



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

COUNCIL MEMBER: John Kelly

Patterson

STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly
Kopecky

CITY ATTORNEY: J. Grady Randle

SPECIAL CITY COUNCIL MEETING

September 10, 2019

NOTICE IS HEREBY GIVEN OF A SPECIAL CITY COUNCIL MEETING OF THE CITY OF FULSHEAR TO BE HELD ON **Tuesday, September 10, 2019 AT 5:30 PM** IN IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS FOR CONSIDERING THE FOLLOWING ITEMS. THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY MATTERS LISTED ON THE AGENDA, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE, INCLUDING, BUT NOT LIMITED TO, SECTIONS 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATIONS ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), 551.087 (ECONOMIC DEVELOPMENT), 418.175.183 (DELIBERATIONS ABOUT HOMELAND SECURITY ISSUES) AND AS AUTHORIZED BY THE TEXAS TAX CODE, INCLUDING, BUT NOT LIMITED TO, SECTION 321.3022 (SALES TAX INFORMATION).

"Incidental Meeting Notice: A quorum of the City of Fulshear City Council, Planning and Zoning Commission, City of Fulshear Development Corporation (Type A), Fulshear Development Corporation (Type B), Parks and Recreation Commission, Historic Preservation and Museum Commission, Zoning Board of Adjustment, or any or all of these, may be in attendance at the meeting specified in the foregoing notice, which attendance may constitute a meeting of such governmental body or bodies as defined by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

Therefore, in addition to the foregoing notice, notice is hereby given of a meeting of each of the above-named governmental bodies, the date, hour, place, and subject of which is the same as specified in the foregoing notice."

I. CALL TO ORDER

II. QUORUM AND ROLL CALL

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.

IV. BUSINESS

- A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2019-1305; AN ORDINANCE AMENDING SECTION 2-52 OF THE FULSHEAR CODE, REGARDING RULES OF PROCEDURE FOR PUBLIC COMMENT**
- B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-434; A RESOLUTION NOMINATING ONE CANDIDATE FOR EACH POSITION TO BE FILLED ON THE BOARD OF DIRECTORS OF THE FORT BEND CENTRAL APPRAISAL DISTRICT**
- C. CONSIDERATION OF RATIFICATION AND APPROVAL FOR WORK ORDERS #6 AND #7 AUTHORIZING COMPLETION OF ITEMS BY KENDIG KEAST COLLABORATIVE FOR THE COORDINATED DEVELOPMENT ORDINANCE PROJECT**
- D. PROPOSED FY20 BUDGET AND CAPITAL IMPROVEMENTS PROGRAM DISCUSSIONS**

V PUBLIC HEARING

- A PUBLIC HEARING- 2019 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF FULSHEAR-A tax rate of \$0.218970 per \$100 valuation has been proposed for adoption by the governing body of City of Fulshear. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate. The governing body of City of Fulshear proposes to use revenue attributable to the tax rate increase for the purpose of supporting the growth of infrastructure and public services. PROPOSED TAX RATE \$0.218970 per \$100 PRECEDING YEAR'S TAX RATE \$0.162510 per \$100 EFFECTIVE TAX RATE \$0.152706 per \$100 ROLLBACK TAX RATE \$0.218970 per \$100 The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of Fulshear from the same properties in both the 2018 tax year and the 2019 tax year. The rollback tax rate is the highest tax rate that City of Fulshear may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate. YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS: property tax amount= (rate) x (taxable value of your property)/100 For assistance or detailed information about tax calculations, please contact: Carrie Surratt City of Fulshear tax assessor-collector 1317 Eugene Heimann Circle Richmond, TX**

77469 281-341-3710 Carrie.Surratt@fortbendcountytexas.gov
www.fortbendcountytexas.gov You are urged to attend and express your views at the following public hearings on the proposed tax rate: First Hearing: August 20, 2019 at 7:00 PM at Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas. Second Hearing: September 10, 2019 at 7:00 PM at Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas.

- B PUBLIC HEARING- Proposed 2020 Fiscal Year Budget** The City of Fulshear (City) city council will hold a public hearing on the proposed 2020 fiscal year budget and Capital Improvement Program. The public hearing will be held in the Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas 77441 at 7:00 p.m. on September 10, 2019. The public is encouraged to review the City's proposed budget on the City of Fulshear website at www.fulsheartexas.gov or view a paper copy of the budget in the City Secretary's office. This budget will raise more total property taxes than last year's budget by \$967,519, which is 39.48 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this is \$352,097. The public may comment in person at the public hearing, provide written comments either through the mail at the City Hall, 30603 FM 1093 West, PO Box 279, Fulshear, Tx 77441, e-mail to kkopecky@fulsheartexas.gov . Any written comments will be included with information provided to the city council for their consideration. Members of the public are encouraged to provide input through any means available and/or to attend the public hearing. Posted 8-26-19

VI. ADJOURNMENT

NOTE: IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT, THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICE MUST BE MADE AT LEAST 48 BUSINESS HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT 281-346-1796 FOR FURTHER INFORMATION.

I, KIMBERLY KOPECKY, CITY SECRETARY OF THE CITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING AND AGENDA FOR THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS WAS POSTED ON FRIDAY, SEPTEMBER 6, 2019 by 5:00 p.m. IN PLACE CONVENIENT AND READILY ACCESSIBLE AT ALL TIMES TO THE GENERAL PUBLIC, IN COMPLIANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

KIMBERLY KOPECKY, CITY SECRETARY

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 9/10/2019

ITEMS: IV.A.

**DATE
SUBMITTED:** 9/5/2019

DEPARTMENT: Administration

PREPARED BY: Kimberly Kopecky

PRESENTER: Brant Gary

SUBJECT: CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2019-1305; AN ORDINANCE AMENDING SECTION 2-52 OF THE FULSHEAR CODE, REGARDING RULES OF PROCEDURE FOR PUBLIC COMMENT

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

Section 3.09(d) of the Home-Rule Charter (“Charter”) of the City of Fulshear, Texas (“City”), requires the City Council to “adopt rules of procedure governing all meetings of the City Council, which shall provide for comments from the public at all regular meetings, subject to such limitations as may be imposed by the City Council.” Section 3.09(d) of the Charter, the City Council adopted Article II, Division 2 of the Fulshear Code, including section 2-52, which provides rules of procedure for public comment. Section 2-52 of the Fulshear Code has been preempted in part by Tex. H.B. 2840, 86th Leg., R.S. (2019), which added a new section 551.007 to Chapter 551 of the Texas Government Code. The City Council desires to amend section 2-52 to conform to section 551.007 of the Texas Government Code.

RECOMMENDATION

Staff recommends City Council approve Ordinance No. 2019-1305.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance No. 2019-1305	9/5/2019	Ordinance

ORDINANCE NO. 2019-1305

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING SECTION 2-52 OF THE FULSHEAR CODE, REGARDING RULES OF PROCEDURE FOR PUBLIC COMMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, section 3.09(d) of the Home-Rule Charter (“Charter”) of the City of Fulshear, Texas (“City”), requires the City Council to “adopt rules of procedure governing all meetings of the City Council, which shall provide for comments from the public at all regular meetings, subject to such limitations as may be imposed by the City Council”; and

WHEREAS, pursuant to section 3.09(d) of the Charter, the City Council adopted Article II, Division 2 of the Fulshear Code, including section 2-52, which provides rules of procedure for public comment; and

WHEREAS, section 2-52 of the Fulshear Code has been preempted in part by Tex. H.B. 2840, 86th Leg., R.S. (2019), which added a new section 551.007 to Chapter 551 of the Texas Government Code; and

WHEREAS, the City Council desires to amend section 2-52 to conform to section 551.007 of the Texas Government Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

Section 2. Section 2-52 of the Fulshear Code is hereby amended to read as follows:

“Sec. 2-52. - Public comment.

- (a) *Public comment allowed at all open meetings.* The city council shall allow each member of the public who desires to address the city council regarding an item on an agenda for an open meeting of the city council to address the city council regarding the item at the meeting before or during the city council’s consideration of the item, subject to the limitations of this section.

- (b) *Request required.* Each member of the public who desires to address the city council regarding an item on an agenda for an open meeting of the city council must deliver to the presiding officer a written request to address the city council. The written request must be delivered to the presiding officer prior to the commencement of the meeting and must include:
- (1) the person's name;
 - (2) a reference to each agenda item for which the person desires to address the city council; and
 - (3) for each referenced agenda item, an indication of whether the person desires to address the city council before or during the city council's consideration of the item.
- (c) *Comment duration.* The total amount of time that a member of the public may address the city council on a given item is limited to three (3) minutes, provided that any member of the public who addresses the city council on a given item through a translator is limited to six (6) minutes. The presiding officer or his designee shall be timekeeper for purposes of enforcing this rule. No member of the public may yield time to any other member of the public.
- (d) *Public Hearings.* Subsections (b) and (c) shall not apply to a public hearing."

Section 3. **Severability.** In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. **Repeal.** All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. **Effective date.** This Ordinance shall be effective and in full force immediately upon its adoption.

PASSED, APPROVED, and ADOPTED this, the 10th day of September, 2019.

Aaron Groff, Mayor

ATTEST:

Kimberly Kopecky, City Secretary

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 9/10/2019

ITEMS: IV.B.

**DATE
SUBMITTED:** 9/5/2019

DEPARTMENT: Administration

PREPARED BY: Kimberly Kopecky

PRESENTER: Brant Gary

SUBJECT: CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-434; A RESOLUTION NOMINATING ONE CANDIDATE FOR EACH POSITION TO BE FILLED ON THE BOARD OF DIRECTORS OF THE FORT BEND CENTRAL APPRAISAL DISTRICT

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

In accordance with the Texas Property Code, Section 6.03(g) - "Board of Directors, each taxing unit other than a conservation and reclamation district that is entitled to vote may nominate by resolution adopted by its governing body one candidate for each position to be filled on the Board of Directors. The presiding officer of the governing body of the unit shall submit the names of the unit's nominees to the chief appraiser before October 15."

The Board of Directors is comprised of five elected members and the county assessor-collector serving as a nonvoting director. A ballot will be created with all the regular taxing entities nominations and the nominee from the conservation and reclamation districts. The following current Board of Directors have agreed to serve another term if elected:

- Jim Kij, Chairman
- Paul Stamatis, Jr., Vice-Chairman
- Al Abramczyk, Financial Officer

RECOMMENDATION

Staff recommends City Council make nominations.

ATTACHMENTS:

Description	Upload Date	Type
Resolution No. 2019-434	9/5/2019	Backup Material

RESOLUTION NO. 2019-434

A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, NOMINATING ONE CANDIDATE FOR EACH POSITION TO BE FILLED ON THE BOARD OF DIRECTORS OF THE FORT BEND CENTRAL APPRAISAL DISTRICT.

* * * * *

WHEREAS, under section 6.03(g) of the Property Tax Code, the City of Fulshear, Texas ("City"), is entitled to nominate by resolution one candidate for each position to be filled on the board of directors of the Fort Bend Central Appraisal District;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. The following individuals are hereby nominated by the City as candidates for appointment to the Board of Directors of the Fort Bend Central Appraisal District:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Section 2. The Mayor of the City of Fulshear, Texas, is hereby directed to submit the names of the City's nominees as set forth herein to the Chief Appraiser of the Fort Bend Central Appraisal District before October 15, 2019.

PASSED, APPROVED, and ADOPTED on the 10th day of September, 2019.

Aaron Groff, Mayor

ATTEST:

Kimberly Kopecky, City Secretary

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 9/10/2019

ITEMS: I.V.C.

**DATE
SUBMITTED:**

DEPARTMENT: Building Services

PREPARED BY: Zach Goodlander

PRESENTER: Brant Gary

SUBJECT: CONSIDERATION OF RATIFICATION AND APPROVAL FOR WORK ORDERS #6 AND #7 AUTHORIZING COMPLETION OF ITEMS BY KENDIG KEAST COLLABORATIVE FOR THE COORDINATED DEVELOPMENT ORDINANCE PROJECT

Expenditure Required: WO #6 FY19 - \$97,900; W.O. #7 FY20 - \$51,254

Amount Budgeted:

Funding Account: 100-5-400-5411-10

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

Previously, City Council authorized the issuance of Work Order #6 for the Coordinated Development Ordinance (CDO) project work requested during FY19. City Council also requested that City Staff hold off on additional work orders until after the update on 8/27. With that having occurred, there are some remaining items to be completed in FY19 via Work Order #6 and the next steps for Work Order #7 can begin in October for the start of FY20 work.

After receiving that direction from Council, City Staff has received detailed drafts of both Work Orders. With these details in mind, City Staff is requesting ratification and approval of both work orders to include the future issuance of Work Order #7 in FY20.

RECOMMENDATION

City Staff recommends City Council ratify and confirm authorization for Work Order #6 for FY19 items and Work Order #7 for items to begin in FY20.

ATTACHMENTS:

Description	Upload Date	Type
CDO Project-Work Order #6	9/6/2019	Backup Material
CDO Project - Work Order #7	9/6/2019	Backup Material

The On-Call Services Agreement between the City of Fulshear and Kendig Keast Collaborative, executed on December 17, 2014 provides for two forms of service, as authorized by the City through the On-Call Professional Services Agreement, including:

- **General On-Call Services**, which involve consultant personnel being available on an on-call, as-needed basis to provide general and/or ongoing technical planning assistance to City staff as particular needs emerge or evolve, including availability for periodic meeting attendance. The specific types of assistance may be only broadly defined and relatively open-ended at the outset of work, which is why the method of compensation is an hourly rate basis as described in the On-Call Professional Services Agreement. The City and consultant may mutually establish certain parameters for this services arrangement, such as a total cost target based on available budget or expected duration of the technical support role.
- **Work Order Services**, which involve more narrowly focused and clearly defined tasks for which a specific Scope of Services is prepared by the Consultant and approved by the Client after any mutually agreed revisions and prior to initiation of work. These services would result in one or more specified deliverables that are itemized and described in the Scope of Services, along with a definite number and type of meetings requiring consultant attendance and facilitation or other support, and a timeline and associated compensation for all work activities included in the Scope of Services. This services arrangement may involve completion of only one work order or could lead to a series of work authorizations, each of which is considered an amendment to the overall On-Call Professional Services Agreement. For work order services the method of compensation involves the City reimbursing the consultant for actual costs incurred in carrying out a particular Scope of Services, subject to an agreed upon maximum not-to-exceed amount indicated in the work order.

Work Order #6: DRAFTING & PRESENTATION OF ARTICLES I - IV

Scope of Services:

The following scope of services will be undertaken as part of Work Order #6

1.1 *enCodePlus™ Text Build (see <http://online.encodeplus.com/regs/fulshear-tx/>)*

KKC will use the **enCodePlus™** cloud-based codification and online code publishing software to facilitate the ordinance drafting process as a fully-searchable electronic ordinance upon completion and adoption. Upon completion of the project, the format of the CDO will be integrated with the City's Code of Ordinances hosted by Municode. Such integration will allow access from anywhere on the City's website, as well as to/from Municode.

1.2 *Revisions to Article I, Authority, Purpose, and Jurisdiction and Article II, Zoning Districts and Land Uses (Residential Districts)*

KKC will use the written comments received from the Ordinance Advisory Committee (OAC) and the Staff Technical Advisory Committee (STAC) to create a revised draft of Article I, *Authority, Purpose, and Jurisdiction* and Article II, *Zoning Districts and Land Uses (Residential Districts)* which will be submitted to the City in conjunction with KKC's second deliverable.

Deliverable: Revised Draft of the Articles and Divisions of the CDO mentioned above.

1.3 *Create Second Deliverable: Draft of Article II, Zoning Districts and Land Uses (Nonresidential Districts); and the following divisions within Article III: Site Development: Division III-1: Building and Site Design; Division III-2: Parking, Loading, and Access; Division III-3, Buffering, Landscaping, and Screening.*

KKC will create a second deliverable to include the articles and divisions listed in the task title above. This deliverable will be available for review and comment by the Staff Technical Advisory Committee (STAC), the OAC, the Planning and Zoning Commission (PZC), City Council, and the general public. The deliverable will be submitted to the City concurrently with the first deliverable revisions.

Deliverable: Draft of the Articles and Divisions of the CDO mentioned above.

Meeting(s):

- City Staff Teleconference(s)
- Staff Technical Advisory Committee (STAC)
- Ordinance Advisory Committee (OAC)
- Joint Planning & Zoning Commission (PZC) and City Council Meeting

1.4 *Create a Preliminary Draft of Article III, Division III-5: Outdoor Lighting and Article IV: Subdivision Regulations.*

KKC will create a preliminary draft of Article III, Division III-5: *Outdoor Lighting* and Article IV: *Subdivision Regulations*. As part of a subsequent Work Order, KKC will review two newly passed state laws [HB 2439(2019) & HB 3167(2019)] to ensure compliance. Consultation with the City's attorney may be required. The preliminary draft of the articles and divisions mentioned above may be delivered to City Staff upon request, however they will not as part of this Work Order be delivered to the OAC, PZC, City Council, and the general public.

1.5 *Create Preliminary and Final Drafts of an Interim Ordinance to be adopted prior to CDO Adoption.*

KKC will create a preliminary draft and final draft of an Interim Ordinance that will immediately address and revise two critically important issues for the City found within the City's existing regulations. The two issues to be amended include the special use approval process and specific plat of survey requirements.

As part of this task a careful review of state law requirements in Chapter 212 of the Texas Local Government Code (TLGC) that set certain minimum standards for municipal platting requirements is necessary. Specifically, TLGC Sec. 212.041, *Municipality Covered by Subchapter*, creates a mechanism whereby an additional subchapter of requirements of Chapter 212 can apply to a municipality should the City decide to pass an ordinance making these requirements applicable. As of now, KKC is unclear as to whether the City has adopted such an ordinance. Therefore, consultation with the City's Attorney may be required.

In order for KKC to properly address the specific issues discussed above, the following portions of the City's existing Code of Ordinances are expected to be modified:

- Rename Article IV, *Special Use Regulations* to Article IV, *Conditional and Special Use Regulations*.
- Remove Subsections [a-e] of Sec. 1-225, *Supplementary Use Standards* and create a new Sec. 1-224, *Conditional Use Standards*.
- Delete Sec. 1-225(h), *Manufactured Homes*, because it is not necessary.
- Rename Sec. 1-225, *Supplementary Use Standards*, to Sec. 1-225, *Special Use Standards* [only the existing subsections f, *Sexually Oriented Businesses*, and subsection g, *Heavy Industry*, are to remain in Sec. 1-225.
- Modify the sections listed as Reserved at the end of Article III, *District Regulations*, to be Secs. 1-197-1-223 – Reserved.
- Modify Sec. 1-186, *Residential Acreage (R1) District Regulations*, through Sec. 1-194, *Manufactured Housing (MH) District Regulations*, to remove the references to Special Use and Special Use Permit requirements as deemed necessary. All references to Sexually Oriented Businesses and Heavy Industry shall remain Special Uses.
- Modify or delete Sec. 1-283, *Special Use Permits*.
- Delete all of the contents currently found in Sec. 1-196, *Land Use Category Table* and insert a sentence that an up-to-date land use table shall be maintained administratively and is available upon request.
- Add Sec. 1-195(5), *Conditional Uses*, to explain how conditional uses are approved administratively.
- Modify Sec. 34-29, *Plat Required, Approval*, to provide for exemptions to subsection (4) to permit small scale construction in certain circumstances where the City's existing platting requirements have not been met.

Deliverable(s):

- Draft & Final versions of the City Code of Ordinance changes shown above.

Meeting(s):

- City Staff Teleconference
- Planning & Zoning Commission meeting
- City Council meeting

Work Order Compensation:

The total cost for KKC to execute the services as outlined above is **\$97,900**.

If you have any questions pertaining to this agreement, please contact David Baird, KKC Senior Associate, at (281)242-2960. KKC greatly appreciates the opportunity to submit this proposal, and we look forward to our continued work with your City.

Respectfully,

KENDIG KEAST COLLABORATIVE



Bret C. Keast, AICP, CEO

APPROVAL OF CONTRACT AMENDMENT

Signature

Typed Name and Title

Date Signed

The On-Call Services Agreement between the City of Fulshear and Kendig Keast Collaborative, executed on December 17, 2014 provides for two forms of service, as authorized by the City through the On-Call Professional Services Agreement, including:

- **General On-Call Services**, which involve consultant personnel being available on an on-call, as-needed basis to provide general and/or ongoing technical planning assistance to City staff as particular needs emerge or evolve, including availability for periodic meeting attendance. The specific types of assistance may be only broadly defined and relatively open-ended at the outset of work, which is why the method of compensation is an hourly rate basis as described in the On-Call Professional Services Agreement. The City and consultant may mutually establish certain parameters for this services arrangement, such as a total cost target based on available budget or expected duration of the technical support role.
- **Work Order Services**, which involve more narrowly focused and clearly defined tasks for which a specific Scope of Services is prepared by the Consultant and approved by the Client after any mutually agreed revisions and prior to initiation of work. These services would result in one or more specified deliverables that are itemized and described in the Scope of Services, along with a definite number and type of meetings requiring consultant attendance and facilitation or other support, and a timeline and associated compensation for all work activities included in the Scope of Services. This services arrangement may involve completion of only one work order or could lead to a series of work authorizations, each of which is considered an amendment to the overall On-Call Professional Services Agreement. For work order services the method of compensation involves the City reimbursing the consultant for actual costs incurred in carrying out a particular Scope of Services, subject to an agreed upon maximum not-to-exceed amount indicated in the work order.

Work Order #7: DRAFTING & PRESENTATION OF ARTICLES V – X

Scope of Services:

The following Scope of Services will be undertaken as part of Work Order #7

- 1.1 *Revisions to Article I, Authority, Purpose, & Jurisdiction; Article II, Zoning Districts and Land Uses; and the following divisions within Article III: Site Development: Division III-1: Building and Site Design; Division III-2: Parking, Loading, and Access; Division III-3, Buffering, Landscaping, and Screening.*

Kendig Keast Collaborative (KKC) will use the written comments received from the Ordinance Advisory Committee (OAC), Staff Technical Advisory Committee (STAC), Planning & Zoning Commission (PZC), and City Council to create a revised draft containing all of the articles and divisions that were delivered as part of Work Order #6. The revised draft version will be submitted to the City concurrently with Deliverable #3.

Deliverable: Revised Draft of the Articles and Divisions of the CDO listed above.

- 1.2 *Create a Revised Draft of Article III, Division 5: Outdoor Lighting and Article IV: Subdivision Regulations that is consistent with HB 2439(2019) and HB 3167(2019).*

KKC previously created a preliminary draft of Article III, Division 5: *Outdoor Lighting* and Article IV: *Subdivision Regulations* prior to the adoption of HB 2439(2019) and HB 3167(2019) which was at the time consistent with state law. There are however now significant portions of *Article IV: Subdivision Regulations* that are no longer consistent with the new state law. Additionally, there are significant sections of *Article III, Division III-5: Outdoor Lighting* where research and consultation with City's attorney will be required to determine whether the previously drafted provisions are consistent with the new state law. The revised draft version will be submitted to the City concurrently with Deliverable #3. KKC will also submit the original draft of the Articles and Divisions so that the City can adopt this version of the regulations should HB 2439(2019) and HB 3167(2019) be repealed during the next legislative session.

Deliverable: Revised Draft of the Articles and Divisions of the CDO listed above.

- 1.3 *Create Deliverable #3 to include a Draft of Article III, Division 2, Signs; and Article V, Nonconformities;*

KKC will create a Deliverable #3 to include the articles listed in the task title above. This deliverable will be available for review and comment by the Staff Technical Advisory Committee (STAC), the OAC, the Planning and Zoning Commission (PZC), City Council, and the general public. The deliverable will be submitted to the City concurrently with the drafts that are outlined above in Tasks 1.1 & 1.2.

Deliverable: Draft of the Articles and Divisions of the CDO listed above.

Meeting(s):

- City Staff Teleconference(s)
- Two Ordinance Advisory Committee (OAC)

- 1.4 *Revisions to Article III, Site Development; Article IV, Subdivision Regulations; and Article V, Nonconformities.*

KKC will create a revised version of the articles and divisions identified in the task title above. This deliverable will be available for review and comment by the Staff Technical Advisory Committee (STAC), the OAC, the Planning and Zoning Commission (PZC), City Council, and the general public. The revised draft version will be submitted concurrently with Deliverable #4.

- 1.5 *Create Deliverable #4 to include a Draft of Article V, Nonconformities; Article VI, Administrative Bodies; Article VII, Permits and Procedures; Article IX, Enforcement and Remedies, Article X: Definitions and Rules of Construction; and Appendices.*

KKC will create a Deliverable #4 to include the articles listed in the task title above. This deliverable will be available for review and comment by the Staff Technical Advisory Committee (STAC), the OAC, the Planning and Zoning Commission (PZC), City Council, and the general public. The deliverable will be submitted to the City concurrently with the drafts that are outlined above in Task 1.4.

Deliverable: Draft of the Articles of the CDO listed above.

Meeting(s):

- City Staff Teleconference(s)
- One Ordinance Advisory Committee (OAC)

Work Order Compensation:

The total cost for KKC to execute the services as outlined above for this Work Order is **\$51,254**.

Work Orders #5 - #8 Total Coordinated Development Ordinance (CDO) Expenditures

The development of a complete and final version of the Coordinated Development Ordinance (CDO) is expected to occur through the completion of four separate work orders which are Work Orders #5 - #8 of the City's On-Call Professional Services Agreement. The following is a summary of the costs associated with each Work Order associated with the CDO, to date:

- Work Order #5: **\$46,857**
- Work Order #6: **\$97,900**
(Additional funds necessary to complete Interim Ordinance deliverables: **\$11,100**)
- Work Order #7: **\$51,254**
(Additional funds necessary to revise draft to be consistent with HB 2439 & HB 3167: **\$19,600**)
- Work Order #8: **\$33,499**

Total Revised Contract Total to Complete CDO Project via Work Orders #5 - #8: **\$229,510**

Work Order #8

Work Order #8 will be presented to the City Council at their next regularly scheduled council meeting after the completion of CDO Deliverable #3. Work Order #8 is currently budgeted for **\$33,499**. Should revisions in addition to the deliverables listed below or additional meetings (STAC, OAC, PZC, or City Council) be necessary the cost of the Work Order would need to be increased. Work Order #8 will include the following deliverables and meetings:

Deliverable(s):

- Public Hearing Draft of CDO
- Final Draft of CDO

Meeting(s):

- City Staff Training
- Joint PZC & City Council Public Hearing

If you have any questions pertaining to the CDO and/or this Work Order, please contact David Baird, KKC Senior Associate, at (281)242-2960. KKC greatly appreciates the opportunity to work with the City through our On-Call Professional Services Agreement, and we look forward to our continued work with your City.

Respectfully,

KENDIG KEAST COLLABORATIVE

A handwritten signature in black ink, appearing to read "Bret C. Keast", enclosed within a thin black rectangular border.

Bret C. Keast, AICP, CEO

APPROVAL OF WORK ORDER #7 AUTHORIZING THE USE OF \$51,254.00 TO FUND THE SERVICES PROVIDED HEREIN:

Signature

Typed Name and Title

Date Signed

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 9/10/2019

ITEMS: I.V.D.

**DATE
SUBMITTED:** 9/4/2019

DEPARTMENT: Finance

PREPARED BY: Wes Vela

PRESENTER: Wes Vela

SUBJECT: PROPOSED FY20 BUDGET AND CAPITAL IMPROVEMENTS PROGRAM DISCUSSIONS

Expenditure Required: N/A

Amount Budgeted: N/A

Funding Account: N/A

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

This item is to allow for City Council to continue discussions regarding the Proposed FY20 Operating & Capital Budgets. This budget discussion item will conclude after City Council's exchange of ideas.

RECOMMENDATION

While no action is necessary, City Staff would welcome further direction after City Council discussions regarding the Proposed FY20 Operating & Capital Budgets.

property tax amount= (rate) x (taxable value of your property)/100 For assistance or detailed information about tax calculations, please contact:

Carrie Surratt
City of Fulshear tax assessor-collector 1317 Eugene Heimann
Circle Richmond, TX 77469
281-341-3710
Carrie.Surratt@fortbendcountytexas.govwww.fortbendcountytexas.gov

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 20, 2019 at 7:00 PM at Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas.

Second Hearing: September 10, 2019 at 7:00 PM at Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas.

RECOMMENDATION

The Mayor should close the Public Hearing and state that the City Council will vote to adopt a tax rate at the September 17, 2019 Regular City Council meeting.

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 9/10/2019 **ITEMS:** VB
DATE 8/28/2019 **DEPARTMENT:** Finance
SUBMITTED:

PREPARED BY: Wes Vela **PRESENTER:** Wes Vela

SUBJECT: PUBLIC HEARING- Proposed 2020 Fiscal Year Budget The City of Fulshear (City) city council will hold a public hearing on the proposed 2020 fiscal year budget and Capital Improvement Program. The public hearing will be held in the Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas 77441 at 7:00 p.m. on September 10, 2019. The public is encouraged to review the City's proposed budget on the City of Fulshear website at www.fulsheartexas.gov or view a paper copy of the budget in the City Secretary's office. This budget will raise more total property taxes than last year's budget by \$967,519, which is 39.48 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this is \$352,097. The public may comment in person at the public hearing, provide written comments either through the mail at the City Hall, 30603 FM 1093 West, PO Box 279, Fulshear, Tx 77441, e-mail to kkopecky@fulsheartexas.gov . Any written comments will be included with information provided to the city council for their consideration. Members of the public are encouraged to provide input through any means available and/or to attend the public hearing. Posted 8-26-19

Expenditure Required: N/A

Amount Budgeted: N/A

Funding Account: N/A

Additional Appropriation Required: N/a

Funding Account: N/A

EXECUTIVE SUMMARY

The Mayor will open the Public Hearing for comment from the citizens of Fulshear.

RECOMMENDATION

After hearing any comments the Mayor will close the Public Hearing. The Mayor should say that the City Council will adopt the FY20 Annual Operating & Capital Budget at its Regular City Council Meeting on September 17, 2019 at 7:00 p.m. here at the Irene Stern Community Center.