



# 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:** 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**

### **March 16, 2021**

#### **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 7:02 P.M.*

#### **II. QUORUM AND ROLL CALL**

*A QUORUM WAS PRESENT.*

#### **CITY COUNCIL MEMBERS PRESENT:**

*AARON GROFF, MAYOR  
KAYE KAHLICH  
JOEL PATTERSON  
DEBRA CATES  
KENT POOL  
JOHN KELLY  
KEVIN WHITE  
LISA MARTIN*

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

KIMBERLY KOPECKY  
MARIELA RODRIGUEZ  
BYRON BROWN  
JACK HARPER  
SHARON VALIANTE  
ZACH GOODLANDER  
JESUS ESCOBAR  
ERIN TUREAU  
KENNY SEYMOUR  
DAN MCGRAW  
CLIFF BROUHARD  
KRISTI BRASHEAR

**OTHERS PRESENT:**

TAJANA SURLAN  
MIKE HAUDE  
BRYAN THOMAS  
SCOTT NEVOTTI  
MAYRA HERNANDEZ  
CAMERON M.  
JOHN DOWDALL  
TRACY YOUNGBLOOD  
GERALD GRISSOM  
TODD HAMILTON  
AND APPROXIMATELY 7 OTHERS THAT DID NOT SIGN IN.

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

INVOCATION WAS GIVEN BY PASTOR CHARLES WISDOM.

**IV. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG**

**V. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG**

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

**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.

JOHN DOWDALL, RESIDENT OF BOIS D'ARC SPOKE REGARDING BUILDING STANDARDS, VARIANCES, AND THE CDO UTILITY EASEMENT FROM JOHNSON 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. UPDATE ON CITY RESPONSE TO COVID-19**

*JACK HARPER EXPLAINED TO COUNCIL THAT STAFF IS BEING ENCOURAGED TO CONTINUE THE USE OF MASKS, SOCIAL DISTANCING, AND HAND SANITIZER.*

### **B. UPDATE ON CITY OF FULSHEAR LEGISLATIVE PRIORITIES**

*JACK INFORMED COUNCIL ABOUT THE TWO BILLS THAT HAVE BEEN FILED.*

*SB 1117/HB 2999- IN REGARDS TO THE COMPOSITION OF THE BOARD OF DIRECTORS FOR THE FORT BEND SUBSIDENCE DISTRICT*

*SB 1172/HB 2297- DETERMINATION OF EXEMPTIONS TO THE PLATTING REQUIREMENTS*

***\*\*CORRECTION: THE HOUSE BILL NUMBER IS HB2997- DETERMINATION OF EXEMPTIONS TO THE PLATTING REQUIREMENTS (NOT HB2297)\*\****

## **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 23, 2021 (SPECIAL), AND FEBRUARY 23, 2021 (REGULAR)**
- B. CONSENT AND POSSIBLE ACTION TO APPROVE THE JANUARY 2021 MONTHLY FINANCIAL REPORT FOR THE GENERAL & UTILITY FUNDS**
- C. CONSENT AND APPROVAL OF THE UTILITY CONVEYANCE AND SECURITY AGREEMENT AND TO ACCEPT A SPECIAL WARRANTY DEED FOR THE CROSS CREEK RANCH WATER PLANT NO. 3 FROM MUD 169**
- D. CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR FULSHEAR BEND DRIVE MEDIAN DRAINAGE IMPROVEMENTS**
- E. CONSENT AND POSSIBLE ACTION TO APPROVE AN UPDATE TO THE**

**FULSHEAR RUN MASTER SIGN PLAN**

- F. CONSENT AND POSSIBLE ACTION TO APPROVE THE TAMARRON SECTION 45 PRELIMINARY PLAT**
- G. CONSENT AND POSSIBLE ACTION TO APPROVE THE TAMARRON SECTION 55 PRELIMINARY PLAT**
- H. CONSENT AND POSSIBLE ACTION TO APPROVE THE TAMARRON POINT SECTION 2 STREET DEDICATION PRELIMINARY PLAT**
- I. CONSENT AND POSSIBLE ACTION TO APPROVE THE TAMARRON WEST SECTION 1 FINAL PLAT**
- J. CONSENT AND POSSIBLE ACTION TO APPROVE THE TAMARRON WEST SECTION 2 FINAL PLAT**
- K. CONSENT AND POSSIBLE ACTION TO APPROVE THE TAMARRON WEST SECTION 4 FINAL PLAT**
- L. CONSENT AND POSSIBLE ACTION TO APPROVE THE TAMARRON POINT STREET DEDICATION AND RESERVE SECTION 2 FINAL PLAT**
- M. CONSENT AND POSSIBLE ACTION TO APPROVE THE TAMARRON PARK DRIVE AND TAMARRON POINT STREET DEDICATION FINAL PLAT**
- N. CONSENT AND APPROVAL OF THE CROSS CREEK WEST SECTION 1 FINAL PLAT**
- O. CONSENT AND APPROVAL OF THE CROSS CREEK WEST SECTION 2 FINAL PLAT**
- P. CONSENT AND POSSIBLE ACTION TO APPROVE THE CROSS CREEK WEST SECTION 3 FINAL PLAT**
- Q. CONSENT AND POSSIBLE ACTION TO APPROVE THE CROSS CREEK WEST SECTION 4 FINAL PLAT**
- R. CONSENT AND POSSIBLE ACTION TO APPROVE THE CROSS CREEK WEST SECTION 5 FINAL PLAT**
- S. CONSENT AND POSSIBLE ACTION TO APPROVE THE TAMARRON WEST SECTION 3 FINAL PLAT**

*COUNCIL MEMBER MARTIN REQUESTED TO PULL ITEMS C, E, AND N-R FOR DISCUSSION.*

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEMS A, B, D, F-M, AND S. IT WAS SECONDED BY COUNCIL*

*MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT:*

*MOTION APPROVED*

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

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

*NAYS:*

*ABSTAIN:*

*ABSENT:*

*MOTION APPROVED*

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

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

*NAYS:*

*ABSTAIN:*

*ABSENT:*

*MOTION APPROVED*

*STAFF ANSWERED QUESTIONS FROM COUNCIL REGARDING ITEMS N-R.*

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ITEMS N-R. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT:*

*\*\*PER COUNCIL MEMBER POOL THE LANGUAGE IN THE COUNCIL PACKETS NEED TO BE CLARIFIED. \*\**

*MOTION APPROVED*

**IX. BUSINESS**

**A. CONSIDERATION AND POSSIBLE ACTION TO ACCEPT THE FY2020 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)**

*ERIN TUREAU INTRODUCED DANIEL HEBERT FROM BELT HARRIS PECHACEK. DANIEL BRIEFLY WENT OVER THE COMPREHENSIVE ANNUAL FINANCIAL REPORT BOOKLET AND ANSWERED QUESTIONS FROM COUNCIL.*

*A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO ACCEPT THE FY2020 COMPREHENSIVE ANNUAL FINANCIAL REPORT AS PRESENTED. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT:*

*MOTION APPROVED*

**B. CONSIDERATION AND APPROVAL OF AWARD FOR CONSTRUCTION SERVICES FOR THE FM 359 WATER (W21C) & WASTEWATER (WW21C) CROSSING PROJECT**

*CLIFF BROUHARD EXPLAINED THIS IS A REQUEST FOR AUTHORIZATION TO ENTER INTO A CONSTRUCTION CONTRACT WITH BOOT CONSTRUCTION LLC. THIS PROJECT WILL BE BORKEN INTO 2 PROJECTS AND ESTIMATED TO BE COMPLETED WITHIN 60 DAYS.*

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO AUTHORIZE STAFF TO AUTHORIZE A CONTRACT WITH BOOT CONSTRUCTION, LLC. IN THE AMOUNT OF \$210,170.00 FOR WORK ASSOCIATED WITH PROJECTS W21C AND WW21C-FM 359 CROSSING PROJECT. IT WAS SECONDED BY COUNCIL MEMBER WHITE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT:*

*MOTION APPROVED*

**C. CONSIDERATION AND POSSIBLE ACTION TO ACCEPT A DONATION DEED FROM DELYSE JAEGER AND KELLEY KEEN AS INDEPENDENT CO-EXECUTORS OF THE ESTATE OF GERALD WAYNE MCCANN, DECEASED; JOHN D. MACCANN, ALETA TROSCLAIR DERKSEN MCCANN AN INDEPENDENT EXECUTOR OF THE ESTATE OF KENNETH G. MCCANN DECEASED AND A TRUSTEE OF THE KENNETH G MCCANN AND ALETA**

**TROSCLAIR DERKSEN, MCCAN LIVING TRUST FOR RIGHT OF WAY FOR THE HUGGINS ROAD PROJECT**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ACCEPT THE DONATION DEED FROM DELYSE JAEGER AND KELLEY KEEN AS INDEPENDENT CO-EXECUTORS OF THE ESTATE OF GERALD WAYNE MCCANN, DECEASED; JOHN D. MACCANN, ALETA TROSCLAIR DERKSEN MCCANN AN INDEPENDENT EXECUTOR OF THE ESTATE OF KENNETH G. MCCANN DECEASED AND A TRUSTEE OF THE KENNETH G MCCANN AND ALETA TROSCLAIR DERKSEN, MCCAN LIVING TRUST FOR RIGHT OF WAY FOR THE HUGGINS ROAD PROJECT. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT:*

*MOTION APPROVED*

**D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AND ADOPT ORDINANCE NO. 2021-1338, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING THE EMPLOYEE HANDBOOK BY PROVIDING FOR AN EMERGENCY EVENT POLICY AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT**

*KRISTI BRASHEAR EXPLAINED THIS ORDINANCE IS TO ESTABLISH GUIDELINES AND PROCEDURES DURING NATURAL DISASTERS AND DURING EMERGENCIES WHEN THE CITY MANAGERS FEELS HE NEEDS TO SUSPEND NORMAL BUSINESS OPERATIONS FOR SAFETY REASONS. THIS WILL ALSO HELP ESTABLISH PAY POLICIES DURING THESE EMERGENCY SITUATIONS.*

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ADOPT ORDINANCE NO. 2021-1338, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING THE EMPLOYEE HANDBOOK BY PROVIDING FOR AN EMERGENCY EVENT POLIXY AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT:*

*MOTION APPROVED*

**E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2021-508, A RESOLUTION CONSENTING TO THE CONTINUATION OR RENEWAL OF THE DECLARATION OF LOCAL DISASTER FOR CATASTROPHIC DAMAGE CAUSE BY WINTER STORM URI EXECUTED BY THE MAYOR ON FEBRUARY 18, 2021, FOR A PERIOD OF MORE THAN SEVEN DAYS**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2021-508, A RESOLUTION CONSENTING TO THE CONTINUATION OR RENEWAL OF THE DECLARATION OF LOCAL DISASTER FOR CATASTROPHIC DAMAGE CAUSED BY WINTER STORM URI EXECUTED BY THE MAYOR ON FEBRUARY 18, 2021, FOR A PERIOD OF MORE THAN SEVEN DAYS. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT:*

*MOTION APPROVED*

**X. 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**

- LAND ACQUISITIONS
- CITY HALL
- DEVELOPMENT AGREEMENT

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

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

*NAYS:*



*ABSTAIN:*

*ABSENT:*

*MOTION APPROVED*

*MAYOR GROFF ADJOURNED INTO EXECUTIVE SESSION AT 8:07 P.M.*

*MAYOR GROFF RECONVENED THE REGULAR CITY COUNCIL MEETING AT 8:38 P.M.*

**XI. ACTION FROM EXECUTIVE SESSION**

**A. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE CITY MANAGER TO MAKE AN OFFER, NEGOTIATE, AND EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE PURCHASE OF CERTAIN PROPERTY**

*A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO AUTOHRIZE THE CITY MANAGER TO MAKE AN OFFER NEGOTIATE, AND HAVE THE MAYOR EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE PURCHASE OF CERTAIN PROPERTY. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

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

*NAYS: KAHLICH, WHITE*

*ABSTAIN:*

*ABSENT:*

*MOTION APPROVED*

**B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN AND AMONG THE CITY OF FULSHEAR, TEXAS; CCR WEST, INC., A TEXAS CORPORATION; AND FULSHEAR FF TEXAS HOLDINGS, L.P., A DELAWARE LIMITED PARTNERSHIP**

*THERE WAS NO ACTION FROM EXECUTIVE SESSION FOR THIS ITEM.*

**XII. 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.*

*THERE WAS NO ACTION TAKEN ON THIS ITEM.*

**XIII. ADJOURNMENT**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ADJOURN. IT WAS SECONDED BY COUNCIL MEMBER MARTIN. THE MOTION WAS CARRIED BY THE*

*FOLLOWING VOTE:*

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

*NAYS:*

*ABSTAIN:*

*ABSENT:*

*MOTION APPROVED*

*MAYOR GROFF ADJOURNED THE MEETING AT 8:44 P.M.*

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AARON GROFF, MAYOR

ATTEST:

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KIMBERLY KOPECKY, CITY SECRETARY