



# 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](http://WWW.FULSHEARTEXAS.GOV)

## CITY COUNCIL:

MAYOR: Aaron Groff

COUNCIL MEMBER: Kevin White

COUNCIL MEMBER: Joel Patterson

MAYOR PRO-TEM: Kaye Kahlich

COUNCIL MEMBER: Debra Cates

COUNCIL MEMBER: John Kelly

COUNCIL MEMBER: Kent Pool

COUNCIL MEMBER: Lisa Martin

## STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly Kopecky

CITY ATTORNEY: J. Grady Randle

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## CITY COUNCIL MEETING MINUTES DECEMBER 17, 2019

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### 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 7:00 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:**

JACK HARPER

SHARON VALIANTE

WES VELA

KIMBERLY KOPECKY

JOHN MICHAEL PENA

GRADY RANDLE

ZACH GOODLANDER  
KERRY SIGLER  
MIKE MCCOY  
CHANDLER MARKS

**OTHERS PRESENT:**

DON MCCOY  
BRYAN THOMAS  
RAY KERLICK  
KIM STACY  
RAMONA NEAL  
SONYA SIMMONS  
CJ MCDANIEL  
STEVE ZWICK  
AND APPROXIMATELY 6 OTHERS THAT DID NOT SIGN IN

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

*INVOCATION WAS GIVEN BY PASTOR LITTLEFIELD.*

**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.**

*STEVE ZWICK SPOKE REGARDING THE SUP ORDINANCE, SUBDIVISION OF LAND, PLATTING AND IMPACT FEES. HE WOULD LIKE A WORKSHOP/MEETING REGARDING FEES.*

**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.**

*THERE WAS NO CITY MANAGER REPORT GIVEN.*

VIII. **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 NOVEMBER 12, 2019 (SPECIAL), NOVEMBER 19, 2019 (SPECIAL), AND NOVEMBER 19, 2019 (REGULAR)**
- B. **CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENTS FOR POLO RANCH SECTION 5 FROM MUD 174**
- C. **CONSENT AND APPROVAL OF THE ADOPTION OF CITY OF FULSHEAR, TX INVESTMENT STRATEGY & POLICY**
- D. **CONSENT AND APPROVAL OF R1 ROGERS ROAD FINAL PLAT**
- E. **CONSENT AND APPROVAL OF CREEK TRACE AT CROSS CREEK RANCH SECTION 5 FINAL PLAT**
- F. **CONSENT AND APPROVAL OF CREEK TRACE AT CROSS CREEK RANCH SECTION 6 FINAL PLAT**
- G. **CONSENT AND APPROVAL OF THE MORGANS SPUR DRIVE EXTENSION NO. 1 FINAL PLAT**
- H. **CONSENT AND APPROVAL OF MORGANS SPUR DRIVE EXTENSION NO. 2 FINAL PLAT**
- I. **CONSENT AND APPROVAL OF THE JORDAN RANCH STREET DEDICATION NO. 6 FINAL PLAT**
- J. **CONSENT AND APPROVAL OF THE JORDAN RANCH SECTION 22 FINAL PLAT**
- K. **CONSENT AND APPROVAL OF THE MONTHLY FINANCIAL STATEMENTS FOR THE GENERAL & UTILITY FUNDS**

*MAYOR PRO-TEM KAHLICH ASKED TO REMOVE CONSENT ITEMS A, I, AND J FOR DISCUSSION. COUNCIL MEMBER MARTIN ASKED TO REMOVE CONSENT ITEMS C AND K FOR DISCUSSION.*

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEMS B, D, E, F, G, AND H. 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*

**ITEM A**

*MAYOR PRO-TEM KAHLICH EXPLAINED THERE WAS A MISTAKE IN THE REGULAR CITY COUNCIL MINUTES UNDER BUSINESS ITEM G. COUNCIL MEMBER CATES AND COUNCIL MEMBER WHITE VOTED AGAINST THE MOTION. BOTH COUNCIL MEMBERS VERIFIED THEIR VOTE.*

A MOTION TO APPROVE CONSENT ITEM A WITH THE CORRECTION WAS MADE BY MAYOR PRO-TEM KAHLICH. 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

**ITEM C**

A MOTION TO APPROVE CONSENT ITEM C 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

**ITEM I & J**

A MOTION TO APPROVE CONSENT ITEMS I & J TOGETHER WAS MADE BY MAYOR PRO-TEM KAHLICH. 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

**ITEM K**

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

**IX. BUSINESS**

- A. UPDATE AND POSSIBLE ACTION REGARDING THE USE OF THE SECTION HOUSE AND DETERMINATION OF NEXT STEPS FOR THE PROJECT**

SUSIE HOWEY GAVE AN UPDATE ON THE SECTION HOUSE PROGRESS INCLUDING INFORMATION ON WRITTEN NOTIFICATION OF A COMMITMENT FROM DON PURSER AND THE STATUS OF THE NON-PROFIT APPLICATION.

COUNCIL MEMBERS DIRECTED STAFF TO DETERMINE AND TREAT FOR POSSIBLE ACTIVE TERMITES.

**B. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-445, A RESOLUTION DESIGNATING A REPRESENTATIVE TO THE FORT BEND COUNTY SUBSIDENCE DISTRICT BOARD**

A MOTION WAS MADE BY COUNCIL MEMBER POOL APPROVE RESOLUTION NO. 2019-445 AND NOMINATE JOEL PATTERSON AS THE REPRESENTATIVE TO THE FORT BEND COUNTY SUBSIDENCE DISTRICT BOARD. 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

**C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-446, A RESOLUTION APPOINTING AND REAPPOINTING MEMBERS TO THE CITY'S HISTORIC PRESERVATION AND MUSEUM COMMISSION**

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2019-446, APPOINTING HEATHER RAPHAEL TO THE HISTORIC PRESERVATION AND MUSEUM COMMISSION WITH A TERM EXPIRING JUNE 1, 2021. 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

**D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-447 FOR PARTICIPATION IN LARRY'S TOOLBOX PROGRAM FOR 2020**

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2019-447. 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

**E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2019-1315, AN ORDINANCE ADOPTING THE REVISED NORTH FORT BEND WATER AUTHORITY (NFBWA) FEES, EFFECTIVE JANUARY 1, 2020**

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO APPROVE ORDINANCE NO. 2019-1315. 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

**F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2019-1316 REGARDING FY20 OPERATING & CAPITAL BUDGET AMENDMENT "1"**

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ORDINANCE NO. 2019-1316. 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 REGARDING ORDINANCE NO. 2019-1314 AMENDING SPECIAL USE PERMIT REGULATIONS AND PROCEDURES**

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO APPROVE ORDINANCE NO. 2019-1314. 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

**X. 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 IF THE TEXAS OPEN MEETINGS ACT, DELIBERATE CONCERNING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY**
- B. 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**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH 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, POOL, AND WHITE*

*NAYS: NONE*

*MAYOR GROFF CONVENED INTO EXECUTIVE SESSION AT 8:28 P.M.*

*MAYOR GROFF RECONVENED BACK INTO REGULAR SESSION AT 9:43 P.M.*

**XI. ACTION FROM EXECUTIVE SESSION**

*THERE WAS NO ACTION FROM EXECUTIVE SESSION.*

**XII. 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.*

**XIII. ADJOURNMENT**

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ADJOURN. 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 THE MEETING AT 9:43 P.M.*



  
AARON GROFF, MAYOR

ATTEST:

  
KIMBERLY KOPECKY, CITY SECRETARY