



# 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](http://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

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## SPECIAL CITY COUNCIL MEETING MINUTES JUNE 9, 2020

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### **I. CALL TO ORDER**

*A SPECIAL CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR GROFF AT THE IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS AT 5:32 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  
JOHN KELLY  
LISA MARTIN  
KEVIN WHITE  
KENT POOL*

#### **CITY STAFF PRESENT:**

*JACK HARPER  
BYRON BROWN  
MARIELA RODRIGUEZ  
SHARON VALIANTE*

ZACH GOODLANDER  
KENNY SEYMOUR (AT 7:37 P.M.)

**OTHERS PRESENT:**

NICOLE RATHE  
STUART RATHE  
SCOTT WINGER  
EVERETT DEAO  
BARBARA B.

AND APPROXIMATELY 7 OTHERS THAT DID NOT SIGN IN

- III. **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*

IV. **BUSINESS**

- A. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT FOR AN EMERGENCY OPERATIONS GENERATOR PROJECT**

*SHARON VALIANTE INFORMED COUNCIL THAT THESE GENERATORS WILL BE USED FOR TWO OF OUR CITY FACILITIES, THE POLICE DEPARTMENT BUILDING AND THE UTILITY/FINANCE, AND DEVELOPMENT SERVICES BUILDING. SHE EXPLAINED BOTH GENERATORS RUN AT 100KW WHICH WILL HELP ALL THE BUILDINGS FUNCTION AT THEIR FULL CAPACITY. SHE EXPLAINED THE GENERATORS ARE PORTABLE SO THAT WE CAN TAKE THEM WITH US, SHOULD WE MOVE TO A DIFFERENT BUILDING. SHARON INFORMED COUNCIL THAT THE COST FOR THE GENERATORS WILL BE \$141,059.00 WHICH IS UNDER THEIR \$150,000.00 BUDGET. SINCE THIS WAS NOT A BUDGETED PROJECT, THE COST WILL BE COMING OUT OF THE CAPITAL IMPROVEMENTS PROGRAM FOR FACILITIES BUDGET AND THE OPERATIONAL ACCOUNT FOR FACILITIES IMPROVEMENTS BUDGET. THESE GENERATORS WILL INCLUDE A MANUFACTURES WARRANTY AND THE CITY WILL BE IMPLEMENTING A PREVENTATIVE MAINTENANCE PROGRAM THAT WE WILL SEEK ON OUR OWN. SHE ALSO INFORMED COUNCIL THAT DUE TO COVID-19 THE GENERATORS ARE AT A 10-WEEK BACKORDER, BUT WE WILL BEGIN THE PREPARATION WORK.*

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE A CONTRACT FOR AN EMERGENCY OPERATIONS GENERATOR PROJECT. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

**B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, FULSHEAR INVESTMENTS, INC., AND FULSHEAR EQUINE, LLC.**

*ZACH GOODLANDER INFORMED COUNCIL THAT THIS AGREEMENT INCLUDES UPDATES TO THE GENERAL PLAN. THE FIRST ONE BEING THAT THE NORTH SOUTH ROAD IS MOVING FROM THE WEST TO THE EAST OF THE PROPERTY. THE SECOND BEING THAT THIS FORMALLY ASSIGNS BY AMENDMENT THE DEVELOPMENT AGREEMENT TO CENTURY COMMUNITIES.*

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, FULSHEAR INVESTMENTS, INC., AND FULSHEAR EQUINE, LLC. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

**C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2020-1326, AN ORDINANCE AMENDING SECTION 2-133 OF THE FULSHEAR CODE, REGARDING THE APPOINTMENT AND COMPOSITION OF THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ORDINANCE NO. 2020-1326, AN ORDINANCE AMENDING SECTION 2-133 OF THE FULSHEAR CODE, REGARDING THE APPOINTMENT AND COMPOSITION OF THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

**D. CONSIDERATION AND POSSIBLE ACTION ON THE CARES ACT FUNDING AGREEMENT WITH FORT BEND COUNTY**

*JACK HARPER INFORMED COUNCIL THAT THROUGH THE FEDERAL GOVERNMENT FORT BEND COUNTY RECEIVED 134 MILLION DOLLARS TO BE DISSEMINATED THROUGHOUT*

FORT BEND COUNTIES. THE CITY OF FULSHEAR RECEIVED \$659,450.00. THIS IS DONE ON A REIMBURSEMENT BASIS THAT WILL COVER ANY EXPENDITURES UNDER THE CARES ACT AND ARE ELIGIBLE BETWEEN MARCH 01, 2020 THROUGH DECEMBER 31, 2020. JACK EXPLAINED THAT THE CITY HAS KEPT TRACK WITH ALL THE EXPENSES SO FAR BECAUSE THE CITY WILL NEED TO PROVIDE PROOF. IN ORDER TO BE ELIGIBLE FOR THIS MONEY, THE COUNTY HAS ASKED THAT EACH GOVERNMENTAL ENTITY, DUE TO BE A RECIPIENT, ENTER AN INTERLOCAL AGREEMENT WITH FORT BEND COUNTY TO BEGIN THE REIMBURSEMENT PROCESS.

MAYOR INFORMED COUNCIL THAT IF THERE IS ANY MONEY LEFT, IT WILL GO BACK TO THE COUNTY TO CONTINUE TO DISTRIBUTE ACROSS THE COUNTY FOR RESIDENTS. IF THE COUNTY HAS ANY MONEY LEFT IT WILL THEN GO BACK TO THE FEDERAL GOVERNMENT.

COUNCIL ASKED QUESTIONS THAT WERE ANSWERED BY MAYOR GROFF AND CITY MANAGER, JACK HARPER.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE THE CARES ACT FUNDING AGREEMENT WITH FORT BEND COUNTY USING THE PACKET THAT WAS DISTRIBUTED THIS AFTERNOON. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

**V. 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**
- B. 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

*\*\*A 5 MINUTE RECESS WAS CALLED BY MAYOR GROFF AT 6:11 P.M.\*\**

*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, MARTIN, PATTERSON, POOL, WHITE, AND KELLY*

*NAYS: NONE*

*MAYOR GROFF ENTERED INTO EXECUTIVE SESSION AT 6:16 P.M.*

*MAYOR GROFF RECONVENED THE MEETING AT 7:11 P.M.*

**VI. ACTION FROM EXECUTIVE SESSION**

**A. CONSIDERATION AND POSSIBLE ACTION ON RIGHT OF WAY ACQUISITION RELATED TO THE HUGGINS ROAD WIDENING PROJECT**

*SHARON INFORMED COUNCIL THAT THE TOTAL ACREAGE THAT'S PROPOSED TO BE PURCHASED IS .8958 ACRES WITH A FAIR MARKET VALUE OF \$69872.40. THAT AMOUNT INCLUDES FORT BEND COUNTY CAD APPRAISAL PLUS 30% FAIR MARKET VALUE. SHE INFORMED COUNCIL THAT THE LANDOWNER IS THE BISHOP QUIN FOUNDATION.*

*SHARON EXPLAINED THAT THE PROJECT IS TO PROVIDE A CROSS SECTION OF 3 LANES FROM CHARGER WAY TO FM 359. THE CROSS SECTION STAYS THE SAME, BUT THE RIGHT OF WAY DIFFERS IN DIFFERENT AREAS. THE NORTH SIDE OF THE PROJECT WILL HAVE AN OPEN DITCH DRAINAGE IN MOST OF THE AREA WITH A SIDEWALK OF THE BACKSIDE OF THE ROADSIDE DITCH.*

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE THE RIGHT OF WAY ACQUISITION RELATED TO HUGGINS ROAD WIDENING PROJECT. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS: NONE*

**B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND TRENDMAKER HOMES INC.**

ZACH GAVE A BRIEF INTRODUCTION ABOUT THE 296 ACRE TRACT THAT SITS ALONG ROGERS ROAD AND GOES DOWN BESSIE'S CREEK ON ITS SOUTHERN END. THIS PROPERTY IS IN THE ETJ BUT TRENDMAKER IS REQUESTING A VOLUNTARY ANNEXATION INTO THE CITY LIMITS. HE EXPLAINED THAT TRENDMAKER IS CURRENTLY PROPOSING THREE DIFFERENT LOT WIDTHS 45FT, 50FT, AND 60FT WIDE LOTS. TRENDMAKER WILL BE PAYING THE CITY A 1% CONSTRUCTION COST FOR CIVIL INFRASTRUCTURES. TRENDMAKER WILL ALSO ABIDE BY OUR DEVELOPMENT ORDINANCES, CITY INSPECTIONS, CITY BUILDING CODE, OUTDOOR LIGHTING ORDINANCE, AND SIGN ORDINANCE. ZACH ALSO INFORMED COUNCIL ABOUT TWO LAND DEDICATIONS. THE FIRST ONE IS PARK LAND, A 12-ACRE REGIONAL PARK. THE SECOND IS 2.5 ACRES THAT WILL BE USED FOR A WATER PLANT SITE.

ZACH INTRODUCED COLLINS PIER; MR. PIER ANSWERED COUNCIL'S QUESTIONS.

IT WAS STATED IN THE MEETING THAT IF TRENDMAKER DOES NOT CLOSE ON THIS PROPERTY THE DEVELOPMENT AGREEMENT NO LONGER EXISTS.

**\*\*FOR THE FULL COMMENTARY PLEASE REFER TO THE VIDEO ON OUR WEBSITE\*\***

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE THE DEVELOPMENT AGREEMENT BETWEEN FULSHEAR, TEXAS AND TRENDMAKER HOMES INC. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

**C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND TRENDMAKER HOMES, INC. ON BEHALF OF PROPOSED FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 175**

SHARON INFORMED COUNCIL THAT THE DEVELOPER INTENDS TO CREATE THE MUNICIPAL UTILITY DISTRICT AS AN IN-CITY MUD. THIS AGREEMENT ALSO INCLUDES A ONE-YEAR MAINTENANCE PERIOD. SHARON INFORMED COUNCIL THAT THE IMPACT FEES FOR WATER AND WASTEWATER INFRASTRUCTURE WILL REMAIN AS \$2250.00 PER EQUIVALENT SINGLE-FAMILY CONNECTION FOR WATER AND \$3250.00 PER EQUIVALENT SINGLE-FAMILY CONNECTION FOR WASTEWATER. THE DEVELOPER HAS PROPOSED TO PROVIDE AN UPFRONT PAYMENT FOR THE WASTEWATER FEES OF 1.95 MILLION DOLLARS. THIS WILL HELP FACILITATE THE DEVELOPMENT AND THE IMPROVEMENTS OF OUR CAPITAL IMPROVEMENT PROGRAM THAT IS IN ALIGNMENT WITH OUR WATER AND WASTEWATER MASTER PLAN. SHE STATED THAT WITH THE UPFRONT PAYMENT THE CITY IS COMMITTING TO HITTING MILESTONES THAT ARE IN OUR CAPITAL IMPROVEMENT PROGRAM. SHARON BELIEVES THAT THE CITY WILL NOT HAVE ANY PROBLEM HITTING THOSE MILESTONES AND STATES CITY STAFF RECOMMENDS THAT THIS UTILITY AGREEMENT WITH TRENDMAKER ON BEHALF OF MUD 175 BE APPROVED.

IF TRENDMAKER DOES NOT CLOSE ON THE PROPERTY THIS AGREEMENT NO LONGER EXISTS.

**\*\* FOR THE FULL COMMENTARY PLEASE REFER TO THE VIDEO ON OUR WEBSITE\*\***

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE A UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND TRENDMAKER HOMES, INC. ON BEHALF OF PROPOSED FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 175. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

**VII. 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:

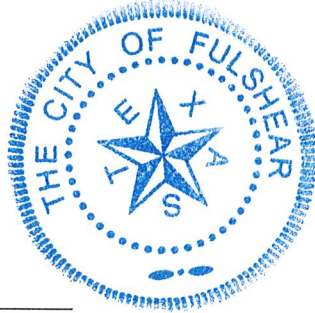
AYES: COUNCIL MEMBERS CATES, KAHLICH, MARTIN, PATTERSON, POOL, WHITE, AND KELLY

NAYS: NONE

MAYOR GROFF ADJOURNED THE MEETING AT 8:12 P.M.

ATTEST:

  
KIMBERLY KOPECKY, CITY SECRETARY



  
AARON GROFF, MAYOR