



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

**STAFF:**

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

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**SPECIAL CITY COUNCIL MEETING MINUTES**

December 13, 2022

**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  
KAYE KAHLICH  
JOEL PATTERSON  
DEBRA CATES  
KENT POOL  
LISA MARTIN  
SARAH JOHNSON*

***COUNCIL MEMBERS ABSENT:***

*JASON KNAPE*

***CITY STAFF PRESENT:***

*MARIELA RODRIGUEZ  
JACK HARPER  
BYRON BROWN  
ZACH GOODLANDER*

SHARON VALIANTE  
RUSS SMITH  
CLIFF BROUHARD  
KRISTI BRASHEAR  
JESUS ESCOBAR  
**ALEX AND GIS GUY**  
ERIN TUREAU  
CASSEY LEAL  
KENNY SEYMOUR  
BILL HENRY

**OTHERS PRESENT:**

JAMES KING  
BRIAN P.  
TREY DEVILLIER  
BOB W.  
AND 9 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.*

*BRYAN PATTERSON, RESIDENT OF BOIS D'ARC, SPOKE REGARDING THE MASTER DRAINAGE PLAN.*

*JIM KING, RESIDENT OF CROSS CREEK RANCH AND ADVOCATES FOR THE DARK SKY ASSOCIATION, AND OFFER CONSULTANTS TO HELP COUNCIL MAKE DECISIONS ABOUT LIGHT FIXTURES TO HELP THE SKY DARKER.*

**IV. 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. CITY HOLIDAY SCHEDULE FOR DECEMBER - JANUARY**

*JACK HARPER INFORMED COUNCIL THAT CITY OFFICES (NOT INCLUDING THE POLICE DEPARTMENT) WILL BE CLOSED THE FOLLOWING DATES IN DECEMBER AND JANUARY:*

- *DECEMBER 23, 2022*
- *DECEMBER 26, 2022*
- *JANUARY 02, 2023*

- *JANUARY 16, 2023*

## **B. CHANGES TO VARIOUS CITY STAFF MEMBERS**

*JACK ANNOUNCED THE FOLLOWING STAFF CHANGES AND GAVE A BRIEF BACKGROUND ON EACH PERSON:*

### *EXTERNAL*

- *CYNTHIA JEEMS- CITY'S FIRST ENVIRONMENTAL HEALTH SPECIALIST*
- *JENSEN ANGELLOZ- GIS ANALYST*
- *THOMAS HADEN FARR- EDC COORDINATOR*

### *INTERNAL*

- *RODRIGO RODRIGUEZ- CITY'S FIRST DEVELOPMENT COORDINATOR*
- *LINDSAY MILLER- POLICE CAPTAIN*
- *ROBERT LARSON- CORPORAL*

## **C. UPDATE ON BUILD OUT OF CITY HALL AND SELECTION OF AESTHETIC AND INCIDENTAL ITEMS**

*JACK GAVE A BRIEF UPDATE FOR EACH BUILDING:*

### *BUILDING A:*

- *DOORS HAVE BEEN SHIPPED AND SCHEDULED TO BE DELIVERED FRIDAY*
- *CANOPIES ARE COMPLETE*
- *THE AUTOMATIC TRANSFER SWITCH FOR THE GENERATOR HAS BEEN INSTALLED AND WILL BE CONNECTED SATURDAY*
- *WORKING ON MINOR COSMETIC ITEMS*

### *BUILDING B:*

- *PUNCH LIST FOR MINOR ITEMS AS PAINTING AND CARPET REPAIRS*
- *HVAC CONTROL BOARD WILL BE INSTALLED TOMORROW MORNING*
- *THE POLICE DEPARTMENT WILL BEGIN MOVING INTO BUILDING B THURSDAY*

### *PENDING*

- *CARD READER HARDWARE FOR THE DOORS (DELIVERY DATE IS PENDING)*
- *STAFF IS DETERMINING THE BEST PLACE TO PUT OUR FLAG POLES*

*JACK EXPLAINED THE CITY HAS EXPENDED 96% OF THE OVERALL BUDGET.*

## **D. CHRISTMAS TREE LIGHTING UPDATE**

*JACK INFORMED COUNCIL ABOUT THE SPECIAL GUEST WE HAD AT THE*

*TREE LIGHTING INCLUDING SANTA, MRS. CLAUSE, THE GRINCH, THE CHARGER HIGH SCHOOL CHOIR, MS. FULSHEAR AND PD MASCOT SGT. MCCANN. OVERALL IT WAS A VERY SUCCESSFUL EVENT.*

**V PUBLIC HEARING**

- A CITY OF FULSHEAR NOTICE OF PUBLIC HEARINGS REGARDING ANNEXATION THE CITY COUNCIL OF THE CITY OF FULSHEAR WILL HOLD TWO PUBLIC HEARINGS REGARDING ANNEXATION OF THE AREAS DESCRIBED BELOW, BEING ON DECEMBER 13, 2022, AT 5:30 P.M. AND ON DECEMBER 15, 2022, AT 5:30 P.M. EACH PUBLIC HEARING WILL BE HELD AT THE CITY OF FULSHEAR MUNICIPAL COMPLEX LOCATED AT 6611 W. CROSS CREEK BEND LN., FULSHEAR, TEXAS, 77441. THE COMPLETED ANNEXATION OF THE AREAS WILL EXPAND THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ), AND THE AREA THAT WOULD BE NEWLY INCLUDED IN THE CITY'S ETJ IS THE UNINCORPORATED AREA THAT IS CONTIGUOUS WITH THE BOUNDARIES OF THE AREAS DESCRIBED BELOW AND WITHIN TWO MILES OF THOSE BOUNDARIES, TO THE EXTENT NOT INCLUDED IN THE EXISTING ETJ OF ANY CITY. THE PURPOSE OF ETJ DESIGNATION IS TO PROMOTE AND PROTECT THE GENERAL HEALTH, SAFETY, AND WELFARE OF PERSONS RESIDING IN AND ADJACENT TO THE CITY. AS AUTHORIZED BY SECTION 212.003, LOCAL GOVERNMENT CODE, CERTAIN PORTIONS OF THE COORDINATED DEVELOPMENT ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, WOULD BE APPLICABLE IN THE AREA THAT WOULD BE NEWLY INCLUDED IN THE CITY'S ETJ, BEING RULES GOVERNING PLATS AND SUBDIVISIONS OF LAND TO PROMOTE THE HEALTH, SAFETY, MORALS, OR GENERAL WELFARE OF THE CITY AND THE SAFE, ORDERLY, AND HEALTHFUL DEVELOPMENT OF THE CITY, AND REGULATIONS RELATING TO ACCESS TO PUBLIC ROADS OR THE PUMPING, EXTRACTION, AND USE OF GROUNDWATER. THE AREAS SUBJECT TO ANNEXATION ARE: A 3.511-ACRE TRACT OF LAND LOCATED IN THE CHURCHILL FULSHEAR LEAGUE, ABSTRACT NO. 29, FORT BEND COUNTY, TEXAS; SAID 3.511-ACRE TRACT BEING THE PORTION OF JAMES LANE LOCATED BETWEEN THE NORTH RIGHT-OF-WAY OF MEADOW WOOD DRIVE AND THE SOUTHERLY TERMINUS LINE OF SAID JAMES LANE, AND BEING THE AREA REQUESTED FOR ANNEXATION INTO THE CITY OF FULSHEAR BY THE FORT BEND COUNTY COMMISSIONERS COURT AT THEIR MAY 24, 2022 REGULAR MEETING. A 22.081-ACRE TRACT OF LAND, OUT OF THE E. LATHAM SURVEY A-50, MORRIS & CUMMINGS SURVEY A-294, JC MCDONALD SURVEY A-290 AND THE R.H. KUYKENDAHL SURVEY A-274, FORT BEND COUNTY, TEXAS, AND BEING THE PORTION OF FARM-TO-MARKET 1093 THAT WAS DEDICATED BY DONATION DEED (FBC NO. 2017139150). A 11.666-ACRE TRACT OF LAND, BEING A PORTION OF FARM-TO-MARKET 359 (100' WIDTH), AND BEGINNING FROM THE EXISTING CITY LIMITS OF FULSHEAR, TEXAS, LOCATED IN THE CHURCHILL FULSHEAR LEAGUE, ABSTRACT 29, THE ROFUS WRIGHT SURVEY, ABSTRACT 344, THE GEORGE ROBERTS SURVEY, ABSTRACT 432, AND THE NATHAN BROOKSHIRE LEAGUE, ABSTRACT 14, OF FORT BEND COUNTY, TEXAS. A 7.893-ACRE TRACT OF LAND, BEING A PORTION OF FARM-TO-MARKET 359 (100' WIDTH), AND BEGINNING FROM THE AFOREMENTIONED 11.666-ACRE TRACT, LOCATED IN THE NATHAN BROOKSHIRE LEAGUE,**

**ABSTRACT 14, AND THE ISAAC N. CHARLES ½ LEAGUE, ABSTRACT 17, OF FORT BEND COUNTY, TEXAS.**

*MAYOR GROFF OPENED THE PUBLIC HEARING AT 5:53 P.M.*

*NO ONE WISHED TO SPEAK*

*MAYOR GROFF CLOSED THE PUBLIC HEARING AT 5:54 P.M.*

**VI. 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 NOVEMBER 14, 2022 (SPECIAL), NOVEMBER 15, 2022 (SPECIAL), AND NOVEMBER 15, 2022 (REGULAR)**
- B. CONSENT AND APPROVAL OF A STANDARD UTILITY AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR PROJECT CSJ 0188-10-038, FM 1463**
- C. CONSENT AND POSSIBLE ACTION TO APPROVE THE OCTOBER 2022 FINANCIAL REPORT FOR THE GENERAL AND UTILITY FUNDS**
- D. CONSENT AND APPROVAL TO REJECT ALL BIDS FOR SOLICITATION 2022-044 - CONSTRUCTION OF POLYPHOSPHATE FEED SYSTEM**
- E. CONSENT AND APPROVAL OF THE MARCEL SQUARE PRELIMINARY PLAT**
- F. CONSENT AND APPROVAL OF THE FULBROOK PLAZA ON FULSHEAR CREEK FINAL PLAT**
- G. CONSENT AND APPROVAL OF THE MCKINNON STORAGE FACILITY FINAL PLAT**
- H. CONSENT AND APPROVAL OF THE PURCHASE OF A 2023 CHEVROLET TRAILBLAZER SUV FROM CALDWELL COUNTRY UTILIZING BUYBOARD CONTRACT #601-19**
- I. CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR BONTERRA AT CROSS CREEK RANCH, SECTION ELEVEN B FOR MUD 170**
- J. CONSENT AND APPROVAL TO ACCEPT A SPECIAL WARRANTY DEED FOR LIFT STATION NUMBER 7**

- K. **CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR CREEK RUSH AT CROSS CREEK RANCH, SECTION TWO FOR MUD 169.**
- L. **CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR CREEK RUSH AT CROSS CREEK RANCH, SECTION SIX FROM MUD 169**
- M. **CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR SYCAMORE RANCH LANE AND RESERVES FROM MUD 169.**
- N. **CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR CREEK RUSH AT CROSS CREEK RANCH, SECTION FIVE FROM MUD 169.**
- O. **CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR CROSS CREEK RANCH LIFT STATION NO. 7 FROM MUD 169.**
- P. **CONSENT AND APPROVAL OF ORDINANCE NO. 2022-1396, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, CONSENTING TO THE ADDITION OF CERTAIN LAND INTO FORT BEND COUNTY MUNICIPAL DISTRICT NO. 174 AND IMPOSING CONDITIONS ON SAME**
- Q. **CONSENT AND APPROVAL OF RESOLUTION NO. 2022-580, A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, CONSENTING TO THE ADDITION OF CERTAIN LAND INTO FORT BEND COUNTY MUNICIPAL DISTRICT NO. 245 AND IMPOSING CONDITIONS ON SAME**

*COUNCIL MEMBER CATES ASKED TO REMOVE CONSENT ITEM C FOR DISCUSSION.*

*MAYOR PRO-TEM MARTIN ASKED TO REMOVE CONSENT ITEM D FOR DISCUSSION.*

*A MOTION WAS MADE BY COUNCIL MEMBER CATES TO APPROVE CONSENT ITEMS A,B, AND E THROUGH Q. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT:KNAPE*

*MOTION APPROVED*

**CONSENT ITEM C**

*ERIN TUREAU ANSWERED QUESTIONS FROM COUNCIL.*

*A MOTION WAS MADE BY COUNCIL MEMBER CATES TO APPROVE CONSENT ITEM C. IT WAS SECONDED BY COUNCIL MEMBER KALICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT:KNAPE*

*MOTION APPROVED*

### **CONSENT ITEM D**

*MAYOR PRO- TEM MARTIN POINTED OUR AN ERROR IN THE EXECUTIVE SUMARY THAT THERE WAS A TYPO IN THE AMOUNT, IT SHOULD READ \$300K NOT \$30K.*

*SHARON VALIANTE ANSWERED QUESTIONS FROM COUNCIL AND EXPLAINED THE REASON FOR THE REJECTION WAS BECAUSE THE AMOUNT OF THE BID IS EXACTLY THE SAME. STAFF WILL GO OUT FOR BIDS AGAIN.*

*A MOTION WAS MADE BY MAYOR PRO-TEM MARTIN TO APPROVE CONSENT ITEM D. IT WAS SECONDED BY COUNCIL MEMBER KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT:KNAPE*

*MOTION APPROVED*

## **VII. BUSINESS**

### **A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2022-582, A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS APPROVING THE APPOINTMENT BY THE CITY MANAGER OF MARIELA RODRIGUEZ AS CITY SECRETARY AND PROVIDING FOR AN EFFECTIVE DATE**

*A MOTION WAS MADE BY MAYOR PRO-TEM MARTIN TO RESOLUTION NO. 2022-582, A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS APPROVING THE APPOINTMENT BY THE CITY MANAGER OF MARIELA RODRIGUEZ AS CITY SECRETARY PROVIDING FOR AN EFFECTIVE DATE OF DECEMBER 18, 2022. IT WAS SECONDED BY COUNCILMEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

MOTION APPROVED

**B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION 2022-578, A RESOLUTION IN SUPPORT OF A REGIONAL BIKEWAY TRAIL SYSTEM PROJECT**

*SHARON VALIANTE EXPLAINED THIS RESOLUTION IS ONLY TO PROVIDE SUPPORT IN THE CONCEPT OF THE REGIONAL BIKEWAY TRAIL SYSTEM PROJECT.*

*A MOTION WAS MADE BY COUNCILMEMBER POOL TO APPROVE RESOLUTION 2022- 578, A RESOLUTION IN SUPPORT OF A REGIONAL BIKEWAY TRAIL SYSTEM PROJECT. IT WAS SECONDED BY COUNCILMEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

MOTION APPROVED

**C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2022-579 A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, DIRECTING THE CITY MANAGER AND THE CITY ATTORNEY TO PROVIDE THE CITY COUNCIL WITH NOTICE OF LEAVE AND PROVIDING FOR AN EFFECTIVE DATE**

*A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO APPROVE RESOLUTION NO. 2022-579 A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, DIRECTING THE CITY MANAGER AND THE CITY ATTORNEY TO PROVIDE THE CITY COUNCIL WITH NOTICE OF LEAVE AND PROVIDING FOR AN EFFECTIVE DATE. IT WAS SECONDED BY COUNCIL MEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*COUNCIL MEMBER CATES MADE COMMENTS AND COUNCIL INSTILLED A DISCUSSION BASED ON HER COMMENTS.*

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



**BACK TO ORIGINAL MOTION:**

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO APPROVE RESOLUTION NO. 2022-579 A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, DIRECTING THE CITY MANAGER AND THE CITY ATTORNEY TO PROVIDE THE CITY COUNCIL WITH NOTICE OF LEAVE AND PROVIDING FOR AN EFFECTIVE DATE. IT WAS SECONDED BY COUNCIL MEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: POOL, PATTERSON, JOHNSON

NAYS: CATES, KAHLICH, MARTIN

ABSTAIN:

ABSENT: KNAPE

MOTION FAILS

A MOTION WAS MADE BY MAYOR PRO-TEM TO ADJOURN INTO EXECUTIVE SESSION PER GOV. CODE 551.071. IT WAS SECONDED BY COUNCIL MEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

MAYOR GROFF ADJOURNED THE SPECIAL MEETING INTO EXECUTIVE SESSION AT 6:16 P.M.

MAYOR GROFF RECONVENED THE SPECIAL MEETING AT 6:38 P.M.

COUNCIL MEMBER KAHLICH EXPLAINED THERE IS NO ACTION FROM EXECUTIVE SESSION.

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO APPROVE RESOLUTION NO. 2022-579 A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, DIRECTING THE CITY MANAGER AND THE CITY ATTORNEY TO PROVIDE THE CITY COUNCIL WITH NOTICE OF LEAVE AND PROVIDING FOR AN EFFECTIVE DATE. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KAHLICH, POOL, PATTERSON

NAYS: MARTIN

ABSTAIN:

ABSENT: KNAPE

*MOTION APPROVED*

**D. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN ELECTRICITY CONTRACT**

*SHARON VALIANTE INTRODUCED THIS ITEM AND INTRODUCED BOB WOOTEN WITH TRADITION ENERGY.*

*MR. WOOTEN GAVE A BRIEF BACKGROUND AND EXPLAINED THAT THE CITY IS CURRENT ELECTRICITY CONTRACT IS SET AT A RATE OF 4.1 CENTS KWH. THIS CONTRACT EXPIRES JULY 2024. STAFF AND MR. WOOTEN HAVE BEEN WORKING WITH CLOSELY TO SECURE A NEW CONTRACT WITH A TARGET RATE UNDER 6.7 CENTS KWH FOR A PERIOD OF 84 MONTHS BEGINNING JULY 2024.*

*A MOTION WAS MADE BY MAYOR PRO-TEM MARTIN TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN ELECTRICITY CONTRACT. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT: KNAPE*

*MOTION*

**E. PRESENTATION AND POSSIBLE ACTION TO ADOPT THE MASTER DRAINAGE PLAN PHASE II**

*CLIFF BROUHARD INTRODUCED THIS ITEM. HE EXPLAINED THAT THE DRAFT STUDY WAS POSTED ON THE CITY'S WEBSITE AROUND 9/17/2021. THERE WAS AN EMAIL ADDRESS THAT ANY ONE COULD POST QUESTIONS OR COMMENTS TOO BASED ON THE STUDY , NO COMMENTS WERE RECEIVED ON THAT EMAIL ADDRESS.*

*STEVE WILCOX WITH COSTELLO ENGINEERING PRESENTED A SLIDE SHOW WITH THE FOLLOWING:*

- FULSHEAR MASTER DRAINAGE PLAN*
- NEXT STEPS*
- OVERALL WATERSHED BOUNDARIES*
- WATERSHED BOUNDARIES- PHASE 2*
- PROPOSED CIP PROJECTS (5 YEARS AND LESS)*
- LOCAL AND MINOR DRAINAGE IMPROVEMENTS*

- FMUD2/BOIS D'ARC OUTFALL CHANNEL
- LEA/PENN OUTFALL CHANNEL- PHASE 1
- MAJOR RIVERINE- FLOODPLAIN MANAGEMENT
- BESSIE'S CREEK
- JONES/FLEWELLEN CREEK
- LOCAL FLOODPLAINS- RECOMMENDATIONS
- BRAZOS RIVER FLOODPLAIN
- BAZOS RIVER- FEMA AND PRELIMINARY FBCDD COMPARISON
- BRAZOS RIVER- RECOMMENDATIONS
- NEXT STEPS
- PROPOSED CIP PROJECT (5 YEARS AND LESS)

MR. WILCOX SPOKE ABOUT TWO PROJECTS HE RECOMMENDS THE CITY PLAN FOR AND ANSWERED QUESTIONS FROM COUNCIL.

CITY STAFF ANSWERED QUESTIONS FROM COUNCIL.

COUNCIL REQUESTED A TOWN HALL MEETING TO HEAR FROM THE PUBLIC AND ANSWER QUESTIONS.

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

A MOTION WAS MADE BY COUNCIL MEMBER JOHNSON TO TABLE THIS ITEM UNTIL THE NEXT REGULAR COUNCIL MEETING. IT WAS SECONDED BY COUNCIL MEMBER KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

A MOTION WAS MADE BY COUNCIL MEMBER KAHLICH TO AMEND THE ORIGINAL MOTION TO BRING BACK THIS ITEM AS SOON AS PRACTICAL. IT WAS SECONDED BY COUNCIL MEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

BACK TO THE ORIGINAL MOTION:

A MOTION WAS MADE BY COUNCIL MEMBER JOHNSON TO TABLE THIS ITEM UNTIL THE NEXT REGULAR COUNCIL MEETING. IT WAS SECONDED BY COUNCIL MEMBER KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION APPROVED

**F. PRESENTATION AND DISCUSSION OF GFL CONTRACT RENEWAL AND DIRECTION FOR SETTING RATES**

SHARON VALIANTE GAVE A BRIEF BACKGROUND REGARDING THE ORIGINAL AGREEMENT.

SHE EXPLAINED THAT THE CURRENT RATE FOR TRASH SERVICE IS A LITTLE OVER \$10.00 PER SERVICE ADDRESS. WHEN THE ORDINANCE WAS ADOPTED, COUNCIL CHOSE TO SET THE RATE AT \$1.00. THE CITY DOES PAY THE FULL FEE WHICH IS FUNDED BY THE REVENUES OF OUR SOLID WASTE SERVICES AND WATER/WASTE WATER UTILITY RATES.

SHARON INTRODUCED TONY EMILIO AND SUZANNE HABASH WITH GFL.

TONY EMILIO GAVE A SLIDE SHOW PRESENTATION THAT INCLUDED THE FOLLOWING:

- CURRENT SERVICE OVERVIEW
- CONTRACT RENEWAL PROPOSAL (X8 SLIDES)
- APPENDIX
- ANNUAL RATE MODIFICATION OVERVIEW
- RATE MODIFICATION CALCULATION (X7 SLIDES)

COUNCIL REQUESTED CITY STAFF SEND OUT A CITY WIDE SURVEY THAT SHOWS THE DIFFERENT OPTIONS PLUS THE COST FOR EACH OPTION.

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

**G. CONSIDERATION AND POSSIBLE ACTION TO APPROVE UPDATES WITHIN THE PARKS AND PATHWAYS MASTER PLAN**

ZACH GOODLANDER INTRODUCED THIS ITEMS AND EXPLAINED THE PROPOSED UPDATES WITH PICTURES FOR SMART PARK AND FOR THE IRENE STERN PARK AND COMMUNITY CENTER.

COUNCIL PROVIDED STAFF WITH FEED BACK FOR BOTH PARKS.

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

A MOTION WAS MADE BY COUNCILMEMBER JOHNSON TO APPROVE UPDATES WITHIN THE PARKS AND PATHWAYS MASTER PLAN. IT WAS SECONDED BY MAYOR PRO-TEM MARTIN. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

**H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE BID 2022-071 CONSTRUCTION OF ODOR CONTROL IMPROVEMENTS**

RUSS SMITH EXPLAINED THIS IS A PROJECT FOR ODOR CONTROL IN LIFT STATIONS 1 AND 3. 5ENGINEERING LLC RECIEVED 4 BIDS THAT THEY EVALUATED AND CHOSE C3 CONSTRUCTORS, LLC.

FINANCE AND LEGAL HAS REVIEWED THE CONTRACT AND HAS NO OBJECTIONS.

A MOTION WAS MADE BY COUNCILMEMBER JOHNSON TO APPROVE THE COSTRUCTION CONTRACT AWARD RECOMMENDATION FOR LIFT STATION 1 AND 3 ODOR CONTROL IMPROVEMENTS. IT WAS SECONDED BY COUNCILMEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

**I. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AGREEMENT FOR PURCHASES OF METERING OPERATIONS EQUIPMENT**

RUSS SMITH, PUBLIC WORKS ASSISTANT DIRECTOR, SPOKE REGARDING

THE NEPTUNE METER, BADGER METER, AND TOWER ISSUES WITHIN THE CITY. PER RUSS IT IS TAKING 10-12 DAYS TO COMPLETE THE BILLING PROCESS THAT SHOULD ONLY TAKE 3-4 DAYS.

RUSS INTRODUCED THE SENSUS FLEXNET SYSTEM WHICH INCLUDES THESE BENEFITS:

- DATA LOG IN THE METER
- PRESSURE MONITORING
- REMOTE SHUT OFF
- SCADA ALLOWS CONTROL AND MONITORING OF THE WATER PLANTS
- 20 YEAR ACCURACY WARRANTY
- \$0.14 INCREASE IN COST PER METER COMPARED TO OTHERS
- HAS ITS OWN PORTAL WHICH ALLOWS YOU TO SEE REAL TIME USAGE

RUSS ANSWERED QUESTIONS FROM COUNCIL.

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

A MOTION WAS MADE BY COUNCIL MEMBER JOHNSON TO AUTHORIZE METERING EQUIPMENT PURCHASES AT THE UNIT PRICES QUOTED UNDER THE HGAC BUY VENDOR CONTRACT WM-09-20 AND AUTHORIZE THE SOFTWARE AS A SERVICE AND SPECTRUM LEASE AGREEMENT.. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

**J. DISCUSSION, WITH NO ACTION, REGARDING POSSIBLE AND FUTURE UPDATES TO THE CONSOLIDATED DEVELOPMENT ORDINANCE (CDO)**

ZACH GOOLANDER EXPLAINED THE CITY IS LOOKING FOR DIRECTION ON THIS ITEM. HE STATED THE CDO WAS ADOPTED OCTOBER OF 2020 AFTER A 2 YEAR PROCESS. AFTER A FEW YEARS STAFF SEES WHERE WE CAN MAKE THE CDO BETTER AND FIX SOME OF THE ISSUES THAT HAVE POPPED UP. THE PROPOSED DRAFT UPDATE OF THE CDO IS STILL SUBJECT TO LEGAL REVIEW AND COUNCIL DIRECTION.

*A MOTION WAS MADE BY COUNCILMEMBER PATTERSON TO TO DEFER THIS ITEM TO COMMITTEE. IT WAS SECONDED BY COUNCILMEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES:*

*NAYS: CATES, JOHNSON, KAHLICH, MARTIN, PATTERSON, POOL*

*ABSTAIN:*

*ABSENT: KNAPE*

*MOTION DENIED*

*COUNCIL DISCUSSED A POSSIBILITY OF A POTENTIAL WORK SHOP IN EARLY JANUARY WITH THE PLANNING AND ZONING COMMITTEE AND THE ZONING BOARD OR ADJUSTMENTS.*

**K. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2022-1392, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING CHAPTER 10, ARTICLE II, FOOD AND FOOD ESTABLISHMENTS, OF ITS CODE OF ORDINANCES**

*ZACH GOODLANDER GAVE A BRIEF BACKGROUND. HE INFORMED COUNCIL THAT BACK IN 2008 THE CITY ADOPTED AN ORDINANCE STING FORT BEND COUNTY WOULD BE DOING FOOD SAFETY INSPECTIONS AND REGULATIONS FOR THE CITY LIMITS OF FULSHEAR.*

*IN 2020 FORTH BEND COUNTY LET THE CITY KNOW THAT THEY WOULD NO LONGER BE ABLE TO CONTINUE PROVIDING THE CITY WITH THESE SERVICES DUE TO THE FAST GROWTH OF THE CITY. CITY STAFF STARTED PREPARING AND HAS NOW BROUGHT IT IN HOUSE.*

*JACK HARPER AND ZACH GOODLANDER ANSWERED QUESTIONS FROM COUNCIL.*

*A MOTION WAS MADE BY MAYOR PRO-TEM MARTIN TO APPROVE ORDINANCE NO. 2022-1392 TO REPEAL OUR EXISTING ARTICLE II OF CHAPTER 10 IN THE CODE OF ORDINANCES AND REPLACE IT WITH THE NEW ARTICLE II AS OUTLINED IN THE ORDINANCE AND IT BE AFFECTIVE UPON ADOPTION AND PUBLICATION.. IT WAS SECONDED BY COUNCILMEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT: KNAPE*

MOTION APPROVED

**VIII. EXECUTIVE SESSION**

- A. EXECUTIVE SESSION – CLOSED SESSION IN ACCORDANCE WITH SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT (CHAPTER 551, GOVERNMENT CODE), CONSULTATION WITH ATTORNEY. 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**
- **UPDATE TO THE CROSS CREEK RANCH GENERAL PLAN**
- B. 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 ATTORNEY**

*A MOTION WAS MADE BY COUNCIL MEMBER CATES TO MOVE INTO EXECUTIVE SESSION. IT WAS SECONDED BY COUNCIL MEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*MOTION FAILED*

**IX. ACTION FROM EXECUTIVE SESSION**

- A. CONSIDERATION AND POSSIBLE ACTION REGARDING THE APPROVAL, APPROVAL WITH CONDITIONS, OR DISAPPROVAL OF THE UPDATE TO THE CROSS CREEK RANCH GENERAL PLAN**
- THIS ITEM WAS MOVED TO DECEMBER 15, 2022, THE NEXT SPECIAL MEETING.*
- B. CONSIDERATION AND POSSIBLE ACTION REGARDING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A CITY ATTORNEY**

*THIS ITEM WAS MOVED TO DECEMBER 15, 2022, THE NEXT SPECIAL*



*MEETING.*

**X. ADJOURNMENT**

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

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

*NAYS:*

*ABSTAIN:*

*ABSENT: KNAPE*

*MOTION APPROVED*

*MAYOR GROFF ADJOURNED THE SPECIAL MEETING AT 9:12 P.M.*

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AARON GROFF, MAYOR

ATTEST:

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MARIELA RODRIGUEZ, ACTING CITY SECRETARY