



# 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:** 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

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## **SPECIAL CITY COUNCIL MEETING MINUTES**

April 19, 2022

## **AMENDED**

### **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*

*JOEL PATTERSON*

**CITY STAFF PRESENT:**

KIMBERLY KOPECKY  
MARIELA RODRIGUEZ  
BYRON BROWN  
JACK HARPER  
SHARON VALIANTE  
JESUS ESCOBAR  
ERIN TUREAU  
JESS WASHBURN  
ZACH GOODLANDER  
CLIFF BROUHARD  
CASSIE LEAL  
HERMAN RODRIGUEZ  
KENNY SEYMOUR

**OTHERS PRESENT:**

DON MCCOY  
TOMMY KUYKENDALL  
JOANNNE WALLACE  
KEVIN BARKER  
JENNIFER HAGEMANN  
AND 11 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.*

*DON MCCOY, KATY FULSHEAR AREA CHAMBER OF COMMERCE ASKED "WHAT IS THERE TO DO IN FULSHEAR" AND SPOKE ABOUT AN EVENT CENTER.*

*JENNIFER HEIGNMAN, RESIDENT OF FULBROOK ON FULSHEAR CREEK SPOKE ABOUT HER APPEAL REGARDING THE SOUTHWEST CORNER OF 1093 AND 359.*

**IV. BUSINESS**

**A. PROCLAMATION FOR CHILD ABUSE PREVENTION MONTH**

*MAYOR GROFF READ THE PROCLAMATION AND PRESENTED IT TO THE TEXIAN EXCHANGE CLUB.*

**B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2022-1369 REGARDING FY2022 OPERATING AND CAPITAL BUDGET AMENDMENT '2'**

*ERIN TUREAU WENT OVER EXHIBIT A IN THE PACKET AND WENT THROUGH THE AMENDMENTS.*

*ERIN TUREAU, SHARON VALIANTE, AND ZACH GOODLANDER ANSWERED QUESTIONS FROM COUNCIL.*

*A MOTION WAS MADE BY COUNCIL MEMBER KAHLICH TO TABLE THIS ITEM. IT WAS SECONDED BY COUNCIL MEMBER MARTIN. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS: PATTERSON*

*ABSTAIN:*

*ABSENT:*

*APPROVED*

*\*\* FOR THE FULL DISCUSSION PLEASE VISIT OUR CITY WEBSITE TO VIDEO\*\**

*PART 2:*

*SHARON VALIANTE ANSWERED QUESTIONS FROM COUNCIL.*

*A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE ORDINANCE NO. 2022-1369 REGARDING FY2022 OPERATING AND CAPITAL BUDGET AMENDMENT '2'. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT:*

*APPROVED*

**C. CONSIDERATION AND APPROVAL OF AN EMERGENCY PURCHASE TO REPAIR WATER PLANT NO. 3**

*SHARON VALIANTE EXPLAINED THIS REPAIR WAS DONE DUE TO SIGNS OF WOBBLING. AN ASSESSMENT WAS ORDERED AND DONE AND THE RECOMMENDATION WAS TO REMOVE AND REPAIR THE PUMP. THIS REPAIR WAS COMPLETED AT THE END OF THE YEAR LAST YEAR WITH A TOTAL COST OF \$234,460.31.*

*SHARON ANSWERED QUESTIONS FROM COUNCIL.*

*\*\* FOR THE FULL DISCUSSION PLEASE REFER TO THE WEBSITE TO VIEW THE VIDEO\*\**

*A MOTION WAS MADE BY MAYOR PROTEM CATES TO APPROVE THE EMERGENCY PURCHASE OF TO REPAIR WATER PLANT NO. 3 IN THE AMOUNT OF \$234,460.31. IT WAS SECONDED BY COUNCILMEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT:*

*MOTION APPROVED*

**D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE PROFESSIONAL SERVICES AGREEMENT #2022-037 FOR GENERAL ENGINEERING AND INSPECTION SERVICES**

*CLIFF BROUHARD PRESENTED THIS ITEM AND EXPLAINED THAT THIS ITEM IS ALSO LISTED IN THE BUDGET AMENDMENT. THIS AGREEMENT WAS ORIGINALLY APPROVED IN NOVEMBER OF 2018 FOR A YEAR AND THEN OPTION TO RENEW FOR THREE YEARS.*

*CLIFF EXPLAINED THAT WE HAVE CONSISTENTLY STAYED IN BUDGET BUT WITH THE INCREASE IN INSPECTIONS SERVICES THIS YEAR THERE HAS BEEN A SUBSTANTIAL INCREASE IN OUR MONTHLY BILL. HE STATED WE PROJECTED OUT THE REMAINDER OF THE YEAR AND DETERMINED AN \$200,000.00 WAS NEEDED.*

*CLIFF BROUHARD, JACK HARPER, AND ERIN TUREAU ANSWERED QUESTIONS FROM COUNCIL.*

*THERE WAS AN UPDATED PURCHASE AGREEMENT GIVEN TO COUNCIL AT THE MEETING WITH MINOR MODIFICATIONS.*

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

*THE VIDEO\*\**

*A MOTION WAS MADE BY MAYOR PROTEM CATES TO APPROVE PROFESSIONAL SERVICES AGREEMENT #2022-037 FOR GENERAL ENGINEERING AND INSPECTION SERVICES WITH AN INCREASE IN THE BUDGETED AMOUNT OF \$200,000.00. IT WAS SECONDED BY COUNCILMEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*MOTION APPROVED*

**E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT 2022-012 FOR PRELIMINARY ENGINEERING DESIGN SERVICES FOR THE NEW 1.0 MGD EAST FULSHEAR WASTEWATER TREATMENT PLANT AT CROSS CREEK RANCH (WW22B)**

*CLIFF BROUHARD EXPLAINED THAT THIS PROJECT WILL CONSIST OF THE CONSTRUCTION OF A 1.0 MGD WASTE WATER TREATMENT PLANT. THIS PLANT WILL BE LOCATED AT THE EXISTING CROSS CREEK RANCH WASTE WATER TREATMENT PLANT.*

*THERE WERE 28 RESPONSES TO THE SOLICITATION AND AFTER REVIEW STAFF DETERMINED ENPROTEC HIBBS & TODD INC. WAS THE MOST QUALIFIED.*

*CLIFF BROUHARD AND SHARON VALIANTE ANSWERED QUESTIONS FROM COUNCIL.*

*KEITH KINDLE WITH ENPROTEC HIBBS & TODD INC ANSWERED QUESTIONS FROM COUNCIL.*

*A MOTION WAS MADE BY MAYOR PROTEM CATES TO APPROVE A PROFESSIONAL SERVICES AGREEMENT 2022-012 FOR PRELIMINARY ENGINEERING DESIGN SERVICES FOR THE NEW 1.0 MGD EAST FULSHEAR WASTEWATER TREATMENT PLANT AT CROSS CREEK RANCH (WW22B). IT WAS SECONDED BY COUNCILMEMBER KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*MOTION APPROVED*

**F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT 2022-012 FOR DESIGN SERVICES FOR A NEW 1.0 MG ELEVATED STORAGE TANK (W18H)**

*CLIFF INFORMED COUNCIL THAT THIS IS THE 1.0 MG ELEVATED STORAGE TANK THAT WILL BE LOCATED AT WATER PLANT NO. 2 IN THE PECAN RIDGE SUBDIVISION.*

*THERE WERE 28 RESPONSES TO THE SOLICITATION AND AFTER REVIEW STAFF DETERMINED BLEY ENGINEERING WAS THE MOST QUALIFIED PROVIDER FOR THIS PROJECT.*

*A MOTION WAS MADE BY MAYOR PRO TEM CATES TO APPROVE A PROFESSIONAL SERVICES AGREEMENT 2022-012 FOR THE DESIGN SERVICES FOR A NEW 1.0 MG ELEVATED STORAGE TANK (W18H). IT WAS SECONDED BY COUNCIL MEMBER KELLY. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS: PATTERSON*

*ABSTAIN:*

*ABSENT:*

*APPROVED*

*\*\* GO BACK TO BUSINESS ITEM B FOR PART 2 \*\**

**V. EXECUTIVE SESSION**

- A. EXECUTIVE SESSION - PURSUANT TO SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT (CHAPTER 551, GOVERNMENT CODE), CONSULT WITH THE ATTORNEY TO THE GOVERNING BODY 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**

- **2.210 acres of City owned property**

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

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

*NAYS:*

*ABSTAIN:*

ABSENT:

APPROVED

MAYOR GROFF ADJOURNED INTO EXECUTIVE SESSION AT 6:40 P.M.

MAYOR GROFF RECONVENED THE SPECIAL COUNCIL MEETING AT 6:58P.M.

**VI. ACTION FROM EXECUTIVE SESSION**

THERE WAS NO ACTION FROM EXECUTIVE SESSION.

**VII. 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

THIS ITEM WAS TAKEN ON DURING THE 7PM REGULAR CITY COUNCIL MEETING.

**VIII. ADJOURNMENT**

A MOTION WAS MADE BY MAYOR PROTEM CATES TO ADJOURN. IT WAS SECONDED BY COUNCILMEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT:

MOTION APPROVED

MAYOR GROFF ADJOURNED THE MEETING AT 6:58PM



  
AARON GROFF, MAYOR

ATTEST:



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KIMBERLY KOPECKY, CITY SECRETARY