

STATE OF TEXAS
CITY OF FRIENDSWOOD
COUNTIES OF GALVESTON/HARRIS
JANUARY 6, 2020

5:30 PM – REGULAR MEETING

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD CITY COUNCIL THAT WAS HELD ON MONDAY, JANUARY 6, 2020, AT 05:30 PM AT FRIENDSWOOD CITY HALL COUNCIL CHAMBERS, 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, WITH THE FOLLOWING PRESENT CONSTITUTING A QUORUM:

MAYOR MIKE FOREMAN
MAYOR PRO-TEM SALLY BRANSON
COUNCILMEMBER STEVE ROCKEY
COUNCILMEMBER TRISH HANKS
COUNCILMEMBER ROBERT J. GRIFFON
COUNCILMEMBER JOHN SCOTT
COUNCILMEMBER BRENT ERENWERT
CITY ATTORNEY MARY KAY FISCHER
CITY MANAGER MORAD KABIRI
CITY SECRETARY MELINDA WELSH

1. Call to order

Mayor Foreman called the meeting to order.

2. Invocation – Pastor Dr. David Lorenz, First Baptist Church

The invocation was given by Pastor Dr. David Lorenz with First Baptist Church.

3. Pledge of Allegiance to the United States and Texas Flags – McKenna Robey and Nevaeh Billups with Daisy Troop #143158

(HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE)

Daisy Scouts McKenna Robey and Nevaeh Billups with Girl Scout Troop #143158 led the Pledge of Allegiance to the United States and to the State of Texas.

4. Communications from the Public

Communications from the Public (To comply with provisions of the Open Meetings Act, the City Council may not deliberate on items discussed under this agenda item. The Council may refer this item to the City Manager or direct this item to be placed on the next regular Council agenda. PowerPoint presentations are not conducted during the citizen comment period. Out of respect for those speaking during public comment, please refrain from any outbursts or interjections to include, but not limited to, applause and/or

disparaging noises from the audience. Doing so discourages others from voicing their thoughts and opinions, and disrupts the meeting. Furthermore, any personnel complaints against a City employee aside from the City Manager, City Secretary, City Attorney or Municipal Judge cannot be discussed under this section. Please contact the City Manager's office for concerns involving a City employee.)

Don Scott, Friendswood resident, addressed Council and stated the intersection at Hunters Lane and FM 518 is dangerous, a stop light is needed, location of the new shopping center makes it impossible to get out of his subdivision, Chick-Fil-A opening will worsen the intersection, needs to be addressed with Texas Department of Transportation, and is an accident waiting to happen.

5. WORK SESSION

A. Friendswood Police Department's mandatory transition to the National Incident Based Report System (NIBRS)

Mayor Mike Foreman opened the discussion regarding Friendswood Police Department's mandatory transition to the National Incident Based Report System. Deputy Police Chief Josh Rogers presented a PowerPoint presentation regarding National Incident Based Report System (NIBRS). Deputy Police Chief Rogers discussed crime reporting of yesterday, history of Uniform Crime Reporting (UCR), UCR crime reporting usefulness, UCR crime reporting limitations, NIBRS explained, is more detailed to help with crime analysis, comparison of UCR and NIBRS was given, NIBRS future integration, and what does NIBRS integration mean for the City of Friendswood. NIBRS will have an effect on the way the crime rate is viewed.

Discussion took place between Mayor, Council, and Staff regarding that the National Incident Based Report System may initially look like there is an increase in crime rate, public education of the new system will be important, and there should be no effect on organizations that designate safest cities based off Federal Bureau of Investigation (FBI) crime data.

With concurrence of Council, Mayor Foreman moved to Agenda Item 8, Special Recognition and Acknowledgements.

6. CLOSED EXECUTIVE SESSION

A. Communications from the Public regarding Executive Session topics.

Mayor Foreman asked if anyone would like to speak regarding the Executive Session. No one spoke.

B. Council may convene into Executive Session in accordance with the Texas Government Code, pursuant to Section 551.071 – Consultation with Attorney, to seek advice of its attorney on legal matters subject to the attorney-client privilege, with possible discussion and action related thereto in open session.

Council convened into Executive Session in accordance with Texas Government Code, pursuant to Section 551.071– Consultation with Attorney, to seek advice of its attorney on legal matters subject to the attorney-client privilege.

7. RECONVENE INTO OPEN SESSION

Council reconvened into Open Session with no action taken later in the meeting.

With concurrence of Council, Mayor Foreman moved to Agenda Item 9, Public Hearing.

8. Special Recognition and Acknowledgements

A. Presentation of the 32nd Consecutive Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2017-2018 by Roger Roecker

Roger Roecker, former Friendswood City Manager, Past President of the Government Finance Officers Association of Texas (GFOAT) and GFOAT representative to the Government Finance Officers Association presented a Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2017-2018 to Administrative Services Director Katina Hampton. This is the 32nd consecutive year for the city to receive this award. Ms. Hampton thanked the Administrative Service Department Staff for their help and support.

With concurrence of Council, Mayor Foreman moved to Agenda Item 13, Discussion and Possible Action.

9. Public Hearing

To receive comments from the public, both oral and written, regarding:

A. Adoption of an updated Official Zoning Map per Appendix C, Zoning Ordinance "Section 3. Provision for Official Zoning Map" incorporating zone changes and corrections since the last adopted map dated January 8, 2015

Mayor Foreman called a Public Hearing to order to receive comments from the public both oral and written, regarding adoption of an updated Official Zoning Map per Appendix C, Zoning Ordinance "Section 3. Provision for Official Zoning Map" incorporating zone changes and corrections since the last adopted map dated January 8, 2015.

Community Development Director/City Planner Aubrey Harbin stated the Planning and Zoning Commission's (P&Z) recommendation was 5-0 in favor of the request.

Mayor Foreman asked if anyone would like to speak in favor or in opposition of the request. No one spoke.

Hearing no comments from the public, Mayor Foreman closed this portion of the Public Hearing.

B. Proposed amendments to Appendix B Subdivision Ordinance "Section III. k.3. Sidewalks" to not require sidewalks in existing residential areas if sidewalks do not already exist

Mayor foreman called a Public Hearing to order to receive comments from the public both oral and

written, regarding proposed amendments to Appendix B Subdivision Ordinance "Section III. k.3. Sidewalks" to not require sidewalks in existing residential areas if sidewalks do not already exist.

Community Development Director/City Planner Aubrey Harbin stated the Planning and Zoning Commission's (P&Z) recommendation was 5-0 in favor of the request.

Mayor Foreman asked if anyone would like to speak in favor or in opposition of the request. No one spoke.

Hearing no comments from the public, Mayor Foreman closed this portion of the Public Hearing.

C. Proposed amendments to Appendix C Zoning Ordinance "Sections 7. Schedule of District Regulations," "Section 7.5. Community Overlay District," and "Section 8. N. Downtown District Supplemental Requirements" to change building material requirements per House Bill 2439

Mayor Foreman called a Public Hearing to order to receive comments from the public both oral and written, regarding proposed amendments to Appendix C Zoning Ordinance "Sections 7. Schedule of District Regulations," "Section 7.5. Community Overlay District," and "Section 8. North Downtown District Supplemental Requirements" to change building material requirements per House Bill 2439.

Community Development Director/City Planner Aubrey Harbin explained the request and stated the Planning and Zoning Commission's (P&Z) recommendation was 5-0 in favor of the request.

Mayor Foreman asked if anyone would like to speak in favor or in opposition of the request. No one spoke.

Hearing no comments from the public, Mayor Foreman closed this portion of the Public Hearing.

10. Communications from the Public

Communications from the Public (To comply with provisions of the Open Meetings Act, the City Council may not deliberate on items discussed under this agenda item. The Council may refer this item to the City Manager or direct this item to be placed on the next regular Council agenda. PowerPoint presentations are not conducted during the citizen comment period. Out of respect for those speaking during public comment, please refrain from any outbursts or interjections to include, but not limited to, applause and/or disparaging noises from the audience. Doing so discourages others from voicing their thoughts and opinions, and disrupts the meeting. Furthermore, any personnel complaints against a City employee aside from the City Manager, City Secretary, City Attorney or Municipal Judge cannot be discussed under this section. Please contact the City Manager's office for concerns involving a City employee.)

Mayor Foreman asked if anyone would like to speak. No one spoke.

With concurrence of Council, Mayor Foreman moved to Agenda Item 14D, Ordinance No. T2020-03.

11. City Manager's Report

A. Annual Tree Give Away

City Manager Morad Kabiri reported that the Annual Tree Giveaway sponsored by Keep Friendswood Beautiful will be held January 18, 2020, starting at 8:00 AM at City Hall. Over 100 – fifteen-gallon trees will be given away to residents. The trees chosen this year include Pride of Texas Yaupon, Live Oak, Red Oak, Cedar Elm, Vitex, and Green Giant Magnolia. The giveaway is limited to two trees per family (first come-first served) and is for Friendswood residents only. A City of Friendswood water bill or driver's license is required. For more information, please contact the City of Friendswood Parks and Recreation Department.

B. Employee Service Awards

The City Manager reported that every year in December, the city recognizes its employees for their years of dedicated service. Awards are given in five-year increments and presented at the Employee Christmas Party. The city appreciates all the employees across all departments and the hard work they do to provide the quality services the citizens of Friendswood expect.

C. Wink to Webster First Responder Grant Program

The City Manager reported that the city's Fire Marshal's Office (FMO) has been selected as a recipient of funding from the Wink to Webster First Responder Grant Program. The grant, in the amount of \$3,940 is being awarded to support the purchase of four gas meters that will ultimately be transferred to the Friendswood Volunteer Fire Department. The Wink to Webster grant is a program intended to assist first responders. Earlier this year, the city's FMO made an application to purchase four gas meters that will be deployed on three fire engines, and one tactical vehicle for use at pipeline emergencies, hazardous materials releases, fires, and other similar scenarios.

D. Community Development Block Grant-Disaster Recovery Program: Utility Line Relocate

The City Manager reported that Staff recently learned Lift Station No. 1 and 17 projects submitted in early 2019 would not be eligible for funding from the Community Development Block Grant – Disaster Recovery Program. An evaluation was undertaken of possible opportunities that would qualify based upon funding available. The project identified was the relocation of a waterline and sewer force mains that cross Clear Creek near the Polly Ranch Subdivision. The lines are currently vulnerable to bank erosion along Clear Creek and pose potential sewer flooding impact. Staff proposes to apply dollars previously directed at the lift station project to this effort. An application was posted December 20, 2019, on the city's website for public comment. There will be a public hearing and resolution for Council's consideration at the February 3, 2020, meeting.

E. Hurricane Harvey Update

The City Manager reported that Staff continues to move forward with the Hazard Mitigation Grant Program buyout program. Property appraisals have been completed and presented to homeowners for buyouts. Staff is awaiting approval of the city's Texas Water Development Board Flood Mitigation Assistance grant from the Federal Emergency Management Agency (FEMA) for buyouts. Conditional approvals have been granted from the Community Development Block Grant – Disaster Recovery Program for both the Blackhawk Facility and the Forest Bend flood mitigation project.

Staff is working toward the procurement of professional services for architectural, engineering, and environmental activities associated with the projects. Applications through the Texas General Land Office on property acquisition/critical infrastructure are still pending. United States Congressmen Pete Olson and Randy Weber have been contacted to enlist help with FEMA on all projects and initiatives. Staff is working on a draft of the first Memorandum of Understanding (MOU) with Clear Creek Community Church regarding the Whitcomb Property. The first MOU will be exploratory in nature to determine the maximum benefit of the proposed shelf along Clear Creek.

Councilmember Rockey stated he was at the Farmer's Market on January 4, 2020, saw an elderly woman and the City Manager trip on the uneven concrete area left from the old fire station, and asked Staff to look into making the uneven areas a little safer.

12. Communications from Committees and Special Reports

A. Annual Report from Zoning Board of Adjustment Chair Phil Ratisseau

Zoning Board of Adjustment Chair Phil Ratisseau presented the annual report from the Zoning Board of Adjustment.

With concurrence of Council, Mayor Foreman moved to Agenda Item 6, Executive Session.

13. Discussion and Possible Action

A. Discussion and possible action regarding approving the dedication of the Joycina Baker Room at the Friendswood Public Library

****Councilmember Rockey moved to approve the dedication of the Joycina Baker Room at the Friendswood Public Library.**

The motion was seconded and approved unanimously.

B. Discussion and possible action regarding reappointments to the following boards and commissions:

- Fourth of July Steering Committee to reappoint Thomas McDonald, Anthony Scarpa, Rufino Ramirez, Michelle Bjacek, Christine Scarpa, Stefanie Karacostas and Stacy Scarpa to 3 year terms expiring November 2022.

****Councilmember Scott moved to approve the reappointment of Thomas McDonald, Anthony Scarpa, Rufino Ramirez, Michelle Bjacek, Christine Scarpa, Stefanie Karacostas and Stacy Scarpa to the Fourth of July Steering Committee with terms to expire November 2022.**

The motion was seconded and approved unanimously.

C. Discussion and possible action regarding approving a contract with Galveston County for Election Services

****Councilmember Rockey** moved to approve a contract with Galveston County for Election Services.

The motion was seconded and approved unanimously.

14. Ordinances

Consideration and possible action regarding the following:

A. Ordinance No. T2019-47: Second and Final reading of an ordinance amending the Code of Ordinances, Chapter 82 – “traffic and vehicles,” by adding Section 82-10, regulating hours of movement of oversize vehicles and adding a definition for “oversize vehicle”; adding Section 82-11, prohibiting certain oversize vehicles in the Downtown District; adding Section 82-12, requiring permitted oversize vehicles to contact the police department at least 24 hours prior to movement of an oversized vehicle within the city; providing a penalty clause; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability and an effective date.

****Councilmember Scott** moved to approve the Second and Final reading of Ordinance No. **2019-47** – An ordinance amending the Code of Ordinances, Chapter 82 – “traffic and vehicles,” by adding Section 82-10, regulating hours of movement of oversize vehicles and adding a definition for “oversize vehicle”; adding Section 82-11, prohibiting certain oversize vehicles in the Downtown District; adding Section 82-12, requiring permitted oversize vehicles to contact the police department at least 24 hours prior to movement of an oversized vehicle within the city; providing a penalty clause; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability and an effective date.

The motion was seconded and approved unanimously.

B. Ordinance No. T2020-01: First reading of an ordinance repealing Ordinance No. 97-20, Ordinance No. 2000-06, Ordinance No. 2003-17, that adopted and amended the Municipal Court Building Security Fund and the Municipal Court Building Technology Fund.

****Councilmember Griffon** moved to approve the First reading of Ordinance No. **T2020-01** – An ordinance repealing Ordinance No. 97-20, Ordinance No. 2000-06, Ordinance No. 2003-17, that adopted and amended the Municipal Court Building Security Fund and the Municipal Court Building Technology Fund.

The motion was seconded and approved unanimously.

C. Ordinance No. T2020-02: First and Final reading of an ordinance amending City of Friendswood, Texas, Ordinance No. 2019-38, passed and approved October 7, 2019, same being an ordinance approving and adopting the City’s General Budget for Fiscal Year 2019-2020 by approving “Budget Amendment II” to the “Original General Budget of the City of Friendswood, Texas, for the Fiscal Year 2019-2020”; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject.

****Councilmember Scott** moved to approve the First and Final reading of Ordinance No. **2020-02** – An ordinance amending City of Friendswood, Texas, Ordinance No. 2019-38, passed and approved October 7, 2019, same being an ordinance approving and adopting the City's General Budget for Fiscal Year 2019-2020 by approving "Budget Amendment II" to the "Original General Budget of the City of Friendswood, Texas, for the Fiscal Year 2019-2020"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject.

The motion was seconded and approved unanimously.

With concurrence of Council, Mayor Foreman moved to Agenda Item 16, Consent Agenda.

D. Ordinance No. T2020-03: First reading of an ordinance amending Appendix B, "Subdivision Ordinance," "Section III.k.3 – Sidewalks" to add exceptions to sidewalk requirements for existing residential subdivisions; providing a penalty for violation in an amount not to exceed \$2,000, or as otherwise provided by law; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability.

****Councilmember Scott** moved to approve the First reading of Ordinance No. **T2020-03** – An ordinance amending Appendix B, "Subdivision Ordinance," "Section III.k.3 – Sidewalks" to add exceptions to sidewalk requirements for existing residential subdivisions; providing a penalty for violation in an amount not to exceed \$2,000, or as otherwise provided by law; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability. The motion was seconded and approved unanimously.

E. Ordinance No. T2020-04: First reading of an ordinance amending Appendix C "Zoning Ordinance," "Sections 7. Schedule of District Regulations," "Section 7.5. Community Overlay District," and "Section 8. N. Downtown District Supplemental Requirements" to change building material requirements per House Bill 2439; providing a penalty for violation in an amount not to exceed \$2,000, or as otherwise provided by law; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability.

****Councilmember Hanks** moved to approve the First reading of Ordinance No. **T2020-04** – An ordinance amending Appendix C "Zoning Ordinance," "Sections 7. Schedule of District Regulations," "Section 7.5. Community Overlay District," and "Section 8. North Downtown District Supplemental Requirements" to change building material requirements per House Bill 2439; providing a penalty for violation in an amount not to exceed \$2,000, or as otherwise provided by law; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability.

The motion was seconded and approved unanimously.

F. Ordinance No. T2020-05: First reading of an ordinance amending Appendix C, "Zoning," Section 3. "Provision for Official Zoning Map," to update and adopt the Official Zoning Map of the city, incorporating approved changes in district boundaries and other matters portrayed on the Official Zoning Map; providing a penalty for violation in an amount not to

exceed \$2,000, or as otherwise provided by law; repealing all ordinances or parts of ordinances in conflict herewith; and providing for severability.

****Councilmember Scott** moved to approve the First reading of Ordinance No. **T2020-05** – An ordinance amending Appendix C, “Zoning,” Section 3. “Provision for Official Zoning Map,” to update and adopt the Official Zoning Map of the city, incorporating approved changes in district boundaries and other matters portrayed on the Official Zoning Map; providing a penalty for violation in an amount not to exceed \$2,000, or as otherwise provided by law; repealing all ordinances or parts of ordinances in conflict herewith; and providing for severability.
The motion was seconded and approved unanimously.

15. Communications from the Mayor and Councilmembers

Councilmember Scott stated he is up for reelection and will run for Council Position No. 5, has been a tremendous honor to serve on Council for nine years, and if fortunate enough he will serve his last three years of eligibility the same way he has served the previous nine.

Mayor Foreman wished Councilmember Scott good luck in the upcoming election, and stated it has been an honor serving with him for the past four years.

Councilmember Hanks stated over the holidays Friendswood Independent School District lost two students unexpectedly. It is always hard to lose young people but especially over the holidays. Keep their families in your prayers.

Councilmember Branson stated the renaming of the conference room at the library for Joycina D. Baker was approved earlier in the agenda. There will be a reception at the Friendswood Public Library on January 8, 2020, at 5:00 PM. Councilmember Branson announced she will run for reelection for Council Position No. 2, and further stated she has only served for two and half years, has been a true honor to serve the community in this capacity, and it would be a privilege to be able to continue to serve for a second term.

Mayor Foreman reported that Galveston County Consolidated Drainage District Commissioner Gary Harris and his wife Lynda Harris are present at tonight's meeting, and Mr. and Mrs. Harris are Councilmember Branson's parents.

Councilmember Branson stated her Dad is up for reelection as well and they will both be on the May ballot.

Councilmember Rockey stated he has been cast in another play here in town called “August Osage County”, is a fabulous play and will be performed in February, a very adult play with adult language, and encourages everyone to come see the play and support the arts in Friendswood.

Mayor Foreman stated he would like to reemphasize that the sales tax for streets will be part of the May election cycle, sales tax re-authorization for 3/8 of a cent that goes towards street repairs will be on the ballot, funds have been critical for needed maintenance on city streets, would be hard pressed to find additional funds in the city's budget without having to cut services, and should be easy to support.

With concurrence of Council, Mayor Foreman moved to Agenda Item 17, Adjournment.

16. Consent Agenda

Consideration and possible action regarding the following:

- A. Authorize the Mayor to sign the Acceptance by Grantee for Access Easement for Sterling Creek Section 4
- B. Approving a sidewalk easement for 1705 S. Friendswood Drive (Chipotle)
- C. Accepting the November 2019 Property Tax Report
- D. Approving the minutes of the December 02, 2019, Council Meeting

******Councilmember Rockey moved to approve all items on the Consent Agenda as presented: A. Authorize the Mayor to sign the Acceptance by Grantee for Access Easement for Sterling Creek Section 4. B. Approving a sidewalk easement for 1705 South Friendswood Drive (Chipotle). C. Accepting the November 2019 Property Tax Report. D. Approving the minutes of the December 02, 2019, Council Meeting.
The motion was seconded and approved unanimously.

With concurrence of Council, Mayor Foreman moved to Agenda Item 11, City Manager's Report.

17. Adjournment

This meeting was adjourned at 07:14 PM.

Attest:

Mayor Mike Foreman

Melinda Welsh, TRMC
City Secretary