



# CITY OF FULSHEAR

*"FIND YOUR FUTURE IN FULSHEAR"*

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

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

## CITY COUNCIL:

MAYOR: Aaron Groff

MAYOR PRO-TEM: Kaye Kahlich

COUNCIL MEMBER: Kent Pool

COUNCIL MEMBER: Dana Hollingsworth

COUNCIL MEMBER: Debra Cates

COUNCIL MEMBER: Lisa Martin

COUNCIL MEMBER: Joel Patterson

COUNCIL MEMBER: John Kelly

## STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly Kopecky

CITY ATTORNEY: J. Grady Randle

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## CITY COUNCIL MEETING MINUTES JULY 17, 2018

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### **I. CALL TO ORDER**

*A REGULAR CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR AARON GROFF AT IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS AT 7:26 P.M. MAYOR GROFF ANNOUNCED THAT A QUORUM WAS PRESENT. MS. HOLLINGSWORTH IS ABSENT (WITH AN EXCUSED ABSENCE).*

### **II. QUORUM & ROLL CALL**

#### **COUNCIL MEMBERS PRESENT**

*AARON GROFF, MAYOR*

*KAYE KAHLICH, MAYOR PRO-TEM*

*DEBRA CATES, COUNCIL MEMBER*

*KENT POOL, COUNCIL MEMBER*

*JOEL PATTERSON, COUNCIL MEMBER*

*LISA MARTIN, COUNCIL MEMBER*

*JOHN KELLY, COUNCIL MEMBER*

#### **COUNCIL MEMBERS ABSENT**

*DANA HOLLINGSWORTH (EXCUSED)*

#### **CITY STAFF PRESENT**

*JACK HARPER, CITY MANAGER*

*BRANT GARY, ASSISTANT CITY MANAGER*

KIMBERLY KOPECKY, CITY SECRETARY  
BYRON BROWN, CITY ATTORNEY  
SHARON VALIANTE, PUBLIC WORKS DIRECTOR  
WES VELA, CHIEF FINANCIAL OFFICER  
ANGELA FRITZ, ECONOMIC DEVELOPMENT DIRECTOR  
DAVID LEYENDECKER, CITY ENGINEER  
KEVIN ZIESCHANG, SERGEANT

**OTHERS**

GENE MORGAN  
BRYAN THOMAS  
JULIE WARD  
EWING KING  
CORT KING  
GEORGE  
JEFF MARTIN  
KAREN MARESH  
TREY DEVILLIER  
CJ MCDANIEL  
CHERRYL FINNEY  
JASON MAKLARY  
AND APPROXIMATELY 20 OTHER PEOPLE THAT DID NOT SIGN IN

**III. INVOCATION- FR. DAT HOANG, ST. FAUSTINA CATHOLIC CHURCH**

FR. DAT HOANG FROM ST. FAUSTINA CATHOLIC CHURCH LED THE AUDIENCE IN PRAYER.

**IV. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG-I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL.**

**V. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG –HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE**

MAYOR GROFF LED THE AUDIENCE IN THE PLEDGE OF ALLEGIANCE TO THE US AND TEXAS FLAG.

**VI. 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.**

BRYAN THOMAS- REQUESTED THE CITY COUNCIL FIX THE UNFAIR PROPERTY TAX ISSUE

KAREN MARESH SIGNED UP BUT DID NOT WANT TO SPEAK

VII. **CITY'S MANAGER'S REPORT** – BRIEFINGS OR UPDATES MAY BE PROVIDED REGARDING CITY SERVICES, ADMINISTRATIVE/PERSONNEL MATTERS, REAL ESTATE/DEVELOPMENT, INFRASTRUCTURE, EVENTS, REGULATIONS, COMMUNITY AND INTERGOVERNMENTAL RELATIONS ISSUES.

A. **TML ECONOMIC DEVELOPMENT CONFERENCE**

*THIS CONFERENCE IS HELD ANNUALLY. THIS YEAR IT WILL BE NOVEMBER 15-16 IN BASTROP.*

B. **TML CONFERENCE**

*THIS CONFERENCE IS HELD OCTOBER 10-12 IN FORT WORTH. IF INTERESTED, LET HIM KNOW.*

C. **SPECIAL CITY COUNCIL MEETING AUGUST 2, 2018**

*DUE TO THIS DATE NOT WORKING, WE WOULD LIKE TO MOVE TO AUG 7, 8, OR 9<sup>TH</sup>.*

VIII. **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 TAMARRON SECTION 29 PARTIAL REPLAT NO. 1/PRELIMINARY PLAT**

B. **CONSENT AND APPROVAL OF TAMARRON SECTION 53/PRELIMINARY PLAT**

C. **CONSENT AND APPROVAL OF FULBROOK ON FULSHEAR CREEK SECTION 5/FINAL PLAT**

D. **CONSENT AND APPROVAL OF FULBROOK ON FULSHEAR CREEK SECTION 13/FINAL PLAT**

E. **CONSENT AND APPROVAL OF FULBROOK ON FULSHEAR CREEK LIFT STATION SITE NO. 9/FINAL PLAT**

F. **CONSENT AND APPROVAL OF TAMARRON SECTION 36 PARTIAL REPLAT NO. 1/FINAL PLAT**

G. **CONSENT AND APPROVAL OF TAMARRON LIFT STATION NO. 3/FINAL PLAT**

H. **CONSENT AND APPROVAL OF TAMARRON CROSSING SECTION 4 STREET DEDICATION/FINAL PLAT**

I. **CONSENT AND APPROVAL OF CITY COUNCIL WORKSHOP MINUTES FROM COUNCIL MEETING HELD ON JUNE 19, 2018 AND MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD ON JUNE 19, 2018**

J. **CONSENT AND APPROVAL OF GENERAL FUND FINANCIAL REPORT FOR JUNE 2018**

K. **CONSENT AND APPROVAL OF QUARTERLY INVESTMENT REPORT ENDING JUNE 30, 2018**

L. **CONSENT AND APPROVAL OF THE UTILITIES CONVEYANCE AND SECURITY AGREEMENT FOR BONTERRA SECTIONS 2 AND 6 IN CROSS CREEK RANCH**

MAYOR PRO-TEM KAHLICH REQUESTED TO REMOVE ITEM L FOR FURTHER DISCUSSION. A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEMS A-K. IT WAS SECONDED BY COUNCIL MEMBER MARTIN. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL  
NAYS: NONE  
ABSENT: COUNCIL MEMBER HOLLINGSWORTH

A MOTION TO TABLE CONSENT ITEM L WAS MADE BY COUNCIL MEMBER POOL. IT WAS SECONDED BY MAYOR PRO-TEM KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL  
NAYS: NONE  
ABSENT: COUNCIL MEMBER HOLLINGSWORTH

**IX. BUSINESS**

**A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE 10/20 YEAR WRITE OFF OF PROPERTY TAXES**

WES VELA INTRODUCED THIS ITEM. IT IS JUST A ROUTINE ITEM BY THE COUNTY TAX ASSESSOR. A MOTION WAS MADE BY COUNCIL MEMBER CATES TO APPROVE THE 10/20 YEAR WRITE OFF OF PROPERTY TAXES. IT WAS SECONDED BY MAYOR PRO-TEM KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL  
NAYS: NONE  
ABSENT: COUNCIL MEMBER HOLLINGSWORTH

**B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AUDIT ENGAGEMENT WITH WHITLEY PENN**

WES VELA BRIEFLY DISCUSSED THIS ITEM WITH COUNCIL MEMBERS. A MOTION TO APPROVE AN AUDIT ENGAGEMENT WITH WHITLEY PENN WAS MADE BY COUNCIL MEMBER PATTERSON. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL  
NAYS: NONE  
ABSENT: COUNCIL MEMBER HOLLINGSWORTH

**C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE FORT BEND CENTRAL APPRAISAL PROPOSED CAD 2018-2019 FISCAL YEAR BUDGET**

*WES VELA PRESENTS THIS ITEM TO COUNCIL. TYPICALLY, THIS IS JUST FOR STAFF REVIEW. A MOTION WAS MADE TO APPROVE FORT BEND CENTRAL APPRAISAL PROPOSED CAD 2018-2019 FISCAL YEAR BUDGET BY COUNCIL MEMBER PATTERSON. IT WAS SECONDED BY MAYOR PRO-TEM KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL  
NAYS: NONE  
ABSENT: COUNCIL MEMBER HOLLINGSWORTH*

**D. DISCUSS AND TAKE ACTION TO APPOINT CITY COUNCIL LIAISONS TO CITY OF FULSHEAR BOARDS AND COMMISSIONS**

*DISCUSSION OCCURRED TO APPOINT COUNCIL MEMBER LIAISONS TO CITY BOARDS AND COMMISSIONS. MAYOR GROFF RECOMMENDED AS FOLLOWS:*

*DEBRA CATES BE LIAISON FOR HISTORIC PRESERVATION AND MUSEUM COMMISSION  
LISA MARTIN BE LIAISON FOR FULSHEAR DEVELOPMENT CORP (TYPE B)  
KAYE KAHLICH BE LIAISON FOR PLANNING AND ZONING COMMISSION  
JOEL PATTERSON BE LIAISON FOR ZONING BOARD OF ADJUSTMENT  
JOHN KELLY BE LIAISON FOR FULSHEAR DEVELOPMENT CORP (TYPE A)  
KENT POOL BE LIAISON FOR PARKS AND RECREATION COMMISSION*

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPOINT COUNCIL MEMBER LIAISONS PER THE MAYOR'S RECOMMENDATION. IT WAS SECONDED BY COUNCIL MEMBER MARTIN. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL  
NAYS: NONE  
ABSENT: COUNCIL MEMBER HOLLINGSWORTH*

**E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2018-395 A RESOLUTION OF THE CITY OF FULSHEAR APPOINTING MEMBERS TO THE CITY'S ZONING BOARD OF ADJUSTMENT**

*MAYOR GROFF NOMINATED CAROL RIGGS, GENE MORGAN, AND BRYAN THOMAS TO SERVE ON THE ZONING BOARD OF ADJUSTMENT. A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ACCEPT THE MAYOR'S NOMINATIONS WITH AN EFFECTIVE DATE OF JULY 17, 2018. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL  
NAYS: NONE  
ABSENT: COUNCIL MEMBER HOLLINGSWORTH*

**F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2018-1281 APPROVING A PETITION FOR CONSENT TO THE CREATION OF FORT BEND COUNTY MUD NO. 175**

THE APPLICANT REQUESTED TO POSTPONE THIS ITEM. A MOTION TO TABLE THIS ITEM WAS MADE BY MAYOR PRO-TEM KAHLICH. IT WAS SECONDED BY COUNCIL MEMBER MARTIN. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL

NAYS: NONE

ABSENT: COUNCIL MEMBER HOLLINGSWORTH

**X. 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

REQUEST FOR ATTORNEY GENERAL OPINION

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ADJOURN INTO EXECUTIVE SESSION. IT WAS SECONDED BY COUNCIL MEMBER PATTERSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL

NAYS: NONE

ABSENT: COUNCIL MEMBER HOLLINGSWORTH

MAYOR GROFF ADJOURNED THE MEETING INTO EXECUTIVE SESSION AT 8:09 P.M.

MAYOR GROFF RECONVENED FROM EXECUTIVE SESSION AT 10:04 P.M.

**XI. ACTION FROM EXECUTIVE SESSION**

NO ACTION TO BE TAKEN.

**XII. ADJOURNMENT**

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

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL

NAYS: NONE

ABSENT: COUNCIL MEMBER HOLLINGSWORTH

MAYOR GROFF ADJOURNED THE MEETING AT 10:05 P.M.



  
AARON GROFF, MAYOR

ATTEST:

  
KIMBERLY KOPECKY, CITY SECRETARY