

***BUSINESS***

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	December 19, 2017	<b>AGENDA ITEM:</b>	A
<b>DATE SUBMITTED:</b>	December 12, 2017	<b>DEPARTMENT:</b>	Police Department
<b>PREPARED BY:</b>	Lynn Raymer Executive Assistant	<b>PRESENTER:</b>	Kenny Seymour Chief of Police & NAEMT
<b>SUBJECT:</b>	Life Saving Award presented to Sergeant Felix Vargas and Officer Jennifer Edmonds		
<b>ATTACHMENTS:</b>	None		
<b>EXPENDITURE REQUIRED:</b>	\$0		
<b>AMOUNT BUDGETED:</b>	\$0		
<b>FUNDING ACCOUNT:</b>	n/a		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	n/a		
<b>FUNDING ACCOUNT:</b>	n/a		

**EXECUTIVE SUMMARY**

National Association of Emergency Medical Technicians (NAEMT) will present Life Saving Awards to Sergeant Felix Vargas and Officer Jennifer Edmonds for their part in saving the life of a resident injured in a farm equipment accident.

**RECOMMENDATION**

**AGENDA ITEM B**

***PRESENTATION  
10-YEAR SERVICE  
AWARD  
FOR  
D. GORDON OFFORD***

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	December 19, 2017	<b>AGENDA ITEM:</b>	C
<b>DATE SUBMITTED:</b>	December 15, 2017	<b>DEPARTMENT:</b>	Planning and Development
<b>PREPARED BY:</b>	Brant Gary, Executive Director of Planning and Development	<b>PRESENTER:</b>	Brant Gary, Executive Director of Planning and Development
<b>SUBJECT:</b>	<b>CONSIDERATION AND POSSIBLE ACTION TO ADOPT A DEVELOPMENT AGREEMENT ON THE TRACT OF LAND DESCRIBED AS 0029 C FULSHEAR, TRACT 4, ACRES 2.00, WALLIS STREET, WITH FORT BEND COUNTY EMERGENCY SERVICES DISTRICT #4 FOR A TEMPORARY USE BY THE FULSHEAR-SIMONTON FIRE DEPARTMENT</b>		
<b>ATTACHMENTS:</b>	Proposed Development Agreement		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

Representatives from the Fulshear-Simonton Fire Department and Fort Bend County ESD #4 recently approached the City with a request to establish a temporary training facility on land currently owned by the ESD until such time a permanent facility could be constructed. City Staff recognizes the benefit of training for first responders and have worked to draft the proposed Development Agreement as a means for Council to consider this request. Since certain uses and zoning requirements relative to the request would need to be addressed, the proposed Development Agreement crafted by the City Attorney's office allows for the temporary placement and use of the training facility as requested. This agreement is also on the ESD Board's agenda for the morning of 12/19/17 for consideration.

**EXECUTIVE SUMMARY**

Pending City Council review and possible consideration of any proposed changes requested by the ESD or City Council, City Staff recommends approval of the development agreement as presented.

**DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF FULSHEAR, TEXAS AND  
FORT BEND COUNTY EMERGENCY SERVICES DISTRICT #4**

This DEVELOPMENT AGREEMENT ("Agreement") is made and entered into by the CITY OF FULSHEAR, TEXAS, (the "City"), a home-rule municipality in Fort Bend County, Texas, acting by and through its governing body, the City Council of the City of Fulshear, Texas and FORT BEND COUNTY EMERGENCY SERVICES DISTRICT #4., a political subdivision, (the "Developer").

**RECITALS**

WHEREAS, Developer is the sole owner of that certain tract of land, and has the right to develop certain property located in the city limits of the City of Fulshear, and in the located on Wallis Street, Fulshear, Texas 77441, more fully described in Exhibit "A," attached hereto (the "Property"); and

WHEREAS, THE City and the Developer each acknowledge that the development of the Property can best proceed pursuant to a single development agreement; and

WHEREAS, it is the intent of this Agreement to establish certain restrictions and commitments imposed and made in connection with the development of the Property; and

WHEREAS, the City is authorized by the constitution and laws of the State of Texas to enter into this Agreement, including Section 212.172 of the Texas Local Government Code; and

WHEREAS, the City and the Developer are proceeding in reliance on the enforceability of this Agreement;

NOW, THEREFORE, for and in consideration of the mutual agreements, covenants, and conditions contained herein, and other good and valuable consideration, the City and Developer agree as follows:

**ARTICLE 1  
DEFINITIONS**

Section 1.01 Terms. Unless the context requires otherwise, and in addition to the terms defined above, the following terms and phrases used in this Agreement shall have the meanings set forth below:

*City* means the City of Fulshear, Texas.

*City Building Code* means the uniform residential, building, fire, electrical, plumbing, fuel gas, energy, property maintenance, swimming pool, mechanical, and any other uniform code adopted by the City, if any, including any amendments, deletions, or additions thereto, whether now or in the future, and as may be updated from time to time by the City.

*City Council* means the City Council of the City or any successor governing body.

*Comprehensive Plan* means City Ordinance No. 2014-1135, codified in Article 8, Sec. 8.08 of the City of Fulshear Code of Ordinances, including any amendments thereto adopted by the

City Council as of the effective date of this Agreement, and not including any future amendments or changes.

*County* means Fort Bend County.

*Developer* means Fort Bend County Emergency Services District #4, and any successor or assign to the extent such successor or assign engages in Substantial Development Activities within the Property, except as limited by Section 9.04 herein.

*Development Ordinance* means the City's Ordinances No. 2013-1091, 2014-1144, and 2014-1169 codified in Chapter 34 City of Fulshear Code of Ordinances, including any amendments thereto adopted by the City Council as of the effective date of this Agreement, and including any future amendments or changes exempted from Chapter 245, Local Government Code, but not including any future amendments or changes not exempted from Chapter 245, Local Government Code.

*ETJ* means the extraterritorial jurisdiction of the City.

*General Plan* means the plan for development of the Property, a copy of which is attached to this Agreement as Exhibit C, as it may be revised from time to time in accordance with Section 2.02.

*Improvement* means the Fire Training Structure and facility to be constructed for the purpose of training fire-fighting personnel.

*Landowner* means Developer, and any successor owner of all or any portion of the Property.

*Major Thoroughfare Plan* means the City's Ordinance Nos. 2013-1115, 2014-1141, and 2015-1173, codified in Appendix C, City of Fulshear Code of Ordinances including any amendments thereto adopted by the City Council as of the effective date of this Agreement, and not including any future amendments or changes.

*Outdoor Lighting Ordinance* means the City's Ordinance Nos. 2015-1194 and 2015-1198, including any amendments thereto adopted by the City Council as of the effective date of this Agreement, and not including any future amendments or changes.

*Person* means any individual, partnership, association, firm, trust, estate, public or private corporation, or any other legal entity whatsoever.

*Plan of Development* means the Developer's conceptual plan, building specifications, schematics, and criteria for the development of the Property, and construction of the Improvement, attached hereto as Exhibit "B."

*Planning Commission* means the Planning Commission of the City.

*Property* means the real property described in Exhibit A.

*Sign Ordinance* means the City's Ordinance Nos. 2012-1071, 2012-1058, 2012-1065, and 2013-1094, codified in Chapter 28 City of Fulshear Code of Ordinances including any amendments thereto adopted by the City Council as of the effective date of this Agreement, but not including any future amendments or changes.

*TCEQ* means the Texas Commission on Environmental Quality and its successors.

ARTICLE II  
GENERAL PLAN AND PLATTING

Section 2.01 Introduction. The Property is to have an Improvement developed and erected on the land described in Exhibit A.

Section 2.02 General Plan and Amendments. The City and the Developer acknowledge that the attached General Plan is the construction and of the Improvement for the development of the Property. The parties acknowledge and agree that the General Plan may be revised and refined by the Developer as the Developer continues its investigation of and planning for the Property, and Improvement, and prepares a feasible and detailed plan for development of the Property, provided that in no case shall the General Plan be revised or refined to contradict any of the requirements of this Agreement or subsequently approved variances, and provided that no revision or refinement to the General Plan shall limit or otherwise affect any right or obligation of either the Developer or the City pursuant to this Agreement until such revision or refinement is approved by the City and Developer. The City approves the General Plan in the form attached hereto, and finds it generally consistent with the Development Ordinance, as well as the City's Comprehensive Plan and Major Thoroughfare Plan, except that Developer will not subdivide the Property and instead will construct the Improvement on the Property.

Section 2.03 Platting. The Developer shall be required to plat the Property in accordance with this section. The plat shall be subject to review and approval by the Planning Commission and City Council in accordance with those requirements and procedures and planning standards of the Development Ordinance and the variances set forth in Section 3.12, as well as the requirements of this Agreement. So long as the plat meets the requirements of (1) the Development Ordinance; (2) the variances set forth in Section 3.10 or other variances that the City may approve from time to time; and (3) this Agreement (including any amendments or updated provisions of the Development Ordinance specifically allowed herein), the City shall approve the plat.

Section 2.04 Property Subject to the Agreement. This Agreement hereby includes only the Property.

ARTICLE III  
DESIGN AND CONSTRUCTION STANDARDS AND APPLICABLE ORDINANCES

Section 3.01 Regulatory Standards and Development Quality.

(a) One of the primary purposes of this Agreement is to provide for safe development of the Property and foreseeability as to the regulatory requirements applicable to the development of the Property throughout the development process. Feasibility of the development of the Property is dependent upon a predictable regulatory environment and stability in the projected land uses

Section 3.02 The parties agree that development of the Property shall be in accordance with the General Plan and the requirements of this Agreement.

(i) The City shall have the right to inspect (and shall attempt to coordinate with any inspections performed by the County, Fort Bend County Fire Marshall, Texas Railroad Commission or the TCEQ) and approve the construction of the Improvement, and ingress, egress

and other necessary improvements, which approval will not be unreasonably withheld, conditioned or delayed.

Section 3.03 Improvements/Inspections. The Improvement shall be constructed in accordance with all applicable State and Federal laws pertaining to fire safety. The Developer agrees to comply with all provisions and safety rules promulgated by the Texas Railroad Commission, Chapter 9 of the Texas Administrative Code, and all national and federal codes specific to storage and piping of Liquefied Petroleum Gas, including but not limited to the **National Fire Protection Association's** Liquefied Petroleum Gas Code (NFPA 58 - 2008 edition) and National Fuel Gas Code (NFPA 54 - 2006 edition).

Section 3.04 Adequate Safety Measures. The Developer shall comply with all necessary Federal and State laws mandating necessary safety measures to secure a safe and secure perimeter surrounding the Improvement to prevent public access to the Property and Improvement.

Section 3.05 Signs. All signs within the Property shall be designed and constructed in accordance with the Sign Ordinance.

#### ARTICLE IV PROVISIONS FOR DEVELOPER AND LANDOWNERS

Section 4.01 Vested Rights. The City and the Developer agree that the rights of each party as set forth in this Agreement shall be deemed to have vested, as provided by Texas Local Government Code, Chapters 43 and 245 and Section 212.172(g), as amended or under any other existing or future common or statutory rights as of the Effective Date. The Developer represents and warrants that it is the sole owner of the Property as of the Effective Date.

Section 4.02 Waiver of Actions Under Private Real Property Rights Preservation Act. The Developer hereby waives its right, if any, to assert any causes of action against the City accruing under the Private Real Property Rights Preservation Act, Chapter 2007, Texas Government Code (the "Act") or other state law, that the City's execution or performance of this Agreement or any authorized amendment or supplements thereto may constitute, either now or in the future, a "Taking" of Developer's or its grantee's, or a grantee's Successor's "Private Real Property," as such terms are defined in the Act. Provided, however, that this waiver does not apply to, and the Developer and its grantees and successors do not waive their rights under the Act to assert a claim under the Act for any action taken by the City beyond the scope of this Agreement which otherwise may give rise to a cause of action under the Act.

#### ARTICLE V MATERIAL BREACH, NOTICE AND REMEDIES

##### Section 5.01 Material Breach of Agreement.

(a) It is the intention of the parties to this Agreement that the Property be developed in accordance with the terms of this Agreement and that Developer follow the development plan as set out in the General Plan. The parties acknowledge and agree that any substantial deviation from the General Plan in the form attached hereto and the concepts of development contained therein and any substantial deviation by Developer from the material terms of this Agreement would frustrate the intent of this Agreement, and therefore, would be a material breach of this Agreement.



Section 5.02 Notice of Developer's Default.

(a) The City shall notify the Developer and each Designated Mortgagee in writing of an alleged failure by the Developer to comply with a provision of this Agreement, which notice shall specify the alleged failure with reasonable particularity. The alleged defaulting Developer shall, within thirty (30) days after receipt of such notice or such longer period of time as the City may specify in such notice, either cure such alleged failure or, in a written response to the City, either present facts and arguments in refutation or excuse of such alleged failure or state that such alleged failure will be cured and set forth the method and time schedule for accomplishing such cure.

(b) The City shall determine (i) whether a failure to comply with a provision has occurred; (ii) whether such failure is excusable; and (iii) whether such failure has been cured or will be cured by the alleged defaulting Developer or a Designated Mortgagee. The alleged defaulting Developer shall make available and deliver to the City, if requested, any records, documents or other information necessary to make the determination without charge.

(c) In the event that the City determines that such failure has not occurred, or that such failure either has been or will be cured in a manner and in accordance with a schedule reasonably satisfactory to the City, or that such failure is excusable, such determination shall conclude the investigation.

(d) If the City determines that a failure to comply with a provision has occurred and that such failure is not excusable and has not been or will not be cured by the alleged defaulting Developer or a Designated Mortgagee in a manner and in accordance with a schedule reasonably satisfactory to the City, then the City Council may take any appropriate action to enforce this agreement at law or in equity.

Section 5.03 Notice of City's Default.

(a) Any Developer shall notify the City in writing of an alleged failure by the City to comply with a provision of this Agreement, which notice shall specify the alleged failure with reasonable particularity. The City shall, within 30 days after receipt of such notice or such longer period of time as that Developer may specify in such notice, either cure such alleged failure or, in a written response to each Developer, either present facts and arguments in refutation or excuse of such alleged failure or state that such alleged failure will be cured and set forth the method and time schedule for accomplishing such cure.

(b) The Developer shall determine (i) whether a failure to comply with a provision has occurred; (ii) whether such failure is excusable; and (iii) whether such failure has been cured or will be cured by the City. The City shall make available and deliver to the Developer, if requested, any records, documents or other information necessary to make the determination without charge.

(c) In the event that the Developer determines that such failure has not occurred, or that such failure either has been or will be cured in a manner and in accordance with a schedule reasonably satisfactory to the Developer, or that such failure is excusable, such determination shall conclude the investigation.

(d) If the Developer determines that a failure to comply with a provision has occurred and that such failure is not excusable and has not been or will not be cured by the City in a manner and in accordance with a schedule reasonably satisfactory to the Developer, then the Developer

may take any appropriate action to enforce this agreement at law or in equity.

Section 5.04 Remedies.

(a) In the event of a determination by the City that a Developer has committed a material breach of this Agreement the City may, subject to the provisions of Section 8.02, file suit in a competent jurisdiction in the County, and seek either (i) specific performance, (ii) injunctive relief, (iii) an action under the Uniform Declaratory Judgment Act, or (iv) termination of this Agreement as to the breaching Developer (but not as to any other non-breaching Developer).

(b) In the event of a determination by a Developer that the City has committed a material breach of this Agreement, the Developer may, subject to the provisions of Section 8.03, file suit in a court of competent jurisdiction in the County and seek (i) specific performance, (ii) injunctive relief, (iii) an action under the Uniform Declaratory Judgment Act, or (iv) termination of this Agreement as to such Developer.

(c) Neither party shall be liable for any monetary damages of the other party for any reason whatsoever, including punitive damages, exemplary damages, consequential damages or attorneys' fees.

ARTICLE VI  
BINDING AGREEMENT, TERM, AMENDMENT, AND ASSIGNMENT

Section 6.01 Beneficiaries. This Agreement shall bind and inure to the benefit of the City and the Developer, their successors and assigns. In addition to the City and the Developer, Designated Mortgagees, and their respective successors or assigns, shall also be deemed beneficiaries to this Agreement. The terms of this Agreement shall constitute covenants running with the land comprising the Property and shall be binding on the Developer and its successors and assigns, other than End-Buyers except as specifically provided herein. This Agreement and all amendments hereto (including amendments to the General Plan) shall be recorded in the real property records of each county in which any part of the property that is subject to this Agreement is located, and Developer shall bear the cost of and responsibility for such recordation. This Agreement, when recorded, shall be binding upon the parties hereto and their successors and assigns permitted by this Agreement and upon the Property.

Section 6.02 Term. This Agreement shall be effective upon the mutual execution of this Agreement (the "*Effective Date*") and shall terminate 3 years from the Effective Date.

Section 6.03 Termination. In the event this Agreement is terminated as provided in this Agreement or is terminated pursuant to other provisions, or is terminated by mutual agreement of the parties, the parties shall promptly execute and file of record, in the real property records of each county in which any part of the Property is located, a document confirming the termination of this Agreement, and such other documents as may be appropriate to reflect the basis upon which such termination occurred.

Section 6.05 Amendment. This Agreement may be amended only upon written amendment executed by the City and Developer. In the event Developer sells any portion of the Property, the Developer may assign to such purchaser the right to amend this Agreement as to such purchased property by written assignment and notice thereof to the City. Such assignment shall not grant such purchaser the authority to amend this Agreement as to any other portions of the Property.

Section 6.06 Transfer of Control of Developer. The Developer shall notify the City within fifteen (15) business days after any substantial change in ownership or control of that Developer. As used herein, the words “substantial change in ownership or control” shall mean a change of more than 49% of the stock or equitable ownership of a Developer. Any contract or agreement for the sale, transfer, or assignment of control or ownership of a Developer shall recite and incorporate this Agreement as binding on any purchaser, transferee, or assignee.

ARTICLE VII  
MISCELLANEOUS PROVISIONS

Section 7.01 Notice. The parties contemplate that they will engage in informal communications with respect to the subject matter of this Agreement. However, any formal notices or other communications (“*Notice*”) required to be given by one party to another by this Agreement shall be given in writing addressed to the party to be notified at the address set forth below for such party, (a) by delivering the same in person, (b) by depositing the same in the United States Mail, certified or registered, return receipt requested, postage prepaid, addressed to the Party to be notified; (c) by depositing the same with Federal Express or another nationally recognized courier service guaranteeing “next day delivery,” addressed to the party to be notified, or (d) by sending the same by telefax with confirming copy sent by mail. Any notice required to be given by a party to a Designated Mortgagee shall be given as provided above at the address designated upon the identification of the Designated Mortgagee, Notice deposited in the United States mail in the manner herein above described shall be deemed effective from and after three (3) days after the date of such deposit. Notice given in any other manner shall be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties, until changed as provided below, shall be as follows:

City: City of Fulshear  
P.O. Box 279  
Fulshear, Texas 77441  
Attn: City Secretary  
Facsimile: (281) 346-2556

With copy to: J. Grady Randle  
Randle Law Office LTD, LLP  
820 Gessner, Suite 1570  
Houston, Texas 77024  
Facsimile: (832) 476-9554

Developer: Fort Bend County Emergency Services District #4  
30626 5th St, Fulshear  
Fulshear, Texas 77441

The parties shall have the right from time to time to change their respective addresses, and each shall have the right to specify as its address any other address within the United States of America by giving at least 5 days written notice to the other parties. A Designated Mortgagee may change its address in the same manner by written notice to all of the parties. If any date or any period provided in this Agreement ends on a Saturday, Sunday, or legal holiday, the applicable

period for calculating the notice shall be extended to the first business day following such Saturday, Sunday or legal holiday.

Section 7.02 Time. Time is of the essence in all things pertaining to the performance of the provisions of this Agreement.

Section 7.03 Severability by Court Action. Unless the court applies Section 7.04, if any provision of this Agreement or the application thereof to any person or circumstance is ever judicially declared invalid, such provision shall be deemed severed from this Agreement, and the remaining portions of this Agreement shall remain in effect.

Section 7.04 Invalid Provisions. If any provision of this Agreement or the application thereof to any person or circumstance is prohibited by or invalid under applicable law, it shall be deemed modified to conform with the minimum requirements of such law, or, if for any reason it is not deemed so modified, it shall be prohibited or invalid only to the extent of such prohibition or invalidity without the remainder thereof or any such other provision being prohibited or invalid.

Section 7.05 Waiver. Any failure by a party hereto to insist upon strict performance by the other party of any provision of this Agreement shall not be deemed a waiver thereof or of any other provision hereof, and such party shall have the right at any time thereafter to insist upon strict performance of any and all of the provisions of this Agreement.

Section 7.06 Applicable Law and Venue. The construction and validity of this Agreement shall be governed by the laws of the State of Texas without regard to conflicts of law principles. Venue shall be in Fort Bend County, Texas.

Section 7.07 Reservation of Rights. To the extent not inconsistent with this Agreement, each party reserves all rights, privileges, and immunities under applicable laws, including sovereign immunity, except to enforce any rights and remedies under this Agreement.

Section 7.08 Further Documents. The parties agree that at any time after execution of this Agreement, they will, upon request of another party, execute and deliver such further documents and do such further acts and things as the other party may reasonably request in order to effectuate the terms of this Agreement.

Section 7.09 Incorporation of Exhibits and Other Documents by Reference. All Exhibits and other documents attached to or referred to in this Agreement are incorporated herein by reference for the purposes set forth in this Agreement.

Section 7.10 Effect of State and Federal Laws. Notwithstanding any other provision of this Agreement, Developer, its successors and assigns, shall comply with all applicable statutes or regulations of the United States and the State of Texas, as well as any City ordinances to the extent not in conflict with this Agreement, and any rules implementing such statutes or regulations.

Section 7.11 Authority for Execution. The City hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with City ordinances. The Developer hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the articles of incorporation and bylaws or partnership agreements of such entities.

Section 7.12 Reimbursement of City Expenses. Developer shall reimburse the City for its expenses incurred in the development of this Agreement, including but not limited to legal fees, within ninety (90) days of receipt of an invoice of such expenses from the City, provided that the

Developer shall not be required to reimburse the City in an amount in excess of ten thousand dollars (\$10,000).

Section 7.13 Special Contract Lien. This Agreement shall be a special contract lien on the Property for any amounts due to the City under this Agreement. The City may file notices of such amounts due and secured by such lien from time to time in the real property records of any county in which all or any portion of the Property is located.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement to be effective as of the Effective Date.

CITY OF FULSHEAR, TEXAS

By: \_\_\_\_\_  
Mayor, Jeff W. Roberts

Date: \_\_\_\_\_

ATTEST

By: \_\_\_\_\_  
City Secretary, D. Gordon Offord

Date: \_\_\_\_\_

THE STATE OF TEXAS §

§

COUNTY OF FORT BEND §

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, Mayor of the City Fulshear, Texas.

\_\_\_\_\_  
Notary Public, State of Texas

DEVELOPER and LANDOWNER  
Fort Bend County Emergency Services District #4

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

THE STATE OF TEXAS       §

§

COUNTY OF FORT BEND     §

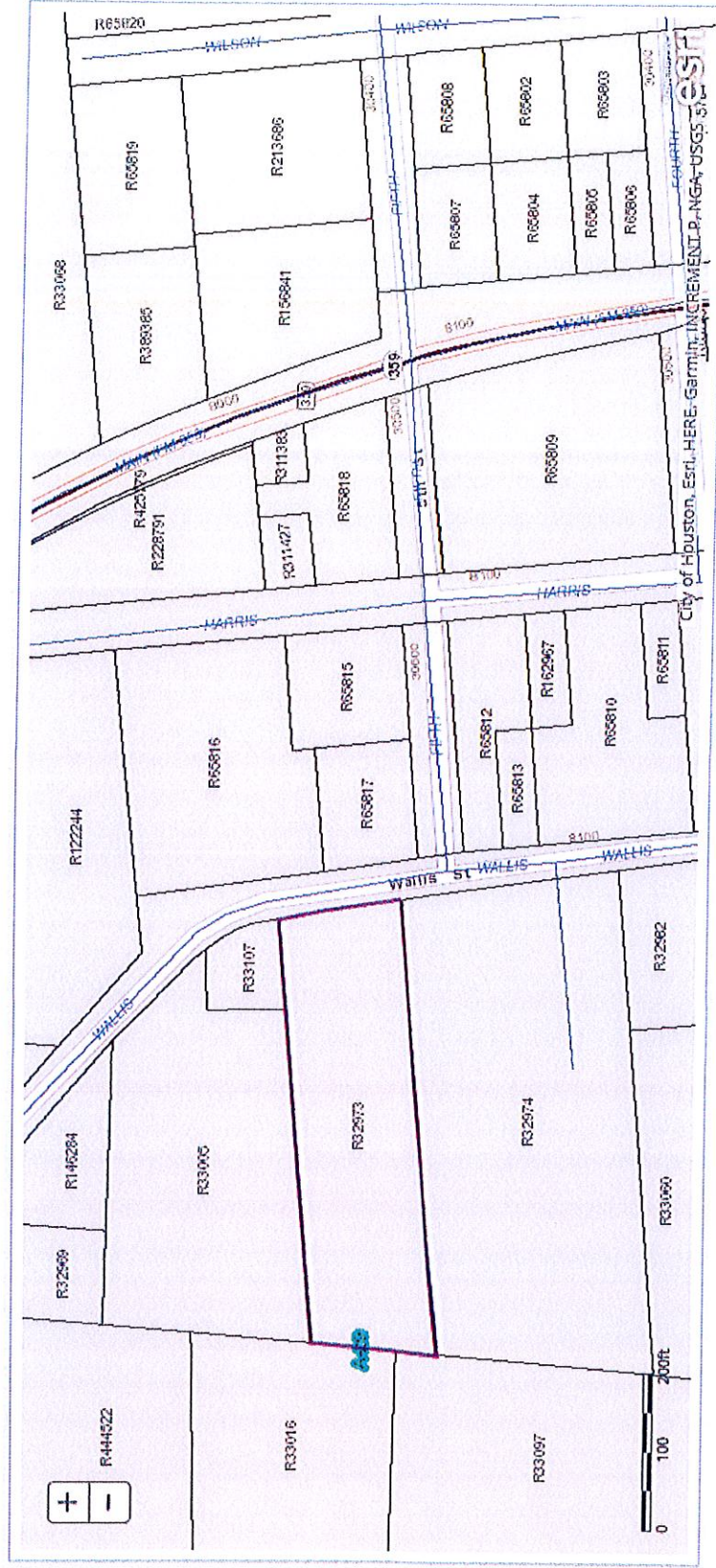
This instrument was acknowledged before me, the undersigned authority, this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_,  
\_\_\_\_\_ of FORT BEND COUNTY EMERGENCY SERVICES  
DISTRICT #4 on behalf of said entity.

\_\_\_\_\_  
Notary Public, State of Texas

**Exhibit A - Parcel Map of Property**

**0029 C FULSHEAR, TRACT 4**

Property	Owner	Property Address	Land Size
R32973	FORT BEND COUNTY EMERGENCY SERVICES DISTRICT #4	WALLIS ST, FULSHEAR, TX 77441	2.00 Acres





# FIRE TRAINING STRUCTURES, LLC



1.877.268.8303  
Phoenix, AZ  
[www.mobilefireunits.com](http://www.mobilefireunits.com)

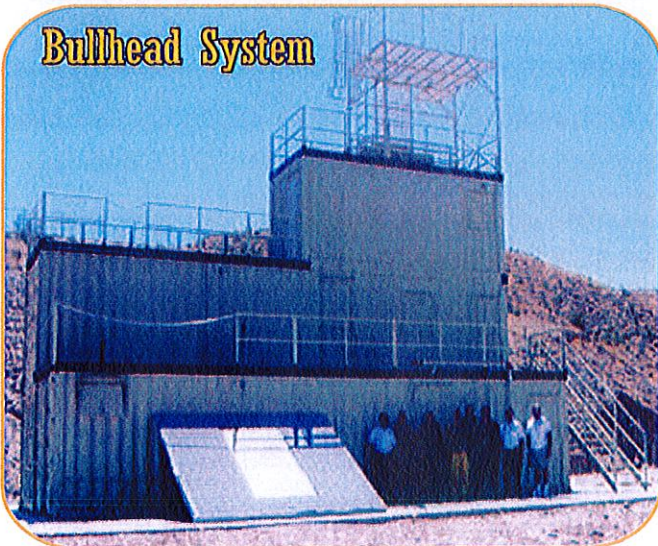
## STACKED SYSTEMS

**Western Tech System**



- 1st & 2nd Story Enclosed Burn Chambers
- Temperature Monitoring System
- Interior & Exterior OSHA Compliant Stairs
- Standpipe and Sprinkler System
- Garage Panel Cutting Prop
- Forced Entry Door System
- Flat and Pitched Ventilation
- Wall Breaching Prop
- Full SCBA Confined Space Maze System
- Rappelling Platform
- Exterior and Interior Lighting
- Variable Angle Cutting Prop
- Denver and Nance Drill

**Bullhead System**



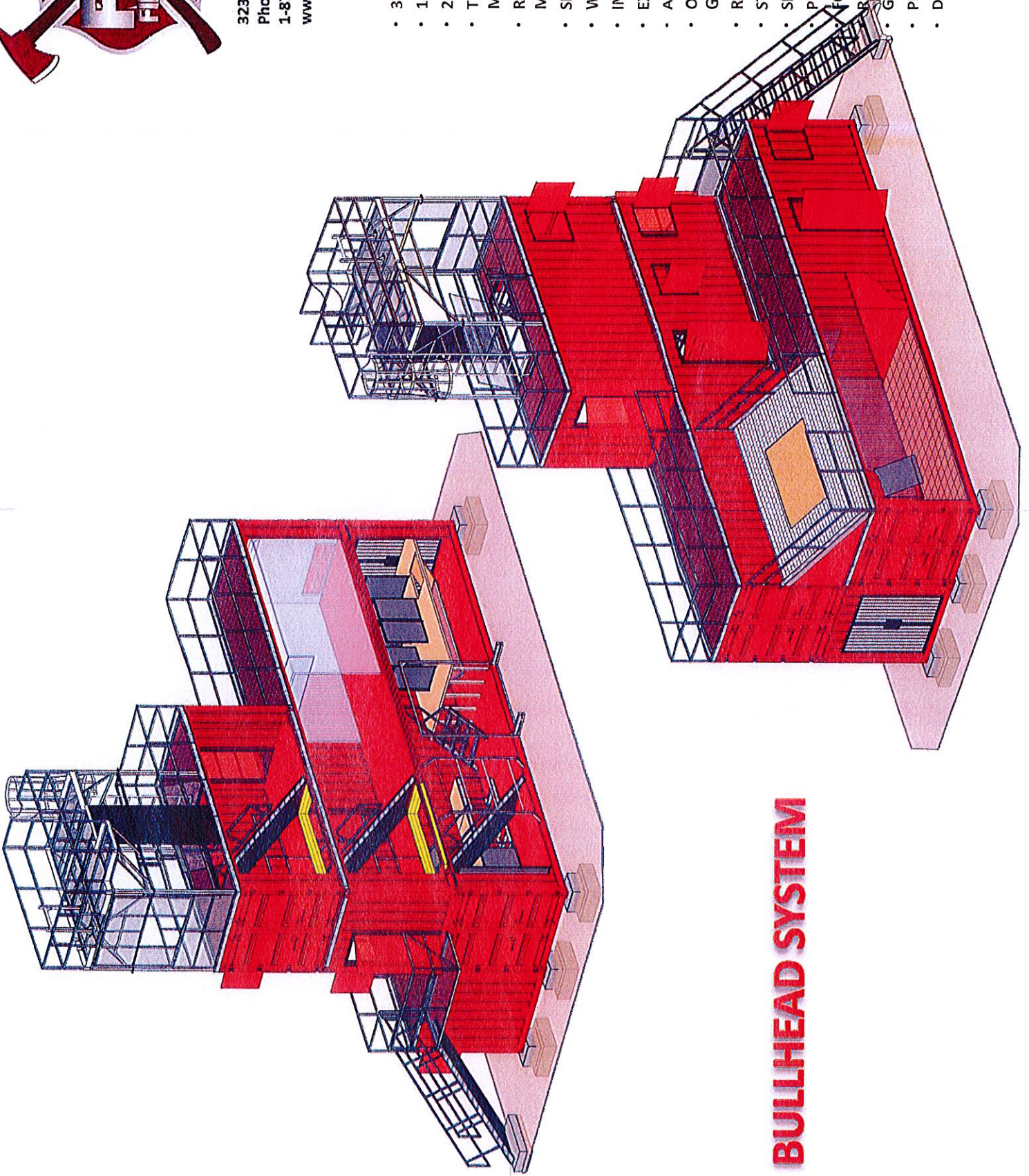
**Sable System**





3233 E. Corona Avenue  
 Phoenix, AZ 85040  
 1-877-268-8303  
[www.mobilefireunits.com](http://www.mobilefireunits.com)

- 3 – 40' CONTAINERS
- 1 – 20' CONTAINER
- 2 – BURN ROOMS
- TEMPERATURE MONITORING SYSTEM
- RECONFIGURABLE SCBA MAZE
- SHORING PROP
- WALL BREACH PROP
- INTERIOR STAIRS
- EXTERIOR STAIRS
- ACTIVE ROOF
- OSHA COMPLIANT GUARDRAIL SYSTEM
- RAPPELLING TOWER
- STANDPIPE SYSTEM
- SPRINKLER SYSTEM
- PITCHED ROOF PROP
- FORCED ENTRY DOOR
- REBAR CUTTING PROP
- GARAGE DOOR PROP
- PERSONNEL DOORS
- DENVER WINDOW



## **BULLHEAD SYSTEM**

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	December 19, 2017	<b>AGENDA ITEM:</b>	D
<b>DATE SUBMITTED:</b>	December 15, 2017	<b>DEPARTMENT:</b>	Planning and Development
<b>PREPARED BY:</b>	Brant Gary, Executive Director of Planning and Development	<b>PRESENTER:</b>	Brant Gary, Executive Director of Planning and Development
<b>SUBJECT:</b>	<b>DISCUSSION AND UPDATE OF H-GAC LIVABLE CENTERS STUDY</b>		
<b>ATTACHMENTS:</b>	Presentation Providing an Update on the Livable Centers Study Project Proposed Scope of the Livable Centers Study		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

Previously, City Council authorized the City's participation in and funding match of \$38,500 for the H-GAC Livable Centers Study. Since that time, a team was selected by H-GAC and has begun to outline the formal scope of work for the project. Prior to the next steps of the project, we have asked representatives from the project team to provide an update an overview of the scope of work and the estimated schedule of completion.

This presentation will provide Council an opportunity to ask any questions and provide feedback regarding the project scope and next steps. City staff can work with the consultants hired to provide any information not readily available at the time of the presentation.

**EXECUTIVE SUMMARY**

As this is only a presentation and update, there is no formal City Staff recommendation for City Council action.

THE City of  
**Fulshear**  
LIVABLE CENTER STUDY

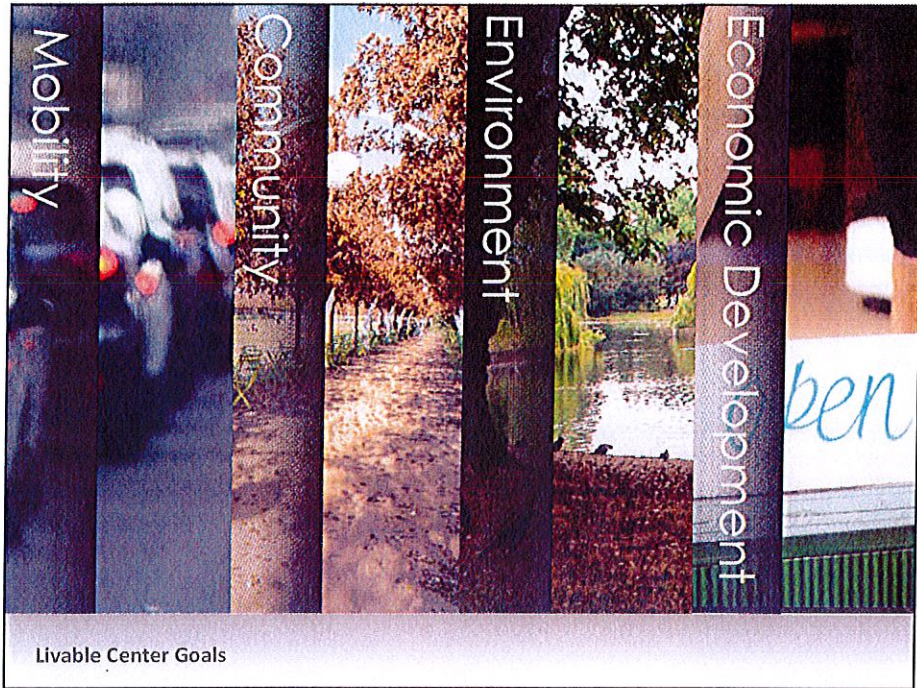
presented by

Shad Comeaux, AICP  
Michelle Queen, AICP

**FRESE NICHOLS**

What is a Livable Center?

Live. Work. Play. ONE DESTINATION.

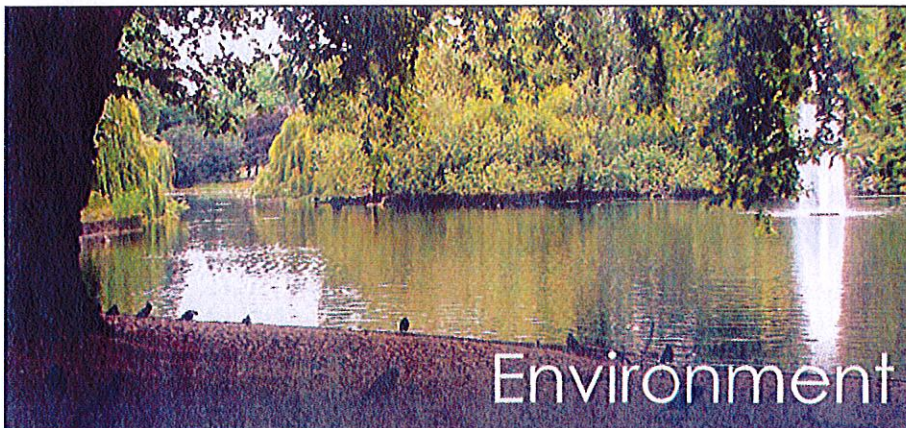


Mobility

Livable Centers make *walking, bicycling,* and *transit* more convenient by concentrating many destinations. Fewer local trips helps *reduce congestion* on major thoroughfares.



Livable Centers are comfortable, appealing places for people to interact; featuring *open spaces*, (parks, plazas, and marketplaces) that host *public gatherings* and foster a *sense of community*.



Livable Centers help *preserve the environment* and *improve air quality* by requiring less land for development, which reduces the amount of impervious surfaces and the need for vehicle trips.



## Economic Development

Livable Centers create a *unique, identifiable destination*, bolstering civic pride and acting as a *catalyst for investment and development*. Public investments can help leverage private investment.

**FREESE AND NICHOLS, INC.**

- Project management
- Project planning, including: transportation planning, urban design, and infrastructure coordination
- Public engagement



**CDS COMMUNITY DEVELOPMENT STRATEGIES**

- Market analysis
- Housing recommendations



**CJ HENSCH & ASSOCIATES, INC.**

- Traffic data collection



**KNUDSON, LP**

- Economic development strategies and recommendations
- Landscape architecture and graphic services



The Project Team



**1** Project Meetings and Public Engagement

- SAC Meetings (5)
- Staff Meetings (5)
- Public Meetings (2)
- Plan Adoption Meeting (1)

**2** Needs Assessment

- Land use/ownership Inventory
- Market trends/conditions
- Demographic data and future projections
- Evaluation of transportation network/connectivity
- Evaluation of transportation projects/impacts
- Review existing/in-progress city plans, studies, and ordinances

## Project Overview

Scope of Work, Planning Tasks, and Planning Process

**3** Develop Conceptual Plan

- Develop recommendations
- Design conceptual plans that include streetscape design, mixed-use and dense developments, diversified housing opportunities, commercial areas, and capital improvements that support alternative transportation modes

**4** Develop Conceptual Renderings for Specific Proposed Recommendations

- Identify priority recommendations
- Provide finalized design concepts for priority recommendations

## Project Overview (continued)

Scope of Work, Planning Tasks, and Planning Process



**5** Develop Implementation Plan for Proposed Recommendations

- Short-, mid-, and long-term recommendations/projects
- Action steps and implementation metrics
- Fiscal analysis
- Benefits

**6** Draft Fulshear Livable Center Study

- Draft plan completed and distributed by the City for review and comment

**7** Final Fulshear Livable Center Study

## Project Overview (continued)

Scope of Work, Planning Tasks, and Planning Process

## Stakeholder Advisory Committee (SAC)

The primary role of the SAC is to provide input to assist the planning team in the preparation of the Fulshear Livable Center Study relevant to:

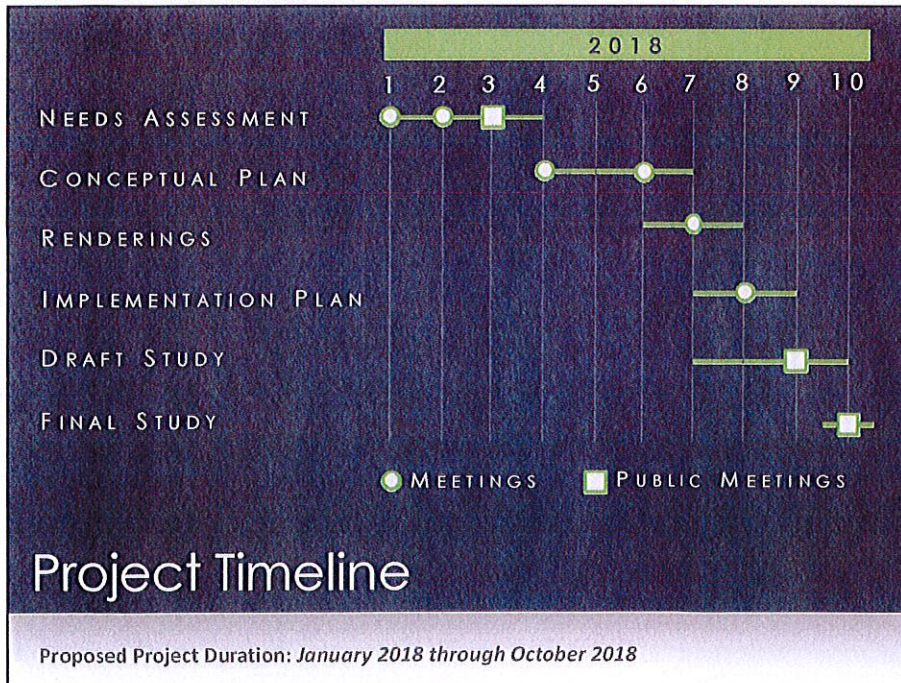
- Providing knowledge of the study area
- Identification of issues / opportunities
- Community vision and goals
- Guide Plan recommendations and priorities
- Ambassadors of the Plan

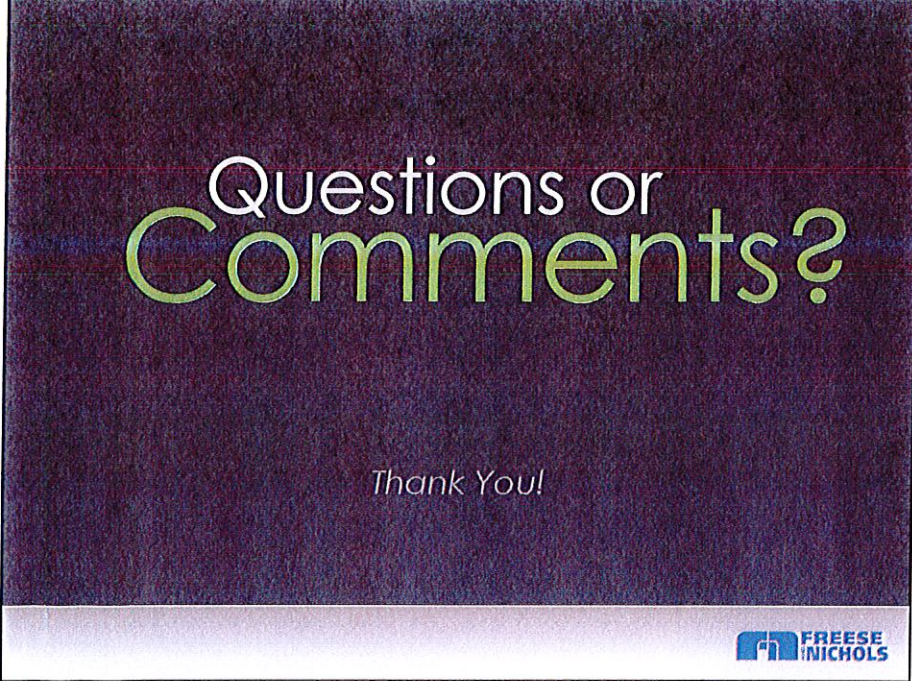
## SAC SELECTION CRITERIA:

- Existing Boards and Commissions
  - City Council/P&Z Commission
  - Economic Development Corporations (A&B)
  - Historic Preservation & Museum Committee
  - Parks & Recreation Commission
- Professional interests
- Geographically relevant stakeholders
- Government entities
- Other interested parties!




*The project team will solicit SAC candidate applications utilizing the City's website or other media and select committee members from those received.*





Questions or  
Comments?

*Thank You!*



**FREEZE  
NICHOLS**

## SCOPE OF WORK

This study will capitalize on Fulshear's existing assets in a plan that links the goals of the Livable Centers Program with the City's vision and goals, to create specific recommendations toward sustainable development and redevelopment, while enhancing the "return on investment" for the City. Our recommendations for the scope of work and management plan for the study are contained in the following sections.

**Project Location:** The focus of the Fulshear Livable Center study is the City's downtown and its surrounding areas. The project study area spans from just south of FM 1093 to north of North Fulshear Drive. The study area borders Cross Creek Ranch to the east and George Gordon Road to the west.

The scope of work is outlined below.

### **TASK 1 – PROJECT MEETINGS, PUBLIC ENGAGEMENT, AND MANAGEMENT**

#### 1.1: Project Kickoff Meeting (1 Meeting)

Prior to initiating work, the Freese and Nichols Team (Freese and Nichols, CDS Community Development Strategies, and Knudson) will conduct a one-hour kickoff meeting to discuss our understanding of the project, the project schedule, scope, communication methods, as well as request/receive any additional data that will be required for the study. The City staff and H-GAC should provide GIS files for the study area, background materials on any previous studies, current design standards, any updates to the comprehensive plan and land use ordinances. Recommended attendees include Fulshear Staff, H-GAC project managers, and others that will ultimately guide the progress, findings and recommendations. The Freese and Nichols Team would also like to discuss the following items:

- Project vision, goals, and objectives
- Priorities for transportation, housing and land use improvements
- Composition of the Stakeholder Advisory Committee
- Public involvement strategies
- Project expectations

The City will provide a meeting location and will notify attending Team members of the location and time for the meeting.

*(Deliverables: Meeting agenda, sign-in sheet, contact list, and summary notes)*

### 1.2: Fulshear Staff Progress Meetings (5 Meetings)

The Freese and Nichols Team will meet with City staff to discuss project progress, key action items and responsibilities, and project schedule. Freese and Nichols will prepare an agenda and a checklist with action items, responsibilities and due dates for appropriate Team members, and will schedule and notify attendees of the meetings via e-mail.

*(Deliverables: Meeting agenda / checklist with key discussion items noted and action items) Meetings should be held on the same day as Stakeholder Advisory Committee Meetings for a total of five (5) trips.*

### 1.3: Stakeholder Advisory Committee (5 Meetings)

The Stakeholder Advisory Committee (Stakeholder Advisory Committee or SAC) will be formed by the City of Fulshear staff and facilitated by members of the Freese and Nichols Team. The SAC will be composed of various stakeholders and has the primary responsibility of guiding the activities of the Study, and providing input into the process. The Freese and Nichols Team will meet with the SAC at key points during the planning process to discuss key issues related to the development of the Livable Center Study. The City will be responsible for providing a venue for the Committee meetings, and will notify Committee Members of meeting dates and times. The Freese and Nichols Team will provide agendas and materials for discussion at each meeting. The Freese and Nichols Team will:

- Participate in five SAC meetings throughout the course of the project to update the Committee and get feedback on the process
- Assist with defining the planning process
- Receive input from the Committee on a plan for obtaining broad community support

*(Deliverables – Meeting agendas, any meeting materials and summary notes with key discussion items noted and action items) Meetings should be held on the same day as Fulshear Staff Progress Meetings for a total of five (5) trips.*

### 1.4: Public Involvement

The cornerstone to this Livable Centers Study will be public and stakeholder participation. Public and stakeholder involvement should be inclusive, creative and energetic. Our public engagement process is aimed at educating the various stakeholders and constituencies regarding the purpose of the livable centers study, and garnering feedback and insight into community need, perceptions, and interests. To bring the public into the process and keep them involved, the Freese and Nichols Team will utilize a variety of input techniques.

#### 1.4.1: Project Website and Social Media

A Livable Center Study simple project website will be created to provide information on the process, a list of events and information such as presentations and graphics as they are developed. The project website will be used mainly to host the community online survey, to be advertised during the beginning of the project. We will also utilize the City's Facebook and any other City social media accounts to keep the community informed of project updates, events, and to provide information on the importance of planning.

*(Deliverable – Development of project website, online community survey and social media posts)*

#### 1.4.2: Community Workshops

The Freese and Nichols Team will facilitate two (2) community workshops for the public to share information about the project, gather community input, and generate further support for the Study. The purpose of these workshops will be to inform and engage the public in the planning process. Specifically, these workshops will explain the planning process, provide an update on the work completed to date, solicit input and feedback, and answer questions of concern and interest expressed by residents and business interests. A variety of engagement tools can be used during the process, and will be discussed with City staff during the project kickoff. The two community workshops will occur near the beginning and end of the planning process.

The Client will be responsible for printing flyers, printing postcards, identifying meeting participants, providing postage and mailing flyers and postcards, if desired. The Freese and Nichols team will facilitate two (2) community workshops. Meeting space and locations to be determined and hosted by the Client.

*(Deliverables – (1) Items for meeting agendas and preparation of boards or PowerPoint presentation to be used at meetings; (2) Press release write-ups; (3) Summary report of public involvement activities/results)*

#### 1.5: City Council Public Hearing and Adoption (1 Meeting)

The Freese and Nichols Team will present the Livable Center Study to the Fulshear City Council for comment and adoption.

*(Deliverable – Digital PowerPoint Presentation)*

## **TASK 2 – NEEDS ASSESSMENT**

Building upon previous studies and plans, GIS data, and field observations, the Freese and Nichols Team will inventory and analyze the existing land use, transportation, housing, infrastructure, and urban design conditions within the Study area.

### 2.1: Analysis of Previous Studies and Plans

The Freese and Nichols Team will collect and analyze existing studies and plans that relate to the Study area, such as the City of Fulshear Comprehensive Plan, H-GAC's Our Great Region 2040 Plan, Major Thoroughfare Plan, Adopted Zoning Regulations, current CIP, Visioning Report, Water/Wastewater Plan, Parks and Pathways Master Plan/Improvements, Drainage Reviews, Downtown ROW Study, Current/Future Mobility issues, Regulatory Plan/Impacts, etc. The Client should provide copies of any existing studies and plans, if they are not available on the City's website.

### 2.2: Existing Land Uses

The mix and proximity of current residential and non-residential land uses will be evaluated, creating a baseline to understand the existing relationships. Recommendations and strategies to fill voids or enhance current connections will be evaluated after the existing land uses are mapped.

*(Deliverables – Map and explanation of the existing land use patterns within the Study area)*

### 2.3: Ownership Inventory

Owner-occupied homes in Fulshear traditionally are better maintained and stable. Understanding the mix and location of owner vs. renter-occupied properties can be correlated with the building condition inventory to verify these perceptions. Programs to enhance maintenance or redevelopment need to be tailored to different groups because each group may find certain programs appealing or advantageous. Additionally, understanding the geographical distribution of owner-occupied vs. rental properties will provide guidance on other plan elements.

Working with the Fort Bend Central Appraisal District, the team will obtain all relevant ownership and value data for the study area. The data will be mapped as described in the deliverables and reviewed with City staff and the steering committee. This data will be combined with the other existing conditions inventories to develop a comprehensive understanding of the existing conditions to form the basis for determining the obstacles that exist toward jump-starting the livable centers implementation.

*(Deliverables – Color-coded maps showing the following: Owner-occupied properties (situated and billing address match); Properties with homestead exemption (another metric of owner vs. renter-occupied); Properties with over-65 exemption; Properties with disabled exemption; Land and improvement values by parcel; Landowners of multiple parcels; “Heat” maps depicting police, fire, and EMS repetitive response locations. Reports and analysis of the mapped data)*

#### 2.4: Pedestrian Connectivity and Transportation Evaluation

An evaluation of the existing transportation network and traffic volumes will provide a detailed understanding of how future development, and the expansion of the Westpark Tollway will affect the study area and surrounding development(s). We will evaluate commuter behavior and trends, and existing levels of demand, as well as origins and destinations. Currently underserved locations and/or populations will be investigated to identify needs and opportunities. Intersection turning movement counts and vehicle classification counts will be collected at key locations in the study impact area.

The current pedestrian network will be documented and mapped, and potential gaps and needs evaluated with respect to proposed development/redevelopment projects. Future pedestrian connections will be identified based on the findings of the needs analysis and the desire to maintain logical, accessible connections. Bicycle facilities and potential trails are also important to multi-modal connectivity in Fulshear, and will be identified in the study area.

The Freese and Nichols Team will review existing documents related to pedestrian connectivity, mobility and the overall transportation network. We will document the following local and regional transportation systems and data based on information from existing sources or obtained from field visits.

- Transportation system evaluation
- Existing and planned bike facilities
- Existing sidewalk facilities
- Level of Comfort for bicyclists for all streets
- Level of Comfort for pedestrians for all sidewalks
- Existing traffic volumes from available data, traffic control and roadway geometry
- Parking

*(Deliverables – Map or illustrate existing conditions related to the outline items above, and develop findings and analysis report)*

#### 2.5: Demographic Characteristics



The Freese and Nichols Team will prepare a thorough assessment of the demographic trends affecting demand for relevant land uses in the Study area. This assessment will include:

- The delineation and evaluation of the appropriate market area from which the City's land uses will derive the bulk of their economic and demographic support. This market area will likely encompass a larger geographic area than the Study area itself.
- Analysis of social characteristics and economic base of the Study area and the larger market area. This will include an evaluation of demographic characteristics and development patterns in terms of population growth, income distribution, household characteristics, housing tenure (owner/renter), employment trends, and residential location patterns of area employees as they relate to the area's growth and development. We will document employment trends at the closest industrial facilities and other large employers in proximity to the Study area. Projections for population and household growth will consider local business expansions and other factors not necessarily included in Census or other secondary source data.

*(Deliverables – Demographic trends report, with any supporting graphics, tables, and charts)*

## 2.6: Market Conditions

The study will intensively evaluate the historical trends, existing conditions, and market opportunities/constraints for each relevant land use category in the Study Area, relative to the Study Area's competitive position within the larger market area.

### Single Family and Multifamily Housing; Retail, and Office Uses

The assessment of the market for the above will include:

- *Compilation of historical market data for the Study area and larger market area.* The Freese and Nichols Team will gather data from the Census and from the Multiple Listing Service (MLS) to document trends in sales activity and pricing in the Study area and larger market area. The Freese and Nichols Team will also gather data from secondary sources, such as CoStar, to document trends in inventory, occupancy and lease rates. Building permit data for single family and multifamily new construction and demolition will be gathered from the City of Fulshear as well. If allowed by the data format, GIS analysis will identify submarkets within the Study area with distinct market characteristics.
- *Interviews with realtors, owners, managers, brokers and developers.* The Freese and Nichols Team will work with the City of Fulshear and with its own information sources to identify realtors and housing developers, property and leasing managers familiar with the overall market area and the Study area, including those who may not have yet created any projects in the Study

area. The Freese and Nichols Team will contact and interview local and national developers/home builders in connection with developing the housing strategies to determine types and levels of incentives, regulatory changes, or other support that may be needed to facilitate redevelopment. Interviews with these individuals will focus on the general impression of the types of homebuyers attracted to the Study area, strengths and weaknesses of the Study area and submarkets within the Study area, and thoughts on what types of changes or improvements would make the Study area more attractive to a broader range of homebuyers.

- *Investigation of new development.* If there are relevant recent, current, or upcoming new developments within the overall market area, The Freese and Nichols Team will assess their pricing, lease rates, occupant mix, guest mix and other characteristics to evaluate their competitiveness and role in filling market demand.
- *Gathering of single-family rental data.* The Freese and Nichols Team will request and gather information about renters. The information will be requested regarding renters from realtors and property owners about the market characteristics and conditions in the Study Area.
- *Gathering of multifamily condominium data.* If there are relevant for-sale multifamily units in the market area, we will compile data to assess market performance. Realtors and/or owner association representatives will be contacted to ascertain trends, buyer profile, and rental market. Comparable communities may also be evaluated.
- *Retail sales analysis.* The Freese and Nichols Team will analyze retail sales data for relevant ZIP codes to assemble a historical picture of sales trends by NAICS category. An over-under analysis and buying power analysis will identify business categories for which residential demographic indicate a need for additional establishments.
- *Office demand analysis.* The Freese and Nichols Team will analyze employment data for forecasts for the market area to assemble historical and forecast trends by appropriate NAICS categories (those that tend to occupy office space). This will be translated into an overall forecast of office demand in the market area and an assessment of how much of this demand could be captured in the Study area. Opportunities to relocate office users from outdated or obsolete office space and nearby ports and their contractors and suppliers will be considered.
- *Review of policies, initiatives, and services.* The Freese and Nichols Team will obtain information from the City of Fulshear on the types of public services and assistance offered which could affect market conditions, such as infrastructure investments, blight removal, crime and security measures, utility upgrades, remodeling and repair assistance, new development and business location incentives, land use regulation, etc.
- *Synthesis and conclusions.* A review and analysis of the data and information collected will allow for the Freese and Nichols Team to make a set of conclusions about the single family and

multifamily housing, retail/commercial, and office markets in the Study area and its submarkets. The conclusions will address:

- Primary single-family housing types and prices viable in the market under existing conditions, and the market profile of potential buyers
- Primary multifamily, commercial, office, and industrial product types and lease rates viable in the market under existing conditions, necessary amenities and features, and the market profile of potential buyers
- Key Study area features and amenities on which the City could capitalize to expand the size or breadth of market demand
- Potential physical improvements to the Study area that could expand the size or breadth of market demand
- Key submarkets and opportunity sites in the Study area with market potential for new housing and development areas where the City should encourage land use conversion, and where other uses are less viable
- Other initiatives and programs the City could consider to spur or expand market demand

*(Deliverable: Demographic Trends and Market Conditions Report)*

### **TASK 3 – DEVELOP CONCEPTUAL PLAN**

Utilizing data from Task 2, stakeholder and community input, professional experience with other successful implementation strategies, the team will formulate a conceptual plan to implement the livable center goals and sustainability principles. The plan will focus on land use, housing, transit/transportation, and other strategic investment opportunities that seek to capitalize on the area's employment and assets. The plan will include policy strategies aimed at encouraging private investment consistent with the City's goals for development and redevelopment within the Study area. A key component of the plan will be specific implementation steps and necessary capital improvement recommendations. The plan will also include conceptual designs and recommendations for the following:

#### **3.1: Circulation and Connectivity**

FNI will evaluate the potential for the right-sizing of streets to recommend reallocation of available street right-of-way (ROW) to other corridor needs, such as parking, bicycle lanes or pedestrian walkways. Recommendations will be prepared focusing on strengthening multi-modal opportunities to circulate residents, employees, and visitors within the Study area.

- Identify gaps in the existing mobility and transportation networks
- Identify preliminary concepts and strategies to the plan in relation to mobility and transportation
- Develop Circulation and Connectivity sections of the Conceptual Plan to address multimodal opportunities including:
  - Roadways, intersections and parking
  - Bikeways and the existing off-street trail system
  - Improvements to the pedestrian realm, including sidewalks, crosswalks, and amenities

***(Deliverable: Recommendations, concepts and strategies addressing multimodal opportunities, feeding into the conceptual plan)***

### 3.2: Economic and Urban Development

All pieces of the economic activity in the community are interrelated and dependent upon one another. Increasing parcel utilization is a key ingredient to improving all sectors as a way for the City to begin to gain a better return on any infrastructure investment, while at the same time implementing livable centers goals and sustainability principles. Property values, job availability, retail/service opportunities, housing choices, and school performance are all interrelated aspects of the local economy.

Based on the existing conditions data collected in Task 2, the following will be provided.

- Economic Development Opportunity Profiles (2-3)
  - Conceptual planning for qualifying potentially viable development options. These models are meant to identify the needed land uses and project scale to produce the type, level and character of economic development necessary to achieve the vision.
- Financial Models (2)
  - The financial modeling answers the question of whether the economic vision and the density/intensity desires are compatible.

***(Deliverables: Economic development opportunity profiles and financial models; catalyst project recommendations; best practices)***

### 3.3: Housing Choice and Affordability

A natural offshoot of the overall livable centers and economic development strategies of this analysis is the development of a variety of housing options that appeal to contemporary populations based on the market studies evaluated in Task 2. Current employees of the adjacent large employment centers and

visitors who utilize the recreational destinations of Fulshear are prime prospects as potential future residents.

Utilizing all data gathered to this point with guidance from the advisory committee the planning team will:

- Identify the housing segments most likely to both fulfill the livable centers goals and be competitive in the market.
- Develop strategies that will fill initial catalyst needs, with strategies evolving as the housing market becomes more mature and stable.

***(Deliverable: Identification of housing options most likely to be successful at the various stages of progression of the market; public-private partnerships targeted to each stage of progression)***

### 3.4 Sustainability and Community Health

Sustainable designs are smart designs, which offer unique opportunities for creative solutions that are environmentally responsible. Design strategies that focus on the environment, whether it is a historic building or new construction, should be consider in the Study area.

Community health elements will be incorporated into the recommendations where appropriate. Health-oriented infrastructure, such as recreational trails, walkable public spaces, and bike facilities, as well as outdoor programming, encourages physical fitness and provides alternative transportation options for residents. The overall health of the community will be evaluated and incorporated into the plan's recommendations.

***(Deliverables: Recommendations for sustainability, place making, image and branding strategies)***

### 3.5 Place-making, Image and Branding

Existing community signage and landmarks can be built upon to create a more unified sense of place and image. Visual concepts that tie together existing imaging and branding will be presented, along with a plan for locations and marketing of any enhanced signage and wayfinding.

***(Deliverables: Recommendations for place making, image and branding strategies)***

### 3.6 Conceptual Plan

The conceptual plan will help promote the vision and guide implementation as the Livable Center develops. The Freese and Nichols Team will prepare two-dimensional exhibits for the Study area, building upon the ideas generated in prior meetings. The concept plan(s) will be created with a development program of recommendations from information collected in Tasks 1-3. The conceptual plan(s) will show the physical buildout of development in key areas within the Study Area. The conceptual plan(s) will become the map exhibits that will support the policy, strategies, and recommendations developed during the process. Specific recommendations that may appear in the conceptual plan(s) are listed in Task 4.1. Cost estimates, as identified in Task 5.1, will also be provided for key recommendations from the conceptual plan.

*(Conceptual plan illustrating existing buildings, proposed infill, streetscapes and transportation, housing, district elements, and key planning strategies)*

#### **TASK 4 – DEVELOP CONCEPTUAL RENDERINGS FOR SPECIFIC PROPOSED RECOMMENDATIONS**

##### 4:1: Design Developments

Recommendations are important for implementation and should be communicated properly. Architectural rendering, illustrations, and images will be developed to help communicate recommendations, and how physical changes would be integrated in the existing environment. The Freese and Nichols Team will prepare concepts for specific proposed recommendations depicting such elements as:

- Single-family residential character
- Multifamily or mixed-use residential character
- Retail/service character, especially focused on the downtown area
- Streetscape design elements
- Typical sections and locations for sidewalks and trails
- Sample design guidelines of the above

Financial models from Task 3.2 will be refined, either one or both concepts, into a financially sound, and practically buildable, development scenario. The model(s) will use current assumptions about retail, office, housing and industrial uses based on the findings of the market study to put forth development pro forma(s) and projected tax revenues for the City/County/Special Districts providing financing and incentives.

*(Deliverable: An architectural rendering for selected recommendations; cost estimate of proposed transportation improvements relating to multimodal connectivity and access in the conceptual plan; production of financial models)*

## **TASK 5 – DEVELOP IMPLEMENTATION PLAN FOR PROPOSED RECOMMENDATIONS**

### 5.1: Implementation Plan

The implementation plan will consist of four primary areas:

- An assessment and recommendations of the most likely land uses, and development/redevelopment opportunities given the existing conditions, the market study, and underlying market forces. Recommendations for actions to be taken by the City concerning updating existing codes to encourage and facilitate these uses will be provided. Catalyst projects will be identified.
- Policy recommendations aimed at establishing a regulatory and incentive structure that encourages the implementation of the market recommendations will be provided. These strategies will include incentive tools that encourage private investment and public-private partnerships. Additional policy recommendations will also relate to transit-related recommendations and the city's role in coordinating with Connect Transit to implement those strategies.
- A list of proposed capital improvements that support the proposed development and redevelopment recommendations including infrastructure capacity requirements necessary to support the level of intensity of the proposed development. The plan will include cost estimates, priorities, and a sequencing plan and schedule. Special attention will be given to matching potential catalytic public infrastructure projects with the high priority private development catalyst projects.
- The benefits of the recommendations will also be quantified to the greatest extent possible. For example, the health benefits, crash reduction, vehicle miles traveled (VMT) reduction, and emissions reductions of switching from vehicular modes to pedestrian or transit modes can be quantified.
- Based on recommendations, an implementation framework plan will be drafted that will:
  - Identify a combination of economic development tools capable of providing sufficient funding resources, based on the magnitude of the funding estimated for the various recommendations;
  - Identify both private and public-sector partner/participants and their likely roles;
  - Provide impact analysis for both fiscal and policy considerations;

- Provide written implementation framework page for each set of study recommendations with action plan, funding horizons, and duration to completion.

*(Deliverable: An implementation plan structured into a coordinated action program. The implementation plan will identify action items, priorities, potential funding options, partners, and timeline)*

## **TASK 6 – DRAFT FULSHEAR LIVABLE CENTER STUDY**

### 6:1: Draft Report

The Freese and Nichols Team will prepare a Draft Fulshear Livable Center Study, documenting the work outlined in the previous tasks. The Draft Fulshear Livable Center Study will be provided via email. The Freese and Nichols Team will provide a digital format copy for review. The draft study will be submitted to the City of Fulshear, the SAC, and H-GAC for review. The draft study should include, but is not limited to, the following: an acknowledgment page, a table of contents, figures and tables, an executive summary, the findings of tasks one through five, conclusion, and appendices as needed.

A reasonable review period will be requested from the Client, as well as, one point-of-contact to collect all comments to be submitted to the Freese and Nichols Team.

*(Deliverables: Draft plan in electronic format for review; maps that are a part of the draft report will be submitted as separate files; existing conditions maps and policy level planning items such as land use, zoning or major transportation route recommendations will be prepared in GIS format; site specific recommendations such as conceptual planning will be prepared in AutoCAD format; and no more than three (3) revisions of the study)*

## **TASK 7 – FINAL FULSHEAR LIVABLE CENTER STUDY**

### 7:1: Final Report

Upon completion of review of the draft livable center study, the Freese and Nichols Team will prepare the final Fulshear Livable Center Study. The Final Study should include, but is not limited to, the following: an acknowledgment page, a table of contents, figures and tables, an executive summary, the findings of tasks one through five, conclusion, and appendices as needed.

The Final Study will be high quality with clear images and illustrations with written text. All maps and tables will be properly cited and contain keys when appropriate. The Freese and Nichols Team will



apply its internal quality assurance controls to achieve a high quality Final Study. A reasonable review period will be requested from the Client, as well as, one point-of-contact to collect all comments to be submitted to the Freese and Nichols Team.

The Freese and Nichols Team will attend one (1) Planning and Zoning Commission meeting and one (1) City Council meeting for adoption of the study. At this meeting, the Consultant will present the planning scope, process, findings and final recommendations for adoption. If additional meetings are necessary, the Client agrees to conduct the meetings or negotiate additional services with the Consultant.

After adoption by the Fulshear City Council, the Freese and Nichols Team will provide the Final Study using Adobe InDesign along with all project files such as GIS layers, meeting minutes, survey results, etc.

*(Deliverables: Electronic submittal of study for one (1) final review; two (2) final presentations for City adoption; final Fulshear Livable Center Study (15 hard copies, 1 electronic format); two (2) Flash drives and/or CDs containing electronic files of final study in InDesign and as a PDF, maps, photos and graphics, and all other project files; existing conditions maps and policy level planning items such as land use, zoning or major transportation route recommendations will be prepared in GIS format; site specific recommendations such as conceptual planning will be prepared in AutoCAD format)*

**AGENDA MEMO  
BUSINESS OF THE CITY COUNCIL  
CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	December 19, 2017	<b>AGENDA ITEMS:</b>	E & G
<b>DATE SUBMITTED:</b>	December 12, 2017	<b>DEPARTMENT</b>	Economic Development
<b>PREPARED BY:</b>	Angela Fritz, Economic Development Director	<b>PRESENTER:</b>	Same
<b>SUBJECTS:</b>	City of Fulshear Development Corporation (A) Additional FY 2018 Projects Approval		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. City of Fulshear Resolution No. 2017-372</li> <li>2. CDC Resolution 17-02</li> <li>3. CDC Public Notice of Projects</li> </ol>		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>			
<b>FUNDING ACCOUNT:</b>			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>FUNDING ACCOUNT:</b>			

**EXECUTIVE SUMMARY**

On October 2, the City of Fulshear Development Corporation (CDC) acted to declare additional projects for FY2018, pursuant to the City's request, finding that budgeted expenditures will promote or develop new or expanded business enterprises. The CDC adopted Resolution CDC 17-02 at the same meeting, declaring the projects, directing staff to publish notice of the same, and setting a public hearing date. A copy of Resolution CDC 17-02 is included as Exhibit A to City Resolution No. 2017-372.

The project notice was run in the legal section of the City's paper of record, the Fort Bend Herald, on Sunday, October 8, beginning a 60-day period for public petition regarding the expenditures. A public hearing on the projects was held at the Corporation's November 6 Regular Meeting. There were no speakers during the public hearing.

In addition to the public notice and hearing requirements, the Texas Local Government Code requires the authorizing entity (City Council) to adopt a resolution authorizing the projects after giving the resolution at least two separate readings before the EDC may spend funds related to specific projects. This is due to the City's population being under 20,000, and the proposed specific project expenditures being greater than \$10,000.

**RECOMMENDATION**

Staff recommends City Council adopt Resolution No. 2017-372 authorizing the City of Fulshear Development Corporation's projects and expenditures declared by Resolution CDC 17-02.

**RESOLUTION NO. 2017-372**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS  
AUTHORIZING ADDITIONAL PROJECTS OF THE  
CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC),  
A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION**

WHEREAS, the CITY OF FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City pursuant to Chapter 504 of the Development Corporation Act, Texas Local Government Code, as amended (the "Act"); and

WHEREAS, the City adopted Ordinance No. 2011-1046 on October 1, 2011, approving the participation of the Corporation in projects previously approved only for 4B development corporations under the auspices of HB 3302; and

WHEREAS, the Corporation adopted Resolution CDC 17-02 on October 2, 2017, attached hereto as Exhibit A, proposing a project of the Corporation, being expenditures for capital projects found by the Board of Directors to promote new or expanded business development; and

WHEREAS, the estimated amount of expenditures for such projects in fiscal year 2017-2018, is \$71,250 and \$91,125 respectively; and

WHEREAS, the Corporation may not undertake such project until the City adopts this Resolution after at least two separate readings;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS THAT:

Section 1. The City hereby authorizes the project proposed by Resolution CDC 17-02 and the associated expenditure of funds, being expenditures for capital projects found by the Board of Directors to promote new or expanded business development.

PASSED AND APPROVED this \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

---

Jeff W. Roberts, Mayor  
City of Fulshear, Texas

ATTEST:

---

Diana Gordon Offord, City Secretary  
City of Fulshear, Texas

# EXHIBIT "A"

## RESOLUTION NO. CDC 17-02

A RESOLUTION OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A "TYPE A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION, DECLARING ADDITIONAL PROJECTS TO BE UNDERTAKEN BY THE CORPORATION FOR FISCAL YEAR 2017-2018, DIRECTING STAFF TO PUBLISH NOTICE OF SAME, AND SETTING A PUBLIC HEARING.

WHEREAS, the CITY OF FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City of FULSHEAR, Texas (the "City") pursuant to Chapter 504 of the Development Corporation Act, Texas local Government Code, as amended (the "Act");

WHEREAS, the City of Fulshear adopted Ordinance No. 2011-1046 on October 1, 2011, in accordance with Section 504.171 of the Texas Local Government Code approving the participation of the Corporation in projects previously authorized only for "Type B" development corporations;

WHEREAS, the Corporation wishes to participate in specific projects during Fiscal Year 2017-2018, being expenditures for capital projects found by the Board of Directors to promote new or expanded business development;

WHEREAS, the estimated total amount of expenditures for such projects in fiscal year 2017-2018 is \$162,375 - \$71,250 for the Katy-Fulshear and Huggins Road mobility projects and \$91,125 for the Texas Heritage Parkway project;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION THAT:


Section 1. The Board hereby proposes to undertake specific projects during Fiscal Year 2017-2018 being expenditures for capital projects found by the Board of Directors to promote new or expanded business development.

Section 2. The Board hereby finds that the funds expended will be used for eligible "costs" of "projects" as defined in the Act.

Section 3. The Board hereby directs staff to publish public notice as required by the Act.

Section 4. The Board hereby sets a public hearing for one or more of such projects on Monday, November 6, 2017, at 6:30 p.m. at Fulshear City Hall, 39603 PM 1093, Fulshear, Texas 77441.

PASSED AND APPROVED this 2<sup>nd</sup> DAY OF October, 2017.

  
Rev. Jackie Gilmore, President  
City of Fulshear Development Corporation

ATTEST:

\_\_\_\_\_  
Ken Knapp, Secretary  
City of Fulshear Development Corporation

PUBLISHER'S AFFIDAVIT

Public Notice

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Lee Hartman who being by me duly sworn, deposes and says that he is the Publisher of Fort Bend Herald and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

- 1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published; and
4. it has been published regularly and continuously since 1959.
5. it is generally circulated within Fort Bend County.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

10-8

, A.D. 2017

Lee Hartman
Publisher

SUBSCRIBED AND SWORN BEFORE ME by Lee Hartman, who

X a) is personally known to me, or

b) provided the following evidence to establish his/her identity,

on this the 11 day of October, A.D. 2017 to certify which witness my hand and seal of office,

Notary Public, State of Texas

(CLIPPING) (S)

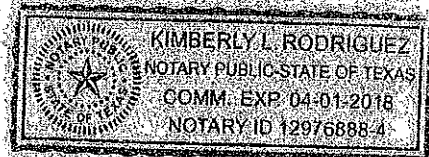
PUBLIC NOTICE OF PROJECTS PROPOSED TO BE UNDERTAKEN BY THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (DDC) A TYPE A ECONOMIC DEVELOPMENT SALES TAX CORPORATION.

The DDC, a Type A Economic Development Sales Tax Corporation, hereby gives notice pursuant to the Texas Local Government Code, Sec. 504.171 that the Corporation has proposed to undertake the following projects:

Land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements owned by the Board of Directors to promote new or expanded business development. Specifically, capital project contributions for the Katy, Fulshear, and Huggins Road projects (\$71,250), and for the Texas Heritage Parkway project (\$91,250).

The City of Fulshear Development Corporation will conduct a public hearing to solicit citizen input regarding the proposed projects identified and described above. The public hearing will be held at the Fulshear City Hall, 39903 FM 1093, Fulshear, Texas, on Monday, November 6, 2017, at 6:30 p.m. Interested citizens are encouraged to attend and offer their comments.

For more information, please contact: Angela Fritz, Economic Development Director, City of Fulshear, Telephone: (281) 346-1788



**AGENDA MEMO  
BUSINESS OF THE CITY COUNCIL  
CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	December 19, 2017	<b>AGENDA ITEMS:</b>	F & H
<b>DATE SUBMITTED:</b>	December 12, 2017	<b>DEPARTMENT</b>	Economic Development
<b>PREPARED BY:</b>	Angela Fritz, Economic Development Director	<b>PRESENTER:</b>	Same
<b>SUBJECTS:</b>	<b>Fulshear Development Corporation (B) Additional FY 2018 Projects Approval</b>		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. City Resolution No. 2017-373</li> <li>2. FDC Resolution 17-03</li> <li>3. FDC Public Notice of Projects</li> </ol>		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>			
<b>FUNDING ACCOUNT:</b>			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>FUNDING ACCOUNT:</b>			

**EXECUTIVE SUMMARY**

On October 16, the Fulshear Development Corporation (FDC) acted to declare additional projects for FY2018, pursuant to the City's request, finding that budgeted expenditures will promote or develop new or expanded business enterprises. The FDC adopted Resolution FDC 17-03 at the same meeting, declaring the projects, directing staff to publish notice of the same, and setting a public hearing date. A copy of Resolution FDC 17-03 is included as Exhibit A to City Resolution No. 2017-373.

The project notice was run in the legal section of the City's paper of record, the Fort Bend Herald, on Sunday, October 29, beginning a 60-day period for public petition regarding the expenditures. A public hearing on the projects was held at the Corporation's November 20 Regular Meeting. There were no speakers during the public hearing.

In addition to the public notice and hearing requirements, the Texas Local Government Code requires the authorizing entity (City Council) to adopt a resolution authorizing the projects after giving the resolution at least two separate readings before the EDC may spend funds related to specific projects. This is due to the City's population being under 20,000, and the proposed specific project expenditures being greater than \$10,000.

**RECOMMENDATION**

Staff recommends City Council adopt Resolution No. 2017-373 authorizing the Fulshear Development Corporation's projects and expenditures declared by Resolution FDC 17-03.

**RESOLUTION NO. 2017-373**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS  
AUTHORIZING PROJECTS OF THE  
FULSHEAR DEVELOPMENT CORPORATION (FDC),  
A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION

WHEREAS, the FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City pursuant to Chapter 505 of the Development Corporation Act, Texas Local Government Code, as amended (the "Act"); and

WHEREAS, the Corporation adopted Resolution FDC 17-03 on October 16, 2017, attached hereto as Exhibit A, proposing projects of the Corporation, being expenditures for capital projects found by the Board of Directors to promote new or expanded business development; and

WHEREAS, the estimated amount of expenditures for such projects in fiscal year 2017-2018, is \$71,250 and \$91,125 respectively; and

WHEREAS, the Corporation may not undertake such projects until the City adopts this Resolution after at least two separate readings;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS THAT:

Section 1. The City hereby authorizes the projects proposed by Resolution FDC 17-03 and the associated expenditure of funds, being expenditures for capital projects found by the Board of Directors to promote new or expanded business development.

PASSED AND APPROVED this \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Jeff W. Roberts, Mayor  
City of Fulshear, Texas

ATTEST:

\_\_\_\_\_  
Diana Gordon Offord, City Secretary  
City of Fulshear, Texas

# EXHIBIT "A"

## RESOLUTION NO. FDC 17-03

A RESOLUTION OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A "TYPE B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION, DECLARING ADDITIONAL PROJECTS TO BE UNDERTAKEN BY THE CORPORATION FOR FISCAL YEAR 2017-2018, DIRECTING STAFF TO PUBLISH NOTICE OF SAME, AND SETTING A PUBLIC HEARING.

WHEREAS, the FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City of FULSHEAR, Texas (the "City") pursuant to Chapter 505 of the Development Corporation Act, Texas local Government Code, as amended (the "Act");

WHEREAS, the Corporation wishes to participate in specific projects during Fiscal Year 2017-2018, being expenditures for capital projects found by the Board of Directors to promote new or expanded business development;

WHEREAS, the total amount of expenditures for such projects in fiscal year 2017-2018 is \$162,375 consisting of \$71,250 for the Katy-Fulshear and Huggins Road mobility projects and \$91,125 for the Texas Heritage Parkway project;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION THAT:

Section 1. The Board hereby proposes to undertake specific projects during Fiscal Year 2017-2018 being expenditures for capital projects found by the Board of Directors to promote new or expanded business development.

Section 2. The Board hereby finds that the funds expended will be used for eligible "costs" of "projects" as defined in the Act.

Section 3. The Board hereby directs staff to publish public notice as required by the Act.

Section 4. The Board hereby sets a public hearing for one or more of such projects on Monday, November 20, 2017, at 6:30 p.m. at Fulshear City Hall, 39603 FM 1093, Fulshear, Texas 77441.

PASSED AND APPROVED this 16<sup>th</sup> DAY OF October, 2017.

  
\_\_\_\_\_  
John W. Wauson, President  
Fulshear Development Corporation

ATTEST:

\_\_\_\_\_  
Carol Riggs, Secretary  
Fulshear Development Corporation



PUBLISHER'S AFFIDAVIT

CITY OF FULSHEAR  
Public Notice

THE STATE OF TEXAS §  
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Lee Hartman who being by me duly sworn, deposes and says that he is the Publisher of *Fort Bend Herald* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published; and
4. it has been published regularly and continuously since 1959.
5. it is generally circulated within Fort Bend County.

(CLIPPING) (S)

**PUBLIC NOTICE OF PROJECTS PROPOSED TO BE UNDERTAKEN BY THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A "TYPE B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION.**

The FDC, a "Type B" Economic Development Sales Tax Corporation, hereby gives notice pursuant to the Texas Local Government Code, Sec. 504.171, that the Corporation has proposed to undertake the following projects:

Land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements owned by the Board of Directors to promote new or expanded business development. Specifically, capital project contributions for the Katy-Fulshear and Huggins Road projects (\$7,250) and for the Texas Heritage Parkway project (\$9,125).

The Fulshear Development Corporation will conduct a public hearing to solicit citizen input regarding the proposed projects identified and described above. The public hearing will be held at the Fulshear City Hall, 39803 FM 1050, Fulshear, Texas, on Monday, November 20, 2017, at 6:30 p.m. Interested citizens are encouraged to attend and offer their comments.

For more information, please contact:  
Angela Fritz, Economic Development Director  
City of Fulshear  
Telephone: (281) 346-1736

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

10/29

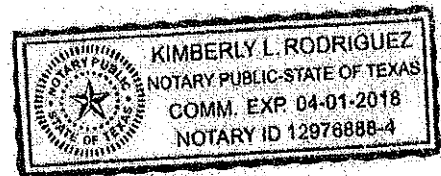
\_\_\_\_\_, A.D. 2017

\_\_\_\_\_  
Lee Hartman  
Publisher

SUBSCRIBED AND SWORN BEFORE ME by Lee Hartman, who

X a) is personally known to me, or  
b) provided the following evidence to establish his/her identity, \_\_\_\_\_

on this the 31 day of October, A.D. 2017 to certify which witness my hand and seal of office.



**AGENDA MEMO  
BUSINESS OF THE CITY COUNCIL  
CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	December 19, 2017	<b>AGENDA ITEMS:</b>	E & G
<b>DATE SUBMITTED:</b>	December 12, 2017	<b>DEPARTMENT</b>	Economic Development
<b>PREPARED BY:</b>	Angela Fritz, Economic Development Director	<b>PRESENTER:</b>	Same
<b>SUBJECTS:</b>	City of Fulshear Development Corporation (A) Additional FY 2018 Projects Approval		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. City of Fulshear Resolution No. 2017-372</li> <li>2. CDC Resolution 17-02</li> <li>3. CDC Public Notice of Projects</li> </ol>		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>			
<b>FUNDING ACCOUNT:</b>			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>FUNDING ACCOUNT:</b>			

**EXECUTIVE SUMMARY**

On October 2, the City of Fulshear Development Corporation (CDC) acted to declare additional projects for FY2018, pursuant to the City's request, finding that budgeted expenditures will promote or develop new or expanded business enterprises. The CDC adopted Resolution CDC 17-02 at the same meeting, declaring the projects, directing staff to publish notice of the same, and setting a public hearing date. A copy of Resolution CDC 17-02 is included as Exhibit A to City Resolution No. 2017-372.

The project notice was run in the legal section of the City's paper of record, the Fort Bend Herald, on Sunday, October 8, beginning a 60-day period for public petition regarding the expenditures. A public hearing on the projects was held at the Corporation's November 6 Regular Meeting. There were no speakers during the public hearing.

In addition to the public notice and hearing requirements, the Texas Local Government Code requires the authorizing entity (City Council) to adopt a resolution authorizing the projects after giving the resolution at least two separate readings before the EDC may spend funds related to specific projects. This is due to the City's population being under 20,000, and the proposed specific project expenditures being greater than \$10,000.

**RECOMMENDATION**

Staff recommends City Council adopt Resolution No. 2017-372 authorizing the City of Fulshear Development Corporation's projects and expenditures declared by Resolution CDC 17-02.

**RESOLUTION NO. 2017-372**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS  
AUTHORIZING ADDITIONAL PROJECTS OF THE  
CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC),  
A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION

WHEREAS, the CITY OF FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City pursuant to Chapter 504 of the Development Corporation Act, Texas Local Government Code, as amended (the "Act"); and

WHEREAS, the City adopted Ordinance No. 2011-1046 on October 1, 2011, approving the participation of the Corporation in projects previously approved only for 4B development corporations under the auspices of HB 3302; and

WHEREAS, the Corporation adopted Resolution CDC 17-02 on October 2, 2017, attached hereto as Exhibit A, proposing a project of the Corporation, being expenditures for capital projects found by the Board of Directors to promote new or expanded business development; and

WHEREAS, the estimated amount of expenditures for such projects in fiscal year 2017-2018, is \$71,250 and \$91,125 respectively; and

WHEREAS, the Corporation may not undertake such project until the City adopts this Resolution after at least two separate readings;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS THAT:

Section 1. The City hereby authorizes the project proposed by Resolution CDC 17-02 and the associated expenditure of funds, being expenditures for capital projects found by the Board of Directors to promote new or expanded business development.

PASSED AND APPROVED this \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Jeff W. Roberts, Mayor  
City of Fulshear, Texas

ATTEST:

\_\_\_\_\_  
Diana Gordon Offord, City Secretary  
City of Fulshear, Texas

EXHIBIT "A"

RESOLUTION NO. CDC 17-02

A RESOLUTION OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A "TYPE A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION, DECLARING ADDITIONAL PROJECTS TO BE UNDERTAKEN BY THE CORPORATION FOR FISCAL YEAR 2017-2018, DIRECTING STAFF TO PUBLISH NOTICE OF SAME, AND SETTING A PUBLIC HEARING.

WHEREAS, the CITY OF FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City of FULSHEAR, Texas (the "City") pursuant to Chapter 504 of the Development Corporation Act, Texas local Government Code, as amended (the "Act");

WHEREAS, the City of Fulshear adopted Ordinance No. 2011-1046 on October 1, 2011, in accordance with Section 504.171 of the Texas Local Government Code approving the participation of the Corporation in projects previously authorized only for "Type B" development corporations;

WHEREAS, the Corporation wishes to participate in specific projects during Fiscal Year 2017-2018, being expenditures for capital projects found by the Board of Directors to promote new or expanded business development;

WHEREAS, the estimated total amount of expenditures for such projects in fiscal year 2017-2018 is \$162,375 - \$71,250 for the Katy-Fulshear and Huggins Road mobility projects and \$91,125 for the Texas Heritage Parkway project;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION THAT:


Section 1. The Board hereby proposes to undertake specific projects during Fiscal Year 2017-2018 being expenditures for capital projects found by the Board of Directors to promote new or expanded business development.

Section 2. The Board hereby finds that the funds expended will be used for eligible "costs" of "projects" as defined in the Act.

Section 3. The Board hereby directs staff to publish public notice as required by the Act.

Section 4. The Board hereby sets a public hearing for one or more of such projects on Monday, November 6, 2017, at 6:30 p.m. at Fulshear City Hall, 39603 FM 1093, Fulshear, Texas 77441.

PASSED AND APPROVED this 2<sup>nd</sup> DAY OF October, 2017.

  
Rev. Jackie Gilmore, President  
City of Fulshear Development Corporation

ATTEST:

\_\_\_\_\_  
Ken Knapp, Secretary  
City of Fulshear Development Corporation

PUBLISHER'S AFFIDAVIT

Public Notice

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Lee Hartman who being by me duly sworn, deposes and says that he is the Publisher of Fort Bend Herald and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

- 1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published; and
4. it has been published regularly and continuously since 1959.
5. it is generally circulated within Fort Bend County.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

10-8
, A.D. 2017

Lee Hartman
Publisher

SUBSCRIBED AND SWORN BEFORE ME by Lee Hartman, who

X a) is personally known to me, or
b) provided the following evidence to establish his/her identity,

on this the 11 day of October, A.D. 2017 to certify which witness my hand and seal of office.

Notary Public, State of Texas

(CLIPPING) (S)

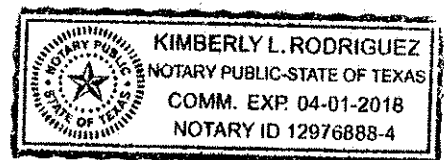
PUBLIC NOTICE
OF PROJECTS PROPOSED
TO BE UNDERTAKEN BY
THE CITY OF FULSHEAR
DEVELOPMENT
CORPORATION (CDC),
A "TYPE A" ECONOMIC
DEVELOPMENT SALES TAX
CORPORATION

The CDC, a "Type A" Economic Development Sales Tax Corporation, hereby gives notice, pursuant to the Texas Local Government Code, Sec. 504.171, that the Corporation has proposed to undertake the following projects:

Land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the Board of Directors to promote new or expanded business development. Specifically, capital project contributions for the Katy-Fulshear and Huggins Road projects (\$71,250), and for the Texas Heritage Parkway project (\$91,125).

The City of Fulshear Development Corporation will conduct a public hearing to solicit citizen input regarding the proposed projects identified and described above. The public hearing will be held at the Fulshear City Hall, 36603 FM 1083, Fulshear, Texas, on Monday, November 6, 2017, at 6:30 p.m. Interested citizens are encouraged to attend and offer their comments.

For more information, please contact:
Angela Fritz, Economic Development Director
City of Fulshear
Telephone: (281) 348-1786



**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	December 19, 2017	<b>AGENDA ITEMS:</b>	F & H
<b>DATE SUBMITTED:</b>	December 12, 2017	<b>DEPARTMENT</b>	Economic Development
<b>PREPARED BY:</b>	Angela Fritz, Economic Development Director	<b>PRESENTER:</b>	Same
<b>SUBJECTS:</b>	Fulshear Development Corporation (B) Additional FY 2018 Projects Approval		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. City Resolution No. 2017-373</li> <li>2. FDC Resolution 17-03</li> <li>3. FDC Public Notice of Projects</li> </ol>		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>			
<b>FUNDING ACCOUNT:</b>			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>FUNDING ACCOUNT:</b>			

**EXECUTIVE SUMMARY**

On October 16, the Fulshear Development Corporation (FDC) acted to declare additional projects for FY2018, pursuant to the City's request, finding that budgeted expenditures will promote or develop new or expanded business enterprises. The FDC adopted Resolution FDC 17-03 at the same meeting, declaring the projects, directing staff to publish notice of the same, and setting a public hearing date. A copy of Resolution FDC 17-03 is included as Exhibit A to City Resolution No. 2017-373.

The project notice was run in the legal section of the City's paper of record, the Fort Bend Herald, on Sunday, October 29, beginning a 60-day period for public petition regarding the expenditures. A public hearing on the projects was held at the Corporation's November 20 Regular Meeting. There were no speakers during the public hearing.

In addition to the public notice and hearing requirements, the Texas Local Government Code requires the authorizing entity (City Council) to adopt a resolution authorizing the projects after giving the resolution at least two separate readings before the EDC may spend funds related to specific projects. This is due to the City's population being under 20,000, and the proposed specific project expenditures being greater than \$10,000.

**RECOMMENDATION**

Staff recommends City Council adopt Resolution No. 2017-373 authorizing the Fulshear Development Corporation's projects and expenditures declared by Resolution FDC 17-03.

**RESOLUTION NO. 2017-373**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS  
AUTHORIZING PROJECTS OF THE  
FULSHEAR DEVELOPMENT CORPORATION (FDC),  
A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION

WHEREAS, the FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City pursuant to Chapter 505 of the Development Corporation Act, Texas Local Government Code, as amended (the "Act"); and

WHEREAS, the Corporation adopted Resolution FDC 17-03 on October 16, 2017, attached hereto as Exhibit A, proposing projects of the Corporation, being expenditures for capital projects found by the Board of Directors to promote new or expanded business development; and

WHEREAS, the estimated amount of expenditures for such projects in fiscal year 2017-2018, is \$71,250 and \$91,125 respectively; and

WHEREAS, the Corporation may not undertake such projects until the City adopts this Resolution after at least two separate readings;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS THAT:

Section 1. The City hereby authorizes the projects proposed by Resolution FDC 17-03 and the associated expenditure of funds, being expenditures for capital projects found by the Board of Directors to promote new or expanded business development.

PASSED AND APPROVED this \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Jeff W. Roberts, Mayor  
City of Fulshear, Texas

ATTEST:

\_\_\_\_\_  
Diana Gordon Offord, City Secretary  
City of Fulshear, Texas

# EXHIBIT "A"

## RESOLUTION NO. FDC 17-03

A RESOLUTION OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A "TYPE B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION, DECLARING ADDITIONAL PROJECTS TO BE UNDERTAKEN BY THE CORPORATION FOR FISCAL YEAR 2017-2018, DIRECTING STAFF TO PUBLISH NOTICE OF SAME, AND SETTING A PUBLIC HEARING.

WHEREAS, the FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City of FULSHEAR, Texas (the "City") pursuant to Chapter 505 of the Development Corporation Act, Texas local Government Code, as amended (the "Act");

WHEREAS, the Corporation wishes to participate in specific projects during Fiscal Year 2017-2018, being expenditures for capital projects found by the Board of Directors to promote new or expanded business development;

WHEREAS, the total amount of expenditures for such projects in fiscal year 2017-2018 is \$162,375 consisting of \$71,250 for the Katy-Fulshear and Huggins Road mobility projects and \$91,125 for the Texas Heritage Parkway project;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION THAT:

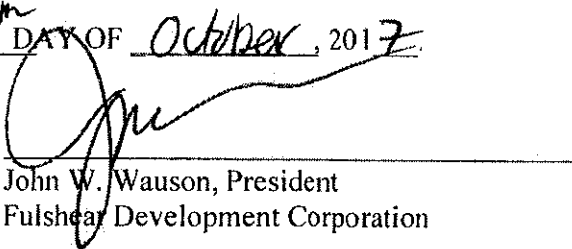
Section 1. The Board hereby proposes to undertake specific projects during Fiscal Year 2017-2018 being expenditures for capital projects found by the Board of Directors to promote new or expanded business development.

Section 2. The Board hereby finds that the funds expended will be used for eligible "costs" of "projects" as defined in the Act.

Section 3. The Board hereby directs staff to publish public notice as required by the Act.

Section 4. The Board hereby sets a public hearing for one or more of such projects on Monday, November 20, 2017, at 6:30 p.m. at Fulshear City Hall, 39603 FM 1093, Fulshear, Texas 77441.

PASSED AND APPROVED this 16<sup>th</sup> DAY OF October, 2017.

  
\_\_\_\_\_  
John W. Wauson, President  
Fulshear Development Corporation

ATTEST:

\_\_\_\_\_  
Carol Riggs, Secretary  
Fulshear Development Corporation



PUBLISHER'S AFFIDAVIT

City of Fort Bend  
Public Notice

THE STATE OF TEXAS §  
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Lee Hartman who being by me duly sworn, deposes and says that he is the Publisher of *Fort Bend Herald* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published; and
4. it has been published regularly and continuously since 1959.
5. it is generally circulated within Fort Bend County.

(CLIPPING) (S)

**PUBLIC NOTICE OF PROJECTS PROPOSED TO BE UNDERTAKEN BY THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A "TYPE B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION**

The FDC, a "Type B" Economic Development Sales Tax Corporation, hereby gives notice, pursuant to the Texas Local Government Code, Sec. 504.171, that the Corporation has proposed to undertake the following projects:

Land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the Board of Directors to promote new or expanded business development. Specifically, capital project contributions for the Katy-Fulshear and Huggins Road projects (\$71,260), and for the Texas Heritage Parkway project (\$91,125).

The Fulshear Development Corporation will conduct a public hearing to solicit citizen input regarding the proposed projects identified and described above. The public hearing will be held at the Fulshear City Hall, 39603 FM 1093, Fulshear, Texas, on Monday, November 20, 2017, at 6:30 p.m. Interested citizens are encouraged to attend and offer their comments.

For more information, please contact:  
Angela Fritz, Economic Development Director  
City of Fulshear  
Telephone: (281) 948-1796

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

10/29

\_\_\_\_\_, A.D. 2017



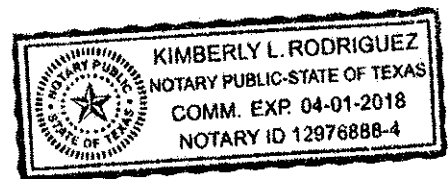
Lee Hartman  
Publisher

SUBSCRIBED AND SWORN BEFORE ME by Lee Hartman, who

X a) is personally known to me, or

\_\_\_\_\_ b) provided the following evidence to establish his/her identity, \_\_\_\_\_

on this the 31 day of October, A.D. 2017 to certify which witness my hand and seal of office.



**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	December 19, 2017	<b>AGENDA ITEM:</b>	I
<b>DATE SUBMITTED:</b>	December 15, 2017	<b>DEPARTMENT:</b>	Builder Services, Planning and Development, & City Attorney
<b>PREPARED BY:</b>	Michelle Killebrew, Chief Building Official; Brant Gary, Exec. Dir.of Planning and Development	<b>PRESENTER:</b>	Grady Randle, City Attorney; Michelle Killebrew, Chief Building Official; Brant Gary, Exec. Dir.of Planning and Development
<b>SUBJECT:</b>	<b>CONSIDERATION AND POSSIBLE ACTION FOR APPEAL OF PLANNING &amp; ZONING COMMISSION DECISION FOR SIGN VARIANCE AT 4802 FM 1463</b>		
<b>ATTACHMENTS:</b>	Appeal documentation Sec. 28-5 of the City of Fulshear Code of Ordinances- Prohibited Signs		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

Sugar Creek Montessori School located within the City of Fulshear ETJ at 4802 FM 1463, requested a variance to the sign ordinance to the Planning and Zoning Commission on October 13, 2017, which was denied. They are requesting an appeal of that decision to the City Council.

The request for the variance was to allow the illuminated LED sign that is capable of flashing, blinking, moveable text, etc. to remain in place with the sign message remaining constant and not changing. The Planning and Zoning Commission denied the request for the digital sign based on a historical interpretation of the sign ordinance that those signs having the ability to violate the ordinance were not allowed. It was further noted that the requested variance terms would be difficult to enforce.

The attached letter is requesting an appeal of the P&Z decision and consideration to allow the sign with the restriction that the sign may not change more than once in a 24-hour time period. They have also attached a letter from the manufacturer, LEDOEM Partners, that outlines that the sign was be programed to prevent the school operations from being able to change the display and will be a fixed panel display unless a technician goes to the site and performs the change.

**STAFF RECOMMENDATION**

Staff recommends City Council consider the appeal request and provide direction on the interpretation of the sign ordinance as it relates to illuminated LED/electronic signs.



# Sugar Creek Montessori School

*"Where Children are Important"*

[www.SugarCreekMontessori.com](http://www.SugarCreekMontessori.com)

City of Fulshear  
30603 FM 1093  
Fulshear, TX 77441

November 28, 2017

Respected City Council members,

We represent Sugar Creek Montessori school, a recently constructed high standard private school that accepts children from Pre-K through Elementary. The school is located on FM1463, between Cinco Ranch Blvd and Pine Mill Ranch Drive, at the border of Katy, outside Fulshear ("City") limits but within its ETJ. We are in receipt of a notice from the City dated August 14<sup>th</sup>, 2017 regarding our monument sign. The notice states:

*"[illuminated] signs may not have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination."*

In order to make the sign meet with City compliance, we recently had it modified to restrict the above actions from occurring (please see attached for reference). We believe this modification now brings the sign within compliance. **Please confirm if this is your understanding as well, as we need to power the sign back on as it has been off for two months.**

Additionally, we have one modest request. We respectfully request permission to replace the message on our sign once in a 24-hour period, if needed. Since messages for other signs, such as marquee signs, are permitted to be replaced more frequently, we feel that one message replacement within a 24 hour period for our sign would not be cause for any concern. **Please confirm if you would approve this request.**

The sign is located on a major road with the only passerby's being occupants of fast moving vehicles. There are no pedestrians, nor is there any accommodation for them. It is not in direct view from any residence, nor does it obstruct any view of its neighbors. The sign is also setback more than 60' from the road in its own landscaped "island." The sign was intentionally further from the road as one of its primary objectives was to convey information to those already on property going through the drop off/pickup lanes. The sign is tastefully designed and well-constructed and uses high end brick that matches the school. We believe it meets all provisions of the City sign ordinance including required dimensions.

Since 1986, it has been the strong desire of our development team to maintain a reputation for developing tasteful, high standard private schools in upscale communities. We are proud to be in the community and proud to be able to contribute by the high standard education we offer to area children, job opportunities for local residents and patronage of local businesses by the staff and people who visit the school.

Respectfully,

D. Trehan  
Administration  
Sugar Creek Montessori School



October 19, 2017

To Whom It May Concern:

Our company provided the electronic message center installed at the Sugar Creek Montessori School located at 4802 FM 1463. I have been informed by that organization's representative that they have been notified that their sign did not meet compliance due to the ability for the panel to change messaging.

Per my understanding after speaking with them, the rule they have been provided states that the following is prohibited:

Illuminated signs which:

*"(b) Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination."*

This is to confirm that the LED message center installed originally had the ability to have changing messages and some of the other features described above, but has now been modified into a fixed panel display that now cannot do any of the above and so should meet all necessary compliance. If any change is now required for the message we will need to send a technician on site to perform that change.

If you have any questions, feel free to contact me, 832-797-4466

Best Regards,

*Michael Anderson*

General Manager

LED OEM Partners, LLC

# Request for Variance on Ordinance No. 2012-1058

*Prepared for the City of Fulshear and its Honorable Citizen Board*



Respected City of Fulshear staff and Honorable Citizen Board,

We are respectfully seeking a variance on an **existing** monument sign located at 4802 FM 1463 at the boundary of Katy and Fulshear, outside city of Fulshear ("City") limits, but within Fulshear extra territorial jurisdiction ("ETJ"). It is located at the edge of Fulshear and Katy, and the property's unique location created some initial confusion about its jurisdiction based on the following:

- 1) Centerpoint, who we were told assigns property addresses, informed us we were in Katy.
- 2) GPS mapping, today and before, require Katy to be input as city instead of Fulshear in order to locate it (see below image)
- 3) Fort Bend County Central Appraisal District sent mails to a Fulshear address which were returned to sender and were only successfully received when Katy was listed as city.

The development and planning on this project, such as platting, design and approval processes were coordinated by third party firms such as Benchmark Engineering, as such we never communicated with City representatives. We sincerely apologize for the oversight; it was completely unintended. As soon as we received the letter from City offices on August 14<sup>th</sup>, we immediately contacted the City and started working with their representatives to the best of our ability, including turning off the sign completely, as is its current state, which we hope to put back on soon. It is our strong desire to be good neighbors and we are proud of the opportunity to serve Fulshear families for many years to come.

The sign itself meets all provisions of the sign ordinance, Ordinance No. 2012-1058 (the "Ordinance"), including all dimensional specifications, is not in a right of way (it is set back about 60' from the roadway), is not in any easement, poses no hazards in any way, including those as stipulated in the Ordinance such as hazards posed: by lack of structural integrity, by means of distraction to drivers by its content, location or appearance, reduced visibility for drivers or any adjacent neighbors (there are none as of now), creates no obstacles, creates no nuisance, does not adversely impact property values or contribute to visual blight. The sign is a high quality monument sign that is comprised of the same materials as the building (premium masonry) and is flush to the ground as per the Ordinance.

The variance we respectfully request pertains to Section 13b of the Ordinance, which states Illuminated signs shall not have changing text by means of light or illumination. Out of the Ordinance, only a strict interpretation of this one section would not be met, hence our request for this variance. However, the overall intent and objective of the Ordinance will be fully met, particularly Section 1, 2(e) that requires "Persons exposed to Signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or pay no attention to such messages, according to the observer's purpose."

Exhibit A: Aerial image of sign (Note distance to road is approximately 60 feet)

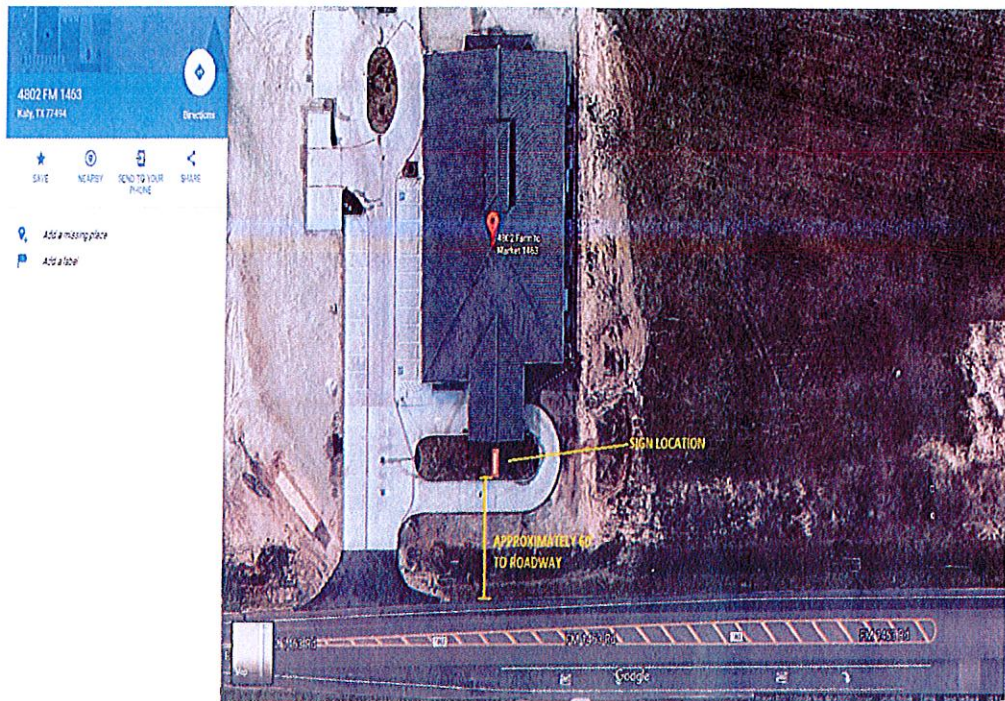
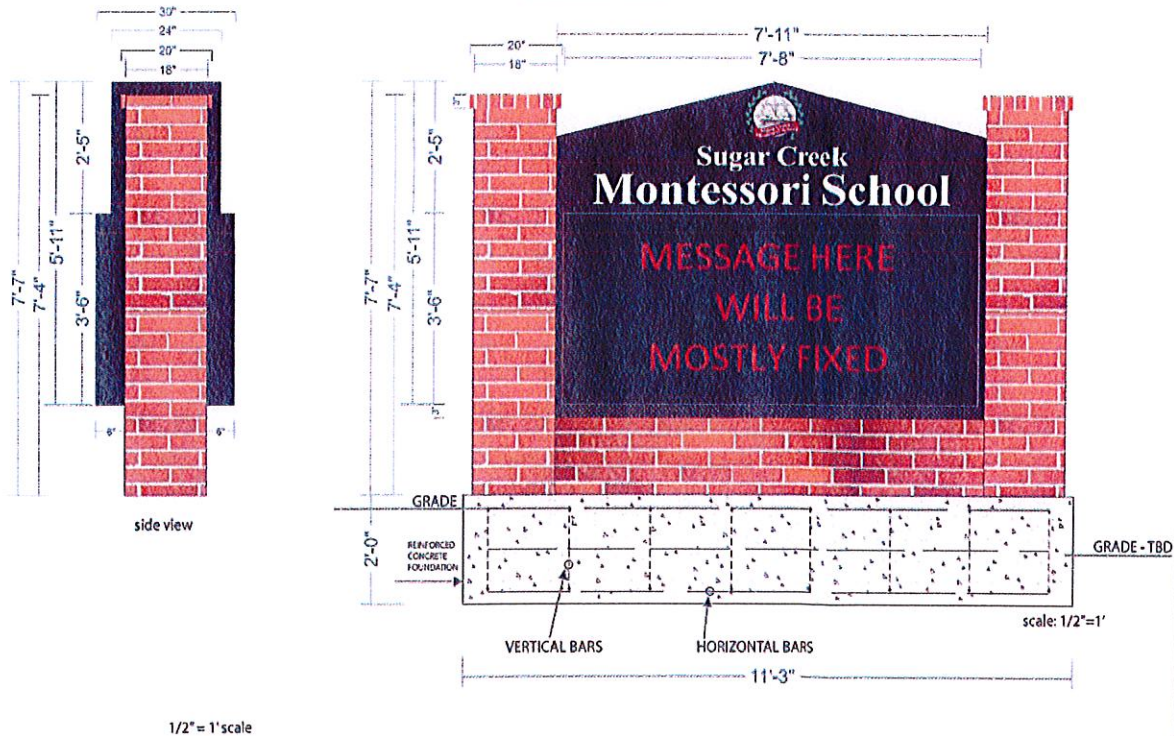


Exhibit B: Sign rendering (styleand dimensions are in compliance)



We want to work with the City and its Honorable Citizen's Board to establish a reasonable frequency of plain and simple text changes that would be in keeping with the objective and intent of the Ordinance. While non-electronic changeable marquee signs have the permission to change text at undetermined frequency, we understand the concern with adherence to Ordinance objectives when one type of sign is easier to change than another and may offer features that can result in garish and gaudy use; we share the same concerns and only use simple and frequency controlled text changes.

In terms of perspective, as shown in the rendering, the sign is not overtly large, not directly visible from any residences and is a good 60' from a fast moving road that does not accommodate pedestrian traffic. As such, the sign would not serve as a distraction for others, even with infrequent text changes, and frequency and content of such changes can be strictly controlled. In terms of ensuring compliance with Section 1,2(e), if text was changed based on a permitted number of minutes in a day (or hours in a day) there should be no distraction or detriment to property values, again this is a high standard, quality built sign with only simple, flat text change. There will be no dramatic movements, animations or ostentatious content, just simple, flat text changes at a permitted frequency. Due to no accommodation for pedestrians and no homes near the sign, the sign is practically only visible to individuals already on the property, or those travelling in vehicles on a busy roadway, and again this is 60' away and faces perpendicular to the roadway so will not be cause for any distraction We are seeking your guidance and support in working with us to determine a reasonable frequency of simple and plain text changes that would allow us to operate normally and reasonably while still being mindful of the Ordinance and others around us. Once frequency and acceptable parameters are established, protocols and training will be implemented by our organization to ensure compliance and acceptable use guidelines, including strict consequences for violation of such protocols.

We are a community minded organization that serves area families and share a common interest with Fulshear in maintaining safety and property values in the area and sincerely appreciate the good efforts of City of Fulshear staff and its citizen board in contributing towards these noble efforts. We look forward to discussing with you and coming to reasonable accommodation for this variance.

Respectfully,

Dru Trehan, Administrator

Steve Husmann, AIA



**Fulshear, Texas - Code of Ordinances – Chapter 28 - SIGNS Sec. 28-5. - Prohibited signs.**

It shall be unlawful for any person to construct, erect, install, display, maintain, reconstruct, place, locate, relocate or make use of any of the following signs within the city:

- (1) Revolving or moving signs.
- (2) Signs that contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, flash tags, or other similar devices.
- (3) Portable signs.
- (4) Snipe signs.
- (5) Signs located on a roof or otherwise attached to or painted on a building if it projects above the highest point on the building.
- (6) Signs or any portion thereof, that are located on or project or extend over any public sidewalk, street, alley, or other public property; provided, however, that if signs are located within the special downtown sign district, they may project over the sidewalk so long as they comply with the design standards found in section 28-4(3)d.
- (7) Signs that are deteriorated, dilapidated, or unsafe.
- (8) Signs that contain statements, words, or pictures of an obscene, indecent, or immoral character as will offend public morals or decency.
- (9) Signs located on or attached to a streetlight, utility pole, fire hydrant, bridge, traffic control device, street sign, or other building, facility, structure or equipment owned by the city without the prior written consent of the city.
- (10) More than one ground-mounted monument sign for any lot or development site, or for any individual shopping center or strip center; provided, however, if a lot or development site, shopping center or strip center has frontage on two public streets, one ground-mounted monument sign shall be permitted for each such street frontage. Signs representing sites with more than ten businesses and with more than 350 feet of frontage are allowable so long as they comply with all other applicable sections of this chapter.
- (11) Signs that do not comply with this chapter or other ordinances of the city.
- (12) Signs located or illuminated so that they obscure or interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the view of approaching, emerging or intersecting traffic, or prevent any traveler on any street from obtaining a clear view of approaching vehicles.
- (13) Illuminated signs which:
  - a. Are illuminated to such intensity or without proper shielding so as to constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property; or
  - b. Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination.

**Fulshear, Texas - Code of Ordinances – Chapter 28 - SIGNS Sec. 28-5. - Prohibited signs.**

(14) Any sign that violates any sight visibility regulations of the city.

(15) Signs located in public rights-of-way; with the exception of signs allowable under section 28-4(3)d and (4)c.6.

(16) Signs placed on private property without the consent of the owner or person in possession of the property.

(17) Off-premises signs.

(18) Wind device signs.

(19) Billboards, including digital billboards.

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	December 19, 2017	<b>AGENDA ITEMS:</b>	J
<b>DATE SUBMITTED:</b>	December 14, 2017	<b>DEPARTMENT</b>	Economic Development
<b>PREPARED BY:</b>	Angela Fritz, Economic Development Director	<b>PRESENTER:</b>	Same
<b>SUBJECTS:</b>	Update on City Website Redevelopment		
<b>ATTACHMENTS:</b>			
<b>EXPENDITURE REQUIRED:</b>	N/A at this point		
<b>AMOUNT BUDGETED &amp; ACCOUNT:</b>	\$30,000 – (100-5-185-5411-13)		
<b>ADDITIONAL APPROPRIATIONS &amp; ACCOUNTS:</b>	\$10,765 – (601-5-000-5470-02) \$10,765 – (701-5-000-5470-02)		

**EXECUTIVE SUMMARY**

This item is included as a general informational update to the City Council.

Developing a website built on a scalable, easily maintained platform is essential to any municipality, but especially to one undergoing rapid growth and development like Fulshear. Websites are cities’ central information hubs. They also serve as the “front door” for people and businesses researching communities, and often provide the initial impression people get of a particular location or product.

It is equally important that the site be attractive and easy to use for external users as it is that it is easily maintained and updated by internal users. In today’s digital world, websites must also be hosted on secure platforms that protect vital information and that can adequately handle web traffic and ensure infrastructure performance and functionality during emergency situations. For a City our size, it makes much more sense to leverage economies of scale in terms of infrastructure and IT knowledge and work with a company that hosts sites and maintains content management systems for multiple clients rather than try and do this ourselves.

Funds were budgeted by the City and Economic Development Corporations in FY18 to undertake a complete overhaul of the City’s site and to rebuild it along with a separate Economic Development sub-site. The selected website development firm would guide this process as well as provide the content management system (CMS) and the necessary hosting/maintenance services for the sites in the years to come.

Over the past several months, staff has worked to vet potential firms, and has spoken with numerous different ones, including two of the predominant municipal website providers as well as our current provider. Over the course of these conversations and through initial proposals received, it has become apparent that the total costs for the

website redevelopment will potentially exceed \$50,000, the amount at which a competitive bid is required, and will definitely exceed \$25,000, the amount at which City Council approval is required.

Because of this, it is imperative to have a detailed set of specifications prepared to define the new website's purpose and critical functionalities in order that we may solicit competitive proposals. Soliciting proposals will help ensure the City meets all the necessary statutory and internal procurement requirements, and that the awarded bid represents a sound investment of public monies.

Staff is working to compile a Request for Proposals (RFP) outlining the project's critical components and requirements and ranking criteria. Once a vendor is selected and the bid awarded by City Council, our plan is to begin with developing the Economic Development sub-site first before proceeding to the broader City website. While this may seem a little counterintuitive, it allows staff to focus and build out our core subject matter area while learning the website's back-end CMS system. Once the Economic Development sub-site is complete, we will move on to work on the entire City site which will require coordination amongst many different groups and departments.

Generally speaking, and ultimately depending on the specific schedule and recommendation of the vendor selected, we hope to meet the following implementation timeline:

1. RFP developed in conjunction with City staff and distributed by mid-January
2. RFP responses received, ranked, and follow-up completed with recommendation of bid award to City Council at February 20 meeting
3. Project implementation to begin in March
4. Project completion by end of September

Website redesigns are inherently intricate projects, and ultimately their success depends on a thoughtful, thorough implementation, which requires a large amount of time and the dedicated attention of staff. We appreciate the support and patience of Council as we work to build a website that can grow and develop along with the City over the next five years.

### **RECOMMENDATION**

This is a discussion item only.