



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: 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:

ACTING CITY MANAGER: Chief Kenny Seymour CITY SECRETARY: D. Gordon Offord CITY ATTORNEY: J. Grady Randle

CITY COUNCIL MINUTES FEBRUARY 20, 2018

I. OPENING

A. CALL TO ORDER

A REGULAR CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR JEFF W. ROBERTS ON FEBRUARY 20, 2018 AT 7:03 P.M. IN THE IRENE STERN COMMUNITY CENTER LOCATED AT 6920 KATY FULSHEAR RD, FULSHEAR, TEXAS.

B. QUORUM AND ROLL CALL

MAYOR ROBERTS ANNOUNCED THAT A QUORUM WAS PRESENT AND THAT COUNCIL MEMBER GILL WAS ABSENT.

PRESENT:

JEFF W. ROBERTS, MAYOR

TRICIA KRENEK, MAYOR PRO TEM

JIM FATHEREEE, COUNCIL MEMBER

DANA HOLLINGSWORTH, COUNCIL MEMBER

KAYE KAHLICH, COUNCIL MEMBER

TOMMY KUYKENDALL, COUNCIL MEMBER

ABSENT:

STEPHEN GILL, COUNCIL MEMBER

CITY STAFF PRESENT:

D. GORDON OFFORD, CITY SECRETARY

BRANT GARY, EXECUTIVE DIRECTOR OF PLANNING AND DEVELOPMENT

J. GRADY RANDLE, CITY ATTORNEY

KENNY SEYMOUR, ACTING CITY MANAGER/CHIEF OF POLICE

SHARON VALIANTE, PUBLIC WORKS DIRECTOR

ANGELA FRITZ, ECONOMIC DEVELOPMENT DIRECTOR

LYNN RAYMER, EXECUTIVE ASSISTANT

BRANDON MORRIS, NEW ATTORNEY WITH RANDLE LAW FIRM

WES VELA, FINANCE MANAGER

**CITY COUNCIL MEETING
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*CONTINUE- CITY STAFF:
DAVID LEYENDECKER, CITY ENGINEER*

*OTHERS:
GREGORY MAGYAR
TREY DEVILLIER
MARK YENTZEN
PATRICK SANDWICH
NICOLE SAENZ
PATRICIA KNOBELOCK
RANDY ETHERIDGE
JEFF & LISA MARTIN
KAYLEEN NELSON
JOHN DOWDALL
RAMONA RIDGE
JODIE DOWDALL
KANE E. HUMPHREY
SOPHIA SCHMIDT
CHUCK STEWART
GEORGE GAYLE
VIOLA RANDLE
KELLY MOSELY
JACK MOSELY
JASON MAKLARY
AND 34 OTHERS WHO DID NOT SIGN IN*

C. INVOCATION- Pastor Dale Olson, Family Hope

PASTOR DALE OLSON FROM FAMILY HOPE PROVIDED THE PRAYER

D. 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*

E. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG-*Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible*

MAYOR ROBERTS LED THE AUDIENCE IN THE PLEDGE OF ALLEGIANCE TO BOTH FLAGS.

- II. 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.*

GREGORY MAGYAR-MR. MAGYAR INTRODUCED HIMSELF TO THE COUNCIL. HE STATED HE IS WITH THE KVPAC/ENCORE ARTS WHICH PROVIDES THEATRE AND ART EDUCATION FOR CHILDREN FROM AGES 3 TO 18. HE STATED THEY HAVE AN ITEM ON THE AGENDA. (FOR ALL THE COMMENTS, REQUEST A COPY OF TAPE RECORDING)

KAYE NELSON- MS. NELSON STATED SHE IS HERE TO EXPRESS CONCERN ABOUT THE FLOODING ALONG BESSIE'S CREEK. SHE STATED THAT ELECTED OFFICIALS HAVE FAILED TO HOLD DEVELOPERS ACCOUNTABLE FOR THE LOTS SIZES STATED IN THE ORDINANCE. (FOR ALL THE COMMENTS, REQUEST A COPY OF TAPE RECORDING)

JOHN DOWDALL-HE STATED THAT HE IS APPALLED BY MR. KUYKENDALL WHO IS NOT AN ELECTED OFFICIAL TO AMEND HIS COMMENTS WHICH ARE FACTUAL THAT YOU WERE VOTED OUT OF OFFICE IN MAY' 2016. HE ALSO STATED THAT WHEN MR. KUYKENDALL WAS MAYOR, HE APPROVED A \$282 000 TAX PAYER INTEREST FREE LOAN TO THE GINTERS. (FOR ALL THE COMMENTS, REQUEST A COPY OF TAPE RECORDING)

KAREN HUMPHREY-SHE STATED SHE IS REPRESENTING THE RELAY FOR LIFE. SHE INVITED EVERYONE TO COME JOIN THEM AT TRAVIS HIGH SCHOOL. SHE STATED THEY HELP VICTIMS OF CANCER TO PURCHASE WIGS, TRANSPORTATION, SUPPORT SERVICES, ETC. (FOR ALL THE COMMENTS, REQUEST A COPY OF TAPE RECORDING)

MS. SMITH STATED SHE IS WITH MS. HUMPHREY. SHE WANTED TO LET US KNOW THAT THEIR SERVICES ARE FREE TO THE VICTIMS OF CANCER AND TO PARTNER WITH THEM.

III. **CITY 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.**

CHIEF SEYMOUR PRESENTED TO THE COUNCIL. HE STATES HE IS TRYING TO ADDRESS STAFF ISSUES AND KEEP MOMENTUM GOING AND CONTINUE TO SERVE THE RESIDENTS OF THE CITY.

IV. **PUBLIC HEARINGS**

A. **SPECIAL USE REQUEST- KVPAC/ENCORE**

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 February 9, 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 February 20, 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, 0029 C Fulshear. An acre 4.7409, specifically the address is 7926 FM 359 Rd, Fulshear, Texas 77441.

The applicant is seeking a Special Use Request pursuant to the Zoning Ordinance to permit the use of a structure to be Commercial Use for Theatre and Art Education.

Specific relief is requested from Section 1-193 (c) (2) (g) which states that the use of office within the Downtown District is permitted if they are approved in the process outlined in section 1-283.

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.

MAYOR ROBERTS OPENED THE PUBLIC HEARING AT 7:21 P.M. THERE WERE NO COMMENTS FROM THE AUDIENCE. MAYOR ROBERTS CLOSED THE PUBLIC HEARING AT 7:22 P.M.

- V. 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 JANUARY 9, 2018 AND JANUARY 29, 2018
 - B. CONSENT AND APPROVAL OF JANUARY 2018 MONTHLY GENERAL FUND FINANCIAL REPORTS
 - C. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 2018-376 ADOPTING THE FORT BEND COUNTY HAZARDOUS MITIGATION PLAN
 - D. CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY FOR THE ADMINISTRATION OF THE MAY 2018 GENERAL ELECTION
 - E. CONSENT AND APPROVAL OF RESOLUTION NO. 2018-375 SETTING SPECIAL EVENT DATES IN THE CITY OF FULSHEAR FOR THE YEARS 2018 & 2019
 - F. CONSENT AND APPROVAL OF RESOLUTION NO. 2018-378 DESIGNATING SPECIAL EVENTS AS A PUBLIC PURPOSE AND AUTHORIZE EXECUTION OF AGREEMENTS WITH TXDOT
 - G. CONSENT AND APPROVAL OF ORDINANCE NO. 2018-1269 TO AMEND ORDINANCE 2001-870 UPDATING SPEED LIMIT ENFORCEMENT, CONSTRUCTION ZONES, COMPLIANCE WITH CITY ORDINANCE AND ANY OTHER APPLICABLE STATE LAW.

- H. CONSENT AND APPROVAL OF ORDINANCE NO. 2018-1270 TO AMEND CHAPTER 32, ARTICLE II, DIVISION 2 OF THE CODE OF ORDINANCES – DEVELOPMENT OF NETWORK NODES IN THE PUBLIC RIGHT OF WAY; AMENDING ORDINANCE 2001-876
- I. CONSENT AND APPROVAL OF THE STREET DEDICATION AND THE UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR CROSS CREEK BEND LANE EXTENSION NO. 10. – MUD 169
- J. CONSENT AND APPROVAL OF THE UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR LIFT STATION NO. 1 UPGRADE - MUD 169.
- K. CONSENT AND APPROVAL OF THE STREET DEDICATION AND THE UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR THE BROOKS AT CROSS CREEK RANCH SECTION 2 – MUD 170.
- L. CONSENT AND APPROVAL OF THE DEDICATION OF A WATER METER EASEMENT FOR KATY ISD.
- M. CONSENT AND APPROVAL OF POLO RANCH BOULEVARD - STREET DEDICATION SECTION 1/PRELIMINARY PLAT
- N. CONSENT AND APPROVAL OF POLO RANCH SECTION 1/PRELIMINARY PLAT
- O. CONSENT AND APPROVAL OF POLO RANCH SECTION 2/PRELIMINARY PLAT
- P. CONSENT AND APPROVAL OF POLO RANCH SECTION 3/PRELIMINARY PLAT
- Q. CONSENT AND APPROVAL OF RL RODGERS ROAD/PRELIMINARY PLAT
- R. CONSENT AND APPROVAL OF WILLIAMS CENTER FULSHEAR/PRELIMINARY PLAT
- S. CONSENT AND APPROVAL OF CROSS CREEK RANCH WATER PLANT NO. 3/PRELIMINARY PLAT
- T. CONSENT AND APPROVAL OF CC F.M. 1093 TRACT 3/PRELIMINARY PLAT

COUNCIL MEMBER KUYKENDALL ASKED THAT THE PLATS CONCERNING POLO RANCH, RODGERS ROAD PLAT, WILLIAMS CENTER, AND CC F.M. 1093 BE PULLED FOR SEPARATE DISCUSSION.

ACTING CITY MANAGER, KENNY SEYMOUR, REQUESTED THAT ITEM J (UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR LIFT STATION NO. 1 UPGRADES-MUD 169) BE PULLED.

A MOTION WAS MADE BY COUNCIL MEMBER KAHLICH TO APPROVE CONSENT ITEMS A-I, K, L, AND S. IT WAS SECONDED BY COUNCIL MEMBER HOLLINGSWORTH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MAYOR ROBERTS ANNOUNCED THAT CONSENT ITEM "M" WILL BE DISCUSSED FIRST. COUNCIL MEMBER KUYKENDALL STATED HE HAD RECEIVED INQUIRIES REGARDING THE DEVELOPMENT AGREEMENT. COUNCIL MEMBER KUYKENDALL TALKED ABOUT THE AGREEMENT AND THAT MAYOR ROBERTS MADE THE MOTION TO APPROVE THE AGREEMENT ALONG WITH PRIOR COUNCIL MEMBERS RIDGE AND MESIC. COUNCIL MEMBER KUYKENDALL CONTINUE TO TELL THE PROS AND CONS OF THE AGREEMENT. (FOR ALL OF THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

COUNCIL CONTINUED THE DISCUSSION FOR APPROXIMATELY 30 MINUES ALONG WITH CITY STAFF REGARDING THE DRAINAGE ISSUE AND INQUIRIES RECEIVED FROM INTERESTED RESIDENTS ON HOW THIS DEVELOPMENT WILL AFFECT OR IMPACT BESSIE'S CREEK. CITY ATTORNEY, J. GRADY RANDLE, STATED THAT DOING NOTHING ON THESE PLATS IS NOT AN OPTION. COUNCIL HAS 30 DAYS TO MAKE A DECISION AND THE CLOCK HAS ALREADY STARTING TICKING. IF NO ACTION IS TAKEN, THESE PLATS ARE AUTOMATICALLY APPROVED. (FOR ALL THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING).

A MOTION WAS MADE BY MAYOR PRO TEM TO APPROVE CONSENT ITEMS (M, N, O, AND P) IT WAS SECONDED BY COUNCIL MEMBER KUYKENDALL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

CONSENT ITEM Q- (RL RODGERS ROAD/PRELIMINARY PLAT)

COUNCIL MEMBER KUYKENDALL STATED RODGERS ROAD SHOWS UP ON MAJOR THOROUGHFARE PLAN. HE STATED POSSIBLLY A ROUNDABOUT NEAR THE CORNER. CITY ENGINEER, DAVID LEYENDECKER, RECOMMENDS THAT ADDITIONAL R-O-W AS THIS PLAT IS AN "L" SHAPE. (FOR ALL THE COMMENTS, REQUEST A COPY OF TAPE RECORDING)

A MOTION WAS MADE BY COUNCIL MEMBER KUYKENDALL TO APPROVE CONSENT ITEM Q. IT WAS SECONDED BY MAYOR PRO TEM KRENEK. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL
NAYS: NONE
ABSENT: COUNCIL MEMBER GILL

CONSENT ITEM R- (WILLIAMS CENTER FULSHEAR/PRELIMINARY PLAT)
A MOTION WAS MADE BY COUNCIL MEMBER KUYKENDALL TO APPROVE CONSENT ITEM "Q". IT WAS SECONDED BY COUNCIL MEMBER KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL
NAYS: NONE
ABSENT: COUNCIL MEMBER GILL

CONSENT ITEM T (CC F.M. 1093 TRACT 3/PRELIMINARY PLAT)
A MOTION WAS MADE BY COUNCIL MEMBER KUYKENDALL TO APPROVE CONSENT ITEM "T". IT WAS SECONDED BY COUNCIL MEMBER HOLLINGSWORTH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL
NAYS: NONE
ABSENT: COUNCIL MEMBER GILL

CONSENT ITEM "J" (UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR LIFT STATION NO. 1 UPGRADES-MUD 169)

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

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL
NAYS: NONE
ABSENT: COUNCIL MEMBER GILL

VI. **BUSINESS**

A. **PRESENTATION OF PROCLAMATIONS RECOGNIZING BLACK HISTORY MONTH**

MAYOR ROBERTS READ A PROCLAMATION ACKNOWLEDGING BLACK HISTORY MONTH. THE AUDIENCE APPLAUDED. COUNCIL MEMBER KUYKENDALL INFORMED THE AUDIENCE TO VISIT THE BLACK COWBOY MUSEUM IN ROSENBERG.

B. FULSHEAR POLICE DEPARTMENT END OF YEAR 2017 REPORT AND RACIAL PROFILING REPORT PRESENTATION

CHIEF SEYMOUR PRESENTED TO COUNCIL THE 2017 RACIAL PROFILING REPORT. A COPY OF THIS REPORT IS ON FILE AT THE CITY SECRETARY'S OFFICE.

NO ACTION WAS TAKEN.

C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ACQUISITION OF HIGH WATER RESCUE AIRBOAT UTILIZING DONATED FUNDS PER PREVIOUS EMERGENCY MANAGEMENT DIRECTIVES FOLLOWING HURRICANE HARVEY

CHIEF SEYMOUR PRESENTED TO THE COUNCIL. (FOR ALL THE SPECIFICS, REQUEST A COPY OF TAPE RECORDING)

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO APPROVE ACQUISITION OF HIGH WATER RESCUE AIRBOAT UTILIZING DONATED FUNDS PER PREVIOUS EMERGENCY MANAGEMENT DIRECTIVES FOLLOWING HURRICANE HARVEY. IT WAS SECONDED BY COUNCIL MEMBER HOLLINGSWORTH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KALICH, KRENEK, AND KUYKENDALL

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MOTION PASSES

D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2018-379 AUTHORIZING APPLICATION FOR POLICE BODY CAMERAS AND RELATED PERIPHERALS

CHIEF SEYMOUR PRESENTED TO COUNCIL. HE STATED THROUGH A GRANT PROCESS HAS THE OPPORTUNITY TO OBTAIN \$11,000.00 TO ASSIST WITH PURCHASE OF BODY CAMERAS AND RELATED PERIPHERALS. (FOR ALL COMMENTS, REQUEST A COPY OF TAPE RECORDING)

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO APPROVE RESOLUTION NO. 2018-379 AUTHORIZING APPLICATION FOR POLICE BODY CAMERAS AND RELATED PERIPHERALS. IT WAS SECONDED BY COUNCIL MEMBER KALICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KALICH, KRENEK, AND KUYKENDALL

NAYS: NONE

E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE PURCHASE OF LIVE STREAMING VIDEO SYSTEM

ANGELA FRITZ, ECONOMIC DEVELOPMENT DIRECTOR, PRESENTED TO THE COUNCIL. SHE STATED THIS RECOMMENDATION IS COMING FROM STAFF TO PURCHASE VIDEO EQUIPMENT TO PROVIDE ACCESS TO PUBLIC MEETINGS. SHE ALSO DISCUSSED THE COST FACTOR. (FOR ALL OF THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

A FEW QUESTIONS CAME FROM THE COUNCIL MEMBERS. MS. FRITZ PROVIDED A RESPONSE.

A MOTION WAS MADE BY COUNCIL MEMBER KAHLICH TO APPROVE PURCHASE OF LIVE STREAMING VIDEO SYSTEM. IT WAS SECONDED BY COUNCIL MEMBER HOLLINGSWORTH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MOTION PASSES

F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE FULSHEAR DEVELOPMENT CORPORATION GRANT FOR THE 2018 MISS FULSHEAR PAGEANT

ANGELA FRITZ, ECONOMIC DEVELOPMENT DIRECTOR, PRESENTED TO THE COUNCIL. MS. FRITZ STATED THAT THE FULSHEAR DEVELOPMENT CORPORATION ADOPTED A PROGRAM TO ALLOW APPLICATIONS FOR COMMUNITY GRANTS IN 2015. THE MISS FULSHEAR PAGEANT MADE AN APPLICATION FOR FUNDS OF \$2000.00. THERE WAS SOME DISCUSSION AMONG THE COUNCIL MEMBERS. (FOR ALL OF THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO APPROVE FULSHEAR DEVELOPMENT CORPORATION GRANT FOR THE 2018 MISS FULSHEAR PAGEANT. IT WAS SECONDED BY COUNCIL MEMBER KUYKENDALL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

G. DISCUSSION AND REVIEW OF RFQ RESPONSES FOR MAINTENANCE AND OPERATION OF THE CITY'S WATER AND WASTEWATER SYSTEMS AND CONSIDERATION TO AUTHORIZE STAFF TO NEGOTIATE CONTRACTUAL TERMS FOR THOSE SERVICES

BRANT GARY, EXECUTIVE DIRECTOR OF PLANNING AND DEVELOPMENT, PRESENTED TO THE COUNCIL. MR. GARY STATED THE CITY IS GROWING AT RAPID RATE. MR. GARY WELCOMES SUPPORT FROM INFRAMARK (FORMERLY SEVERN TRENT) TO HELP WITH NEGOTIATIONS WITH DEVELOPING A CONTRACT TO PROVIDE OPERATIONS AND MAINTENANCE FOR THE CITY'S WATER AND WASTEWATER SYSTEM. MCMANUS & JOHNSON CONSULTING ENGINEERS WAS CONTRACTED BY THE CITY OF FULSHEAR TO ASSIST IN THE SELECTION OF THE CITY'S WATER AND WASTEWATER OPERATIONS MANAGEMENT CONTRACT. ALSO, MS. TARA L. PAYNE OF MCMANUS & JOHNSON CONSULTANT ENGINEERS OFFERED A MORE DETAILS ON THE PROPOSAL AND OUTLINED THE COMPANY'S ABILITIES TO DELIVER THE ANTICIPATED SERVICES. (FOR ALL THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO AUTHORIZE STAFF TO NEGOTIATE CONTRACTUAL TERMS FOR THE CITY'S WATER AND WASTEWATER SERVICES ALONG WITH INFRAMARK. IT WAS SECONDED BY COUNCIL MEMBER HOLLINGSWORTH.

MAYOR ROBERTS ASKED IF THERE ARE ANY QUESTIONS.

COUNCIL MEMBER HOLLINSWORTH HAD A QUESTION. MR. GARY RESPONDED.

MORE QUESTIONS WERE ASKED BY COUNCIL MEMBER FATHEREE. MR. GARY RESPONDED. (FOR ALL COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

MAYOR ROBERTS CALLED FOR A VOTE.

THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MOTION PASSES

H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE 2018-1271 TO ABANDON A 20' ROADWAY EASEMENT IDENTIFIED IN A 2.843-ACRE TRACT (OUT OF THE ORIGINAL P. H. MANAKER CALLED 9.88-ACRE TRACT) LOCATED ON THE EAST SIDE OF FM 359 IN THE 7800-7900 BLOCK AREA.

BRANT GARY, EXECUTIVE DIRECTOR OF PLANNING & DEVELOPMENT, PRESENTED TO THE COUNCIL. MR. GARY STATED THIS IS THE FIRST OF TWO ITEMS REQUESTING ABANDONMENT. MR. GARY STATED THAT DEVELOPER WENT THROUGH THE PROCESS AND NO CLEAR CUT TITLE WAS FOUND. THE PROCESS WAS STARTED AGAIN AND CITY WORKED WITH THE DEVELOPER. THIS 20-FOOT EASEMENT GOES THROUGH PROPERTY TO NORTH AND CITY DOES NOT MAINTAIN IT SO OUR RECOMMENDATION TO APPROVE ORDINANCE NO. 2018-1271.

COUNCIL MEMBER KUYKENDALL ASKED HAD A QUESTION. MR. GARY RESPONDED.

(FOR ALL THE SPECIFICS, REQUEST A COPY OF THE TAPE RECORDING) MAYOR PRO TEM KRENEK HAD A QUESTION AND CITY ATTORNEY, J. GRADY RANDLE RESPONDED.

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO APPROVE ORDINANCE NO. 2018-1271 TO ABANDON A 20' ROAD WAY EASEMENT IDENTIFIED IN A 2.843 ACRE TRACT (OUT OF THE ORIGINAL P.H. MANAKER CALLED 9.88 ACRE TRACT LOCATED ON THE EST SIDE OF FM 359 IN THE 7800-7900 BLOCK AREA. IT WAS SECONDED BY COUNCIL MEMBER KUYKENDALL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MOTION PASSES

I. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE 2018-1272 TO ABANDON A PORTION OF KATY-FULSHEAR ROAD DESCRIBED AS AN 11.31-ACRE TRACT OF LAND LOCATED IN THE A.G. SHARPLESS SURVEY (A-322) AND IN THE M. AUTREY SURVEY (A-100)

BRANT GARY, EXECUTIVE DIRECTOR OF PLANNING & DEVELOPMENT, PRESENTED TO THE COUNCIL. HE STATED THAT THE CITY HAS NO RECORD OF OWNERSHIP AND RECOMMENDS ORDINANCE NO. 2018-1272 APPROVAL.

A MOTION WAS MADE BY COUNCIL MEMBER HOLLINGSWORTH TO APPROVE ORDINANCE NO. 2019-1272 TO ABANDON A PORTION OF KATY-FULSHEAR ROAD DESCRIBED AS AN 11.31 ACRE TRACT (OUT OF THE ORIGINAL P.H. MANAKER CALLED 9.88 ACRE TRACT) LOCATED IN THE A.G.SHARPLESS SURVEY (A-322) AND IN THE M. AUTREY SURVEY (A-100). IT WAS SECONDED BY COUNCIL MEMBER KUYKENDALL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MOTION PASSES

J. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2018-1273 AMENDING SECTION 30-69 OF THE FULSHEAR CODE, SETTING OUT SOLID WASTE SERVICE RATES FOR COMMERCIAL CUSTOMERS

WES VELA, FINANCE MANAGER, PRESENTED TO THE COUNCIL. (FOR ALL COMMENTS, REQUEST A COPY OF THE TAPE RECORDING) COUNCIL HAD NO QUESTIONS.

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO APPROVE ORDINANCE NO. 2018-1273 AMENDING SECTION 30-69 OF THE FULSHEAR CODE, SETTING OUT SOLID WASTE SERVICE RATES FOR COMMERCIAL CUSTOMERS. IT WAS SECONDED BY COUNCIL MEMBER KUYKENDALL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL
NAYS: NONE
ABSENT: COUNCIL MEMBER GILL

MOTION PASSES

K. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SPECIAL USE PERMIT FOR THE KVPAC/ENCORE LOCATED AT 7926 FM 359

BRANT GARY, EXECUTIVE DIRECTOR OF PLANNING AND DEVELOPMENT, PRESENTED TO THE COUNCIL. HE STATED THAT ALL REQUIRED DOCUMENTATION HAS BEEN MET. TWO PUBLIC HEARINGS HAS BEEN DONE. PLANNING AND ZONING RECOMMENDATION THAT DRIVEWAYS AND MINIMUM OF 10 PARKING SPACES MUST BE PROVIDED, SIGNED, AND MARKED ON AN ALL-WEATHER, NON-DUSTING SURFACE. ALL WEATHER, NON- DUSTING MATERIALS SUCH AS ASPHALT OR CRUSH GRANITE. MR. GARY ANNOUNCED THERE ARE REPRESENTATIVES FROM THE ORGANIZATION HERE AS WELL AS MR. LANE WHO OWNS THE PROPERTY. THE DEVELOPER RECOMMENDS USING GRAVEL.

COUNCIL MEMBER KAHLICH STATED THAT SHE ATTENDED THE PLANNING AND ZONING MEETING AND THE QUESTION IN HER MIND WHETHER CRUSH GRANITE OR NON- DUSTING MATERIAL WOULD BE USED BETWEEN THE ENTIRE DRIVEWAYS. MR. GARY RESPONDED. ONE REPRESENTATIVE OF THE PROJECT STATED THAT SURFACE HAS BEEN USED SO MUCH THAT SURFACE IS HARD ENOUGH AND LITTLE GRASS GROWING UP- BUT WOULD BE HAPPY TO HAVE THE CITY TO VIEW TO SEE IF THEY ARE MEETING THE STANDARD. HE STATED THE DRIVEWAYS HAS BEEN THERE 30 OR 40 YEARS. COUNCIL MEMBER KAHLICH ALSO HAD A CONCERN ABOUT THE MECHANICAL FEATURES SUCH AS WIRING, ETC. BEFORE OCCUPANCY TAKES PLACE. MR. GARY RESPONDED. (FOR ALL THE DISCUSSION, REQUEST A COPY OF TAPE RECORDING)

A MOTION WAS MADE BY COUNCIL MEMBER KAHLICH TO APPROVE A SPECIAL USE PERMIT FOR THE KVPAC/ENCORE LOCATED AT 7926 FM 359. IT WAS SECONDED BY COUNCIL MEMBER FATHEREE.

MR. GARY ASKED FOR CLARIFICATION ON THE DRIVEWAY MATERIALS. THERE WAS ANOTHER FIVE MINUTE OF DISCUSSION REGARDING THE MATERIALS TO BE USED ON THE DRIVEWAYS.

MAYOR ROBERTS CALLED FOR A VOTE.

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL
NAYS: NONE
ABSENT: COUNCIL MEMBER GILL

MOTION PASSES

L. CONSIDERATION AND POSSIBLE ACTION REGARDING A POLICY RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION TO THE CITY COUNCIL CONCERNING POSSIBLE CHANGES TO THE PROHIBITED SIGNS SECTION OF THE CITY'S SIGN ORDINANCE

BRANT GARY, EXECUTIVE DIRECTOR OF PLANNING AND ZONING PRESENTED TO COUNCIL. HE STATED THIS REQUEST COMES FROM SEVERAL P AND Z MEMBERS. HE STATED THE COMMISSION WANTS COUNCIL TO CONSIDER CHANGING THE VERBIAGE IN THE SIGN ORDINANCE. THERE ARE TWO PROPOSALS TO SELECT FROM PROPOSED ORDINANCE NO. 2018-1274 OR RESOLUTION NO. 2018-380. BOTH OPTIONS WERE INCLUDED IN COUNCIL'S PACKET.

COUNCIL MEMBERS DEBATED THIS ISSUE FOR APPROXIMATELY 30 MINUTES. CITY ATTORNEY, J. GRADY RANDLE, ALSO VOICED AN OPINION. COUNCIL AND CITY STAFF CONTINUED TO HAVE A BACK AND FORTH REGARDING THE LED SIGN ISSUE. (FOR ALL OF THE DISCUSSION, REQUEST A COPY OF THE TAPE RECORDING)

A MOTION WAS MADE BY COUNCIL MEMBER KALICH TO APPROVE RESOLUTION NO. 2018-380. IT WAS SECONDED BY COUNCIL MEMBER FATHEREE.

MAYOR ROBERTS ASKED IF THERE WERE ANY QUESTIONS. COUNCIL MEMBER KUYKENDALL STATED WHY CAN'T THE RESOLUTION STATE WE ARE REAFFIRMING OUR POSITION INSTEAD OF STATING WE ARE REJECTING RECOMMENDATIONS BY P AND Z?

MAYOR PRO TEM KRENEK STATES SHE AGREES WITH COUNCIL MEMBER KUYKENDALL AND SHE WOULD LIKE TO MAKE A MOTION STRIKING THE FIRST 3 PARAGRAPHS OF PROPOSED RESOLUTION AND ELIMINATE THE PORTION THAT REJECTS RECOMMENDATION BY P AND Z. IT WAS SECONDED BY COUNCIL MEMBER KUYKENDALL.

CITY ATTORNEY, J. GRADY RANDLE, STATED THE RESOLUTION WOULD ELIMINATE THE HEADING, REMOVED THE FIRST THREE PARAGRAPHS, AND CHANGING WORDING ON PARAGRAPH FOUR. WE WILL WAIT ON THE SUPREME COURT RULING.

MAYOR ROBERTS STATED A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO MAKE CHANGES ON PROPOSED RESOLUTION 2018-380 AND SECONDED BY COUNCIL MEMBER KUYKENDALL.

THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KALICH, KRENEK, AND KUYKENDALL

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MOTION PASSES

NOW MAYOR ROBERTS STATES WE WILL GO BACK TO THE FIRST MOTION BY COUNCIL KALICH AND SECONDED BY COUNCIL MEMBER FATHEREE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KALICH, KRENEK, AND KUYKENDALL

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MOTION PASSES

M. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2018-381 RELATING TO THE APPOINTMENT OF MEMBERS TO THE HISTORIC PRESERVATION AND MUSEUM COMMITTEE

MAYOR ROBERTS STATED HE WAS APPROACHED BY THE DAVENPORT AND THEY REQUESTED TO BE ON THE HISTORICAL COMMITTEE.

A MOTION WAS MADE BY COUNCIL MEMBER KALICH TO APPROVE RESOLUTION NO. 2018-381 RELATING TO THE APPOINTMENT OF MEMBERS TO THE HISTORIC PRESERVATION AND MUSEUM COMMITTEE. IT WAS SECONDED BY COUNCIL MEMBER KUYKENDALL.

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KALICH, KRENEK, AND KUYKENDALL

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MOTION PASSES

VII. 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

(C) ACQUIRING PROPERTY; 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

VIII. EXECUTIVE SESSION – CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE SECTION 551.074 (PERSONNEL MATTERS) TO DELIBERATE THE APPOINTMENT, EMPLOYMENT..OF THE CITY MANAGER, WITH POSSIBLE DISCUSSION AND ACTION RELATED THERETO IN OPEN SESSION

UPDATE ON CITY MANAGER SELECTION PROCESS

A MOTION WAS MADE BY COUNCIL MEMBER KAHLICH TO ENTER EXECUTIVE SESSION. IT WAS SECONDED BY COUNCIL MEMBER HOLLINGSWORTH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MAYOR ROBERTS ANNOUNCED THAT COUNCIL WOULD ENTER INTO EXECUTIVE SESSION AT 10:15 P.M. AND A QUORUM WAS PRESENT.

MAYOR ROBERTS ANNOUNCED THAT COUNCIL WOULD RESUME INTO REGULAR SESSION AT 12:00 P.M. AND A QUORUM WAS PRESENT.

MAYOR ROBERTS ASKED IF ANY ACTION NEEDS TO BE TAKEN. MAYOR PRO TEM KRENEK STATED NO ACTION NEEDS TO BE TAKEN FROM EXECUTIVE SESSION.

IX. ADJOURNMENT

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

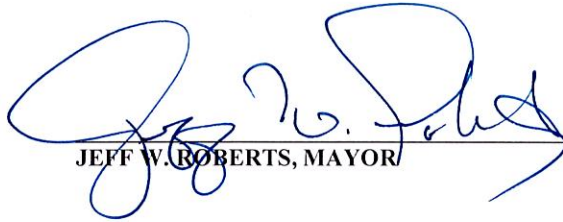
AYES: COUNCIL MEMBER FATHEREE, HOLLINGSWORTH, KAHLICH, KRENEK, AND KUYKENDALL

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MAYOR ROBERTS ANNOUNCED THAT WE ARE ADJOURNED AT 12:01 A.M.





JEFF W. ROBERTS, MAYOR

ATTEST:



D. (DIANA) GORDON OFFORD, CITY SECRETARY