



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

December 15, 2020

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.

II. QUORUM AND ROLL CALL

A QUORUM WAS PRESENT.

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT:

KEVIN WHITE

CITY STAFF PRESENT:

JACK HARPER
BYRON BROWN
KIMBERLY KOPECKY
MARIELA RODRIGUEZ
DAN MCGRAW
ZACH GOODLANDER
ERIN TEREAU
SHARON VALIANTE
JESUS ESCOBAR
CHIEF SEYMOUR
CHARLES OBERRENDER

OTHERS PRESENT:

OWEN BEMENT
JOAN BERGER
AND APPROXIMATELY 15 OTHERS THAT DID NOT SIGN IN.

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

INVOCATION WAS GIVEN BY REVEREND GILMORE.

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.

OWEN BEMENT, RESIDENT OF BOIS D'ARC, SPOKE AGAINST THE SIGN VARIANCE TO KATY ISD.

JOAN BERGER, RESIDENT OF CROSS CREEK RANCH AND MEMBER OF OUR PLANNING AND ZONING COMMISSION, SPOKE AGAINST THE SIGN VARIANCE.

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. HOLIDAY SCHEDULE

JACK HARPER INFORMED COUNCIL THAT CITY OFFICES WILL BE CLOSED THURSDAY DECEMBER 24, 2020, FRIDAY DECEMBER 25, 2020, AND FRIDAY JANUARY 01, 2021. HE STATED THE FULSHEAR POLICE DEPARTMENT WILL REMAIN OPEN AND CONTINUE WORKING TO KEEP THE CITY SAFE.

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 NOVEMBER 17, 2020 (JOINT-SPECIAL) AND NOVEMBER 17, 2020 (REGULAR)**
- B. CONSENT AND APPROVAL OF AN UPDATE TO THE FULSHEAR RUN GENERAL PLAN**
- C. CONSENT AND APPROVAL OF THE FULSHEAR RUN SECTION 5 PRELIMINARY PLAT**
- D. CONSENT AND APPROVAL OF THE FULSHEAR RUN SECTION 6 PRELIMINARY PLAT**
- E. CONSENT AND APPROVAL OF THE CREEK RUSH AT CROSS CREEK RANCH SECTION 1 PRELIMINARY PLAT**
- F. CONSENT AND APPROVAL OF THE CREEK RUSH AT CROSS CREEK RANCH SECTION 6 PRELIMINARY PLAT**
- G. CONSENT AND APPROVAL OF THE BONTERRA AT CROSS CREEK RANCH SECTION 9A PRELIMINARY PLAT**
- H. CONSENT AND APPROVAL OF THE BONTERRA AT CROSS CREEK RANCH SECTION 11B PRELIMINARY PLAT**
- I. CONSENT AND APPROVAL OF THE MORGANS SPUR DRIVE EXTENSION NO.4 STREET DEDICATION PRELIMINARY PLAT**
- J. CONSENT AND APPROVAL OF THE TAMMARRON LIFT STATION NO.6 PRELIMINARY PLAT**
- K. CONSENT AND APPROVAL OF THE TAMARRON POINT STREET DEDICATION PRELIMINARY PLAT**
- L. CONSENT AND APPROVAL OF THE FULBROOK ON FULSHEAR CREEK**

SECTION 6 FINAL PLAT

- M. CONSENT AND APPROVAL OF THE POLO RANCH SECTION 10 FINAL PLAT**
- N. CONSENT AND POSSIBLE ACTION TO APPROVE THE FY2020 UNAUDITED FINANCIALS FOR ALL FUNDS AND OCTOBER 2020 MONTHLY FINANCIAL REPORT FOR THE GENREAL & UTILITY FUNDS**
- O. CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR CREEK COVE AT CROSS CREEK RANCH, SECTION THIRTEEN**

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEMS A-O. 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: WHITE

MOTION APPROVED

IX. BUSINESS

- A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2020-1335 AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING AND ADOPTING THE REVISED GROUNDWATER REDUCTION FEE AS REQUIRED BY THE NORTH FORT BEND WATER AUTHORITY;**

DAN MCGRAW GAVE SOME BACKGROUND AND STATED THE GROUND WATER REDUCTION PLAN IS UNDER A LEGISLATIVE MANDATE. THE NORTH FORT BEND WATER AUTHORITY (NFBWA) WILL ADOPT NEW RATES THURSDAY DECEMBER 17, 2020 AND THE FEE WILL GO UP FROM \$3.95/1K GALLONS TO \$4.25/1K GALLONS EFFECTIVE JANUARY 21, 2020. CUSTOMERS WILL RECEIVE A NOTICE REGARDING THE FEE INCREASE ON THEIR JANUARY WATER BILL AND WILL RECEIVE THE FIRST BILLING INCLUDING THE RATE CHANGE IN FEBRUARY.

COUNCIL REQUESTED TO MEET WITH A REPRESENTATIVE OF THE NORTH FORT BEND WATER AUTHORITY (NFBWA) IN SUMMER OF 2021.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ORDINANCE NO. 2020-1335 AN ORDINANCE OF THE CITY OF FULSHEAR TEXAS AMENDING AND ADOPTING THE REVISED GROUNDWATER REDUCTION FEE AS REQUIRED BY THE NORTH FORT BEND WATER AUTHORITY. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, KAHLICH, KELLY, PATTERSON, POOL

NAYS: MARTIN

ABSTAIN:

ABSENT: WHITE

MOTION APPROVED

B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY FOR THE BOIS D'ARC EXTENSION PROJECT

SHARON VALIANTE INTRODUCED THIS ITEM AND INFORMED COUNCIL THAT THE CITY'S PARTICIPATION IS 50% OF COST FOR THIS PROJECT. THE ESTIMATED VALUE FOR THE CITY IS \$780,000.00. THIS WILL BE A CREATED PROJECT AS ITS NOT ON THE CIP BUT IT IS THE ALIGNMENT ON THE MAJOR THOROUGHFARE PLAN.

ROBERT PECHUKAS WITH FORT BEND COUNTY PCT. 3 ANSWERED QUESTIONS FOR COUNCIL.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY FOR THE BOIS D'ARC EXTENSION PROJECT. 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: WHITE

MOTION APPROVED

C. CONSIDERATION AND POSSIBLE ACTION REGARDING A VARIANCE APPEAL FOR A MONUMENT SIGN LOCATED AT 27500 FULSHEAR BEND DR. (KATY-JORDAN HIGH SCHOOL)

ZACH GOODLANDER STATED THE PERMIT FOR THIS SIGN WAS APPROVED BY PREVIOUS STAFF JUNE 15, 2018. ON AUGUST 2019 THE CURRENT BUILDING OFFICIAL NOTICED THE NON COMPLIANT SIGN AND NOTIFIED KATY ISD AND WERE GIVEN A VARIANCE APPLICATION. IN FEBRUARY 2020 P&Z TABLED THE ITEM AWAITING THE CDO TO GO THROUGH. IN NOVEMBER 2020 P&Z VOTED AND 6/1 TO DENY.

JUSTIN GRAHAM WITH KATY ISD GAVE COUNCIL HAND OUT EXHIBITS A, B, C, D, AND E. JUSTIN REVIEWED THE EXHIBITS AND ANSWERED QUESTIONS FOR COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO GRANT A

VARIANCE APPEAL FOR THE MONUMENT SIGN LOCATED AT 27500 FULSHEAR BEND DR. KATY JORDAN HIGH SCHOOL AND AUTHORIZE THE MAYOR TO ISSUE AN ORDER TO THAT EFFECT. IT WAS SECONDED BY COUNCIL MEMBER KELLY. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, KELLY, MARTIN, PATTERSON

NAYS: KAHLICH, POOL

ABSTAIN:

ABSENT: WHITE

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**

- CITY HALL
- DEVELOPMENT AGREEMENTS
- 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 MARTIN. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT:WHITE

MOTION APPROVED

MAYOR GROFF ADJOURNED INTO EXECUTIVE SESSION AT 8:22 P.M.

MAYOR GROFF RECONVENED THE REGULAR CITY COUNCIL MEETING AT 9:56 P.M.

XI. ACTION FROM EXECUTIVE SESSION

- A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN AND AMONG THE CITY OF FULSHEAR, TEXAS; RAELENN 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 BAMB 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

CHRIS LENDOR WITH D.R. HORTON ANSWERED QUESTIONS FOR COUNCIL.

THE CITY WILL BE PROVIDING WHOLESALE WATER TO THE DEVELOPMENT. THE DISTRICT WILL BUILD OUT A TEMPORARY WASTEWATER PLANT AND FOLLOW STANDARDS FOR WATER/ WASTEWATER. THE AVERAGE LOT SIZE IS 6,000 SQ. FT. THE DEVELOPER AGREES TO THE CITY SIGN ORDINANCE AND AGREES TO PAY \$960.00 PERMIT FEE PER HOME.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR TEXAS AND DRHI A TEXAS LIMITED COORPORATION. IT WAS SECONDED BY COUNCIL MEMBER GATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT: WHITE

MOTION APPROVED

- B. 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 BAMB 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**

PER BYRON BROWN, THIS AGREEMENT IS COMPLIMENTARY OF THE DEVELOPMENT AGREEMENT.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE A WATER AND WASTEWATER FACILITIES AGREEMENT BETWEEN THE CITY OF FULSHEAR TEXAS AND DRHI INC ON BEHALF OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 222. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:

ABSTAIN:

ABSENT: WHITE

MOTION APPROVED

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

THERE WAS NO ACTION 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.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE COUNCIL MEMBER WHITES ABSENCE FOR TONIGHTS MEETING. 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: WHITE

MOTION APPROVED

XIII. ADJOURNMENT

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

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

NAYS:

ABSTAIN:

ABSENT:WHITE

MAYOR GROFF ADJOURNED THE MEETING AT 10:18 P.M.

AARON GROFF, MAYOR

ATTEST:

KIMBERLY KOPECKY, CITY SECRETARY