



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 FEBRUARY 18, 2020

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 7:01 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

MARIELA RODRIGUEZ

JOHN MICHAEL PENA

GRADY RANDLE

JACK HARPER

CHANDLER MARKS

SHARON VALIANTE
ANGELA FRITZ
ZACH GOODLANDER
WES VELA
KRISTI BRASHEAR
MIKE MCCOY
LYNN RAYMER
KENNY SEYMOUR
CHARLES OBBENDER

OTHERS PRESENT:

BRYAN THOMAS
JEFF MARTIN
BRUCE FEHR
TRAVIS PETERSON
DENNIS CLACK
REN CANTON
JOAN BERGER
AND APPROXIMATELY 8 OTHERS THAT DID NOT SIGN IN

III. INVOCATION- CHARLES WISDOM, FULSHEAR POLICE CHAPLAIN

CHARLES WISDOM LEAD THE INVOCATION.

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.

JOAN BERGER SPOKE REGARDING A CONCERN ABOUT THE VARIANCE REQUESTED BY MARCEL. SHE ASKED COUNCIL TO CONSIDER NOT PASSING THE ITEM.

DENNIS CLACK SPOKE REGARDING THE REQUESTED ZONING CHANGE.

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.

VIII. PUBLIC HEARING

A. PUBLIC HEARING- IN COMPLIANCE WITH THE CITY OF FULSHEAR ZONING ORDINANCE AND CHAPTER 211 OF THE LOCAL GOVERNMENT CODE, THE CITY WILL HOLD TWO PUBLIC HEARINGS; THE FIRST PUBLIC HEARING WILL BE HELD BY THE PLANNING AND ZONING COMMISSION ON FEBRUARY 7, 2020 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 18, 2020 AT 7:00 P.M., THE HEARING WILL BE HELD AT THE IRENE STERN COMMUNITY 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 RESIDENTIAL ACREAGE DISTRICT, KNOWN AS THE R1 ROGERS ROAD SUBDIVISION PLAT, 9.7235 ACRES, AND IS MORE SPECIFICALLY LOCATED AT 6510/6520 AND 6610 FM 359 S. FULSHEAR, TEXAS 77441, APPROXIMATELY THE NORTHWEST CORNER OF FM 359 AND ROGERS RD. THE APPLICANTS AGENT, BRUCE FEHR, OF FGA INC., IS SEEKING A ZONING CHANGE, PURSUANT TO THE ZONING ORDINANCE, SECTION 1-279, TO TAKE THE CURRENT ZONING FROM RESIDENTIAL ACREAGE TO COMMERCIAL AND INDUSTRIAL, FOR THE PURPOSES OF LIGHT INDUSTRIAL, OFFICE AND RETAIL USES. 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. 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. PUBLISHED: 1-27-2020 & 2-2-2020

MAYOR GROFF OPENED THE PUBLIC HEARING AT 7:09 P.M.

THERE WERE NO CITIZENS THAT WISHED TO SPEAK.

MAYOR GROFF CLOSED THE PUBLIC HEARING AT 7:10 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 TO USE PURCHASING COOPERATIVES**
- B. CONSENT AND POSSIBLE ACTION TO ACCEPT MONTHLY FINANCIAL REPORT**

- C. **CONSENT AND APPROVAL OF CITY COUNCIL MINUTES FROM CITY COUNCIL MEETINGS HELD ON JANUARY 21, 2020 (SPECIAL), JANUARY 21, 2020 (REGULAR), AND JANUARY 27, 2020 (JOINT)**
- D. **CONSENT AND APPROVAL OF THE POLO RANCH NORTH BOULEVARD STREET DEDICATION PRELIMINARY PLAT**
- E. **CONSENT AND APPROVAL OF THE POLO RANCH SECTION 7 PRELIMINARY PLAT**
- F. **CONSENT AND APPROVAL OF THE POLO RANCH SECTION 11 PRELIMINARY PLAT**
- G. **CONSIDERATION & POSSIBLE ACTION TO ACCEPT QUARTERLY INVESTMENT REPORT**

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEMS A-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

X. BUSINESS

- A. **CONSIDERATION AND POSSIBLE ACTION TO RECOMMEND APPROVAL OF A ZONING CHANGE FROM (R-1) RESIDENTIAL ACREAGE TO (C) COMMERCIAL AND (I) INDUSTRIAL FOR A PROPERTY LOCATED AT 6510, 6520 AND 6610 FM 359 SOUTH**

ZACH GOODLANDER INTRODUCED THIS ITEM. THIS PROPERTY WAS ANNEXED INTO THE CITY APPROXIMATELY FEBRUARY 2019. IT WAS ANNEXED PER THE DEFAULT ZONING DISTRICT OF RURAL RESIDENTIAL OR STATE RESIDENTIAL PER THE ZONING ORDINANCE.

BRUCE FEHR ANSWERED QUESTIONS OF THE COUNCIL. SO FAR, THE BUILDINGS ARE NOT LEASED BUT THE PLAN IS TO HAVE BATTING CAGES, A PLUMBING SUPPLY, ETC.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE A ZONING CHANGE FROM (R-1) RESIDENTIAL ACREAGE TO (C) COMMERCIAL AND (I) INDUSTRIAL FOR A PROPERTY LOCATED AT 6510, 6520, AND 6610 FM 359 SOUTH. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: COUNCIL MEMBER MARTIN

THE CONSENSUS OF CITY COUNCIL WOULD BE FOR STAFF TO ASK TXDOT FOR A TRAFFIC STUDY.

- B. **PRESENTATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2020-1320 AN ORDINANCE ESTABLISHING CITY OF FULSHEAR SPECIAL EVENTS PERMIT**

CHIEF SEYMOUR GAVE THE PRESENTATION AND ANSWERED QUESTIONS FOR THIS ITEM. THIS ORDINANCE WOULD HELP REGULATE AND HOLD PEOPLE ACCOUNTABLE FOR EVENTS.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ORDINANCE NO. 2020-1320 ESTABLISHING A CITY OF FULSHEAR SPECIAL EVENTS PERMIT. 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. CONSIDER AND TAKE ACTION UPON A REQUEST TO REDESIGNATE THE MARCEL TOWN CENTER FROM THE MASTER PLANNED COMMUNITY SIGN DISTRICT TO THE SPECIAL HIGHWAY SIGN DISTRICT

ZACH GOODLANDER GAVE THE TIMELINE LEADING TO THE REQUEST TO REDESIGNATE THE MARCEL TOWN CENTER FROM THE MASTER PLANNED COMMUNITY SIGN DISTRICT TO THE SPECIAL HIGHWAY SIGN DISTRICT. HE ANSWERED QUESTIONS FROM CITY COUNCIL. WILL BOWERMAN AND MATT STOOPS WITH LJA ALSO ANSWERED QUESTIONS. (FOR FULL COMMENTARY, REQUEST AUDIO)

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO TABLE THIS ITEM. IT WAS SECONDED BY MAYOR PRO-TEM KAHLICH. DISCUSSION CONTINUED...

A MOTION TO AMEND WAS MADE BY MAYOR PRO-TEM KAHLICH (AMENDING THE ORIGINAL MOTION TO POSTPONE THIS ITEM UNTIL THE CDO IS COMPLETED. IT WAS SECONDED BY COUNCIL MEMBER PATTERSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

THE MOTION TO AMEND PASSES TO POSTPONE CONSIDERATION OF THIS ITEM UNTIL THE CDO IS COMPLETED (APPROXIMATELY MAY OR JUNE 2020)

D. CONSIDERATION AND APPROVAL OF RESOLUTION 2020-455 UPDATING THE IRENE STERN CENTER RENTAL POLICY

ZACH GOODLANDER EXPLAINED TO CITY COUNCIL SOME ISSUES WITH THE CURRENT POLICY. THE NEW POLICY WOULD PROHIBIT ALCOHOL.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE THE REDLINED VERSION OF RESOLUTION NO. 2020-455 UPDATING THE IRENE STERN RENTAL POLICY, INCORPORATING A REVISION TO 10 B TO SAY "2 ADULTS OVER 18 FOR 15 CHILDREN UNDER 18". 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 TO APPROVE ORDINANCE NO. 2020-1321; AN ORDINANCE AMENDING ORDINANCE 2019-1303, ESTABLISHING ADDITIONAL RECYCLE RATES AND CHARGES FOR COMMERCIAL ACCOUNTS

SHARON VALIANTE PRESENTED THIS ITEM, EXPLAINING THAT THIS ORDINANCE AMENDS A PREVIOUS ORDINANCE BY ADDING ADDITIONAL RATES FOR RECYCLE PURPOSES.

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO ADOPT ORDINANCE NO. 2020-1321, AN ORDINANCE AMENDING ORDINANCE NO. 2019-1303, ESTABLISHING ADDITIONAL RECYCLE RATES AND CHARGES FOR COMMERCIAL ACCOUNTS. 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. PRESENTATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2020-452 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDING FOR RIFLE-RESISTANT BODY ARMOR FOR THE POLICE DEPARTMENT UNDER A GRANT PROVIDED BY THE OFFICE OF THE GOVERNOR OF TEXAS, CRIMINAL JUSTICE DIVISION

CHIEF SEYMOUR AND LYNN RAYMER ANSWERED QUESTIONS REGARDING THIS ITEM. LYNN EXPLAINED THE GRANT SHE IS REQUESTING IS FOR \$35,000 FOR RIFLE-RESISTANT BODY ARMOR.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2020-452, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDING FOR RIFLE-RESISTANT BODY ARMOR FOR THE POLICE DEPARTMENT UNDER A GRANT PROVIDED BY THE OFFICE OF THE GOVERNOR OF TEXAS, CRIMINAL JUSTICE DIVISION. 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

XI. 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.

COUNCIL MEMBERS KENT POOL AND JOEL PATTERSON WILL NOT BE ATTENDING THE MARCH 17, 2020 CITY COUNCIL MEETING.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE AN EXCUSED ABSENCE FOR COUNCIL MEMBERS POOL AND PATTERSON FOR THE MARCH 17, 2020 MEETING. 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

XII. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN 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 8:50 P.M.



ATTEST:



KIMBERLY KOPECKY, CITY SECRETARY



AARON GROFF, MAYOR