

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF FRIENDSWOOD  
SEPTEMBER 13, 2021**

THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD MET IN A REGULAR MEETING ON MONDAY, SEPTEMBER 13, 2021, AT 6:00 P.M. IN THE COUNCIL CHAMBERS, FRIENDSWOOD CITY HALL, LOCATED AT 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, WITH THE FOLLOWING MEMBERS PRESENT CONSTITUTING A QUORUM:

|                   |                |
|-------------------|----------------|
| Trish Hanks       | Councilmember  |
| Steve Rockey      | Councilmember  |
| Sally Branson     | Councilmember  |
| Robert J. Griffon | Mayor Pro Tem  |
| John Scott        | Councilmember  |
| Brent Erenwert    | Councilmember  |
| <br>              |                |
| Mike Foreman      | Mayor          |
| <br>              |                |
| Morad Kabiri      | City Manager   |
| Leticia Brysch    | City Secretary |

**1. CALL TO ORDER**

Mayor Foreman called the meeting to order with a quorum present at 6:00 P.M.; all members were present.

**2. INVOCATION**

The invocation was led by Pastor Frank Possert with Calvary Chapel.

**3. PLEDGE OF ALLEGIANCE - United States and State of Texas**

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

**4. COUNCIL COMMENTS AND REPORTS**

Councilmember Rockey stated that the Library is starting its program called "A Thousand Books before Kindergarten" which is a program that has activities to help encourage reading at a young age. He also noted that he helped judge this year's poetry contest, which had many submissions from all over the world, including India, Macedonia, England, and Thailand to name a few.

Councilmember Branson stated that she wanted to thank everyone that assisted, supported, and participated in this year's Labor Day Ice Cream Social, which went extremely well.

Councilmember Hanks stated that this month is Suicide Prevention Awareness Month and noted that unfortunately, suicides are prevalent among the youth, as well as with veterans and servicemen and women. She noted that there are a lot of resources available to assist with this issue and encouraged

everyone to discuss and work with others to help deal with the mental health problems affecting the community.

Councilmember Griffon stated that he wanted to thank Ms. Aubrey Harbin and Ms. Becky Bennet in the Community Development Department for all the work that has been put into the items that have been presented to the Planning and Zoning Commission.

Councilmember Erenwert stated that he wanted to thank the City's Emergency Management Coordinator, Brian Mansfield, and his team that got everyone prepared for the last weather event.

## **5. PUBLIC COMMUNICATIONS**

Mayor Foreman stated that to comply with the provisions of the Texas Open Meetings Act, the City Council may not deliberate any item not listed on the agenda, as such, the City Council will listen to public comment and may (i) refer the item to City Management for further action or (ii) direct staff for the placement of said item on a future agenda. During public comments, speakers shall refrain from any outbursts, or interjections including but not limited to applause, disparaging noises, and remarks. Furthermore, any personnel complaints against a City employee, aside from the City Manager, City Attorney, or Municipal Judge, shall not be discussed and shall be referred to City Management.

Mr. Don Johnson requested to speak before the Council regarding drainage issues and thanked the Council for agreeing to participate with the Harris-Galveston Subsidence District in the WaterWise Program. He also noted that the Army Corps Program's final plan for the Ike Dike or Coastal Barrier Program has been approved, so the community is one step closer to being able to control the level of water in the lake.

Mr. Dave Yelovich requested to speak before the Council regarding the new water meter installation and noted that he had yet to see the bids for said purchase and believed that the \$9 million dollars could be used elsewhere, such as the completion of Blackhawk Boulevard.

Mr. David Allen requested to speak before the Council regarding the COVID variant, and noted that regardless of what the media stated, this disease is a form of pneumonia, and the country should not be shut down for this issue alone.

Mr. Ken Shores requested to speak before the Council regarding Stevenson Park. He noted that in the many expansions to this park, the city is not making any provisions for drainage that impacts the surrounding areas including Emerald Circle and requested that these issues be looked into so it does not negatively impact his home and neighbors.

Ms. Tina Hahn requested to speak before the Council regarding the Friendswood High School zoning item and its impact to her home, 1011 Falling Leaf Drive, which is located adjacent to the proposed expansion. She suggested and strongly encouraged the school district to consider placing the proposed shot put area closest to her house, and move the soccer goals and field further away, to minimize the impacts to the homes adjacent to the school.

## **6. WORK SESSION**

### **A. Receive and discuss a presentation regarding the drainage project update.**

Engineering Director Jil Arias presented the item and stated that he would present the Council with an update on the status of the city's flood control projects as well as a drainage update.

Mr. Arias showed the Council a map of all the existing drainage projects, as well as, a map of the buyout properties located in Friendswood, which were obtained by either the city or the Galveston County Consolidated Drainage District for future flood control projects.

Mr. Arias presented an update on the Clear Creek Utility Relocation Project and noted that the design on that project is complete, and permits have been attained. He noted that staff is in the processes of executing some necessary easements and are at the cusp of having this item go out for bid. Mr. Arias noted that the bid has been on hold until authorization for the use of grant funds is completed.

Mr. Arias presented an update on the Forest Bend Offline Detention Project and noted that this is a CDBG project. He stated that the project is 95% complete on the engineering design and staff will be meeting with the design consultant in the next week to put the finishing touches on this item. Mr. Arias noted that the project's environmental review is ongoing, and staff recently found out that there was a homestead located on that property, which is going to merit some more investigation before the project can move forward.

Mr. Arias noted that some project highlights include a 54 acre-feet of offline detention capacity featuring a meandering layout with wetland plantings and a trail with solar lighting. He also mentioned there will be some intermeshing between drainage projects in order to deliver a larger project drainage mitigation to the area, an example being the Deepwood Flood Control Project, which staff is looking at to mitigate the other projects.

Mr. Arias noted in response to a question from Councilmember Griffon that the Forest Bend Offline Detention Basin/Pond, located in Harris County will have a dual-purpose in that it will serve as an offline detention pond for drainage mitigation as well as a park with meandering lines, trails and lighting. City Manager Morad Kabiri noted that this project was achieved through a partnership with the Forest Bend HOA, and staff has approached other HOAs hoping to duplicate this type of successful partnership.

Mr. Arias gave an update on the green space at Frenchman's Creek and stated that the townhouse units are in the process of being appraised and the GLO is reviewing intake forms for both the city and the county, and once that process is completed, the townhouses will be demolished for the planned green space.

The next update related to the potential FM 1959 Detention Basin Project, which could be a joint effort with the Harris County Flood Control District. He stated that this project is located off FM 1959 on Clear Creek at the city limit adjacent to Pearland which could potentially be 1,000 acre-feet of detention for a flood control project. Staff is currently researching this item and working on a grant application for an estimated \$30 million with a 20% contingency built into it for a total proposed project in an estimated amount of \$36 million.

Mr. Arias gave an update on the embankment beside Clear Creek and adjacent to the Timber Creek Golf Course and presented several slides showing historical images that show that the area had been used for access to an oxbow along Clear Creek since the 1940s.

Mr. Arias noted that the city, with the help of a third party, performed a cursory modeling exercise to see what the potential effects would be of the removal of the soil plug that has been there as an embankment after the construction of the golf course. He noted that the modeling exercise showed that there were minimal benefits in smaller storms and water surface elevation reduction was pretty localized. However, those benefits disappear in larger storms as the water gets around the embankment and fills up from the backside, in other words, any benefits disappear once the water is over top of that embankment.

Mr. Kabiri noted that the previously mentioned cursory modeling was done at the request of the Galveston County Consolidated Drainage District, following one of their meetings. So, the city, is working with Freese and Nichols, which is the company that led the study for League City, Friendswood, Pearland, and a number of other agencies, and they offered up the model they had already developed, as a basis to see what would happen if the plug in this bypass channel was removed. Mr. Arias stated that staff presented to the Galveston County Consolidated Drainage District the resulting information and noted that the city only presented the data and has no bias on the item or any related projects.

Lastly, Mr. Arias presented an overview of some grants that the city is applying for to include a Master Drainage Plan and an Elevated Generator for Lift Station #22.

Councilmember Rockey spoke regarding that the historical pictures shown in relation to the plug located near the golf course and noted that the city has no ability to know whether the plug was done on purpose for flood control or anti-flood control and so it could just be the result of an alteration of the natural flow of that creek. He further asked if there are projects planned for this area. Mr. Kabiri noted that there are no projects planned for this area at this time and noted that any modification to this area, would result in the city having to provide mitigation elsewhere because it is a conveyance improvement that could potentially impact properties downstream.

Councilmember Griffon gave an overview of the history of the creek dating back to the 1800s and stated that he agreed with Councilmember Rockey in the sense that the pictures presented by the staff were irrelevant in his estimation as the Planning and Zoning Commission adopted a final plat of the Timber Creek Golf Course, which shows a 150-foot easement that may have included the embankment. Councilmember Griffon went on to outline the way the modeling occurred and stated that he was not in favor of the mixed messaging around this issue. He further noted that if there is anything the city can do to help and/or partner with to help the drainage issue in this community then it should be done to stop Friendswood citizens from being chest-deep in water with loved ones on their shoulders, walking out of the water again.

Mr. Kabiri requested that Councilmember Griffon, at his attendance at the next drainage district meeting to encourage them to take the leadership on this item as it is their easement.

## **B. Receive and discuss a presentation regarding the future land use map.**

Community Development Director Aubrey Harbin presented the item and stated that she was going to give the Council an overview of the updated process for the city's future land use map, which has been an ongoing process through this past year. Ms. Harbin noted that staff is moving through the calendar as planned and are still on schedule to have this item adopted by the end of the year.

Ms. Harbin reminded the council of the strategies and plans that the subcommittee and the Commission have been using while reviewing and updating this map. She stated that the strategies included potential impacts and effects of reaching a 50,000 population, the 80/20 commercial property tax base or also the 73% residential land use and 23% commercial land use as identified in the Vision 20/20, best use of the land considering neighboring properties while also considering community goals. Ms. Harbin also noted that the group used the following plans as a part of their deliberation process: FM 528 Strategy Plan, Vision 20/20, City of Pearland Thoroughfare Plan, and League City's Comprehensive Plan Future Land Use Plan.

Ms. Harbin noted that the subcommittee did public outreach in the month of June that included attending a concert in the park and a farmer's market, as well as the hosting of two town hall meetings in Council Chambers and a display at the Library for the entire month. She further noted that their outreach efforts included pushing out the city's QR site to the public to compile their feedback, which resulted in four emails and twenty-four comments. Ms. Harbin stated that because of those comments and the conversations that were had with the public, staff added three items to the spreadsheet of proposed changes, as follows:

- #18 – the addition of a commercial node on the future Friendswood Lakes Blvd/Friendswood Parkway at future Falling Leaf,
- #19 - changing 9.88 acres from Low Density Residential to Retail, and
- #20 – the addition of a category for Garden Home Development to differentiate from High Density Residential; Added a new category for Garden Home Developments to differentiate Garden Homes from Multi-Family Residential developments that allow attached housing. Garden Homes are detached single family homes.

Ms. Harbin stated that the main areas of concern noted in the public comments included:

- 1301 Winding Way,
- Friendswood Lakes Boulevard future route between FM 528 and FM 2351,
- High Density Residential areas that are actually Garden Home Districts (MFR-GHD),
- The definition of Mixed Use,
- Need for more green space, and
- Less retail spaces.

Ms. Harbin noted that the city's total acreage, with the subtraction of streets and publicly owned properties which are not developable, is 10,000 acres of developable land. She further noted that of that amount, the proposed plan shows 16% of that developable land is commercial and 84% is residential, so while the city is closer to reaching that 80/20 balance, it is not there yet. Ms. Harbin stated that the future land use plan is fluid and can keep changing in the future as needed or desired.

The Council thanked Ms. Harbin, her staff, and the members of the Planning and Zoning Commission for all their hard work on this item.

Mayor Foreman recessed the meeting at 7:07 P.M.

Mayor Foreman reconvened the meeting at 7:14 P.M.

## **7. PROPOSED BUDGET AND TAX RATE FOR FISCAL YEAR 2021-2022**

### **A. Conduct a public hearing to receive comments both oral and written regarding the proposed tax rate for fiscal year 2021-2022.**

At 7:14 P.M., Mayor Foreman opened a public hearing to receive comments both oral and written regarding the proposed tax rate for fiscal year 2021-2022 and requested that staff give council an overview of the item.

Administrative Services Director Katina Hampton presented the item and stated that this public hearing is for the city's tax rate and is in accordance with the Truth in Taxation guidelines as prescribed by the Texas Local Government Code.

Ms. Hampton stated that nothing has changed since the staff delivered the proposed budget in August and noted that the city's no new revenue rate is 45.2977 or 45.30 cents with said no new revenue rate being the tax rate that would bring in roughly the same amount of property tax revenue on properties that were taxed in tax year 2020 and tax year 2021.

Ms. Hampton stated that the city's voter-approved tax rate for this year is 53.779 cents, which is the highest rate that the city could approve without having to place the item on the ballot in November for voter approval. She further noted that the proposed rate or the rate that council proposed in August was the city's current tax rate of 48.7314 cents, which takes into consideration the estimated net taxable value of about 4.2 billion. Ms. Hampton noted that the net taxable value is up about \$278 million from last year as well as the over 65 freeze ceilings and the city's new construction value of about \$76 million. Ms. Hampton noted that all of these would bring in a tax levy of about \$20.7 million and of that amount, \$16.3 million would be for maintenance and operations, and the \$4.3 million obligations for debt service.

Ms. Hampton noted that at the conclusion of the public hearing on the tax rate, the next steps are to adopt the city's budget, the ratification of the tax revenue included in the budget and the adoption of the tax rate to support that budget.

At 7:18 P.M., with there being no one signed up to speak on this item, Mayor Foreman closed a public hearing to receive comments both oral and written regarding the proposed tax rate for fiscal year 2021-2022.

**B. Consideration and possible action on a proposed ordinance for the first and final reading approving and adopting the City of Friendswood, Texas, General Budget for the Fiscal Year 2021-2022; 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.**

A motion was made by Mayor Pro Tem Griffon and seconded by Councilmember Hanks to approve Ordinance No. 2021-22, Related to Item 7.B., which approves the proposed budget for the fiscal year 2021-2022 be adopted as revised and presented, including revenue projections of \$125,027,521, and expenditure appropriation totaling \$122,652,640. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**7.B.1. Consideration and possible action on the property revenue reflected in the Budget for Fiscal Year 2021-2022, as required by Texas Local Government Code (LGC). Section 102.007(c).**

A motion was made by Councilmember Branson and seconded by Councilmember Hanks to approve the ratification of the tax year 2021 property tax revenue to \$20,679,498 reflected on the budget for the fiscal year 2021-2022 as required by the Local Government Code, Section 102.007C. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**C. Consideration and possible action on a proposed ordinance for first and final reading providing for the levy and collection of Ad Valorem taxes of the City of Friendswood, Texas, for the tax year commencing October 1, 2021, and ending September 30, 2022; 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.**

A motion was made by Councilmember Rockey and seconded by Councilmember Hanks to approve Ordinance No. 2021-23, related to Item 7.C., which approves the City of Friendswood property tax rate be increased by the adoption of a tax rate of 0.487314, which is effectively a 7.05% increase in tax rate. This tax rate is the same as the current tax rate but less than the voter-approved tax rate. The proposed tax

rate is composed of a maintenance and operations rate of 0.385147 and a debt service rate of 0.102167. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**8. ZONE CLASSIFICATION CHANGE REQUEST TO CHANGE APPROXIMATELY 3.65 ACRES FROM COMMUNITY SHOPPING CENTER TO INDUSTRIAL AT INDUSTRY PARK**

- A. Conduct a public hearing to receive comments, both oral and written regarding a zone classification change for approximately 3.65 acres out of 18.0137 acres located along FM 2351 (address not yet assigned), the 18.0137 acres more fully described in 4 tracts: 16.592 acres out of and part of Tract B and C of Lot 63 of the Coffman and Hoidale Subdivision, .0918 acres out of and part of Tracts B and C, of Lot 63, of the Coffman and Hoidale Subdivision, and .1119 acres of land out of and part of Division B, of Lot 63 of the Hoidale-Coffman Addition Subdivision, a subdivision in Harris County, Texas out of the Perry and Austin League, Abstract 55, Harris County, Texas, as recorded in Volume 3, Page 6, of the Map Records of Harris County, Texas; and 1.218 acres known as Restricted Reserve I within the Partial Plat of Industry Park Friendswood, Film Code 688395, City of Friendswood, Harris County, Texas to change from Community Shopping Center (CSC) to Industrial (I) so that the entirety of the referenced tracts will be zoned Industrial (I).**

At 7:22 P.M., Mayor Foreman opened the public hearing and requested that staff give the Council an overview of the item.

Community Development Director Aubrey Harbin presented the item and stated that the property in question is currently an undeveloped tract of land. She noted that the front portion of the property is approximately 3.65 acres, that is zoned CSC. Ms. Harbin noted that this part of the rezoning is a result of the staff working with the property owner in order to avoid the Panhandle PUD, and the suggestion is that the developer change the remainder of that tract to industrial.

Ms. Harbin noted that notices for this rezoning were sent out in compliance with state law and published in the local newspaper, mailed out to an estimated fourteen property owner, and a sign was posted on the property. She stated that the Planning and Zoning Commission unanimously recommended the approval of this item with a 6 to 0 vote as one commissioner was absent.

At 7:24 P.M., with there being no one signed up to speak, Mayor Foreman closed the public hearing regarding the rezoning of approximately 3.65 acres of land from Community Shopping Center to Industrial Park.

- B. Consideration and possible action on a proposed ordinance for first reading regarding the requested zone classification change approximately 3.65 acres out of 18.0137 acres located along FM 2351 (address not yet assigned), the 18.0137 acres more fully described in 4 tracts: 16.592 acres out of and part of Tract B and C of Lot 63 of the Coffman and Hoidale Subdivision, .0918 acres out of and part of Tracts B and C, of Lot 63, of the Coffman and Hoidale Subdivision, and .1119 acres of land out of and part of Division B, of Lot 63 of the Hoidale-Coffman Addition Subdivision, a subdivision in Harris County, Texas out of the Perry and Austin League, Abstract 55, Harris County, Texas, as recorded in Volume 3, Page 6, of the Map Records of Harris County, Texas; and 1.218 acres known as Restricted Reserve I within the Partial Plat of Industry Park Friendswood, Film Code 688395, City of Friendswood, Harris County, Texas to change from Community Shopping Center (CSC) to Industrial (I) so that the entirety of the referenced tracts will be zoned Industrial (I).**

A motion was made by Councilmember Scott and seconded by Mayor Pro Tem Griffon to approve the first reading of Ordinance No. 2021-24, regarding the requested zone classification change approximately 3.65 acres out of 18.0137 acres located along FM 2351 (address not yet assigned), the 18.0137 acres more fully described in 4 tracts: 16.592 acres out of and part of Tract B and C of Lot 63 of the Coffman and Hoidale Subdivision, .0918 acres out of and part of Tracts B and C, of Lot 63, of the Coffman and Hoidale Subdivision, and .1119 acres of land out of and part of Division B, of Lot 63 of the Hoidale-Coffman Addition Subdivision, a subdivision in Harris County, Texas out of the Perry and Austin League, Abstract 55, Harris County, Texas, as recorded in Volume 3, Page 6, of the Map Records of Harris County, Texas; and 1.218 acres known as Restricted Reserve I within the Partial Plat of Industry Park Friendswood, Film Code 688395, City of Friendswood, Harris County, Texas to change from Community Shopping Center (CSC) to Industrial (I) so that the entirety of the referenced tracts will be zoned Industrial (I). The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**9. ZONE CLASSIFICATION CHANGE REQUEST TO CHANGE APPROXIMATELY 1.00 ACRE FROM SINGLE FAMILY RESIDENTIAL TO COMMUNITY SHOPPING CENTER**

- A. Conduct a public hearing to receive comments, both oral and written regarding a zone classification of 1.00 acre located at 2601 W. Parkwood Ave., being a part of the Mary Sloan Survey, Abstract 184, Galveston County, Texas, and also being a part of that certain 357.03 acre tract conveyed by William F. McCord, Trustee, et al to Robert E. Holcomb, Trustee, by deed dated December 23, 1965, recorded in the office of the County Clerk of Galveston County, Texas, File No.1788 to change from Single Family Residential (SFR) to Community Shopping Center (CSC).**

At 7:26 P.M., Mayor Foreman opened the public hearing and requested that staff give the Council an overview of the item.

Community Development Director Aubrey Harbin presented the item and stated that Fire Station No. 2 currently exist on the property as a non-conforming use; and therefore, in order to demolish this building and build a new one, the city must change the zoning classification to Community Shopping Center, which is what is before the Council tonight. Ms. Harbin noted that public notice was given in compliance with the law and there were only five property owners who required written notification of this item. She stated that the Planning and Zoning Commission unanimously recommended approve of this item.

At 7:29 P.M., with no one signed up to speak, Mayor Foreman closed the public hearing regarding the rezoning of approximately 1.00 acres of land from Single Family Residential to Community Shopping Center.

**B. Consideration and possible action on a proposed ordinance for first reading regarding the requested zone classification change of 1.00 acre located at 2601 W. Parkwood Ave., being a part of the Mary Sloan Survey, Abstract 184, Galveston County, Texas, and also being a part of that certain 357.03 acre tract conveyed by William F. McCord, Trustee, et al to Robert E. Holcomb, Trustee, by deed dated December 23, 1965, recorded in the office of the County Clerk of Galveston County, Texas, File No.1788 to change from Single Family Residential (SFR) to Community Shopping Center (CSC).**

A motion was made by Councilmember Scott and seconded by Councilmember Branson to approve the first reading of Ordinance No. 2021-25, regarding the requested zone classification change of 1.00 acre located at 2601 W. Parkwood Ave., being a part of the Mary Sloan Survey, Abstract 184, Galveston County, Texas, and also being a part of that certain 357.03 acre tract conveyed by William F. McCord, Trustee, et al to Robert E. Holcomb, Trustee, by deed dated December 23, 1965, recorded in the office of the County Clerk of Galveston County, Texas, File No.1788 to change from Single Family Residential (SFR) to Community Shopping Center (CSC). The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**10. ZONE CLASSIFICATION CHANGE REQUEST TO AMEND AVALON AT FRIENDSWOOD PLANNED UNIT DEVELOPMENT 2019-37 TO INCORPORATE 26.921 ACRES OF ANNEXED PROPERTY**

**A. Conduct a public hearing to receive comments, both oral and written regarding a zone classification change for 183.386 acres of land located along both sides of future Friendswood Lakes Boulevard/Friendswood Parkway, being 183.386 acres of land consisting of several tracts including 96.944 acres of land in the Mary Fabreau Survey, Abstract No. 69 and 86.442 acres**

**consisting of Tract 1: 59.521 acres of land situated in the Mary Fabreau Survey, Abstract Number 69 and Tract 2: 26.921 acres of land situated in the I&GNRR Company Survey Number 5, Abstract Number 622, all located in Friendswood, Galveston County, Texas, to change from Avalon at Friendswood Planned Unit Development (PUD) 2019-37 (156.4717) and unassigned zoning (26.921 acres) to a revised Avalon at Friendswood Planned Unit Development (PUD) consisting of 183.386 acres.**

At 7:30 P.M., Mayor Foreman opened the public hearing and requested that staff give the Council an overview of the item.

Community Development Director Aubrey Harbin presented the item and stated that the 2019 Planned Unit Development encompasses a portion of the subject land and that this item is amending Avalon PUD to incorporate the estimated 26 acres of land to the rest of their development and assign the PUD zoning.

Ms. Harbin noted that they have a new land plan with a new lot count of fifty-four 60-foot lots, a hundred seventy-four 70-foot lots, and sixty-seven 90-foot lots, for a total of two hundred ninety-five. She noted that the phasing remains and there is no change to the regulation matrix. Ms. Harbin further noted that all services and utilities to this will be provided by the City of Friendswood.

Ms. Harbin noted that public notice was conducted in compliance with the law and staff sent out written notices of this hearing to a hundred and thirty-two property owners. The Planning and Zoning Commission gave a positive recommendation with a 6 to 0 vote, with one commissioner being absent. Ms. Harbin stated that the Commission had some discussion about the percentages of lots, but at the end of the day, the Commission agreed that it was the right thing to do. She further noted that another one of the Commission's concerns related to a small number of homes that will be in this development and within the Friendswood city limits was that it will be zone to Cleek Creek ISD and not Friendswood ISD. The Commission suggested that the developer disclosed this information to potential buyers when they sell those lots because they will be driving through Friendswood to get to those Clear Creek ISD lots as there is no other access to areas from League City, Texas.

At 7:35 P.M., with there being no one signed up to speak on this item, Mayor Foreman closed the public hearing regarding the rezoning request to amend Avalon at Friendswood Planned Unit Development 2019-37 to incorporate 26.921 acre of annexed land.

**B. Consideration and possible action on a proposed ordinance for first reading regarding the requested zone classification change located along both sides of future Friendswood Lakes Boulevard/Friendswood Parkway, being 183.386 acres of land consisting of several tracts including 96.944 acres of land in the Mary Fabreau Survey, Abstract No. 69 and 86.442 acres consisting of Tract 1: 59.521 acres of land situated in the Mary Fabreau Survey, Abstract Number 69 and Tract 2: 26.921 acres of land situated in the I&GNRR Company Survey Number 5, Abstract Number 622, all located in Friendswood, Galveston County, Texas, to change from Avalon at Friendswood Planned Unit Development (PUD) 2019-37 (156.4717) and unassigned zoning (26.921 acres) to a revised Avalon at Friendswood Planned Unit Development (PUD) consisting of 183.386 acres.**

A motion was made by Mayor Pro Tem Griffon and seconded by Councilmember Hanks to approve the first reading of Ordinance No. 2021-26, regarding the requested zone classification change located along both sides of future Friendswood Lakes Boulevard/Friendswood Parkway, being 183.386 acres of land consisting of several tracts including 96.944 acres of land in the Mary Fabreau Survey, Abstract No. 69 and 86.442 acres consisting of Tract 1: 59.521 acres of land situated in the Mary Fabreau Survey, Abstract Number 69 and Tract 2: 26.921 acres of land situated in the I&GNRR Company Survey Number 5, Abstract Number 622, all located in Friendswood, Galveston County, Texas, to change from Avalon at Friendswood Planned Unit Development (PUD) 2019-37 (156.4717) and unassigned zoning (26.921 acres) to a revised Avalon at Friendswood Planned Unit Development (PUD) consisting of 183.386 acres. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, and Councilmember Brent Erenwert.

Nays: Councilmember John Scott

The item passed.

**11. ZONE CLASSIFICATION CHANGE REQUEST TO REPLACE SPECIFIC USE PERMIT 98-22 WITH A REVISED SPECIFIC USE PERMIT THAT WILL OVERLAY ALL OF THE DESCRIBED PROPERTIES WHICH ARE ZONED SINGLE FAMILY RESIDENTIAL**

- A. Conduct a public hearing to receive comments, both oral and written regarding a zone classification change for approximately 54.805 acres known as Friendswood High School described as three tracts: 702/800 Greenbriar Dr. (main campus and sports fields) being a 39.166 acre tract of land located in the Sarah McKissick Survey, Abstract Number 151; 1115 Falling Leaf Dr (natatorium) being 7.788 acres also known as Lot 1 Block 1 of the Final Plat of Friendswood High School Expansion; and 1013 Falling Leaf Dr.; 1101 Falling Leaf Dr.; 0 Falling Leaf Dr.; 1014 Mustang Dr.; 1018 Mustang Dr.; 1102 Mustang Dr.; 1108 Mustang Dr. (residential lots for expansion) being approximately 7.84 acres also known as Lots 2, 3, 4, 6, 7, 8 and 9 of Brenham Estates, all in Friendswood, Galveston County, Texas, and more fully described in the backup materials to replace Specific Use Permit (SUP) 98-22 with a revised Specific Use Permit (SUP) to allow NAICS #6111 Elementary and Secondary Schools that will overlay all of the described properties which are zoned Single Family Residential (SFR).**

At 7:40 P.M., Mayor Foreman opened the public hearing and requested that staff give the Council an overview of the item.

Community Development Director Aubrey Harbin presented the item and stated that the high school is located at this site and the District acquired these additional residential lots that they are incorporating into their campus. Ms. Harbin noted that these improvements are being funded by the District's approved 2020 bonds, but in order to do so, the zoning of these additional lots needs to be corrected.

Ms. Harbin stated that the new site will include a performing arts auditorium, the renovation of the existing auditorium, the fine arts wing, the existing CTE spaces, a new competition gym with storage

and locker rooms, the existing locker room with renovations, and a reconfigured athletic field space. Ms. Harbin showed the council a map of the new campus layout with the proposed amenities.

Ms. Harbin noted that as it relates to the positioning of the new sports fields, the Commission discussed this item at length, which resulted in the PBK architects moving the soccer field to be 40 feet off the property line instead of the original 20 feet. She noted that the District is planning for four future tennis courts, and while they are not actually going to be constructed at this time, staff asked them to go ahead and identify those in their plans. Staff is requiring an 8-foot opaque fence and 10-foot landscape buffer along the property line that is abutting residential lots and encourage them to use as much as the existing trees as they can to provide good screening.

Ms. Harbin stated that the new performing arts center is going to have a fly lock that's going to be 49 feet 11 inches, and this does exceed the 40-foot height for Single Family Residential zoning district, but with the SUP, it is allowed for the school uses.

She noted that the notices were sent out in compliance with state law, and the Planning and Zoning Commission recommended approval with the following conditions, the first two were included in the recommendation before Council and the bottom two were excluded:

- i. Correct fence note on site plan to ensure that an 8-foot opaque fence is constructed along the property line adjacent to 1011 Falling Leaf and 1010 Mustang Drive where the new athletic fields will be constructed.
- ii. Move the proposed soccer field a minimum of 40 feet towards Pride Drive away from 1011 Falling Leaf, as agreed in the meeting.
- iii. Consider constructing sidewalks along Falling Leaf.
- iv. Consider swapping the location of the soccer field and the shot put and discus landing areas to allow more room between the soccer goal and the residential property.

At 7:47 P.M., with there being no one signed up to speak on this item, Mayor Foreman closed the public hearing regarding the rezoning request to replace Specific Use Permit 98-22 with a revised Specific Use Permit that will overlay all the described properties which are zoned Single Family Residential.

**B. Consideration and possible action on a proposed ordinance for first reading regarding the requested zone classification change for approximately 54.805 acres known as Friendswood High School described as three tracts: 702/800 Greenbriar Dr. (main campus and sports fields) being a 39.166 acre tract of land located in the Sarah McKissick Survey, Abstract Number 151; 1115 Falling Leaf Dr (natatorium) being 7.788 acres also known as Lot 1 Block 1 of the Final Plat of Friendswood High School Expansion; and 1013 Falling Leaf Dr.; 1101 Falling Leaf Dr.; 0 Falling Leaf Dr.; 1014 Mustang Dr.; 1018 Mustang Dr.; 1102 Mustang Dr.; 1108 Mustang Dr. (residential lots for expansion) being approximately 7.84 acres also known as Lots 2, 3, 4, 6, 7, 8 and 9 of Brenham Estates, all in Friendswood, Galveston County, Texas, and more fully described in the backup materials to replace Specific Use Permit (SUP) 98-22 with a revised**

**Specific Use Permit (SUP) to allow NAICS #6111 Elementary and Secondary Schools that will overlay all of the described properties which are zoned Single Family Residential (SFR).**

A motion was made by Councilmember Hanks and seconded by Mayor Pro Tem Griffon to approve the first reading of Ordinance No. 2021-27, regarding the requested zone classification change for approximately 54.805 acres known as Friendswood High School described as three tracts: 702/800 Greenbriar Dr. (main campus and sports fields) being a 39.166 acre tract of land located in the Sarah McKissick Survey, Abstract Number 151; 1115 Falling Leaf Dr (natatorium) being 7.788 acres also known as Lot 1 Block 1 of the Final Plat of Friendswood High School Expansion; and 1013 Falling Leaf Dr.; 1101 Falling Leaf Dr.; 0 Falling Leaf Dr.; 1014 Mustang Dr.; 1018 Mustang Dr.; 1102 Mustang Dr.; 1108 Mustang Dr. (residential lots for expansion) being approximately 7.84 acres also known as Lots 2, 3, 4, 6, 7, 8 and 9 of Brenham Estates, all in Friendswood, Galveston County, Texas, and more fully described in the backup materials to replace Specific Use Permit (SUP) 98-22 with a revised Specific Use Permit (SUP) to allow NAICS #6111 Elementary and Secondary Schools that will overlay all of the described properties which are zoned Single Family Residential (SFR). The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**12. ZONING ORDINANCE AMENDMENTS TO ACCOMMODATE THE DEVELOPMENT OF INDUSTRIAL ZONED PROPERTIES IN THE PANHANDLE AREA**

- A. Conduct a public hearing to receive comments, both oral and written regarding proposed amendments to Appendix C, Zoning Ordinance Section 7.P.6. Permitted Use Table to allow NAICS use #524 Insurance carriers and related activities, #541 Professional, scientific and technical services, #551 Management of companies and enterprises, and #561 Administrative and support services as "Permitted" in the Industrial (I) zoning district; amend Section 8.I.2. Perimeter landscaping and screening to allow the Commission to consider alternate screening plans for uses interior to a common development; Section 8.J.c. Lighting and glare to increase the foot-candles allowed interior to common developments; Section 7.5 Community Overlay District (COD) boundary to reduce the COD boundary on FM 2351 from 300 feet to 150 feet from Beamer Road to Clear Creek; and Section 20. Definitions to add a definition of Common Development.**

At 7:49 P.M., Mayor Foreman opened the public hearing and requested that staff give the Council an overview of this item.

Community Development Director Aubrey Harbin presented the item and stated that again, this item is a result of staff working with the property owner for the previous industrial zone change that was done earlier in the meeting. She noted that staff is recommending the addition of the following four uses to the industrial zoning district.

- Section 7.P.6 Permitted Use Table
  - 524 Insurance carriers and related activities
  - 541 Professional, scientific, and technical services
  - 551 Management of companies and enterprises
  - 561 Administrative and support services
- Section 8.I.2 Perimeter landscaping and screening
  - Alternate screening for interior of common developments
- Section 8.J.c. Lighting and glare
  - 5 Foot Candles (FC) interior of common developments
- Section 7.5 Community Overlay District boundary
- COD boundary along FM 2351 (between Clear Creek and Beamer Road) to extend a max 150-foot deep
- Section 20 Definitions
- Common Development

The Planning and Zoning Commission recommended approval of this item with a 6 to 0 vote with one Commissioner being absent and the subcommittee met with the property owner and took their recommendations back to the full commission, so all parties involved are on board with these changes.

At 7:52 P.M., with there being no one signed up to speak on this item, Mayor Foreman closed the public hearing regarding amendments to accommodate the development of industrial zoned properties in the Panhandle Area.

**B. Consideration and possible action on a proposed ordinance for first reading regarding proposed amendments to Appendix C, Zoning Ordinance Section 7.P.6. Permitted Use Table to allow NAICS use #524 Insurance carriers and related activities, #541 Professional, scientific and technical services, #551 Management of companies and enterprises, and #561 Administrative and support services as "Permitted" in the Industrial (I) zoning district; amend Section 8.I.2. Perimeter landscaping and screening to allow the Commission to consider alternate screening plans for uses interior to a common development; Section 8.J.c. Lighting and glare to increase the foot-candles allowed interior to common developments; Section 7.5 Community Overlay District (COD) boundary to reduce the COD boundary on FM 2351 from 300 feet to 150 feet from Beamer Road to Clear Creek; and Section 20. Definitions to add a definition of Common Development.**

A motion was made by Councilmember Branson and seconded by Council Member Hanks to approve the first reading of Ordinance No. 2021-28, regarding proposed amendments to Appendix C, Zoning Ordinance Section 7.P.6. Permitted Use Table to allow NAICS use #524 Insurance carriers and related activities, #541 Professional, scientific and technical services, #551 Management of companies and enterprises, and #561 Administrative and support services as "Permitted" in the Industrial (I) zoning district; amend Section 8.I.2. Perimeter landscaping and screening to allow the Commission to consider alternate screening plans for uses interior to a common development; Section 8.J.c. Lighting and glare to increase the foot-candles allowed interior to common developments; Section 7.5 Community Overlay District (COD) boundary to reduce the COD boundary on FM 2351 from 300 feet to 150 feet from Beamer

Road to Clear Creek; and Section 20. Definitions to add a definition of Common Development. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

### **13. ZONING ORDINANCE AMENDMENTS TO INCREASE MITIGATION REQUIREMENTS TO PROMOTE PRESERVATION OF EXISTING TREES**

#### **A. Conduct a public hearing to receive comments, both oral and written regarding proposed amendments to Appendix C, Zoning Ordinance Section 8.I.f Preserving Trees to amend the tree mitigation requirements.**

At 7:49 P.M., Mayor Foreman opened the public hearing and requested that staff give the council an overview of the item.

Ms. Harbin presented the item and stated that there was a request to the Commission to look at the city's tree mitigation ordinance. In response, the city's ordinance subcommittee reviewed said ordinance and presented the following recommended changes to the rest of the Planning and Zoning Commission:

- Provide detailed requirements for tree survey
- Offer credit for removal of invasive species
- Allow the Commission to approve alternate landscape plans
- Require mitigation based on tree size (caliper inches)
- Tree mitigation required for class 1 or class 2 trees
- Create three (3) size categories for tree mitigation
- Allow offsite replacement trees to be planted on private, commercial property
- Include a flat rate fee for payment into the "tree fund"

Ms. Harbin stated presented the following chart to show the caliper inch replacement of a protected tree, which she explained would increase the mitigation size of the trees quite a bit:

|                         | <u>On Site</u><br><u>Replacement</u> | <u>Off Site</u><br><u>Replacement</u> | <u>Minimum Caliper</u><br><u>Per Tree in Inches</u> |
|-------------------------|--------------------------------------|---------------------------------------|-----------------------------------------------------|
| <b>12" – 24"</b>        | 100 percent                          | 120 percent                           | 4-inch                                              |
| <b>24.1" – 36"</b>      | 100 percent                          | 130 percent                           | 6-inch                                              |
| <b>Greater than 36"</b> | 130 percent                          | 140 percent                           | 8-inch                                              |

Ms. Harbin further stated that as it related to the payment in lieu of, the staff doesn't have an established fee for that and they were kind of using the same method that is used for the sidewalk fund, which was an average of three bids. Thus, the city would get one bid from its landscape contractor, the applicant would get two bids, and the rate used would be the average of all three bids. Staff is proposing to establish a fee of \$250 per caliper inch, which is in line with the same fees in the City of Pearland, Texas and the City of League City, Texas as staff reviewed these ordinances and benchmarked Friendswood's requirements with theirs.

Ms. Harbin showed two comparison charts of what a tree mitigation would look like using the trees located at 501 S Friendswood Drive under the existing and proposed criteria:

| 501 S Friendswood Drive<br>25 Onsite Trees |                              |           |
|--------------------------------------------|------------------------------|-----------|
| Current Friendswood                        | 75 calipers<br>(25) 3" trees | \$6,250   |
| Proposed Friendswood                       | 330 calipers                 | \$97,125  |
| City of Pearland                           | 1,026 calipers               | \$205,200 |
| City of League City                        | 752.1 calipers               | \$262,485 |

Ms. Harbin noted that staff did not want to deter development in the city, but they did want to increase its mitigation and hopefully encourage people to keep some of the existing trees, which is the intent of the ordinance. She stated that the Commission was in favor of the proposed changes by a 6 to 0 vote with one Commissioner being absent.

City Manager Morad Kabiri stated that a number of people have inquired over the last few weeks on the oak trees recently removed at 501 South Friendswood Drive and noted that the State of Texas prohibits any municipality from establishing ordinances that prohibit a tree from being taken down; therefore, if a private property owner wants to cut down a tree on his/her private property, he/she is entitled to do so. This ordinance is intended to increase the mitigation requirements, but under no circumstance can the city tell someone that he/she cannot tear down a tree on his/her property. Council requested that the city manager send them a copy of the language in state law that supersedes the city's ability to mandate the preservation of trees on private property.

Mr. Kabiri stated, in response to a question from Councilmember Rockey regarding the reasoning by which the staff chose to have less restrictive regulation than that of the City of League City and the City

of Pearland, that the intent of the subcommittee's recommendation was not to discourage development as they felt that in establishing any regulation that was too burdensome, it may discourage commercial growth in this community.

Ms. Harbin stated that staff has heard some comments that the requirements in the City of League City and the City of Pearland are a bit extreme, and the regulations in the City of League City were specific to heritage trees which has resulted in some properties being undevelopable because those trees cannot be touched. She further noted that staff wanted to be middle of the road on this item but stated that the council could increase the fees as they deemed appropriate.

The Council discussed the heritage trees in Friendswood and identified that the heritage trees in Friendswood are on private property, so there are limitations on how the city can protect those trees. Councilmember Branson noted that the Historical Society is going to launch a program to identify heritage trees on private property, much like they did with the Quaker settlement sites, to encourage people to protect these significant and historical oak trees.

The Council consensus was that the regulations should be more stringent but within limits to not discourage development.

At 8:03 P.M., with no one signed up to speak Mayor Foreman closed the public hearing regarding amendments to increase mitigation requirements to promote preservation of existing trees.

**B. Consideration and possible action on a proposed ordinance for first reading regarding proposed amendments to Appendix C, Zoning Ordinance Section 8.I.f Preserving Trees to amend the tree mitigation requirements.**

Councilmember Scott asked if the ordinance was approved, could the ordinance be brought back with changes to make the requirements more stringent. City Manager Morad Kabiri stated that council was welcome to make modifications to the proposed ordinance tonight or at the second reading, and further noted that if the Council wanted to approve the ordinance as written as a stopgap measure in both its first and second reading, the Council could then come back in a few months to amend the ordinance as needed. Alternatively, the Council could ask for modifications to the ordinance, which would add an additional reading of the ordinance.

The council consensus was that something needed to be approved to bring in new development under more stringent rules than what is on the books now. Mr. Kabiri clarified that despite any action that taken at the meeting, different property owners may already be vested, depending on where they are in their timeline for their project, so this may or may not apply, it just depends on the circumstances.

The Council discussed the calipers mitigation and fees from the Cities of Friendswood, Pearland and League City.

A motion was made by Councilmember Rockey and seconded by Councilmember Hanks to amend the proposed ordinance by using the City of Pearland's formula for caliper replacement and costs. The vote was the following:

Ayes: None

Nays: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

The item failed.

A motion was made by Councilmember Rockey and seconded by Councilmember Hanks to table the item and return the ordinance to the Planning and Zoning Commission for them to take the information provided by Council and come back at a later time with an amended tree ordinance. The vote was the following:

Ayes: Councilmember Steve Rockey

Nays: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

The item failed.

Mayor Foreman stated that he wanted to go back to the original motion for a vote.

A motion was made by Councilmember Erenwert and seconded by Councilmember Scott to approve the first reading of an ordinance regarding proposed amendments to Appendix C, Zoning Ordinance Section 8.I.f Preserving Trees to amend the tree mitigation requirements. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: Councilmember Steve Rockey

The item passed.

#### **14. CITY MANAGER'S REPORT**

##### **A. Present an update regarding the Coronavirus Disease 2019 (COVID-19).**

City Manager Morad Kabiri presented the item and stated that the numbers in the region have been going up; however, more recently the numbers in Friendswood have gone down a little bit, which is a positive. There have been some COVID related issues with employees that has resulted in anywhere from five to eleven employees out at any given time, which has wreaked havoc on city operations. Therefore, staff has reinstated some internal protocols with regard to social distancing where possible, virtual meetings if they can't socially distance with one another, and to encourage limited conference attendance.

Additionally, Mr. Kabiri noted that, recently, President Biden issued an executive order for a vaccine mandate that is not yet fully developed, as such, staff does not know how this is going to impact the city.

**B. Present an update regarding the Mission Lifeline EMS Award.**

City Manager Morad Kabiri presented the item and stated that Friendswood EMS, which is a part of the Friendswood Volunteer Fire Department, was recently recognized for the 2021 American Heart Association's Mission: Lifeline Gold Plus for their cardiac response capabilities. He noted that this is the second year in a row that they have been recognized for these capabilities and congratulated them for their success.

**C. Present an update regarding receiving a Texas Association of Municipal Information Officers Award.**

City Manager Morad Kabiri presented the item and stated that Ms. Katy Blanchard, the city's Multimedia Communications Specialist, won her first-ever first place in TAMIO, also known as, the Texas Association of Municipal Information Officers. The first-place award is referred to as a TAMI, and this is her first, first place award, but her fifth overall. Ms. Blanchard won the TAMI for the Fairy Trail Map.

**15. BUSINESS ITEMS**

**A. Discuss and take possible action regarding RFQ 2021-01 for engineering services for water system improvements.**

A motion was made by Councilmember Rockey and seconded by Councilmember Branson to approve RFQ 2021-01 for engineering services for water system improvements. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**B. Discuss and take possible action regarding the naming of a city facility currently known as the Imperial Estates Detention Basin to the Harold L. Whitaker Storm Water Basin.**

A motion was made by Councilmember Scott and seconded by Mayor Pro Tem Griffon to approve the naming of a city facility currently known as the Imperial Estates Detention Basin to the Harold L. Whitaker Storm Water Basin. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**C. Discuss and take possible action on the appointments of (i) Ethel Zansler to complete the unexpired term of Mona Palmer which is set to end on November 30, 2022; (ii) Rosie Olivo to complete the unexpired term of Dennis Rundell, which is set to end on November 30, 2023; (iii) Tammy Hill to complete the unexpired term of Yolanda Robles, which is set to end on 11/30/2021; and (iv) Michael Culp to complete the unexpired term of Nancy Mastrofrancesco, whose term is set to end on November 30, 2023, as well as, (v) to appoint Charlene Mizener as a regular member from an alternate on the Friendswood Senior Citizen Advisory Committee.**

A motion was made by Councilmember Hanks and seconded by Councilmember Rockey to approve the appointments of (i) Ethel Zansler to complete the unexpired term of Mona Palmer which is set to end on November 30, 2022; (ii) Rosie Olivo to complete the unexpired term of Dennis Rundell, which is set to end on November 30, 2023; (iii) Tammy Hill to complete the unexpired term of Yolanda Robles, which is set to end on 11/30/2021; and (iv) Michael Culp to complete the unexpired term of Nancy Mastrofrancesco, whose term is set to end on November 30, 2023, as well as, (v) to appoint Charlene Mizener as a regular member from an alternate on the Friendswood Senior Citizen Advisory Committee. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously

**D. Discuss and take possible action regarding ratifying the City Manager's signature on a contract to purchase Lot 19 of Friendswood Forest, a subdivision in Galveston County, Texas known as Abstract 151 S. McKissick Survey, Lot 19, Friendswood Forest and authorize the City Manager to close on said property.**

A motion was made by Councilmember Scott and seconded by Councilmember Branson to approve the ratification of the City Manager's signature on a contract to purchase Lot 19 of Friendswood Forest, a subdivision in Galveston County, Texas known as Abstract 151 S. McKissick Survey, Lot 19, Friendswood Forest and authorize the City Manager to close on said property. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**E. Discuss and take possible action regarding ratifying the City Manager's signature on a contract to purchase 706 N. Clear Creek Drive, Friendswood, Texas, also known as Lot 20 of Friendswood Forest, a subdivision in Galveston County, Texas and authorize the City Manager to close on said property.**

A motion was made by Councilmember Hanks and seconded by Mayor Pro Tem Griffon to approve the ratification the City Manager's signature on a contract to purchase 706 N. Clear Creek Drive, Friendswood, Texas, also known as Lot 20 of Friendswood Forest, a subdivision in Galveston County, Texas and authorize the City Manager to close on said property. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**F. Discuss and take possible action on the City Hall Studio Project and authorize its related agreement with Ford AV.**

A motion was made by Councilmember Hanks and seconded by Councilmember Rockey to approve the City Hall Studio Project and authorize its related agreement with Ford AV. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**G. Discuss and take possible action regarding amendments to the City's Appointment Policy for Boards, Committees, and Commissions.**

Councilmember Scott stated that in his opinion members of any city board or committee, whether advisory in nature or not should have to be residents of the city. He stated that he encouraged local businesses and the public to attend and participate in the public meetings, but felt it was important that Friendswood residents should make the decisions for Friendswood. He requested that staff bring the policy back, with an amendment that those that are on boards that are not residents in Friendswood will be grandfathered

into their current positions and that at this point going forward, to serve on those committees, must be a Friendswood resident.

A motion was made by Councilmember Scott and seconded by Councilmember Hanks to direct the staff to bring forward an item at the next Council Meeting to amend the City's Appointment Policy for Boards, Committees, and Commissions to add a residency requirement for all boards. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

## **16. RESOLUTIONS & ORDINANCES**

### **A. Consideration and possible action regarding a proposed resolution approving revisions to the City of Friendswood Sports Field Use Policy.**

City Manager Morad Kabiri presented the item and stated that the last amendment to the City's sports use facility agreement was done in 2009, and since then there have been quite a bit of changes. He further noted that in that time, staff has been met with some inconsistencies with how youth sports organizations are using some of these facilities; issues included capital improvements or the utilization of parking spaces relative to their fundraising efforts, to name a few.

Mr. Kabiri stated that the policy brings the 2009 Facility Use Policy into compliance with current trends and sets the guidelines or the tone for primary user groups to give Friendswood residents the highest priority on the use of city facilities.

A motion was made by Councilmember Hanks and seconded by Councilmember Rockey to approve Resolution No. R2021-16, related to Item 16.A. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

### **B. Consideration and possible action regarding a proposed resolution dedicating the use of real property as Municipal Park Land and declaring its acceptance and inclusion into Stevenson Park and repealing all other resolutions inconsistent or in conflict herewith.**

A motion was made by Mayor Pro Tem Griffon and seconded by Councilmember Rockey to approve Resolution No. R2021-17, related to Item 16.B. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**C. Consideration and possible action regarding a proposed resolution amending the Planning and Zoning Commission Rules of Procedure.**

A motion was made by Councilmember Hanks and seconded by Councilmember Rockey to approve Resolution No. R2021-18, related to Item 16.C. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**D. Consideration and possible action regarding a proposed resolution regarding nomination(s) to the Board of Directors of the Galveston County Appraisal District (GCAD) for a two-year term set to begin January 1, 2022, and end on December 31, 2023.**

A motion was made by Councilmember Branson and seconded by Councilmember Scott to approve Resolution No. R2021-19, related to Item 16.D nominating Scott Brast and Chad Tessler. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**E. Consideration and possible action regarding a proposed ordinance for the second and final reading of an ordinance for proposed amendments to Appendix C Zoning Ordinance, Section 7.Q.2 "Regulation Matrix - Commercial Districts and Regulation Matrix - Residential Districts" in order to clarify reference notes and Section 7.Q.3 "Area and Height Exceptions" to add an exception for building height.**

A motion was made by Councilmember Branson and seconded by Councilmember Erenwert to approve the second and final reading of Ordinance No. 2021-20, related to Item 16.E. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**F. Consideration and possible action regarding a proposed ordinance for the first and final reading of an ordinance amending City of Friendswood, Texas, Ordinance No. 2020-35, passed and approved September 14, 2020, same being an ordinance approving and adopting the City's General Budget for Fiscal Year 2020-2021 by approving "Budget Amendment XI" to the "Original General Budget of the City of Friendswood, Texas, for the Fiscal Year 2020-2021"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject.**

A motion was made by Councilmember Hanks and seconded by Councilmember Branson to approve the first and final reading of Ordinance No. 2021-30, related to Item 16.F. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

## **17. CONSENT AGENDA**

A motion was made by Councilmember Scott and seconded by Councilmember Hanks to approve the Consent Agenda, Items 17.A through 17.J, except for Item 17.I, which was pulled by Mayor Pro Tem Griffon. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

- A. Consider authorizing the final acceptance of the Sterling Creek, Section 4, Public Paving and Utilities improvements project at the completion of the contractor's one-year maintenance bond.**
- B. Consider authorizing the acceptance of the 2020-2021 Concrete Street Maintenance Program and initiate the contractor's one-year maintenance program.**
- C. Consider approving the ratification of the City Manager's signature on an agreement with Clear Creek Independent School District for School Crossing Guards.**
- D. Consider approving the ratification of the Mayor and City Manager signatures on an interlocal agreement with the Galveston County Parks & Cultural Services Department for the FY2022 Meal Program.**
- E. Consider accepting the July 2021 tax report.**
- F. Consider approving the minutes of the City Council Retreat held on July 10, 2021.**
- G. Consider approving the minutes of the City Council Regular meeting held August 2, 2021.**
- H. Consider approving the minutes of the City Council Regular Meeting held on July 12, 2021.**
- J. Consider approving a contract with Galveston County Health District for Water Pollution and Abatement Services for 2021-2022 and authorize the Mayor to execute the agreement.**
- I. Consider approving an interlocal agreement with the Harris-Galveston Subsidence District to participate in the WaterWise Conservation Program and authorizing the Mayor to execute the contract.**

A motion was made by Councilmember Hanks and seconded by Councilmember Rocker to approve the Consent Item 17.I. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, and Councilmember Brent Erenwert.

Nays: Mayor Pro Tem Robert J. Griffon and Councilmember John Scott

The item passed.

## **18. EXECUTIVE SESSION**

- A. Recess into and conduct an executive session pursuant to Section 551.071 of the Texas Government Code to seek the advice of the City Attorney regarding the Global Opioid Settlement.**

This item was not taken into executive session.

**B. Recess into and conduct an executive session pursuant to Section 551.074 of the Texas Government Code to discuss the Municipal Judge position.**

At 8:40 P.M. Mayor Foreman recessed and convened into an executive session pursuant to Section 551.074 of the Texas Government Code to discuss the Municipal Judge position.

At 8:47 P.M., Mayor Foreman reconvened the regular meeting and announced that in accordance with Section 551.102 of the Texas Government Code, no action was taken in executive session.

**19. ACTION ITEMS RELATED TO EXECUTIVE SESSIONS**

**A. Consideration and possible action on a proposed resolution regarding the Global Opioid Settlement.**

A motion was made by Councilmember Branson and seconded by Councilmember Hanks approving Resolution No. 2021-20, related to Item 19.A. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

The item passed unanimously.

**B. Consideration and possible action regarding the Municipal Judge position.**

A motion was made by Councilmember Branson and seconded by Councilmember Hanks approving an annual salary of \$65,000 along with the current stipends for the Municipal Court Judge. The vote was the following:

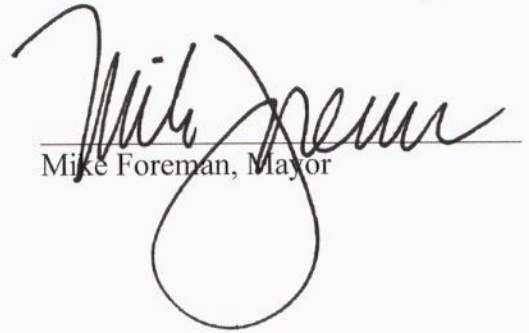
Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Mayor Pro Tem Robert J. Griffon, Councilmember John Scott, and Councilmember Brent Erenwert.

Nays: None

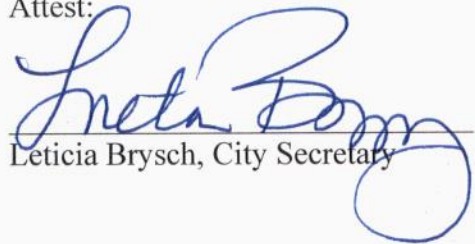
The item passed unanimously.

**20. ADJOURNMENT**

With there being no further business to discuss, Mayor Foreman adjourned the September 13, 2021, City Council Regular Meeting at 8:50 P.M.

  
Mike Foreman, Mayor

Attest:

  
Leticia Brysch, City Secretary

