



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: 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 OCTOBER 15, 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 7:10 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:

KIMBERLY KOPECKY

JACK HARPER

BRANT GARY

SHARON VALIANTE

ZACH GOODLANDER

KENNY SEYMOUR

CHANDLER MARKS
ERIN TUREAU
DAVID LEYENDECKER
BYRON BROWN
JAMES WOODS

OTHERS PRESENT:

TREY DEVILLIER
MIKE HALPE
AND APPROXIMATELY 11 OTHERS THAT DID NOT SIGN IN

III. INVOCATION- CHARLES WISDOM, FULSHEAR POLICE CHAPLAIN

INVOCATION WAS GIVEN BY CHARLES WISDOM, FULSHEAR POLICE CHAPLAIN.

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.

NO REPORT WAS GIVEN

VIII. PUBLIC HEARING

- A. PUBLIC HEARING- ADOPTION OF IMPACT FEES** The City of Fulshear will hold a public hearing on adoption of impact fees on Tuesday, October 15, 2019 at 7:00 P.M. in Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear Texas. The purpose of the hearing is to consider the adoption of an impact fee. The amount of the proposed impact fee is \$2,488.27 per service unit for water and \$3,598.91 per service unit for wastewater. Any member of the public has the right to appear at the hearing and present evidence for or against the plan and proposed fee. Posted: September 13, 2019

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

THERE WERE NO COMMENTS MADE.

MAYOR GROFF CLOSED THE PUBLIC HEARING AT 7:14 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 CITY COUNCIL MINUTES FROM CITY COUNCIL MEETINGS HELD ON SEPTEMBER 10, 2019 (SPECIAL), SEPTEMBER 17, 2019 (JOINT), SEPTEMBER 17, 2019 (SPECIAL), AND SEPTEMBER 17, 2019 (REGULAR)**
 - B. CONSENT AND POSSIBLE ACTION FOR APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR WEST CROSS CREEK BEND DRIVE EXTENSION NO. 4 FROM MUD 169**
 - C. CONSENT AND POSSIBLE ACTION FOR APPROVAL OF STREET DEDICATIONS, UTILITY CONVEYANCE AND SECURITY AGREEMENTS FOR CREEK COVE AT CROSS CREEK RANCH SECTIONS 14, 15, & 16 FROM MUD 172**
 - D. CONSENT AND AND POSSIBLE ACTION TO AWARD OF PROFESSIONAL SERVICES FOR CONSTRUCTION MANAGEMENT OF PROJECT W18K & WW18E**
 - E. CONSENT AND POSSIBLE ACTION FOR APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR CREEK FALLS AT CROSS CREEK RANCH SECTION 11 FROM MUD 173**
 - F. CONSENT AND POSSIBLE ACTION FOR APPROVAL OF AN INTERLOCAL AGREEMENT WITH FORT BEND COUNTY TO PROVIDE FOR FINANCING OF UTILITY COSTS ASSOCIATED WITH THE FM 1093 WIDENING PROJECT**
 - G. CONSENT AND POSSIBLE ACTION FOR APPROVAL OF EXPENDITURES FOR EMERGENCY REPAIR TO WATER PLANT NO. 2 IN CROSS CREEK RANCH**
 - H. CONSENT AND POSSIBLE ACTION TO ACCEPT MONTHLY FINANCIAL REPORT**
 - I. CONSENT AND APPROVAL OF GOLDEN MANOR DR. STREET DEDICATION PRELIMINARY PLAT**
 - J. CONSENT AND APPROVAL OF BON TERRA AT CROSS CREEK RANCH SECTION 11A PRELIMINARY PLAT**
 - K. CONSENT AND APPROVAL OF PLAT EXTENSION FOR ARGONNE DRIVE FINAL PLAT**
 - L. CONSENT AND APPROVAL OF CREEK TRACE AT CROSS CREEK RANCH SECTION 2 FINAL PLAT**
 - M. CONSENT AND APPROVAL OF CREEK TRACE AT CROSS CREEK RANCH SECTION 3 FINAL PLAT**
 - N. CONSENT AND APPROVAL OF FLEWELLEN WAY NWC FINAL PLAT**
 - O. CONSENT AND APPROVAL OF AVACATION AND ABANDONMENT OF THE RUSTIC OAKS SUBDIVISION PLAT**

COUNCIL MEMBER MARTIN ASKED TO REMOVE CONSENT ITEMS D, F, G, AND O FOR FURTHER DISCUSSION.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEMS A, B, C, E, H, I, J, K, L, M, and N. 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 D

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEM D. 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 F

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEM F. 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 MAYOR PRO-TEM KAHLICH TO APPROVE 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 O

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEM O. 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*

X. BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION TO REGARDING ORDINANCE NO. 2019-1313, ADOPTION OF WATER AND WASTEWATER IMPACT FEES

ZACH GOODLANDER INTRODUCED MIKE SHELTON FROM KIMLEY HORN. THEY ANSWERED QUESTIONS FROM THE CITY COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO ADOPT IMPACT FEE ORDINANCE NO. 2019-1313, ADOPTING IMPACT FEES OF \$2,250 FOR WATER FACILITIES PER SERVICE UNIT AND \$3,250 FOR WASTEWATER FACILITIES PER SERVICE UNIT PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL AND PROVIDING AN EFFECTIVE DATE. IT WAS SECONDED BY COUNCIL MEMBER WHITE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

B. CONSIDERATION AND POSSIBLE ACTION REGARDING ORDINANCE NO. 2019-1312, AN ORDINANCE AMENDING CHAPTER 34 OF THE FULSHEAR CODE REGARDING PLAT REQUIREMENTS

ZACH GOODLANDER EXPLAINED THIS ORDINANCE WOULD BE INTERIM ONLY. ADOPTION OF THIS ORDINANCE NEEDS TO BE MOVED TO NOVEMBER SO THAT NOTICE CAN BE PUBLISHED FOR A PUBLIC HEARING.

A MOTION TO POSTPONE 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, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE

NAYS: NONE

C. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE CREATION OF THE 1093 RAILS TO TRAILS LOCAL GOVERNMENT CORPORATION AND APPOINT BOARD MEMBERS, INCLUDING THE EXECUTION OF THE RELEVANT PROPOSED ARTICLES OF INCORPORATION, BYLAWS, INTERLOCAL AGREEMENT, AND APPROVAL OF THE APPLICATION FOR THE FORMATION OF THE LOCAL GOVERNMENT CORPORATION

ZACH GOODLANDER INTRODUCED THIS ITEM TO COUNCIL. THE RECOMMENDATION WAS FOR MAYOR GROFF, MAYOR PRO-TEM KAHLICH, AND COUNCIL MEMBER POOL TO BE NAMED INCORPORATORS AND FOR ZACH GOODLANDER AND BRANT GARY (ALTERNATE) AS BOARD MEMBERS.

A MOTION WAS MADE BY COUNCIL MEMBER CATES TO APPROVE THE CREATION OF THE 1093 RAILS TO TRAILS LOCAL GOVERNMENT CORPORATION INCLUDING THE EXECUTION OF THE RELEVANT PROPOSED ARTICLES OF INCORPORATION, BYLAWS, INTERLOCAL AGREEMENT, AND APPROVAL OF THE APPLICATION FOR THE FORMATION OF THE LOCAL GOVERNMENT CORPORATION AND NOMINATE MAYOR GROFF, MAYOR PRO-TEM KAHLICH, AND COUNCIL MEMBER POOL TO BE NAMED INCORPORATORS AND FOR ZACH GOODLANDER AND BRANT GARY (ALTERNATE) AS BOARD MEMBERS. 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

D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-438; A RESOLUTION APPOINTING A CITY REPRESENTATIVE AND AN ALTERNATE TO THE HGAC 2020 GENERAL ASSEMBLY

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO APPROVE RESOLUTION NO. 2019-438 APPOINTING A CITY REPRESENTATIVE BEING AARON GROFF AS THE REPRESENTATIVE AND KAYE KAHLICH AS THE ALTERNATE FOR THE HGAC 2020 GENERAL ASSEMBLY. 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 AND POSSIBLE ACTION FOR APPROVAL OF ORDINANCE NO. 2019-1303, SOLID WASTE RATES

F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT WITH WASTE CORPORATION OF AMERICA (WCA) FOR SOLID WASTE RATES

JACK HARPER EXPLAINS THAT STAFF IS REQUESTING FOR ITEMS E AND F TO BE POSTPONED UNTIL A LATER DATE.

A MOTION TO POSTPONE TO A FUTURE MEETING WAS MADE BY COUNCIL MEMBER MARTIN. 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

G. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2019-1311 FOR SETTING WATER AND WASTEWATER UTILITY RATES

THIS ITEM WAS DISCUSSED AT LENGTH BETWEEN COUNCIL, BRANT GARY, LEN MCMANUS AND TARA PAYNE (MCMANUS & JOHNSON). FOR FULL COMMENTARY, REQUEST AUDIO.

A MOTION WAS MADE TO POSTPONE THIS ITEM UNTIL A MEETING ON OCTOBER 24, 2019 BY COUNCIL MEMBER MARTIN. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: COUNCIL MEMBER PATTERSON

XI. EXECUTIVE SESSION

~~A. EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT (CHAPTER 551, GOVERNMENT CODE), CONSULT WITH THE CITY ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNING BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE TEXAS OPEN MEETINGS ACT; PURSUANT TO SECTION 551.072 OF THE TEXAS OPEN MEETINGS ACT, DELIBERATE CONCERNING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY; AND PURSUANT TO SECTION 551.087 OF THE TEXAS OPEN MEETINGS ACT, DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS OR TO DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT OR BOTH~~

THERE WILL BE NO EXECUTIVE SESSION.

XII. ACTION FROM EXECUTIVE SESSION

- ~~A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A RESOLUTION REGARDING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND THOMAS BLACKBURN REGARDING PROPOSED DEVELOPMENT ACTIVITIES AND CONVEYANCE OF REAL PROPERTY~~
- ~~B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND THOMAS BLACKBURN.~~
- ~~C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A RESOLUTION REGARDING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND WSS-15 FULSHEAR MARKETPLACE LLC REGARDING~~

~~PROPOSED DEVELOPMENT ACTIVITIES AND CONVEYANCE OF REAL PROPERTY~~

~~D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF FULSHEAR, TEXAS AND WSS 15 FULSHEAR MARKETPLACE LLC~~

THERE WAS NO EXECUTIVE SESSION FOR THIS MEETING.

- 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.

THERE WAS NO ACTION RELATING TO ABSENCES.

XIV. ADJOURNMENT

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ADJOURN. 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

MAYOR GROFF ADJOURNED THE MEETING AT 9:39 P.M.



ATTEST:


KIMBERLY KOPECKY, CITY SECRETARY


AARON GROFF, MAYOR