



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 MARCH 17, 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 7:00 P.M. A QUORUM WAS PRESENT.

II. QUORUM & ROLL CALL

COUNCIL MEMBERS PRESENT:

AARON GROFF, MAYOR

JOEL PATTERSON

DEBRA CATES

KEVIN WHITE

LISA MARTIN

COUNCIL MEMBERS ABSENT:

KENT POOL (EXCUSED)

KAYE KAHLICH (EXCUSED)

JOHN KELLY (EXCUSED)

CITY STAFF PRESENT:

JACK HARPER

KIMBERLY KOPECKY

JOHN MICHAEL PENA

SHARON VALIANTE

WES VELA
BYRON BROWN
ZACH GOODLANDER
FELIX VARGAS

OTHERS PRESENT:

BRYAN THOMAS
MIKE SHELTON

III. **INVOCATION- DR. DALE OLSON, FAMILY HOPE**

MAYOR GROFF GAVE 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.**

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. **UPDATE ON CITY RESPONSE TO COVID-19**

JACK HARPER GAVE UPDATE ON HOW QUICKLY THE SITUATION IS CHANGING AND NEW POLICIES THE CITY IS INSTITUTING. FELIX VARGAS GAVE AN UPDATE ON FORT BEND COUNTY ACTIONS.

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 CITY COUNCIL MINUTES FROM CITY COUNCIL MEETINGS HELD ON FEBRUARY 11, 2020 (SPECIAL), FEBRUARY 17, 2020 (JOINT), FEBRUARY 18, 2020 (SPECIAL), AND FEBRUARY 18, 2020 (REGULAR)
- B. CONSENT AND APPROVAL OF THE CERTIFICATION OF UNOPPOSED CANDIDATES AND ORDINANCE NO. 2020-1323, AN ORDINANCE DECLARING THAT THE UNOPPOSED CANDIDATES ARE DULY ELECTED; CANCELLING THE MAY 2, 2020 GENERAL MUNICIPAL ELECTION
- C. CONSIDERATION AND POSSIBLE ACTION TO ACCEPT THE MONTHLY FINANCIAL STATEMENTS FOR THE GENERAL & UTILITY FUNDS
- D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE DEPOSITORY POLICY-RESOLUTION 2020-458
- E. CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR FULBROOK ON FULSHEAR CREEK, SECTION 14 PHASE 1A FORM MUD 1
- F. CONSENT AND APPROVAL OF THE JORDAN RANCH SECTION 20 FINAL PLAT
- G. CONSENT AND APPROVAL OF THE JORDAN RANCH SECTION 21 FINAL PLAT
- H. CONSENT AND APPROVAL OF THE JORDAN RANCH SECTION 23 FINAL PLAT
- I. CONSENT AND APPROVAL OF THE JORDAN RANCH SECTION 24 FINAL PLAT
- J. CONSENT AND APPROVAL OF THE TAMARRON SECTION 14 PRELIMINARY PLAT
- K. CONSENT AND APPROVAL OF THE FULBROOK ON FULSHEAR CREEK SECTION 9 PRELIMINARY PLAT
- L. CONSENT AND APPROVAL OF THE FULBROOK ON FULSHEAR CREEK SECTION 10 PRELIMINARY PLAT
- M. CONSENT AND APPROVAL OF THE POLO RANCH SECTION 7 FINAL PLAT
- N. CONSENT AND APPROVAL OF THE FULSHEAR BEND DRIVE EXTENSION NO. 4 PRELIMINARY PLAT
- O. CONSENT AND APPROVAL OF THE FOSTER CROSSING PRELIMINARY PARTIAL REPLAT NO. 2

JOEL PATTERSON ASKED TO PULL CONSENT ITEM A FOR DISCUSSION.

DEBRA CATES ASKED TO PULL CONSENT ITEM O FOR DISCUSSION.

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO APPROVE CONSENT ITEMS B-N. IT WAS SECONDED BY COUNCIL MEMBER WHITE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, MARTIN, PATTERSON, AND WHITE

NAYS: NONE

ABSENT: COUNCIL MEMBERS KAHLICH, KELLY, AND POOL

CONSENT ITEM A

THE WORD "DAYS" WAS LEFT OFF OF PAGE 5 OF THE SPECIAL CITY COUNCIL MEETING ON FEBRUARY 11, 2020.

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO APPROVE CONSENT ITEM "A" WITH THE CORRECTION MADE. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

CONSENT ITEM O

A MOTION WAS MADE BY COUNCIL MEMBER CATES TO DENY APPROVAL OF CONSENT ITEM "O" (FOSTER CROSSING PRELIMINARY PARTIAL REPLAT NO. 2). IT WAS SECONDED BY COUNCIL MEMBER WHITE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

PER JACK HARPER, BUSINESS ITEMS C-F HAVE BEEN POSTPONED FROM THIS AGENDA. THE EXECUTIVE SESSION HAS ALSO BEEN PULLED FROM THE AGENDA.

IX. BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2020-1322, AN ORDINANCE AMENDING ORDINANCE NO. 2003-905, PROVIDING FOR INTERIM CHANGES TO ADOPT ATLAS 14 DRAINAGE CRITERIA

SHARON VALIANTE INTRODUCED MARK VOGLER WITH FORT BEND COUNTY DRAINAGE. HE GAVE A BRIEF HISTORY ON ATLAS 14 AND ANSWERED QUESTIONS FROM CITY COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER CATES TO APPROVE ORDINANCE NO. 2020-1322, AN ORDINANCE AMENDING ORDINANCE NO. 2003-905, PROVIDING FOR INTERIM CHANGES TO ADOPT ATLAS 14 DRAINAGE CRITERIA. IT WAS SECONDED BY COUNCIL MEMBER WHITE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

B. CONSIDERATION AND POSSIBLE ACTION TO ACCEPT FY2019 COMPREHENSIVE ANNUAL FINANCIAL REPORT

WES VELA INTRODUCED MIKE BROTHERTON OF BELT HARRIS. HE GAVE A BRIEF OVERVIEW OF THE REPORT. THIS REPORT GIVES A CLEAN UNMODIFIED OPINION. HE ANSWERED QUESTIONS FROM CITY COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER CATES TO ACCEPT THE FY2019 COMPREHENSIVE ANNUAL FINANCIAL REPORT. IT WAS SECONDED BY COUNCIL MEMBER PATTERSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, MARTIN, PATTERSON, AND WHITE

NAYS: NONE

ABSENT: COUNCIL MEMBERS KAHLICH, KELLY, AND POOL

- ~~C. CONSIDERATION OF RESOLUTION NO. 2020-453, 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)~~
- ~~D. CONSIDERATION OF RESOLUTION NO. 2020-454, 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)~~
- ~~E. CONSIDERATION OF RESOLUTION NO. 2020-453, 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)~~
- ~~F. CONSIDERATION OF RESOLUTION NO. 2020-454, A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING PROJECTS OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (2ND READING)~~

BUSINESS ITEMS C-F PULLED FROM THIS AGENDA.

- G. PRESENTATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2020-457 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS REPEALING AND REPLACING 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**

THIS ITEM WAS APPROVED AT LAST COUNCIL MEETING. THERE WAS ONE ITEM INCORRECT. THE AUTHORIZED OFFICIAL NEEDS TO BE THE CITY MANAGER (NOT POLICE CHIEF).

A MOTION WAS MADE BY COUNCIL MEMBER CATES TO APPROVE RESOLUTION NO. 2020-457, REPEALING AND REPLACING RESOLUTION NO. 2020-452. IT WAS SECONDED BY COUNCIL MEMBER WHITE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, MARTIN, PATTERSON, AND WHITE

NAYS: NONE

ABSENT: COUNCIL MEMBERS KAHLICH, KELLY, AND POOL

H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CHANGE ORDER TO THE CONSTRUCTION CONTRACT FOR PROJECT W18K & W18E

A MOTION WAS MADE BY COUNCIL MEMBER CATES TO APPROVE A CHANGE ORDER TO THE CONSTRUCTION CONTRACT FOR PROJECT W18K & W18E IN THE AMOUNT OF \$74,269. IT WAS SECONDED BY COUNCIL MEMBER WHITE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, MARTIN, PATTERSON, AND WHITE

NAYS: NONE

ABSENT: COUNCIL MEMBERS KAHLICH, KELLY, AND POOL

I. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2020-459 CONSENTING TO THE FORMATION OF THE THPID AND APPROVING THE AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR THE TEXAS HERITAGE PARKWAY CONSTRUCTION

SHARON VALIANTE PRESENTED THIS ITEM TO CITY COUNCIL AND ANSWERED QUESTIONS. (FOR FULL DISCUSSION, REQUEST AUDIO)

A MOTION TO POSTPONE INDEFINITELY WAS MADE BY COUNCIL MEMBER CATES. IT WAS SECONDED BY COUNCIL MEMBER WHITE.

A MOTION TO AMEND TO POSTPONE UNTIL THE NEXT MEETING WAS MADE BY COUNCIL MEMBER PATTERSON. THERE WAS FURTHER DISCUSSION BY COUNCIL. COUNCIL MEMBER PATTERSON WITHDREW HIS MOTION TO AMEND.

ORIGINAL MOTION:

A MOTION TO POSTPONE INDEFINITELY WAS MADE BY COUNCIL MEMBER CATES. IT WAS SECONDED BY COUNCIL MEMBER WHITE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, MARTIN, PATTERSON, AND WHITE

NAYS: NONE

ABSENT: COUNCIL MEMBERS KAHLICH, KELLY, AND POOL

J. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A MATRIX OF CONSULTANTS TO PROVIDE PROFESSIONAL SERVICES – GENERAL

SHARON VALIANTE PRESENTED THIS ITEM TO COUNCIL. SHE RECEIVED 23 STATEMENTS OF QUALIFICATIONS. SHARON VALIANTE, ZACH GOODLANDER, AND DAN MCGRAW WERE THE STAFF MEMBERS THAT ANALYZED THEM AND CREATED A MATRIX.

A MOTION WAS MADE BY COUNCIL MEMBER CATES TO APPROVE A MATRIX OF CONSULTANTS TO PROVIDE PROFESSIONAL SERVICES-GENERAL. IT WAS SECONDED BY COUNCIL MEMBER WHITE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, MARTIN, PATTERSON, AND WHITE

NAYS: NONE

ABSENT: COUNCIL MEMBERS KAHLICH, KELLY, AND POOL

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 OF THE TEXAS OPEN MEETINGS ACT, DELIBERATE CONCERNING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY~~

EXECUTIVE SESSION WAS PULLED FROM THIS AGENDA.

XI. ~~ACTION FROM EXECUTIVE SESSION~~

THERE WAS NO 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.

DUE TO CONTINUITY OF BUSINESS (BECAUSE OF COVID-19), COUNCIL WAS ASKED FOR VOLUNTEERS TO REFRAIN FROM ATTENDING THIS MEETING DUE TO EXTENUATING CIRCUMSTANCES. MAYOR PRO-TEM KAHLICH AND COUNCIL MEMBER KELLY AGREED.

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO APPROVE THE ABSENCES OF MAYOR PRO-TEM KAHLICH AND COUNCIL MEMBER JOHN KELLY. IT WAS SECONDED BY COUNCIL MEMBER WHITE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, MARTIN, PATTERSON, AND WHITE

NAYS: NONE

ABSENT: COUNCIL MEMBERS KAHLICH, KELLY, AND POOL

XIII. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO ADJOURN. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: NONE

NAYS: COUNCIL MEMBERS CATES, MARTIN, PATTERSON, AND WHITE

ABSENT: COUNCIL MEMBERS KAHLICH, KELLY, AND POOL

COUNCIL WENT BACK TO XII. CONSIDERATION AND POSSIBLE ACTION RELATING TO ABSENCES TO EXCUSE THE ABSENCES OF MAYOR PRO-TEM KAHLICH AND COUNCIL MEMBER JOHN KELLY.

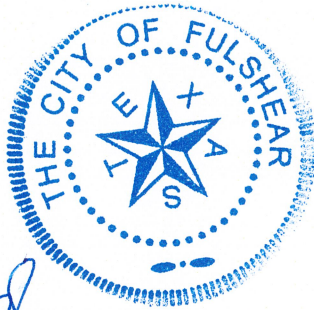
A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO ADJOURN. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, MARTIN, PATTERSON, AND WHITE

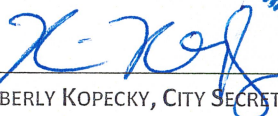
NAYS: NONE

ABSENT: COUNCIL MEMBERS KAHLICH, KELLY, AND POOL

MAYOR GROFF ADJOURNED THE MEETING AT 9:14 P.M.



ATTEST:


KIMBERLY KOPECKY, CITY SECRETARY


AARON GROFF, MAYOR