



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: 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

CITY COUNCIL MEETING DECEMBER 18, 2018

NOTICE IS HEREBY GIVEN OF A REGULAR CITY COUNCIL MEETING OF THE CITY OF FULSHEAR TO BE HELD ON **TUESDAY, DECEMBER 18, 2018 AT 7:00 P.M.** IN IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, 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).

"Incidental Meeting Notice: A quorum of the City of Fulshear City Council, Planning & Zoning Commission, City of Fulshear Development Corporation (Type A), Fulshear Development Corporation (Type B), Parks & Recreation Commission, Historic Preservation & Museum Commission, Zoning Board of Adjustment, or any or all of these, may be in attendance at the meeting specified in the foregoing notice, which attendance may constitute a meeting of such governmental body or bodies as defined by the Texas Open Meetings Act, Chapter 551, Texas Government Code. Therefore, in addition to the foregoing notice, notice is hereby given of a meeting of each of the above-named governmental bodies, the date, hour, place, and subject of which is the same as specified in the foregoing notice."

- I. **CALL TO ORDER**
- II. **QUORUM & ROLL CALL**
- III. **INVOCATION- STEVE LITTLEFIELD, PASTOR, SIMONTON COMMUNITY CHURCH**

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

VI. **PUBLIC HEARING**

IN COMPLIANCE WITH THE CITY OF FULSHEAR ORDINANCE NO. 2012-1069, THE CITY WILL HOLD TWO PUBLIC HEARINGS; THE FIRST PUBLIC HEARING WILL BE HELD BY THE PLANNING AND ZONING COMMISSION ON DECEMBER 7, 2018 AT 8:30 AM. THE HEARING WILL BE HELD AT CITY HALL LOCATED AT 30603 FM 1093. THE SECOND HEARING WILL BE HELD BY THE CITY COUNCIL ON DECEMBER 18, 2018 AT 7:00 PM. THE HEARING WILL BE HELD AT THE IRENE STERN CENTER LOCATED AT 6920 KATY FULSHEAR ROAD. BOTH HEARINGS WILL ALLOW ALL INTERESTED PERSONS AN OPPORTUNITY TO BE HEARD.

THE LOCATION OF THE PREMISES IN QUESTION IS IN THE DOWNTOWN DISTRICT, FULSHEAR, BLOCK 27 (PT), ACRES 1.0875, SPECIFICALLY THE ADDRESS IS 30415 5TH STREET AND 30417 5TH STREET, FULSHEAR, TEXAS 77441.

THE APPLICANT IS SEEKING A SPECIAL USE PERMIT PURSUANT TO THE ORDINANCE NO. 2012-1069, SECTION 1-193, (C), (2), (f), (g), IF 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 THURSDAY FROM 8:00 AM TO 5:00 PM AND FRIDAYS FROM 8:00 AM TO 3:00 PM IN THE CITY SECRETARY'S OFFICE FOR ALL INTERESTED PARTIES PRIOR TO SAID HEARING.

POSTED: 12/2/2018

VII. **PUBLIC HEARING**

IN COMPLIANCE WITH THE CITY OF FULSHEAR ORDINANCE NO. 2012-1069, THE CITY WILL HOLD TWO PUBLIC HEARINGS; THE FIRST PUBLIC HEARING WILL BE HELD BY THE PLANNING AND ZONING COMMISSION ON DECEMBER 7, 2018 AT 8:30 AM. THE HEARING WILL BE HELD AT CITY HALL LOCATED AT 30603 FM 1093. THE SECOND HEARING WILL BE HELD BY THE CITY COUNCIL ON DECEMBER 18, 2018 AT 7:00 PM. THE HEARING WILL BE HELD AT THE IRENE STERN CENTER LOCATED AT 6920 KATY FULSHEAR ROAD. BOTH HEARINGS WILL ALLOW ALL INTERESTED PERSONS AN OPPORTUNITY TO BE HEARD.

THE LOCATION OF THE PREMISES IN QUESTION IS IN THE DOWNTOWN DISTRICT, FULSHEAR, BLOCK 27 (PT), ACRES 1.0875, SPECIFICALLY THE ADDRESS IS 8418 SYMS STREET, FULSHEAR, TEXAS 77441.

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.

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POSTED: 12/2/2018

- VIII. 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.**
- IX. 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. CITY HOLIDAY SCHEDULE**
- X. 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 CROSSING SECTION 3- STREET DEDICATION/PRELIMINARY PLAT**
- B. CONSENT AND APPROVAL OF TEXANA CENTER/PRELIMINARY PLAT**
- C. CONSENT AND APPROVAL OF TAMARRON SECTION 13/PRELIMINARY PLAT**
- D. CONSENT AND APPROVAL OF WEST CROSS CREEK BEND EXTENSION NO. 5/PRELIMINARY PLAT**
- E. CONSENT AND APPROVAL OF CREEK TRACE AT CROSS CREEK RANCH SECTION 1/PRELIMINARY PLAT**
- F. CONSENT AND APPROVAL OF TAMARRON LIFT STATION NO. 3/FINAL PLAT**
- G. CONSENT AND APPROVAL OF TAMARRON SECTION 12/FINAL PLAT**
- H. CONSENT AND APPROVAL OF CREEK COVE AT CROSS CREEK RANCH SECTION 12/FINAL PLAT**
- I. CONSENT AND APPROVAL OF WILLOWS AT CROSS CREEK RANCH SECTION 2/FINAL PLAT**
- J. CONSENT AND APPROVAL OF CHILDRENS LIGHTHOUSE AT JORDAN RANCH/FINAL PLAT**

- K. CONSENT AND APPROVAL OF CITY COUNCIL MINUTES FROM THE CITY COUNCIL WORKSHOP HELD NOVEMBER 20, 2018 AND REGULAR CITY COUNCIL MEETING HELD ON NOVEMBER 20, 2018
- L. CONSENT AND APPROVAL OF THE MONTHLY GENERAL AND UTILITY FUND FINANCIALS
- M. CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT AND STREET DEDICATION FOR MUD 170- BONTERRA AT CROSS CREEK RANCH SECTION 2 AND BONTERRA AT CROSS CREEK RANCH SECTION 6
- N. CONSENT AND APPROVAL OF PROPOSED ECONOMIC DEVELOPMENT PLAN PROJECT STEERING COMMITTEE COMPOSITION

XI. **BUSINESS**

- A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SPECIAL USE PERMIT FOR 30415 5TH STREET AND 30417 5TH STREET, FULSHEAR, TEXAS 77441
- B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SPECIAL USE PERMIT FOR 8418 SYMS STREET, FULSHEAR, TEXAS 77441
- C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2018-1287 AMENDING THE OPERATING AND CAPITAL PROJECT FUNDS FOR FULSHEAR DEVELOPMENT CORPORATIONS TYPE A AND TYPE B
- D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2018 -1288 AN ORDINANCE OF THE CITY OF FULSHEAR ADOPTING THE REVISED NFBWA (NORTH FORT BEND WATER AUTHORITY) GROUNDWATER REDUCTION FEE, EFFECTIVE JANUARY 1, 2019
- E. CONSIDERATION OF RESOLUTION NO. 2018-411, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS AUTHORIZING PROJECTS OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (FIRST READING)
- F. CONSIDERATION OF RESOLUTION NO. 2018-412, 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 (FIRST READING)
- G. CONSIDERATION AND ACTION ON RESOLUTION NO. 2018-411, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS AUTHORIZING PROJECTS OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (SECOND READING)
- H. CONSIDERATION AND ACTION ON RESOLUTION NO. 2018-412, 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 (SECOND READING)

XII. **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:

(1) LITIGATION- MIKE BARNES GROUP

(2) ECONOMIC DEVELOPMENT PROSPECT

(3) 4TH STREET LITIGATION

(4) EEOC CLAIM

(5) LITIGATION- MUDES

XIII. ACTION FROM EXECUTIVE SESSION

XIV. 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, KIMBERLY KOPECKY, 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 DECEMBER 12, 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.

Kimberly Kopecky

KIMBERLY KOPECKY, CITY SECRETARY