



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

SPECIAL CITY COUNCIL MEETING MINUTES

December 8, 2020

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 5:30 P.M.

II. QUORUM AND ROLL CALL

A QUORUM WAS PRESENT.

COUNCIL MEMBERS PRESENT:

AARON GROFF

KAYE KAHLICH

JOEL PATTERSON

DEBRA CATES

LISA MARTIN

JOHN KELLY

KENT POOL

KEVIN WHITE

CITY STAFF PRESENT:

BYRON BROWN

SHARON VALIANTE
JACK HARPER
MARIELA RODRIGUEZ
JESUS ESCOBAR
ZACH GOODLANDER

OTHERS PRESENT:

THERE WERE NO AUDIENCE MEMBERS PRESENT.

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.

THERE WERE NO CITIZEN COMMENTS.

IV. 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

- **RIGHT OF WAY**
- **DEVELOPMENT AGREEMENT**
- **WATER AND WASTEWATER FACILITIES AGREEMENT**

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

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

NAYS: NONE

ABSTAIN: NONE

ABSENT: NONE

MAYOR GROFF ADJOURNED INTO EXECUTIVE SESSION AT 5:32 P.M.

*** MARIELA RODRIGUEZ THE ASSISTANT CITY SECRETARY OBSERVED COUNCIL MEMBER POOL LEAVE THE MEETING AT 6:39P.M. ***

MAYOR GROFF RECONVENED THE MEETING AT 7:48 P.M.

MAYOR GROFF ANNOUNCED COUNCIL MEMBER POOL HAD TO STEP OUT FOR PRIOR ARRANGEMENTS BUT THERE IS STILL A QUORUM WITH 6 OUT OF 7 COUNCIL MEMBERS.

V. 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 FOR RIGHT OF WAY ACQUISITION

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO AUTHORIZE THE CITY MANAGER TO MAKE AN OFFER, NEGOTIATE, AND EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE PURCHASE OF CERTAIN PROPERTY FOR RIGHT OF WAY ACQUISITION AND IF THE FINAL OFFER IS NOT ACCEPTED THEN AUTHORIZE STAFF TO PROCEED WITH CONDEMNATION.. 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

B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN AND AMONG THE CITY OF FULSHEAR, TEXAS; RAELYNN FRANZ, TRUSTEE OF THE F,H, & L 2012 TRUST U/T/A DATED DECEMBER 21, 2012; RAYMOND DALE FRANZ, TRUSTEE OF THE RDF TRUST U/T/A DATED DECEMBER 21, 2012; KEVIN SCOTT FRANZ, TRUSTEE OF THE BAMM TRUST U/T/A DATED DECEMBER 21, 2012; AND KELLI JEAN FRANZ SPILMAN, TRUSTEE OF THE KJFS TRUST U/T/A DATED DECEMBER 21, 2012; AND DRHI, INC., A DELAWARE CORPORATION

THERE WAS NO ACTION TAKEN ON THIS ITEM.

C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A WATER AND WASTEWATER FACILITIES AGREEMENT BETWEEN AND AMONG THE CITY OF FULSHEAR, TEXAS; RAELYNN FRANZ, TRUSTEE OF THE F,H, & L 2012 TRUST U/T/A DATED DECEMBER 21, 2012; RAYMOND DALE FRANZ, TRUSTEE OF THE RDF TRUST U/T/A DATED DECEMBER 21, 2012; KEVIN SCOTT FRANZ, TRUSTEE OF THE BAMM TRUST U/T/A DATED DECEMBER 21, 2012; AND KELLI JEAN FRANZ SPILMAN, TRUSTEE OF THE KJFS TRUST U/T/A DATED DECEMBER 21, 2012; AND DRHI, INC. ON BEHALF OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 222

*THERE WAS NO ACTION TAKEN ON THIS ITEM.
THERE WAS NO ACTION TAKEN ON THIS ITEM.*

VI. BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2020-496, A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, CONSENTING TO THE CREATION OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 222 AND IMPOSING CONDITIONS ON SAME

BYRON INTRODUCED THIS ITEM TO COUNCIL AND EXPLAINED THAT THE STATE LAW REQUIRES THAT THE CITY GRANT CONSENT BEFORE THE MUD CAN BE CREATED. HE STATED WE HAVE RECIEVED THE PETITION REQUESTING THAT CONSENT AND BY STATUTE THE CITY HAS 90 DAYS TO ACT ON IT.

BYRON INFORMED COUNCIL THAT THE STATE LAW AUTHORIZES THE CITY TO IMPOSE CERTAIN CONDITIONS. THIS RESOLUTION IMPOSES THE FOLLOWING TWO RELEVANT CONDITIONS:

- 1. REQUIRING THAT PUBLIC INFRASTRUCTURE BE BUILT TO THE CITY STANDARDS AND AUTOHRIZE THE CITY TO INSPECT.*
- 2. THE CONSENT IS CONDITIONED THAT A DEVELOPMENT AGREEMENT BE EXECUTED FOR THE TRACT.*

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2020-496, A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS CONSENTING TO THE CREATION OF FORT BEND COUNTY MUNICIPAL UTILITY DISCTRICK NO. 222 AND IMPOSING CONDITIONS ON SAME. IT WAS SECONDED BY COUNCIL MEMBER PATTERSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT: POOL

MOTION APPROVED

VII. ADJOURNMENT

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

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

NAYS:
ABSTAIN:
ABSENT: POOL

MOTION APPROVED
MAYOR GROFF ADJOURNED THE MEETING AT 7:54 P.M.

AARON GROFF, MAYOR

ATTEST:

KIMBERLY KOPECKY, CITY SECRETARY