



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

I. CALL TO ORDER

A REGULAR CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR GROFF AT IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS AT 7:08 P.M. A QUORUM WAS PRESENT.

II. QUORUM & ROLL CALL

COUNCIL MEMBERS PRESENT:

*AARON GROFF, MAYOR
KAYE KAHLICH, MAYOR PRO-TEM
DEBRA CATES
JOEL PATTERSON
LISA MARTIN
KENT POOL
JOHN KELLY*

COUNCIL MEMBERS ABSENT:

DANA HOLLINGSWORTH

CITY STAFF PRESENT:

*JACK HARPER, CITY MANAGER
KIMBERLY KOPECKY, CITY SECRETARY
BRANT GARY, ASSISTANT CITY MANAGER
SHARON VALIANTE, PUBLIC WORKS DIRECTOR
CHANDLER MARKS, ECONOMIC DEVELOPMENT COORDINATOR
KENNY SEYMOUR, POLICE CHIEF*

MIKE MCCOY, POLICE CAPTAIN
ANGELA FRITZ, ECONOMIC DEVELOPMENT DIRECTOR
GRADY RANDLE, CITY ATTORNEY
WES VELA, CHIEF FINANCIAL OFFICER
JOHN MICHAEL PENA, MAINTENANCE

OTHERS PRESENT:

CAROL RIGGS
SONYA SIMMONS
MIKE DAVENPORT
DANNY CURTIS
DORIS JONES
AND ABOUT 30 OTHERS THAT DID NOT SIGN IN

III. INVOCATION- STEVE LITTLEFIELD, PASTOR, SIMONTON COMMUNITY CHURCH

THE INVOCATION WAS GIVEN BY PASTOR STEVE LITTLEFIELD FROM 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

BOTH THE PLEDGE OF ALLEGIANCE TO THE U.S. FLAG AND PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG WERE LED BY MAYOR GROFF.

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

MAYOR GROFF OPENED THE PUBLIC HEARING AT 7:13 P.M.

THERE WAS DISCUSSION FROM CITY STAFF, COUNCIL MEMBERS AND THE APPLICANTS. (FOR FULL COMMENTARY, REQUEST AUDIO OR VIEW ON THE CITY WEBSITE)

MAYOR GROFF CLOSED THE PUBLIC HEARING AT 7:16 P.M.

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.

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 FRIDAY 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

MAYOR GROFF OPENED THE PUBLIC HEARING AT 7:18 P.M.

THERE WAS DISCUSSION FROM CITY STAFF, RESIDENTS, COUNCIL MEMBERS AND THE APPLICANTS. (FOR FULL COMMENTARY, REQUEST AUDIO OR VIEW ON THE CITY WEBSITE)

MAYOR GROFF CLOSED THE PUBLIC HEARING AT 7:50 P.M.

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.

THERE WERE NO CITIZEN COMMENTS.

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

JACK HARPER WENT OVER THE UPCOMING HOLIDAY SCHEDULE WITH THE COUNCIL.

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**

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ALL CONSENT ITEMS (A-N). IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

ABSENT: DANA HOLLINGSWORTH

XI. BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SPECIAL USE PERMIT FOR 30415 5TH STREET AND 30417 5TH STREET, FULSHEAR, TEXAS 77441

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE A SPECIAL USE PERMIT FOR 30415 5TH STREET, SUITE A. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

ABSENT: DANA HOLLINGSWORTH

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE A SPECIAL USE PERMIT FOR 30417 5TH STREET, SUITE D. IT WAS SECONDED BY COUNCIL MEMBER KELLY. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

ABSENT: DANA HOLLINGSWORTH

B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SPECIAL USE PERMIT FOR 8418 SYMS STREET, FULSHEAR, TEXAS 77441

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE A SPECIAL USE PERMIT FOR 8418 SYMS STREET WITH RESTRICTIONS AS FOLLOWS: NO OUTDOOR KENNELS, OPERATING HOURS NO LATER THAN 6 PM (UNLESS EMERGENCY), PRIVACY FENCE MUST BE INSTALLED AT BACK YARD AT MAX HEIGHT ALLOWED BY ORDINANCE, ALL NOISE, LIGHTING, SIGNAGE, AND ARCHITECTURAL ORDINANCES FOR DOWNTOWN MUST BE FOLLOWED, AND ALLOWANCE OF CRUSHED GRANITE AS PARKING. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: KENT POOL

ABSENT: DANA HOLLINGSWORTH

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

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ORDINANCE NO. 2018-1287. 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: DANA HOLLINGSWORTH

- 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**

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ORDINANCE NO. 2018-1288, WITH SECTION 2.0 PARAGRAPH A, THE FEE SHOULD BE \$3.65/1000 GALLONS PUMPED AND SECTION 2 PARAGRAPH B SUBSECTION 2 IS STRIKED. GETTING RID OF THE 9 CENT ADMINISTRATIVE FEE. 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: DANA HOLLINGSWORTH

- 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)**

*THIS IS JUST A FIRST READING, NO ACTION WAS TAKEN.
(MAYOR TOOK ITEM G NEXT)*

- 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)**

*THIS IS JUST A FIRST READING, NO ACTION WAS TAKEN
(THIS ITEM WAS TAKEN AFTER G)*

- 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)**

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO APPROVE 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. 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: DANA HOLLINGSWORTH

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)

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO APPROVE 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. 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: DANA HOLLINGSWORTH

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- MUDS

A MOTION WAS MADE BY COUNCIL MEMBER POOL TO ENTER INTO EXECUTIVE SESSION. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

ABSENT: DANA HOLLINGSWORTH

MAYOR GROFF ANNOUNCED COUNCIL WOULD ENTER INTO EXECUTIVE SESSION AT 9:57 P.M.

MAYOR GROFF ANNOUNCED COUNCIL WAS BACK FROM EXECUTIVE SESSION AT 11:37 P.M.

XIII. ACTION FROM EXECUTIVE SESSION

NO ACTION

XIV. 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: DANA HOLLINGSWORTH

MAYOR GROFF ADJOURNED THE MEETING AT 11:38 P.M.




AARON GROFF, MAYOR

ATTEST:


KIMBERLY KOPECKY, CITY SECRETARY