



# 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: Erin Tristan

COUNCIL MEMBER: Stephen Gill

COUNCIL MEMBER: Tricia Krenek

COUNCIL MEMBER: Lauren Ashley

COUNCIL MEMBER: Ramona Ridge

## STAFF:

CITY MANAGER: C.J. Snipes

CITY SECRETARY: D. Gordon Offord

CITY ATTORNEY: J. Grady Randle

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## REGULAR CITY COUNCIL MEETING APRIL 18, 2017

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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 18, 2017 AT 7:00 P.M.** AT CITY HALL, 30603 FM 1093, FULSHEAR, TEXAS 77441 FOR THE PURPOSE OF CONSIDERING THE FOLLOWING ITEMS. THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS RESERVES THE RIGHT TO MEET IN A CLOSED/EXECUTIVE SESSION OF ANY OF THE BELOW ITEMS SHOULD THE NEED ARISE AND IF AUTHORIZED UNDER THE PROVISIONS OF TITLE 5, CHAPTER 551, OF 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. OPENING**

**A. CALL TO ORDER**

**B. QUORUM & ROLL CALL**

**C. INVOCATION – REV. JOHN CROWE – RIVER BEND BAPTIST CHURCH**

**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 and 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***

### **II. CITIZENS 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 PRESENTATIONS TO THREE MINUTES EACH.

**III. PUBLIC HEARINGS**

**A. SPECIAL USE PERMIT REQUEST –**

In compliance with the City of Fulshear Zoning Ordinance Number 2010-1028 (2012-1069), the City will hold two Public Hearings; the first Public Hearing was held by the Planning and Zoning Commission on April 7, 2017. The second hearing will be held by the City Council on April 18, 2017 at 7:00 p.m. both hearings will be in the City Council Chambers of the City of Fulshear, located at 30603 FM 1093 at which time and place all interested persons will be given an opportunity to be heard.

The location of the premises in question is located in the Downtown District, Lots 7 & 10 Block 12 of the Town of Fulshear, specifically the address is 8525 FM 359 Road, Suite 100 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 Restaurant/Bar.

Specific relief is requested from Section 1-193 (c) (2) (e) which states that the use of eating and drinking places 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 THE SAID APPLICATION AND DOCUMENTS IS ON FILE IN THE CITY SECRETARY'S OFFICE AT THE CITY OF FULSHEAR CITY HALL LOCATED AT 30603 FM 1093 WEST, FULSHEAR, TEXAS 77441.

**IV. CONSENT ITEMS**

ITEMS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED ROUTINE AND ARE GENERALLY ENACTED IN ONE MOTION. THE EXCEPTION TO THIS IS RULE IS THAT A COUNCIL MEMBERS MAY REQUEST ONE OR MORE ITEMS TO BE REMOVED FROM THE CONSENT AGENDA FOR A SEPARATE DISCUSSION AND ACTION.

- A. CONSENT AND APPROVAL OF THE UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR ITEMS LOCATED IN MUD #169**
- B. CONSENT AND APPROVAL OF THE STREET CONVEYANCE, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR ITEMS LOCATED IN MUD #170**
- C. CONSENT AND APPROVAL OF THE STREET CONVEYANCE, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR ITEMS LOCATED IN MUD #173**
- D. CONSENT AND APPROVAL OF MONTHLY FINANCIAL STATEMENT**
- E. CONSENT AND APPROVAL OF MINUTES FROM THE MARCH 21<sup>ST</sup> AND MARCH 27<sup>TH</sup> 2017 CITY COUNCIL MEETINGS**

**V. BUSINESS ITEMS**

- A. PRESENTATION OF A PROCLAMATION RECOGNIZING BUILDING SAFETY MONTH**
- B. PRESENTATION OF A PROCLAMATION FOR AUTISM AWARENESS MONTH**
- C. PRESENTATION OF A PROCLAMATION FOR NATIONAL SAFE DIGGING MONTH**

- D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE USE OF POLICE DONATION FUND FOR MEMORIAL COINS
- E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2017-342 A RESOLUTION OF THE CITY OF FULSHEAR APPROVING THE CITY'S FINANCIAL PARTICIPATION IN THE TEXAS HERITAGE PARKWAY PROJECT
- F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A RESOLUTION IN SUPPORT OF HB 3504, A BILL CONCERNING COUNTY ASSISTANCE DISTRICTS AS REQUESTED BY FORT BEND COUNTY PRECINCT 3 COMMISSIONER ANDY MEYERS
- G. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2017-343 A RESOLUTION OF THE CITY OF FULSHEAR FINDING THAT CENTERPOINT ENERGY HOUSTON, LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVER FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL
- H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2017-1246 AN ORDINANCE OF THE CITY OF FULSHEAR REPEALING ORDINANCE NO. 1986-727 REGARDING PERSONNEL HANDBOOK AND ADOPTING NEW EMPLOYEE HANDBOOK
- I. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE PETITION FOR ANNEXATION AS CONTAINED IN THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT FOR THE PROPERTY DESCRIBED THEREIN AS 'PHASE 2,' BEING AN 89.25 ACRE TRACT OF LAND OUT OF THE RESTRICTED RESERVE 'A' OF THE LAMAR C.I.S.D. HIGH SCHOOL NO. 5 COMPLEX; DIRECTING STAFF TO DRAFT AN ANNEXATION CALENDAR AND SERVICE PLAN FOR SAID PROPERTY
- J. CONSIDERATION AND POSSIBLE ACTION TO APPROVE SPECIAL USE PERMIT FOR 8525 FM 359, SUITE 100 TO MODIFY USE WITHIN THE DOWNTOWN DISTRICT FROM COMMERCIAL: RETAIL TO COMMERCIAL: RESTAURANT/ BAR
- K. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A TWO-YEAR CONTRACT EXTENSION WITH WCA, WASTE CORPORATION OF TEXAS, LP FOR SOLID WASTE SERVICES
- L. CONSIDERATION AND POSSIBLE ACTION TO APPROVE DONATION DEED AND CONVEYANCE OF CERTAIN PROPERTY BY THE CITY FOR THE EXPANSION OF PHASE II OF FM 1093
- M. CONSIDERATION AND POSSIBLE ACTION TO RECEIVE AND APPROVE THE CITY'S ANNUAL AUDIT AND FINANCIAL STATEMENT FOR THE YEAR ENDING SEPTEMBER 30, 2016 PRESENTED BY WHITLEY PENN
- N. DISCUSSION AND CONSIDERATION OF ISSUANCE OF \$6.5 MILLION CERTIFICATE OF OBLIGATION FOR MOBILITY PROJECTS AND OTHER NECESSARY INFRASTRUCTURE
- O. DISCUSSION AND CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT WITH ELIZABETH CHRISTIAN PR

**VI. 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**

**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.

**REVIEW OF CONTRACT FOR CITY MANAGER**

**VII. 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, D. GORDON OFFORD, 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 APRIL 13, 2017 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.

  
D. GORDON OFFORD- CITY SECRETARY