



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: 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

CITY COUNCIL MEETING MINUTES

May 18, 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 7:03 P.M.

II. QUORUM AND ROLL CALL

A QUORUM WAS PRESENT.

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT:

ZACHARY JONES

CITY STAFF PRESENT:

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

OTHERS PRESENT:

LARRY LOWE
BRYAN THOMAS
KIM STACY
TREY DEVILLIER
AND 8 OTHERS THAT DID NOT SIGN IN.

III. INVOCATION - PASTOR JOHN CROWE, RIVER BEND BAPTIST CHURCH

INVOCATION WAS GIVEN BY PASTOR JOHN CROWE.

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

V. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

THE PLEDGE OF ALLIGIANCE 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.

LARRY LOWE, RESIDENT OF FULLBROOK, SPOKE REGARDING A DITCH BEHIND HIS PROPERTY THAT DOES NOT DRAIN AND IS CAUSING A MOSQUITO ISSUE. HE ALSO SPOKE ABOUT SEWER MAN COVERS RETAINING WATER.

KIM STACY, RESIDENT AND BUSINESS OWNER IN FULSHEAR, COMMENDED COUNCIL FOR APPROVING THE STREETScape PLAN DURING THE SPECIAL MEETING AND COMPLIMENTED ZACH GOODLANDER FOR HIS WORK. SHE WOULD LIKE TO ENCOURAGE STAFF/COUNCIL TO GET FEEDBACK FROM RESIDENTS AND BUSINESS OWNERS FROM DOWNTOWN REGARDING THE DESIGN.

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. MEMORIAL DAY HOLIDAY

JACK INFORMED COUNCIL THAT REGULAR CITY OFFICES WILL BE CLOSED FOR MEMORIAL DAY, MONDAY MAY 31, 2021. HE STATED THE PUBLIC WORKS AND POLICE DEPARTMENT WILL REMAIN OPEN AND WORKING TO PROTECT PUBLIC HEALTH SAFETY AND WELFARE.

B. RESIGNATION FROM ECONOMIC DEVELOPMENT DIRECTOR

JACK ANNOUNCED THAT THE ECONOMIC DEVELOPMENT DIRECTOR, ANGELA FRITZ, HAS SUBMITTED HER RESIGNATION AND HER LAST DAY WILL BE FRIDAY JUNE 4, 2021.

C. CITY MANAGER TO PRESENT FY22 CIP PROPOSED BUDGET

JACK EXPLAINED TO COUNCIL THAT THE VERSION OF THE FY22 CIP THEY RECEIVED IS NOT THE FINAL VERSION BUT A DRAFT VERSION. HE WENT OVER SOME OF THE ITEMS IN THE DRAFT CIP AND INFORMED COUNCIL THAT ONCE THE FINAL VERSION IS READY IT WILL BE SENT TO THEM AND POSTED ON OUR WEBSITE.

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 APRIL 20, 2021 (SPECIAL) AND APRIL 20, 2021 (REGULAR)**
- B. CONSENT AND APPROVAL OF THE ADOPTION OF THE CITY OF FULSHEAR, TEXAS FY21 INVESTMENT STRATEGY AND POLICY AND FY 21 2ND QUARTER INVESTMENT REPORT**
- C. CONSENT AND POSSIBLE ACTION TO APPROVE THE MARCH 2021 MONTHLY FINANCIAL REPORT FOR THE GENERAL AND UTILITY FUNDS**
- D. CONSENT AND POSSIBLE ACTION TO RATIFY THE PURCHASE OF TWO**

REPLACEMENT FLEET VEHICLES FOR THE POLICE DEPARTMENT

- E. CONSENT AND APPROVAL TO RATIFY THE PURCHASE OF TWO FLEET VEHICLES FOR PUBLIC WORKS DEPARTMENT**
- F. CONSENT AND APPROVAL OF LIVING WORD EVANGELICAL LUTHERAN CHURCH OF KATY, TEXAS DONATION DEED**
- G. CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR LANDMARK UTILITY EXTENSIONS, MUD 173**
- H. CONSENT AND APPROVAL OF STREET ACCEPTANCE FOR MORGANS SPUR IN CREEK TRACE AT CROSS CREEK RANCH, SECTION 3, FBCMUD 169**
- I. CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR FULBROOK ON FULSHEAR CREEK, SECTION SIXTEEN, FMUD 1**
- J. CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR CROSS CREEK RANCH LIFT STATION NO.2 AND FORCE MAIN PHASE II FACILITIES, FBCMUD 169**
- K. CONSENT AND APPROVAL OF THE JORDAN RANCH SECTION 33 PRELIMINARY PLAT**
- L. CONSENT AND APPROVAL OF THE CREEK RUSH AT CROSS CREEK RANCH SECTION TWO PRELIMINARY PLAT**
- M. CONSENT AND APPROVAL OF THE CREEK RUSH AT CROSS CREEK RANCH SECTION SIX FINAL PLAT**
- N. CONSENT AND APPROVAL OF THE CREEK RUSH AT CROSS CREEK RANCH SECTION FOUR FINAL PLAT**
- O. CONSENT AND APPROVAL OF THE CREEK RUSH AT CROSS CREEK RANCH SECTION FIVE FINAL PLAT**
- P. CONSENT AND APPROVAL OF THE TAMARRON POINT SECTION 3 STREET DEDICATION PRELIMINARY PLAT**
- Q. CONSENT AND APPROVAL OF THE TAMARRON SECTION 48 PRELIMINARY PLAT**
- R. CONSENT AND APPROVAL OF THE TAMARRON SECTION 52 PRELIMINARY PLAT**
- S. CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR DRAINAGE STRUCTURE AND PAVING IMPROVEMENTS FOR FARM HILL WAY, FMUD NO. 1**

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

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

NAYS:

ABSTAIN:

ABSENT: JONES

MOTION APPROVED

IX. BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION TO ELECT A MAYOR PRO-TEM

(PART 1 OF 2)

MAYOR GROFF THANKED COUNCIL MEMBER KAHLICH FOR THE LAST 3 YEARS OF SERVICES AS MAYOR PRO-TEM.

COUNCIL MEMBER KELLY NOMINATED COUNCIL MEMBER PATTERSON TO SERVE AS MAYOR PRO-TEM

COUNCIL MEMBER CATES NOMINATED HERSELF TO SERVE AS MAYOR PRO-TEM.

THE VOTES ARE AS FOLLOWS:

COUNCIL MEMBER PATTERSON FOR MAYOR PRO-TEM

AYES: PATTERSON, KELLY, MARTIN

NAYS: CATES, POOL, KAHLICH,

ABSTAIN:

ABSENT: JONES

COUNCIL MEMBER CATES FOR MAYOR PRO-TEM

(ROLL CALL VOTE)

AYES:KAHLICH, CATES, POOL

NAYS: KELLY, PATTERSON

ABSTAIN:MARTIN

ABSENT:JONES

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO TABLE BUSINESS ITEM A UNTIL LATER IN THE MEETING. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:
ABSENT: JONES

****ANY ABSTENTION NOT REQUIRED BY LAW SHALL BE COUNTED AS A VOTE AGAINST THE MATTER UNDER CONSIDERATION**.**

**** FOR ORDER PURPOSES, PLEASE PROCEED TO BUSINESS ITEM B****

(PART 2 OF 2)

COUNCIL MEMBER CATES NOMINATED HERSELF TO SERVE AS MAYOR PRO-TEM.

COUNCIL MEMBER CATES FOR MAYOR PRO-TEM (ROLL CALL) VOTE:

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

MAYOR GROFF CONGRATULATED COUNCIL MEMBER CATES FOR HER NEW ROLE AS MAYOR PRO-TEM.

B. DISCUSSION AND POSSIBLE ACTION REGARDING CITY COUNCIL DECORUM, CONDUCT, AND EXPECTATIONS AS TO OPEN MEETINGS, CLOSED MEETINGS ("EXECUTIVE SESSIONS"), AND IN GENERAL, INCLUDING THE PURPOSE AND LIMITATIONS OF EXECUTIVE SESSIONS, PRIVILEGE, AND CONFIDENTIALITY

GRADY RANDLE PRESENTED THIS ITEM. GRADY EXPLAINED OPEN MEETINGS, OPEN MEETINGS ACT, AND EXECUTIVE SESSIONS.

HE ANSWERED SOME OF THE QUESTIONS THAT WERE ASKED PRIOR TO THIS MEETING.

1. WHY SHOULD YOU HAVE EXECUTIVE SESSIONS?
 - CONFIDENTIALITY
2. WHAT ARE THE RISKS IF YOU DECIDE TO NOT HAVE EXECUTIVE SESSIONS?
 - VIOLATING CIVIL LIBERTIES, NOT GETTING THE BEST PRICE FOR YOUR PURCHASE, SECURITY DEVICES
3. WHO MAKES THE CALL?
 - COLLABORATIVE BETWEEN THE MAYOR, CITY MANAGER, AND CITY ATTORNEY
4. WHAT CAN BE PUT INTO PLACE TO ENFORCE CONFIDENTIALITY OF

EXECUTIVE SESSION?

- *THERE ISN'T ANYTHING RIGHT OR WRONG THAT YOU CAN DO*
- 5. *HOW DO WE RESTORE TRUST AMONG THE BODY AND WHAT WILL IT TAKE FOR US TO WORK TOGETHER?*
 - *THE CITY ATTORNEY CAN GIVE COUNCIL RULES AND PROCEDURES BUT THE BODY WILL HAVE TO WANT TO FOLLOW THEM*

*** FOR THE FULL DISCUSSION PLEASE REFER TO OUR CITY WEBSITE***

- C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2021-511, A RESOLUTION OF THE CITY OF FULSHEAR APPOINTING MEMBERS TO THE CITY'S PLANNING AND ZONING COMMISSION**

NO ACTION WAS TAKEN ON THIS ITEM.

- D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2021-512, A RESOLUTION APPOINTING A REPRESENTATIVE FROM THE ETJ AS AN AD HOC VOTING MEMBER OF THE PLANNING AND ZONING COMMISSION WHEN IT ACTS AS THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE**

NO ACTION WAS TAKEN ON THIS ITEM.

- E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2021-513, A RESOLUTION OF THE CITY OF FULSHEAR APPOINTING MEMBERS TO THE CITY'S PARKS AND RECREATION COMMISSION**

NO ACTION WAS TAKEN ON THIS ITEM.

- F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2021-514, A RESOLUTION OF THE CITY OF FULSHEAR APPOINTING MEMBERS TO THE CITY'S HISTORIC PRESERVATION AND MUSEUM COMMISSION**

NO ACTION WAS TAKEN ON THIS ITEM.

- G. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2021-515, APPOINTING DIRECTORS TO THE BOARD OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION, A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION**

NO ACTION WAS TAKEN ON THIS ITEM.

- H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2021-516, APPOINTING DIRECTORS TO THE BOARD OF THE FULSHEAR DEVELOPMENT CORPORATION, A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION**

NO ACTION WAS TAKEN ON THIS ITEM.

*MAYOR GROFF ASKED TO TAKE BUSINESS ITEMS C-H TOGETHER.
THERE WERE NO OBJECTIONS.*

*MAYOR GROFF EXPLAINED THAT HE WOULD BE MAKING BOARD AND
COMMISSIONS APPOINTMENTS AT THE JUNE 15, 2021 MEETING.*

*THE CITY SECRETARY OFFICE WILL CONTINUE TO ACCEPT APPLICATIONS
FOR BOARDS AND COMMISSIONS THROUGH JUNE 10, 2021.*

*** FOR THE FULL DISCUSSION PLEASE REFER TO OUR WEBSITE ***

**I. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO.
2021-519, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FULSHEAR, TEXAS, APPOINTING MEMBERS TO THE CITY'S CHARTER
REVIEW COMMISSION**

MAYOR GROFF APPOINTED 17 MEMBERS:

- 1. CJ MCDANIEL*
- 2. RANDY STACY*
- 3. ANDREW VAN CHAU*
- 4. RAY KERLICK*
- 5. JOHN BASS*
- 6. TIM SHREVE*
- 7. TROY MADRIGAL*
- 8. JOSH CULLEN*
- 9. JOHN GROSS*
- 10. ELLA BANKS*
- 11. BRYAN THOMAS*
- 12. TRICIA KRENEK*
- 13. LAUREN FLATHOUSE*
- 14. RAMONA RIDGE*
- 15. JUSTIN ASHLEY*
- 16. HEATH PRESSLEY*
- 17. TOMMY KUYKENDALL*

BYRON BROWN ANSWERED QUESTIONS FROM COUNCIL.

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE
RESOLUTION 2021-519, A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF FULSHEAR, TEXAS APPOINTING MEMBERS TO THE CITY'S CHARTER
REVIEW COMMISSION. SPECIFICALLY IN SECTION 1 THAT WE HEREBY
APPOINT A COMMISSION COMPOSED OF THE FOLLOWING 17 MEMBERS.*

CJ MCDANIEL, RANDY STACY, ANDREW VAN CHAU, RAY KERLICK, JOHN BASS, TIM SHREVE, TROY MADRIGAL, JOSH CULLEN, JOHN GROSS, ELLA BANKS, BRYAN THOMAS, TRICIA KRENEK, LAUREN FLATHOUSE, RAMONA RIDGE, JUSTIN ASHLEY, HEATH PRESSLEY, AND TOMMY KUYKENDALL. IT WAS SECONDED BY COUNCIL MEMBER MARTIN. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT: JONES

MOTION APPROVED

*** FOR ORDER PURPOSES PLEASE GO BACK TO BUSINESS ITEM A PART 2 OF 2***

X. 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.

XI. ADJOURNMENT

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

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

NAYS:

ABSTAIN:

ABSENT: JONES

MOTION APPROVED

MAYOR GROFF ADJOURNED THE MEETING AT 8:55 P.M.

AARON GROFF, MAYOR

ATTEST:

KIMBERLY KOPECKY, CITY SECRETARY