



6611 W. Cross Creek Bend Lane, 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:** Lisa Martin **COUNCIL MEMBER:** Kent Pool
COUNCIL MEMBER: Jason Knape **COUNCIL MEMBER:** Kaye Kahlich **COUNCIL MEMBER:** Debra Cates
COUNCIL MEMBER: Joel
Patterson **COUNCIL MEMBER:** Sarah B.
Johnson

STAFF:

CITY MANAGER: Jack Harper **CITY SECRETARY:** Mariela **CITY ATTORNEY:** Byron Brown
Rodriguez

SPECIAL CITY COUNCIL MEETING MINUTES

April 18, 2023

I. CALL TO ORDER

A SPECIAL CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR GROFF AT THE CITY OF FULSHEAR MUNICIPAL COMPLEX, 6611 W. CROSS CREEK BEND LANE, FULSHEAR, TEXAS AT 5:31 P.M.

II. QUORUM AND ROLL CALL

A QUORUM WAS PRESENT.

COUNCIL MEMBERS PRESENT:

*AARON GROFF
JOEL PATTERSON
DEBRA CATES
JASON KNAPE
LISA MARTIN
SARAH JOHNSON
KENT POOL*

COUNCIL MEMBERS ABSENT:

KAYE KAHLICH

CITY STAFF PRESENT:

*JACK HARPER
KATIE LEWIS
BILL HENRY
KENNY SEYMOUR*

BYRON BROWN
JOSH GREEN
JESUS ESCOBAR
ZACH GOODLANDER
SHARON VALIANTE
ERIN TUREAU
ANNEL GUADALUPE
CASSIE LEAL
HEIDY TAYLOR
LANCE HALL
MEREDITH DUSEK @ 5:36 PM
KRISTI BRASHEAR @ 5:53 PM
CLIFF BROUHARD @ 6:00 PM

OTHERS PRESENT:
2 PEOPLE THAT DIDN'T 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 ORDINANCE 2023-1417, AN ORDINANCE REPEALING APPENDIX D OF THE FULSHEAR CODE; AND AMENDING REFERENCES TO APPENDIX D

SHARON VALIANTE PRESENTED THIS ITEM.

SHE STATED THAT CITY STAFF WILL LOOK AT THE FULSHEAR CODES FROM TIME TO TIME TO SEE IF THEIR ARE ANY WAYS TO SIMPLIFY AND CLEAN UP THE ITEMS.

TO BE MORE EFFECTIVE WITH THE CODE, APPENDIX D WILL BE REMOVED (REPEAL) AND AN AMENDMENT OF SECTION 30-40 TO REFER TO THE SOLID WASTE COLLECTION SERVICES AGREEMENT TO BE FILED WITH THE CITY SECRETARY'S OFFICE.

A MOTION WAS MADE BY MAYOR PRO-TEM MARTIN TO APPROVE ORDINANCE 2023-1417 TO REPEAL APPENDIX D OF THE FULSHEAR CODE AND AMEND THE REFERENCES TO APPENDIX D. IT WAS SECONDED BY COUNCIL MEMBER KNAPE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KNAPE, MARTIN, PATTERSON, POOL

NAYS:

ABSTAIN:

ABSENT: KAHLICH

MOTION APPROVED

B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FIRST AMENDMENT TO THE GENERAL SERVICES CONTRACT FOR SOLID WASTE COLLECTION AND DISPOSAL

SHARON VALIANTE STATED THE CURRENT AGREEMENT FOR SOLID WASTE AND RECYCLING SERVICES WAS APPROVED IN 2019, WITH AN INITIAL TERM OF THREE (3) YEARS. AT THE END OF THE THREE (3) YEAR TERM IT ALLOWS FOR A TWO (2), TWO (2) YEAR RENEWAL OPTIONS FOR ONCE A WEEK PICK UP. WHEN BROUGHT TO COUNCIL PRIOR, THE PROPOSAL WAS TO AMEND TO A FOUR (4) YEAR AGREEMENT WITH GFL.

THE NEW RATES WERE INCREASED BY THE CONSUMER PRICE INDEX (CPI) IN THE AMOUNT OF 8% (MAXIMUM ALLOWABLE). THE RATES ARE INCREASED FOR BOTH RESIDENTIAL AND COMMERCIAL SERVICES.

NEW RATES:

- SOLID WASTE SERVICE- \$11.44 PER MONTH*
- RECYCLING SERVICE-\$5.29 PER MONTH*

NEW ITEM OFFERED:

- NEIGHBORHOOD BLOCK PARTY EVENTS- (10 POLY CART MAXIMUM)- \$95.00*

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE THE FIRST AMENDMENT TO GENERAL SERVICES CONTRACT FOR SOLID WASTE COLLECTION AND DISPOSAL. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, KNAPE, MARTIN, PATTERSON, JOHNSON, POOL

NAYS:

ABSTAIN:

ABSENT: KAHLICH

MOTION APPROVED

A MOTION WAS MADE BY MAYOR PRO-TEM MARTIN TO AMEND THE MOTION ON THE FLOOR TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT. IT WAS SECONDED BY COUNCIL MEMBER KNAPE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, KNAPE, MARTIN, PATTERSON, JOHNSON, POOL

NAYS:

ABSTAIN:

ABSENT: KAHLICH

MOTION APPROVED

*** FOR THE FULL DISCUSSION PLEASE REFER TO THE CITY'S WEBSITE TO VIEW THE VIDEO***

C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE CONTRACT AGREEMENT 2023-009 FOR GENERATOR MAINTENANCE

SHARON VALIANTE STATED WE HAVE EMERGENCY GENERATORS IN OUR FACILITIES AND WANT TO MAKE SURE THEY ARE IN GOOD WORKING CONDITION AT ALL TIMES. IN ORDER TO DO THAT THE CITY IS WANTING TO CONTRACT WITH A MAINTENANCE COMPANY.

THE CONTRACT IS WITH GENSERVE DBA LJ POWER AND WOULD BE FOR A 3 YEAR TERM FOR APPROXIMATELY \$50,000 PER TERM.

SHARON ANSWERED QUESTIONS FROM COUNCIL

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE CONTRACT AGREEMENT 2023-009 FOR GENERATOR MAINTENANCE AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KNAPE, MARTIN, PATTERSON, POOL

NAYS:

ABSTAIN:

ABSENT: KAHLICH

MOTION APPROVED

D. CONSIDERATION AND POSSIBLE ACTION TO ACCEPT A SPECIAL WARRANTY DEED FOR A 2.489 ACRES TRACT AT WATER PLANT SITE NO. 2

SHARON VALIANTE STATED THE WARRANTY DEED IS FOR A 2.489 ACRE TRACT OF LAND, LOCATED IN THE PECAN RIDGE SUBDIVISION. THE LAND WILL HOLD A 4 MILLION GALLON PER DAY (MGD) WATER PLANT.

OUTLINED IN THE DEVELOPMENT AGREEMENT THE DEVELOPER WILL GET A CREDIT FOR IMPACT FEES. THE ESTIMATED CREDIT IS OVER \$2 MILLION.

SHARON ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO ACCEPT A SPECIAL WARRANTY DEED FOR A 2.489 ACRE TRACT AT WATER PLANT NO. 2. IT WAS SECONDED BY COUNCILMEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KNAPE, MARTIN, PATTERSON, POOL

NAYS:

ABSTAIN:

ABSENT: KAHLICH

MOTION APPROVED

E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE 2023-1416 AMENDING ORDINANCE 2022-1387 TO IMPLEMENT WINTER AVERAGING FOR RATES AND FEES CHARGED FOR WASTEWATER SERVICES TO SINGLE FAMILY RESIDENTIAL CUSTOMERS

SHARON VALIANTE PRESENTED THE WINTER AVERAGING. SHE STATED THIS IS A BENEFIT TO SINGLE FAMILY RESIDENTS.

THE AVERAGE IS TAKEN BY THE RESIDENTIAL CUSTOMERS METERED USAGE IN THE MONTHS OF NOVEMBER, JANUARY AND FEBRUARY.

THE IMPLEMENTATION WILL BE ON THE FIRST BILLING CYCLE IN JUNE, REFLECTING MAY'S WATER USAGE.

SHARON WENT OVER THE EXHIBITS PASSED OUT TO THE COUNCIL MEMBERS.

SHARON ANSWERED QUESTIONS FROM COUNCIL.

**** FOR THE FULL DISCUSSION PLEASE REFER TO THE CITY'S WEBSITE TO VIEW THE VIDEO****

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE ORDINANCE 2023-1416. IT WAS SECONDED BY COUNCIL MEMBER CATES.

THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KNAPE, MARTIN, PATTERSON, POOL

NAYS:

ABSTAIN:

ABSENT: KAHLICH

MOTION APPROVED

F. PROCLAMATION BY MAYOR GROFF APPOINTING A DIRECTOR TO THE FORT BEND SUBSIDENCE DISTRICT BOARD

MAYOR GROFF APPOINTED CAMRON MILLER AS THE DIRECTOR TO THE FORT BEND SUBSIDENCE DISTRICT, EFFECTIVE IMMEDIATELY.

NO ACTION WAS TAKEN ON THIS ITEM.

G. CONSIDERATION OF RESOLUTION NO. 2023-582, A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS AUTHORIZING PROJECTS OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (1ST READING)

ANNEL GUADALUPE STATED THIS RESOLUTION HAS PREVIOUSLY BEEN USED FOR COMMUNITY EVENTS. THESE FUNDS HAVE ALREADY BEEN BUDGETED FOR BOTH ECONOMIC DEVELOPMENT CORPORATION "A" AND "B" BOARDS.

THE EVENTS SCHEDULED FOR THIS YEAR ARE: FREEDOM FEST, SCARECROW FESTIVAL, AND CHRISTMAS.

MAYOR READ RESOLUTION NO. 2023-582 CDC TYPE "A" FIRST (1ST) READING.

NO ACTION WAS TAKEN ON THIS ITEM.

H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2023-582, A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS AUTHORIZING PROJECTS OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (2ND READING)

MAYOR READ THE RESOLUTION NO. 2023-582 CDC TYPE "A" SECOND (2ND) READING.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE RESOLUTION NO. 2023-582. IT WAS SECONDED BY COUNCILMEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KNAPE, MARTIN, PATTERSON, POOL
NAYS:
ABSTAIN:
ABSENT: KAHLICH

MOTION APPROVED

I. CONSIDERATION OF RESOLUTION NO. 2023-583 OF THE CITY OF FULSHEAR, TEXAS AUTHORIZING PROJECTS OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (1ST READING)

MAYOR GROFF READ THE RESOLUTION NO. 2023-583 FDC TYPE "B" FIRST (1ST) READING.

NO ACTION WAS TAKEN ON THIS ITEM.

J. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2023-583, A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS AUTHORIZING PROJECTS OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (2ND READING)

MAYOR GROFF READ THE RESOLUTION NO. 2023-583 FDC TYPE "B" SECOND (2ND) READING.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE RESOLUTION NO. 2023-583. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KNAPE, MARTIN, PATTERSON, POOL
NAYS:
ABSTAIN:
ABSENT: KAHLICH

MOTION APPROVED

V. EXECUTIVE SESSION

- A. EXECUTIVE SESSION – PURSUANT TO SECTION 551.074 OF THE TEXAS OPEN MEETINGS ACT (CHAPTER 551, GOVERNMENT CODE), DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE**
- **CITY MANAGER**

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO MOVE INTO

*EXECUTIVE SESSION. IT WAS SECONDED BY COUNCIL MEMBER POOL.
THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

AYES: CATES, JOHNSON, KNAPE, MARTIN, PATTERSON, POOL

NAYS:

ABSTAIN:

ABSENT: KAHLICH

MOTION APPROVED

*MAYOR GROFF ADJOURNED THE SPECIAL MEETING TO EXECUTIVE
SESSION AT 6:21 PM*

MAYOR GROFF RECONVENED TO THE SPECIAL MEETING AT 6:56 PM

VI. ACTION FROM EXECUTIVE SESSION

**A. CONSIDERATION AND POSSIBLE ACTION REGARDING THE APPOINTMENT,
EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR
DISMISSAL OF A CITY MANAGER**

NO ACTION WAS TAKEN FROM EXECUTIVE SESSION.

VII. ADJOURNMENT

*A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO ADJOURN. IT WAS
SECONDED BY COUNCILMEMBER POOL. THE MOTION WAS CARRIED BY THE
FOLLOWING VOTE:*

AYES: CATES, JOHNSON, KNAPE, MARTIN, PATTERSON, POOL

NAYS:

ABSTAIN:

ABSENT: KAHLICH

MOTION APPROVED

MAYOR GROFF ADJOURNED THE SPECIAL MEETING AT 6:57 PM.

AARON GROFF, MAYOR

ATTEST:

KATIE LEWIS, ASSISTANT CITY SECRETARY