

DRAFT

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD FEBRUARY 7, 2022

THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD MET IN A REGULAR MEETING ON MONDAY, FEBRUARY 7, 2022, 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
Karen Horner	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. Councilmember John Scott was absent from Roll Call and entered the meeting at 6:32 P.M.

2. INVOCATION

The invocation was led by Pastor David Lorenz from First Baptist Church Friendswood.

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 FOR A DAY

A. Consider a resolution declaring February 8, 2022, as Cline Elementary Day in the City of Friendswood, Texas.

Mayor Foreman introduced the students and teachers from Cline 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)	Elizabeth Anderson	Mrs. Denny
City Secretary 2 (Brysch)	Blake Lay	Mrs. Conley
Councilmember 1 (Rockey)	Evan Brown	Ms. Walling
Councilmember 2 (Branson)	Austin Harris	Mrs. Temperton
Councilmember 3 (Hanks)	Dottie Whiteside	Ms. Bocan
Mayor (Foreman)	Myla McAnally	Mrs. Goodrich
Councilmember 4 (Griffon)	Mckynzie Kruse	Mrs. Herren
Councilmember 5 (Scott)	Waylon Mataya	Mrs. Carter
Councilmember 6 (Erenwert)	Mila Banerji	Ms. Belluomini
City Manager (Kabiri)	Leo Rundell	Mrs. Zetts
City Attorney (Horner)	Andrew McWater	Mrs. Ramsey

A motion was made by Councilmember Evan Brown (Steve Rocky) and seconded by Councilmember Austin Harris (Sally Branson) to approve Resolution No. R2022-01, related to Item 4.A. The vote was the following:

Ayes: Mayor Myla McAnally (Mike Foreman), Councilmember Dottie Whiteside (Trish Hanks), Councilmember Evan Brown (Steve Rocky), Councilmember Austin Harris (Sally Branson), Mayor Pro Tem Mckynzie Kruse (Robert J. Griffon), Councilmember Waylon Mataya (John Scott) and Councilmember Mila Banerji (Brent Erenwert).

Nays: None.

The item passed unanimously.

RESOLUTION NO. R2022-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, DECLARING FEBRUARY 8, 2022, AS CLINE ELEMENTARY SCHOOL DAY IN THE CITY OF FRIENDSWOOD, TEXAS.

5. COUNCIL COMMENTS AND REPORTS

Councilmember Steve Rocky discussed the Night Circus Gala taking place at the Friendswood Library on March 5, 2022. He noted that the live auction items included a week's stay at Tuscan Villa in Tuscany, a weekend getaway at Canyon Lake, sports memorabilia, and a package including eight tickets to the Friendswood homecoming football game in the Superintendent's box. He encouraged the public to purchase tickets through the Friendswood Library website.

Councilmember Sally Branson stated that the EDC has not met since its previous meeting due to weather. She also noted that H-GAC had their annual meeting this past Friday and recognized the appointment of City Manager Morad Kabiri and Director of Engineering Jil Arias as the primary and alternate committee members of the Transportation Advisory Committee.

Councilmember Hanks wished everyone a happy Valentine's Day and recognized that the month of February is Black History Month and Women's Heart Health Month. She further noted that the Friendswood Education Foundation is having its main fundraiser this weekend and the monies go to supporting teachers' classrooms. She noted that tickets to said fundraiser can be purchased online.

Mayor Pro Tem Griffon said Happy Valentine's Day to everyone.

Mayor Foreman stated that he, City Manager Morad Kabiri, Assistant City Manager Steven Rhea, and Director of Engineering Jil Arias met with Harris County Commissioner Adrian Garcia and his staff. Mayor Foreman noted that the meeting was very fruitful and there is a lot of potential to partner with them. One of those partnering opportunities was the shredding event that took place last weekend with lots of folks bringing their paper to be shredded.

6. 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.

David Allen, 214 Inwood, Friendswood, Texas, addressed the Council in regard to the United States and its relationship with Ukraine. He asked that everyone keep Ukraine in their prayers.

Elita Caldwell, 1500 Windsor Drive, spoke regarding skating and a skate park in the City of Friendswood.

7. WORK SESSION TOPICS

B. Receive a presentation regarding the City of Friendswood's Drainage Project Update.

Deputy Director of Engineering Samantha Haritos presented the item and stated that she would provide the Council with an update of the City's drainage projects. Ms. Haritos noted that the Imperial Estates Project is moving along with all the excavation being complete and the Galveston County Consolidated Drainage District working on some final touches. She identified the locations of Forest Bend Detention, the Frenchman's Creek and Utility Relocation Project on a map and noted that the Deepwood Project is right at the confluence of Cowards Creek and Clear Creek and is moving along as well.

Ms. Haritos noted that the next few projects and highlights are Community Block Development Grant (CDBG) Projects funded by Hurricane Harvey disaster recovery funds. The projects are as follows:

Community Block Development Grant – Hurricane Harvey

Completed Activities:

- Engineering Design;
- Permits Approved by Harris County Flood Control District; US Army Corps of Engineers (USACE), Nationwide Permit;
- Easements for Polly Ranch HOA, Terra Bella HOA; and
- Neighborhood Outreach at HOA meetings attended by Directors of Engineering & Public Works

Upcoming Activities:

- Tree Mitigation Plan;
- Final approval of TX GLO easement (under creek);
- Authorization of grant funds (AGUF);
- Competitive sealed bid process;
- Select contractor and present to Council for action; and
- Construction kickoff.

Forest Bend Offline Detention

- Project Features: 53 Ac-Ft Capacity; Meandering Layout with Wetland Plantings; Concrete Trails with Solar Lighting;
- In the Engineering Phase with plans approved by HCFCD January 21, 2022;
- The authorization of grant funding (AGUF) is expected Feb 4th;
- The construction phase is out for bid in February with Council set to award April/May; and
- Contractual construction timeline is estimated at 288 days.

Frenchman's Creek Green Space

Ms. Haritos stated that for this project, the two properties that are closest to the creek are City of Friendswood projects, and then the three properties or buildings that are more towards the roadway are the Galveston County properties. This project is a part of the Galveston County Community Development Block Grant. The status of this item is the following:

The City of Friendswood is:

- Awaiting Texas General Land Office (TX GLO) approval of intake packets, and
- Responding to Request for Information (RFI's).

Galveston County is:

- Undergoing the review of the completed appraisals, and
- Waiting for the TX GLO to approve the Intake Packets.

Remaining Activities:

- Purchase of properties;
- Demolition; and
- Hydro-mulching.

Ms. Haritos stated that the Deepwood Project was also a Community Development Block Grant through the disaster recovery funds that is moving forward, both on the acquisition and on the engineering side.

Deepwood Acquisition and Infrastructure Project

Acquisition:

- Environmental assessment of acquisition sites is complete and are undergoing review, and
- Awaiting Texas General Land Office (TX GLO) approval of Intake Packets.

Engineering – Ongoing Activities:

- Environmental assessment of entire project site, and
- Hydraulic & Hydrologic Analysis / Model.

Engineering – Upcoming Activities:

- Preliminary Engineering Report (PER);
- Review of PER by City of Friendswood; and
- 30% Design Plans.

Ms. Haritos continued with the FM 1959 Detention Basin Project and noted that this property is owned by Harris County; however, the City is hoping to put in an offline detention pond at that location.

FM 1959 Detention Basin

Location:

- Friendswood/Pearland Border Along Harris County Side of Clear Creek

Features:

- 1000 - 1800 Ac-Ft Detention Basin

Status:

- Harris County Commissioners Court will soon be presented with a list of potential Partnership Projects by HCFCD – City informed that FM 1959 project will be on that list

Partnering Agency:

- City of Friendswood,
- Galveston County,
- Galveston County Consolidated Drainage District (GCCDD), and
- Harris County Flood Control District (HCFCD).

Councilmember Rockey asked how much for this project will the City be paying. Ms. Haritos responded that the application that the City put before the Harris County Flood Control District was for 50% of the project cost. With Harris County participation, 20% contingency was required over the entire project's actual cost to ensure adequate funding.

Mayor Pro Tem Griffon asked if the 20% fee is an inflation factor. Ms. Haritos stated that she believes that the fee is there for a lot of things but noted that the inflation of construction costs is a part of that fee. Councilmember Griffon asked if the \$38 million project costs included the inflation fee. Ms. Haritos noted that his assessment was correct, and the project costs included the 20% fee and a contingency.

City Manager Kabiri stated that at this stage in the project, the full detailed engineering report was not completed; therefore, there are still a lot of unknowns associated with the project that the contingencies are intended to cover. Ms. Haritos stated that the Harris County Flood Control District will put in half of the amount, \$19 million for this project, Galveston County has offered to participate up to \$7.5 million, and Galveston County Consolidated Drainage District has offered \$3.5 million, leaving the City with the remaining cost. She stated that the Engineering Department is actively working on identifying additional stakeholders, and there has been positive feedback from a couple of different entities.

Mayor Pro Tem Griffon stated that it was his understanding that the funds from the Harris County Flood Control District would be coming from bond dollars, and the funds coming from Galveston County are American Rescue Plan funds, which meant that the funds were not tied to LMI, any equity, or any other type of binding dollars from the GLO. Mr. Kabiri noted that he was correct; however, there have been rumors that Harris County is contemplating adding LMI requirements for the bond project from 2018. In response, the staff will have a resolution on the Council's agenda next month encouraging Harris County to maintain its project criteria stated in their 2018 bond election.

Ms. Haritos outlined the Houston Galveston Area Council (H-GAC) method of distribution and noted that there are \$4,636,109 that are being considered for distribution and hope to have this finalized by June 2022.

Mr. Kabiri stated there have been newspaper articles in the last two weeks noting that the U.S. Department of Housing and Urban Development is currently taking a second look at the General Land Office's (GLO) action plan for the State of Texas, and the dollars that were flowing from the federal level to the state to local entities, thus potentially holding up mitigation funds.

Mayor Pro Tem Griffon further noted that it was his understanding that another parameter had been placed on the GLO that had to do with social equity and in addition to low to moderate-income. Ms. Haritos stated that item has come up but there is no definitive answer at this time.

Ms. Haritos continued her overview of the Whitcomb Terracing Project and noted that the scope of work for this item was essentially the terracing in the floodway along with the Whitcomb property for inline detention or terracing. She noted that the City had an engineering model for this project which showed water surface elevation reductions that were seen at the confluence of Chigger Creek and Clear Creek which would result in half a foot of reduction in water surface elevation at Whispering Pines.

Moving on to the Blackhawk Detention Basin Project, Ms. Haritos stated that the City recently purchased a 46.8-acre property located adjacent to the Blackhawk Wastewater Treatment Plant, which is a part of the City's Inline and Offline Detention Project. She noted that the City had looked at putting a large detention basin on that property that could mitigate not only the Whitcomb terracing, but also the Blackhawk property.

Mayor Pro Tem Griffon asked where the dollars would come from for this and would this also be in partnership with Harris County. Ms. Haritos showed the following chart outlining the funding for this project as follows:

Cost: Whitcomb Terracing/ Blackhawk Detention Basin

PRESENT PROJECT COST TABLE

Proposed Project	Excavation Vol (cy)	Estimated ROM Capital Cost	Acquisition Cost	Engineering Cost (10% Construction)	Total Project Cost	Cost Including 20% Overall Contingency
Whitcomb Terracing	234,432	\$7,400,000	-	\$740,000	\$8,880,000	
Blackhawk Detention	644,250	\$20,200,000	\$488,250	\$2,020,000	\$22,708,250	<u>\$27,249,900</u>
Blackhawk Terracing*	43,140	\$1,400,000	-	\$140,000	\$1,540,000	
Net Cost (Whitcomb + Blackhawk Detention)					<u>\$31,588,250</u>	<u>\$37,905,900</u>

Ms. Haritos stated that the proposed costs do not include trails or any recreational facilities or features, which the City would have to put in if it decided to do anything on the Blackhawk property. Mr. Kabiri stated that these numbers are estimates and while they could not guarantee these numbers, they are likely to be close to what the actuals will be once the bids are received.

Councilmember Rockey asked, if the City would get help from Harris County or Galveston County or anybody else for this item because he has a concern that the City may never receive any federal money or may be a long time off. He further noted that in his opinion, the City should be seriously looking at what to do to complete these critical drainage projects. Mr. Kabiri stated that staff is always open to new ideas or options and noted that the amounts for the 2019 bond election were predicated on having partners. He continued that without partners, the City does not have sufficient funds to tackle all the projects that are listed along Clear Creek; hence, staff continues to pursue partnerships; such as, the Imperial Estate Project that was a win for both the City of Friendswood and Galveston County Consolidated Drainage District.

Mr. Kabiri further noted that the City has invested \$55 million dollars in drainage mitigation throughout the city in the last 3 years, which is spectacular and unheard of over the last 20 years. He continued by stating that the City has about \$30 million left in that bond authorization, which is not enough to cover all the projects presented.

Mayor Foreman stated that nobody should take away from this discussion that City staff is sitting around waiting for FEMA or any of the federal money to just magically flow in. He noted that the Engineering Department in conjunction with the City Manager are always turning over every rock to find new avenues for funding. Councilmember Rockey agreed and noted that what the City has done in the last four years in regard to drainage projects has been spectacular, and he was just looking realistically at whether the City would ever see federal money for these projects.

8. CITY MANAGER'S REPORT

A. Present an update regarding the City receiving the GFOA Award for Excellence in Financial Reporting for our fiscal year 2019 - 2020 Annual Comprehensive Financial Report.

City Manager Kabiri presented the item and stated that the City received notice from the Government Finance Officers Association of Texas that the City has been selected for the 33rd consecutive year for excellence in financial reporting, which is spectacular. He thanked the Director of Administrative Services Katina Hampton and her team for an outstanding job.

B. Present an update regarding the City of Friendswood Annual Tree Give Away event.

City Manager Kabiri stated that the annual tree giveaway was held a couple of weeks ago on Saturday, January 15th and was very well attended. He noted that over 100 live oak and red oak trees were given away at Centennial Park and thanked the Parks and Recreation Department and Keep Friendswood Beautiful for another spectacular event.

Mr. Kabiri also noted that this past Friday the City tested its sirens systems that are strategically located throughout the community to notify folks that are outside or out and about in the community that there is a potential threat in the area and to seek shelter. He noted that they will be tested on the first Friday of every month.

9. BUSINESS ITEMS

A. Consider appointing Alternate Member Mr. Jason Byers as a Regular Member to the Zoning Board of Adjustments to complete the unexpired term of Mr. Ron Dyer.

A motion was made by Councilmember Rockey and seconded by Councilmember Scott to appoint Alternate Member Mr. Jason Byers as a Regular Member to the Zoning Board of Adjustments to complete the unexpired term of Mr. Ron Dyer. 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. Consider renaming an amenity in Stevenson Park in honor of a member(s) of the Burke/Lowe Family.

Councilmember Rockey stated that Tom and Penelope were instrumental in the building of this gazebo, which was built for the 1976 U.S. Centennial. He stated that Penelope has been involved in several activities while serving on the Parks Board. He stated that naming that gazebo after Tom and Penelope Burke would be a fitting tribute to all the work they did for the city and continue to do long-term.

City Manager Kabiri stated that staff will start organizing a recognition and reception for the Burke family and that the City will prepare a plaque and will have a dedication ceremony.

A motion was made by Councilmember Rockey and seconded by Councilmember Griffon to name the gazebo after Penelope Lowe Burke and Tom Burke. 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. PROPOSED RESOLUTIONS AND ORDINANCES

A. Consider a resolution amending the City Council Rules of Procedure to address oaths of office, votes needed for council action, the calling of special meetings, recess of meetings, and political advertising.

This proposed resolution amends the City Council Rules of Procedure consistent with the recommendations of the Charter Review Commission and include additional staff recommendations. Specifically, the changes address the following:

Section	Summary of Change
8.1	This section has been added to address the meeting at which newly elected members of Council will take their oaths of office.
3.2 & 3.3	These sections are amended to specify that less than a quorum is necessary to call a special meeting or an emergency meeting.
4.7	This section has been amended to allow the presiding officer to call for a recess of up to fifteen minutes at appropriate points in the meeting agenda.
4.8 & 7.4	These sections are amended to specify the number of votes needed for Council action if there is a vacancy on the Council and to require an announcement of the number of votes needed should more than 4 votes be required.
6.2	This section has been amended in order to prohibit political advertising, as defined by state law, during the public comment section of the agenda.
Various	The remaining changes are non-substantive and/or reflect the current practice.

A motion was made by Councilmember Hanks and seconded by Councilmember Erenwert to approve Resolution No. R2022-02 amending the City Council Rules of Procedure, related to Item 10.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.

RESOLUTION NO. R2022-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, ADOPTING THE CITY COUNCIL RULES AND ORDER OF BUSINESS PURSUANT TO CITY CHARTER SECTION 3.10, RULES OF PROCEDURE AND REPEALING RESOLUTION NO. 2021-14 AND ALL OTHER RESOLUTIONS OR PARTS OF RESOLUTIONS INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

- B. Consider approving the second and final reading of an ordinance amending Appendix C, Zoning Ordinance Section 7.P.6. Permitted Use Table to amend the zoning districts in which the following NAICS Uses are allowed: 6232 - Residential, intellectual and development disability, mental health, and substance abuse facilities, 623311 - Continuing care retirement communities (with on-site nursing), and 623312 - Assisted living facilities for the elderly (without on-site nursing) and to remove subnote (b.) 5. S1; Site Plan Approval Required and amendments to Section 20. Definitions to remove the term "Personal Care Facility" and add the term "Assisted Living Facility."**

This item is the second and final reading of an ordinance that amends the zoning districts in which the following NAICS Uses are allowed: 6232 - Residential, intellectual and development disability, mental health, and substance abuse facilities, 623311 - Continuing care retirement communities (with on-site nursing), and 623312 - Assisted living facilities for the elderly (without on-site nursing) and to remove subnote (b.) 5. S1; Site Plan Approval Required and amendments to Section 20. Definitions to remove the term "Personal Care Facility" and add the term "Assisted Living Facility."

These proposed changes are intended to bring our Zoning Ordinance in compliance with State Law regarding Community Care Homes. Chapter 123 of the Human Resources Code for the State of Texas defines a person with a disability as a person whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has one of the 13 diagnoses defined in Section 123.002. Facilities that provide care for these classes of people are allowed by right in residentially zoned areas provided the exterior of the residential structure is not altered, house not more than 6 residents and 2 staff members and are located not closer than one half mile from another existing community home. Our current requirement for the S1 process is not necessary or allowed by state law.

A motion was made by Councilmember Hanks and seconded by Councilmember Rockey to approve Ordinance No. 2022-01, related to Item 10.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.

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING APPENDIX C, "ZONING," "SECTION 7.P.6. PERMITTED USE TABLE" TO AMEND THE ZONING DISTRICTS IN WHICH THE FOLLOWING NAICS USES ARE ALLOWED: 6232 -RESIDENTIAL, INTELLECTUAL AND DEVELOPMENT DISABILITY, MENTAL HEALTH, AND SUBSTANCE ABUSE FACILITIES, 623311 - CONTINUING CARE RETIREMENT COMMUNITIES (WITH ON-SITE NURSING), AND 623312 - ASSISTED LIVING FACILITIES FOR THE ELDERLY (WITHOUT ON-SITE NURSING) AND TO REMOVE SUBNOTE (B.) "5. S1; SITE PLAN APPROVAL REQUIRED" AND AMENDMENTS TO "SECTION 20. DEFINITIONS" TO REMOVE THE TERM "PERSONAL CARE FACILITY" AND ADD THE TERM "ASSISTED LIVING FACILITY."

C. Consider approving the first reading of an ordinance repealing Chapter 30 "Fire Protection and Prevention," Article IV "Fireworks" of the Code of Ordinances, Friendswood, Texas, in its entirety and amending Chapter 30 "Fire Protection and Prevention" of the Code of Ordinances, Friendswood, Texas, by adding Article IV "Fireworks" to establish regulations for the use of fireworks in accordance with state law.

Fire Marshal Brian Mansfield presented the item and stated that the proposed ordinance repeals Chapter 30 "Fire Protection and Prevention," Article IV "Fireworks" of the Code of Ordinances, Friendswood, Texas, in its entirety and amends Chapter 30 "Fire Protection and Prevention" of the Code of Ordinances, Friendswood, Texas, by adding Article IV "Fireworks" to establish regulations for the use of fireworks in accordance with state law. He noted that the Fireworks Ordinance was created by the Fire Marshal in 1974 and was last updated in 2005. He noted that this ordinance has not been updated or revised in over 15 years and stated that the main changes to the ordinance include:

- repealing the existing ordinance and replaces the same with a new fireworks ordinance,
- updating sections to be compliant with the applicable laws,
- expanding Section 30-140 "General Prohibition" to make it unlawful for any person to organize, supervise, officiate, permit, or accept responsibility for a gathering on public or private property on which a person uses fireworks, and aiding minors to purchase or use fireworks was also added as an offense, and
- adding a general defense regarding the transportation of fireworks in a motor vehicle and the hosting of a gathering if the host had no knowledge of the fireworks and notified authorities.

The Council discussed the proposed changes and concurred on the creation of subcommittee of the Council to review and discuss the following points with staff:

- Section 30.140 – General prohibition, Subsection (a) “Offenses,” specifically regarding the possession of fireworks in the vehicle or home within the city limits.
- Subsection (b) “Defense” and whether item (2) is (i) needed or (ii) needed but should be tweaked as it seems contradictory to subsection (a)(3). Also, under this subsection to add a third item under Item (1) to include “in your home” as a defense.
- Whether the City can/should provide a permitting process for residential and/or commercial locations to have fireworks displays.
- Section 30-141 – “Aiding minors, to purchase, use etc. fireworks” in the city limits, concerns regarding the criminality of parents and grandparents that give minors access/money to the purchase and use of fireworks.

A motion was made by Councilmember Rockey and seconded by Mayor Foreman to create a subcommittee made up of Councilmember Trish Hanks, Mayor Pro Tem Griffon and Councilmember Steve Rockey to work with staff to take the proposed ordinance back to study and/or investigate the previously noted items of the Fireworks Ordinance. 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. Consider approving the first and final reading of an ordinance ordering the General and Special Elections to be held on May 7, 2022, for the purposes of electing councilmembers for Position Nos. 4 and 6 and voting for or against amendments to the Charter of the City of Friendswood.

This ordinance calls for the City of Friendswood General and Special Elections to be held on May 7, 2022, for the purposes of electing councilmembers for Position Nos. 4 and 6 and voting for or against amendments to the Charter of the City of Friendswood.

A motion was made by Councilmember Branson and seconded by Mayor Pro Tem Griffon to approve Ordinance No. 2022-03, related to Item 10.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. 2022-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, ORDERING THE GENERAL ELECTION TO BE HELD ON THE 7TH DAY OF MAY, 2022, FOR THE PURPOSE OF ELECTING TWO COUNCILMEMBERS FOR POSITIONS FOUR (4) AND SIX (6); ORDERING A SPECIAL ELECTION TO BE HELD ON THE 7TH DAY OF MAY, 2022, FOR THE PURPOSE OF AMENDING ARTICLE II "POWERS OF THE CITY," SECTION 2.01 "GENERAL POWERS"; ARTICLE III "CITY COUNCIL," SECTION 3.02 "QUALIFICATIONS," SECTION 3.09 "MEETINGS OF THE CITY COUNCIL," AND SECTION 3.11 "ORDINANCES IN GENERAL"; ARTICLE IV "ADMINISTRATIVE SERVICES," SECTION 4.04 "CITY SECRETARY"; ARTICLE V "INITIATIVE, REFERENDUM AND RECALL," SECTION 5.06 "ACTION ON PETITIONS," SUBSECTION (B) "SUBMISSION TO VOTERS"; ARTICLE VI "NOMINATIONS AND ELECTIONS; OATH OF OFFICE," SECTION 6.04 "CANVASSING AND ELECTION RESULTS," SUBSECTION (A) "CANVASSING"; ARTICLE VIII "FINANCIAL ADMINISTRATION," SECTION 8.03 "ANNUAL BUDGET," SUBSECTION (A) "CONTENT" AND SUBSECTION (C) "PUBLIC NOTICE AND HEARING" AND SECTION 8.05 "BORROWING FOR CAPITAL IMPROVEMENTS," SUBSECTION (F) "ELECTIONS TO AUTHORIZE DEBT"; ARTICLE IX "FRANCHISES AND PUBLIC UTILITIES," SECTION 9.10 "PUBLIC SERVICE CORPORATIONS TO FILE ANNUAL REPORTS," SUBSECTION (A); AND ARTICLE XI "GENERAL PROVISIONS," SECTION 11.02 "CITY NEWSPAPER" OF THE CHARTER OF THE CITY OF FRIENDSWOOD, TEXAS; MAKING OTHER PROVISIONS RELATED TO SUCH ELECTIONS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

E. Consider approving the first and final reading of an ordinance amending the City's General Budget for Fiscal Year 2021-2022 by approving "Budget Amendment V" and providing for supplemental appropriation and/or transfer of certain funds.

This proposed ordinance approves budget amendments for the following:

1. Blackhawk Building Property Survey, \$7,500. Appropriate funds to complete a boundary survey of the Blackhawk Building property. The purpose of the survey is to identify limits of the property, so any improvements are laid out correctly. Spot elevations and utility exploration ensure that (i) any pavement improvements do not impede drainage and (ii) that sewer services are properly sized. The funding source will be unassigned general fund balance.
2. HMGP Buyout Grant Reimbursement, \$180,327. Appropriate grant funds received from the Hazard Mitigation Grant Program for Hurricane Harvey buyout properties. The City received \$176,854 for 1204 Myrtlewood, \$2,910 for asbestos assessments of 13 homes and \$563 for appraisal services for 705 Leisure Ln. Advance funding for these purchases were originally approved at the May 3, 2021 and the June 1, 2020 City Council meetings. Therefore, the funds will be appropriated back to unassigned general fund balance.

3. HMGP Buyout Grant Reimbursement, \$70,762. Appropriate grant funds received from the Hazard Mitigation Grant Program for Hurricane Harvey buyout properties. The City received \$45,665 for 807 Penn Dr and \$25,097 for 13 Haverford. Advance funding for these purchases were originally approved at the January 11, 2021, and the March 2, 2020, City Council meetings, respectively. Therefore, the funds will be appropriated back to unassigned general fund balance.
4. PEG Channel-Studio Soundproofing, \$380. Appropriate PEG Channel funds to install Audiomute to soundproof the studio. The funding source will be restricted general fund balance from PEG Channel revenue.
5. Police Investigation Fund-Speed Trailer, \$2,500. Appropriate funds to purchase a speed trailer. The trailer unit will have the capability to display general messages to the public as well as display drivers' speed. The funding source will be restricted Federal Police Investigation Fund balance.
6. Siren System Maintenance and Repairs, \$7,000. Appropriate funds to cover costs of maintenance and repairs of the siren system. Due to the system's age (20+ years), these items need constant preventative maintenance and repairs to remain in operating condition. The funding source will be unassigned general fund balance.
7. Friendswood Lakes Boulevard, \$5,597. Appropriate funds for Change Order #4 needed for the Friendswood Lakes Boulevard project. The change order includes the construction of a concrete retaining wall and wingwalls. In September 2020, Council approved an interlocal contract between the City of Friendswood and Galveston County for the engineering and construction of Friendswood Lakes Boulevard from Sterling Creek to West Ranch. The City is contractually obligated to jointly fund necessary change orders to complete the project. The funding source will be 2017 General Obligation Bonds (Round 3).
8. Friendswood Downtown Economic Development (FDEDC), \$10,870. Appropriate funds for the relocation of City owned and operated utilities along FM 518 from FM 2351 to south of Whispering Pines. The FDEDC approved the costs associated with the relocations and adjustments of water and sewer line facilities at their February 9, 2021, board meeting. This item was approved at the March 1, 2021, Council Meeting; however, since expenditures were not made during FY21, a re-appropriation of funds is needed. Funding for the services will come from the 1/8th cent sales tax approved in May of 2016 for capital improvements in downtown Friendswood.

A motion was made by Councilmember Scott and seconded by Councilmember Branson to approve Ordinance No. 2022-04, related to Item 10.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. 2022-04

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 V" 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.

11. CONSENT AGENDA

A motion was made by Councilmember Scott and seconded by Mayor Pro Tem Griffon to approve the Consent Agenda, Items 11.A through 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.

- A. Consider a resolution designating the Mayor as the City's representative in seeking eligible grant funds under the General Victim Assistance Direct Services Program; and authorizing the submission of such grant application to the Criminal Justice Division of the Office of Governor.**

RESOLUTION NO. R2022-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, DESIGNATING THE MAYOR AS THE CITY'S REPRESENTATIVE IN SEEKING ELIGIBLE GRANT FUNDS UNDER GENERAL VICTIM ASSISTANCE DIRECT SERVICES PROGRAM; AUTHORIZING THE SUBMISSION OF SUCH GRANT APPLICATION TO THE CRIMINAL JUSTICE DIVISION OF THE OFFICE OF GOVERNOR; AND PROVIDING AN EFFECTIVE DATE.

- B. Consider a resolution authorizing the Agreement for the Temporary Closure of State Right-of-Way with the Texas Department of Transportation for the temporary closure of FM 2351 for the Youth Sports Day Parade.**

RESOLUTION NO. R2022-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AUTHORIZING THE AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY WITH THE STATE OF TEXAS FOR THE YOUTH SPORTS DAY PARADE; AND PROVIDING AN EFFECTIVE DATE.

- C. Consider a resolution authorizing the City Manager to execute Subdivision Participation/Release Forms pursuant to the Texas Opioid Settlement Allocation Term Sheet.**

RESOLUTION NO. R2022-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE SUBDIVISION PARTICIPATION/RELEASE FORMS PURSUANT TO THE TEXAS OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT TERM SHEET; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. Consider a resolution authorizing the Galveston County Mosquito Control District to use aerial application methods for the purpose of mosquito control within the Galveston County portion of the City of Friendswood.**

RESOLUTION NO. R2022-06

A RESOLUTION OF THE CITY OF FRIENDSWOOD, TEXAS, AUTHORIZING AERIAL SPRAYING OVER THE GALVESTON COUNTY PORTION OF THE CITY OF FRIENDSWOOD BY THE GALVESTON COUNTY MOSQUITO CONTROL DISTRICT FOR ITS COUNTY-WIDE MOSQUITO CONTROL PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

- E. Consider ratifying the Agreement with Paragon Sports Constructors for the Stevenson Park Walking Trail Project.**

Approving a contract with Paragon Sports Constructors for the Stevenson Park Walking Trail Project (the "Project") in the amount not to exceed \$445,931. Work commenced on the trail on January 18, 2022. The Project is split into two phases with phase one taking approximately four weeks to complete and the entire project taking around four months to complete.

- F. Consider ratifying the Amendment to the Licensing Agreement with Tyler Technologies, Inc., to add an e-citation module for software integration for the PD ICS software program.**

Approving an amendment to Brazos Software in the amount of \$67,524, to connect the ICS program and Incode Court program together for citations.

G. Consider approving the disposal of two decommissioned Police Department vehicles through Houston Auto Auction.

Approving the disposal of two decommissioned police vehicles (P401 and P403 – both are 2017 Ford Police Interceptor SUVs) through services provided by Houston Auto Auction.

H. Consider approving the disposal of one decommissioned Engineering Department vehicle through an online auction at www.publicsurplus.com.

Approving the disposal of an Engineering Department decommissioned vehicle (PW63 - 2011 Ford F150) through an online auction at www.publicsurplus.com.

I. Consider authorizing the acceptance of public improvements to the Lift Station #23 project into the contractor's one-year maintenance period.

J. Consider authorizing the Friendswood Downtown Economic Development Corporation (FDEDC) to expend funds to purchase downtown street signage.

K. Consider accepting the December 2021 tax report.

L. Consider approving the minutes of the City Council Regular Meeting held December 6, 2021.

M. Consider approving the minutes of the City Council Regular Meeting held on January 10, 2022.

12. ADJOURNMENT

With there being no further business to discuss, Mayor Foreman adjourned the February 7, 2022, City Council Regular Meeting at 7:47 P.M.

Mike Foreman, Mayor

Attest:

Leticia Brysch, City Secretary