



CITY OF FULSHEAR

"FIND YOUR FUTURE IN FULSHEAR"

30603 FM 1093 West/ PO Box 279 ~ FULSHEAR, TEXAS 77441

PHONE: 281-346-1796 ~ FAX: 281-346-2556

WWW.FULSHEARTEXAS.GOV

CITY COUNCIL:

MAYOR: Jeff Roberts

MAYOR PRO-TEM: Tricia Krenek

COUNCIL MEMBER: Stephen Gill

COUNCIL MEMBER: Kaye Kahlich

COUNCIL MEMBER: Tommy Kuykendall

COUNCIL MEMBER: Jim Fatheree

COUNCIL MEMBER: Dana Hollingsworth

STAFF:

ACTING CITY MANAGER: Paula Ryan

CITY SECRETARY: D. Gordon Offord

CITY ATTORNEY: J. Grady Randle

SPECIAL CITY COUNCIL MEETING MINUTES

NOVEMBER 28, 2017

I. CALL TO ORDER

A SPECIAL CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR JEFF W. ROBERTS AT 4:35 P.M. ON TUESDAY, NOVEMBER 28, 2017 AT THE FULSHEAR CITY HALL LOCATED AT 30603 FM 1093 ROAD, FULSHEAR, TEXAS 77441 AND ALL CITIZENS WERE WELCOMED.

II. QUORUM AND ROLL CALL

MAYOR ROBERTS ANNOUNCED THAT A QUORUM WAS PRESENT AND THAT COUNCIL MEMBER GILL WAS UNABLE TO BE HERE.

PRESENT:

JEFF W. ROBERTS, MAYOR

TRICIA KRENEK, MAYOR PRO TEM

JIM FATHEREE, COUNCIL MEMBER

DANA HOLLINGSWORTH, COUNCIL MEMBER

KAYE KALICH, COUNCIL MEMBER

TOMMY KUYKENDALL, COUNCIL MEMBER

ABSENT:

STEPHEN GILL

CITY STAFF:

D. (DIANA) GORDON OFFORD, CITY SECRETARY

BRANT GARY, EXECUTIVE DIRECTOR OF PLANNING AND DEVELOPMENT

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CONTINUE- CITY STAFF:

ANGELA FRITZ, ECONOMIC DEVELOPMENT DIRECTOR
SHARON VALIANTE, PUBLIC WORKS DIRECTOR
PAULA RYAN, ACTING CITY MANAGER
J. GRADY RANDLE, CITY ATTORNEY
WES VELA, CHIEF FINANCE OFFICER
MIKE MCCOY, POLICE CAPTAIN
KENNY SEYMOUR, CHIEF OF POLICE
ANGELA HAHN, COMMUNICATION COORDINATOR

OTHERS PRESENT:

CHERIH THOMPSON
VIOLA RANDLE
RICH MULLER
ED KNIGHT
STEVE ROBINSON
JOHN DOWDALL
AND 3 OTHERS WHO DID NOT SIGN IN

III. CONSENT AGENDA

A. APPROVE TEMPORARY CLASSIFICATION CHANGE OF ACTING CITY MANAGER RETROACTIVE TO EFFECTIVE DATE OF OCTOBER 22, 2017

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO APPROVE TEMPORARY CLASSIFICATION CHANGE OF ACTING CITY MANAGER RETROACTIVE TO EFFECTIVE DATE OF OCTOBER 22, 2017 FOR PAULA RYAN. IT WAS SECONDED BY COUNCIL MEMBER KUYKENDALL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

IV. BUSINESS

A. CONSIDERATION OF AND POSSIBLE ACTION ON ADOPTING DEVELOPMENT AGREEMENT ON THAT CERTAIN TRACT OF LAND DESCRIBED AS A 582.7 APPORTIONED FROM THE R.H. KUYKENDALL SURVEY, ABSTRACT 274, J.C. MCDONALD SURVEY, ABSTRACT 290, THE MORRIS & CUMMINGS SURVEY, ABSTRACT 294, & THE E. JR. LATHAM SURVEY, ABSTRACT 50, FORT BEND COUNTY, TEXAS

DETAILS ON ITEM A- SEE THIRD EXECUTIVE SESSION.

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AFTER READING BUSINESS ITEM A, MAYOR ROBERTS REQUESTED A MOTION TO GO INTO AN EXECUTIVE SESSION TO MEET WITH THE CITY'S ATTORNEY.

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO ENTER INTO EXECUTIVE SESSION AT 4:37 P.M. IT WAS SECONDED BY COUNCIL MEMBER KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

(GO TO EXECUTIVE SESSION FOR DETAILS)

COUNCIL RECONVENED BACK INTO REGULAR SESSION AT 5:24 P.M.

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO TAKE A RECESS TO ATTEND THE FULSHEAR TREE LIGHTING CEREMONY AT 5:25 P.M. IT WAS SECONDED BY COUNCIL MEMBER KUYKENDALL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MAYOR ROBERTS ANNOUNCED THAT THE CEREMONY WOULD TAKE PLACE OVER BY WALLIS STATE BANK AND EVERYONE IS INVITED TO ATTEND AND AFTER THAT COUNCIL WOULD RECONVENE BACK INTO REGULAR SESSION.

MAYOR ROBERTS ANNOUNCED THAT COUNCIL IS BACK IN REGULAR SESSION AT 6:21PM FROM THE RECESS AND A QUORUM WAS PRESENT. MAYOR ROBERTS REQUESTED A MOTION TO MOVE ITEM C TO THE FOREFRONT.

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

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

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

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(SEE ITEM C FOR DETAILS)

B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2017-1267 IN RELATION TO THE ANNEXATION OF A CERTAIN TRACT OF LAND DESCRIBED AS A 582.7 APPORTIONED FROM THE R.H. KUYKENDALL SURVEY, ABSTRACT 274, J.C. McDONALD SURVEY, ABSTRACT 290, THE MORRIS & CUMMINGS SURVEY, ABSTRACT 294, & THE E. JR. LATHAM SURVEY, ABSTRACT 50, FORT BEND COUNTY, TEXAS

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

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

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

C. CONSIDERATION AND POSSIBLE ACTION TO SELECT AND APPROVE AN EXECUTIVE SEARCH FIRM TO CONDUCT THE CITY MANAGER CANDIDATE RECRUITMENT AND SELECTION PROCESS

MAYOR ROBERTS ANNOUNCED THAT MS. RYAN, ACTING CITY MANAGER, HAS THE PROVIDED INFORMATION REQUESTED BY COUNCIL FOR THE SELECTION OF A CITY MANAGER.

PAULA RYAN, ACTING CITY MANAGER, PRESENTED TO THE COUNCIL FOUR HARD COPIES FROM DIFFERENT FIRMS REGARDING THEIR PROPOSALS ON SELECTING A CITY MANAGER. MS. RYAN REQUESTED COUNCIL CHOOSE A FIRM. PROPOSALS FROM THE FOLLOWING FIRMS WERE SUBMITTED TO THE COUNCIL: CHRIS HARTUNG CONSULTING, LLC., AND RON COX CONSULTING (RCC), SPRINGSTED WATERS, AND STRATEGIC GOVERNMENT RESOURCES (SGR). COUNCIL MEMBERS KAHLICH AND KUYKENDALL FAVORED THE FIRM SGR. THERE WAS A SHORT DISCUSSION AMONG COUNCIL AND MS. RYAN. (FOR ALL THE SPECIFICS, REQUEST A COPY OF THE TAPE RECORDING) MS. RYAN ALSO NOTED THAT SHE WILL NOT BE APPLYING FOR THIS POSITION AND SHE IS THE CONTACT PERSON.

A MOTION WAS MADE BY COUNCIL MEMBER KAHLICH TO APPOINT SGR (STRATEGIC GOVERNMENT RESOURCES) AS THE FIRM TO CONDUCT THE CITY MANAGER CANDIDATE RECRUITMENT AND SELECTION PROCESS. IT WAS SECONDED BY MAYOR PRO TEM KRENEK. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

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A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO MOVE BACK INTO EXECUTIVE SESSION FOR FURTHER DISCUSSION AT 6:38 PM. IT WAS SECONDED BY COUNCIL MEMBER KALICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MAYOR ROBERTS ANNOUNCED THAT COUNCIL WOULD GO INTO THEIR SECOND EXECUTIVE SESSION AND A QUORUM WAS PRESENT.

MAYOR ROBERTS ANNOUNCED THAT COUNCIL WOULD RESUME BACK INTO REGULAR SESSION AT 7:45 P.M. FROM THE SECOND EXECUTIVE SESSION. (FOR DETAILS ON 2ND EXECUTIVE SESSION-SEE BELOW)

AFTER LOOKING AT A DOCUMENT HANDED TO COUNCIL BY THE HARRISON'S LAWYER, MAYOR PRO TEM KRENEK REQUESTED ANOTHER EXECUTIVE SESSION.

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO MOVE BACK INTO EXECUTIVE SESSION. IT WAS SECONDED BY COUNCIL MEMBER KUYKENDALL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MAYOR ROBERTS ANNOUNCED THAT COUNCIL WOULD ENTER INTO A THIRD EXECUTIVE SESSION AT 7:46 PM. A QUORUM WAS PRESENT.

COUNCIL RECONVENED BACK INTO REGULAR SESSION AT 8:15 PM. (FOR DETAILS ON 3RD EXECUTIVE SESSION-SEE BELOW)

V. EXECUTIVE SESSION – CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE

SEC. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.

A GOVERNMENTAL BODY MAY NOT CONDUCT A PRIVATE CONSULTATION WITH ITS ATTORNEY EXCEPT:

1) WHEN THE GOVERNMENTAL BODY SEEKS THE ADVICE OF ITS ATTORNEY ABOUT:

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(A) PENDING OR CONTEMPLATED LITIGATION; OR

(B) A SETTLEMENT OFFER; OR

(C) ACQUIRING PROPERTY

2) ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.

UPDATE ON THREATENED LITIGATION

FIRST EXECUTIVE SESSION: COUNCIL RECONVENED BACK INTO REGULAR SESSION AT 5:24 P.M. AND NO ACTION WAS TAKEN FROM THE EXECUTIVE SESSION. MAYOR PRO TEM KRENEK MADE A MOTION FOR A RECESS TO ATTEND THE TREE LIGHTING. (SEE ABOVE FOR DETAILS).

SECOND EXECUTIVE SESSION: MAYOR ROBERTS ASKED IF THERE IS ANY ACTION TO BE TAKEN. MAYOR PRO TEM KRENEK STATED, "NO."

THIRD EXECUTIVE SESSION: CITY ATTORNEY RANDLE PROVIDED COUNCIL AND ALL PARTIES CONCERNED WITH A DETAILED OUTLINE CONCERNING ADOPTING DEVELOPMENT AGREEMENT ON CERTAIN TRACT OF LAND DESCRIBED AS A 582.7 ACRES. HE ALSO DREW A DIAGRAM ON THE CHALK BOARD TO PROVIDE CLARIFICATION TO COUNCIL AND THE HARRISON'S ATTORNEYS. THERE WAS DISCUSSION BACK AND FORTH AMONG THE COUNCIL MEMBERS AND RICH MULLER, ONE OF THE ATTORNEYS FOR HARRISON INTERESTS. MAYOR PRO TEM KRENEK HAD ISSUES WITH THE WORDING ON SECTION 2 WHICH SPECIFICALLY STATED ".....INCLUDING ANY PUBLIC RIGHT OF WAY NECESSARY TO PROVIDE CONTIGUITY TO CORPORATE LIMITS OF THE CITY COMMERCIAL USE....." AND ".....BUT DOES NOT INCLUDE RECREATIONAL, OPEN SPACE, PUBLIC INFRASTRUCTURE OR RIGHT OF WAY, OR SINGLE-FAMILY....." MAYOR PRO TEM KRENEK STATED THIS IS A DOUBLE NEGATIVE AND SHE WOULD LIKE TO HAVE IT PERFECTLY CLEAR. THIS ISSUE WAS DISCUSSED APPROXIMATELY 30 MINUTES AMONG THE COUNCIL AND THE HARRISON'S ATTORNEYS.

A MOTION WAS MADE BY COUNCIL MEMBER FATHEREE TO APPROVE BUSINESS ITEM A SUBJECT THE CHANGES STATED BY MAYOR PRO TEM KRENEK. IT WAS SECONDED BY MAYOR PRO TEM KRENEK. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

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NAYS: NONE
ABSENT: COUNCIL MEMBER GILL

MOTION PASSES

BOTH SIDES EXTENDS CONGRATULATIONS TO EACH OTHER IN WORKING THROUGH THIS PROCESS IN ORDER TO GET THIS AGREEMENT PASSED. FOR ALL THE SPECIFICS COMMENTS, REQUEST A COPY OF THE TAPE RECORDING.

ATTORNEY RANDLE REVIEWED THE CHANGES AGAIN WITH BOTH PARTIES. MAYOR PRO TEM KRENEK HAD TROUBLE WITH THE WORD "CONTIGUITY" AS IT POSSES A DOULBE NEGATIVE. THIS TRIGGERED ANOTHER 15 MINUTE DISCUSSION. (FOR ALL THE SPECIFICS COMMENTS, REQUEST A COPY OF TAPE RECORDING)

A MOTION WAS MADE BY MAYOR PRO TEM KRENEK TO ADOPT AGREEMENT SUBJECT TO THE FOLLOWING AMENDED CHANGES: ADDING ON PAGE 2 BUT DOES NOT INCLUDE NOT-PROFIT RECREATIONAL, PUBLIC INFRASTRUCTURE OR RIGHT OF WAY EXCEPT FOR CONTIGUITY FOR SINGLE FAMILY OR MULTI-FAMILY RESIDENTIAL USE UNLESS PART OF THE RESIDENTIAL USE IS PART OF THE SAME STRUCTURE WITH A COMMERCIAL USE.

ATTORNEY RICH MUELLER STATED HE WOULD SAY CONTIGUITY NECESSARY.

MAYOR PRO TEM KRENEK RE-STATED HER MOTION TO INCLUDE CONTIGUITY NECESSARY.

ATTORNEY RICH MUELLER RE-STATED ANOTHER VERSION FOR THIS SENTENCE. MAYOR PRO TEM KRENEK STATED SHE WOULD MAKE AN AMENDED TO ADD OTHER PROPERTIES AFTER PUBLIC RIGHT OF WAYS. IT WAS SECONDED BY COUNCIL MEMBER KUYKENDALL.

MAYOR ROBERTS STATED WE HAVE AN AMENDED MOTION BY MAYOR PRO TEM KRENEK AND SECONDED BY COUNCIL MEMBER KUYKENDALL. MAYOR CALLED FOR A VOTE. THE

MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION PASSES

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MAYOR ROBERTS STATED WE WILL TAKE THE ORIGINAL MOTION BY COUNCIL MEMBER FATHEREE AND SECONDED BY MAYOR PRO TEM KRENEK. (SEE DETAILS ABOVE).

VI. ADJOURNMENT

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

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

NAYS: NONE

ABSENT: COUNCIL MEMBER GILL

MAYOR ROBERTS ANNOUNCED THAT COUNCIL IS NOW ADJOURNED AT 8:45 PM.



JEFF W. ROBERTS, MAYOR

ATTEST:



D. (DIANA) GORDON OFFORD, CITY SECRETARY

NOTE: RECEIVED THE REVISED WORDING FOR SECTION 2 REGARDING THE DEVELOPMENT AGREEMENT BETWEEN CITY OF FULSHEAR AND OWNER(S) OF THE PROPERTY DESCRIBED IN EXHIBIT A. SEE ATTACHED.