



# CITY OF FULSHEAR

*"FIND YOUR FUTURE IN FULSHEAR"*

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

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

## CITY COUNCIL:

MAYOR: Aaron Groff

MAYOR PRO-TEM: Kaye Kahlich

COUNCIL MEMBER: Kent Pool

COUNCIL MEMBER: Dana Hollingsworth

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

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## CITY COUNCIL MEETING MINUTES SEPTEMBER 18, 2018

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### **I. CALL TO ORDER**

*A REGULAR CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR AARON GROFF AT IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS AT 7:06 P.M. A QUORUM WAS PRESENT.*

### **II. QUORUM & ROLL CALL**

#### **COUNCIL MEMBERS PRESENT:**

*AARON GROFF, MAYOR*

*KAYE KAHLICH, MAYOR PRO-TEM*

*JOEL PATTERSON*

*DEBRA CATES*

*LISA MARTIN*

*JOHN KELLY*

*DANA HOLLINGSWORTH*

*KENT POOL*

#### **CITY STAFF PRESENT:**

*JACK HARPER, CITY MANAGER*

*KIMBERLY KOPECKY, CITY SECRETARY*

*WES VELA, CHIEF FINANCIAL OFFICER*

*SHARON VALIANTE, PUBLIC WORKS DIRECTOR*

*GRADY RANDLE, CITY ATTORNEY*

*BRANT GARY, ASSISTANT CITY MANAGER*

KENNY SEYMOUR, CHIEF OF POLICE  
MIKE MCCOY, POLICE CAPTAIN  
DAVID LEYENDECKER, CITY ENGINEER  
LYNN RAYMER, EXECUTIVE ASSISTANT  
KRISTI BRASHEAR, FINANCE MANAGER

**OTHERS PRESENT:**

ANDREW LANG  
DON MCCOY  
TREY DEVILLIER  
KYLE LEAK  
LINDA WOOTEN  
J.D. MCCANN  
JIM EITEMAN  
VIOLA RANDLE  
MARY SMITH  
BRYAN THOMAS  
JOHN LEBOURHIS  
AND APPROXIMATELY 15 OTHERS THAT DID NOT SIGN IN

**III. INVOCATION- KYLE LEAK- ADULT MINISTRIES PASTOR, 2<sup>ND</sup> BAPTIST CHURCH**

THE INVOCATION WAS GIVEN BY KYLE LEAK, ADULT MINISTRIES PASTOR.

**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**

BOTH THE PLEDGE OF ALLEGIANCE TO THE U.S. FLAG AND PLEDGE TO THE TEXAS FLAG WERE LED BY MAYOR GROFF.

**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.**

JD MCCANN SPOKE REGARDING PROPOSED POLO RANCH DEVELOPMENT

JIM EITMAN SPOKE REGARDING FLOODING AND DEVELOPMENT

**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. DISCUSSION OF THE CITY OF FULSHEAR HOLIDAY SCHEDULE FOR 2018/2019**

JACK HARPER READ THE HOLIDAY DATES DECLARED FOR 2018/2019

**B. DISCUSSION OF EXECUTIME SYSTEM**

*JACK EXPLAINED ABOUT THE ONLINE ELECTRONIC SYSTEM TO TRACK TIME*

**C. DISCUSSION OF GRANICUS (NOVUS AGENDA)**

*JACK EXPLAINED THIS AGENDA SOFTWARE PROGRAM TO AID IN WORKFLOW PROCESS FOR AGENDAS*

**D. DISCUSSION OF OPEN RECORDS SYSTEMS**

*JACK EXPLAINED THIS SOFTWARE MANAGEMENT PROGRAM TO HANDLE OPEN RECORDS REQUESTS*

**VIII. CITY COUNCIL LIAISON REPORT- BRIEFINGS OR UPDATES FROM CITY COUNCIL MEMBERS MAY BE PROVIDED REGARDING BOARDS AND COMMISSIONS MEETINGS.**

- MAYOR PRO-TEM KAHLICH- LIAISON FOR PLANNING & ZONING COMMISSION AND EX OFFICIO FOR THE LIVABLE CENTERS STUDY
- COUNCIL MEMBER KELLY- LIAISON FOR FULSHEAR DEVELOPMENT CORP “TYPE A”
- COUNCIL MEMBER MARTIN- LIAISON FOR FULSHEAR DEVELOPMENT CORP “TYPE B”
- COUNCIL MEMBER POOL- LIAISON FOR PARKS & RECREATION COMMISSION
- COUNCIL MEMBER CATES- LIAISON FOR HISTORIC PRESERVATION AND MUSEUM COMMISSION

*EACH COUNCIL LIAISON GAVE A BRIEF UPDATE ON THEIR BOARD/COMMISSION.*

**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 CREEK COVE AT CROSS CREEK RANCH SECTION 12/PRELIMINARY PLAT**
- B. CONSENT AND APPROVAL OF SUNSET DRIVE-STREET DEDICATION/PRELIMINARY PLAT**
- C. CONSENT AND APPROVAL OF SKYLINE DRIVE-STREET DEDICATION/PRELIMINARY PLAT**
- D. CONSENT AND APPROVAL OF FULSHEAR TRACE THIRD EXTENSION/PRELIMINARY PLAT**
- E. CONSENT AND APPROVAL OF SHOPPES AT CREEK CROSSING/PRELIMINARY PLAT**
- F. CONSENT AND APPROVAL OF MARCEL TOWN CENTER/PRELIMINARY PLAT**
- G. CONSENT AND APPROVAL OF TAMARRON SECTION 12/PRELIMINARY PLAT**
- H. CONSENT AND APPROVAL OF POLO RANCH SECTION 11/PRELIMINARY PLAT**
- I. CONSENT AND APPROVAL OF FULBROOK ON FULSHEAR CREEK SECTION 5/FINAL PLAT**
- J. CONSENT AND APPROVAL OF CREEK FALLS AT CROSS CREEK RANCH SECTION 12/FINAL PLAT**
- K. CONSENT AND APPROVAL OF POLO RANCH SECTION 3 (2<sup>ND</sup> REVIEW)/FINAL PLAT**

- L. **CONSENT AND APPROVAL OF CITY COUNCIL MINUTES FROM CITY COUNCIL MEETINGS HELD ON AUGUST 9, 2018, AUGUST 14, 2018, AUGUST 21, 2018 (WORKSHOP), AUGUST 21, 2018 (REGULAR), AND AUGUST 28, 2018**
- M. **CONSENT AND APPROVAL OF GENERAL FUND REPORT FOR AUGUST 2018**
- N. **CONSENT AND APPROVAL OF CONVEYANCE OF UTILITIES AND PAVING TO SERVE FBC MUD NO. 173- CREEK FALLS AT CROSS CREEK RANCH, SEC 5 AND THE CREEK FALLS DRIVE EXTENSION NO. 2**
- O. **CONSENT AND APPROVAL OF PURCHASES FOR STREET REPAIRS**
- P. **CONSENT AND APPROVAL OF RESOLUTION NO. 2018-401 A RESOLUTION OF THE CITY OF FULSHEAR DESIGNATING THE FORT BEND HERALD COASTER AS THE OFFICIAL NEWSPAPER OF RECORD FOR THE FISCAL YEAR 2018-2019**
- Q. **CONSENT AND APPROVAL OF RESOLUTION NO. 2018-402 A RESOLUTION FOR THE 2018 IEBP EMPLOYEE BENEFIT POOL BALLOT NOMINATION**
- R. **CONSENT AND APPROVAL OF ORDINANCE NO. 2018-1282 AN ORDINANCE REPEALING AND REPLACING CHAPTER 2, ARTICLE VII OF THE CITY'S CODE, REGARDING RECORDS MANAGEMENT AND PUBLIC INFORMATION**

*A REQUEST WAS MADE TO REMOVE ITEMS H, K, AND M FROM CONSENT FOR DISCUSSION.*

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ITEMS A-G, I, J, L, AND N-R. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL*

*NAYS: NONE*

*THE COUNCIL MEMBERS DISCUSSED ITEMS H AND K. A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ITEMS H AND K. IT WAS SECONDED BY COUNCIL MEMBER HOLLINGSWORTH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL*

*NAYS: NONE*

*THE COUNCIL MEMBERS DISCUSSED ITEM M. A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ITEM M. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL*

NAYS: NONE

**X. BUSINESS**

**A. PROCLAMATION FOR PROSTATE CANCER AWARENESS**

*MAYOR GROFF READ THE PROCLAMATION FOR PROSTATE CANCER AWARENESS*

**B. PRESENTATION AND POSSIBLE ACTION ON THE CROSS CREEK RANCH GENERAL PLAN**

*A MOTION TO TABLE THIS ITEM UNTIL NEXT MONTH WAS MADE BY MAYOR PRO-TEM KAHLICH. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL*

*NAYS: NONE*

**C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2018-1285 AN ORDINANCE OF THE CITY OF FULSHEAR APPROVING AND ADOPTING THE CITY OF FULSHEAR, TEXAS BUDGET FOR FISCAL YEAR 2019; MAKING APPROPRIATIONS FOR THE CITY OPERATIONS FOR SUCH YEAR AS REFLECTED IN SAID BUDGET; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ORDINANCE NO. 2018-1285. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*KAYE KAHLICH-AYE  
LISA MARTIN-AYE  
KENT POOL-AYE  
DANA HOLLINGSWORTH-AYE  
DEBRA CATES-AYE  
JOHN KELLY-AYE  
JOEL PATTERSON-AYE*

**D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AND ADOPT ORDINANCE NO. 2018-1286 AN ORDINANCE OF THE CITY OF FULSHEAR PROVIDING FOR THE ASSESSMENT, LEVY, AND COLLECTION OF AD VALOREM TAXES OF THE CITY OF FULSHEAR, TEXAS FOR THE YEAR 2019 AND EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED; PROVIDING THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND PAYABLE; PROVIDING FOR PENALTY AND INTEREST ON ALL TAXES NOT TIMELY PAID, PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES IN CONFLICT**

*A MOTION WAS MADE BY COUNCIL MEMBER CATES TO APPROVE ORDINANCE NO. 2018-1286. IT WAS SECONDED BY MAYOR PRO-TEM KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*KENT POOL-AYE  
DANA HOLLINGSWORTH-AYE  
DEBRA CATES-AYE  
KAYE KAHLICH-AYE*

LISA MARTIN-AYE  
JOEL PATTERSON-AYE  
JOHN KELLY-AYE

**E. CONSIDERATION AND POSSIBLE ACTION TO RATIFY THE PROPERTY TAX REVENUE INCREASE INCLUDED IN THE FISCAL YEAR 2019 BUDGET**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO RATIFY THE PROPERTY TAX REVENUE INCREASE INCLUDED IN THE FISCAL YEAR 2019 BUDGET. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL*

*NAYS: NONE*

**F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2018-403 A RESOLUTION APPOINTING A CITY REPRESENTATIVE AND AN ALTERNATE TO THE HGAC 2019 GENERAL ASSEMBLY**

*A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO APPROVE RESOLUTION NO. 2018-403 APPOINTING MAYOR GROFF AS THE CITY REPRESENTATIVE AND APPOINTING MAYOR PRO-TEM KAHLICH AS THE ALTERNATE TO THE HGAC 2019 GENERAL ASSEMBLY. IT WAS SECONDED BY COUNCIL MEMBER KELLY. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL*

*NAYS: NONE*

**G. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO 2018-404 A RESOLUTION NOMINATING MEMBERS FOR ELECTION OF PLACES 11-14 OF THE BOARD OF TRUSTEES FOR THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2018-404 NOMINATING MEMBERS FOR ELECTION OF PLACES 11-14 OF THE BOARD OF TRUSTEES FOR THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL*

*NAYS: NONE*

**H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE TX INSURORS/HEALTHCARE BENEFITS**

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO APPROVE TX INSURORS/HEALTHCARE BENEFITS AS PRESENTED IN THIS PLAN. IT WAS SECONDED BY MAYOR PRO-TEM KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL

NAYS: NONE

**I. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SOLICITATION PERMIT**

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE THE SOLICITATION PERMIT. IT WAS SECONDED BY COUNCIL MEMBER HOLLINGSWORTH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL

NAYS: NONE

**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:**

**LITIGATION – MUDS**

*THERE WAS NO NEED TO ENTER INTO EXECUTIVE SESSION.*

**XII. ACTION FROM EXECUTIVE SESSION**

*NO EXECUTIVE SESSION WAS HELD.*

**XIII. ADJOURNMENT**

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ADJOURN. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, HOLLINGSWORTH, KAHLICH, KELLY, MARTIN,  
PATTERSON, AND POOL

NAYS: NONE

MAYOR GROFF ADJOURNED THE MEETING AT 8:17 P.M.



  
AARON GROFF, MAYOR

ATTEST:

  
KIMBERLY KOPECKY, CITY SECRETARY