



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: Lauren Ashley

COUNCIL MEMBER: Jim Fatheree

COUNCIL MEMBER: Dana Hollingsworth

STAFF:

CITY MANAGER: C.J. Snipes

CITY SECRETARY: D. Gordon Offord

CITY ATTORNEY: J. Grady Randle

SPECIAL CITY COUNCIL MINUTES OCTOBER 22, 2017

I. CALL TO ORDER

A SPECIAL CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR JEFF W. ROBERTS, SUNDAY, OCTOBER 22, 2017 5:01 P.M. IN THE CITY HALL LOCATED AT 30603 FM 1093 ROAD, FULSHEAR, TEXAS 77441 AND ALL CITIZENS WERE WELCOMED.

II. QUORUM & ROLL CALL

A QUORUM WAS PRESENT. MAYOR ROBERTS STATED THAT COUNCIL MEMBER GILL WAS UNABLE TO BE AT THE MEETING.

MEMBERS PRESENT:

JEFF W. ROBERTS, MAYOR

TRICIA KRENEK, MAYOR PRO TEM

LAUREN ASHLEY, COUNCIL MEMBER

JIM FATHEREE, COUNCIL MEMBER, AT LARGE

DANA HOLLINGSWORTH, COUNCIL MEMBER, DISTRICT 1

KAYE KAHLICH, COUNCIL MEMBER, DISTRICT 5

MEMBER(S) ABSENT:

STEPHEN GILL, COUNCIL MEMBER

CITY STAFF PRESENT:

D. (DIANA) GORDON OFFORD, CITY SECRETARY

MIKE MCCOY, POLICE CAPTAIN

FELIX VARGAS, SHIFT SERGEANT

ANGELA FRITZ, ECONOMIC DEVELOPMENT DIRECTOR

MICHELLE KILLEBREW, BUILDING OFFICIAL

**SPECIAL CITY COUNCIL MINUTES
OCTOBER 22, 2017
PAGE 2**

CONT.-CITY STAFF PRESENT:

PAULA RYAN, ASSISTANT CITY MANAGER
BRANT GARY, EXECUTIVE DIRECTOR OF PLANNING AND DEVELOPMENT
KENNY SEYMOUR, CHIEF OF POLICE
ANGELA HAHN, COMMUNICATION COORDINATOR

OTHER(S) PRESENT:

RICH MULLER
ED KNIGHT
DON MCCOY
STEVE ROBINSON
NIEVIE YIM
JOAN BERGER
ROBIN AL-JERAIWY
AND 28 OTHERS WHO FAILED TO SIGN IN

MAYOR ROBERTS REQUESTED A MOTION TO MOVE TO ITEM B FIRST UNDER THE BUSINESS SECTION IF THERE ARE NO OBJECTIONS.

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

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

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

III. BUSINESS

A. DISCUSSION REGARDING GROUP HOMES

B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2017-1264 CALLING PUBLIC HEARINGS AND DIRECT STAFF TO CREATE A SERVICE PLAN IN RELATION TO THE ANNEXATION OF A CERTAIN TRACT OF LAND DESCRIBED AS A 582.7 APPORTIONED FROM THE R.H. KUYKENDALL SURVEY, ABSTRACT 274, J.C. McDONALD SURVEY, ABSTRACT 290, THE MORRIS & CUMMINGS SURVEY, ABSTRACT 294, & THE E. JR. LATHAM SURVEY, ABSTRACT 50, FORT BEND COUNTY, TEXAS

CITY ATTORNEY, J. GRADY RANDLE, PRESENTED THE PROS AND CONS REGARDING ANNEXATION. THE NEW LEGISLATION REGARDING CITY'S ABILITY TO ANNEX PROPERTY WILL BE CHANGED EFFECTIVE DECEMBER 1, 2017. FOR ALL OF THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING.

MR. ED KNIGHT, REPRESENTATIVE FOR THE HARRISON INTEREST, STATED HE WAS CURRENTLY WORKING ON SEVERAL DIFFERENT AGREEMENTS WHICH INCLUDES A "ROW" (RIGHT OF AWAY) WITH FORT BEND COUNTY. MR. KNIGHT STATED HE PETITIONED TO BE IN THE ETJ OF FULSHEAR AND OPPOSING ANY TYPE OF ANNEXATION AT THIS TIME.

**SPECIAL CITY COUNCIL MINUTES
OCTOBER 22, 2017
PAGE 3**

FOR ALL THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING.

THERE WAS APPROXIMATELY A 30- MINUTE DISCUSSION AMONG THE COUNCIL, MR. KNIGHT, AND THE ATTORNEYS FOR BOTH SIDES. MAYOR ROBERTS PROVIDED HIS COMMENTS REGARDING THE PROPOSED ANNEXATION.

J. GRADY RANDLE, CITY ATTORNEY, ANNOUNCED THAT AN AGREEMENT CAN BE ENTERED INTO WHERE THE CITY CANNOT ANNEX THE PROPERTY FOR 45 YEARS AS LONG AS THE PROPERTY REMAINS UNDER AGRICULTURE AND THERE WOULD BE NO INCREASE IN TAXES. THIS AGREEMENT WOULD ONLY CHANGE IF THE PROPERTY WAS TO BE DEVELOPED BEFORE THE 45 YEAR PERIOD. THEN THE CITY WOULD HAVE THE OPTION TO ANNEX THE PROPERTY. IF THE CITY HAS NO AGREEMENT, THEN THE ANNEXATION PROCESS WOULD BE QUITE DIFFERENT.

MAYOR PRO TEM KRENEK STATED SHE WOULD LIKE AN EXECUTIVE SESSION TO CONSULT WITH THE CITY ATTORNEY.

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK AND A SECOND BY COUNCIL MEMBER KAHLICH TO ENTER INTO EXECUTIVE SESSION. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MAYOR ROBERTS ANNOUNCED THAT COUNCIL WOULD ENTER INTO EXECUTIVE SESSION AT 5:43 P.M. AND A QUORUM WAS PRESENT.

MAYOR ROBERTS ANNOUNCED THAT COUNCIL WOULD RECONVENE BACK INTO REGULAR SESSION AT 6:41 P.M. AND A QUORUM WAS PRESENT.

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO PROCEED WITH NEGOTIATING AN AGRICULTURAL AGREEMENT FOR THE 582.7 ACRES AND A SERVICE PLAN. IT WAS SECONDED BY COUNCIL MEMBER KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MAYOR ROBERTS STATED WE WILL NOW MOVE BACK UP TO ITEM A. HE THEN TURNED THE FLOOR OVER TO THE CITY ATTORNEY, J. GRADY RANDLE, WHO PROVIDED THE PROS AND CONS REGARDING THE REGULATION OF GROUP HOMES. FOR ALL OF THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING. THE OUTCOME OF THE DISCUSSION VERIFIES THAT THE STATE HAS FULLY CONTROL FOR REGULATING GROUP HOMES AND THIS ACTION WAS DONE BACK IN 1998. HE PROVIDED EXAMPLES TO THE

**SPECIAL CITY COUNCIL MINUTES
OCTOBER 22, 2017
PAGE 4**

COUNCIL AND THE AUDIENCE. THIS DISCUSSION CONTINUED FOR A PERIOD OF 20 MINUTES. BOTTOM LINE IS THAT NEITHER THE CITY NOR THE COUNTY HAS ANY POWER TO REGULATE GROUP HOMES.

NO ACTION WAS TAKEN ON THIS ITEM.

C. DISCUSSION OF AND POSSIBLE ACTION ON SEPARATION AGREEMENT AND GENERAL RELEASE OF CITY MANAGER

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO ACCEPT THE SEPARATION AGREEMENT AND GENERAL RELEASE OF CITY MANAGER. IT WAS SECONDED BY COUNCIL MEMBER KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

D. DISCUSSION OF POTENTIAL CHANGE IN DATE FOR REGULAR NOVEMBER COUNCIL MEETING

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO CHANGE OUR REGULAR NOVEMBER COUNCIL MEETING FROM NOVEMBER 21, 2017 TO NOVEMBER 14, 2017 AND TO BE HELD AT THE IRENE STERN CENTER. IT WAS SECONDED BY COUNCIL MEMBER ASHLEY. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

IV. 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

**SPECIAL CITY COUNCIL MINUTES
OCTOBER 22, 2017
PAGE 5**

SEC. 551.074. PERSONNEL MATTERS; CLOSED MEETING

- 1) TO DELIBERATE THE EMPLOYMENT, EVALUATION, OR DUTIES, OF A PUBLIC OFFICER OR EMPLOYEE; OR
- 2) TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE.

(A) CITY MANAGER

A FIRST EXECUTIVE SESSION WAS HELD EARLIER. SEE ABOVE NOTES.

MAYOR ROBERTS ANNOUNCED THAT COUNCIL WOULD MOVE INTO A SECOND EXECUTIVE SESSION. MAYOR PRO TEM KRENEK STATED WE ARE AWAITING RESPONSE FROM OTHER COUNSEL.

A SECOND EXECUTIVE SESSION WAS CANCELLED.

V. ADJOURNMENT

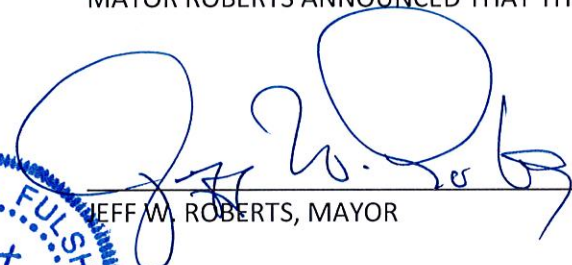
A MOTION WAS MADE BY COUNCIL MEMBER ASHLEY TO ADJOURN. IT WAS SECONDED BY COUNCIL MEMBER HOLLINGSWORTH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE


ABSENT: COUNCIL MEMBER GILL

MAYOR ROBERTS ANNOUNCED THAT THE MEETING IS ADJOURNED AT 7:07 P.M.




JEFF W. ROBERTS, MAYOR

ATTEST:



D. (DIANA) GORDON OFFORD, CITY SECRETARY



The seal of the City of Fulshear is circular with a blue border. Inside the border, the words "THE CITY OF FULSHEAR" are written in a circle. In the center of the seal is a five-pointed star with the letters "E", "S", "T", "A", and "S" on its points, representing the cardinal directions.