



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

COUNCIL MEMBER: John Kelly

MAYOR PRO-TEM: Debra Cates

COUNCIL MEMBER: Kaye Kahlich

COUNCIL MEMBER: Joel
Patterson

COUNCIL MEMBER: Kent Pool

COUNCIL MEMBER: Lisa Martin

COUNCIL MEMBER: Sarah B.
Johnson

STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly
Kopecky

CITY ATTORNEY: J. Grady Randle

SPECIAL CITY COUNCIL MEETING MINUTES

December 14, 2021

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 5:00 P.M.

II. QUORUM AND ROLL CALL

A QUORUM WAS PRESENT.

COUNCIL MEMBERS PRESENT:

AARON GROFF, MAYOR

DEBRA CATES

KAYE KAHLICH

JOEL PATTERSON

LISA MARTIN

KENT POOL

SARAH B. JOHNSON

COUNCIL MEMBERS ABSENT:

JOHN KELLY

CITY STAFF PRESENT:

KIMBERLY KOPECKY
MARIELA RODRIGUEZ
ZACH GOODLANDER
JESUS ESCOBAR
JESS WASHBURN
SHARON VALIANTE
DAN MCGRAW
CLIFF BROUHARD
ERIN TUREAU
JACK HARPER
BYRON BROWN
HERMAN RODRIGUEZ
CASSIE LEAL
KENNY SEYMOUR @ 5:18 P.M.

OTHERS PRESENT:

BRYAN THOMAS
ALVIN SORRES
TONY EMILIE
AND APPROXIMATELY 4 OTHERS THAT DID NOT SIGN IN

III. INVOCATION - REVEREND JACKIE GILMORE, GREATER ZACHERY MISSIONARY BAPTIST CHURCH

INVOCATION WAS GIVEN BY REVEREND JACKIE GILMORE.

MAYOR GROFF LEAD THE PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS.

IV. 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 THOMAS, RESIDENT OF CROSS CREEK RANCH, SPOKE REGARDING THE OLD CITY HALL SITE.

ALVIN SORRELS RESIDENT OF OUR ETJ, SPOKE REGARDING DRAINAGE TO HIS PROPERTY DUE TO THE FULSHEAR LAKES DEVELOPMENT. MR SORRELLS PROVIDED ALL CITY COUCIL MEMBERS WITH A PICTURE.

V. 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 COUNCIL MEETINGS - JANUARY 2022

JACK EXPLAINED THE MEETINGS FOR JANUARY 2022 ARE AS FOLLOWS:

*JANUARY 04, 2022- SPECIAL MEETING
JANUARY 18, 2022- REGULAR MEETING*

B. UPDATE ON BUILD OUT OF CITY HALL AND SELECTION OF AESTHETIC AND INCIDENTAL ITEMS

CLIFF BROUHARD EXPLAINED THAT THE DEMO HAS BEEN COMPLETED AND WE ARE NOW IN THE STRUCTURAL STAGE THAT IS SCHEDULED TO BEGIN NEXT WEEK. PER CLIFF THIS PROJECT IS ABOUT 3% COMPLETE AND ON SCHEDULE.

*** FOR THE FULL DISCUSSION PLEASE REFER TO THE CITY'S WEBSITE***

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 16, 2021 (SPECIAL) AND NOVEMBER 16, 2021 (REGULAR)

B. CONSENT AND APPROVAL OF THE RIGHT OF ENTRY AGREEMENT BETWEEN THE NORTH FORT BEND WATER AUTHORITY AND THE CITY OF FULSHEAR FOR INSTALLATION OF AUTOMATED METERING INFRASTRUCTURE AT CERTAIN CITY FACILITIES

C. CONSENT AND POSSIBLE ACTION TO APPROVE THE OCTOBER FINANCIAL REPORT FOR THE GENERAL AND UTILITY FUNDS

D. CONSENT AND APPROVAL OF PURCHASING COOPERATIVE CONTRACTS

E. CONSENT AND POSSIBLE ACTION TO APPROVE THE DEL WEBB FULSHEAR SECTION 3 FINAL PLAT

- F. **CONSENT AND POSSIBLE ACTION TO APPROVE THE FULSHEAR LAKES CREEKSIDE VILLAGE SECTION 2 FINAL PLAT**
- G. **CONSENT AND POSSIBLE ACTION TO APPROVE THE FULSHEAR LAKES CREEKSIDE VILLAGE SECTION 3 FINAL PLAT**
- H. **CONSENT AND POSSIBLE ACTION TO APPROVE THE FULSHEAR LAKES CREEKSIDE VILLAGE SECTION 4 FINAL PLAT**
- I. **CONSENT AND POSSIBLE ACTION TO APPROVE THE FULSHEAR LAKES CREEKSIDE VILLAGE SECTION 5 FINAL PLAT**
- J. **CONSENT AND POSSIBLE ACTION TO APPROVE THE VIC AT JORDAN RANCH FINAL PLAT**
- K. **CONSENT AND POSSIBLE ACTION TO APPROVE THE TAMARRON POINT STREET DEDICATION SECTION 5 FINAL PLAT**
- L. **CONSENT AND POSSIBLE ACTION TO APPROVE THE SUMMerview SECTION 3 FINAL PLAT**

COUNCIL MEMBER MARTIN REQUESTED TO REMOVE CONSENT ITEM B FOR DISCUSSION.

COUNCIL MEMBER KAHLICH REQUESTED TO REMOVE CONSENT ITEMS F, G, H, AND I FOR DISCUSSION.

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE CONSENT ITEMS A, C, D, E, J, K, AND L. IT WAS SECONDED BY COUNCIL MEMBER KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT: KELLY

MOTION APPROVED

CONSENT ITEM B

DAN MCGRAW AND SHARON VALIANTE ANSWERED QUESTIONS FROM COUNCIL FOR CONSENT ITEM B.

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

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

MOTION APPROVED

CONSENT ITEMS F, G, H, I

CLIFF BROUHARD EXPLAINED THE DRAINAGE PROCESS IN THE DEVELOPMENT SYSTEMS AND ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER KAHLICH TO APPROVE CONSENT ITEMS F, G, H, AND I. IT WAS SECONDED BY MAYOR PRO-TEM CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION APPROVED

VII. BUSINESS

A. PROCLAMATION FOR ANDY MEYERS

MAYOR GROFF READ THE PROCLAMATION.

ANDY MEYERS GAVE A SMALL SPEECH AND STATED WHAT AN HONOR AND PRIVILEGE IT WAS TO HELP SERVE THIS COMMUNITY.

**** FOR THE FULL SPEECH PLEASE REFER TO THE CITY'S WEBSITE****

PLEASE MOVE TO BUSINESS ITEM C

B. PRESENTATION BY LEGAL COUNSEL OF DRAFT ILLUSTRATIVE PLAN REDISTRICTING THE CITY COUNCILMEMBER DISTRICTS BASED ON RECENTLY ISSUED 2020 CENSUS DATA AND DISCUSSION BY THE CITY COUNCIL OF DRAFT PLAN(S) AND AMENDMENTS, IF NECESSARY, TO DEVELOP A PLAN FOR FUTURE ADOPTION

SID FAULKNER AND CAMERON ARSENO WITH BICKERSTAFF, PROVIDED

COUNCIL WITH EXAMPLE PLANS FOR THE REDISTRICTING. (PLAN A & B) BOTH ANSWERED QUESTIONS FROM COUNCIL.

COUNCIL DISCUSSED DIFFERENT WAYS FOR THE REDISTRICTING TO WORK. COUNCIL TOOK PLAN B AND AMENDED IT. SID FAULKNER WILL GET COUNCIL THE REVISED MAPS AND TABLES.

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

C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AGREEMENT FOR DEVELOPMENT OF A REGIONAL PARK FACILITY BY AND AMONG FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 222, THE CITY OF FULSHEAR, TEXAS AND D.R. HORTON – TEXAS, LTD

SHARON VALIANTE EXPLAINED THIS IS PART OF THE DEVELOPMENT AGREEMENT WITH D.R. HORTON FROM 2020 AND NOW WITH MUD DISTRICT 222. THEY ARE TO PLAN, DEVELOP, DESIGN, CONSTRUCT AND FINANCE A REGIONAL CITY PARK THAT D.R. HORTON HAS COMMITTED TO BUILD FOR THE CITY. THE PARK WILL BE LOCATED OFF OF WOODS ROAD IN A TOTAL OF 26 ACRES.

SHARON WENT OVER SOME OF THE HIGHLIGHTS AND CHANGES ON THE AGREEMENT.

SAM JOHNSON WITH COATS ROSE ANSWERED QUESTIONS FROM COUNCIL.

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

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE AN AGREEMENT FOR DEVELOPMENT OF A REGIONAL PARK FACILITY BY AND AMONG FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 222, THE CITY OF FULSHEAR, TEXAS AND D.R. HORTON- TEXAS LTD. 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: KELLY

MOTION APPROVED

D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE 2021-1347 AMENDING AND REVISING THE SOLID WASTE RATES FOR SERVICES PROVIDED BY GREEN FOR LIFE ENVIRONMENTAL (GFL)

DAN MCGRAW INTRODUCED THIS ITEM AND EXPLAINED THAT THIS ORDINANCE REFLECTS A RATE MODIFICATION OF AN OVERALL .20% DECREASE IN THE CURRENT SOLID WASTE RATES.

TONY EMILIO WITH GFL ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE ORDINANCE NO. 2021-1347 AMENDING AND REVISING THE SOLID WASTE RATES FOR SERVICES PROVIDED BY GREEN FOR LIFE ENVIRONMENTAL (GFL). IT WAS SECONDED BY COUNCIL MEMBER KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT: KELLY

MOTION APPROVED

E. CONSIDERATION AND APPROVAL OF ORDINANCE 2021-1361 AMENDING AND ADOPTING THE REVISED GROUNDWATER REDUCTION FEE AS REQUIRED BY THE NORTH FORT BEND WATER AUTHORITY

DAN MCGRAW INTRODUCED THIS ITEM. DAN EXPLAINED THAT THE NEW NORTH FORT BEND WATER AUTHORITY FEE WITH AN EFFECTIVE DATE OF JANUARY 01, 2022 IS \$4.55/1,000 GALLONS.

SHARON AND DAN ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE ORDINANCE NO. 2021-1361 AMENDING AND ADOPTING THE REVISED GROUNDWATER REDUCTION FEE AS REQUIRED BY THE NORTH FORT BEND WATER AUTHORITY. IT WAS SECONDED BY COUNCIL MEMBER KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, JOHNSON, KAHLICH, PATTERSON, POOL

NAYS: MARTIN

ABSTAIN:

ABSENT: KELLY

MOTION APPROVED

F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A TEMPORARY OPERATIONS AGREEMENT BETWEEN FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 216 AND THE CITY OF FULSHEAR

SHARON VALIATE INTRODUCED THIS ITEM AND WENT OVER THE HIGHLIGHTS OF THE AGREEMENT. SHE STATED THAT THIS IS A TEMPORARY AGREEMENT BY FULSHEAR LAKES DEVELOPMENT. THE 6 MONTH TERM BEGINS TONIGHT AND ENDS ON JUNE 14, 2022.

SPENCER CREED THE ATTORNEY WITH MUD 216 ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE A TEMPORARY OPERATIONS AGREEMENT BETWEEN FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 216 AND THE CITY OF FULSHEAR. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT: KELLY

MOTION APPROVED

G. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2021-540, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR APPROVING AND ADOPTING THE TEXAS OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET, AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE CITY OF FULSHEAR TO PARTICIPATE IN THE SETTLEMENTS PERTAINING THERETO

BYRON BROWN INTRODUCED THIS ITEM AND EXPLAINED THIS IS INVOLVING A NATION WIDE LITIGATION. THIS SETTLEMENT PROVIDES FOR DISTRIBUTION OF FUNDS TO AFFECTED MUNICIPALITIES THAT CHOOSE TO JOIN. BYRON EXPLAINED THE FUNDS RECEIVED WILL DEPEND ON WHO PARTICIPATES AND THERE IS A RESTRICTION ON HOW THE FUNDS CAN BE USED.

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE RESOLUTION NO. 2021-540, A RESOLUTION OF THE CITY OF FULSHEAR APPROVING AND ADOPTING THE TEXAS OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET, AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS

NECESSARY FOR THE CITY OF FULSHEAR TO PARTICIPATE IN THE SETTLEMENTS PERTAINING THERETO. IT WAS SECONDED BY SARAH JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT: KELLY

MOTION APPROVED

H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2021-1363, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ADOPTING RULES AND PROCEDURES FOR THE ADOPTION OF LOCAL AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE AND INTERNATIONAL BUILDING CODES

ZACH GOODLANDER EXPLAINED THIS IS TO BRING OUR ORDINANCES IN LINE WITH THE RECENT LEGISLATIVE UPDATES.

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO APPROVE ORDINANCE NO. 2021-1363, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ADOPTING RULES AND PROCEDURES FOR THE ADOPTION OF LOCAL AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE AND INTERNATIONAL BUILDING CODES. 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: KELLY

MOTION APPROVED

VIII. 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

i. CONFIDENTIALITY OF CERTAIN INFORMATION PERTAINING TO THE SITE OF FORMER CITY HALL

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

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

NAYS:
ABSTAIN:
ABSENT: KELLY

MOTION APPROVED

MAYOR GROFF ADJOURNED INTO EXECUTIVE SESSION AT 7:53 P.M.

MAYOR GROFF RECONVENED THE REGULAR CITY COUNCIL MEETING AT 8:37P.M.

**** GO TO ITEM IX. ACTION FROM EXECUTIVE SESSION, LETTER A, CITY HALL ****

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
i. CITY MANAGER

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

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

MOTION APPROVED

MAYOR GROFF ADJOURNED INTO EXECUTIVE SESSION AT 8:39 P.M.

MAYOR GROFF RECONVENED THE REGULAR CITY COUNCIL MEETING AT 9:58 P.M.

**** GO TO ITEM IX. ACTION FROM EXECUTIVE SESSION, LETTER B, CITY MANAGER ****

IX. ACTION FROM EXECUTIVE SESSION

- A. DISCUSSION AND POSSIBLE ACTION REGARDING THE INTRA- OR INTER-GOVERNMENTAL TRANSFER OF CERTAIN INFORMATION PERTAINING TO THE SITE OF FORMER CITY HALL**

THERE WAS NO ACTION FROM EXECUTIVE SESSION ON THIS ITEM.

- B. DISCUSSION AND POSSIBLE ACTION REGARDING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE—CITY MANAGER**

THERE WAS NO ACTION FROM EXECUTIVE SESSION ON THIS ITEM.

X. ADJOURNMENT

A MOTION WAS MADE BY MAYOR PRO-TEM CATES TO ADJOURN. 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: KELLY

MOTION APPROVED

MAYOR GROFF ADJOURNED THE MEETING AT 9:59 P.M.



ATTEST:


KIMBERLY KOPECKY, CITY SECRETARY


AARON GROFF, MAYOR