



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 MINUTES FEBRUARY 19, 2019

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 7:07 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

DANA HOLLINGSWORTH

JOHN KELLY

LISA MARTIN

KENT POOL

CITY STAFF PRESENT:

JACK HARPER

BRANT GARY

KIMBERLY KOPECKY

SHARON VALIANTE

ZACH GOODLANDER
KENNY SEYMOUR
ANGELA FRITZ
GRADY RANDLE
WES VELA
DAVID LEYENDECKER

OTHERS PRESENT:

BRYAN THOMAS
BILL ARCHER
JACOB CLARK
DAVID WELCH
TREY DEVILLIER
TRACY YOUNGBLOOD
JARED BARBER
ANDREW LANG
PAMELA DAVENPORT
TOMMY KUYKENDALL
CJ MCDANIEL
MIKE HALPE
DAWN STEPH
MORGAN STEWART
AND APPROXIMATELY 20 OTHERS THAT DID NOT SIGN IN.

III. INVOCATION- Dr. Dale Olson, Family Hope

THE INVOCATION WAS GIVEN BY DR. DALE OLSON.

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 HEARINGS

A. PUBLIC HEARING - SPECIAL USE REQUEST

In compliance with the City of Fulshear Ordinance Number 2012-1069, the City will hold two Public Hearings; the first Public Hearing will be held by the Planning and Zoning Commission on February 1, 2019 at 8:30 a.m.

The hearing will be held at City Hall located at 30603 FM 1093. The second hearing will be held by the City Council on February 19, 2019 at 7:00 p.m. 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 9, Lots 2, 3, 6, specifically the address is 30318 Second Street, Fulshear, Texas 77441.

The applicant is seeking a Special Use Permit pursuant to the Ordinance # 2012-1069, Section 1-193, (c), (2), (f), 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 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.

Posted: February 1, 2019

MAYOR GROFF OPENED THE PUBLIC HEARING AT 7:11 p.m.

THERE WERE NO CITIZENS DESIRING TO SPEAK.

MAYOR GROFF CLOSED THE PUBLIC HEARING AT 7:12 p.m.

B. PUBLIC HEARING – CITY OF FULSHEAR PARKS & PATHWAYS MASTER PLAN

MAYOR GROFF OPENED THE PUBLIC HEARING AT 7:12 P.M.

*JEFF MARTIN AND CJ MCDANIEL SPOKE REGARDING THE PARKS AND PATHWAYS.
(FOR FULL COMMENTARY, REQUEST AUDIO)*

MAYOR GROFF CLOSED THE PUBLIC HEARING AT 7:21 P.M.

C. PUBLIC HEARING – CITY OF FULSHEAR LIVABLE CENTERS STUDY PLAN

MAYOR GROFF OPENED THE PUBLIC HEARING AT 7:21 P.M.

THERE WERE NO PUBLIC COMMENTS.

MAYOR GROFF CLOSED THE PUBLIC HEARING AT 7:22 P.M.

The City of Fulshear, Texas City Council will hold two Public Hearings on Tuesday, February 19, 2019 at 7:00 p.m. The hearings will be held at the Irene Stern Center located at 6920 Katy Fulshear Road, at which time they will consider the adoption of the following:

- **City of Fulshear Parks & Pathways Master Plan**
- **City of Fulshear Livable Centers Study Plan**

Copies of the proposed plans will be on file with the City Secretary 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.

All interested parties may appear at the Public Hearings and be heard with respect to the adoption of the above-referenced plans.

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

Posted: February 1, 2019

- VII. 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.**

BILL ARCHER- DARK SKY ORDINANCE, LIGHT TOWER IN VIOLATION OF THE DARK SKY ORDINANCE

DAVID WELCH- ASK FOR CONSIDERATION ON RELIEF ON PLATTING REQUIREMENTS FOR PERMITS

VIII. 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. INTRODUCTION OF ZACH GOODLANDER

JACK HARPER INTRODUCED AND GAVE A BRIEF BIO OF ZACH GOODLANDER.

IX. 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 A REQUEST FOR CERTAIN DEVIATIONS FROM THE CITY'S SUBDIVISION ORDINANCE AND THE APPROVAL OF A PRELIMINARY PLAT FOR CREEK COVE SECTION 13

B. CONSENT AND APPROVAL OF TAMARRON MULTIFAMILY/FINAL PLAT

C. CONSENT AND APPROVAL OF THE CREATION OF A MASTER SIGN PLAN DISTRICT FOR THE POLO RANCH DEVELOPMENT

D. CONSENT AND APPROVAL OF CITY COUNCIL MINUTES FROM THE CITY COUNCIL WORKSHOP HELD JANUARY 15, 2019 AND REGULAR CITY COUNCIL MEETING HELD ON JANUARY 15, 2019

E. CONSENT AND APPROVAL OF THE MONTHLY GENERAL AND UTILITY FUND FINANCIALS

KAYE ASKED TO REMOVE ITEM A

DEBRA ASKED TO REMOVE ITEM B AND ITEM E

A MOTION WAS MADE TO APPROVE ITEM C AND D BY MAYOR PRO-TEM KAHLICH. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

ITEM A-

TODD HAMILTON WITH JOHNSON DEVELOPMENT AND MARK WELCH WITH DAVID WEEKLEY HOMES ANSWERED QUESTIONS. A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ITEM A. IT WAS SECONDED BY COUNCIL MEMBER HOLLINGSWORTH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

THIS MOTION WAS WITHDRAWN BY MAYOR PRO-TEM KAHLICH

A MOTION TO ACCEPT THE PRELIMINARY PLAT WITH DEVIATIONS WITH THE STREET RIGHT OF WAY AND THE ALLEYWAY (ONE-WAY DIRECTIONAL) SMALLER LOTS AND ADD IN ONE WAY ALLEY WAS MADE BY MAYOR PRO-TEM KAHLICH. IT WAS SECONDED BY COUNCIL MEMBER POOL.

A MOTION TO AMEND AND APPROVE DEVIATIONS REQUESTED FOR CREEK COVE AT CCR SECTION 13 WITH THE DEVIATIONS BEING: REDUCE BUILDING LINES, SETBACK LINES, NARROWER RIGHT OF WAYS, ALLOWED ALLEYWAYS (REMOVING THE ONE-WAY DIRECTION) AND SMALLER LOT SIZES WAS MADE BY COUNCIL MEMBER MARTIN. IT WAS SECONDED BY COUNCIL MEMBER PATTERSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

RETURN TO PREVIOUS MOTION (TO APPROVE THE REQUEST FOR THE DEVIATIONS AS STATED IN THE PACKET WHICH INCLUDES: REDUCED BUILDING LINES, SETBACK LINES, NARROW RIGHT OF WAY, AND ALLOW ALLEYWAYS, AND SMALLER LOT SIZES)

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

NAY: COUNCIL MEMBER CATES

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO APPROVE THE PRELIMINARY PLAT FOR CREEK COVE AT CCR SECTION 13. IT WAS SECONDED BY COUNCIL MEMBER PATTERSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

ITEM B-

A MOTION TO APPROVE CONSENT ITEM B 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, HOLLINGSWORTH, KAHLICH, KELLY, MARTIN,
PATTERSON, AND POOL
NAYS: NONE

ITEM E

A MOTION TO APPROVE CONSENT ITEM E WAS MADE BY MAYOR PRO-TEM
KAHLICH. IT WAS SECONDED BY COUNCIL MEMBER PATTERSON. THE MOTION
WAS CARRIED BY THE FOLLOWING VOTE:

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

X. BUSINESS

**A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SPECIAL USE PERMIT
FOR 30318 SECOND STREET, FULSHEAR, TX 77441**

THE APPLICANT-MORGAN STEWART SPOKE AND ANSWERED QUESTIONS FROM
CITY COUNCIL.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE A SPECIAL USE
PERMIT FOR 30318 SECOND STREET, FULSHEAR, TX 77441 WITH THE USE OF
CRUSHED GRANITE FOR PARKING. IT WAS SECONDED BY COUNCIL MEMBER
MARTIN. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE PARKS AND PATHWAYS MASTER PLAN

PAUL HOWARD FROM BURDITT CONSULTING GAVE A BRIEF PRESENTATION THAT INCLUDED:

*PRIMROSE PARK- 25 ACRE SITE
PASEO PARK- PROPOSED FM 1093 CORREDOR
FRANCES SMART PARK IMPROVEMENTS
PROTOTYPICAL 5 ACRE PARK
PROPOSED PATHWAY/TRAILS*

A MOTION TO FORMALL ADOPT THE PARKS AND PATHWAYS MASTER PLAN WAS MADE BY COUNCIL MEMBER PATTERSON. IT WAS SECONDED BY COUNCIL MEMBER MARTIN. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE LIVABLE CENTERS STUDY PLAN

SHAD COMEAUX FROM FREESE NICHOLS GAVE THE LIVABLE CENTERS PRESENTATION.

A MOTION WAS MADE BY COUNCIL MEMBER POOL TO ACCEPT THE LIVABLE CENTERS STUDY PLAN. IT WAS SECONDED BY MAYOR PRO-TEM KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2019-1290 AMENDING THE CAPITAL BUDGET OF THE CITY OF FULSHEAR, TEXAS FOR THE FISCAL YEAR 2018-2019

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ORDINANCE NO. 2019-1290 AMENDING THE CAPITAL BUDGET OF THE CITY OF FULSHEAR, TEXAS FOR THE FISCAL YEAR 2018-2019. IT WAS SECONDED BY COUNCIL MEMBER PATTERSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

E. CONSIDERATION AND POSSIBLE ACTION TO APPOINT A MEMBER TO THE JOINT AIRPORT BOARD OF ADJUSTMENT

COUNCIL MEMBER PATTERSON EXPRESSED HIS INTEREST IN SERVING ON THIS BOARD. A MOTION WAS MADE BY COUNCIL MEMBER CATES TO NOMINATE COUNCIL MEMBER PATTERSON TO THE JOINT AIRPORT BOARD OF ADJUSTMENT. IT WAS SECONDED BY COUNCIL MEMBER MARTIN. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DESIGN CONTRACT FOR THE EXTENSION OF WATER AND WASTEWATER FACILITIES ON FM 359

SHARON VALIANTE EXPLAINS THAT THIS CONTRACT WOULD BE TO EXTEND WATER AND WASTEWATER FACILITIES TO SERVE THE CORRIDOR ON FM 359. THIS IS RELATED TO PROJECT W18K AND WW18E. STAFF REQUESTED STATEMENTS OF QUALIFICATIONS FROM THE ENGINEERING COMMUNITY. SEVEN (7) FIRMS RESPONDED. STAFF REVIEWED AND SELECTED FREESE NICHOLS AS THE BEST FIRM SUITED TO PROVIDE THESE SERVICES.

A MOTION WAS MADE BY COUNCIL MEMBER HOLLINGSWORTH TO APPROVE A PROFESSIONAL SERVICES AGREEMENT CONTRACT WITH FREESE NICHOLS FOR THE DESIGN EXTENSION OF WATER AND WASTEWATER FACILITIES ON FM 359 IN THE AMOUNT OF \$214,000 PENDING THE FINAL REVIEW OF THE CITY ATTORNEY. IT WAS SECONDED BY COUNCIL MEMBER CATES.

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

NAYS: NONE

G. CONSIDERATION AND DISCUSSION REGARDING THE PROPOSED FULSHEAR STATION HOUSE RESTORATION PROJECT

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO AUTHORIZE THE DEMOLITION AND SALVAGE (CAPPED AT 50,000) FOR THE PROPOSED FULSHEAR

STATION HOUSE RESTORATION PROJECT. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

~~H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY FOR THE ADMINISTRATION OF THE MAY 2019 GENERAL ELECTION~~

WITHDRAWN FROM THE AGENDA (BY CITY SECRETARY DUE TO ALL CANDIDATES BEING UNOPPOSED)

I. DISCUSSION AND UPDATE FOR MAY 4, 2019 GENERAL ELECTION

KIMBERLY KOPECKY GAVE CITY COUNCIL AN UPDATE ON THE MAY 4, 2019 GENERAL ELECTION, INCLUDING APPLICANT NAMES/DISTRICTS AND IMPORTANT DATES. ALL CANDIDATES ARE UNOPPOSED SO COUNCIL HAS THE OPTION TO CANCEL THE MAY 4, 2019 GENERAL ELECTION FOR THE CITY OF FULSHEAR.

XI. 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- MUDS

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

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

NAYS: NONE

MAYOR GROFF ENTERED INTO EXECUTIVE SESSION AT 9:31 P.M.

MAYOR RECONVENED BACK INTO REGULAR SESSION AT 10:35 P.M.

XII. ACTION FROM EXECUTIVE SESSION

NO ACTION WAS TAKEN FROM EXECUTIVE SESSION.

XIII. CONSIDERATION AND POSSIBLE ACTION RELATING TO ABSENCES- IN ACCORDANCE WITH SECTION 3.10 (d) OF THE CITY OF FULSHEAR HOME-RULE CHARTER, PAST ABSENCES DUE TO SICKNESS MAY BE EXCUSED, AND LEAVES OF ABSENCE FOR FUTURE ABSENCES MAY BE GRANTED. ANY ACTION TO EXCUSE A PAST ABSENCE IS DEEMED TO INCLUDE A FINDING THAT THE ABSENCE WAS DUE TO SICKNESS UNLESS THE ACTION INDICATES OTHERWISE.

NO ACTION TO BE TAKEN ON ABSENCES.

XIV. ADJOURNMENT

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

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

NAYS: NONE

MAYOR GROFF ADJOURNED THE MEETING AT 10:36 P.M.




AARON GROFF, MAYOR

ATTEST:


KIMBERLY KOPECKY, CITY SECRETARY