

STATE OF TEXAS)
CITY OF FRIENDSWOOD)
COUNTIES OF GALVESTON/HARRIS)
FEBRUARY 06, 2017)

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD CITY COUNCIL THAT WAS HELD ON MONDAY, **FEBRUARY 06, 2017**, AT 4:30 PM AT FRIENDSWOOD CITY HALL COUNCIL CHAMBERS, 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, WITH THE FOLLOWING PRESENT CONSTITUTING A QUORUM:

MAYOR	KEVIN HOLLAND
COUNCILMEMBER	STEVE ROCKEY
COUNCILMEMBER	BILLY ENOCHS
COUNCILMEMBER	MIKE FOREMAN
COUNCILMEMBER	JOHN SCOTT (Arrived at 5:03 PM)
COUNCILMEMBER	CARL GUSTAFSON
CITY ATTORNEY	ARNOLD POLANCO
CITY MANAGER	ROGER ROECKER
CITY SECRETARY	MELINDA WELSH

Mayor Pro-Tem Hill was absent from the meeting.

REGULAR SESSION

Mayor Holland called the meeting to order.

The invocation was given by City Manager Roger Roecker.

Mayor Holland led the Pledge of Allegiance to the United States and to the State of Texas.

COMMUNICATIONS FROM THE PUBLIC

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

WORK SESSION

Mayor Holland opened the discussion regarding Information Technology/Enterprise software update. Administrative Services Director Cindy Edge introduced Information Technology Director James O'Brien. Mr. O'Brien presented a PowerPoint presentation regarding the status of the Enterprise Software Project Tyler Incode as well as the state of the Information Technology (IT) Department. Mr. O'Brien stated that he began his position with the city on October 31, 2016, and found the new position offered the opportunity for improvement in the IT Department, the City, the public, and himself. Mr. O'Brien gave an overview of Tyler and stated the Court software went live June 6, 2015, Utility Billing software went live November 30, 2015, Financial Incode X implementation went live September 2015, and the EnerGov project is currently being revised due to some issues that arose with implementation. EnerGov is a module within the Tyler Technology product for Community Development and permitting. The Tyler Technology modules still pending for implementation are Tyler Incode for work orders, fixed assets and fixed asset inventory, project accounting, payroll budgeting, and accounts receivable. Mr. O'Brien gave an overview of the computer refresh. He stated an audit was conducted around the City, recommend replacing computers six years or older, were originally purchased with a five-year warranty, and are currently out of warranty on those computers. Staff also recommends purchasing computers for positions that do not currently have a computer but need a computer due to their work requiring it. Quotes have been received from Dell, Hewlett Packard, and Lenovo for computers as well as replacing and upgrading the Microsoft Office and Adobe Acrobat products currently used. The recommendation is to move to a rolling refresh system to upgrade in increments instead of doing everything at one time. IT Department accomplishments since Mr. O'Brien started with the City includes setting up a Helpdesk for IT, recently

replaced the firewall for the City, replaced and upgraded the email spam/virus filter, implemented an email archive appliance, and continuing education for IT Staff. Preventive maintenance and projects IT Staff have looked at include a security vulnerability risk assessment and site analysis, network infrastructure updates, outdated network cabling, revamp the City's website, an updated IT Disaster Recovery Plan, updated IT policies, prepare for 2018 Criminal Justice Information Service (CJIS) audit, research a new phone system, involvement with the new fire station headquarters project, agenda server to streamline the agenda creation process, OpenGov for a financial transparency solution, software updates, and software licensing compliance.

Mayor Holland opened the discussion regarding proposed Charter amendments. City Attorney Arnold Polanco presented a PowerPoint presentation regarding the proposed Charter amendments. Mr. Polanco stated his presentation would go through the actual propositions that are included in the ordinance Council will consider later in the meeting, and show you the actual text changes that would be made to the City's Charter if Council was to approve the propositions and ultimately if the voters approved the proposed Charter amendments. There are eight separate propositions that are part of the ordinance that Council will consider later in the meeting. The Charter Review Commission recommended four propositions to Council at the January 2017 Council meeting and, by law, a single proposition can only touch, discuss or treat one subject at a time. Proposition No. 1 would read, "Shall Section 3.01 of the Friendswood City Charter be amended to clearly provide that no person shall be elected to serve in any capacity on City Council for more than a total of four three-year terms?" The Charter Review Commission's motivation and goal with Proposition No. 1 was to clearly demonstrate or to clearly provide that one could not be elected to serve in any capacity be it a Councilmember or as Mayor for more than a total of 12 years of service. Proposition No. 2 would read, "Shall Section 3.01 of the Friendswood City Charter be amended to update the year in which elections for each City Council position are scheduled to be held?" The Charter Review Commission's motivation and goal with Proposition No. 2 was to bring current the election years from their previously designated years of 1994, 1995 and 1996, is essentially a housekeeping measure to try and bring everything more current, and, if approved, this would provide that the three year terms of office of Councilmembers and the Mayor should be staggered with the election. Proposition No. 3 would read, "Shall Section 3.06(c) of the Friendswood City Charter be amended to authorize the City Council to fill by appointment a vacancy on City Council when less than one year remains in the term of office at the time the vacancy occurs?" This comes to Council by virtue of a 2013 amendment to the Texas Constitution that would allow for cities that have Council terms of either three or four years to permit the governing body of the Council to select a person to fill a vacancy on the Council where the remaining term of the vacated position is 12 months or less. Proposition No. 4 would read, "Shall Section 3.11(b) of the Friendswood City Charter be amended to clearly provide that ordinances proposed for an agenda by a member of City Council require the approval of a majority of all members of the City Council before forwarding to the City Attorney for approval?" The Charter Review Commission's motivation and goal with Proposition No. 4 was not just a majority of Council who might be present at a City Council meeting, but a majority of all seven sitting Council persons. Proposition No. 5 would read, "Shall Section 3.11(b) of the Friendswood City Charter be amended to eliminate the requirement that a proposed ordinance be posted at City Hall at least 72 hours before first reading while maintaining the requirement that it be posted in at least one public place at least 72 hours before first reading?" City Secretary Melinda Welsh stated the purpose of the proposed amendment was to eliminate a step in the process required to post ordinances due to the step being outdated since most things are done electronically. Proposition No. 6 would read, "Shall Section 3.11(b) of the Friendswood City Charter be amended to provide that the reading of an ordinance which requires two readings may take place at either a regular or special Council meeting?" This would allow Council the opportunity to have two readings of an ordinance taking place at consecutive meetings whether a regular or special meeting. Proposition No. 7 would read, "Shall Section 3.11(b) of the Friendswood City Charter be amended to clarify that an ordinance requiring two readings is considered rejected if approval on final reading is not obtained within 90 days of the first reading?" This proposed amendment would simply clarify that the required 90 days be counted from the first reading of an ordinance. Proposition No. 8 would read, "Shall Section 4.01, subsections (a) and (c), of the Friendswood City Charter be amended to clarify that the appointment or removal of the City Manager shall require an affirmative vote of five or more members of City Council?" The proposed amendment was primarily to substitute the terms supermajority vote with the terms, five or more members of Council. This simply provides more clarity to what is required for an

appointment and removal of the City Manager.

Mayor Holland opened the discussion between Council, Staff, and the Planning and Zoning Commission regarding large retail uses.

Planning and Zoning Commission Chair David O'Farrell opened the Planning and Zoning Commission's (P&Z) portion of the Joint Work Session. P&Z Commissioner Craig Lovell presented a PowerPoint presentation regarding a follow-up to the Joint Work Session on large retail uses at the October 03, 2016, Council meeting. Mr. Lovell stated the P&Z subcommittee, previously formed to research the possibility of requiring a Specific Use Permit (SUP) for single tenant large retail uses along with other requirements, went on a field trip to look at existing sites in Friendswood where there is currently large retail, did a best practices review, and P&Z has an amended recommendation to give. The subcommittee visited the following large retail sites, Kroger at Bay Area Boulevard and FM 528, HEB at FM 528 and FM 518, a side trip to HEB in Pearland, and to some undeveloped sites. The sites were reviewed for visual and noise impacts, visual impacts are mitigated by current and proposed changes to the ordinance, no new action required, and noise impacts are not mitigated. The subcommittee took a dive into the topic of noise impacts, impulse noise example is trash pickup or delivery, ambient noise is steady state noise minus noise created by operation of the facility, impulse noise is restricted to daylight hours by current ordinance, and noise above the ambient threshold can be managed by maintaining a standard that is reasonable and achievable. Benchmarked maximum allowable noise level with other cities, and the City of Friendswood's is in the middle of San Antonio and Houston. P&Z's amended recommendation is to maintain current noise standards for all retail, require large retail to submit a noise mitigation plan with building plans that addresses control of impulse noise and control of operational noise above the ambient noise level to meet the City's standard.

Mayor Holland opened the discussion regarding an update on Capital Projects. Director of Public Works/City Engineer Patrick Donart presented a PowerPoint presentation regarding the progress made on Capital Projects since the January Council meeting. He reported on the Fire Station No. 4 expansion and the new fire station headquarters, Centennial Park basketball pavilion, Lake Friendswood project, Old City Park, Round 1 Street Improvements, Blackhawk Boulevard Phase II and Woodlawn Drive, reconstruction of Water Plant No. 2 and 7, Lift Stations No. 18 and 23, and the Blackhawk Wastewater Treatment Plant.

Mayor Holland recessed the meeting at 6:00 PM and reconvened at 6:12 PM.

Mayor Holland opened the discussion regarding the Capital Improvement Projects (CIP) manual draft. Director of Public Works/City Engineer Patrick Donart thanked Project Coordinator George Cherepes and Deputy Director of Public Works Rene Ibarra for their assistance with the CIP manual and also received input from Staff Directors. Mr. Donart presented a PowerPoint presentation regarding city facilities and parks projects covered in the manual. The facility projects discussed were the Activity Center, Fire Department Training Field upgrades, Fire Station No. 2 reconstruction, Fire Station No. 4 (3rd Bay), Parks Maintenance Building, Public Safety Building Phase II, Public Works Building, Records Retention Center, and swimming pool restrooms. The park projects discussed were 1776 Park improvements, Old City Park, Stevenson Park reclamation, Sub-regional Park, Lundy Lane, and Wesley J. Canon Sports park.

Further discussion took place between Mayor, Council and Staff regarding Staff's recommendation to add a storage room for records storage to other buildings proposed in the plan to be built. Mayor asked what was the deviation in contingencies for the projects and Staff answered it was based off the complexity of the building. The suggestion was made to discuss park needs with Galveston County to see if they could offer assistance, should discuss parks projects with Galveston County such as a large dog park since Galveston County is working on a 10 year Master Parks Plan, the County is looking to partner with a city in building a dog park, and Council can prioritize or revise projects when the CIP manual comes back to Council for adoption.

CLOSED EXECUTIVE SESSION

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

Council convened into Executive Session in accordance with the Texas Government Code, pursuant to Section 551.071 – Consultation with Attorney regarding potential litigation arising from pending zoning change application (Verizon Wireless), Section 551.071 – Consultation with Attorney regarding pending litigation (Robert J. Bertrand, et al v. City of Friendswood), and Section 551.072 – Consultation with Attorney regarding real property.

RECONVENE INTO OPEN SESSION

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

SPECIAL RECOGNITION AND ACKNOWLEDGEMENTS

City Manager Roger Roecker presented the Five Star Spirit Award for the fourth quarter of 2016 to Streets and Drainage Superintendent David Blacksher who has been with the City's Public Works Department since February 2006. Mr. Blacksher was recently nominated by a resident after a project was completed in the Polly Ranch subdivision. Comments received from residents were that they appreciated the work that was completed by the entire Public Works crew but paid special attention to Mr. Blacksher's extra effort. The City Manager stated that Mr. Blacksher is somewhat reluctant to take the recognition singly. Among the comments from residents were the statement, "He worked along with the crew, would frequently continue working for several hours after the crew left to keep the project on schedule and the residents informed. It makes us proud as Friendswood residents to know the city has such capable, courteous and industrious employees in the Public Works Department." The City Manager further stated that Council would agree that Mr. Blacksher's actions certainly exemplify the attributes of the Five Star Spirit Award; being courteous, competent, reliable, professional, and enthusiastic. The City Manager presented Mr. Blacksher with the Five Star Spirit Award.

JOINT PUBLIC HEARING

Mayor Holland and Planning and Zoning Commission Chair David O'Farrell called a Joint Public Hearing to order to receive comments from the public both oral and written, regarding amending Appendix C, Zoning Ordinance of the City of Friendswood Code of Ordinances, regarding amendments to Section 7.P.6(j), Permitted Use Table, to add architectural and submittal requirements for single tenant retail uses occupying 50,000 gross square feet or more.

Deputy Director of Community Development/Planner Aubrey Harbin explained the request and stated there was a work session on this item earlier but this proposed change is to the zoning ordinance and would apply only to single tenant or occupant retail type uses that occupy buildings that are 50,000 square feet or greater. It does add architectural elements required for the buildings. Submittal requirements were discussed earlier, which is a noise mitigation plan just to ensure that the applicant meets the City's current regulations. These changes are just part of the long-term vision to prevent blight and redevelopment issues 30 to 40 years from now for big-box type stores and to preserve the character of the community for the immediate future.

Planning and Zoning Commission Chair O'Farrell asked if anyone would like to speak in favor of or in opposition of the request. No one spoke.

Chair O'Farrell adjourned the Planning and Zoning Commission's portion of the Joint Public Hearing. Mayor Holland left Council's portion of the Joint Public Hearing open.

COMMUNICATIONS FROM THE PUBLIC

Connie Ratisseau, Friendswood resident, addressed Council and stated she lives in Harris County. She stated she would like to make sure everyone knows about the upcoming \$499 Million school bond election for Clear Creek Independent School District, please make comments to the school district before

time is up to receive them. She further asked that the City's online documentation system be easier to use, discussed the City's May 2016 election, is not over, go online to the Harris County District Clerk's website to review, there are citizens who have concerns, and some cities have counties manage their elections.

COMMUNICATIONS FROM COMMITTEES AND SPECIAL REPORTS

Zoning Board of Adjustment and Appeals (ZBOA) Chair Greg Hughes presented the annual report, gave a brief description of the five cases that came before ZBOA over the past year with two that were approved and three that were not approved.

CITY MANAGER'S REPORT

City Manager Roger Roecker reported that the website "NeighborhoodScout.com" named the City of Friendswood as the Safest City in the Houston area, the sixth Safest City in Texas, and the 60th Safest City in America. Ranking is based on cities with 25,000 or more people, based on the total number property and violent crimes per 1,000 residents. Neighborhood Scout's report used the most recent data the Federal Bureau of Investigation (FBI) classified as "Final, non-preliminary." The recognition is due to the men and women of the City's Police Department, and the City's residents who have been responsive to the Police Department's instruction "If you see something, say something."

The City Manager reported that Lake Friendswood Park officially opened this morning. The park is one of the projects voters approved in the 2013 Bond Election. The lake is surrounded by a concrete path and boardwalk, approximately one mile long, there are benches, picnic tables, and exercise equipment. Through a partnership with West Ranch Subdivision, a pavilion and restroom building will be constructed at the park later this summer, replacing temporary restroom accommodations that will be used in the interim. On January 30, 2017, there was a ceremonial "first cast" by Gary Krch and Karl Krch, who were joined by Mayor Holland, Mayor Pro-Tem Hill, and Councilmember Scott. Gary Krch and Karl Krch were involved in the "first cast" in honor and memory of their father and grandfather, Fred Krch, a Friendswood resident for 57 years who had a special interest in opening the lake to the public. Fishing (with proper license and while exercising caution) is encouraged from both the floating piers and shore. A kayak launch is attached to one of the floating piers. The use of gas-powered engines in the park and swimming in Lake Friendswood is prohibited. To access Lake Friendswood from South Friendswood Drive (FM 518), take West Boulevard one mile to Davis Prairie Lane, then left to the park entrance. Park hours are dawn to dusk, every day. For any other questions or concerns, please contact the Parks and Recreation Department.

The City Manager reported that the City received positive financial news from Standard & Poor's Ratings Services (S&P) the City's long term-term rating of AA+ for the City's General Obligation Permanent Improvement and Refunding Bonds has been affirmed.

A video was shown to Council and those in attendance that highlighted the accomplishments of Staff, City volunteers, and elected officials throughout the year 2016.

ACTION ITEMS

**Councilmember Rockey moved to approve a professional services contract with the Golden Triangle Consulting Engineers for a Phase III study of the City's sanitary sewer system and authorize the Mayor to execute the contract.

Seconded by Councilmember Foreman. The motion was approved 6-0.

RESOLUTIONS

Councilmember Enochs moved to approve Resolution **R2017-04 – A resolution of the City Council of the City of Friendswood, Texas, authorizing use of National Cooperative Purchasing Alliance (NCPA).

Seconded by Councilmember Gustafson. The motion was approved 6-0.

****Councilmember Scott** moved to approve Resolution **R2017-05** – A resolution authorizing the Mayor to execute financing documents with Branch Banking and Trust Company for the acquisition of communications equipment and related matters.

Seconded by Councilmember Foreman. The motion was approved 6-0.

****Councilmember Enochs** moved to approve Resolution **R2017-06** – A resolution of the City Council of the City of Friendswood, Texas, designating the Mayor as the City's representative in seeking eligible grant funds under General Victim Assistance – Direct Services Program; and authorizing the submission of such grant application to the Criminal Justice Division of the Office of Governor.

Seconded by Councilmember Rockey. The motion was approved 6-0.

ORDINANCES

****Councilmember Scott** moved to approve the Second and Final reading of Ordinance No. **2017-01** – An ordinance amending the Code of Ordinances of the City of Friendswood, Texas, Appendix C – “Zoning,” by amending the zoning classification for a tract or parcel containing 6.081 acres of land platted as Unrestricted Reserve A, Block 1 of Calvary Chapel Southeast Amended Plat, Harris County Clerk File No. 20060081527, and a tract or parcel containing .583 acres of land out of Reserve “G2,” Block 19, Forest Bend Subdivision, Section 3, City of Friendswood, Harris County, Texas; amending the zone classification from Community Shopping Center/Specific Use Permit for a school (CSC/SUP 99-18) to Community Shopping Center/Specific Use Permit (CSC/SUP) and granting a Specific Use Permit for NAICS Use No. 8131 “Religious Organizations;” providing for amendment of the Official Zoning Map; providing a penalty in an amount not to exceed \$2,000 for each day of violation of any provision hereof; and providing for severability.

Seconded by Councilmember Foreman. The motion was approved 6-0.

****Mayor Holland** moved to approve the First and Final reading of Ordinance No. **2017-04** – An ordinance authorizing the issuance and sale of City of Friendswood, Texas, General Obligation Bonds, Series 2017; providing for the payment of said bonds; approving the official statement; providing an effective date; and enacting other provisions relating to the subject.

Seconded by Councilmember Rockey. The motion was approved 6-0.

Financial Advisor John Roebuck with BOSC, Inc., stated Standard & Poor's Ratings Services (S&P) affirmed the City's long term-term rating of AA+ for the City's General Obligation Permanent Improvement and Refunding Bonds. Mr. Roebuck presented a PowerPoint presentation regarding the sale of General Obligation Bonds, Series 2017. The current General Obligation debt rate is 3.87%, 59 basis points off the last 17 year average, 15 year debt was sold, \$5,605,000 in General Obligation Bonds were sold, investors will pay a premium of \$435,074 for the bonds, will cover the cost of issuance and also fund the capitalized interest fund, and total proceeds from the sale of bonds was \$5,852,000. Tax rate analysis updated with the final debt service requirements and with 15-year debt and the current interest rate of 8.4 cents on the debt service side.

****Councilmember Enochs** moved to approve the First and Final reading of Ordinance No. **2017-05** – An ordinance of the City Council of the City of Friendswood, Texas, calling for the holding of a General Election on May 6, 2017, for the purpose of electing two (2) Councilmembers, (Position Numbers 2 and 5); ordering a runoff election on June 10, 2017, if necessary; and a Special Election for the purpose of submitting to the qualified electors of the City of Friendswood, Texas, eight proposed Charter amendments presented by the Friendswood Charter Review Commission and approved by City Council; and making other provisions related to the subject.

Seconded by Councilmember Scott. The motion was approved 6-0.

****Councilmember Scott** moved to approve the First and Final reading of Ordinance No. **2017-06** – An ordinance amending City of Friendswood, Texas, Ordinance No. 2016-41, passed and approved October 3, 2016, same being an ordinance approving and adopting the City's General Budget for Fiscal Year 2016-2017 by approving “Budget Amendment V” to the “Original General Budget of the City of

Friendswood, Texas, for the Fiscal Year 2016-2017"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject. Seconded by Councilmember Rockey. The motion was approved 6-0.

Deputy Director of Community Development/Planner Aubrey Harbin reported that in the Planning and Zoning Commission's meeting upstairs they had a unanimous positive recommendation for Agenda Item 15E, First reading of Ordinance No. T2017-07, An ordinance amending the Code of Ordinances of the City of Friendswood, Texas, Appendix C – "Zoning," Section 7, "Schedule of District Regulations" Subsection P, "Permitted Uses".

Councilmember Rockey moved to approve the First reading of Ordinance No. **T2017-07 – An ordinance amending the Code of Ordinances of the City of Friendswood, Texas, Appendix C – "Zoning," Section 7, "Schedule of District Regulations" Subsection P, "Permitted Uses"; 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. Seconded by Councilmember Foreman. The motion was approved 6-0.

COMMUNICATIONS FROM THE MAYOR AND COUNCILMEMBERS

Councilmember Rockey stated he and Councilmember Enochs attended the Lighthouse Charity Gala over the weekend. Captain Josh Rogers presented an award/certificate to Lighthouse Charity for the volunteer help they provided during the search for the remains of two missing girls earlier in the year. The Purple Box Theatre Company will be performing the play "A Few Good Men" the last weekend in February and the first weekend in March, and he has a small role in the play.

Councilmember Enochs stated that March 01, 2017, is Galveston County Day at the state capital in Austin, encouraged residents to get out and be heard, and hopefully a group can go with Galveston County representatives to show support.

Mayor Holland, Councilmembers Foreman, Gustafson, and Scott stated they had nothing to report.

CONSENT AGENDA

**Councilmember Scott moved to approve all items on the Consent Agenda as presented: A. Authorizing the final acceptance of the Water Plant No. 2 project into the contractor's one-year maintenance period. B. Approve the recently installed SCADA system into the contractor's one-year maintenance period. C. Acceptance of Paving and Utilities improvements at completion of one-year maintenance period of the Arbor Gate Section 1 at West Ranch. D. Approving a banner permit application for the Friendswood High School Wranglerettes to advertise for their "FHS Wranglerettes Spring Show". E. Accepting the December 2016 Property Tax Report. F. Approving the Minutes of the December 5, 2016, and January 9, 2017, Council Meetings.

Seconded by Councilmember Foreman. The motion was approved 6-0.

CLOSED EXECUTIVE SESSION

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

Council convened into Executive Session in accordance with the Texas Government Code, pursuant to Section 551.074 – Personnel Matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (Evaluation of the City Manager).

RECONVENED INTO OPEN SESSION

Council reconvened into Open Session with action taken later in the meeting.

ACTION ITEMS (continued)

**Councilmember Rockey moved to approve giving the City Manager a merit increase of 3.25 percent for the upcoming year.

Seconded by Councilmember Gustafson. The motion was approved 6-0.

The meeting was adjourned at 8:20 PM.

Mayor Kevin Holland

Attest:

Melinda Welsh, TRMC
City Secretary