

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF FRIENDSWOOD
JANUARY 09, 2023**

THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD MET IN A REGULAR MEETING ON MONDAY, JANUARY 09, 2023, AT 5:30 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:

Steve Rockey	Councilmember
Sally Branson	Councilmember
Trish Hanks	Councilmember
Robert J. Griffon	Councilmember
John Scott	Councilmember
Brent Erenwert	Mayor Pro Tem
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 5:30 P.M.; all members were present.

2. INVOCATION

The invocation was led by Pastor Bobby Kirkpatrick with Friendswood Friends 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 last Friday, the Library hosted the Annual Zaki Con Event, which was a big success with about 980 attendees. He also noted that the Library has its open mic night this Thursday, and people can still sign-up for fifteen-minute slots.

Councilmember Branson stated that there was a break-in at the City's Activity Building which houses the City's senior programming. She wanted to let the public know that steps are being taken to rectify the situation with the installation of security cameras and additional lighting around the building.

5. PUBLIC COMMENT

Ms. Vanessa Cardell requested to speak to Council regarding agenda item 8.A. and 8.B. and stated she lives in the Hunter's Creek Subdivision. Ms. Cardell noted that the residents of Hunter's Creek are opposed to the requested zone change in which the owner of Masa Sushi desires to change the existing green space into multi-housing/condos because the space helps separate the businesses from their neighborhood. She stated that there is another concern related to the fact that the Homeowner's Association, owns and maintains the retention pond and the entryway into the subdivision that benefits Masa Sushi. Lastly, Ms. Cardell noted her concerns over there too much concrete in the area, and the addition of more buildings would increase the potential for flooding; similar to the Jack in the Box, or the area right behind Starbucks.

Mr. Wayne Dolcefino requested to speak to Council regarding his multiple public information requests that are currently being processed. He stated he runs an investigative media firm in Houston, and he has been working on an investigation into the possibility of the City's police officers targeting drivers, leaving a particular establishment in Friendswood called Friends Pub. He noted that he has already been involved with one legal battle with another city over open records and is trying to avoid another. He noted that he had received various communications from various attorneys from the same law firm, and none of the information that he felt was public had yet to be released. Therefore, he requested the Council's assistance in having the information released as soon as possible.

Ms. Judy Wiggins requested to speak to Council on behalf of the Friendswood Rotary Club and the Friendswood ISD Education Foundation, who for the first time, partnered together for the 12 by 12 Art Fundraiser, which was a huge success. Ms. Wiggins noted that this fundraiser would not have been as successful without the help and support of Library Director Matt Riley; and the Friendswood Public Library who graciously allowed the use of the facility. Ms. Wiggins stated that the event raised \$4,680 for 13 fine art grants in FISD.

6. COMMITTEES OR SPECIAL REPORTS

A. Receive and discuss the annual report from the Friendswood Historical Society.

Former Mayor Dave Smith presented the item. He thanked City Council for the support the City provided to the Friendswood Historical Society (the "Society") with the following updates:

- Both The Brown Museum and Perry House has reopened. The museums, also in conjunction with the Friendswood High School Museum, are open the first Saturday of every month and are available for the public for private tours, by appointment only.
- The Society also kept the long-standing tradition, of the Ice Cream Social, which took place at the steps of the Friend's church this year.
- The Society hosted their annual Histo-ween at the end of October with this year particularly special because Councilmember Steve Rockey authored a one-act play, about the true-life history of buffalo hunter Frank Brown, Friendswood's founder.
- This year the Heritage Gardeners asked the Society to open the museums and make them part of the Christmas House tour.

- The Society's Christmas Tree Lighting in the first part of December kicked off the City's holiday season with the kids from the Friends Church helping with carols, and Santa Claus was there to provide the magic for that evening.

Mr. Smith spoke briefly on the passing of Friendswood historian Joycina Baker. He stated that she meant a great deal to the Society, and they recognize the importance of continuing her work.

Mr. Smith started to discuss the Society's budget and stated that their insurance cost has gone up significantly and asked Council if there is an opportunity to examine how the city can help the Society and to increase its contribution that would be welcomed.

7. PROPOSED FLUM AMENDMENT AND ZONING MAP AMENDMENT CONCERNING 4.621 ACRES LOCATED ON W. EDGEWOOD DR./FM2351

- A. Conduct public hearings, regarding a tract of land located along W. Edgewood Drive/FM 2351, being a 4.621-acre tract of land out of Lot 2, in Block 1 of Friendswood, a subdivision out of the Sarah McKissick Survey, Abstract 151, in Galveston County, Texas, concerning (i) an amendment to the Friendswood Comprehensive Plan's Future Land Use Map ("FLUM") to change the FLUM designation from Retail to Low-Density Residential and (ii) a request for a zone classification change from Planned Unit Development (PUD) 2017-12 Zoning District to a Single-Family Residential Dwelling District (SFR).**

At 5:44 P.M., Mayor Foreman opened the two public hearings and requested that staff give council an overview of the items.

Director of Community Development Aubrey Harbin presented the items and stated the current zoning of this property is Planned Unit Development that was approved in 2017, and allows for independent living, assisted living, and memory care units and while that development did not go through; the zoning remains the same. Mrs. Harbin stated that the applicant is proposing to develop the tract for a single-family subdivision, that would consist of approximately nine to twelve lots and would meet the City's minimum lot size for SFR, which is at 90 feet width. Currently, the property is surrounded by mostly residential properties with one commercial neighbor and several nearby commercial properties. The property has been rezoned six times since 1970 and still sits vacant.

She further stated that the Planning and Zoning Commission held their public hearing on December 8, 2022 and voted 7 to 0 unanimously in favor of the requested zone change.

At 5:47 P.M., with there being no one signed up to speak, Mayor Foreman closed the public hearings.

- B. Consider an ordinance amending the Friendswood Comprehensive Plan's Future Land Use Map ("FLUM") to change the FLUM designation from Retail to Low-Density Residential and amending the official zoning map to make a zone classification change from Planned Unit Development (PUD) 2017-12 Zoning District to a Single Family Residential (SFR) for a tract located on W. Edgewood Dr/FM 2351, being a 4.621-acre tract of land out of Lot Two (2), in Block One (1), of Friendswood, a subdivision out of the Sarah McKissick Survey, Abstract 151, in Friendswood, Galveston County, Texas.**

A motion was made by Councilmember Scott and seconded by Councilmember Griffon to approve Ordinance No. 2023-1, as submitted, and related to Item 7.B. The vote was the following:

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

Nays: Councilmember Steve Rockey.

The item passed.

ORDINANCE NO. 2023-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING THE FRIENDSWOOD COMPREHENSIVE PLAN TO UPDATE THE FUTURE LAND USE MAP ("FLUM") CONCERNING A TRACT OF LAND LOCATED ALONG W. EDGEWOOD DRIVE/FM 2351, BEING A 4.621-ACRE TRACT OF LAND OUT OF LOT 2, IN BLOCK 1 OF FRIENDSWOOD, A SUBDIVISION OUT OF THE SARAH MCKISSICK SURVEY, ABSTRACT 151, IN GALVESTON COUNTY, TEXAS, TO CHANGE THE FLUM DESIGNATION FROM RETAIL TO LOWDENSITY RESIDENTIAL; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRIENDSWOOD TO CHANGE THE CLASSIFICATION OF 4.6212 ACRES LOCATED ALONG W. EDGEWOOD DRIVE/FM 2351, BEING MORE PARTICULARLY DESCRIBED AS A 4.621-ACRE TRACT OF LAND OUT OF LOT TWO (2), IN BLOCK ONE (1), OF FRIENDSWOOD, A SUBDIVISION OUT OF THE SARAH MCKISSICK SURVEY, ABSTRACT 151, IN FRIENDSWOOD, GALVESTON COUNTY, TEXAS, FROM PLANNED UNIT DEVELOPMENT (PUD) 2017-12 TO SINGLE-FAMILY RESIDENTIAL DWELLING DISTRICT (SFR); PROVIDING A MAXIMUM PENALTY OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

- 8. PROPOSED FLUM AMENDMENT AND ZONING MAP AMENDMENT CONCERNING PROPERTY LOCATED AT 110 HUNTERS LANE**
 - A. Conduct public hearings regarding property located at 110 Hunters Lane, Friendswood, Galveston County, Texas, concerning (i) an amendment to the Friendswood Comprehensive Plan's Future Land Use Map ("FLUM") to change the FLUM designation from Retail to High-Density Residential and (ii) a request for a zone classification change from a Community Shopping Center Zoning District (CSC) to a Multi-Family Residential – Medium-Density District (MFR-M).**

At 5:48 P.M., Mayor Foreman opened the two public hearings and requested that staff give council an overview of the items.

Director of Community Development Aubrey Harbin presented the items and stated this property is located along Hunters Lane behind the existing Masa Sushi, which is in front of the Hunters Creek subdivision. The Planning and Zoning Commission held their public hearing on December 8, 2022, and many residents of Hunters Creek Estates attended and expressed opposition to the development, citing issues such as drainage, traffic, invasion of privacy, proximity of the Hunters Creek Estates gate, and the proposed gate safety, and one way in and out of Hunters Creek Estates.

Mrs. Harbin noted that currently the property is zoned CSC which would allow for commercial development that would likely result in similar or worse impacts. The Planning commissioners determined that the MFR-M zoning would provide the residents a better buffer between their homes and the current restaurant and shopping center, and potential issues related to the traffic, gate location, site plan and drainage would be addressed during the site plan review process. Ms. Harbin stated that the proposed development of six to eight townhomes would have less impact to the Hunters Creek residents than those of a commercial development in that space. Mrs. Harbin noted that the Planning and Zoning Commission vote was 5 to 1, with Commissioner Hinkley opposed and one commissioner abstaining from the vote due to a potential conflict of interest.

In response to a question from Councilmember Griffon regarding the difference between low and medium density developments Ms. Harbin stated that that low density allows for six units per acre.

The applicant, Michael Zhou, owner of Masa Sushi spoke regarding his application. He stated that he developed this 2.7 acres of land in 2012 and Masa Sushi opened in 2015. He stated that his business can put a commercial building in the back of his property, but he did not want to disturb the neighborhood with additional noise and the smell of a dumpster. He further noted that does not want the neighborhood to be mad at his business and noted that while he had many opportunities to build a commercial building, he wanted to have a good relationship with the neighboring residents and thought by changing the land use to residential, with townhomes, the results would be quieter, with less traffic, and not negatively affect the home values in the area.

Mayor Foreman inquired about how many townhomes there were in the plan, to which Mr. Zhou stated that there will be six units.

Mayor Pro Tem Erenwert inquired about the dumpster smell; asking if it will affect the new homes if built. Mr. Zhou replied that the commercial building will be on the backside and that the new townhouses are not going to have a commercial dumpster, but residential trash pickup.

Mayor Pro Tem Erenwert inquired about the average price per unit. Mr. Zhou replied each unit is +/-2,200 square feet, and the townhouses would be leased at an estimated prices of \$2,500 a month.

The following members of the public signed up to speak regarding Agenda Item 8.B.

Emily Rives, 2886 Bridle Path Lane, stated that she is in favor of the proposed ordinance amendment.

Ricardo San Emeterio, 2886 Bridle Path Lane, stated that he is in favor of the proposed ordinance amendment.

Sue Rives, 2886 Bridle Path Lane, stated that she is in favor of the proposed ordinance amendment.

Megan Terminella, 1705 Hunters CV., spoke in opposition of the proposed ordinance amendment. She stated that her house adjoins the property. She stated how this would directly impact her, she bought the house 12 years ago, knowing it was zoned commercial and would like it to stay commercial, stating that there are business hours with commercial.

Gerardo Corona, 217 Hunters Lane, spoke in opposition of the proposed ordinance amendment. He stated that he did not agree with the points that were made at the zoning board meetings regarding this property and noted that changing it to residential would include rental properties and rental condos with people coming and going and multi-annual leases, which would have a negative impact to the residents. He also mentioned that the city has grown in the last 15 years and raised concerns regarding the drainage and flooding.

Dan Raymer, 505 Hunters Lane, spoke in opposition to the proposed ordinance amendment. He stated that many people bought their properties based on the commercial zoning. He continued, that he agrees that people should be able to request a zone change, but that the request should only be granted if there is no opposition, which he also brought this up the Planning and Zoning Commission meeting.

Don Scott, 201 Hunters Lane, spoke in opposition of the proposed ordinance amendment. He stated that the homeowners in Hunters Creek bought their homes in the subdivision, knowing that the property outside the gate was zoned as commercial. He brought up issues that included: the gate, the amount of traffic and additional cars, and there would be more transient people living in the rental properties. He also brought up concerns regarding a road would need to be built for garbage people to come to the back. He stated complaints about the current owner of the property such as late-night street cleaning.

Jonathan Halgan, 417 Hunters Lane, spoke in opposition of the proposed ordinance amendment. He stated that he is a resident of Hunters Creek subdivision and feels that the change will impact him and his family. He noted that he respects the landowner's right to maximize profit; however, that the change would benefit one family, but it would impact 53 families that live inside Hunters Creek.

Mark Renyard, 414 Hunters Lane, spoke in opposition to the proposed ordinance amendment. He stated he is a new resident to Hunters Creek. He bought his property knowing what he was buying into and the potential for what might happen in that one-acre tract of land. He stated his concerns are the gate, and the traffic. Mr. Renyard stated the traffic is worse since the intersection was changed from being multi-direction to only being able to turn right. He discussed that there is potential for the property to have 9 units if it is rezoned for medium density. He also talked about the economic impact it would have on the homeowners of Hunters Creek subdivision.

Aaron Allen, 1709 Hunters Forest, spoke in opposition of the proposed ordinance amendment. He stated that he is new to Friendswood and feels that allowing these townhomes to be built would take away from the small town feel of Friendswood.

Guy Cordell, 418 Hunters Lane, spoke in opposition of the proposed ordinance amendment. He stated that he is owner of nine rental properties in the city of Houston, from commercial to residential properties, and

knows the impact that those make. He stated that he thinks this will affect their property value and that this would affect the current issues with traffic.

At 6:12 P.M., Mayor Foreman closed the public hearings.

B. Consider an ordinance amending the Friendswood Comprehensive Plan's Future Land Use Map ("FLUM") to change the FLUM designation from Retail to High-Density Residential and amending the official zoning map to make a zone classification change from a Community Shopping Center (CSC) District to a Multi-Family Residential – Medium Density (MFR-M) District for the property located at 110 Hunters Lane, Friendswood, Galveston County, Texas.

Councilmember Rocky stated his concerns for rezoning and stated that he is always very sensitive to the fact that when somebody moves into a house, they have a responsibility to look at the properties around them, and see what is going to go in there, and several people have said tonight they thought that it would be commercial, and so it should remain so. He also noted that the City goes to a lot of trouble to promote the creations of commercial property in order to help bring down property taxes, and approving this rezoning would go against that direction, and there would be a loss on possible sales tax. Lastly, Councilmember Rocky stated that he is a little leery of rezoning property where he has not seen a plat, site map, or any kind of design of what is being proposed.

There was a discussion regarding whether the road outside of the subdivision gates was public or private property. City Manager Morad Kabiri stated the roadway in question was installed as part of the Hunters Creek Estate Subdivision, which was all platted as one, behind the gate. He noted that the road behind the gate is private, and the Homeowner's Association has an obligation to maintain the landscaping within the Boulevard that is outside of the gate, which is all a part of the master plan concept designed by the developer. He further noted that any labeling to the contrary for the area of Hunter's Lane located in front of the commercial properties in question is a misnomer.

Councilmember Griffon asked if the proposed development is required to have offsite detention, to which Ms. Harbin replied that their detention was accounted for in the Hunters Creek detention pond to which they have access to. Councilmember Griffon asked if the applicant would have to help maintain the detention pond in Hunters Creek, to which Ms. Harbin replied, that any cost-sharing issues with the detention pond would be a civil matter between the commercial properties and the HOA.

Councilmember Griffon asked why there was not a rendition of the proposed townhomes, Ms. Harbin replied that the item before the Council is for the rezoning of the property itself and not an approval of the proposed development; therefore, a site plan is not required.

Councilmember Griffon inquired about why medium density was chosen, to which Ms. Harbin replied, that the developer was still working on the site plan at the time of this application, and they were not sure how many units could fit in that tract of land, so they went with medium density.

Mayor Foreman stated that he understands the position of the owner and that they should have a right to do what they want with the piece of property and noted that if there were townhomes in that space, they would serve as a buffer to the other businesses out there and would protect the homes from the smells produced by the businesses.

Councilmember Hanks stated that during her first year on City Council, Hunters Creek residents came to a City Council meeting because a landowner with property abutting to the back part of the subdivision, and facing the front part of FM 528, wanted a rezoning from residential to commercial, because it was already next to existing commercial and there would be access off of FM 528. She noted that the residents were very opposed for many of the same reasons being mentioned tonight. She further noted that she believes that most people in Hunter's Creek would prefer for nothing to be developed there and for that area of land to remain as a buffer; however, that is not what is before the Council to consider. Councilmember Hanks stated if she were a resident in that subdivision, she would prefer to have residences over commercial.

Councilmember Scott noted that he appreciated that the residents that took the time to determine what type of zoning they are surrounded by when they purchased their homes. He stated that he felt that the Council must protect the citizens in their homes and the properties that they purchase, and it is not their responsibility to go chasing commercial dollars or to rezone properties in order to make more revenue if doing so will negatively impacts the citizens. He further noted that should a commercial building go into that land, the citizens will not get a vote, nor will they get to voice their displeasure with any legal standing because the land is already zoned commercial. Councilmember Scott also stated that many of the people in attendance have claimed that they knew that the land in question was commercial when they bought their homes and it did not impact their decision; therefore, should a commercial developer come along and put a commercial building in there, he hopes that the people present tonight that are complaining about the residential development are not the same people complaining that a commercial shopping center going in next to their neighborhood..

Mayor Pro Tem Erenwert expressed that he is very familiar with this area and did not support the zone change request because not one resident of Hunter's Creek spoke in favor of it tonight.

Mayor Foreman thanked the Planning and Zoning Commission for their hard work on this. He acknowledged that 53 people live in Hunter's Creek; however, it is the job of the Council to represent them and the other 43,000 residents in the City. He stated that the Council has to do what is best for the City.

A motion was made by Councilmember Hanks and seconded by Mayor Mike Foreman to approve the proposed ordinance related to Item 8.B. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, and Councilmember Sally Branson.

Nays: Councilmember Steve Rockey, Councilmember Robert J. Griffon, Councilmember John Scott, and Mayor Pro Tem Brent Erenwert.

The item failed.

9. PROPOSED ZONE CLASSIFICATION CHANGE REQUEST FOR A SPECIFIC USE PERMIT (SUP) FOR NAICS USE #8131 RELIGIOUS ORGANIZATIONS

A. Conduct a public hearing regarding a Specific Use Permit (SUP) to allow for NAICS Use #8131 "Religious Organizations" (the underlying Single-Family Residential Dwelling District (SFR) will remain) on property located at 1376 W. Parkwood Ave., Friendswood, Galveston County, Texas.

At 6:31 P.M., Mayor Foreman opened the public hearing and requested that staff give council an overview of the item.

Director of Community Development Aubrey Harbin presented the item and noted that the Planning and Zoning Commission held their public hearing on Thursday, December 8, 2022. She stated that there is an existing house located on this property that most everyone is familiar with as it is across from the Public Safety Building. There have been a lot of cars in that driveway, trash and things like that, but High Point Church, has made plans to purchase the property.

High Point Church plans to move their administrative offices into the existing house for now. They are going to extend parking, put in a sidewalk and some landscaping. In the long term, they have purchased the adjacent acres, and their long-term plan is to build their church at the rear of that property and to leave some commercial frontage along the roadway in conformance with the city's future land use map. Their request at this point is the SUP to allow the admin offices in that house, and the commission voted 7 to 0 on this request, at their meeting.

Mayor Foreman asked if the applicant for this item had any comments.

Applicant Scott Erma stated that he is the pastor of High Point Church. The church was started the church five years ago. He stated that they came to Friendswood because they wanted a great community to raise their kids, and wanted to make the community better, wanted to give back.

Three people signed up to speak on this item but had no comments to make.

At 6:35 P.M., with there being no one signed up to speak, Mayor Foreman closed the public hearing.

B. Consider an ordinance regarding a Specific Use Permit (SUP) to allow for NAICS Use #8131 "Religious Organizations" (the underlying Single-Family Residential Dwelling District (SFR) will remain) for the property located at 1376 W. Parkwood Ave., Friendswood, Galveston County, Texas.

Councilmember Rocky asked if the Council approved this request would the property be removed from the tax rolls. City Manager Morad Kabiri responded the applicant could apply for a tax exemption with the appraisal district who are responsible for those types of determinations; however, there is a caveat to this special use permit that requires the applicant to begin working on their church within three years.

City Manager Kabiri further noted that the applicant has indicated to that the plan is to develop the church in the back of the property and leave the front as commercial uses.

Councilmember Hanks asked if the City designates specific use permits on the land use map or are those applied for individually. City Manager Kabiri stated that specific use permits are applied for individually and if granted, they are reflected on the City's zoning map after they are applied for and approved by City Council.

A motion was made by Councilmember Scott and seconded by Councilmember Griffon to approve Ordinance No. 2023-2, as submitted, and related to Item 9.B. The vote was the following:

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

Nays: None.

The item passed unanimously.

ORDINANCE NO. 2023-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, GRANTING A SPECIFIC USE PERMIT FOR NAICS USE NO. 813110 "RELIGIOUS ORGANIZATIONS" FOR THE PROPERTY LOCATED AT LOCATED AT 1376 W. PARKWOOD AVE., FRIENDSWOOD, GALVESTON COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS LOT 1, BLOCK 1 OF THE L. CHRISTOPH SUBDIVISION, SECTION 1, FRIENDSWOOD, GALVESTON COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRIENDSWOOD CONSISTENT THEREWITH; PROVIDING A MAXIMUM PENALTY OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

10. WORK SESSION

A. Receive and discuss an update regarding the Exxon/Hines Development to be located on approximately 159 acres along Wilderness Trail and extending towards the Falling Leaf/Baker Road area.

City Manager Morad Kabiri presented the item and stated that this workshop item is to discuss the old Exxon property, which consist of 159 acres located between Wilderness Trails and the Creekwood Estate subdivision. He stated the reason it is before Council is that it is a unique piece of property that has a lot of infrastructure needs that can help benefit the City of Friendswood long term.

City Manager Kabiri stated that the FM 528 and FM 518 intersections are the most dangerous or are the most heavily congested intersection in Friendswood. He noted that the only alternative that will help alleviate this congestion is to have alternative routes through town, along the north-west, east-west corridor routes. He noted that the Hines Group is currently under contract to purchase this piece of

property, and their representatives are going to present their proposed development along with some financing mechanisms that will help get some of this critical infrastructure constructed in Friendswood.

Hines Group representative Carson Nunnelly gave an overview of the Hines Group, which is a privately owned global real estate investment, development and management firm founded in 1957, with a presence in 285 cities, in 28 countries, and worth an estimated 90.3 billion in investment under their management. He further noted that they have 198 developments currently underway around the world, and historically, has developed, redeveloped or acquired 1,530 properties, totaling over 511 million square feet.

Mr. Nunnelly gave the Council an overview of the proposed Friendswood development, which includes 187 lots, that will become 90-foot lots, in compliance with the City's current ordinances. He showed a map of the area to include the lots, the different detention ponds, drainage, roads and other amenities.

The Council asked various questions regarding abandoned wells, pipelines and other industrial materials left in/on the property and the feasibility of the area being developed, and at what costs. Mr. Nunnelly stated that their firm had already invested a large amount of time, money, and resources to identify the existing/abandoned wells, and other Exxon infrastructure that would have to be mitigated and noted that the plan being presented takes all of those items into consideration.

Mr. Nunnelly gave the Council an overview of the proposed development including what the offsite infrastructure needs would be; such as: (1) the need to build some offsite outfalls in order to get the water to the two creeks surrounding the site, one to the north and the other to the south, (2) the need for onsite detention, (3) the construction of a water line that would run about a mile off the site and connect to a twelve-inch water line, (4) sanitary sewer improvements that will ultimately lead to the City's wastewater plant, and (5) the construction of a proposed collector and thoroughfare. He estimated the cost for this project's infrastructure to be at about \$33 million, which is separate and apart from the costs associated with the purchase of the land and legal fees.

Mayor Foreman inquired about the responsibility of the two-lanes up coming off of FM 528 that would get to the site. City Manager Kabiri responded that the developer would be responsible for the four-lane boulevard through their property from Wilderness Trails to nearly past Falling Leaf.

Mayor Foreman asked if there would be access to get out onto FM 528, to which City Manager Kabiri stated that said access would have to be built at a future date, but for this project, the developer would build a four-lane boulevard through their 159 acres only. The City anticipates that a future grant application through H-GAC will help secure the funding needed to extend the roadway from FM 528 to Wilderness Trails, as well as, from the end of their project to Pearland Parkway.

Mayor Pro Tem Erenwert asked about Castlewood Road potentially running through the site as well as the barricade located at the end of the road. City Manager Kabiri stated that currently the road has a barricade at the end of it because it was intended to connect to a future road network. He noted that had the developer wanted this road to be a dead-end, they would have created a cul-de-sac and not left it as it is now.

Councilmember Rockey asked if the developer has done any traffic studies on what is going to happen with Falling Leaf and those roads when the 157 houses are built. Mr. Nunnelly noted that they have not

yet conducted the necessary traffic studies but will comply with all required studies should the development move forward.

City Manager Kabiri made note that the question before City is not whether or not the use is appropriate at that location. He stated that the developer could go build this tomorrow and have the tie-ins to Falling Leaf, to Castlewood, to Wilderness Trail and the City would have no legal standing to deny those access points. He further stated that the reason the Hines Group was asked to come before this Council was to discuss the critical infrastructure needs that city has, particularly the need for another north, south, east, west corridor that connects with League City Parkway and Pearland Parkway. Mr. Kabiri noted that this development would allow for the City to get a large chunk of the roadway built now, which would help our benefit cost analysis for future grant applications.

Councilmember Griffon asked if this development would need a possible TIRZ and/or PID from the City. City Manager Kabiri stated that historically, the Council has been in opposition to management districts and municipal utility districts. He stated that the use of a TIRZ and a Public Improvement District (PID) would allow this infrastructure to be developed and paid for, without establishing an additional tax on the homeowners and future homeowners out there in perpetuity. He noted that once the infrastructure was paid for, the additional assessment would go away.

Councilmember Hanks stated that there are a lot of abandoned wells and maybe some abandoned pipelines and asked if the estimated \$33 million for the development considers what they may find and have to mitigate. Mr. Nunnally noted that the \$33 million is only for the building of major infrastructure but noted that they have already located every single well on the site and put that information on the land plan. He further noted that anything that showed a well was not used for as a lot but was allocated for another use.

City Manager Kabiri stated, separate from this endeavor, if Hines were to go away, the Houston Galveston Area Council did award the City a planning study to determine the alignment of the roadway, and they are waiting for the advanced funding agreement with the Texas Department of Transportation to get that effort started, but eventually the alignment is going to be determined and they are going to be utilizing the most advantageous corridor and connection points.

City Manager Kabiri stated that he has gathered from Council's direction and consensus to work towards the creation of a PID and TIRZ to get this project completed.

11. CITY MANAGER'S REPORT

A. Present the City of Friendswood Employee Service Awards.

City Manager Morad Kabiri presented the item and stated that this past December the City had its annual Christmas dinner at which the City recognized employees in 5-year increments for their service to the Friendswood community. He read through the names.

5-Year Category:

- Matthew Schmidt, Police Department,
- Blake Brazzel, Police Department,
- Juan Moreno, Police Department,

- Raul Ramos, Public Works
- Gabriela Salas, Police Department,
- David Slovarp, Fire Marshal's Office.
- Emily Peltier, Administrative Services, and
- Joshua Reagan, Parks and Recreation.

10-Year Category:

- Lieutenant James Price, Police Department,
- Nell Mathis, Administrative Services,
- Susan Ballard, City Attorney's Office.
- Katy Harris, City Manager's Office,
- Stephen Vavrecka, Public Works,
- Heather Van Dine, Engineering Department,
- Samuel Renderos, Public Works,
- Kevin Cahill, Police Department,
- Jeff Kimberly, Police Department.

15-Year Category:

- Erin Leitko, Police Department,
- Katina Hampton, Administrative Services,
- Nicholas McCanless, Police Department,
- Michael Boyett, Parks and Recreation,
- Mitchell Jeffcoat, Police Department,
- Aubrey Harbin, Community Development Department,
- Niki Bender, Fire Marshal's Office,
- Veronica Alam, Library,
- Jennifer Walker, Administrative Services,
- Karen Hart, Library,
- Glenda Faulkner, City Manager's Office.

20-Year Category:

- Norman Stuart, Human Resources,
- Mary Jones, Police Department,
- Dennis Center, Police Department,
- Edmund De La Cerda, Police Department,
- Clifton Duncan, Library,
- Justin Wagner, Police Department,
- Kim Ramirez, Parks and Recreation,
- Roger Stenstrom, Police Department,
- Tom Ferguson, Community Development Department.

25-Year Category:

- Lisa Price, Police Department.

B. Present an update regarding the City of Friendswood Annual Tree Give Away, now called the Friendswood Arbor Day Event.

City Manager Morad Kabiri presented the item and stated that in January, the City will have its annual tree giveaway, which has been renamed the Friendswood Arbor Day. It will take place on Saturday, January 21, 2023 at 8:00 a.m., at Centennial Park. There will be 100 large 7-gallon trees available while supplies last.

C. Present an update regarding Friendswood being voted a Top 5 Neighborhood for Families in Houston.

City Manager Morad Kabiri presented the item and stated that Friendswood was recently recognized as one of the top 5 neighborhoods in the City of the Houston Metro Area. The cities were not ranked; however, they said each of these cities deserved recognition for their outstanding quality of life that they provide the residents of their community.

City Manager Kabiri spoke briefly on an item not on the agenda. He stated that a couple months ago, Council approved a contract with Grant Works to identify use of the City's method of distribution dollars that the City got from H-GAC for Hurricane Harvey. The City's application was signed by City Manager Kabiri last week, and Friendswood is the only one in the area to have an application completed before the deadline. He complimented the Engineering staff for making this happen.

At 6:58 p.m., Mayor Foreman stated that Mayor Pro Tem Erenwert would be taking over the meeting, as he had a conflict of interest related to Item 12.A. Mayor Foreman further noted that he had filed the appropriate conflict of interest paperwork with the City Secretary prior to this meeting.

Mayor Pro Tem Erenwert moved on to consider agenda item 12.A.

12. BUSINESS ITEMS

A. Consider accepting the Official Newspaper Bid (2022-14) of Wood Land Publishing, Inc., d/b/a Reporter News, and approving a resolution designating such newspaper as the official newspaper of the City of Friendswood.

A motion was made by Councilmember Hanks and seconded by Councilmember Griffon to accept the Official Newspaper Bid (2022-14) of Wood Land Publishing, Inc., d/b/a Reporter News, and approve Resolution No. R2023-1, designating such newspaper as the official newspaper of the City of Friendswood. The vote was the following:

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

Nays: None.

Abstain: Mayor Mike Foreman (conflict of interest).

The item passed.

RESOLUTION NO. R2023-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, DESIGNATING THE REPORTER NEWS AS THE OFFICIAL NEWSPAPER OF THE CITY OF FRIENDSWOOD; AND PROVIDING FOR AN EFFECTIVE DATE.

At 7:00 p.m., Mayor Foreman returned to the meeting and resumed his duties as presiding officer.

B. Consider approving an Architectural Design Services Agreement with McLemore Loung Architects for design and engineering services for a conceptual design of the City Council Chamber Remodel Project (RFQ 2022-16), which will be funded through restricted PEG (public, educational and governmental) fee reserves.

This item approves an Architectural Design Services Agreement with McLemore Loung Architects, LLC, for design and engineering services for a conceptual design of the City Council Chamber Remodel Project (the "Project") in an amount not to exceed \$31,750. Restricted PEG fee reserves will be the funding source for the City this Project, including this architectural design services agreement expense.

The scope of work includes architectural and engineering services for a conceptual design for the renovation of the existing Council Chamber, which design shall include technology upgrades for presentations, recordings, streaming and other AV equipment, lighting upgrades, repainting, replacing flooring, installing security systems, and the dais and seating.

A motion was made by Councilmember Branson and seconded by Councilmember Hanks to approve an Architectural Design Services Agreement with McLemore Loung Architects for design and engineering services for a conceptual design of the City Council Chamber Remodel Project (RFQ 2022-16). The vote was the following:

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

Nays: None.

The item passed unanimously.

C. Consider authorizing a contract with the Friendswood Historical Society in the amount of \$15,000 for the maintenance and preservation of historical sites in the City.

Mayor Foreman stated that he wanted to take the lead on this item and made a motion to authorize a contract with the Friendswood Historical Society in the amount of \$17,500 for the maintenance and preservation of historical sites in the City. Mayor Foreman stated that he had worked with staff to find an additional \$2,500 from the Council's existing 2022-23 budget, in the Travel Expenses and Reimbursement line item to help the Historical Society cover cost increase related to their insurance.

A motion was made by Mayor Foreman and seconded by Councilmember Hanks to approve a contract with the Friendswood Historical Society in the amount of \$17,500. 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 Mayor Pro Tem Brent Erenwert.

Nays: None.

The item passed unanimously.

D. Consider authorizing a Master Intergovernmental Cooperative Purchasing Agreement with National Intergovernmental Purchasing Alliance Company, d/b/a OMNIA Partners, Public Sector, and Communities Program Management, LLC, d/b/a U.S. Communities.

This item authorizes a Master Intergovernmental Cooperative Purchasing Agreement with National Intergovernmental Purchasing Alliance Company, d/b/a OMNIA Partners, Public Sector, and Communities Program Management, LLC, d/b/a U.S. Communities for an evidence storage solution for the evidence room at the Public Safety Building. This agreement will allow the City to take advantage of bids for various goods and services, not just the evidence storage solution.

A motion was made by Councilmember Hanks and seconded by Councilmember Branson to authorize a Master Intergovernmental Cooperative Purchasing Agreement with National Intergovernmental Purchasing Alliance Company, d/b/a OMNIA Partners, Public Sector, and Communities Program Management, LLC, d/b/a U.S. Communities. The vote was the following:

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

Nays: None.

The item passed unanimously.

E. Consider approving a contract with Southwest Solutions Group for an evidence storage solution for the evidence room at the Public Safety Building through Omnia Partners.

A motion was made by Councilmember Scott and seconded by Councilmember Hanks to approve a contract with Southwest Solutions Group for an evidence storage solution, freight, and installation for the evidence room at the Public Safety Building through Omnia Partners in the amount of \$70,208. The vote was the following:

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

Nays: None.

The item passed unanimously.

F. Consider awarding the 2020 Lift Station Mitigation Package 2 / Harvey Lift Station Repairs and Mitigation Project to McDonald Municipal & Industrial, a Division of C.F. McDonald Electric, Inc. (Bid No. 2022-22).

McDonald Municipal & Industrial, a Division of C.F. McDonald Electric, Inc., was determined to be the lowest responsive bidder for this project with a base bid of \$1,870,469 and bid of \$12,000 for additional non-mitigation items, or a total stipulated price of \$1,882,469. A combination of FEMA funds, insurance proceeds, and sewer bonds will be used to fund this project.

A motion was made by Councilmember Scott and seconded by Councilmember Hanks to award the 2020 Lift Station Mitigation Package 2 / Harvey Lift Station Repairs and Mitigation Project to McDonald Municipal & Industrial, a Division of C.F. McDonald Electric, Inc. (Bid No. 2022-22). The vote was the following:

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

Nays: None.

The item passed unanimously.

G. Consider authorizing the Second Amendment to the Standard Form of Agreement -- Engineering with Garver, LLC, for engineering and technical services pertaining to the design, bidding and construction of (i) the Clear Creek Crossing Project and (ii) the Ground Storage Tank and Pump Improvements at Surface Water Plant #1 Project.

This item authorizes a Second Amendment for the design, bidding, and construction phase services in an amount not to exceed one million one hundred fifty-five thousand eight hundred eight and 40/100 dollars (\$1,155,808.40) for the following two projects:

Project No.	Project Title	Description
1	Clear Creek Crossing	This project includes approximately 7,000 linear feet of new 24-inch water line to be placed in parallel to the existing transmission line along E. Edgewood Drive (FM 2351) from the intersection with Blackhawk Blvd and ending at the intersection near Friendswood Dr. This alignment crosses two streams, Clear Creek and Mary's Creek.

Project No.	Project Title	Description
14	New GST and Pump Improvements at SWP 1	This project includes a new 0.5-million-gallon ground storage tank, yard piping and pump replacements, which improvements are intended to increase the pumping capacity of SWP 1 and balance distribution of water supply from SWP 1 and SWP 2.

At its October 3, 2022 meeting, Council heard an update from Garver on a comprehensive list of water projects identified as needs within the City of Friendswood. These two projects were included in that update.

The Clear Creek Crossing project was identified as the City's highest priority capacity-driven project which will improve the flow of water from Surface Water Plant 2 (adjacent to Timber Creek Golf Club) to Elevated Storage Tank 2 (adjacent to Friendswood High School). This project will resolve existing system transmission main capacity deficiencies and will provide capacity to meet projected growth in system demands.

The New Ground Storage Tank ("GST") and Pump Improvements at Surface Water Plant ("SWP") 1 project is condition-driven. Due to the existing structural condition of GST 1 at SWP 1, it was recommended the tank be demolished and a new steel welded tank be installed. After a geotechnical investigation is concluded, it will be determined if a tank slightly larger than 0.5 million gallons can be constructed given the site's design constraints.

The funding for these projects will largely come from the American Rescue Plan Act ("ARPA") dollars received by the City.

A motion was made by Councilmember Rockey and seconded by Councilmember Branson to authorize the Second Amendment to the Standard Form of Agreement -- Engineering with Garver, LLC, for engineering and technical services pertaining to the design, bidding and construction of (i) the Clear Creek Crossing Project and (ii) the Ground Storage Tank and Pump Improvements at Surface Water Plant #1 Project. The vote was the following:

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

Nays: None.

The item passed unanimously.

13. PROPOSED RESOLUTIONS & ORDINANCES

A. Consider an ordinance amending the City's General Budget for Fiscal Year 2022-2023 by approving "Budget Amendment III" and providing for supplemental appropriation and/or transfer of certain funds.

This ordinance approves budget amendments for the following:

1. Unencumbered Capital, \$69,803. Re-appropriate funds budgeted for capital expenditures in fiscal year 2021-22; but not expensed at fiscal year-end September 30, 2022. Goods and services will be received and expensed in fiscal year 2022-23. 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.
2. Forest Bend Detention Pond – Construction Pay Application #3 & #4, \$351,659. Appropriate advanced funding for Jerdon Enterprise Pay Application #3 and #4 for the construction of the Forest Bend Detention Pond. The City applied for and was awarded a reimbursement grant through the 2017 Community Development Block Grant – Disaster Recovery with Harris County to engineer and construct offline detention in coordination with the Forest Bend Homeowners Association. The funding source will be unassigned general fund balance and will be reimbursed once grant funding has been received from the grantor.
3. Public Safety Building Expansion & Renovation – Expenditures in excess of Bond Funds, \$33,101. Appropriate funds for cost overruns on the Public Safety Building Expansion and Renovation. Deferred maintenance items and high levels of construction inflation have led to the need for additional funding to complete the Public Safety Building Expansion project. This appropriation will cover a Rooftop Air Handling Unit Design change order, the relocation of a steel support beam, and additional funding for the Audio/Video connections in the Emergency Operations Center and Police Department Training Room. Funding source will be unassigned general fund balance.
4. City Secretary's Office – Scholarship for Renee Kross, \$325. Appropriate scholarship received by Renee Kross from Texas Municipal Clerks Association (TMCA) for registration fees. Funding will be appropriated to the City Secretary's training account to reimburse the expenditure.
5. Blackhawk Public Works, Engineering & Parks Facility Renovation – \$5,066,380. Appropriate various funding sources for contract awarded at the December 5, 2022, Council Meeting to renovate the Blackhawk Facility. Deferred maintenance items, project scope expansion, and high levels of construction inflation have led to the need for additional funding to complete the Blackhawk Facility project. Funding sources will be: \$518,972 (currently a planned use) from General Fund, \$535,337 from Water Sewer Working Capital (reimbursable by DAC funds), \$2,279,871 from 2018 Water Sewer Bond Construction Fund, and \$1,732,200 remaining in 2020 General Obligation Bonds.
6. Police Investigation Fund, Evidence Storage Locker - \$70,208. Appropriate asset forfeiture funds to the Police Investigation Fund (PIF) operating services account. The police department needs to increase the capacity for physical evidence storage at the PSB. The Spacesaver high-capacity evidence storage solution from Southwest Solutions will double storage capabilities in the evidence room. The current system, which utilizes

traditional tier shelving racks, allows for a maximum capacity of 156 evidence tubs. The new high density storage shelving system will increase the capacity to 360 tubs and provide evidence processing area with a laminate top, drawer, and storage for supplies. Additionally, storage will be added to the weapons evidence room. The new sliding unit proposed by Southwest Solutions will provide storage for approximately 80-120 long guns (current estimate is 40-50 long guns) and 320-boxed handguns (current estimate is 150). The funding source will be Police Investigation Federal unassigned fund balance.

7. Police Department - Vehicle Insurance Reimbursement, \$17,548. Appropriate insurance reimbursements received from Texas Municipal League Intergovernmental Risk Pool. The emergency response vehicles were damaged in the line of duty and require repairs to be placed back in service. Funding will be appropriated to the Police Department Patrol division vehicle maintenance account for repairs made to units P427 and P430.
8. Parks & Recreation – Donation for Plaque, \$100. Appropriate donation received from the Steinke family. The donation will go towards the purchase of a plaque in honor of Loretta Murphy. Funds will be appropriated to the Parks and Recreation Department's, Parks division, operating supplies budget.
9. Centennial Park Concrete Wall - Lakes of Falcon Ridge Reimbursement, \$208,094. The City and the Lakes of Falcon Ridge HOA have a Partnership Agreement in which each entity agrees to share the cost equally. The cost-share portion of the Partnership Agreement was received in-full from the Lakes of Falcon Ridge HOA. Funding will reimburse general fund balance.
10. Lift Station Mitigation- Package #2. (Hurricane Harvey), \$1,882,469. Appropriate various funding sources for lift station repairs. The city received funds from TML-IRP to make repairs to lift stations #5, #13, #24, and #25 due to damages caused by Hurricane Harvey. The funding sources will be funds received in 2018 and 2019 from TML-IRP currently held in Water Sewer Working Capital, supplemental funding from Water Sewer Working Capital, and 2018 Water Sewer Bond Construction Funds.

A motion was made by Councilmember Scott and seconded by Councilmember Branson to approve Ordinance No. 2023-3, related to Item 13.A, as submitted. The vote was the following:

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

Nays: None.

The item passed unanimously.

ORDINANCE NO. 2023-3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING ORDINANCE NO. 2022-19, PASSED AND APPROVED AUGUST 29, 2022, SAME BEING AN ORDINANCE APPROVING AND ADOPTING THE CITY'S GENERAL BUDGET FOR FISCAL YEAR 2022-23, BY APPROVING "BUDGET AMENDMENT III" THERETO; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; PROVIDING OTHER MATTERS RELATED TO THE SUBJECT; AND PROVIDING FOR THE EFFECTIVE DATE.

14. CONSENT AGENDA

A motion was made by Councilmember Scott and seconded by Mayor Pro Tem Erenwert to approve the Consent Agenda, Items 14.A through 14.I. The vote was the following:

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

Nays: None.

The item passed unanimously.

- A. Consider an ordinance amending Chapter 2 "Civil Emergencies," Article I "In General," Section 22-1 "Definitions"; Article II "Emergency Management," Section 22-24 "Authority to participate in countywide emergency management plan," Section 22-25 "Emergency management director," Section 22-27 "Organization," Section 22-29 "Expenditure of public funds," and Section 22-30 "Oath of personnel assigned functions or responsibilities"; and Article III "Assistance to Counties and Other Cities," Section 22-58 "Authority of city officials to furnish assistance" and Section 22-59 "Rights and duties of officers" of the Friendswood City Code; and repealing Chapter 22 "Civil Emergencies," Article II "Emergency Management," Section 22-58 "Interlocal agreement adopted" of the Friendswood City Code; to update definitions, duties, authority and references for emergency management activities.**

ORDINANCE NO. 2023-4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING CHAPTER 2 "CIVIL EMERGENCIES," ARTICLE I "IN GENERAL," SECTION 22-1 "DEFINITIONS"; ARTICLE II "EMERGENCY MANAGEMENT," SECTION 22-24 "AUTHORITY TO PARTICIPATE IN COUNTYWIDE EMERGENCY MANAGEMENT PLAN," SECTION 22-25 "EMERGENCY MANAGEMENT DIRECTOR," SECTION 22-27 "ORGANIZATION," SECTION 22-29 "EXPENDITURE OF PUBLIC FUNDS," AND SECTION 22-30 "OATH OF PERSONNEL ASSIGNED FUNCTIONS OR RESPONSIBILITIES"; AND ARTICLE III "ASSISTANCE TO COUNTIES AND OTHER CITIES," SECTION 22-58

"AUTHORITY OF CITY OFFICIALS TO FURNISH ASSISTANCE," AND SECTION 22-59 "RIGHTS AND DUTIES OF OFFICERS" OF THE FRIENDSWOOD CITY CODE; REPEALING CHAPTER 22 "CIVIL EMERGENCIES," ARTICLE II "EMERGENCY MANAGEMENT," SECTION 22-58 "INTERLOCAL AGREEMENT ADOPTED" OF THE FRIENDSWOOD CITY CODE; TO UPDATE DEFINITIONS, DUTIES, AUTHORITY AND REFERENCES FOR EMERGENCY MANAGEMENT ACTIVITIES; PROVIDING A MAXIMUM PENALTY OF FIVE HUNDRED AND NO/100 DOLLARS (\$500.00); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

- B. Consider authorizing the First Amendment to the Lease Agreement with the Friendswood Community Church, d/b/a the Harbor, to extend the agreement for a six-month period.**

This First Amendment extends the Lease Agreement with the Friendswood Community Church, d/b/a the Harbor for an additional six months under the same terms and conditions through July 31, 2023.

- C. Consider authorizing the City Manager to negotiate and execute an Election Services Contract with Galveston County, Texas, for the City's General Election to be held on May 6, 2023.**

This item authorizes the City Manager to negotiate and execute an Election Services Contract with Galveston County, Texas, (the "County") for the City's General Election to be held on May 6, 2023, for the purpose of electing Councilmembers for Position Nos. 2 and 5.

- D. Consider authorizing the City Manager to negotiate and execute a Joint Election Agreement with Harris County for the City's General Election to be held on May 6, 2023.**

This item authorizes the City Manager to negotiate and execute a Joint Election Agreement with Harris County for the City's General Election to be held on May 6, 2023, for the purpose of electing Councilmembers for Position Nos. 2 and 5.

- E. Consider appointing Mr. Mark Crawford to the Friendswood Library Advisory Board to complete the unexpired three-year term left by Ms. Kathy Molinaro commencing immediately and ending on June 30, 2025.**

This item allows Council to appoint Mr. Mark Crawford to complete the unexpired three-year term left by Ms. Kathy Molinaro who, at this time, is not able to attend the board meetings. If appointed, such term will commence immediately and will expire on June 30, 2025.

- F. Consider accepting the Avalon at Friendswood Section Two Public Utilities Construction Project, and the commencement of the contractor's one-year maintenance period.**

- G. Consider authorizing the final acceptance of the Friendswood Trail Boulevard Extension Public Paving and Water Line Improvements Project at the completion of the contractor's one-year maintenance period and release of the maintenance bond.**

This agenda item is to authorize the final acceptance of the Friendswood Trail Boulevard Extension public paving and waterline improvements and to formally release that bond.

H. Consider approving the ad valorem tax report for November 2022.

I. Consider approving the minutes of the City Council Regular Meeting held on December 5, 2022.

This item allows the City Council to review and approve the minutes of the City Council Meeting held on December 5, 2022.

15. EXECUTIVE SESSION

A. Recess into and conduct an executive session pursuant to Section 551.071 of the Texas Government Code to seek the advice of the City's attorneys regarding Cause No. 01-20-00398-CV; City of Friendswood v. Tostado, in the Court of Appeals for the First District of Texas at Houston.

B. Recess into and conduct an executive session pursuant to Section 551.074 "Personnel Matters" of the Texas Government Code to deliberate the annual performance of the City Attorney.

At 7:06 P.M. Mayor Foreman recessed and convened into an executive session pursuant to:

- Section 551.071 of the Texas Government Code to seek the advice of the City's attorneys regarding Cause No. 01-20-00398-CV; City of Friendswood v. Tostado, in the Court of Appeals for the First District of Texas at Houston; and
- Section 551.074 of the Texas Government Code to deliberate the annual performance of the City Attorney.

At 7:38 P.M., Mayor Foreman reconvened the regular meeting and announced that in accordance with Section 551.102 of the Texas Government Code, no action was taken in executive session.

16. DISCUSSION AND POSSIBLE ACTION

A. Consider and take possible action regarding the City Attorney's annual review.

A motion was made by Councilmember Branson and seconded by Councilmember Rockey to approve a 3.75% increase to the City Attorney's salary. The vote was the following:

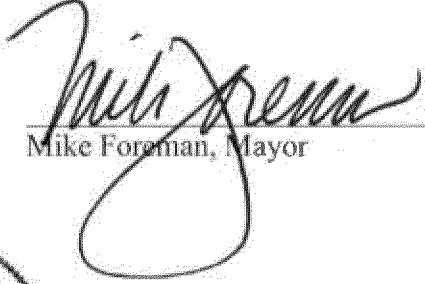
Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Councilmember Steve Rockey, Councilmember Sally Branson, Councilmember Robert J. Griffon, Councilmember John Scott, and Mayor Pro Tem Brent Erenwert.

Nays: None.

The item passed unanimously.

17. ADJOURNMENT

With there being no further business to discuss, Mayor Foreman adjourned the January 9, 2023, City Council Regular Meeting at 7:38 P.M.


Mike Foreman, Mayor

Attest:


Leticia Brysch, City Secretary

