

STATE OF TEXAS)(
 CITY OF FRIENDSWOOD)(
 COUNTIES OF GALVESTON/HARRIS)(
 MAY 16, 2016)(
)

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD CITY COUNCIL THAT WAS HELD ON MONDAY, **MAY 16, 2016**, AT 6:30 PM AT FRIENDSWOOD CITY HALL COUNCIL CHAMBERS, 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, WITH THE FOLLOWING PRESENT CONSTITUTING A QUORUM:

MAYOR	KEVIN HOLLAND
MAYOR PRO-TEM	JIM HILL
COUNCILMEMBER	STEVE ROCKEY
COUNCILMEMBER	BILLY ENOCHS
COUNCILMEMBER	PAT MCGINNIS
COUNCILMEMBER	MIKE FOREMAN
COUNCILMEMBER	JOHN SCOTT
COUNCILMEMBER	CARL GUSTAFSON
CITY ATTORNEY	ARNOLD POLANCO
CITY MANAGER	ROGER ROECKER
CITY SECRETARY	MELINDA WELSH

REGULAR SESSION

Mayor Holland called the meeting to order.

The invocation was given by Pastor David Bridges with Friendswood Friends Church.

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

CLOSED EXECUTIVE SESSION

Philip Ratisseau, Friendswood resident, addressed Council and asked that Council share discussion with the public after Council reconvenes from Executive Session so that the public does not have to wait to read about it in the newspaper.

Mayor Holland asked to go into Executive Session in regards to election allegations, and City Attorney Arnold Polanco answered that it is permissible and clarified that Council may go into Executive Session anytime without it being posted.

The consensus of Council was to convene into Executive Session in regards to allegations of purported election improprieties.

Council convened into Executive Session in accordance with the Texas Government Code, pursuant to Section 551.071 – Consultation with Attorney regarding pending claims against Olson & Olson, LLP, arising from settlement of legal action and Section 551.071 – Consultation with Attorney regarding contemplated litigation in regards to election allegations.

RECONVENE INTO OPEN SESSION

City Attorney Arnold Polanco stated a series of emails and other communications has been received by Council and Staff asserting alleged improprieties with the conduct of the election. He further stated he has reviewed and is satisfied that none of the allegations rise to a level sufficient to translate into a meritorious election contest.

COMMUNICATIONS FROM THE PUBLIC

Deirdre Brown, Friendswood resident, addressed Council and stated she is surprised by the City Attorney's comments, has raised concerns with the election and the proprietary aspects of the election, reached out to an experienced election professional who has also raised concerns. At issue is Harris County's new Precinct 742 not being in any of the City's election ordinances, how was it missed, has substantial commercial developments, will they be subject to the additional sales tax, discussed a handout of an e-mail from former election official Robert Bertrand that raised concerns, handed out copies of combination forms from April 25, 2016, and April 30, 2016, that were not signed, had also provided Council with a list of concerns such as mail in ballots, when they were mailed and who received them, discussed the speed at which she is receiving public information request responses, and asked Council to get a second opinion before the election results are certified.

Ken Turner, Friendswood resident, addressed Council and stated he supports Ms. Brown's statements, lives in the Forest Bend Subdivision in Harris County, is a disabled veteran over the age of 65 who did not receive a mail in ballot, did not make it to City Hall to vote, asked Council to think twice about certifying the votes.

Philip Ratisseau, Friendswood resident, addressed Council and stated he supports Ms. Brown's statements, does Precinct 742 not have to pay the additional sales tax, and would be missing out on numerous commercial businesses in that precinct. The municipal code concerning economic development does not require Council to have an open meeting when the discussion is regarding what the City is going to do to attract businesses, asked that Council conduct this discussion in Council Chambers and share with citizens, is the citizen's money that will be used to entice businesses to come to town, citizens are interested and paying attention, and would like more information on when and how the Type B Economic Development Corporation Board would be formed. He further stated Harris County residents would appreciate being considered to be on the board so they may share concerns and have a voice.

COMMENTS FROM CANDIDATES AND INCOMING/OUTGOING COUNCILMEMBERS

Councilmember Pat McGinnis thanked the citizens of Friendswood for their trust, politicians give politics a bad name, has tried to be honorable, has been an unexpected blessing to serve in his position. He congratulated Councilmember Gustafson on winning his re-election, appreciated his project manager concept of running numbers on projects, and has helped Council gain insight. Councilmember Rockey's eclectic curiosity that he tries to understand all facets of any given topic is a real advantage. Councilmember Scott has a way to get to the heart of the matter, kindred spirit with fiscal conservative, and ability to get to the gut of the matter. Councilmember Enochs always paints a big picture of the City of Friendswood and what is best for the City and its citizens, and brings Council back to ground zero. Councilmember Hill is the wise old owl, has been a mentor and has taught him a lot. It has been an honor to be at Mayor Holland's right hand side, is a wonderful Mayor, has a great ability to listen to everyone and find the shortcut to a compromise. Councilmember McGinnis presented gifts to all the councilmembers and quoted from a prayer Loren Wood spoke at the invocation of Friendswood's City Hall, "May the decisions made in this City Hall be bathed in integrity, honesty, and truth."

Councilmember Gustafson stated that he had the honor of running with Councilmember McGinnis three years ago and they became friends. His daughter's rode with Councilmember McGinnis during the 4th of July parades, and he has been kind to his family. Councilmember Gustafson presented a gift of an engraved pen to Councilmember McGinnis.

Councilmember Rockey stated he genuinely enjoyed serving on Council with Councilmember McGinnis, knows his favorite bar, and was often one of the influential councilmembers that changed his mind on votes.

Councilmember Enochs stated he called Councilmember McGinnis Doc before calling him councilmember, has called him Colonel, and loves his servant heart. He further stated when he thinks of Councilmember McGinnis he is reminded of his passion for conservative values, has done a great job of

holding the mirror up and making Council think of how the City's money is spent or financed, and loves his spirit of always saying yes. Councilmember McGinnis started the tradition of reading the Declaration of Independence, would like to continue the tradition, and is proud of Councilmember McGinnis for his service on Council for six years.

Councilmember Hill stated it has been a rewarding experience serving with Councilmember McGinnis, researches items, serves with complete integrity. He further stated Councilmember McGinnis has mentored him on many things as well, will miss him, remembers seeing a couple of tears the night he was elected and sees them now which shows his heart is pure.

Councilmember Scott thanked Councilmember McGinnis for his service. He further stated Councilmember McGinnis takes time to analyze things, is a great asset to the community, great representation of the people, thanked him for his time and service to the community, and has been a great ally and friend.

Mayor Holland stated a lot has been said already regarding Councilmember McGinnis, have had good times together, served with a great heart and has taught him how to hold his tongue and use his now extinct iPad, has been a great councilmember, and will be missed.

Councilmember McGinnis thanked City Manager Roger Roecker, City Secretary Melinda Welsh, City Attorney Arnold Polanco, Assistant City Manager Morad Kabiri, City Staff and all volunteers, and stated Staff gets the day-to-day work done.

Candidate Mike Foreman stated he is appreciative of his friends and family's support, encouraged him to run for election, is thankful and looks forward to serving with Council, congratulated Dr. Pat McGinnis, looks forward to following in his footsteps, and thanked his wife Lorrie for all her support.

RESOLUTIONS

****Councilmember Rockey moved to approve Resolution R2016-09 – A resolution of the City Council of the City of Friendswood, Texas, canvassing the returns of the May 07, 2016, City of Friendswood General Election for Council Positions No. 4 and No. 6.**

Seconded by Councilmember McGinnis. The motion was approved unanimously.

COUNCILMEMBER – POSITION NO. 4

Mike Foreman..... 1,817 votes

COUNCILMEMBER – POSITION NO. 6

Mike Stacy..... 1,034 votes

Carl W. Gustafson..... 1,249 votes

****Councilmember Rockey moved to approve Resolution R2016-10 – A resolution of the City Council of the City of Friendswood, Texas, canvassing the returns and declaring the results of a Special Election held on May 07, 2016, regarding two (2) propositions relating to Street Maintenance Sales and Use Tax and Downtown Improvements Sales and Use Tax.**

Seconded by Councilmember McGinnis. The motion was approved unanimously.

PROPOSITION NO. 1 Street Maintenance Sales and Use Tax

For the adoption of a local Sales and Use Tax in the City of Friendswood, Texas at the rate of three-eighths (3/8) of one percent (1%) to provide revenue for maintenance and repair of municipal streets..... 1,485 votes

Against the adoption of a local Sales and Use Tax in the City of Friendswood, Texas at the rate of three-eighths (3/8) of one percent (1%) to provide revenue for maintenance and repair of municipal streets..... 925 votes

PROPOSITION NO. 2 Downtown Improvements Sales and Use Tax

For the adoption of a Type B local Sales and Use Tax in the City of Friendswood, Texas at the rate of one-eighth (1/8) of one percent (1%) to undertake projects authorized under Chapter 505 of the Local Government Code, to promote new or expanded business enterprises in the downtown area as defined by the City of Friendswood Downtown District Map, including but not limited to streets, targeted infrastructure, paved sidewalks, pedestrian amenities including lighting, benches, signage, and other related public improvements, and the maintenance and operations expenses for any of the above-described projects..... 1,274 votes

Against the adoption of a Type B local Sales and Use Tax in the City of Friendswood, Texas at the rate of one-eighth (1/8) of one percent (1%) to undertake projects authorized under Chapter 505 of the Local Government Code, to promote new or expanded business enterprises in the downtown area as defined by the City of Friendswood Downtown District Map, including but not limited to streets, targeted infrastructure, paved sidewalks, pedestrian amenities including lighting, benches, signage, and other related public improvements, and the maintenance and operations expenses for any of the above-described projects..... 1,135 votes

Councilmember Hill clarified the mail ballot issue with City Secretary Melinda Welsh.

Mayor Holland presented Councilmember McGinnis with a plaque in recognition of his dedicated service on City Council for six years.

PRESENTATION OF CERTIFICATES OF ELECTION

Mayor Holland presented the Certificates of Election to Mike Foreman and Carl Gustafson.

OATHS OF OFFICE

The Honorable Judge Jim Woltz administered the Oath of Office to Mike Foreman for City Council Position No. 4.

The Honorable Judge Jim Woltz administered the Oath of Office to Carl Gustafson for City Council Position No. 6.

COMMUNICATIONS FROM THE MAYOR AND COUNCILMEMBERS

Councilmember Gustafson thanked his family, wife Theresa, brother John, daughters Kendra and Megan for their support, without them he could not have done this, thanked others that helped him, thanked the citizens of Friendswood for re-electing him for another three years, and stated he is looking forward to wonderful things.

Councilmember Foreman thanked everyone again for their support, is looking forward to working with Council, and the City Manager has worked with him in educating him and introducing him to City Staff.

Councilmember Rockey stated he was glad to have Councilmember Gustafson remain on Council, and welcomed Councilmember Foreman.

Councilmember Enochs welcomed Councilmember Gustafson back, second term is more productive, and welcomed Councilmember Foreman.

Councilmember Hill stated he hopes he does not have to remind Councilmember Foreman about keeping the meetings brief.

Mayor Holland thanked Former Councilmember McGinnis and Councilmember Gustafson for their

service, and is looking forward to working with Councilmember Foreman.

Councilmember Scott stated he had nothing to report.

The meeting was adjourned at 7:31 PM.

Attest:

Mayor Kevin Holland

Melinda Welsh, TRMC
City Secretary