



# 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)

MAYOR: Jeff Roberts  
COUNCIL MEMBER: Tricia Krenek

CITY COUNCIL:  
MAYOR PRO-TEM: Erin Tristan  
COUNCIL MEMBER: James Murdoch

COUNCIL MEMBER: Stephen Gill  
COUNCIL MEMBER: Ramona Ridge

CITY MANAGER: C.J. Snipes

STAFF:  
CITY SECRETARY: D. Gordon Offord

CITY ATTORNEY: J. Grady Randle

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## SPECIAL CITY COUNCIL MEETING/WORKSHOP MINUTES NOVEMBER 3, 2016

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### I. OPENING

#### A. CALL TO ORDER

A SPECIAL CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR JEFF W. ROBERTS ON NOVEMBER 3, 2016 AT 6:02 P.M. IN THE FULSHEAR CITY HALL, LOCATED AT 30603 FM 1093, FULSHEAR, TEXAS 77441.

#### B. QUORUM & ROLL CALL

MAYOR ROBERTS ANNOUNCED THAT A QUORUM WAS PRESENT.

##### MEMBERS PRESENT:

JEFF W. ROBERTS, MAYOR  
ERIN TRISTAN, MAYOR PRO-TEM  
STEPHEN GILL, COUNCIL MEMBER  
RAMONA RIDGE, COUNCIL MEMBER  
JAMES MURDOCH, COUNCIL MEMBER  
TRICIA KRENEK, COUNCIL MEMBER (ARRIVED AT 6:07 P.M.)

##### CITY STAFF PRESENT:

KIMBERLY KOPECKY, DEPUTY CITY SECRETARY  
C.J. SNIPES, CITY MANAGER  
KRISTI BRASHEAR, FINANCE DIRECTOR  
MICHELLE KILLEBREW, BUILDING OFFICIAL  
MICHAEL ROSS, ASSISTANT CITY MANAGER  
KENNY SEYMOUR, CHIEF OF POLICE  
ANGELA FRITZ, ECONOMIC DEVELOPMENT DIRECTOR  
J. GRADY RANDLE, CITY ATTORNEY

**CITY STAFF ABSENT:**

D (DIANA) GORDON OFFORD, CITY SECRETARY

**OTHERS PRESENT:**

STACEY STONE

JOCELYN RYAN

WILLIAM CONLAN

JOANNE RYAN

DAN MCJUNKIN

OWEN BEMENT

GREG CUNNINGHAM

TREY DEVILLIER

TOMMY KUYKENDALL

ERICA DEROWEN

VIJAY ONITKARA

AND 30 OTHERS WHO DID NOT SIGN IN

**II. CITIZEN COMMENTS**

MAYOR ROBERTS READS FROM THE AGENDA AND EXPLAINS CITIZEN COMMENT EXPECTATIONS AS FOLLOWS: *THIS IS AN OPPORTUNITY FOR CITIZENS TO SPEAK TO COUNCIL RELATING TO AGENDA AND NON-AGENDA ITEMS. IF THE TOPIC THE SPEAKER WISHES TO ADDRESS IS ON THE AGENDA, THE SPEAKER CAN EITHER SPEAK AT THIS TIME OR DEFER HIS/HER COMMENTS UNTIL SUCH TIME THE ITEM IS DISCUSSED. MAYOR ROBERTS EXPLAINS THAT IS NO LONGER ALLOWED IN MEETINGS. WE ONLY ALLOW TO SPEAK AT THE BEGINNING. THIS WAS MISTAKE BY STAFF. SPEAKERS ARE ADVISED THAT COMMENTS CANNOT BE RECEIVED ON MATTERS WHICH ARE SUBJECT OF A PUBLIC HEARING ONCE THE HEARING HAS BEEN CLOSED. SPEAKERS ARE REQUIRED TO REGISTER IN ADVANCE AND MUST LIMIT THEIR PRESENTATIONS TO THREE MINUTES. MR. SNIPES HAS AN ALARM CLOCK. MAYOR ROBERTS RESPECTFULLY ASKS SPEAKERS TO STOP THEIR COMMENTS AT THAT TIME.*

~STACEY STONE INTRODUCED HERSELF AS A MUD DIRECTOR IN CROSS CREEK. SHE WOULD LIKE TO CORRECT SOME MISINFORMATION. SHE SAID THE MUD HAS NEVER BEEN APPROACHED BY THE CITY TO DISCUSS THE UTILITY AGREEMENTS. SHE WOULD LIKE TO INVITE THE CITY TO COME SPEAK TO THEM AND WORK THIS OUT. (FOR FULL COMMENTARY, REQUEST RECORDING)

~JOCELYN RYAN INTRODUCED HERSELF AS A CROSS CREEK RANCH MUD DIRECTOR. SHE WOULD LIKE TO TALK ABOUT THE CONVEYANCES AND FACILITIES OF CCR. SHE MADE A SPEECH REGARDING A CAR ANALOGY BETWEEN THE CITY AND THE MUD. (FOR FULL COMMENTARY, REQUEST RECORDING)

~WILLIAM CONLAN INTRODUCED HIMSELF AS A MUD DIRECTOR #172. HE IS HERE TO TALK ABOUT THE LAWSUIT OF UTILITY AGREEMENT AND PREPARATION OF JUDGEMENT. HE SUGGESTED THE CITY WITHDRAW THE LAWSUIT AND WORK THIS OUT. (FOR FULL COMMENTARY, REQUEST RECORDING)

~OWEN BEMENT WAS INTRODUCED BY MAYOR ROBERTS . HE STATED THAT RATHER THAN BANNING HOTELS, THE CITY NEEDS TO BAN JUNK CARS. (FOR FULL COMMENTARY, REQUEST RECORDING)

~OSCAR CUNNINGHAM WAS INTRODUCED BY MAYOR ROBERTS. HE STATED HE ONLY HAS QUESTIONS, NOT REALLY ANY COMMENTS. (HE SAT DOWN)

~VIJAY ONITKARA ASKS, "WHY DID THE CITY DO THIS IN TRAVIS COUNTY INSTEAD OF FORT BEND COUNTY?"

MAYOR ROBERTS THANKS EVERYONE FOR THEIR COMMENTS.

**III. PUBLIC HEARINGS**

MAYOR ROBERTS ANNOUNCES WE WILL MOVE TO ITEM IV BECAUSE WE DID NOT MEET THE POST TIME IN THE PAPER FOR THE PUBLIC HEARING.

**IV. BUSINESS ITEMS**

**A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MINUTES FROM THE CITY COUNCIL MEETINGS OF AUGUST 25, 2016, AUGUST 30, 2016, SEPTEMBER 6, 2016, SEPTEMBER 13, 2016 AND SEPTEMBER 26, 2016**

A MOTION WAS MADE BY COUNCIL MEMBER MURDOCH TO APPROVE ALL SETS OF MINUTES. IT WAS SECONDED BY MAYOR PRO-TEM TRISTAN. ON THE AUGUST 25, 2016 MINUTES, TRICIA KRENEK WANTS THE RECORD TO REFLECT THAT SHE ARRIVED AT 6:40 P.M. (NOT ABSENT) THE MOTION WAS CARRIED AS FOLLOWS:

AYES: COUNCIL MEMBERS GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN

NAYS: NONE

MOTION PASSES

**B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN EXPENDITURE OF UP TO \$150,000 FOR THE COMPLETION OF THE CONCRETE FLATWORK AT RESIDENCES IN THE LEGACY SECTION 3 (HERON LAKES) SUBDIVISION TO ADDRESS DAMAGED DRIVEWAYS AND SIDEWALKS DUE TO THE SEWER TRENCH SETTLEMENT**

CJ ADDRESSED COUNCIL. HE EXPLAINED THERE WAS A MEMO PRESENTED BY MR. ROSS. WE WORKED A DEAL WITH THE DEVELOPER AND CONTRACTOR TO HIRE HAYWARD BAKER. COUNCIL MEMBERS AND CJ DISCUSSED PRICING, LINEAR FOOTAGE, AND MUD INVOLVEMENT. (FOR FULL COMMENTARY, REQUEST RECORDING)

A MOTION TO POSTPONE WAS MADE BY COUNCIL MEMBER KRENEK. IT WAS SECONDED BY COUNCIL MEMBER MURDOCH. COUNCIL MEMBER KRENEK WANTS THIS ITEM PUT BACK ON THE AGENDA FOR THE REGULAR MEETING ON NOVEMBER 15, 2016 THE MOTION WAS CARRIED AS FOLLOWS:

AYES: COUNCIL MEMBERS GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN

NAYS: NONE

MOTION TO POSTPONE PASSES

**C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE/RATIFY THE CITY MANAGER'S APPOINTMENT OF WESLEY J. VELA TO SERVE IN THE CAPACITY AS THE CITY'S CHIEF FINANCIAL OFFICER PER SECTION 4.08 OF THE CITY OF FULSHEAR HOME RULE CHARTER**

CJ SNIPES, CITY MANAGER, ADVISED COUNCIL THAT WE HAVE INTERVIEWED A COUPLE OF FOLKS AND SPOKE PRIMARILY WITH MR. VELA. HE IS CURRENTLY SERVING AS THE CHIEF FINANCIAL OFFICER OF THE CITY OF MANVEL. HE WOULD START NOVEMBER 28, 2016. A MOTION WAS MADE BY COUNCIL MEMBER RIDGE TO APPROVE ITEM C. IT WAS SECONDED BY MAYOR PRO-TEM TRISTAN. THE MOTION WAS CARRIED AS FOLLOWS:

AYES: COUNCIL MEMBERS GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN

NAYS: NONE

MOTION PASSES

MAYOR ROBERTS ANNOUNCES WE NEED TO TAKE A 5 MINUTE RECESS AS WE ARE AHEAD OF SCHEDULE. A MOTION IS MADE BY MAYOR PRO-TEM TRISTAN TO TAKE A RECESS AT 6:25 P.M. IT WAS SECONDED BY COUNCIL MEMBER RIDGE. THE MOTION WAS CARRIED AS FOLLOWS:

AYES: COUNCIL MEMBERS GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN

NAYS: NONE

MAYOR ROBERTS RECONVENES THE MEETING AT 6:30 P.M.

**III. PUBLIC HEARINGS**

MAYOR ROBERTS ANNOUNCES WE WILL POSTPONE ITEM (A) AT THIS TIME AND MOVE TO ITEM B

**B. DISTRICTING PLAN**

MAYOR ROBERTS READS ITEM B FROM THE AGENDA:

**B. DISTRICTING PLAN**

*THE CITY COUNCIL OF THE CITY OF FULSHEAR WILL RECEIVE PRESENTATION FROM DAVID MENDEZ AND SHERRY MCCALL OF THE BICKERSTAFF LAW FIRM AND TAKE PUBLIC COMMENT ON THE PROPOSED DISTRICTING MAPS FOR THE ELECTION OF CITY COUNCIL MEMBERS IN A SPECIAL MEETING TO BE HELD THURSDAY, NOVEMBER 3, 2016 AT 6:30 PM AT FULSHEAR CITY HALL. MAYOR ROBERTS OPENS FOR PUBLIC COMMENTS AT 6:31 P.M.*

*TOMMY KUYKENDALL STANDS TO SPEAK. HE THANKS CITY COUNCIL FOR GETTING THE PROCESS STARTED FOR ESTABLISHING DISTRICTS FOR THE CITY. HE SAYS THAT HE THINKS BICKERSTAFF DID A GREAT JOB. (CITY OF FULSHEAR IS NOW A HOME-RULE CITY. COUNCIL POSITIONS WILL INCLUDE 5 SINGLE MEMBER DISTRICTS AND 2 AT LARGE POSITIONS FOR A TOTAL OF 7 COUNCIL MEMBERS) TWO DISTRICTS DO NOT CURRENTLY HAVE REPRESENTATION. SO HE RECOMMENDS DISTRICTS 3 AND 5 FOR THE UPCOMING ELECTION. (FOR FULL COMMENTARY, REQUEST RECORDING)*

*DAVID MENDEZ FROM BICKERSTAFF WOULD LIKE TO REMIND EVERYONE THAT ALL MAPS AND ALL DATA ARE ON THE CITY'S WEBSITE. THEY WILL PROVIDE THE CITY WITH AN ORDINANCE AT THE NEXT REGULAR MEETING. HE THANKED THE CITY.*

MAYOR ROBERTS CLOSED THE PUBLIC HEARING AT 6:34 P.M.

**V. EXECUTIVE SESSION – CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE 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.  
**LITIGATION ISSUES RELATED TO CITY OF FULSHEAR V. KEN PAXTON, ET. AL.**

A MOTION WAS MADE BY MAYOR PRO-TEM TRISTAN TO CONVENE INTO EXECUTIVE SESSION AT 6:35 P.M. TO CONSULT WITH THE ATTORNEY. IT WAS SECONDED BY COUNCIL MEMBER MURDOCH. IT WAS CARRIED BY THE FOLLOWING:

AYES: COUNCIL MEMBERS GILL, KRENEK, MURDOCH, RIDGE AND TRISTAN

NAYS: NONE

MAYOR ROBERTS AND COUNCIL MEMBERS RECONVENED BACK INTO REGULAR SESSION AT 7:27 P.M. MAYOR ROBERTS ASKED COUNCIL IF THERE WAS ANY ITEM FROM EXECUTIVE SESSION THAT NEEDED TO BE DISCUSSED. COUNCIL MEMBER KRENEK RESPONDED WITH "NO, THERE IS NO ACTION FROM EXECUTIVE SESSION, MAYOR." COUNCIL MEMBER GILL RESPONDS, "I MAKE A MOTION THAT WE APPROVE ORDINANCE NUMBER 2016-1230" AND COUNCIL MEMBER MURDOCH SECONDS THE MOTION. (PLEASE SEE BELOW FOR BUSINESS ITEM "D" ALSO, MOTION AND SECOND IS RE-WRITTEN)

**IV. BUSINESS ITEMS**

**D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2016-1230 ORDINANCE OF THE CITY OF FULSHEAR AUTHORIZING THE ISSUANCE OF UP TO \$6,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF "CITY OF FULSHEAR, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION"; SECURING THE PAYMENT THEREOF AUTHORIZING THE LEVY OF ANNUAL AD VALOREM TAX AND A PLEDGE OF CERTAIN SURPLUS REVENUES OF THE CITY'S WATERWORKS AND SEWER SYSTEM; AUTHORIZING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE CONTRACT AND AN OFFICIAL STATEMENT; AND APPROVAL ALL OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO**

A MOTION WAS MADE BY COUNCIL MEMBER GILL TO APPROVE ORDINANCE NO. 2016-1230. IT WAS SECONDED BY COUNCIL MEMBER MURDOCH. THE MOTION WAS CARRIED AS FOLLOWS:

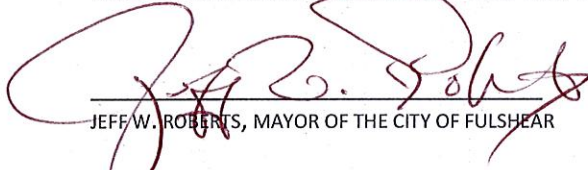
AYES: COUNCIL MEMBERS GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN  
NAYS: NONE

MOTION PASSES

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

AYES: COUNCIL MEMBERS: GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN  
NAYS: NONE

MAYOR ROBERTS ANNOUNCED AT 7:28 P.M. THAT WE ARE ADJOURNED.

  
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JEFF W. ROBERTS, MAYOR OF THE CITY OF FULSHEAR

ATTEST:

  
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KIMBERLY KOPECKY, DEPUTY CITY SECRETARY