



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

CITY ATTORNEY: J. Grady Randle

Kopecky

SPECIAL CITY COUNCIL MEETING

November 12, 2019

NOTICE IS HEREBY GIVEN OF A SPECIAL CITY COUNCIL MEETING OF THE CITY OF FULSHEAR TO BE HELD ON **Tuesday, November 12, 2019 AT 6:00 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 REGARDING A PROPOSAL BY FORT BEND COUNTY TO CONSTRUCT A TEMPORARY ROADWAY WITHIN THE CITY OF FULSHEAR**
- B. DISCUSSION REGARDING THE AMENDMENT PROCESS FOR SECTIONS OF THE CITY'S HOME RULE CHARTER**

V. EXECUTIVE SESSION

- A. EXECUTIVE SESSION- PURSUANT TO SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT (CHAPTER 551, GOVERNMENT CODE), CONSULT WITH THE CITY ATTORNEY 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; AND PURSUANT TO SECTION 551.087 OF THE TEXAS OPEN MEETINGS ACT, DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS OR TO DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT OR BOTH.**

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, NOVEMBER 8, 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: 11/12/2019 **ITEMS:** IV.A.

DATE SUBMITTED: 11/7/2019 **DEPARTMENT:** Administration

PREPARED BY: Brant Gary, Assistant City Manager **PRESENTER:** Jack Harper, City Manager; Representative(s) of Fort Bend County Precinct 3

SUBJECT: CONSIDERATION AND POSSIBLE ACTION REGARDING A PROPOSAL BY FORT BEND COUNTY TO CONSTRUCT A TEMPORARY ROADWAY WITHIN THE CITY OF FULSHEAR

Expenditure Required: N/A

Amount Budgeted: N/A

Funding Account: N/A

Additional Appropriation Required: N/A

Funding Account: N/A

EXECUTIVE SUMMARY

In an effort to relieve traffic congestion associated with the FM 1093 project, the office of Fort Bend County Precinct 3 approached the City about constructing a temporary asphalt roadway from Charger Way to Katy-Fulshear Road. Several routes were discussed and the County ultimately accepted a suggestion by City Staff to consider a route at the northern end of Charger Way to Katy-Fulshear Road north of Huggins Drive.

In order for this project to occur, City Council would need to consent to this construction per Chapter 251 of the State of Texas Transportation Code.

That section header is as follows:

Sec. 251.012. COUNTY AUTHORITY IN MUNICIPALITY. (a) With the approval of the governing body of a municipality, the commissioners court of a county may spend county money to finance the construction, improvement, maintenance, or repair of a street or alley in the county that is located in the municipality.

It is the understanding of City Staff that FBC Pct. 3 officials contacted the owner of the land and received consent to construct this temporary roadway. In addition, City Staff was informed that the Fort Bend County Commissioners Court has also approved this item pending approval of City Council.

RECOMMENDATION

City Staff recommends the City Council formally consider the proposal by Fort Bend County.

ATTACHMENTS:

Description	Upload Date	Type
-------------	-------------	------

Proposal Letter from FBC Pct 3 Commissioner
Temporary Roadway Easement & Layout

11/7/2019
11/7/2019

Backup Material
Backup Material



COMMISSIONER PRECINCT 3
Fort Bend County, Texas

W.A. "Andy" Meyers
Commissioner

From: Commissioner Andy Meyers
To: Fulshear City Council
CC: Jack Harper and Brant Gary
Subject: TEMPORARY ACCESS EASEMENT

Honorable Mayor Groff and City Council,

Fort Bend County wishes to enter into an agreement for a temporary access easement with CCR Texas Holdings, LP (Cross Creek Ranch and Johnson Development), in order to construct a temporary road from Charger Way to Fulshear Katy Road. The Commissioner's Court will be taking action on this agreement at our November 5th meeting, and I will make the motion to approve contingent on consent of this agreement by the Fulshear City Council.

The terms of the agreement, and the exhibit, are attached for your review. To summarize our easement agreement:

1. Cross Creek Ranch will grant a non-exclusive temporary access easement to Fort Bend County from Charger Way to Fulshear Katy Road, measuring approximately one hundred feet (100') in width.
2. Fort Bend County will have access to an additional fifty feet (50') of right-of-way to accommodate any excavation work, operate machinery, and do any necessary clearing.
3. The term of the agreement will run until January 1, 2021, or when the improvements to FM 1093/Westpark Tollway Phase II-B are substantially complete (whichever occurs first).
4. Fort Bend County will maintain the easement and temporary roadway until the agreement expires.

I will be at the City Council meeting to answer any questions and am also available beforehand to answer questions should you have any. Please do not hesitate to call my cell phone, 832-338-1199, should need further information/clarification. Thank you.

Respectfully,

A handwritten signature in black ink that reads "W.A. Meyers". The signature is written in a cursive style with a large, stylized "M".

Commissioner Andy Meyers

TEMPORARY ACCESS EASEMENT

This Dedication of Temporary Access Easement (this "Temporary Dedication"), is made and entered into by CCR Texas Holdings, LP, a Delaware limited partnership ("CCR").

WHEREAS, CCR owns a certain tract or parcel of land containing approximately 310.3054 acres in the Fulshear, Texas area, (the "Property"), described on Exhibit A attached hereto and incorporated herein for all purposes; and

WHEREAS, recent improvements to FM 1093/Westpark Tollway near the Property have created traffic delays and risks of injury to citizens of Fort Bend County, Texas (the "County"); and

WHEREAS, CCR desires to dedicate to the Public a temporary non-exclusive access easement for ingress and egress upon, over and across a portion of the Property extending approximately one hundred feet (100') in width from Charger Way to Katy Fulshear Road to relieve congestion during improvements to FM 1093/Westpark Tollway, as depicted on Exhibit A.

NOW, THEREFORE, for and in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, CCR hereby agrees as follows:

1. Temporary Access Easement. CCR dedicates to the Public, a non-exclusive temporary access easement on, over and across the Property for vehicular ingress and egress access from Charger Way to Katy Fulshear Road measuring approximately one hundred feet (100') in width, as depicted on Exhibit A (the "Easement").

2. Construction of Temporary Road. Further, CCR dedicates this Easement to permit the County, any and all of its agents, officers, servants, employees and contractors, to enter upon the Easement on behalf of the Public and install, construct, and maintain a temporary roadway within the same, ("Temporary Roadway"). During construction of and maintenance operations for the Temporary Roadway, the County may spread spoil dirt and excavated material, operate machinery and, do any necessary clearing upon the Property immediately adjoining the Easement within an area of right of way not to exceed fifty feet (50') north of the proposed Temporary Roadway.

3. Term. The term of this Temporary Dedication shall begin upon execution and terminate on January 1, 2021, or when improvements to FM 1093/Westpark Tollway Phase II-B are substantially complete, whichever occurs first. This Temporary Dedication shall remain in effect for the duration of such improvements and cancelled upon its substantial completion.

4. Encumbrances. The Easement created herein shall be subject to all validly existing restrictions, covenants, conditions, right-of-way, easements, mineral reservations and royalty reservations, and all other matters of record, if any, affecting the Property as of the date of execution.

5. Maintenance. The County will maintain the Easement and the Temporary Roadway during the term of this Temporary Dedication.

6. Drainage. Existing drainage conditions shall be contained in the existing drainage ditches and swales.

TO HAVE AND TO HOLD the above described Easement for the said purposes, together with all and singular, the rights, privileges, and appurtenances thereto as described above, in anywise belonging to the Grantee, subject to the limitations, conditions and restrictions set for herein.

IN WITNESS WHEREOF, the Temporary Dedication has been executed and shall be effective as of the date set forth below.

CCR Texas Holdings, LP,
a Delaware limited partnership

By: _____

Name: _____

Title: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

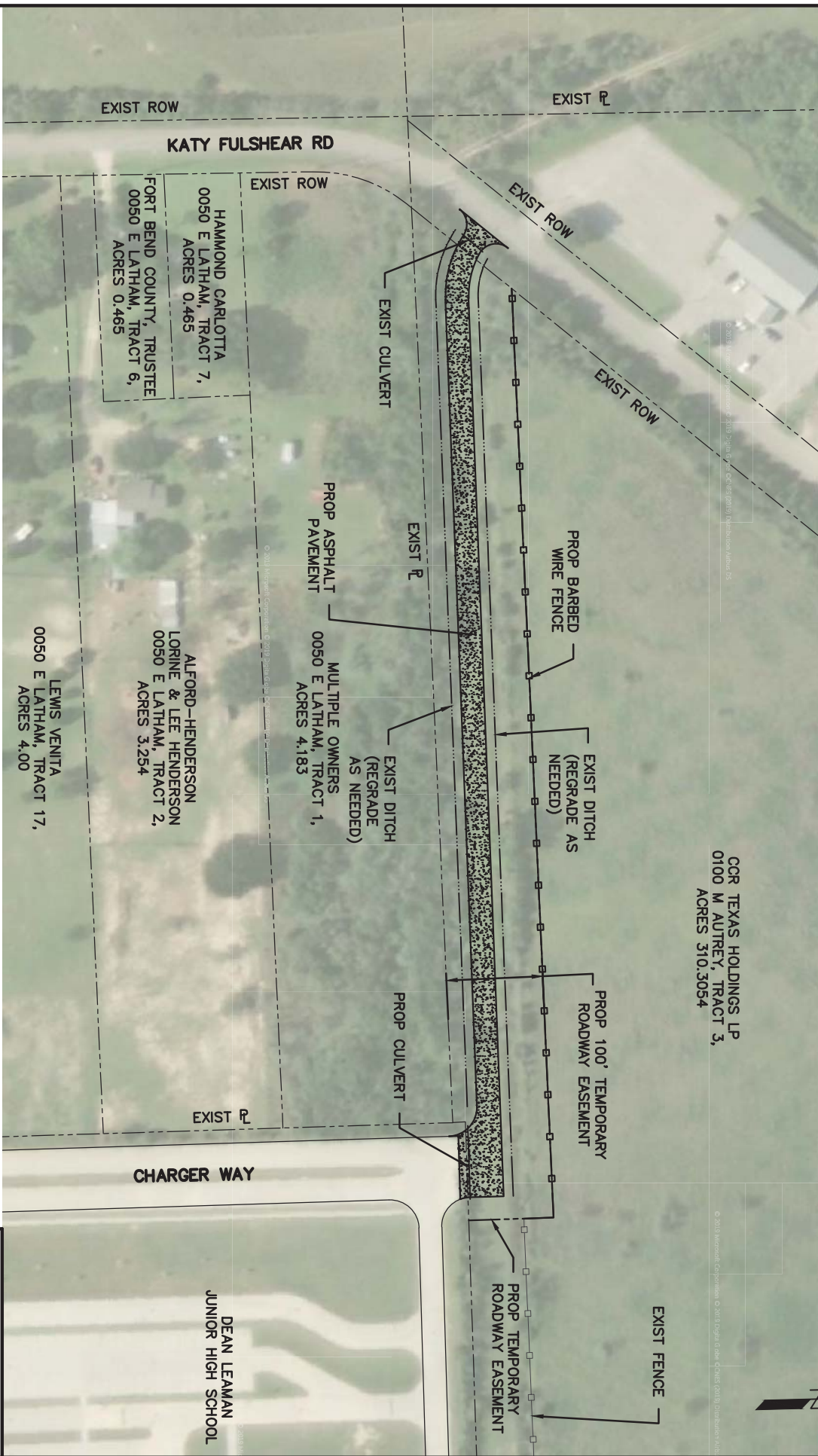
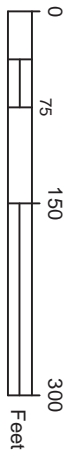
This instrument was acknowledged before me, the undersigned notary, on this ____ day of _____, 2019, by _____ as _____ of CCR Texas Holdings LP, a Delaware limited partnership on behalf of said partnership.

[Seal]

Printed Name: _____
Notary Public for the State of Texas

My Commission Expires: _____

EXHIBIT A



FORT BEND
COUNTY

EXHIBIT A
HUGGINS DR
TEMPORARY ASPHALT

SCALE 1"=150'
SHEET 01 OF 01

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

AGENDA OF: 11/12/2019

ITEMS: IV.B.

**DATE
SUBMITTED:** 11/7/2019

DEPARTMENT: Administration

PREPARED BY: Brant Gary, Assistant City Manager **PRESENTER:** Grady Randle, City Attorney; Jack Harper, City Manager

SUBJECT: DISCUSSION REGARDING THE AMENDMENT PROCESS FOR SECTIONS OF THE CITY'S HOME RULE CHARTER

Expenditure Required: N/A

Amount Budgeted: N/A

Funding Account: N/A

Additional Appropriation Required: N/A

Funding Account: N/A

EXECUTIVE SUMMARY

Previously, the City Council inquired about the process to update sections the City's Home Rule Charter. This was discussed at a previous Council workshop and is being brought back to further discuss and identify the scope of the review and the specific next steps needed.

A link to the City's adopted Home Rule Charter can be found on the Document Center section of the City's website:

http://www.fulsheartexas.gov/documents_center/index.php

RECOMMENDATION

City Staff recommends Council ask questions of the City Attorney regarding this process and provide any policy direction for moving forward

ATTACHMENTS:

Description	Upload Date	Type
HRC Update Overview	11/7/2019	Backup Material

City Council

Home Rule Charter



Home Rule Charter
Review & Update
Process

Organizational Structure & Governance – Home Rule Charter

Home Rule Charter – Enacted in 2016

Charter Sec. 8.07 - Charter Review Commission

- Requires review within 5 years of adoption
- Establishes rules and procedures for the Commission

Texas Constitution on Charter amendments

- Not more often than 2 years

Per City Attorney:

- Charter can be reviewed now (more than 2 years after adoption)
- Charter must be reviewed at least every 5 years
- Charter may not be changed more than every 2 years
- Any changes made then resets the clock and no charter changes can be made for the next two years after.