



# CITY OF FULSHEAR

*"FIND YOUR FUTURE IN FULSHEAR"*

30603 FM 1093 WEST/ PO Box 279 ~ FULSHEAR, TEXAS 77441

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[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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## CITY COUNCIL MEETING MINUTES MAY 21, 2019

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

*A REGULAR CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR GROFF AT THE IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS AT 7:01 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  
KENT POOL  
JOHN KELLY  
LISA MARTIN  
KEVIN WHITE*

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

*JACK HARPER  
BRANT GARY  
KIMBERLY KOPECKY  
KAYLA VILLAGOMEZ  
ZACH GOODLANDER  
ANGELA FRITZ*

GRADY RANDLE  
CHANDLER MARKS  
MIKE MCCOY  
JOHN MICHAEL PENA  
JOHN DAVISON  
JAMES WOODS

**OTHERS PRESENT:**

BRYAN THOMAS  
JASON MAKLARY  
DON MCCOY  
GREG WHITE  
SONYA SIMMONS  
RAY KERLICK  
MIKE HALDE  
RAMONA RIDGE  
TREY DEVILLIER  
JOHN HERZOG

**III. INVOCATION- CHARLES WISDOM, FULSHEAR POLICE CHAPLAIN**

*INVOCATION WAS GIVEN BY FULSHEAR POLICE CHAPLAIN, CHARLES WISDOM.*

**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**

*THE PLEDGE OF ALLEGIANCE TO THE U.S. FLAG AND THE TEXAS FLAG WERE LED BY MAYOR GROFF.*

**VI. PROCLAMATION – NATIONAL PUBLIC WORKS WEEK – It Starts Here**

*MAYOR GROFF READ A PROCLAMATION FOR NATIONAL PUBLIC WORKS WEEK AND THANKED OUR PUBLIC WORKS EMPLOYEES.*

**VII. 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.**

*SONYA SIMMONS SPOKE REGARDING THE SECTION HOUSE.*

*RAMONA RIDGE SPOKE REGARDING THE SECTION HOUSE.*

**VIII. CITY’S 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. UPDATED BUDGET CALENDAR**

JACK HARPER BRIEFED COUNCIL ON CURRENT BUDGET CALENDAR.

**B. NEW EMPLOYEES**

JACK HARPER BRIEFED COUNCIL ON NEW EMPLOYEES.

**IX. 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 APRIL 9, 2019 (SPECIAL), APRIL 16, 2019 (SPECIAL), AND APRIL 16, 2019 (REGULAR), AND APRIL 30, 2019 (WORKSHOP)**
- B. CONSENT AND APPROVAL OF SKYLINE DRIVE STREET DEDICATION PRELIMINARY PLAT**
- C. CONSENT AND APPROVAL OF BONTERRA AT CROSS CREEK RANCH SECTION 7 PRELIMINARY PLAT**
- D. CONSENT AND APPROVAL OF BONTERRA AT CROSS CREEK RANCH SECTION 8 PRELIMINARY PLAT**
- E. CONSENT AND APPROVAL OF JORDAN RANCH BOULEVARD CHURCH SUBDIVISION FINAL PLAT**
- F. CONSENT AND APPROVAL OF POLO RANCH SECTION 2 AND LOU WATERS PARKWAY STREET DEDICATION FINAL PLAT**
- G. CONSENT AND APPROVAL OF POLO RANCH SECTION 4 FINAL PLAT**
- H. CONSENT AND APPROVAL OF POLO RANCH SECTION 5 FINAL PLAT**
- I. CONSENT AND APPROVAL OF POLO RANCH SECTION 6 FINAL PLAT**
- J. CONSENT AND APPROVAL OF STREET DEDICATION & UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR POLO RANCH SECTION 1 FROM MUD 174**
- K. CONSENT AND APPROVAL OF QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING 3-31-19**
- L. CONSENT AND APPROVAL OF THE MONTHLY GENERAL AND UTILITY FUND FINANCIALS**
- M. CONSENT AND APPROVAL OF A SOLICITATION PERMIT FROM APPLICANT FORTUNE COBB**

COUNCIL MEMBER MARTIN ASKED TO REMOVE ITEM M FROM CONSENT FOR DISCUSSION.

A MOTION TO APPROVE CONSENT ITEMS A-L WAS MADE BY MAYOR PRO-TEM KAHLICH. IT WAS SECONDED BY COUNCIL MEMBER PATTERSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

*NAYS: NONE*

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

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

*NAYS: NONE*

**X. BUSINESS**

- A. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 2019-1294, AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY OF THE ACTS, ORDINANCES, RESOLUTIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN (TRACT 1)**

*BRANT GARY EXPLAINS THIS ITEM TO COUNCIL.*

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ORDINANCE NO. 2019-1294. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS: NONE*

- B. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 2019-1295, AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY OF THE ACTS, ORDINANCES, RESOLUTIONS, OF SAID CITY; AND ADOPTING A SERVICE PLAN (TRACT 2)**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ORDINANCE NO. 2019-1295. IT WAS SECONDED BY COUNCIL MEMBER WHITE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS: NONE*

- C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2019-1296, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROVIDING FOR THE REMOVAL OF THE EX-OFFICIO POSITION FROM THE PLANNING AND ZONING COMMISSION**

*A MOTION WAS MADE BY MAYOR PRO-TEM KALICH TO APPROVE ORDINANCE NO. 2019-1296. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS: NONE*

**D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-416, A RESOLUTION OF THE CITY OF FULSHEAR APPOINTING MEMBERS TO THE CITY'S PLANNING AND ZONING COMMISSION**

*A MOTION WAS MADE BY MAYOR PRO-TEM KALICH TO APPROVE RESOLUTION NO. 2019-416, APPOINTING AMY PEARCE, DAR HAKIMZADEH, AND RANDY STACY UNTIL JUNE 1<sup>ST</sup>, 2021. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS: NONE*

**E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2019-1297, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROVIDING FOR THE APPOINTMENT OF THE PLANNING AND ZONING COMMISSION TO ACT AS THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE AS WELL AS THE APPOINTMENT OF UP TO TWO ADDITIONAL CIAC MEMBERS FOR AN ETJ REPRESENTATIVE AND A REAL ESTATE, DEVELOPMENT, OR BUILDING INDUSTRY REPRESENTATIVE (IF NEEDED) IN ACCORDANCE WITH CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE**

*A MOTION WAS MADE BY MAYOR PRO-TEM KALICH TO APPROVE ORDINANCE NO. 2019-1297, HAVING THE PLANNING AND ZONING MEMBERS ACT AS THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE (WITH DAR HAKIMZADEH REPRESENTING THE REAL ESTATE REQUIREMENT AND KAYLEEN NELSON FILLING THE ETJ REPRESENTATIVE POSITION). IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS: NONE*

**F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-417, A RESOLUTION OF THE CITY OF FULSHEAR APPOINTING MEMBERS TO THE CITY'S PARKS AND RECREATION COMMISSION**

*A MOTION WAS MADE BY MAYOR PRO-TEM KALICH TO APPROVE RESOLUTION NO. 2019-417 AND APPOINT JOE GOODWIN, GREG WHITE, AND LEE O'BRIEN.*

*MAYOR PRO-TEM KALICH AMENDED HER MOTION TO APPROVE RESOLUTION NO. 2019-417, APPOINTING LEE O'BRIEN (WITH TERM EXPIRING JUNE 1, 2020), JOE GOODWIN (WITH TERM EXPIRING JUNE 1, 2021), AND GREG WHITE (WITH TERM EXPIRING JUNE 1, 2021). IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

NAYS: NONE

**G. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-418, A RESOLUTION OF THE CITY OF FULSHEAR APPOINTING MEMBERS TO THE CITY'S HISTORIC PRESERVATION AND MUSUEM COMMISSION**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2019-418, APPOINTING PAT MOLLERE (WITH TERM EXPIRING JUNE 1, 2021). IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS: NONE*

**H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-419, APPOINTING DIRECTORS TO THE BOARD OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION, A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2019-419, APPOINTING ANDREW VAN CHAU (WITH TERM EXPIRING JUNE 1, 2021), JACKIE GILMORE (WITH TERM EXPIRING JUNE 1, 2021), RANDY ETHERIDGE (WITH TERM EXPIRING JUNE 1, 2021), AND TOMMY KUYKENDALL (WITH TERM EXPIRING JUNE 1, 2020). IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS: NONE*

**I. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-420, APPOINTING DIRECTORS TO THE BOARD OF THE FULSHEAR DEVELOPMENT CORPORATION, A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2019-420, APPOINTING CAROL RIGGS (WITH TERM EXPIRING JUNE 1, 2021), WES WAUSON (WITH TERM EXPIRING JUNE 1, 2021), DON MCCOY (EX-OFFICIO WITH TERM EXPIRING JUNE 1, 2021), AND RYAN KUDLACEK (WITH TERM EXPIRING JUNE 1, 2021). IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS: NONE*

**J. DISCUSSION AND POSSIBLE ACTION REGARDING THE SECTION HOUSE PROJECT**

*MAYOR GROFF EXPLAINED THIS ITEM. BRANT GARY EXPRESSED THAT STAFF HAS NOTHING TO ADD AND WILL ACCOMMODATE ANY DIRECTION THE COUNCIL WOULD LIKE TO TAKE.*

*A MOTION WAS MADE BY COUNCIL MEMBER CATES TO ALLOW CITY STAFF PERMISSION TO GATHER ADDITIONAL INFORMATION AND GIVE AN UPDATE TO COUNCIL AT THE NEXT REGULAR MEETING. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

NAYS: NONE

XI. **EXECUTIVE SESSION – CLOSED SESSION IN ACCORDANCE WITH THE 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 THIS CHAPTER.

**CERTAIN MUD SETTLEMENT NEGOTIATIONS**

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

*NAYS: NONE*

*MAYOR GROFF ADJOURNED INTO EXECUTIVE SESSION AT 8:43 P.M.*

*MAYOR GROFF RECONVENED FROM EXECUTIVE SESSION AT 10:04 P.M.*

XII. **ACTION FROM EXECUTIVE SESSION**

*THERE WAS NO ACTION TO BE TAKEN.*

XIII. **CONSIDERATION AND POSSIBLE ACTION RELATING TO ABSENCES- IN ACCORDANCE WITH SECTION 3.10 (d) OF THE CITY OF FULSHEAR HOME-RULE CHARTER, PAST ABSENCES DUE TO SICKNESS MAY BE EXCUSED, AND LEAVES OF ABSENCE FOR FUTURE ABSENCES MAY BE GRANTED. ANY ACTION TO EXCUSE A PAST ABSENCE IS DEEMED TO INCLUDE A FINDING THAT THE ABSENCE WAS DUE TO SICKNESS UNLESS THE ACTION INDICATES OTHERWISE.**

*COUNCIL MEMBER MARTIN WILL BE OUT DURING THE JUNE (REGULAR) MEETING AND REQUESTED A LEAVE OF ABSENCE (EXCUSED) ALL COUNCIL MEMBERS APPROVED*

*MAYOR PRO-TEM KAHLICH REQUESTS LEAVE (EXCUSED) FOR THE JUNE (REGULAR) MEETING ALL COUNCIL MEMBERS APPROVED*

XIV. **ADJOURNMENT**

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO ADJOURN. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS: NONE

MAYOR GROFF ADJOURNED THE MEETING AT 10:10 P.M.



  
AARON GROFF, MAYOR

ATTEST:

  
KIMBERLY KOPECKY, CITY SECRETARY