



CITY OF FULSHEAR

"FIND YOUR FUTURE IN FULSHEAR"

30603 FM 1093 WEST/ PO Box 279 ~ FULSHEAR, TEXAS 77441

PHONE: 281-346-1796 ~ FAX: 281-346-2556

WWW.FULSHEARTEXAS.GOV

CITY COUNCIL:

MAYOR: Aaron Groff

MAYOR PRO-TEM: Kaye Kahlich

COUNCIL MEMBER: Kent Pool

COUNCIL MEMBER: Kevin White

COUNCIL MEMBER: Debra Cates

COUNCIL MEMBER: Lisa Martin

COUNCIL MEMBER: Joel Patterson

COUNCIL MEMBER: John Kelly

STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly Kopecky

CITY ATTORNEY: J. Grady Randle

CITY COUNCIL MEETING (2ND AMENDED) JULY 16, 2019

NOTICE IS HEREBY GIVEN OF A REGULAR CITY COUNCIL MEETING OF THE CITY OF FULSHEAR TO BE HELD ON **TUESDAY, JULY 16, 2019 AT 7:00 P.M.** IN IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS FOR CONSIDERING THE FOLLOWING ITEMS. THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY MATTERS LISTED ON THE AGENDA, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE, INCLUDING, BUT NOT LIMITED TO, SECTIONS 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATIONS ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), 551.087 (ECONOMIC DEVELOPMENT), 418.175.183 (DELIBERATIONS ABOUT HOMELAND SECURITY ISSUES) AND AS AUTHORIZED BY THE TEXAS TAX CODE, INCLUDING, BUT NOT LIMITED TO, SECTION 321.3022 (SALES TAX INFORMATION).

"Incidental Meeting Notice: A quorum of the City of Fulshear City Council, Planning & Zoning Commission, City of Fulshear Development Corporation (Type A), Fulshear Development Corporation (Type B), Parks & Recreation Commission, Historic Preservation & Museum Commission, Zoning Board of Adjustment, or any or all of these, may be in attendance at the meeting specified in the foregoing notice, which attendance may constitute a meeting of such governmental body or bodies as defined by the Texas Open Meetings Act, Chapter 551, Texas Government Code. Therefore, in addition to the foregoing notice, notice is hereby given of a meeting of each of the above-named governmental bodies, the date, hour, place, and subject of which is the same as specified in the foregoing notice."

- I. **CALL TO ORDER**
- II. **QUORUM & ROLL CALL**
- III. **INVOCATION- FATHER DAT HOANG, ST. FAUSTINA CATHOLIC CHURCH**

- IV. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG**-*I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL.*
- V. **PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG** –*HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE*
- VI. **CITIZEN’S COMMENTS**-*THIS IS AN OPPORTUNITY FOR CITIZENS TO SPEAK TO COUNCIL RELATING TO AGENDA AND NON-AGENDA ITEMS. SPEAKERS ARE ADVISED THAT COMMENTS CANNOT BE RECEIVED ON MATTERS WHICH ARE THE SUBJECT OF A PUBLIC HEARING ONCE THE HEARING HAS BEEN CLOSED. SPEAKERS ARE REQUIRED TO REGISTER IN ADVANCE AND MUST LIMIT THEIR COMMENTS TO THREE (3) MINUTES.*
- VII. **CITY’S MANAGER’S REPORT** – *BRIEFINGS OR UPDATES MAY BE PROVIDED REGARDING CITY SERVICES, ADMINISTRATIVE/PERSONNEL MATTERS, REAL ESTATE/DEVELOPMENT, INFRASTRUCTURE, EVENTS, REGULATIONS, COMMUNITY AND INTERGOVERNMENTAL RELATIONS ISSUES.*
- A. **DISTINGUISHED BUDGET AWARD**
 - B. **COURT CLERK III, VALERIE BRYANT**
 - C. **TRMC CERTIFICATION, KIMBERLY KOPECKY**
 - D. **TML CONFERENCE (OCTOBER 9-11) IN SAN ANTONIO**
 - E. **BUDGET WORKSHOP (AUGUST 6, 2019)**
- VIII. **CONSENT ITEMS**-*ITEMS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED ROUTINE AND ARE GENERALLY ENACTED IN ONE MOTION, THE EXCEPTION TO THIS RULE IS THAT A COUNCIL MEMBER(S) MAY REQUEST ONE OR MORE ITEMS TO BE REMOVED FROM THE CONSENT AGENDA FOR A SEPARATE DISCUSSION AND ACTION.*
- A. **CONSENT AND APPROVAL OF MINUTES FROM CITY COUNCIL MEETINGS HELD ON JUNE 18, 2019 (SPECIAL) AND JUNE 18, 2019 (REGULAR)**
 - B. **CONSENT AND APPROVAL OF AN UPDATE TO THE CROSS CREEK RANCH GENERAL LAND PLAN**
 - C. **CONSENT AND APPROVAL OF CREEK TRACE AT CROSS CREEK RANCH SECTION 5 PRELIMINARY PLAT**
 - D. **CONSENT AND APPROVAL OF IVY KIDS – CROSS CREEK PRELIMINARY PLAT**
 - E. **CONSENT AND APPROVAL OF THE MONTHLY GENERAL AND UTILITY FUND FINANCIALS**
 - F. **CONSENT AND APPROVAL OF 10/20 YEAR WRITE OFF OF PROPERTY TAXES**
 - G. **CONSENT AND APPROVAL OF RESOLUTION NO. 2019-423, DENYING THE RATE CHANGE APPLICATION PROPOSED BY CENTERPOINT**
 - H. **CONSENT AND APPROVAL OF AN AMENDMENT TO FNI DESIGN SERVICES CONTRACT FOR W18K & WW18E**

- I. **CONSENT AND APPROVAL TO ACCEPT INFRASTRUCTURE FROM MUD 174 FOR THE UTILITY CONVEYANCES AND SECURITY AGREEMENTS AND THE STREET DEDICATIONS FOR POLO RANCH SECTIONS 2 AND 3**

IX. BUSINESS

- A. **DISCUSSION AND POSSIBLE ACTION RELATED TO AMENDMENTS TO EXISTING AGREEMENTS FOR 270.482 ACRES OF LAND AS FOLLOWS:**

- 1. **THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, FULSHEAR INVESTMENTS, INC., AND FULSHEAR EQUINE, LLC**
- 2. **SECOND AMENDMENT TO THE UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 174**

- B. **DISCUSSION AND POSSIBLE ACTION RELATED TO AMENDMENTS TO THE FOLLOWING EXISTING AGREEMENTS FOR 280.315 ACRES OF LAND AS FOLLOWS:**

- 1. **FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, FULSHEAR INVESTMENTS, INC., FULSHEAR EQUINE, LLC, MASON EQUEST INVESTMENT, INC., AND LOUIS A. WATERS**
- 2. **FIRST AMENDMENT TO UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, FULSHEAR INVESTMENTS, INC., FULSHEAR EQUINE, LLC, MASON EQUEST INVESTMENT, INC., AND LOUIS A. WATERS**

X. EXECUTIVE SESSION - CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE SEC. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.

A GOVERNMENTAL BODY MAY NOT CONDUCT A PRIVATE CONSULTATION WITH ITS ATTORNEY EXCEPT:

- 1) **WHEN THE GOVERNMENTAL BODY SEEKS THE ADVICE OF ITS ATTORNEY ABOUT:**
 - A) **PENDING OR CONTEMPLATED LITIGATION; OR**
 - B) **A SETTLEMENT OFFER; OR**
- 2) **ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.**

CERTAIN MUD SETTLEMENT NEGOTIATIONS INCLUDING:

- (1) **FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR AND CCR TEXAS HOLDINGS LP (CROSS CREEK RANCH)**
- (2) **SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FULSHEAR LAND PARTNERS, LTD and FULSHEAR LAND INVESTMENTS PARTNERS, LTD (FULBROOK ON FULSHEAR CREEK)**
- (3) **LETTER TO CROSS CREEK RANCH COMMUNITY ASSOCIATION**
- (4) **(a) FOURTH AMENDMENT TO UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 169, (b)**

THIRD AMENDMENT TO UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 170, (c) FOURTH AMENDMENT TO UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 171, (d) THIRD AMENDMENT TO UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 172, (e) THIRD AMENDMENT TO UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO 173, AND (f) FIRST AMENDMENT TO UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 1 OF FORT BEND COUNTY, TEXAS.

XI. ACTION FROM EXECUTIVE SESSION

A. DISCUSSION AND POSSIBLE ACTION RELATED TO THE FOLLOWING AMENDMENTS TO THE FOLLOWING EXISTING AGREEMENTS:

- (1) APPROVAL OF FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR AND CCR TEXAS HOLDINGS LP (CROSS CREEK RANCH)
- (2) APPROVAL OF SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FULSHEAR LAND PARTNERS, LTD and FULSHEAR LAND INVESTMENTS PARTNERS, LTD (FULBROOK ON FULSHEAR CREEK)
- (3) APPROVAL OF LETTER TO CROSS CREEK RANCH COMMUNITY ASSOCIATION
- (4) APPROVAL OF: (a) FOURTH AMENDMENT TO UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 169, (b) THIRD AMENDMENT TO UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 170, (c) FOURTH AMENDMENT TO UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 171, (d) THIRD AMENDMENT TO UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 172, (e) THIRD AMENDMENT TO UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO 173, AND (f) FIRST AMENDMENT TO UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 1 OF FORT BEND COUNTY, TEXAS.

XII. CONSIDERATION AND POSSIBLE ACTION RELATING TO ABSENCES- IN ACCORDANCE WITH SECTION 3.10 (d) OF THE CITY OF FULSHEAR HOME-RULE CHARTER, PAST ABSENCES DUE TO SICKNESS MAY BE EXCUSED, AND LEAVES OF ABSENCE FOR FUTURE ABSENCES MAY BE GRANTED. ANY ACTION TO EXCUSE A PAST ABSENCE IS DEEMED TO INCLUDE A FINDING THAT THE ABSENCE WAS DUE TO SICKNESS UNLESS THE ACTION INDICATES OTHERWISE.

XIII. ADJOURNMENT

NOTE: IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT, THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICE MUST BE MADE AT LEAST 48 BUSINESS HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT 281-346-1796 FOR FURTHER INFORMATION.

I, KIMBERLY KOPECKY, CITY SECRETARY OF THE CITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING AND AGENDA FOR THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS WAS POSTED ON JULY 12, 2019 BY 5:30 P.M. IN PLACE CONVENIENT AND READILY ACCESSIBLE AT ALL TIMES TO THE GENERAL PUBLIC, IN COMPLIANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

Kimberly Kopecy

KIMBERLY KOPECKY, CITY SECRETARY



CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

Phone: 281-346-1796 ~ Fax: 281-346-2556

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NOTICE OF POSSIBLE QUORUM

One or more members of the City Council, Planning and Zoning Commission, CDC type A, FDC type B, Parks and Recreation, the Historic Preservation and Museum Commission, the Capital Improvement Advisory Committee, and the Zoning Board of Adjustment of the City of Fulshear, Texas may be present for a Reception with MUD representatives conducted by the City of Fulshear that will be held on Tuesday, July 16, 2019 at the Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas 77441. The Reception will be held immediately following the regular City Council Meeting (meeting to start at 7:00 p.m.) and members from any Board or Commission of the City of Fulshear may be present to participate in the event. No action will be taken.

Kimberly Kopecky

Kimberly Kopecky, City Secretary

Date posted: July 12, 2019