



# CITY OF FULSHEAR

*"FIND YOUR FUTURE IN FULSHEAR"*

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

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

[WWW.FULSHEARTEXAS.GOV](http://WWW.FULSHEARTEXAS.GOV)

## CITY COUNCIL:

MAYOR: Jeff Roberts

MAYOR PRO-TEM: 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

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## SPECIAL CITY COUNCIL MEETING FEBRUARY 6, 2018

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NOTICE IS HEREBY GIVEN OF A SPECIAL CITY COUNCIL MEETING OF THE CITY OF FULSHEAR TO BE HELD ON **TUESDAY, FEBRUARY 6, 2018 AT 6:30 P.M.** IN IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR RD, FULSHEAR, TEXAS FOR CONSIDERING THE FOLLOWING ITEMS. THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY MATTERS LISTED ON THE AGENDA, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE, INCLUDING, BUT NOT LIMITED TO, SECTIONS 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATIONS ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), 551.087 (ECONOMIC DEVELOPMENT), 418.175.183 (DELIBERATIONS ABOUT HOMELAND SECURITY ISSUES) AND AS AUTHORIZED BY THE TEXAS TAX CODE, INCLUDING, BUT NOT LIMITED TO, SECTION 321.3022 (SALES TAX INFORMATION).

**I. OPENING**

**A. CALL TO ORDER**

**B. QUORUM AND ROLL CALL**

**II. CITIZEN'S COMMENTS**-*This is an opportunity for citizens to speak to council relating to agenda and non-agenda items. Speakers are advised that comments cannot be received on matters which are the subject of a public hearing once the hearing has been closed. Speakers are required to register in advance and must limit their comments to three (3) minutes.*

**III. CITY MANAGER'S REPORT**

**IV. PUBLIC HEARINGS**

**A. SPECIAL USE REQUEST- 8050 FM 359 SOUTH**

In compliance with the City of Fulshear Zoning Ordinance Number 2010-1028, the City will hold two Public Hearings; the second Public Hearing will be held by **the Fulshear City Council on February 6, 2018 at 6:30 p.m.**, the hearing will be held at Irene Stern Community Center located at 6920 Katy Fulshear Rd, Fulshear, Texas. The hearing will allow all interested persons an opportunity to be heard.

The location of the premises in question is in the Downtown District, Block 26 (PT) of the Town of Fulshear, specifically the address is 8050 FM 359 South, Fulshear, Texas 77441.

The applicant is seeking a Special Use Request pursuant to the Zoning Ordinance to permit the use of a structure to be Commercial Use for Restaurant/Bar.

Specific relief is requested from Section 1-193 (c) (2) (e) which states that the use of eating and drinking places; within the Downtown District is permitted if they are approved in the process outlined in section 1-283.

The applicant reserves the right to supplement this application and/or seek at the time of the hearing, such other approvals, interpretations, and/or waivers as may be requested or required by the applicant or the Board/Council.

A copy of said application and documents is on file at the City of Fulshear City Hall located at 30603 FM 1093 Fulshear, Texas 77441 on Monday through Thursdays from 8:00 a.m. to 5 p.m. and Fridays from 8:00 a.m. to 3 p.m. in the City Secretary's office for all interested parties prior to said hearing.

If you have any questions regarding this request please call the City Secretary's office at 281-346-1796.

## **B. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD) ZONING CHANGE- WALLIS STREET**

The City Council of the City of Fulshear hereby gives notice that a Public Hearing shall be held regarding a request from Texana Center, Thrive Church and the City of Fulshear (for property commonly known as the Fulshear Cemetery (a.k.a. Union Chapel Cemetery)) for support of the **Proposed Wallis Street PUD (Planned Unit Development)**.

The land is composed of three parcels located on the west side of Wallis Street south of its intersection with FM 359:

1. Texana Center – 14.44 acres tract of land in the Churchill Fulshear League, Abstract No. 29, City of Fulshear, Fort Bend County, Texas, being that certain called 14.456 acres tract recorded under County Clerk's File Number 2005099822, Official Public Records, Fort Bend County, Texas; Fort Bend County, Texas.

2. Thrive Church – A 6.00 acres tract of land being out of a called 44.512 acres tract of land conveyed to Grandes Ricos, L.L.C., as recorded under Fort Bend County clerk’s file Number 2015091411, situated in the Churchill Fulshear League, Abstract no.29, Fort Bend County, Texas.
3. Fulshear Cemetery – 9.78 acres of land including six plus acres of the Mexican Land Grant acquired in 1824 the “Old 300” colonist Churchill Fulshear, Sr. and donated to the Methodist Episcopal Church in 1851.

Proposed land uses at this time include:

1. Texana Center - a new regional center, to include:
  - a. Administrative and office space.
  - b. Facilities to support autism programs and services.
  - c. “Center for Learning” education facility
  - d. Retail and café facility for jobs skill training.
  - e. Outdoor recreation areas to support above.
  - f. Parking and site landscape development.
2. Thrive Church - a new church campus, to include:
  - a. Worship Center, Education, Youth, Children and Fellowship areas with ancillary support facilities.
  - b. Outdoor recreation facilities.
  - c. Parking and site landscape development.
  - d. Child care/day care services
3. Fulshear Cemetery - continued use for a cemetery and accessory uses.

Due to the community-service oriented uses desired, existing zoning requirements/allowances, geographic proximity of the three properties, and the common theme of non-profit ownership, a PUD zoning classification is being requested to consider the proposed projects and uses.

**The City Council of Fulshear will hold a public hearing on this item as follows:**

**Date: February 6, 2018**

**Time: 6:30 p.m.**

**Place: Irene Stern Community Center, 6920 Katy Fulshear Rd., Fulshear, TX**

Interested Parties may appear at the Public Hearing and be heard with respect to the application.

The application may be inspected by the public at Fulshear City Hall Monday through Thursday from 8:00 a.m. -5:00 p.m. and Fridays 8:00 a.m. -3:00 p.m. For more details, contact the City Secretary, D. Gordon Offord at Fulshear City Hall, 30603 FM 1093, Fulshear, Texas 77441 (Phone number: 281-346- 1796 x204)

V. **CONSENT ITEMS**-*Items listed under the consent agenda are considered routine and are generally enacted in one motion, the exception to this rule is that a council member(s) may request one or more items to be removed from the consent agenda for a separate discussion and action.*

- A. **CONSENT AND APPROVAL OF DECEMBER 2017 MONTHLY GENERAL FUND FINANCIAL REPORTS**
- B. **CONSENT AND APPROVAL OF QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING DECEMBER 31, 2017**
- C. **CONSENT AND APPROVAL OF MINUTES FROM DECEMBER 19, 2017**
- D. **CONSENT AND APPROVAL OF RESOLUTION NO. 2018-375 SETTING SPECIAL EVENT DATES IN THE CITY OF FULSHEAR FOR CALENDAR YEAR 2018**
- E. **CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR THE MARKET AT CROSS CREEK UTILITY EXTENSIONS**
- F. **CONSENT AND APPROVAL OF CONVEYANCE OF EASEMENTS FOR THE MARKET AT CROSS CREEK UTILITY EXTENSIONS**

VI. **BUSINESS**

- A. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE AND ADOPT ORDINANCE NO. 2018-1267 ORDERING AN ELECTION ON SATURDAY, MAY 5, 2018 IN THE CITY OF FULSHEAR**
- B. **CONSIDERATION AND POSSIBLE ACTION TO REAFFIRM 2011 WATER AND SANITARY SEWER EASEMENT AGREEMENT BETWEEN GM EQUITY GROUP, LLC AND THE CITY OF FULSHEAR**
- C. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE SPECIAL USE REQUEST AT 8050 FM 359 SOUTH**
- D. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE 2018-1268 AUTHORIZING THE CREATION OF THE WALLIS ST. PUD (PLANNED UNIT DEVELOPMENT) FOR PROPERTIES OWNED BY THE TEXANA CENTER, THRIVE CHURCH, AND FULSHEAR CEMETERY**
- E. **CONSIDERATION AND POSSIBLE ACTION WITH PRESENTATION BY VERDUNITY, INC. REGARDING IMPACT OF PAST, PRESENT, AND FUTURE DEVELOPMENT ON REVENUES AND SERVICE COSTS TO THE CITY OF FULSHEAR (TO INCLUDE DEVELOPMENT AGREEMENTS AND REBATE TERMS)**
- F. **CONSIDERATION AND POSSIBLE ACTION APPROVING POLO RANCH CONCEPTUAL PLAN**
- G. **CONSIDERATION AND POSSIBLE ACTION TO APPOINT AN ACTING CITY MANGER PER CITY OF FULSHEAR CHARTER SECTION 4.03**

VII. **EXECUTIVE SESSION – CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE SEC. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.**

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

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

(A) PENDING OR CONTEMPLATED LITIGATION; OR

(B) A SETTLEMENT OFFER; OR

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

UPDATE ON THREATENED LITIGATION - GINTER

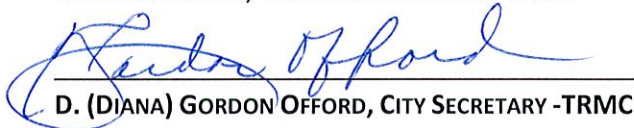
VIII. **EXECUTIVE SESSION – CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE SECTION 551.074 (PERSONNEL MATTERS) TO DELIBERATE THE APPOINTMENT, EMPLOYMENT...OF THE CITY MANAGER, WITH POSSIBLE DISCUSSION AND ACTION RELATED THERETO IN OPEN SESSION**

UPDATE ON CITY MANAGER SELECTION PROCESS

IX. **ADJOURNMENT**

NOTE: IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT, THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICE MUST BE MADE AT LEAST 48 BUSINESS HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT 281-346-1796 FOR FURTHER INFORMATION.

I, D. GORDON OFFORD, CITY SECRETARY OF THE CITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING AND AGENDA FOR THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS WAS POSTED ON FEBRUARY 2, 2018 BY 5:00 P.M. IN PLACE CONVENIENT AND READILY ACCESSIBLE AT ALL TIMES TO THE GENERAL PUBLIC, IN COMPLIANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

  
D. (DIANA) GORDON OFFORD, CITY SECRETARY -TRMC