of land being the remainder of a 19 acre tract of land being the Northwest ½ of Lots 2 & 3, Whitney Subdivision, according to the map or plat recorded in Plat Rec. 5, Map No. 6 of the Galveston County map records and being all of a 2.009 acre homestead tract of land described in Galveston County Clerk’s File No. 8204830 in the Sarah McKissick League, Abstract No. 151, City of Friendswood, Galveston County, Texas; amending the zone classification from Single-Family Residential (SFR) to Community Shopping Center (CSC; 4.3025 acres) and Office Park District (OPD; 2.0926 acres); providing for amendment of the Official Zoning Map; providing a penalty in an amount not to exceed \$2,000 for each day of violation of any provision hereof; and providing for severability.

****Councilmember Branson moved to approve the First reading of Ordinance No. T2020-33 – An ordinance amending the Code of Ordinances of the City of Friendswood, Texas, Appendix C – “Zoning,” by amending the zoning classification for a tract or parcel located at 801 West Parkwood Avenue containing 6.3951 acres of land being the remainder of a 19 acre tract of land being the Northwest ½ of Lots 2 & 3, Whitney Subdivision, according to the map or plat recorded in Plat Rec. 5, Map No. 6 of the Galveston County map records and being all of a 2.009 acre homestead tract of land described in Galveston County Clerk’s File No. 8204830 in the Sarah McKissick League, Abstract No. 151, City of Friendswood, Galveston County, Texas; amending the zone classification from Single-Family Residential (SFR) to Community Shopping Center (CSC; 4.3025 acres) and Office Park District (OPD; 2.0926 acres); providing for amendment of the Official Zoning Map; providing a penalty in an amount not to exceed \$2,000 for each day of violation of any provision hereof; and providing for severability. Seconded by Councilmember Hanks.**

*****Councilmember Erenwert moved to table the First reading of Ordinance No. T2020-33 – An ordinance amending the Code of Ordinances of the City of Friendswood, Texas, Appendix C – “Zoning,” by amending the zoning classification for a tract or parcel located at 801 West Parkwood Avenue containing 6.3951 acres of land being the remainder of a 19 acre tract of land being the Northwest ½ of Lots 2 & 3, Whitney Subdivision, according to the map or plat recorded in Plat Rec. 5, Map No. 6 of the Galveston County map records and being all of a 2.009 acre homestead tract of land described in Galveston County Clerk’s File No. 8204830 in the Sarah McKissick League, Abstract No. 151, City of Friendswood, Galveston County, Texas; amending the zone classification from Single-Family Residential (SFR) to Community Shopping Center (CSC; 4.3025 acres) and Office Park District (OPD; 2.0926 acres); providing for amendment of the Official Zoning Map; providing a penalty in an amount not to exceed \$2,000 for each day of violation of any provision hereof; and providing for severability.**

The motion to table was seconded and failed 3-4 with Mayor Foreman, Councilmembers Rockey, Branson, and Hanks opposed.

****Mayor Foreman moved to **table** the First reading of Ordinance No. **T2020-33** – An ordinance amending the Code of Ordinances of the City of Friendswood, Texas, Appendix C – “Zoning,” by amending the zoning classification for a tract or parcel located at 801 West Parkwood Avenue containing 6.3951 acres of land being the remainder of a 19 acre tract of land being the Northwest ½ of Lots 2 & 3, Whitney Subdivision, according to the map or plat recorded in Plat Rec. 5, Map No. 6 of the Galveston County map records and being all of a 2.009 acre homestead tract of land described in Galveston County Clerk’s File No. 8204830 in the Sarah McKissick League, Abstract No. 151, City of Friendswood, Galveston County, Texas; amending the zone classification from Single-Family Residential (SFR) to Community Shopping Center (CSC; 4.3025 acres) and Office Park District (OPD; 2.0926 acres); providing for amendment of the Official Zoning Map; providing a penalty in an amount not to exceed \$2,000 for each day of violation of any provision hereof; and providing for severability.

The motion to **table** was seconded and **approved** 5-2 with Councilmembers Rockey and Scott opposed.

Discussion was held between Mayor, Council and Staff, tabling allows applicant to come back next month, come up with a better plan and not wait 90 days, and Staff will meet with the applicant.

- D. Ordinance No. T2020-34: First reading of an ordinance amending the Code of Ordinances, Chapter 14, Building and Building Regulations, Article VIII., Swimming Pools by repealing Article VIII. Swimming Pools, Sections 14-356 through 14-357 and adopting Chapter 14, Building and Building Regulations, Article VIII., Swimming Pools and Spas, Sections 14-356 and 14-357; by adopting the 2018 International Swimming Pool and Spa Code (ISPSC); providing a penalty of an amount not to exceed \$2,000.00 for each violation; repealing all other ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability; publication and an effective date.

Councilmember Hanks moved to approve the First reading of Ordinance No. **T2020-34 – An ordinance amending the Code of Ordinances, Chapter 14, Building and Building Regulations, Article VIII., Swimming Pools by repealing Article VIII. Swimming Pools, Sections 14-356 through 14-357 and adopting Chapter 14, Building and Building Regulations, Article VIII., Swimming Pools and Spas, Sections 14-356 and 14-357; by adopting the 2018 International Swimming Pool and Spa Code (ISPSC); providing a penalty of an amount not to exceed \$2,000.00 for each violation; repealing all other ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability; publication and an effective date.

The motion was seconded and approved 5-2 with Councilmembers Griffon and Scott opposed.

- E. Ordinance No. T2020-35: First and Final reading of an ordinance approving and adopting the City of Friendswood, Texas, General Budget for the Fiscal Year 2020-2021; making appropriations for the city for such Fiscal Year as reflected in said budget, and making certain findings and containing certain provisions relating to the subject.
1.) Ratify the property tax revenue reflected in the Budget for Fiscal Year 2020-2021 (Ordinance No. 2020-35), as required by Local Government Code Section 102.007 (c).

Mayor Foreman read the agenda item to approve the First and Final reading of Ordinance No. **2020-35** – An ordinance approving and adopting the City of Friendswood, Texas, General Budget for the

Fiscal Year 2020-2021; making appropriations for the city for such Fiscal Year as reflected in said budget, and making certain findings and containing certain provisions relating to the subject.

****Mayor Foreman** moved that the proposed budget for fiscal year 2020-2021 be adopted as presented including revenue projections of \$96,317,615 and expenditure appropriations totaling \$95,690,520.

The motion was seconded and approved 6-1 with Councilmember Scott opposed.

1.) Ratify the property tax revenue reflected in the Budget for Fiscal Year 2020-2021 (Ordinance No. 2020-35), as required by Local Government Code Section 102.007 (c).

****Mayor Foreman** moved to ratify the tax year 2020 property tax revenue of \$19,487,400 reflected in the Budget for Fiscal Year 2020 – 2021, as required by Local Government Code Section 102.007 (c).

The motion was seconded and approved 6-1 with Councilmember Scott opposed.

- F. Ordinance No. T2020-36: First and Final reading of an ordinance providing for the levy and collection of ad valorem taxes of the City of Friendswood, Texas, for the tax year commencing October 1, 2020, and ending September 30, 2021; providing the date on which such taxes shall be due and payable; providing for penalty and interest on all taxes not timely paid; providing for severability; and repealing all ordinances or parts of ordinances inconsistent or in conflict herewith.

Mayor Foreman read the agenda item to approve the First and Final reading of Ordinance No. **2020-36** – An ordinance providing for the levy and collection of ad valorem taxes of the City of Friendswood, Texas, for the tax year commencing October 1, 2020, and ending September 30, 2021; providing the date on which such taxes shall be due and payable; providing for penalty and interest on all taxes not timely paid; providing for severability; and repealing all ordinances or parts of ordinances inconsistent or in conflict herewith.

****Mayor Foreman** moved that the City of Friendswood's property tax rate be increased by the adoption of a tax rate of \$0.497314, which is effectively a 2.05% increase in tax rate. This tax rate is 4.63% less than the current tax rate. The proposed tax rate is composed of a maintenance and operations rate of \$0.402152 and a debt service rate of \$0.095161.

The motion was seconded and **failed** 4-3 with Griffon, Scott and Erenwert opposed. The motion failed due to lack of a required supermajority affirmative vote.

Mayor, Council and City Manager had a lengthy discussion regarding covering what is needed with city's rainy day fund, would have to amend city's Financial Policy to do so, are choosing not to use money to make up deficit, many citizens are not getting pay raises and getting laid off, asking them to pay more for city government, tax rate was higher in 2011 than now, have lowered tax rate, raised the penny this year because of the expensive 2019 Bond Election, saw dollars needed with drainage update tonight, are being fiscally sound, are lowering tax rate from last year, doing what citizens wanted to do with approved bond projects, compared proposed tax rate (.49 cents) from last year (over .52 cents), appraised value of homes over the last five years has fluctuated 6-8%, in 6 of the last 11 years have adopted Effective Tax Rate, only years did not were years voters approved debt

issuances to offset growth in debt service, if home values continue to appreciate at 6-8% tax rate will continue to drop, all appraisals did not increase, are adopting tax rate on the budget that was just approved, supports budget but can raise revenue without having to apply the one penny extra tax, scrubbed budget further but did not touch City Secretary's office or others that were reduced already, reduced rate of growth in each of line items, gave examples, if applied 10% growth rate of money spent can raise \$452,000, do not want to touch reserve, need money for drainage projects, wants to slow growth of government, cut out cell phone allowances, most have unlimited data, employees are paid and paid well, slow rate of growth without cutting, is increasing every year, looked for revenue for library person that Councilmember Rockey recently advocated, do not need extra penny, can do Effective Tax Rate and can find in the budget, detail list provided was 2019 actuals and overages of budget were covered elsewhere and used in other departments, have cut Operations and Maintenance (O&M), left two vacancies in Police Department to make budget work, does start impacting operations and services, Staff does a wonderful job, need to save citizens that are hurting, can find the \$383,000 on this one-time basis, can find the money this year not to raise and raise next year, appraisals will go up next year, reduce growth, supports budget but would like to find the revenue elsewhere, lowered the tax rate by three pennies, spending one additional penny to cover debt that voters agreed to, thanks to Staff for an extremely good job and are being prudent.

City Manager Morad Kabiri said point of clarification on the vote, the tax rate did not pass sufficiently, with a 4-3 vote cannot adopt tax rate as proposed, so Staff will present a revised budget next month with cuts.

Mayor Foreman said was an excellent budget and tax rate and apologized to Administrative Services Director Katina Hampton, will sort it out.

- G. Ordinance No. T2020-37: First and Final reading of an ordinance amending City of Friendswood, Texas, Ordinance No. 2019-38, passed and approved October 7, 2019, same being an ordinance approving and adopting the City's General Budget for Fiscal Year 2019-2020 by approving "Budget Amendment X" to the "Original General Budget of the City of Friendswood, Texas, for the Fiscal Year 2019-2020"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject.

****Councilmember Branson moved to approve the First and Final reading of Ordinance No. 2020-37** – An ordinance amending City of Friendswood, Texas, Ordinance No. 2019-38, passed and approved October 7, 2019, same being an ordinance approving and adopting the City's General Budget for Fiscal Year 2019-2020 by approving "Budget Amendment X" to the "Original General Budget of the City of Friendswood, Texas, for the Fiscal Year 2019-2020"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject.

The motion was seconded and approved unanimously.

13. Communications from the Mayor and Councilmembers

Mayor Foreman stated he is disappointed Council could not agree on the excellent tax rate.

No one else gave a report.

With concurrence of Council, Mayor Foreman moved to Agenda Item 15, Adjournment.

14. Consent Agenda

Consideration and possible action regarding the following:

- A. Approving a contract with Galveston County Health District for Water Pollution Control and Abatement Services for 2020-2021 and authorize the Mayor to execute the agreement
- B. Approving a contract award for the city's emergency notification system and authorizing the City Manager to execute the contract
- C. Approving a Memorandum of Understanding (MOU) with the Autumn Creek Homeowners Association, Friendswood Cove Homeowners Association, and Friendswood Oaks Homeowners Association memorializing each party's support for a Community Development Block Grant – Mitigation application for the proposed Blackhawk Inline and Offline Detention Basins Flood Control Project
- D. Approve the purchase of a street sweeper for the Public Works Department
- E. Approve the purchase of a dump truck for the Public Works Department
- F. Approving the disposal of three decommissioned Police vehicles through Houston Auto Auction
- G. Accepting the July 2020 Tax Report
- H. Approving the minutes of the August 3, 2020, Council Meeting

****Councilmember Scott moved to approve the Consent Agenda as presented.
The motion was seconded and approved unanimously.**

With concurrence of Council, Mayor Foreman moved to Agenda Item 10A.

15. Adjournment

The meeting was adjourned at 8:50 PM.

Attest:



Mayor Mike Foreman

09/14/20

Melinda Welsh
Melinda Welsh, TRMC
City Secretary

