



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

CITY COUNCIL:

MAYOR: Aaron Groff

MAYOR PRO-TEM: Kaye Kahlich

COUNCIL MEMBER: Kent Pool

COUNCIL MEMBER: Kevin White

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 AUGUST 20, 2019

I. CALL TO ORDER

A REGULAR CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR GROFF AT THE 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

JOEL PATTERSON

DEBRA CATES

KENT POOL

JOHN KELLY

KEVIN WHITE

LISA MARTIN

CITY STAFF PRESENT:

BRANT GARY

KIMBERLY KOPECKY

KAYLA VILLAGOMEZ

ANGELA FRITZ

CHANDLER MARKS

GRADY RANDLE

SHARON VALIANTE
WES VELA
JOHN MICHAEL PENA
ZACH GOODLANDER
KENNY SEYMOUR
MIKE MCCOY
DAVID LEYENDECKER

OTHERS PRESENT:

BRYAN THOMAS
JOHN GROSS
CJ MCDANIEL
HELEN VEIR
KAREN MARESH
JACKIE GILMORE
TREY DEVILLIER
RUSS COSBEY
ELLA BANKS
AMY BURZINSKI
JOE GOODWIN
PHILLIP ARMAND
TOREY GILMORE
D WOODS
BETTY HOLLOWAY
JAMES WOODS
GLEN HALBISON
JIM WORRALL
FREDERICK DIXON
LORAIN HENDERSON
AND SEVERAL OTHERS THAT DID NOT SIGN IN

III. INVOCATION- DR. DALE OLSON, FAMILY HOPE

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

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

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.

THERE WERE NO CITIZEN COMMENTS.

- 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. **UPCOMING MEETINGS AND WORKSHOPS-** BRANT GARY BRIEFLY DISCUSSED UPCOMING MEETINGS AND WILL HAVE THE CITY SECRETARY POLL COUNCIL REGARDING A POSSIBLE WORKSHOP ON SEPTEMBER 3RD.
- B. **EMERGENCY UPDATE REGARDING A PORTION OF THE CITY BEING PLACED IN STAGE 2 WATER RESTRICTIONS AS IDENTIFIED IN THE CITY'S DROUGHT CONTINGENCY PLAN-** BRANT GARY BRIEFLY EXPLAINED THIS EMERGENCY UPDATE AND STATED MORE INFORMATION WOULD BE RELEASED ONCE THE CITY RECEIVED IT.

VIII. **PUBLIC HEARING**

PUBLIC HEARING ON TAX INCREASE- ON AUGUST 6, 2019, THE CITY COUNCIL VOTED TO HOLD PUBLIC HEARINGS ON A TAX RATE OF 0.218510/\$100 VALUATION FOR TAX YEAR 2019. THIS IS ALSO THE ROLLBACK TAX RATE WHICH IS 8% ABOVE THE EFFECTIVE TAX RATE. THE CITY COUNCIL INVITES CITIZENS FOR THEIR COMMENTS ON A POSSIBLE TAX RATE. THE TWO REQUIRED PUBLIC HEARINGS ARE TO BE HELD AT IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS:

AUGUST 20, 2019 AT 7:00 P.M. AND

SEPTEMBER 10, 2019 AT 7:00 P.M.

MAYOR GROFF OPENED THE PUBLIC HEARING AT 7:33 P.M.

CITIZENS WHO SPOKE: BRYAN THOMAS, JOHN GROSS, REVEREND JACKIE GILMORE, VIOLA RANDLE, MS. BANKS, JOHN DOWDALL, KAREN MARESH, AND BOBBY HOLLOWAY (FOR FULL DISCUSSION, PLEASE REQUEST AUDIO)

MAYOR GROFF CLOSED THE PUBLIC HEARING AT 8:31 P.M.

- 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 MINUTES FROM CITY COUNCIL MEETINGS HELD ON JULY 16, 2019 (SPECIAL), JULY 16, 2019 (REGULAR), JULY 30, 2019 (SPECIAL), JULY 30, 2019 (JOINT)**
- B. **CONSENT AND APPROVAL OF QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING 6-30-19**
- C. **CONSENT AND APPROVAL OF THE MONTHLY GENERAL AND UTILITY FUND FINANCIALS**
- D. **CONSENT AND APPROVAL OF BONTERRA AT CROSS CREEK RANCH SECTION 7 PRELIMINARY PLAT**
- E. **CONSENT AND APPROVAL OF JORDAN RANCH SECTION 19 PRELIMINARY PLAT**

- F. **CONSENT AND APPROVAL OF PLAZA ON SOUTH FIRETHORNE REPLAT**
- G. **CONSENT AND APPROVAL OF PHASE 2 AND 3 OF A COORDINATED DEVELOPMENT ORDINANCE REVIEW**
- H. **CONSENT AND APPROVAL OF RESOLUTION NO. 2019-433, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS, APPOINTING AND REAPPOINTING CERTAIN MEMBERS TO THE CITY'S HISTORIC PRESERVATION AND MUSEUM COMMISSION**

*COUNCIL MEMBER PATTERSON ASKED TO REMOVE ITEM H FOR DISCUSSION
COUNCIL MEMBER MARTIN ASKED TO REMOVE ITEM G FOR DISCUSSION
COUNCIL MEMBER CATES ASKED TO REMOVE ITEM B FOR DISCUSSION*

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEMS A, C, D, E, AND F. IT WAS SECONDED BY COUNCIL MEMBER KELLY. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

CONSENT B

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

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

NAYS: NONE

CONSENT G

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO AUTHORIZE STAFF TO PROCEED WITH THE WORK ORDERS AS PRESENTED AND PROVIDE AN UPDATE REVIEW OF THE PROJECT FOR CONSENT ITEM G. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

CONSENT H

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

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

NAYS: NONE

X. BUSINESS

A. CONSIDERATION OF AND ACTION ON RESOLUTION NO. 2019-428, A RESOLUTION OF THE CITY OF FULSHEAR APPROVING AN ADMINISTRATIVE SERVICES AGREEMENT BETWEEN THE CITY AND THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (TYPE A)

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2019-428. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

B. CONSIDERATION OF AND ACTION ON RESOLUTION NO. 2019-429, A RESOLUTION OF THE CITY OF FULSHEAR APPROVING AN ADMINISTRATIVE SERVICES AGREEMENT BETWEEN THE CITY AND THE FULSHEAR DEVELOPMENT CORPORATION (TYPE B)

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2019-429. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

C. CONSIDERATION OF RESOLUTION NO. 2019-430, A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING PROJECTS OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (1st Reading)

THIS IS NOT AN ACTION ITEM.

D. CONSIDERATION OF AND ACTION ON RESOLUTION NO. 2019-430, A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING PROJECTS OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (2nd Reading)

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO APPROVE RESOLUTION NO. 2019-430. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

- E. CONSIDERATION OF RESOLUTION NO. 2019-431, A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING PROJECTS OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (1st Reading)**

THIS IS NOT AN ACTION ITEM.

- F. CONSIDERATION OF AND ACTION ON RESOLUTION NO. 2019-431, A RESOLUTION OF THE CITY OF FULSEHAR AUTHORIZING PROJECTS OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (2nd Reading)**

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2019-431. IT WAS SECONDED BY COUNCIL MEMBER KELLY. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

XI. EXECUTIVE SESSION

Executive Session to consult with City Attorney to seek or receive legal advice and discuss pending litigation and other legal matters pursuant to Government Code 551.071 regarding:

- 1. Tax Suits brought by Fort Bend County on behalf of the City of Fulshear and other taxing entities for cause numbers:
04-DCV-134011 regarding property on Fulshear Katy Road;
17-DCV-244741 regarding property on Wallis Street;
18-DCV-257200 regarding property on Harris Street;**
- 2. Cause No. 19-DCV-264185; ATTIP v. City of Fulshear, et al;**
- 3. Cause No. 18-DCV-250347; City of Fulshear v. ATTIP.**

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

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

NAYS: NONE

MAYOR GROFF ADJOURNED INTO EXECUTIVE SESSION AT 9:16 P.M.

MAYOR GROFF RECONVENED BACK FROM EXECUTIVE SESSION AT 9:37 P.M.

XII. ACTION FROM EXECUTIVE SESSION

NO ACTION FOR WAS TAKEN.

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 WAS TAKEN.

XIV. ADJOURNMENT

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

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

NAYS: NONE

MAYOR GROFF ADJOURNED THE MEETING AT 9:37 P.M.




AARON GROFF, MAYOR

ATTEST:


KIMBERLY KOPECKY, CITY SECRETARY