



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: Debra Cates

COUNCIL MEMBER: Kent Pool

COUNCIL MEMBER: John Kelly

COUNCIL MEMBER: Kaye Kahlich

COUNCIL MEMBER: Lisa Martin

COUNCIL MEMBER: Joel
Patterson

COUNCIL MEMBER: Sarah B.
Johnson

STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly
Kopecky

CITY ATTORNEY: J. Grady Randle

SPECIAL CITY COUNCIL MEETING MINUTES

March 22, 2022

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 5:31 P.M.

II. QUORUM AND ROLL CALL

A QUORUM WAS PRESENT.

COUNCIL MEMBERS PRESENT:

AARON GROFF

KAYE KAHLICH

DEBRA CATES

KENT POOL

JOHN KELLY

LISA MARTIN

SARAH JOHNSON

COUNCIL MEMBERS ABSENT:

JOEL PATTERSON

CITY STAFF PRESENT:

KIMBERLY KOPECKY
BYRON BROWN
SHARON VALIANTE
JESUS ESCOBAR
ERIN TUREAU
JESS WASHBURN
ZACH GOODLANDER
LINDSEY DELONG
CASSIE LEAL
CLIFF BROUHARD
KENNY SEYMOUR
MARIBEL TAPIA
KRISTI BRASHEAR

OTHERS PRESENT:

SUE DAVIS
JIM KANE
CHERIE KANE
JAMES DULAK
CHERYL NICHOLSON
KATHY WARD
GILBERT MANOR
BRIAN PATTERSON
MARIA REMY
DAVID HANNA
JASON WARD
JOHN GROSS
TERRI WARDELL
JOE WARDELL
S. PENSOTI
TOMMY KUYKENDALL
ERIK SCHNEDER
CRYSTAL SCHNEDER
DAWN PROFFIT
JOHN PROFFIT
KIM STACY
SHERRI BEMENT
OWEN BEMENT
ROBERT UNANUE
CONNIE SUE ELLIS
MELISSA SKIDMORE
AND SEVERAL OTHERS THAT DID NOT SIGN IN

III. INVOCATION - REVEREND JACKIE GILMORE, GREATER ZACHERY MISSIONARY BAPTIST CHURCH

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

MAYOR GROFF LED THE PLEDGE OF ALLEGIANCE TO THE U.S AND TEXAS FLAGS.

***MAYOR ANNOUNCED HIGH TEN REQUESTED THEIR ITEM BE REMOVED FROM THE AGENDA.*

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.

1) SUE DAVIS OF PENN LANE SPOKE REGARDING THE HIGH TEN DEVELOPMENT.

2) CHERYL NICHOLSON OF LEA LANE SPOKE REGARDING THE HIGH TEN DEVELOPMENT.

3) CATHY WARD OF LEA LANE SPOKE REGARDING THE HIGH TEN DEVELOPMENT.

4) GILBERT MANOR SPOKE REGARDING THE HIGH TEN DEVELOPMENT.

5) BRIAN PATTERSON OF BOIS D'ARC LANE SPOKE REGARDING DRAINAGE CONCERNS (HIGH TEN DEVELOPMENT).

6) JOHN GROSS OF WALKER LANE SPOKE REGARDING THE HIGH TEN DEVELOPMENT.

7) TOMMY KUYKENDALL SPOKE REGARDING THE HIGH TEN DEVELOPMENT AND THE ST. PATRICK'S DAY EVENT.

8) KIM STACY OF TERRY LANE SPOKE REGARDING A SAFETY CONCERN LOCATED ON BOIS D ARC ROAD.

9) SHERRI BEMENT OF WALKER LANE SPOKE REGARDING THE HIGH TEN DEVELOPMENT (TRAILER).

10) OWEN BEMENT OF WALKER LANE SPOKE REGARDING DRAINAGE DOWN BOIS D'ARC (HIGH TEN DEVELOPMENT).

11) MELISSA SKIDMORE OF BOIS D'ARC LANE SPOKE REGARDING THE HIGH TEN DEVELOPMENT.

12) KRYSTAL SCHNEIDER SPOKE REGARDING THE HIGH TEN DEVELOPMENT.

VII. CITY 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. CHANGES TO VARIOUS CITY STAFF MEMBERS

***CHIEF KENNY SEYMOUR ACTED AS THE CITY MANAGER ON BEHALF OF JACK HARPERS ABSENCE ***

CHIEF SEYMOUR INTRODUCED MARIBEL TAPIA. HE ALSO INFORMED COUNCIL OF THE OPEN POSITION IN PD THAT WOULD BE FILLED SOON.

B. CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

CHIEF SEYMOUR RECOGNIZED THE FINANCE TEAM FOR 2 ACHIEVEMENTS

-CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING & DISTINGUISHED BUDGETING PRESENTATION AWARD FOR 2017, 2018, 2019, 2020, 2021, AND 2022

C. UPDATE ON APPLICATION PROCESS FOR BOARDS & COMMISSIONS VACANCIES

CHIEF SEYMOUR EXPLAINED WE WILL TAKE APPLICATIONS THE MONTH OF APRIL TO FILL UPCOMING VACANCIES FOR:

-PLANNING & ZONING

-PARKS & REC

-HISTORIC PRESERVATION AND MUSEUM COMMISSION

-ZONING BOARD OF ADJUSTMENT

-FULSHEAR DEVELOPMENT CORP A

-FULSHEAR DEVELOPMENT CORP B

D. UPDATE ON BUILD OUT OF CITY HALL AND SELECTION OF AESTHETIC AND INCIDENTAL ITEMS

CHIEF SEYMOUR GAVE A BRIEF UPDATE ON THE PROGRESS OF THE NEW CITY HALL PROJECT

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 ON FEBRUARY 15, 2022 (SPECIAL) AND FEBRUARY 15, 2022 (REGULAR)**
- B. CONSENT AND POSSIBLE ACTION TO APPROVE THE JANUARY 2022 FINANCIAL REPORT FOR THE GENERAL AND UTILITY FUNDS**
- C. CONSENT AND APPROVAL OF THE BONTERRA AT CROSS CREEK RANCH SECTION ELEVEN B FINAL PLAT**
- D. CONSENT AND APPROVAL OF THE TAMARRON SECTION 54 FINAL PLAT**
- E. CONSENT AND APPROVAL OF THE FULBROOK ON FULSHEAR CREEK SECTION 19 FINAL PLAT**
- F. CONSENT AND APPROVAL OF THE CROSS CREEK WEST MASTER SIGN PLAN**
- G. CONSENT AND POSSIBLE ACTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$80,000 WITH TYLER TECHNOLOGIES, INC.**

COUNCIL MEMBER POOL ASKED TO PULL CONSENT ITEM E FOR DISCUSSION.

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE CONSENT ITEMS A-D AND F & G. IT WAS SECONDED BY COUNCIL MEMBER KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KAHLICH, KELLY, MARTIN, POOL

NAYS:

ABSTAIN:

ABSENT: PATTERSON

APPROVED

ZACH GOODLANDER ANSWERED QUESTIONS PERTAINING TO CONSENT ITEM E.

A MOTION WAS MADE BY COUNCIL MEMBER POOL TO APPROVE CONSENT ITEM E. IT WAS SECONDED BY MAYOR PRO-TEM CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KAHLICH, KELLY, MARTIN, POOL

NAYS:

ABSTAIN:

ABSENT: PATTERSON

APPROVED

MAYOR GROFF ASKED TO TAKE BUSINESS ITEM G NEXT. (MOVE TO BUS. ITEM G)

IX. BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FY2021 ANNUAL FINANCIAL REPORT

DANIEL HEBERT WITH BELT HARRIS AND PECHACEK GAVE A BRIEF PRESENTATION REGARDING THE AUDIT. HE DISCUSSED:

PAGE 15 (INDEPENDENT AUDITOR'S REPORT)

PAGE 30 (STATEMENT OF NET POSITION)

PAGE 35 (BALANCE STATEMENT)

PAGE 39 (STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES)

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE THE FY2021 ANNUAL FINANCIAL REPORT. IT WAS SECONDED BY COUNCIL MEMBER MARTIN. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KAHLICH, KELLY, MARTIN, POOL

NAYS:

ABSTAIN:

ABSENT: PATTERSON

APPROVED

B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE PROFESSIONAL SERVICES AGREEMENT #2022-031 FOR THE IMPACT FEE STUDY UPDATE

SHARON VALIANTE INTRODUCED THIS ITEM. SHE EXPLAINED THE IMPACT FEE STUDY FOR 2022 WAS APPROVED IN SEPTEMBER 2021. STAFF CHOSE FREESE AND NICHOLS. THE PROPOSED FEE TO PERFORM THE STUDY IS \$63,800 AND THE TIMELINE IS 90 – 120 DAYS. THIS HAS BEEN

REVIEWED AND RECOMMENDED FOR APPROVAL BY STAFF AND LEGAL.

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE PROFESSIONAL SERVICES AGREEMENT #2022-031 FOR THE IMPACT FEE STUDY UPDATE. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KAHLICH, KELLY, MARTIN, POOL

NAYS:

ABSTAIN:

ABSENT: PATTERSON

APPROVED

C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2022-544 A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, ESTABLISHING A 457 DEFERRED COMPENSATION PLAN TO BE ADMINISTERED BY MISSIONSQUARE RETIREMENT

KRISTI BRASHEAR EXPLAINED THAT THIS WOULD BE AN ADDITIONAL OPTION FOR EMPLOYEES. THERE WILL BE NO COST TO THE CITY TO ADD AN ADDITIONAL DEFERRED COMP PLAN.

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE RESOLUTION NO. 2022-544 A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, ESTABLISHING A 457 DEFERRED COMPENSATION PLAN TO BE ADMINISTERED BY MISSIONSQUARE RETIREMENT INCLUDING APPENDICES AND NAMING THE HR DIRECTOR AS THE ADMINISTRATOR. IT WAS SECONDED BY COUNCIL MEMBER KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KAHLICH, KELLY, MARTIN, POOL

NAYS:

ABSTAIN:

ABSENT: PATTERSON

APPROVED

D. CONSIDERATION AND APPROVAL TO ACCEPT A SPECIAL WARRANTY DEED FOR A 0.0873 ACRE AND 0.1478 ACRE TRACT AT KATY-FULSHEAR ROAD AND FULSHEAR BEND DRIVE

SHARON VALIANTE INTRODUCED THIS ITEM. SHE EXPLAINED THE LOCATION OF THE TWO PARCELS AND ANSWERED QUESTIONS FROM COUNCIL. LEGAL AND STAFF HAVE NO OBJECTIONS TO THE CONVEYANCE.

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE AND

ACCEPT A SPECIAL WARRANTY DEED FOR A 0.0873 ACRE AND 0.1478 ACRE TRACT AT KATY- FULSHEAR ROAD AND FULSHEAR BEND DRIVE AND AUTHORIZE THE MAYOR TO EXECUTE. IT WAS SECONDED BY COUNCIL MEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KAHLICH, KELLY, MARTIN, POOL

NAYS:

ABSTAIN:

ABSENT: PATTERSON

APPROVED

E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN INTERLOCAL PROJECT AGREEMENT WITH FORT BEND COUNTY FOR A DETENTION POND

SHARON VALIANTE INTRODUCED THIS ITEM. SHE EXPLAINED THAT THE CITY PURCHASED THIS LAND FOR DRAINAGE IMPROVEMENTS. THE ILA WILL FORMALIZE THE COUNTY'S ASSISTANCE WITH THE PROJECT. THE CITY WILL REIMBURSE THE COUNTY FOR ANY RENTAL EQUIPMENT AND FOR FUEL.

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE AN INTERLOCAL PROJECT AGREEMENT WITH FORT BEND COUNTY FOR A DETENTION POND. IT WAS SECONDED BY COUNCIL MEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KAHLICH, KELLY, MARTIN, POOL

NAYS:

ABSTAIN:

ABSENT: PATTERSON

APPROVED

F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT 2022-012 FOR DESIGN SERVICES FOR WATER PLANT NO. 2 (W21B)

CLIFF BROUHARD EXPLAINED THIS ITEM TO COUNCIL. THE CITY ISSUED A REQUEST FOR QUALIFICATIONS AND CHOSE FREESE AND NICHOLS, INC OUT OF 28 RESPONSES RECEIVED.

STAFF AND LEGAL HAVE REVIEWED THE PSA AND RECOMMEND APPROVAL IN THE AMOUNT OF \$515,000.

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE A

PROFESSIONAL SERVICES AGREEMENT 2022-012 FOR DESIGN SERVICES FOR WATER PLANT NO. 2 (W21B). IT WAS SECONDED BY COUNCIL MEMBER KELLY. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KAHLICH, KELLY, MARTIN, POOL

NAYS:

ABSTAIN:

ABSENT: PATTERSON

APPROVED

G. DISCUSSION CONCERNING A PROSPECTIVE HIGHTEN CAPITAL LLC DEVELOPMENT ALONG BOIS D'ARC ROAD

***DEVELOPER REQUESTED THIS ITEM BE REMOVED.*

DISCUSSION ENSUED REGARDING SEVERAL CONCERNS (DRAINAGE, LOT SIZE, RE-ZONING, ETC). COUNCIL MEMBERS ASKED QUESTIONS REGARDING CONCERNS FROM CITIZENS. ZACH GOODLANDER AND BYRON BROWN ANSWERED QUESTIONS.

(FOR FULL DISCUSSION, SEE VIDEO ON CITY WEBSITE.)

NO ACTION WAS TAKEN ON THIS ITEM.

H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2022-545, RATIFYING THE FILING WITH THE PUBLIC UTILITY COMMISSION OF TEXAS A PETITION BY THE CITY OF FULSHEAR APPEALING THE DECISION OF NORTH FORT BEND WATER AUTHORITY AFFECTING THE AMOUNT PAID FOR WATER SERVICE, AND THE ENGAGEMENT OF MATHEWS & FREELAND, LLP AS LEGAL REPRESENTATION FOR SAME

MAYOR GROFF GAVE CONTEXT ON THIS ITEM. HE EXPLAINED NFBWA FEES HAVE BEEN INCREASING. THIS IS A MECHANISM TO CHALLENGE THOSE FEES.

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE RESOLUTION NO. 2022-545, RATIFYING THE FILING WITH THE PUBLIC UTILITY COMMISSION OF TEXAS A PETITION BY THE CITY OF FULSHEAR APPEALING THE DECISION OF NORTH FORT BEND WATER AUTHORITY AFFECTING THE AMOUNT PAID FOR WATER SERVICE, AND THE ENGAGEMENT OF MATHEWS & FREELAND, LLP AS LEGAL REPRESENTATION FOR SAME . IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KAHLICH, KELLY, MARTIN, POOL

NAYS:

ABSTAIN:

ABSENT: PATTERSON

APPROVED

X. EXECUTIVE SESSION

- A. EXECUTIVE SESSION – CLOSED SESSION IN ACCORDANCE WITH 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 CHAPTER 551, GOVERNMENT CODE.**

- **GM Equity Group, LLC**

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO ADJOURN INTO EXECUTIVE SESSION. IT WAS SECONDED BY COUNCIL MEMBER KELLY. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KAHLICH, KELLY, MARTIN, POOL

NAYS:

ABSTAIN:

ABSENT: PATTERSON

APPROVED

MAYOR GROFF ADJOURNED INTO EXECUTIVE SESSION AT 7:43 P.M.

MAYOR GROFF RECONVENED THE SPECIAL COUNCIL MEETING AT 8:37 P.M.

XI. ACTION FROM EXECUTIVE SESSION

THERE WAS NO ACTION FROM EXECUTIVE SESSION.

XII. ADJOURNMENT

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO ADJOURN. IT WAS SECONDED BY COUNCIL MEMBER KELLY. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KAHLICH, KELLY, MARTIN, POOL

NAYS:

ABSTAIN:

ABSENT: PATTERSON

APPROVED

MAYOR GROFF ADJOURNED THE MEETING AT 8:38 P.M.

AARON GROFF, MAYOR

ATTEST:

KIMBERLY KOPECKY, CITY SECRETARY