

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF FRIENDSWOOD
DECEMBER 6, 2021**

THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD MET IN A REGULAR MEETING ON MONDAY, DECEMBER 6, 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
 Mike Foreman	 Mayor
Morad Kabiri	City Manager
Mary Kay Fischer	City Attorney
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 Justin Baldwin from The Harbor Church.

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's annual book sale will take place December 11th through the 15th; residents can get a bag of books for \$5 and a box of books for \$10. Further, he stated that the Library does deliver books to residents, anyone interested just needs to call the Library for further assistance.

Councilmember Branson stated that the Friendswood CDEC held a retreat this week, led by Ron Cox that went very well. She further noted that there will be a Christmas tree lighting at the Brown Museum tomorrow evening beginning at 7:00 P.M. with a children's choir, wassail and gingerbread, all are welcome.

Councilmember Hanks stated that she attended a Planning and Zoning workshop last Thursday that went very well. She wanted to thank the commissioners and the staff for all their hard work to make the city run more smoothly.

Mayor Pro Tem Griffon announced that he was running for re-election in the upcoming May election.

Councilmember Erenwert also announced that he was running for re-election in the upcoming May election.

Mayor and Council wished everyone Merry Christmas and a Happy New Year.

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.

Kyle Winnie requested to speak before the Council regarding the gas station that is being proposed to go in across from the new Cline Elementary School site. He inquired about the permitting of alcohol, which was noted could not be permitted per the City's distance requirements. He also stated he could serve as a liaison of sorts with the residents of the West Ranch Management District, in which he resides. In response, Mayor and Council encouraged Mr. Winnie to volunteer in any one of the City's many boards and committees.

David Allen requested to speak before the Council in regard to the COVID vaccine and provided Council with related data.

6. COUNCIL FOR A DAY

A. Consideration and possible action regarding a proposed resolution declaring December 13, 2021, as Westwood Elementary School Day in the City of Friendswood, Texas.

Mayor Foreman introduced the students and teachers from Westwood Elementary. He noted that the Council for a Day Program allows for second graders from the three elementary schools in Friendswood to "take over" the council dais and sit-in for the council and staff members. The participants included the following:

Position	Student Name	Teacher Name
City Secretary 1 (Brysch)	Connor Weatherford	Leigha Trahan
City Secretary 2 (Brysch)	Casen Devers	Melissa Comer
Councilmember 1 (Rockey)	Gracen Miller	Allye Deaton

Councilmember 2 (Branson)	Drew Martinek	Lexie Compton
Councilmember 3 (Hanks)	Hudson Shields	Darian Register
Mayor (Foreman)	Crawford Wells	Jennifer Ellis
Councilmember 4 (Griffon)	Dax Gutierrez	Teresa Waltenbaugh
Councilmember 5 (Scott)	Makayla Ward	Julie Delka
Councilmember 6 (Erenwert)	Paige White	Kelli Rye
City Manager (Kabiri)	Brinley Livesay	Pam Kutz
City Attorney (Fischer)	Aria Stephenson	Lauren Jones

A motion was made by Councilmember Gracen Miller (Steve Rockey) and seconded by Councilmember Drew Martinek (Sally Branson) to approve Resolution No. R2021-28, related to Item 6.A. The vote was the following:

Ayes: Mayor Crawford Wells (Mike Foreman), Councilmember Hudson Shields (Trish Hanks), Councilmember Gracen Miller (Steve Rockey), Councilmember Drew Martinek (Sally Branson), Mayor Pro Tem Dax Gutierrez (Robert J. Griffon), Councilmember Makayla Ward (John Scott) and Councilmember Paige White (Brent Erenwert).

Nays: None.

The item passed unanimously.

RESOLUTION NO. R2021-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, DECLARING DECEMBER 13, 2021, AS WESTWOOD ELEMENTARY SCHOOL DAY IN THE CITY OF FRIENDSWOOD, TEXAS.

7. SPECIAL RECOGNITIONS AND ACKNOWLEDGEMENTS

- A. Present the City of Friendswood 5 Star Spirit Awards for the third quarter of 2021 to Santiago Aguilera, Eulogio Ortiz, Raul Ramos, and Jorge Renderos in the Public Works Department as well as Jeff Spears in the Administrative Services Department.**

City Manager Morad Kabiri presented the awards to Santiago Aguilera, Eulogio Ortiz, Raul Ramos, and Jorge Renderos in the Public Works Department, and Jeff Spears in the Administrative Services Department and thanked them for the exceptional service to the community and organization.

8. WORK SESSION

- A. Present an update regarding the Capital Improvement Projects.**

Director of Engineering Jildardo Arias presented the item and stated that he would be giving the Council an update on the City's Capital Improvement Projects (CIP). He stated that the City is finishing up a lot

of its projects and noted that before they begin the next round of big CIP projects, they want to start to have some flood control projects come online.

Mr. Arias noted that the first project on this list for discussion is Lift Station 23, located at 2101 S. Friendswood Drive. He stated that in spite of a few hiccups, the project is substantially complete, and the lift station is on service and running great. Mr. Arias noted that staff is in the process of addressing some punch list items and anticipate final acceptance on this item next month.

Mr. Arias noted that the next item is Fire Station #2 Reconstruction Project. He noted that staff has 100% of the construction documents delivered and are anticipating the guaranteed maximum price to be delivered to the City Council for approval at the next council meeting in January.

Mr. Arias stated that the bid packet for this project has been out and are expecting to receive those bids next week. He stated that once staff receives and checks the number submitted by the contractor staff will verify said information in order to arrive at a guaranteed maximum price for this project. He further noted that this item would be brought before the Council for action at next month's meeting, assuming everything goes right. Mr. Arias further noted that the same information can be said of the Public Safety Building Expansion located at 1600 Whitaker Drive as these two projects have been on the same time frame and approval track.

As it related to the Blackhawk Facility Renovation and Emergency Shelter, staff has an initial layout that has been in the review process with the City's architect PGAL. Mr. Arias noted that the City's needs assessment has been completed based on feedback received from Engineering, Public Works, the Parks Department and other departments and office impacted by this project. He stated that it is the desire of the staff that these plans be completed prior to his next CIP quarterly update before the Council.

Mr. Arias stated that the next update is related to the Friendswood Parkway Project, formerly known as Friendswood Lakes Boulevard. He noted that the grand opening for this street has taken place as it is substantially complete and in service. Mr. Arias further stated that staff is working with Galveston County and its contractor to address some of the odds and ends related to the project and if all goes well, this project can be closed out next month.

Mr. Arias stated that as it relates to the 2022 Asphalt Street Maintenance Program, the bid documents are being worked on by the Engineering Department and are in process. He stated that the staff aims to have this out for bid soon in order to see construction begin in the spring of 2022 as they would like to take advantage of the warm weather.

Lastly, Mr. Arias gave a couple updates on TxDOT projects noting that (1) the FM518 Curb and Ramp Project has ongoing construction and the traffic signal for this location is forthcoming and (2) the Leisure Lane Traffic Signal at FM 518 Project is going well as the signals have been installed and are just awaiting the installation of the new transformers to energize the signals.

In response to a question from the Council, Mr. Arias stated that the list of streets that will be a part of the 2022 Street Maintenance Program is live and available on the City's website. He further noted that he would make sure the Council receives the link to said list after the meeting.

Mr. Arias, in response to a question from Mayor Pro Tem Griffon in regard to the striping of streets, further stated that the staff is currently working through the striping of streets through a road striping contract as there are some streets that are in major need of restriping, and that will be happening soon.

Councilmember Hanks noted that the light on Leisure Lane impacts many on that side of the city, and asked if there was something staff could do to encourage TNMP to install the needed transformers, sooner rather than later. Mayor Foreman responded that staff has reached out to TNMP several times and will continue to do so. He further noted that TxDOT was the holdup on this project for the longest time, so it hasn't been TNMP the whole time and assured Councilmember Hanks that the information she had given out on these delays has been accurate.

Mr. Arias noted that he is awaiting a response from the new Interim Southeast Area Engineer with TxDOT, about the time frame for this signal to be ready and completed.

Councilmember Hanks asked about the status of a traffic speed study with TxDOT for double turn lanes at that intersection of 528 and 518. City Manager Morad Kabiri stated that staff has had some conversation with TxDOT on this item; however, they have not yet adopted it as they want to do the other measures first; i.e., the energizing of the signal at Leisure Lane and 518, as well as making the slip turn movement at Hunters Lane prohibitive of any cross through traffic from Hunters Lane to Chick-fil-A. Mr. Kabiri stated that staff will re-engage TxDOT on this item to try and elevate its importance.

Mayor Pro Tem Griffon inquired if the speed limit being lowered from 528 down to West Ranch could have affected anything with the traffic flow and did the city have any control of those speed limits. Mr. Arias noted that that staff can certainly engage TxDOT on this item and requested a study and noted that ultimately, once a traffic study is completed, if it is something that's necessary, it would require an action via ordinance to change said speed limits.

Mayor Pro Tem Griffon asked if staff could give the Council an overview of the conduit work that's also going on down FM 518, so the public is aware of what TxDOT is doing. Mr. Arias noted that in addition to the sidewalk that is being replaced and the traffic signals that are being installed, there is also an electrical conduit that is being installed, which will eventually be used by the Friendswood Downtown Economic Development Corporation Project for a standardized lighting project throughout downtown.

Mayor and Council thanked Mr. Arias and the Engineering staff for all their hard work on these very important projects.

CITY MANAGER'S REPORT

A. Present an update regarding Parks and Recreation and Keep Friendswood Beautiful's recent recognitions.

City Manager Morad Kabiri presented the item and stated that recently the Parks Department and the Keep Friendswood Beautiful Board were again recognized by the Houston-Galveston Area Council for two projects: (1) Friendswood Fairy Trail and (2) Pollinator Garden.

Mr. Kabiri noted that these projects were highlighted at their awards program at the Fairy Trail, which has received a lot of recognition and praise in the last several months. He further noted that both the Fairy Trail and the Pollinator Garden are located in Stevenson Park and both projects were selected by the H-GAC Natural Areas Award Planning Category. Mr. Kabiri noted that these projects will be recognized this February at an official ceremony and congratulated the Parks staff and KFB members for their amazing work.

Mr. Kabiri also stated that this year's Santa in the Park had over 6,000 people in attendance, which is a record, especially coming off the heels of COVID. He stated that last weekend's event was an exceptional day of events that culminated in the Christmas tree lighting and some fireworks. Mr. Kabiri thanked the Parks Department, the Police Department, the Public Works Department for all the work that they did to make this event a success.

9. BUSINESS ITEMS

A. Discuss and take possible action on the appointment of Kelly Browning to Keep Friendswood Beautiful for a three-year term beginning immediately and ending November 2024.

A motion was made by Councilmember Erenwert and seconded by Councilmember Hanks approving the appointment of Kelly Browning to Keep Friendswood Beautiful for a three-year term beginning immediately and ending November 2024. 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 on the appointment of Cynthia Bowman to the Investment Committee to replace Larry Collison for a three-year term beginning November 2021 and ending in November 2024.

A motion was made by Mayor Pro Tem Griffon and seconded by Councilmember Scott to approve the appointment of Cynthia Bowman to the Investment Committee to replace Larry Collison for a three-year term beginning November 2021 and ending in November 2024. 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 regarding approving a contract with the Friendswood Historical Society in the amount of \$15,000 for the maintenance and preservation of historical sites in the City and authorizing the Mayor to execute the contract.

The mission of the Friendswood Historical Society is to preserve and share Friendswood's unique history and heritage. The contract with the Historical Society requires them to provide an annual financial report and an annual festival each year to carry out their mission. The Annual Heritage Day Festival is held in conjunction with the Fig Festival and the Society's Histor-wcen event will be supported by this contract.

A motion was made by Councilmember Scott and seconded by Councilmember Branson to approve a contract with the Friendswood Historical Society in the amount of \$15,000 for the maintenance and preservation of historical sites in the City and authorizing the Mayor to execute the contract. 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 take possible action regarding approving a contract with ICS for the public safety software update.

This item was discussed in a previous City Council Work Session, and per the direction given, the Police Department identified a new vendor for its public safety software because of the current software vendor's decision to discontinue the current software product - Central Square.

After an in-depth review of software options, the Police Department selected ICS as the new vendor with its public safety software package. ICS is an H-GAC contract vendor with many years of public safety software experience and staff recommended its approval.

A motion was made by Councilmember Hanks and seconded by Councilmember Rockey to approve a contract with ICS for the public safety software update 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 approving the purchase of O365 to upgrade the office solution city wide.

In response to COVID and the resulting new business protocols of remote working, the IT Department implemented Office 365 (O365) for 38 users. This initial implementation was funded by the CARES Act.

As the City's business needs have changed over the past year, IT is recommending that O365 be implemented to serve all staff. The proposed O365 can serve multiple benefits with tools not available with the traditional version of Office. O365 would utilize cloud technology to adapt to the changing environment of remote work, virtual meetings, and shared documentation. The ability to work remotely on business items, collaborate on shared documentation with staff, and conduct virtual meetings are some of the benefits of this move. The funds for this project were approved with the decision packets submitted in the FY2022 budget and includes funding in the amount of \$61,000 for the O365 decision package in conjunction with existing allocated funds for the continued support services of the existing users.

A motion was made by Councilmember Branson and seconded by Councilmember Scott to approve the purchase of O365 to upgrade the office solution city wide. 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. RESOLUTIONS & ORDINANCES

A. Consideration and possible action regarding a proposed resolution casting the City of Friendswood's ballot for the election of a person to serve on the Board of Directors of the Harris County Appraisal District.

This proposed resolution casts the City of Friendswood's (the "City") ballot for the election of a representative to the Board of Directors of the Harris County Appraisal District ("HCAD").

The City of Friendswood along with other cities in Harris County, except the City of Houston, may nominate a representative for the HCAD Board of Directors and each entity must then cast its ballot for the nominee of its choice. Each governing body of each taxing entity is entitled to one vote for the candidate of its choice listed on the ballot.

Mr. Mike Sullivan is the only person nominated for the board position representing cities other than the City of Houston. As you may recall, the City of Friendswood nominated Mr. Sullivan on October 4, 2021, via Resolution No. R2021-21.

This proposed resolution allows the City Council to cast its vote for Mr. Sullivan. The City's ballot must be received by the Harris County Appraisal District no later than December 15, 2021.

A motion was made by Mayor Pro Tem Griffon and seconded by Councilmember Hanks to approve Resolution No. R2021-29 casting its ballot for Mike Sullivan. 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.

RESOLUTION NO. R2021-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

B. Consideration and possible action regarding a proposed resolution approving The Agreement for the Temporary Closure of State Right of Way with the Texas Department of Transportation for the temporary closure of FM 518 for the Chamber of Commerce's Holiday Lighted Parade and ratifying the City Manager's signature on the agreement.

This resolution approves for the temporary closure of segments of State Right of Way, specifically, FM 518 (S. Friendswood Drive) between FM 2351 and Whispering Pines from 6:00 p.m. to 6:45 p.m. for the Chamber of Commerce Holiday Lighted Parade to be held on Saturday, December 4, 2021.

A motion was made by Councilmember Hanks and seconded by Councilmember Branson to approve Resolution No. R2021-30, related to Item 11.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.

RESOLUTION NO. R2021-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, FINDING THAT THE CHAMBER OF COMMERCE'S LIGHTED CHRISTMAS PARADE SERVES A PUBLIC PURPOSE AND AUTHORIZING THE CITY OF FRIENDSWOOD TO ENTER INTO AN AGREEMENT WITH THE STATE OF TEXAS FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY;

PROVIDING AN OPEN MEETINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

C. Consideration and possible action on the second and final reading of a proposed ordinance regarding a requested zone classification change for 11.92 acres located at 1550 West Boulevard, also known as Restricted Reserve A in the Final Plat of West Ranch School Site, a subdivision of 12.07 acres of land located in the John Dickinson Survey, A-9, also being a portion of lots 148-452 of the Slone Subdivision as recorded under Vol. 3 Page 61A, GCMR Galveston County, City of Friendswood, Texas, for a Specific Use Permit (SUP) to allow NAICS Use #6111, Elementary and Secondary Schools for the new Cline Elementary school site.

This is the second and final reading of an ordinance that approves the rezoning of a school site located in West Ranch that was planned as part of the 2004 Planned Unit Development (PUD). The developer was required to dedicate property to FISD for said school once the development permitted 750 houses.

A part of the FISD 2020 bond package that was approved by the voters included the construction of a new elementary school at this site to replace the existing Cline Elementary School located at 505 Briarmeadow Ave. The new elementary school has been designed by PBK Architects and FISD officials. Traffic circulation will be kept within the property throughout the drives rather than causing cars to stack up on the local streets. A Traffic Analysis was submitted to justify the reduced parking and traffic flow, which was approved by the City Engineer. The Planning and Zoning Commission voted 4-1 (Commissioner Sasson opposed; Commissioners Mann and Koerner were absent) to approve the requested zone change.

City Manager Morad Kabiri stated that in light of the comments made earlier during the public comment portion of the meeting, the sale of alcohol cannot take place within 300 feet of the school site and that is measured from property line to property line. As it relates to the Cline Elementary item being approved for its rezoning, any of the parcels located at that intersection would not meet the distance requirement and as such would not be allowed to sell alcohol.

A motion was made by Councilmember Hanks and seconded by Councilmember Branson to the second and final reading of Ordinance No. 2021-32, related to Item 11.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.

ORDINANCE NO. 2021-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING APPENDIX "C" "ZONING", OF THE CODE OF ORDINANCES OF THE CITY OF FRIENDSWOOD, TEXAS, SECTION 3, "PROVISION FOR OFFICIAL ZONING MAP", REZONING THE PROPERTY LOCATED AT 1550 WEST

BOULEVARD BEING 11.92 ACRES ALSO KNOWN AS RESTRICTED RESERVE A IN THE FINAL PLAT OF WEST RANCH SCHOOL SITE, A SUBDIVISION OF 12.07 ACRES OF LAND LOCATED IN THE JOHN DICKINSON SURVEY, A-9, ALSO BEING A PORTION OF LOTS 148-452 OF THE SLONE SUBDIVISION AS RECORDED UNDER VOL. 3 PAGE 61A, GCMR GALVESTON COUNTY, CITY OF FRIENDSWOOD, TEXAS, FOR A SPECIFIC USE PERMIT (SUP) TO ALLOW NAICS USE #6111, ELEMENTARY AND SECONDARY SCHOOLS FOR THE NEW CLINE ELEMENTARY SCHOOL SITE PURSUANT TO THE ATTACHED SITE PLANS INCLUDED IN EXHIBIT "B"; PROVIDING FOR THE 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.

D. Consideration and possible action regarding the second and final reading of a proposed ordinance repealing in its entirety, Appendix B, Subdivision Ordinance and adopting a new Appendix B, Subdivision Ordinance, Sections I through XVI, incorporating changes pursuant to state law and administrative requirements such as authority and a variance procedure, removing the sidewalk fund option, and other grammatical and format changes.

This ordinance approves amendments to the City's Subdivision Ordinance and include changes required by state law, incorporates administrative requirements such as authority and a variance procedure, and removing the sidewalk fund.

The changes related to state law include those required under House Bill 3167, which made numerous changes to the site plan and subdivision platting approval process. The bill requires the municipal authority responsible for approving plats to either approve, approve with conditions, or disapprove with explanation/reasons within 30 days after the date the plan or plat is filed. Each condition or reason must be specified in a written statement and may not be arbitrary. These changes have already been incorporated by the staff and Commission; this ordinance would formalize the process in the Subdivision Ordinance.

Other changes include many administrative items missing from the Subdivision Ordinance, such as a statement outlining the City's statutory authority, providing for a variance process, fire prevention and suppression, and fees.

Lastly, as it relates to change associated with sidewalks, currently, sidewalks are required on all new developments in all zoning districts except for SFR and SFR-E open ditch streets. Additionally, there are a few other exceptions for in-fill development and subdivisions that were platted prior to sidewalks being required. The limited use of the sidewalk funds and the amounts being collected is proving to not be beneficial to the City, as such, the proposed amendment would remove the option to pay into the sidewalk fund and require that sidewalks be installed with the development, unless, in the judgement of the Planning and Zoning Commission, the safety of pedestrians does not require sidewalks.

Staff believes that the proposed updates will provide better direction for developers, engineers and others who submit plans to the City and will keep the ordinances in line with state law.

The Planning and Zoning Commission voted 5-0 (Commissioners Mann and Koerner were absent) to approve the requested ordinance amendments.

A motion was made by Mayor Pro Tem Griffon and seconded by Councilmember Hanks to approve the second and final reading of Ordinance No. 2021-33, related to Item 11.D. 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.

ORDINANCE NO. 2021-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, REPEALING THE EXISTING APPENDIX B, SUBDIVISIONS, SECTION I THROUGH SECTION VIII AS IDENTIFIED IN EXHIBIT A AND PROVIDING FOR THE ADOPTION OF A REVISED APPENDIX B, SUBDIVISIONS, SECTION I THROUGH SECTION XVII AS IDENTIFIED IN EXHIBIT B; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT.

E. Consideration and possible action regarding the second and final reading of a proposed ordinance repealing the 2008 Future Land Use Map and adopting a revised Future Land Use Map as part of the City of Friendswood Comprehensive Plan.

This ordinance approves updates to the City's Future Land Use Map; said map was reviewed by the Planning and Zoning Commission, which voted 5-0 (Commissioners Mann and Koerner were absent) to approve the adoption of the proposed updated Future Land Use Map.

A motion was made by Councilmember Hanks and seconded by Councilmember Branson to approve the second and final reading of Ordinance No. 2021-34, related to Item 11.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.

ORDINANCE NO. 2021-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, PROVIDING FOR THE ADOPTION OF A NEW FUTURE LAND USE MAP; AND REPEALING ORDINANCE 2008-39, PASSED AND APPROVED ON NOVEMBER 17, 2008; PROVIDING FOR SEVERABILITY.

F. Consideration and possible action regarding the second and final reading of a proposed ordinance regarding a requested zone classification change for .8608 acres of land located at 301 Laurel Drive, also known as 161 W. Shadowbend, being Lots 1 and 2, Block 1, Banfield Office Park, a subdivision in Galveston County, Texas, according to the plat thereof recorded under the County Clerk's File Sequence No. 2007015640, in the Map or Plat Records of Galveston County, Texas, to change from Planned Unit Development/Specific Use Permit (PUD/SUP) 2007-03 to Downtown District (DD)

This ordinance approves rezoning of two tracts currently zoned Planned Unit Development/Specific Use Permit (PUD/SUP) 2007-03 to Downtown District (DD). The developer intends to take the two lots and combined them with several other adjacent tracts in order to create a mixed-use development that would include residential units, a restaurant, a rooftop bar, daily executive conference spaces, a boutique hotel (pending SUP approval), and other amenities to support these uses.

The Planning and Zoning Commission voted 5-0 (Commissioners Mann and Koerner were absent) to approve the requested zone change.

A motion was made by Councilmember Branson and seconded by Councilmember Rockey to approve the second and final reading of Ordinance No. 2021-35, related to Item 11.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.

ORDINANCE NO. 2021-35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, APPENDIX C – "ZONING," BY AMENDING THE ZONING CLASSIFICATION FOR .8608 ACRES OF LAND LOCATED AT 301 LAUREL DRIVE, ALSO KNOWN AS 151 AND 161 W. SHADOWBEND, BEING LOTS 1 AND 2, BLOCK 1, BANFIELD OFFICE PARK, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED UNDER THE COUNTY CLERK'S FILE SEQUENCE NO. 2007015640, IN THE MAP OR PLAT RECORDS OF GALVESTON COUNTY, TEXAS, TO CHANGE FROM PLANNED UNIT DEVELOPMENT/SPECIFIC USE PERMIT (PUD/SUP) 2007-03 TO DOWNTOWN DISTRICT (DD); 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.

G. Consideration and possible action on the second and final reading of a proposed ordinance regarding a requested zone classification change for approximately 3.7268 acres located at 306 S. Friendswood Drive and 308 S. Friendswood Drive being 1.666 acres of land known as Reserve A of Friendswood Complex, a subdivision in Galveston County, Texas, according to the map or plat thereof in/under instrument No. 2016031723 of the Official Public Records of Galveston County, Texas; 306 Laurel (aka 161 W Shadowbend Ave) and vacant tract aka 151 W. Shadowbend Ave being .8608 acres known as Lots 1 and 2 of the Final Plat of Banfield Office Park, a subdivision in Galveston County, Texas, according to the plat thereof recorded under the County Clerk's File Sequence No. 2007015640, in the Map or Plat Records of Galveston County, Texas; and 303 Laurel being 1.2 acres known as Part of Lot Eighteen (18) and all of Lot Nineteen (19), Harvey and Stout Subdivision of Lots Six (6), Seven (7), Eight (8) in Block Two (2) of Friendswood Subdivision in the Sarah McKissick of J.R. Williams League, Galveston County, Texas according to the map or plat thereof recorded in Volume 315, Page 79 in the office of the County Clerk of Galveston County, Texas, for a Specific Use Permit (SUP) to allow NAICS Use #72111 Traveler Accommodation (hotel) limited to 30 rooms supported by 38 parking spaces that will overlay all of the described properties which are zoned Downtown District (DD).

This ordinance approves the rezoning of tracts located within the Downtown District boundary as established in 2007 and amended in 2008. A hotel use is allowed with approval of a Specific Use Permit (SUP).

The proposed 30 room hotel room would be supported with 38 parking spaces and incorporated into a full mixed-use development consisting of restaurant and bar, banquet space, roof-top bar, retail, office space, daily executive and conference spaces, parking garage and 30 residential units. The remainder of the development is permitted by right under the Downtown District (DD) zoning and will be subject to site plan approval by the Planning and Zoning Commission.

The Planning and Zoning Commission voted 5-0 (Commissioners Mann and Koerner were absent) to approve the requested zone change.

A motion was made by Councilmember Branson and seconded by Councilmember Erenwert to approve the second and final reading of Ordinance No. 2021-36, related to Item 11.G. 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.

ORDINANCE NO. 2021-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, APPENDIX C – “ZONING,” BY AMENDING THE ZONING CLASSIFICATION OF APPROXIMATELY 3.7268 ACRES LOCATED AT 306 S. FRIENDSWOOD DRIVE AND 308 S. FRIENDSWOOD DRIVE – 1.666 ACRES OF LAND KNOWN AS RESERVE A OF FRIENDSWOOD COMPLEX, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF IN/UNDER INSTRUMENT NO. 2016031723 OF THE OFFICIAL PUBLIC RECORDS OF GALVESTON COUNTY, TEXAS; AND 306 LAUREL (AKA 161 W. SHADOWBEND AVE) AND VACANT TRACT (AKA 151 W. SHADOWBEND AVE.) BEING .8608 ACRES KNOWN AS LOTS 1 AND 2, BLOCK 1 OF THE FINAL PLAT OF BANFIELD OFFICE PARK, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED UNDER THE COUNTY CLERK’S FILE SEQUENCE NO. 2007015640, IN THE MAP OR PLAT RECORDS OF GALVESTON COUNTY, TEXAS; AND 303 LAUREL – 1.2 ACRES KNOWN AS PART OF LOT EIGHTEEN (18) AND ALL OF LOT NINETEEN (19), HARVEY AND STOUT SUBDIVISION OF LOTS SIX (6), SEVEN (7), EIGHT (8) IN BLOCK TWO (2) OF FRIENDSWOOD SUBDIVISION IN THE SARAH MCKISSICK OF J.R. WILLIAMS LEAGUE, GALVESTON COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 315, PAGE 79 IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS, FOR A SPECIFIC USE PERMIT (SUP) TO ALLOW NAICS USE #72111 TRAVELER ACCOMMODATION (HOTEL) LIMITED TO 30 ROOMS SUPPORTED BY 38 PARKING SPACES THAT WILL OVERLAY ALL OF THE DESCRIBED PROPERTIES WHICH ARE ZONED DOWNTOWN DISTRICT (DD) ; 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.

H. Consideration and possible action regarding the second and final reading of a proposed ordinance approving an amendment to Ordinances No. 2012-04 and 2016-46, to approve an annual rate adjustment for solid waste collection and disposal 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 (Waste Connections).

This ordinance approves an amendment to Ordinances No. 2012-04 and 2016-46, to approve an annual rate adjustment for solid waste collection and disposal as provided for in the City of Friendswood – Progressive Waste Solutions of TX, Inc.,

In April 2012, the City and Progressive Waste Solutions, now known as, Waste Connections of Texas (the “Contractor”) entered into an Agreement for Refuse Collection and Disposal Services (the “Agreement”), said agreement was then extended in December 2016.

The agreement allows the contractor to request an annual rate adjustment based on two components:

- 1) the adjustment is reflective of actual cost increases in disposal costs or increased fees, increased labor and equipment cost, or increased operational cost; the Consumer Price Index (CPI) is the basis for this component, and
- 2) the adjustment for fuel cost, which is based on the average weekly fuel prices as published by the U.S. Department of Energy compared to a base cost as defined by the agreement.

Current CPI would result in a 6.12% increase in rates which does not include an adjustment for fuel. However, the contractor is requesting only a 3% increase in rates.

Current rate for single family:

Monthly curbside refuse and recycling (18 gallon recycle bin)	\$14.76
Monthly administrative fee (city revenue)	<u>\$ 1.48</u>
Total:	\$16.24

Proposed rate for single family:

Monthly curbside refuse and recycling (18 gallon recycle bin)	\$15.20
Monthly administrative fee (city revenue)	<u>\$ 1.52</u>
Total:	\$16.72

The monthly increase for a single-family resident is \$0.48 (48 cents) per month. The cost for families who utilize a 95-gallon recycle cart will increase by \$0.03 (3 cents) for a total of \$1.14 per month for use of the larger container. The proposed rate adjustment will allow for the contractor to cover its cost of providing solid waste management services to the city, ensuring public health and environmental safety. Staff recommends approval of this item, and if approved the adjusted rates will take effect in the utility bills following this meeting.

A motion was made by Councilmember Rockey and seconded by Councilmember Erenwert to approve the second and final reading of Ordinance No. 2021-37, related to Item 11.H. 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.

ORDINANCE NO. 2021-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, 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 SOLUTION OF TEXAS, INC., D/B/A
WC OF TEXAS (FORMERLY KNOWN AS IESI TX CORPORATION) SOLID WASTE
FRANCHISE.

I. Consideration and possible action regarding the second and final reading of a proposed ordinance approving an amendment to Appendix D of the Code of Ordinances, City of Friendswood, Texas, to provide for the addition or adjustment of Buildings and Building Regulations Fees, Utility Service Fees, Library Fees, Parks and Recreation Facility Fees, Public Information Fees, and Subdivisions Fees.

This ordinance approves the rate adjustments discussed during the City Council Work Session held on November 1, 2021. The adjustments include fees related to building and miscellaneous permits, utility fees and subdivision fees proposed by the Community Development Department, library fees proposed by the Library Department, facility fees proposed by the Parks and Recreation Department and public information fees proposed by the City Secretary's Office. Staff recommended approval of this item.

A motion was made by Councilmember Branson and seconded by Councilmember Rockey to approve the second and final reading of Ordinance No. 2021-38, related to Item 11.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.

ORDINANCE NO. 2021-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING APPENDIX D OF THE CODE OF ORDINANCES OF THE CITY OF FRIENDSWOOD, TEXAS BY PROVIDING FOR THE ADDITION OR ADJUSTMENT OF BUILDINGS AND BUILDING REGULATIONS FEES, UTILITY SERVICE FEES, LIBRARY FEES, PARKS AND RECREATION FACILITY FEES, PUBLIC INFORMATION FEES AND SUBDIVISIONS FEE.

J. Consideration and possible action regarding the first reading of a proposed ordinance amending the Code of Ordinances, City of Friendswood, Texas, Chapter 30 "Fire Protection and Prevention", Article IV., "Fireworks" by amending Section 30-140, "General Prohibition" to make it unlawful for any person to host or permit others to use or set in action any fireworks at a location under his/her control.

This City Manager Morad Kabiri presented the item and stated that this past New Year's Eve, much like the Fourth of July, staff got quite a few complaints of folks illegally shooting off fireworks throughout the community. He noted that just recently, the City had several fireworks citations that were issued to

individuals last New Year's Eve that were dismissed because the individuals that were firing off or sponsoring the fireworks display did not own the property. This technicality allowed for these individuals to absolve themselves of any relationship associated with the illegal fireworks. Therefore, in order to help clarify the code to allow for the City to properly enforce its regulations related to fireworks, staff is recommending some modifications to the ordinance.

Mayor Pro Tem Griffon stated that if the way the current code is written which makes the use, discharge, etc., of fireworks illegal in the city, isn't this an individual responsibility. In other words, if someone is firing fireworks somewhere, that person is already in violation of the City's code and can be cited regardless of where he/she is shooting that off. So if he/she doesn't own the land where he/she is shooting that firework off, the property owner could probably get upset with that person for doing that, but it is the person who actually fired that firework that is in violation of the code and not the property owner who may not even be aware of what these people are doing on his/her land. So, if the proposed amendment expands the fireworks prohibition to those persons that allow and/or host said prohibited activities, what if they didn't allow it or didn't know about it, under the new code, would they be cited. Mayor Pro Tem Griffon stated that he felt the proposed amendment was a little bit of an overreach for me and as written was not something he could get behind.

Councilmember Rockey stated that when he read the language it says that it doesn't permit a person to possess or use fireworks, etc. under his or her control and then it says at a residence or private property. He asked if as written he would be responsible for failing to stop his neighbor from shooting off fireworks in his/her backyard and he was aware of it; it was in somebody else's private property but failed to stop it. Councilmember Rockey stated that he admired the concept and thought that there's something that can be done with it, but as written, the wording is too broad and seems unclear as to how exactly it would be applied, which would result in the citations being tossed out again.

Mr. Kabiri stated that he understood the concerns and deferred to Ms. Fischer, the City Attorney on the legality of the language, but noted that the intent of the amendment is not for anyone to be subject to the ordinance and instead focuses on those property owners or persons that control the property to be liable if they consent or give other permission to set off fireworks on their property. So, if the neighbor were to fire off fireworks on his/her property, the councilmember would not be liable for them doing that; the same is true if someone were to trespass on the councilmember's property and fire off fireworks without consent or permission. Councilmember Rockey stated that the proposed language doesn't specifically say that and could be word smithed for better clarity.

Mayor Pro Tem Griffon stated that he has some concerns with the proposed language being unconstitutional. He stated that currently, the fireworks ordinance is person to person and if someone is in violation of the ordinance, then that person is cited. By bringing other people's premises and properties and possibly making them in violation of something that they did not allow and a concern for him.

Mr. Kabiri noted that his point was understandable and stated that if the proposed language needs to be cleaned-up, staff can bring something back. He further noted that as it related to the scenario in question, if the owner of the property or even not owner of the property, but somebody that is hired to fire off fireworks on said property. Technically, the property owner is not in possession of the fireworks, but they were the ones that contracted/allowed the display, and as such, they are the ones that should be liable for it because they hired somebody to come do that on their premises. Unfortunately, the way the current

ordinance is written, the City cannot cite the property owner even though, they hired somebody to come onto their property and fire fireworks off. He stated that the intent of the proposed amendments to the ordinance was to close this loophole.

The Council briefly discussed the increase in fireworks being set-off throughout the city.

Councilmember Hanks stated that she appreciated all of the comments and questions from Council because maybe she was reading the ordinance incorrectly, because as she read it, she assumed that the violations all went back to the person that hosted or permitted the action. The Council discussed what it meant to “permit” something in relation to the ordinance.

City Attorney Mary Kay Fischer stated that she believed the incident that brought this issue forward was in fact a business owner that was watching people shoot fireworks on his property. Under the ordinance, he, the property owner, could not be cited; therefore, in response to that issue, the staff worked to broaden the language to satisfy that goal of holding these business owners accountable. She further noted that the intent of the proposed ordinance was to whoever allows or gives permission to or basically doesn't stop the fireworks display, can be cited. I don't know how successful they'll be as far as court is concerned because that is the big issue. Mrs. Fischer noted that somebody could argue that they didn't know or had no intention of allowing persons to use fireworks on his/her property, but the issue at hand is: (1) can the city cite someone that allows this action, and (2) is can the city prove the violation. Lastly, with regard to the constitutionality, Mrs. Fischer noted that said provision is in all of City ordinances, just in case there's something in the ordinance that's proved unconstitutional, it basically saves the rest of it.

Mr. Kabiri noted, in regards to a scenario of people setting off fireworks in a parking lot that is used by multiple businesses, and who would be cited, a business owner would not be cited under this scenario unless the staff could prove that a certain business tacitly approved said fireworks through either a written agreement or verbal agreement.

Councilmember Rockey asked if in that example, what if the owner of a business was perfectly fine with the shooting off of fireworks but didn't actually own the parking lot. Mr. Kabiri responded that, as the ordinance is currently written, it would not be a citable offense and would then be dismissed; however, under the proposed language, if they were perfectly okay with the fireworks and allowed the activity to take place, then they would be liable and could be cited because they would be hosting the event.

The Council asked for clarification on what is meant by “possession”. Mr. Kabiri noted that in this equation, if a person has not given tacit approval, verbal, written or otherwise, they are not liable. He likened it to people putting political signs on a property, they must get permission from the property owner. If they don't get your permission, they can't put the sign there; however, that doesn't always keep people from putting signs on property. So, in turn, if a sign is placed on someone's property without permission, then the property owner has an obligation to go out and remedy the situation to the best of his/her ability.

Mayor Foreman stated, in regards to the question of permission that he was fairly certain that every single person in the City of Friendswood knows that it's illegal to shoot fireworks in the city limits, period. He noted that laws are never going to keep people from doing things that they know are openly violating what they know to be wrong. He further noted that the City should enforce the existing fireworks ordinance and while the rewrite helps close the loop on some infractions, it still needs some work to match its intent.

Mr. Kabiri asked that the Council table the matter, in order for the staff to review the language and bring something back at a later date.

A motion was made by Mayor Foreman and seconded by Councilmember Branson to table the proposed ordinance, related to Item 11.J. 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.

K. Consideration and possible action on the first reading of an ordinance regarding the street name change of Friendswood Lakes Boulevard to Friendswood Parkway, to include the existing thoroughfare from FM 528/West Parkwood Avenue to the League City and Friendswood city limit and the future thoroughfare planned from FM 528/West Parkwood Avenue to the Pearland and Friendswood city limit.

This ordinance approves the name change of Friendswood Lakes Boulevard to Friendswood Parkway. The current name of Friendswood Lakes Boulevard was assigned by the developer of the Friendswood Lakes Subdivision. Now that this boulevard is going to serve all of Friendswood and eventually connect to League City Parkway (also known as 96/Brittany Lakes Blvd) and Pearland Parkway, staff recommends that this section of the boulevard be renamed to Friendswood Parkway.

Further, it is beneficial to make this name change now, before any more addresses are assigned. At this time, there are three businesses located on this road that will have to change their address:

- 1) The Goddard School,
- 2) Bushi Ban and
- 3) Mathnasium of Friendswood.

Staff personally visited the three business owners to inform them of the street name change and explained that the change would be effective upon the passage of this ordinance's second reading scheduled for January 10, 2022.

A motion was made by Councilmember Branson and seconded by Mayor Pro Tem Griffon to approve the first reading of Ordinance No. 2021-40, related to Item 11.K. 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.

ORDINANCE NO. 2021-40

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, PROVIDING FOR THE STREET NAME CHANGE OF FRIENDSWOOD LAKES BOULEVARD TO FRIENDSWOOD PARKWAY, TO INCLUDE THE EXISTING THOROUGHFARE FROM FM 528/WEST PARKWOOD AVENUE TO THE LEAGUE CITY AND FRIENDSWOOD CITY LIMIT AND THE FUTURE THOROUGHFARE PLANNED FROM FM 528/WEST PARKWOOD AVENUE TO THE PEARLAND AND FRIENDSWOOD CITY LIMIT PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

- L. Consideration and possible action regarding the first and final reading of a proposed ordinance amending City of Friendswood, Texas, Ordinance No. 2021-22, passed and approved September 13, 2021, same being an ordinance approving and adopting the City's General Budget for Fiscal Year 2021-2022 by approving "Budget Amendment III" to the "Original General Budget of the City of Friendswood, Texas, for the Fiscal Year 2021-2022"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject.**

This ordinance approves the third budget amendment to the City's approved FY2021-22 budget and include the following:

1. Prior Year Encumbrance, \$14,915,663. Appropriate funds for purchase orders issued in fiscal year 2020-21 and outstanding at fiscal year-end, September 30, 2021. Goods and services for these purchase orders will be received and expensed in fiscal year 2022.
2. Unencumbered Capital, \$17,704,621. Re-appropriate funds budgeted for capital expenditures in fiscal year 2020-21; but not expensed at fiscal year-end September 30, 2021. Goods and services will be received and expensed in fiscal year 2021-22. Section 8.06 of the City Charter allows for funds appropriated for capital expenditure to remain in force for up to three years if unencumbered or until the intended purpose is accomplished.
3. Parks & Recreation Department – City Hall Safety & Security Modifications, \$34,096. Appropriate funds to renovate City Hall to provide proper safety and security for employees. The Facilities Division enclosed three offices in Administrative Services. They will also install a secure access door in the Parks & Recreation hallway and modify the breakroom to create a storage closet. In the City Secretary's hallway, they will improve access control for a stairwell door. The recording studio will have sound proofing materials installed. The additional funding needed will come from restricted PEG Channel funding and unassigned general fund balance.
4. Centennial Park and Lakes of Falcon Ridge Concrete Wall, \$19,400. Appropriate additional funds for change order #1 to remove deteriorating wall and construct a new, Veri Crete wall spanning approximately 3,000 linear feet. Council awarded the bid to Republic Masonry & Fencing LLC at the June 7, 2021, City Council meeting. The funding source will be unassigned general fund balance.

5. Public Works Insurance Reimbursement, \$10,557. Appropriate insurance reimbursement received for vehicle damage claims to Public Works vehicle unit PW59 and PW60. Funds will be appropriated to the Public Works water operations division budget to offset the vehicle repair expenses. One insurance reimbursement was received in prior year. Several additional insurance reimbursements were received from Texas Municipal League during October and November. The funding source will be working capital and insurance proceeds.
6. Engineering/Capital Projects – Installation of Sidewalks Throughout City Limits, \$60,973. Appropriate funds for the installation of sidewalks throughout city limits. The Sidewalk Installation Fund will provide \$43,792 towards the total project cost. The General Fund will supplement the total project cost with an appropriation of \$17,181. Sidewalk installation locations are determined by the developer contribution made into the Fund. The funding source will be Sidewalk Installation Fund and unassigned General Fund balance.
7. Police Department – Public Safety Software, Hardware & Implementation, \$756,003. Appropriate funds for the implementation of new public safety software. The current public safety software vendor will be discontinuing the current software product. After thorough review, ICS was chosen as the new vendor based on extensive experience with providing, implementing, and supporting public safety software systems. The funding source will be unassigned General Fund balance and will cover software, hardware, and a contingency for additional implementation costs.

Staff recommended approval of this item.

A motion was made by Councilmember Scott and seconded by Councilmember Branson to approve the first and final reading of Ordinance No. 2021-41, related to Item 11.L. 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.

ORDINANCE NO. 2021-41

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING CITY OF FRIENDSWOOD, TEXAS, ORDINANCE NO. 2021-22, PASSED AND APPROVED SEPTEMBER 13, 2021, SAME BEING AN ORDINANCE APPROVING AND ADOPTING THE CITY'S GENERAL BUDGET FOR FISCAL YEAR 2021-2022 BY APPROVING "BUDGET AMENDMENT III" TO THE "ORIGINAL GENERAL BUDGET OF THE CITY OF FRIENDSWOOD, TEXAS, FOR THE FISCAL YEAR 2021-2022"; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.

M. Consideration and possible action regarding the first and final reading of a proposed ordinance amending the 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 XII" 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.

This ordinance approves the twelfth and final budget amendment to the City's approved FY2020-21 budget and include the following:

1. 2017 CDBG-DR (Galveston County) Grant Reimbursement, \$32,700. Appropriate grant funds received from the 2017 CDBG-DR Galveston County grant program for Pipe Rack Project. The City received \$32,700 for engineering expenditures. Advance funding for engineering services was originally approved on FY21 BA III at the City Council meeting. Therefore, the funds will be appropriated back to unassigned general fund balance.
2. Emergency Disconnect Switch at Activity Building, \$5,000. *Transfer available funding from Fire Marshal – Emergency Management division to Parks & Recreation – Facilities division for the installation of an emergency disconnect switch at the Activity Building.
3. Police Investigation Fund, \$310. Appropriate asset forfeiture funds to the Police Investigation Fund (PIF) operating services account. Funds will be allocated from the PIF State Fund restricted fund balance.
4. Police Investigation Fund, \$225. Appropriate additional funds required to purchase a GPS positioning system hardware, software, and lights for the Police Department to use in conjunction with its drone equipment for accident scene mapping and evidence documentation. The funding source will be restricted Police Investigation Fund balance.
5. Demolition of Hurricane Harvey Buyout Lots, \$94,348. – Reimburse General Fund balance for a portion of funds originally approved on FY20 BA X and FY21 BA III to demolish three homes through the Hazard Mitigation Grant Program. The properties included in this reimbursement are: 16614 Oxnard, 5303 Shady Oaks, and 13 Haverford. The funding source was unassigned general fund balance; and therefore, will be appropriated back.
6. Fire and EMS Donation Fund – 2015 FVFD Fire Truck, \$18,831. In 2015, the City purchased a fire truck out of the General Fund. The agreement with FVFD was to repay the General Fund over a six-year period including 1% interest with Fire and EMS donations. However, annual donations collected were less than estimated leaving a balance at the end of the six-year period. Therefore, an additional \$18,831 will be appropriated from restricted fund balance of the Fire/EMS donation fund to satisfy the agreement between the City and FVFD.
7. Information Technology – Server for Blackhawk Facility, \$275,727. Appropriate capital lease proceeds to purchase a server for the Blackhawk

Staff recommended approval of this item.

A motion was made by Councilmember Scott and seconded by Councilmember Branson to approve the first and final reading of Ordinance No. 2021-42, related to Item 11.M. 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.

ORDINANCE NO. 2021-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, 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 XII" 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.

11. CONSENT AGENDA

A motion was made by Councilmember Scott and seconded by Councilmember Erenwert to approve the Consent Agenda, Items 12.A through 12.D. 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.

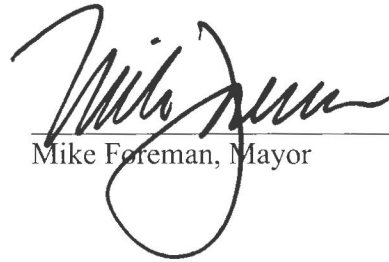
Nays: None

The item passed unanimously.

- A. Consider ratifying the Mayor's signature on an employment agreement for the City Attorney position.**
- B. Consider authorizing the acceptance of the Friendswood Trails Boulevard Extension public paving and water line improvements project into the contractor's one-year maintenance period.**
- C. Consider accepting the October 2021 tax report.**
- D. Consider approving the minutes of the City Council Regular Meeting held on November 1, 2021.**

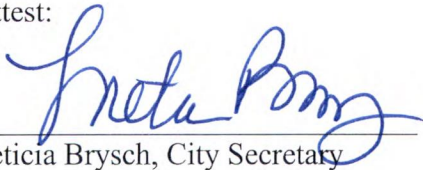
12. ADJOURNMENT

With there being no further business to discuss, Mayor Foreman adjourned the December 6, 2021, City Council Regular Meeting at 7:20 P.M.



Mike Foreman, Mayor

Attest:



Leticia Brysch, City Secretary

