



# 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](http://WWW.FULSHEARTEXAS.GOV)

## CITY COUNCIL:

MAYOR: Jeff Roberts

MAYOR PRO-TEM: Tricia Krenek

COUNCIL MEMBER: Stephen Gill

COUNCIL MEMBER: Kaye Kahlich

COUNCIL MEMBER: Tommy Kuykendall

COUNCIL MEMBER: Jim Fatheree

COUNCIL MEMBER: Dana Hollingsworth

## STAFF:

CITY MANAGER: Jack Harper

INTERIM CITY SECRETARY: Kimberly Kopecky

CITY ATTORNEY: J. Grady Randle

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## CITY COUNCIL MEETING APRIL 17, 2018

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NOTICE IS HEREBY GIVEN OF A REGULAR CITY COUNCIL MEETING OF THE CITY OF FULSHEAR TO BE HELD ON **TUESDAY, APRIL 17, 2018 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).

- I. **CALL TO ORDER**
- II. **QUORUM & ROLL CALL**
- III. **INVOCATION- CARY WILKINS**
- 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. PUBLIC HEARING**

In compliance with the City of Fulshear Zoning Ordinance Number 2010-1028, the City will hold two Public Hearings; the first Public Hearing will be held by the Planning and Zoning Commission on April 13, 2018 at 8:30 a.m., the hearing will be held at city hall located at 30603 FM 1093. The second hearing will be held by the City Council on April 17, 2018 at 7:00 p.m. the hearing will be held at the Irene Stern Center located at 6920 Katy Fulshear Road. Both hearings will allow all interested persons an opportunity to be heard.

The location of the premises in question is in the Downtown District, C Fulshear League, Abstract 29, Acres 4.99, specifically the location is at the northeast corner of FM 1093 and Syms Rd, Fulshear, Texas 77441.

The applicant's agent, Anderson Smith, of Capital Retail Properties, is seeking a Zoning Change pursuant to the Zoning Ordinance to take the current zoning from Downtown District to Commercial Use for commercial, retail, restaurant, office and/or medical space.

The applicant reserves the right to supplement this application and/or seek at the time of the hearing, such other approvals, interpretations, and/or waivers as may be requested or required by the applicant or the Board/Council.

A copy of said application and documents is on file at the City of Fulshear City Hall located at 30603 FM 1093 Fulshear, Texas 77441 on Monday through Thursdays from 8:00 a.m. to 5 p.m. and Fridays from 8:00 a.m. to 3 p.m. in the City Secretary's office for all interested parties prior to said hearing.

If you have any questions regarding this request please call the City Secretary's office at 281-346-1796.

**VII. 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.**

**VIII. 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. MUD 172 BOARD MEETING**
- B. FACC MEMBERSHIP MEETING**
- C. OTHER MEETINGS WITH FULSHEAR STAKEHOLDERS**

**IX. 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 FULBROOK ON FULSHEAR CREEK SECTION 5/PRELIMINARY PLAT**
- B. CONSENT AND APPROVAL OF FULBROOK ON FULSHEAR CREEK LIFT STATION NO. 9/PRELIMINARY PLAT**
- C. CONSENT AND APPROVAL OF FULSHEAR TRACE-STREET DEDICATION SECOND EXENTSION/PRELIMINARY PLAT**
- D. CONSENT AND APPROVAL OF JADE SPRINGS LANE- STREET DEDICATION/PRELIMINARY PLAT**
- E. CONSENT AND APPROVAL OF CREEK COVE AT CROSS CREEK RANCH SECTION 15/PRELIMINARY PLAT**
- F. CONSENT AND APPROVAL OF CREEK COVE AT CROSS CREEK RANCH SECTION 16/PRELIMINARY PLAT**
- G. CONSENT AND APPROVAL OF FULBROOK SECTION 2 "B"/FINAL PLAT**
- H. CONSENT AND APPROVAL OF CROSS CREEK RANCH WATER PLANT NO. 3/FINAL PLAT**
- I. CONSENT AND APPROVAL OF MINUTES FROM COUNCIL MEETINGS HELD ON MARCH 3, MARCH 20, AND MARCH 29, 2018**
- J. DISCUSSION AND APPROVAL OF GENERAL FUND REPORT ENDING MARCH 31, 2018**
- K. QUARTERLY INVESTMENT REPORT**
- L. CONSENT AND APPROVAL OF HVAC REPLACEMENT AT ISCC**
- M. CONSENT AND APPROVAL OF THE INTERLOCAL PROJECT AGREEMENT FOR THE ROAD STABILIZAITON OF THE ENTRY ROAD TO THE CROSS-CREEK RANCH WWTP**
- N. CONSENT AND APPROVAL OF THE PURCHASE OF SIDEWALK REPAIR SERVICES**
- O. CONSENT AND APPROVAL OF THE PURCHASE OF A F250 4WD VEHICLE FOR PUBLIC WORKS**

**X. BUSINESS**

- A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A ZONING CHANGE FOR THE NORTHEAST CORNER OF FM 1093 AND SYMS ROAD (CAPITAL RETAIL PROPERTIES)**
- B. CONSIDERATION AND ACCEPTANCE OF THE AUDITED FY2017 ANNUAL FINANCIAL REPORT**
- C. CONSIDERATION AND POSSIBLE ACTION ON AN APPEAL OF THE BUILDING OFFICIAL'S DECISION FOR THE DENIAL OF A CERTIFICATE OF OCCUPANCY FOR A CAR WASH FACILITY AT 30414 FOURTH STREET**
- D. CONSIDERATION AND APPROVAL OF THE INTERLOCAL PROJECT AGREEMENT WITH FORT BEND COUNTY FOR THE ASPHALT PAVING OF CERTAIN ROADS**

- E. CONSIDERATION AND APPROVAL OF THE PURCHASE OF ASPHALT/EARTHEN ROAD MATERIALS FOR THE PAVING OF CERTAIN ASPHALT ROADS
- F. CONSIDERATION AND APPROVAL OF A SETTLEMENT AGREEMENT WITH GM EQUITY RELATIVE TO THE DEVELOPMENT OF LAND KNOWN AS THE "GINTER TRACT"
- G. DISCUSSION AND POSSIBLE ACTION TO FILL THE VACANT CITY COUNCIL AT-LARGE #1 POSITION

**XI. 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.**

**UPDATE ON THREATENED LITIGATION**


- A. CASE: 18-DCV-250347; CITY OF FULSHEAR, TEXAS VS ADVANCED TECHNOLOGY TRANSFER AND INTELLECTUAL PROPERTY GROUP LLC
- B. CASE: 18-DCV-249910; ADVANCED TECHNOLOGY TRANSFER AND INTELLECTUAL PROPERTY GROUP, LLC AND DIOGU KALU DIOGU II, LLM VS CITY OF FULSHEAR, ET AL.
- C. CASE: D-1-GN-16-004891; CITY OF FULSHEAR, TEXAS PLAINTIFF, VS. KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS, ET AL. DEFENDANTS

**XII. DISCUSSION OF AND POSSIBLE ACTION RESULTING FROM EXECUTIVE SESSION**

**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, INTERIM 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 MARCH 13, 2018 BY 5:00 P.M. IN PLACE CONVENIENT AND READILY ACCESSIBLE AT ALL TIMES TO THE GENERAL PUBLIC, IN COMPLIANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

  
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 KIMBERLY KOPECKY, INTERIM CITY SECRETARY