

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF FRIENDSWOOD
OCTOBER 2, 2023**

THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD MET IN A REGULAR MEETING ON MONDAY, OCTOBER 2, 2023, 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:

Steve Rockey	Mayor Pro Tem
Sally Branson	Councilmember
Trish Hanks	Councilmember
Robert Griffon	Councilmember
Joe Matranga	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.; all members were present.

2. INVOCATION

The invocation was led by Pastor Bobby Kirkpatrick of 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.

Mayor Foreman proceeded to consider Item 5 prior to Item 4.

4. COUNCIL COMMENTS AND REPORTS

Mayor Pro Tem Rockey stated that the Library Gala, which was held this past Saturday, September 30th had been a big success. He noted that the group is still tallying the bills and they would know in a few weeks how much funding was collected.

Mayor Foreman thanked Matt Riley, Library Director, on doing such a great job with the Library Gala.

Councilmember Branson echoed Mayor Pro Tem Rockey's sentiment on the gala and noted that it was a pretty cool event. She noted that she had attended and was incredibly impressed with how the theme of

“Through the Looking Glass” brought to life the world of Alice in Wonderland. The food and decorations were wonderful, and everyone had a great time.

Councilmember Hanks echoed the same sentiments on the gala, and noted she was so pleased to see how many residents volunteered their time and talents into making the gala so special. Councilmember Hanks thanked all the staff members and volunteers for their hard work on this huge endeavor. Councilmember Hanks also thanked the other councilmembers as this past month, they have been playing musical chairs with their committee assignments, so they have subbed for each other as needed. Lastly, Councilmember Hanks reminded the public that the Friendswood High School Homecoming parade is scheduled for this Thursday and encouraged everyone to drive carefully.

Councilmember Matranga mentioned some of the upcoming great activities, such as, the Friendswood Education Foundation's sporting clay shoot to raise money for FISD scheduled for Friday, the Good Shepherd Church on Winding Way is hosting their Paw Fest, from 2:00 p.m. -7:00 p.m. on Saturday, and the Hippe Hounds Gala for the Three Little Pitties Rescue is on Saturday evening to raise monies for their animal rescue operations.

Mayor Foreman stated that this year's Library Gala was awesome and thanked everyone who participated in the event.

5. PUBLIC COMMENT

Ms. Kelly Browning requested to speak before the Council regarding Friendswood's parks. She stated that she and her family love the parks and gave Council some ideas of what she would like to see in her local parks. Items included:

- enhancing the parks and trails system down FM 528, closer to Alvin,
- adding some type of multi-use space that would be for adaptive play, maybe for children with sensory issues,
- adding a skate and/or bike park for teenagers, and
- some type of recreation building where for indoor programming; including summer and after-school programs for school-age children.

Mr. David Allen requested to speak before Council regarding his concerns with (1) the UN's replacement migration program, (2) the immigration issues at the southern border of Texas with Mexico, (3) the potential of another shutdown, and (4) oaths of office.

6. COMMITTEES OR SPECIAL REPORTS

A. Receive the Senior Citizens Advisory Committee Annual Report.

City Manager Morad Kabiri stated that the report was included in the agenda packet, and if the Council had any questions, staff would try and answer them. Mr. Kabiri noted that the Senior Program was very active this past year and the members were very appreciative of the Council's continued support, particularly with the new vans to replace the broken-down bus.

B. Receive the Friendswood Chamber of Commerce Annual Report.

Mr. Dan Garza, Treasurer of the Friendswood Chamber of Commerce's Executive Board, presented the item and gave the Council an overview of their activities and programs of the last year. Mr. Garza stated that the Chamber works to provide small business owners with ways to stay informed and to promote their goods and services. He noted that the Chamber's work with state and local governments as well as elected officials to ensure they are represented in the communities where they do business.

Mr. Garza stated that the Chamber's Annual Report was submitted to the Council, but touched upon the following programs/events that it hosts:

- State of the City Luncheon where the mayor shares updates and insights of the City's operations and activities;
- Spring Chamber Reception, otherwise known as Party on the Patio that is open to all local businesses.
- Safety Awareness Seminars held by the Friendswood Police Department, and
- Candidate Forum, also known as Meet and Greet, for local and area related elections.

Mr. Garza also noted the Chamber's involvement in the following items:

- Provides a location for hurricane awareness and preparation seminars held by the Friendswood Fire Marshal's Office.
- Partners with the City to help create:
 - Santa in the Park,
 - the Annual Christmas Parade,
 - Halloween in the Park,
 - the 4th of July Parade,
 - the Annual Car Show, and
 - many other events throughout the year.

Mr. Garza noted that Friendswood continues to thrive as a community and there is continued growth in the city as well as in the Chamber. He noted that the Chamber remains ready and willing to work with the City of Friendswood and other local stakeholders on programs and initiatives that will benefit the Friendswood community. Mr. Garza concluded his comments by extending the gratitude of the Chamber staff and Executive Board.

Mayor Foreman thanked Mr. Garza for the report and the Chamber for its continued partnership with the city.

7. CITY MANAGER'S REPORT

A. Receive an update on the Friendswood Library Annual Poetry Festival

City Manager Morad Kabiri presented the item and stated the Library is hosting its Annual Poetry Festival on November 4th. He noted that this festival has continued to grow over the past several years,

and now includes participants from all over the world to include India, England, and Canada, as well as local folks in and around the Houston metro area.

B. Receive an update regarding Friendswood being named one of the 10 Safest Cities in Texas.

City Manager Morad Kabiri presented the item stated that he was not surprised that Friendswood was designated the third safest city in Texas. He noted that Friendswood has continually been ranked favorably for its safety and that is due in large part to its outstanding Police Department. Mr. Kabiri stated that while he was on the subject of the city's amazing PD, he wanted to mention that recently the City's Police Chief, Bob Weiners, announced that due to health reasons he is retiring at the end of the month. Mr. Kabiri noted that Chief Weiners has been an amazing and integral part of this community, and for that, he wanted to thank him and celebrate him for that and his many other accomplishments. Mr. Kabiri stated that staff will work on his retirement celebration to be held at a later date.

Councilmember Hanks stated she knew that everyone; including Council, staff and the community at large want to celebrate Chief Wiener. She stated that he is an incredible person that this community has been so blessed and so fortunate to have for so long, as the leader of the Friendswood Police Department and the man responsible for everyone's safety, he has built a first-class, police department. Councilmember Hanks stated that she had the pleasure of working very closely with Chief Wiener when she served as the Fisd superintendent and noted that in her experience, Chief Wiener is a man of character, who is trustworthy, and always has the citizens of Friendswood in his heart first. With that, she closed her remarks by saying that she and the Council want to celebrate him, thank him for his service, and let him know how much he is loved and appreciated.

C. Receive an update regarding National Night Out on October 3.

City Manager Morad Kabiri presented the item and stated that the Police Department and Fire Volunteer Fire Department, and the Marshal's Office will be participating in National Night Out that is set to take place tomorrow night. He noted that this is an opportunity for folks in the community to get to know one another's neighbors and visit with the City's amazing folks in law enforcement and public safety.

D. Receive an update regarding traffic control signage on Bay Area Blvd. at Grissom Road.

City Manager Morad Kabiri presented the item and stated that residents will notice later this week that there will be a stop sign installed at Grissom Road and Bay Area Boulevard. He noted that while Grissom Road is outside of Friendswood, the intersection is in our city limits, and after a number of incidents at this intersection, it determined, through the appropriate studies, that a multi-way stop sign is warranted. So, there will be a stop sign on Bay Area Boulevard for vehicles traveling on Bay Area Boulevard at Grissom Road.

8. BUSINESS ITEMS

- A. Consider awarding the Demolition and Removal Services Contract for Deepwood (Bid No. 2023-16) to Arkitektura Development, Inc.**

A motion was made by Councilmember Branson and seconded by Mayor Pro Tem Steve Rockey, to award the Demolition and Removal Services Contract to Arkitektura Development, Inc. in the amount of \$2,762,650.00. The vote was the following:

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

Nays: None.

The item passed unanimously.

9. PROPOSED RESOLUTIONS & ORDINANCES

- A. Consider on first reading an ordinance amending Chapter 30 "Fire Protection and Prevention," Article II "Fire Marshal," Section 30-21 "Office created; appointment" of the Friendswood City Code to rename such section and "Office created" and to reflect that such office is within the Emergency Services Department.

City Manager Morad Kabiri reminded the Council that this item allows for the restructuring of the Fire Marshal's Office, which will be renamed the Emergency Services Department. This will also change the title of the current Fire Marshal, Brian Manfield to Emergency Services Director, and the role of Fire Marshal will move to Brian Holmes.

A motion was made by Councilmember Hanks and seconded by Councilmember Branson to approve the first reading of a proposed ordinance, as submitted. The vote was the following:

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

Nays: None.

The item passed unanimously.

PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING CHAPTER 30 "FIRE PROTECTION AND PREVENTION," ARTICLE II "FIRE MARSHAL," SECTION 30-21 "OFFICE CREATED; APPOINTMENT" OF THE FRIENDSWOOD CITY CODE TO RENAME SUCH SECTION AS "OFFICE CREATED" AND TO REFLECT THAT SUCH OFFICE IS WITHIN THE EMERGENCY SERVICES DEPARTMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

- B. Consider on first reading an ordinance amending Appendix D "Schedule of Fees, Rates, Charges, Deposits, Bonds, and Insurance Amounts" of the Friendswood City Code to update the earthwork permit fees, to establish floodplain development permit fees and sitework permit fees, and to codify fees for temporary street banners.**

A motion was made by Councilmember Hanks and seconded by Councilmember Griffon to approve the first reading of a proposed ordinance, as submitted. The vote was the following:

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

Nays: None.

The item passed unanimously.

PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING APPENDIX D "SCHEDULE OF FEES, RATES, CHARGES, DEPOSITS, BONDS AND INSURANCE AMOUNTS" OF THE FRIENDSWOOD CITY CODE TO UPDATE EARTHWORK PERMIT FEES, TO ESTABLISH FLOODPLAIN DEVELOPMENT PERMIT FEES AND SITEWORK PERMIT FEES, AND TO CODIFY FEES FOR TEMPORARY STREET BANNERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY, PUBLICATION AND THE EFFECTIVE DATE.

- C. Consider a resolution setting a time date and place for a public hearing to discuss and review the proposed updated land use assumptions, capital improvements plan, and the imposition of impact fees.**

City Manager Morad Kabiri presented the item and stated that this proposed resolution simply calls on the public hearing for October 26, 2023, for the Planning and Zoning Commission and December 4, 2023, for City Council. He noted that at this time, the City does not have an estimated fee as Freese & Nichols is currently working on that study. However, that estimated fee amount must be a part of the publication, so it will be on hand prior for placement in the notice of public hearing.

City Engineer, Jil Arias, stated in response to a question of when the City anticipates having the estimated fee amount, that staff will be meeting with Freese & Nichols this week, which should give staff an indication of what that amount is going to look like. Mr. Arias reminded the Council that this item all follows the step-by-step process as outlined by the Texas Local Government Code, so staff will be present the information to the Planning and Zoning Commission first, and then take the information along with the Commission's recommendation to the Council for final approval.

A motion was made by Councilmember Branson and seconded by Councilmember Matranga to approve Resolution No. R2023-23, as submitted. The vote was the following:

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

Nays: None.

The item passed unanimously.

RESOLUTION NO. R2023-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, SETTING A TIME, DATE AND PLACE FOR A PUBLIC HEARING TO DISCUSS AND REVIEW THE PROPOSED UPDATED LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, MAXIMUM IMPACT FEE PER SERVICE UNIT AND THE CORRESPONDING ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. Consider a resolution accepting a grant from the Texas Division of Emergency Management for the Hazard Mitigation Grant Program related to FEMA-DR-4586, Texas Severe Winter Storms, for the City of Friendswood Portable Generator Project; designating the City Manager as the Subrecipient Agent for all purposes under such grant; and authorizing a cash match.**

City Engineer, Mr. Jil Arias presented the item and stated that this grant was recently awarded for DR4586 in order to purchase a 200-kilowatt diesel generator. Mr. Arias noted that this request was in response to Winter Storm Yuri, when everybody was hammering the natural gas system, and the City's natural gas generators had trouble firing up. This grant will help the city moving forward should it be in the same Uri situation, and once purchased the generator can be moved to any facility as needed.

A motion was made by Councilmember Branson and seconded by Councilmember Griffon to approve Resolution No. R2023-23, related to Item 9.D, as submitted. The vote was the following:

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

Nays: None.

The item passed unanimously.

RESOLUTION NO. R2023-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, ACCEPTING A GRANT FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT FOR THE HAZARD MITIGATION GRANT PROGRAM RELATED TO FEMA-DR-4586, TEXAS SEVERE WINTER STORMS, FOR THE CITY OF FRIENDSWOOD PORTABLE GENERATOR PROJECT; DESIGNATING THE CITY MANAGER AS THE SUBRECIPIENT AGENT FOR ALL PURPOSES UNDER SUCH GRANT; AUTHORIZING A CASH MATCH IN THE AMOUNT OF TWELVE THOUSAND FIVE HUNDRED SEVENTY AND NO/100 DOLLARS (\$12,570.00); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

10. CONSENT AGENDA

Councilmember Griffon requested to pull Consent Agenda Items, 10.D, 10.E, and 10.G. for separate discussions and votes.

A motion was made by Councilmember Rockey and seconded by Councilmember Hanks to approve the Consent Agenda, Items 10.A through 10.R., with the exception of Items 10.D, 10.E, and 10.G. The vote was the following:

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

Nays: None.

The item passed unanimously.

- A. Consider on final reading an ordinance amending the Friendswood City Code by adopting a new Appendix A "Signs," which updates the current sign regulations, including amendments clarifying definitions, making administrative changes, incorporating the visibility triangle drawing, expanding the prohibition of LED window lights to all zoning districts, updating the political sign section in accordance with the Texas Election Code, allowing additional signage on fuel canopies, and making other amendments.**

ORDINANCE 2023-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, REPEALING APPENDIX A "SIGNS" OF THE FRIENDSWOOD CITY CODE; AMENDING THE FRIENDSWOOD CITY CODE BY ADDING A NEW APPENDIX TO BE NUMBERED AND ENTITLED APPENDIX A "SIGNS" TO MAKE CHANGES TO THE SIGN CODE, INCLUDING, BUT NOT LIMITED TO, CLARIFYING AND ADDING DEFINITIONS; ESTABLISHING A SIGN ADMINISTRATOR; FORMALIZING THE REFERENCE TO PERMIT FEES AND REQUIRED INSPECTIONS; ADDING PROVISIONS TO REVOKE PERMITS; RELOCATING

MEASUREMENT STANDARDS TO A NEW SECTION FOR CLARITY; INCORPORATING THE VISIBILITY TRIANGLE DRAWING; EXPANDING THE PROHIBITION OF LED WINDOW LIGHTS TO ALL ZONING DISTRICTS; ADDING FLAG BANNERS AND INFLATABLE SIGNS; AND TETHERED BALLOONS GREATER THAN 18 INCHES IN DIAMETER TO THE LIST OF PROHIBITED SIGNS; ADDING MORE SPECIFIC CRITERIA TO ILLUMINATION SPECIFICATIONS; AMENDING PROVISIONS RELATED TO TEMPORARY SIGNS (BANNERS) AND GRAND OPENING SIGNS; ADDING A PROVISION FOR CONSTRUCTION SIGNS; UPDATING THE POLITICAL SIGN REGULATIONS IN ACCORDANCE WITH THE TEXAS ELECTION CODE; INCORPORATING REVISIONS TO STREET BANNER REQUIREMENTS; ALLOWING ADDITIONAL SIGNAGE OF FUEL CANOPIES; UPDATING NONCONFORMING SIGNS; CHANGING THE REQUIREMENTS FOR WALL SIGNS EXCEEDING THE ROOFLINE TO ALLOW MORE FLEXIBILITY; AND ADDING PROVISIONS FOR APPEALS; 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 on final reading an ordinance approving amendments to Chapter 34, Floods to incorporate items from the model flood damage prevention ordinance as published by the Texas Water Development Board and National Flood Insurance Program (NFIP) ordinance guidelines including clarifying and adding definitions, administrative changes, adding a severability clause, and a penalty section.**

ORDINANCE 2023-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, REPEALING CHAPTER 34 "FLOODS" OF THE FRIENDSWOOD CITY CODE; AMENDING THE FRIENDSWOOD CITY CODE BY ADDING A NEW CHAPTER TO BE NUMBERED AND ENTITLED CHAPTER 34 "FLOODS" TO INCORPORATE ITEMS FROM THE MODEL FLOOD DAMAGE PREVENTION ORDINANCE AS PUBLISHED BY THE TEXAS WATER DEVELOPMENT BOARD AND NATIONAL FLOOD INSURANCE PROGRAM (NFIP) ORDINANCE GUIDELINES; AND ADDING PROVISIONS FOR APPEALS; 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.

- C. Consider a resolution approving an Agreement for Temporary Road Closure of State Right-of-Way with the State of Texas, through the Texas Department of Transportation, for the Friendswood Chamber of Commerce Holiday Lighted Parade on FM 518.**

RESOLUTION R2023-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AUTHORIZING AN AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY WITH THE STATE OF TEXAS FOR THE FRIENDSWOOD CHAMBER OF COMMERCE HOLIDAY LIGHTED PARADE; AND PROVIDING AN EFFECTIVE DATE.

- F. Consider a resolution designating Sally Branson as representative and Mike Foreman as alternate to the Houston-Galveston Area Council 2024 General Assembly and Board of Directors.**

RESOLUTION 2023-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, DESIGNATING THE CITY OF FRIENDSWOOD'S REPRESENTATIVE AND ALTERNATE TO THE GENERAL ASSEMBLY OF THE HOUSTON-GALVESTON AREA COUNCIL FOR THE YEAR 2024; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- H. Consider authorizing a contract with Galveston County Health District for Water Pollution and Abatement Services for 2023-2024.**

This item authorized the renewal contract with the Galveston County Health District (GCHD) for pollution control and abatement services. The required expenditure for this coming fiscal year contract is \$29,833.00. It will be funded out of the Public Works proposed FY23/24 annual operational budget.

- I. Consider ratifying the approval of the banner permit application for Good Shepherd Episcopal Church to advertise its annual Harvest Paw Festival.**
- J. Consider approving the disposal of a Friendswood Volunteer Fire Department vehicle through Public Surplus.**
- K. Consider ratifying an Amendment authorizing an increase in the City of Friendswood's monthly contribution rate to the Texas Emergency Services Retirement System on behalf of the Friendswood Volunteer Fire Department.**

This item ratified an Amendment authorizing an increase in the City of Friendswood's (the "City") monthly contribution rate to the Texas Emergency Services Retirement System (TESRS) on behalf of the Friendswood Volunteer Fire Department (FVFD), effective October 1, 2023.

By State statute, the contract with TESRS requires the City to participate as the governing body in the volunteer pension program that FVFD provides for their volunteer membership. This amendment increased the current pension by \$12.00 per month per volunteer, moving the pension amount from \$132.00 to \$144.00 per month per volunteer.

- L. Consider authorizing the final acceptance of the Ranch Express Public Paving Improvements Project.**
- M. Consider appointing (i) Barbara Blanchard and (ii) Terry McKee to the Fourth of July Steering Committee for a three-year term beginning November 1, 2023 and ending on October 31, 2026.**
- N. Consider appointing (i) Todd Mendenhall and (ii) Michael Fernandez to the Keep Friendswood Beautiful Committee for a three-year term beginning November 1, 2023 and ending October 31, 2026.**
- O. Consider appointing (i) Rosie Olivo, (ii) Dorothy Montz and (iii) Micheal Culp to the Senior Citizens Advisory Committee for a three-year term beginning November 1, 2023 and ending on October 31, 2026.**
- P. Consider approving the ad valorem tax report for August 2023.**
- Q. Consider approving the minutes of the City Council Special Meeting held on August 28, 2023.**
- R. Consider approving the minutes of the City Council Regular Meeting held on September 11, 2023.**

Councilmember Griffon made a motion to take Items 10.D. and 10.E. together for the purpose of discussion. Mayor Pro Tem Rockey seconded the motion. The vote was the following:

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

Nays: None.

The item passed unanimously.

- D. Consider a resolution nominating representatives to the Board of Directors of the Galveston Central Appraisal District for a term commencing on January 1, 2024.**
- E. Consider a resolution nominating a candidate to the Board of Directors of the Harris Central Appraisal District for a term commencing January 1, 2024.**

City Manager Kabiri presented the items and stated the Central Appraisal Districts are subdivisions of the state government that are composed of a board of directors who are responsible for (1) the hiring of their Chief Appraiser and (2) the approval of the budget that operates the Office of the Chief Appraiser. He noted that the two items being discussed request that the Council support the existing slate of candidates that will then be placed on a later ballot for a vote by all taxing entities within the respective counties; Galveston County and Harris County. Mr Kabiri further noted that the individuals that serve on this Board

of Directors are not allowed, by state law, to influence any single property's appraisal nor influence how the appraisal methods are done.

Mr. Kabiri noted that the individuals being considered for nomination have served in this capacity for a number of years and have had a decent job operating that office. He further noted that should the Council desire to nominate another candidate, that can be accomplished with this item, but noted that tier placement on the ballot does not guarantee they'll be elected and this placement on the board itself because of the many participating taxing entities.

Councilmember Griffon stated while he is aware that the board members don't have anything to do with the actual appraisals of the properties, he still had concerns about the increase in home values in Friendswood. He also noted that he did not agree with the 15% raise that the Board places in the Appraisal District's budget for salaries, every year for the last three years. Councilmember Griffon noted that in his opinion, the Board is tacitly approving these central appraisal values that continue to skyrocket, as such, he had no confidence in the existing members, and would be voting no on both items. Additionally, Councilmember Griffon voiced his concern that no one on the board was from Friendswood and thus, there was no one looking out for the wellbeing of Friendswoodians.

Councilmember Hanks stated that she served on this Galveston County Central Appraisal District Board of Directors for two years and she noted that in order to actually win an appointment, a candidate must have 800 votes for an automatic appointment, and those votes come from every taxing entity within the county. So, every school district, every city, water district, and any entity that taxes have a certain number of votes based on their appraised values; however, none of these have one-on-one representation, on this five-member board. Councilmember Hanks stated that the last time this item came up, they worked with other cities to find nominees that they could pool their votes for which would represent the northern part of Galveston County.

Councilmember Hanks confirmed Mr. Kabiri's comments and noted that it is against the law for them to get involved in the appraisal of any property, that duty is fully under the control of the Chief Appraiser who is required to have specific certifications and licenses to do this job. She further noted that the Chief Appraiser's salary is in line with those comparable counties from across the state.

Councilmember Hanks agreed that the appraisals have gone up, but not just in Galveston County, but for everybody across the state. She noted that this is due in part because of the State and its processes. She noted that six months after residents and taxing entities receive their property values, which is approximately on or before July 25th, the State Comptroller's Office notifies every school district in the state as to whether or not their appraisal districts valued their land value according to market value; and they have to be within 95% of what they believe it to be and when that doesn't happen, there are repercussions for the appraisal districts. She noted that a chief appraiser can be removed if the property values continue to be low and not within 95% of fair market value.

Councilmember Hanks further noted that there is a Constitutional Amendment on the November 7th election ballot that will change the constitution of appraisal boards and will add three elected positions to the existing five members. However, the only new thing that they will be able to do is hire the Appraisal Review, which is a nine-member panel in Galveston County that listens to all the appraisal protests when

people protest the appraisal of their property. Currently, that appointment process is done by a county judge, or a state judge.

Councilmember Griffon stated that the Appraisal Board is similar to the Council, in that, they approve the budget for the city, but they don't micromanage the City Manager, in turn the board approves the budget, and they don't micromanage the appraisals. However, if budgets are already skyrocketing, you cut the budget, you don't give raises and you don't increase the budget. Mayor Pro Tem Rockey stated that he also wanted to see a Friendswood resident serve on the board.

Councilmember Hanks reminded the Council that Cheryl Johnson, who is a resident of Friendswood and is the Galveston County Tax Assessor Collector, is a voting member of the Galveston County Central Appraisal District. Councilmember Hanks clarified that the Galveston County Central Appraisal District has six voting members, but only five members are actually appointed by the cities, the school districts, and any taxing in county, which are what they have been discussing.

The Council discussed identifying a nominee for this position that resided in Friendswood; such as former Councilmember John Scott. However, as no one had submitted a volunteer application for this position, and the Council had no one in mind that they could nominate in such a short time frame, Council decided to move forward with the current slate of officers and agreed to find someone for the next term.

City Manager Kabiri noted that the vote is only for the approval of the nominees, the ballot with the names of the candidates will be brought back to the Council for a vote. He noted that he believed that the Council's vote on the ballot must be submitted before December 15th, in order to be counted.

Mayor Pro Tem Rockey made a motion to approve Items 10.D. and 10.E. Councilmember Branson seconded the motion. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Mayor Pro Tem Steve Rockey, Councilmember Sally Branson, , Councilmember Joe Matranga.

Nays: Councilmember Robert J. Griffon and Councilmember Brent Erenwert

The items passed.

RESOLUTION 2023-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, NOMINATING ONE OR MORE CANDIDATES FOR POSITIONS ON THE BOARD OF DIRECTORS OF THE GALVESTON CENTRAL APPRAISAL DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2023-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, NOMINATING A CANDIDATE FOR A POSITION ON THE BOARD OF

**DIRECTORS OF THE HARRIS CENTRAL APPRAISAL DISTRICT; AND
PROVIDING AN EFFECTIVE DATE.**

G. Consider authorizing an interlocal agreement with the Harris-Galveston Subsidence District to participate in the WaterWise Conservation Program for 2023-2024.

Councilmember Griffon made a motion to take Items 10.G. for the purpose of discussion. Mayor Pro Tem Rockey seconded the motion. The vote was the following:

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

Nays: None.

The item passed unanimously.

Councilmember Griffon stated that this agreement with the Harris Galveston Subsidence District to participate in the Water Wise Conservation Program comes up every year in the amount of \$20,000, and he didn't agree with (1) using this money for this program when the City had such a tight budget this year and (2) did not believe that the City of Friendswood should be involved in anything that is indoctrinating children into believing that they won't be any water in 5, 10, or 20 years unless everyone does some kind of WaterWise, to save the water, or it's doom and gloom. Councilmember Griffon stated that this item should have been cut from the budget and he didn't understand why the City would be involved in this program at all.

Councilmember Rockey stated that as the City runs the water system, he believed that anything that helps conserve the water system ultimately helps the city save money. He noted that there are many needed and very expensive projects that the City is going to have to undertake in the next few years, and every little bit helps. So, to answer the question, why is the city involved with this program, because the city runs the water system.

City Manager Kabiri confirmed Councilmember Hanks comment that Mr. Johnson's who is on the Subsidized District Board, and the agency through which the city partners on this, came before the Council last year to ask for Council's support on their conservation efforts.

Councilmember Hanks requested an overview of the participation credits that the City receives with this program. City Manager Morad Kabiri noted that Friendswood, amongst other jurisdictions in Harris and Galveston County, is a member of the Subsidence District that was established by the State of Texas several decades ago. This district is the result of the overuse of groundwater, which resulted in the natural ground to subside, in some areas as much as 10 to 15 feet in elevation over the last 40 years. As such, entities were directed to use surface water as a main water source and Friendswood started getting its water from the Trinity River through the Houston Southeast Water Purification Plant.

Mr. Kabiri stated that by participating in this program, the City received groundwater credits, so if there is ever a need to use the groundwater pumps, similar to what was done earlier this year to supplement the

city's water supply, the City is not penalized. Friendswood is 80/20 as it relates to the use of surface water versus ground water, so if our thresholds are exceeded, the city will have to pay \$7 per thousand gallons of a disincentive or a penalty fee. So as an example, the City's water rates are 2.90 per 1,000 gallons, so a \$7 disincentive fee would hammer the budget pretty hard when considering that the community uses anywhere from 6 to 10 million gallons a day of water and for a that reason alone, the City has participated with this program for a number of years.

Councilmember Griffon asked if the City has ever had to use its water credits to the extent that they would be completely used and also wanted to know if there were other ways to accumulate these water credits outside of the WaterWise program. City Manager Kabiri stated that currently, these are the only credits the City gets. He further noted that the City has some credits that were accumulated that do not expire, however, starting about 10 years ago, some credits are no longer good in perpetuity and do expire. Mr. Kabiri stated that luckily, the City has not had to use these credits, but there may be a time when there will be a need to use them. For instance, about 2 years ago, when the 96-inch waterline went down in southeast Houston, the city's water supply was severely impacted, and staff had to switch to groundwater to supplement the water supply. There is just no way of being able to predict when something will happen outside of the staff's control or knowledge that will create a need for the use of these groundwater credits.

Director of Public Works, Mr. Rene Ibarra stated that these certificates or credits are for 450 million gallons of water and are also considered to be a part of TCEQ's required regulations and its State-mandated Water Conservation Plan. So, while WaterWise assists with the water credits, it also helps the City meet its public education portion of the State's Water Conservation Plan and TCEQ regulations.

Mayor Foreman asked staff if they recommended that the City participate in this program. Both Mr. Kabiri and Mr. Ibarra stated that they recommended that the City continue to participate in this program.

A motion was made by Councilmember Matranga and seconded by Councilmember Brason to authorize a contract with Galveston County Health District for Water Pollution and Abatement Services for 2023-2024. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Mayor Pro Tem Steve Rockey, Councilmember Sally Branson, Councilmember Joe Matranga, and Councilmember Brent Erenwert

Nays: Councilmember Robert J. Griffon.

The item passed.

11. EXECUTIVE SESSION

- A. Recess into and conduct an executive session pursuant to Section 551.071 of the Texas Government Code to seek the advice of the City Attorney regarding the Class Action Settlement of In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-02873 in the United States District Court for the District of South Carolina, Charleston Division.**

At 6:54 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 Attorney regarding the Fair Housing Act.

At 7:06 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.

12. DISCUSSION AND POSSIBLE ACTION

- A. Consider a resolution approving a request for exclusion from the Class Action Settlement of *In Re: Aqueous Film-Forming Foams Products Liability Litigation*, MDL No. 2:18-mn-02873 in the United States District Court for the District of South Carolina, Charleston Division, and directing the City Attorney to file the same with the Notice Administrator, Counsel for the Settling Defendants, Notice Administrator, Special Master, and Class Counsel.

A motion was made by Councilmember Hanks and seconded by Councilmember Branson to approve a request for exclusion from the Class Action Settlement related to *In Re: Aqueous Film-Forming Foams Products Liability Litigation*. The vote was the following:

Ayes: Mayor Mike Foreman, Councilmember Trish Hanks, Mayor Pro Tem Steve Rockey, Councilmember Sally Branson, Councilmember Joe Matranga, and Councilmember Brent Erenwert

Nays: Councilmember Joe Matranga

The item passed.

RESOLUTION 2023-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, APPROVING A NOTICE OF INTENTION TO OPT OUT OF THE CLASS ACTION LITIGATION IN RE: AQUEOUS FILM-FORMING FOAMS PRODUCTS LIABILITY LITIGATION., MDL NO. 2:18-MN-02873 IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA, CHARLESTON DIVISION; DIRECTING THE CITY ATTORNEY TO FILE A REQUEST FOR EXCLUSION WITH THE NOTICE ADMINISTRATOR, COUNSEL FOR THE SETTLING DEFENDANTS AND CLASS COUNSEL; AND PROVIDING FOR AN EFFECTIVE DATE.

13. ADJOURNMENT

With there being no further business to discuss, Mayor Foreman adjourned the October 2, 2023, City Council Regular Meeting at 7:07 P.M.


Mike Foreman, Mayor

Attest:


Leticia Brysch, City Secretary

