



6611 W. Cross Creek Bend Lane, 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:** Joel Patterson **COUNCIL MEMBER:** Kent Pool
COUNCIL MEMBER: Jason Knape **COUNCIL MEMBER:** Abhijeet Utturkar **COUNCIL MEMBER:** Debra Cates
COUNCIL MEMBER: Sarah B. Johnson

STAFF:

CITY MANAGER: Jack Harper **CITY SECRETARY:** Mariela Rodriguez **CITY ATTORNEY:** Byron Brown

CITY COUNCIL MEETING

August 15, 2023

NOTICE IS HEREBY GIVEN OF A CITY COUNCIL MEETING OF THE CITY OF FULSHEAR TO BE HELD ON **Tuesday, August 15, 2023 AT 5:30 PM** IN THE CITY OF FULSHEAR MUNICIPAL COMPLEX, 6611 W. CROSS CREEK BEND LANE, FULSHEAR, TX 77441 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, Charter Review Commission, 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.

Notice Pertaining to Social Distancing Requirements: In accordance with the Texas Open Meetings Act, Chapter 551, Government Code, this meeting shall be open to the public, except as provided by said Act. However, any members of the public who attend the meeting are individually responsible for complying with any applicable proclamation or order issued by the governor or any local official which may be in effect at the time of the meeting, including but not limited to any restrictions which may require such members of the public to implement social distancing, to minimize social gatherings, or to minimize in-person contact with people who are not in the same household.

I. CALL TO ORDER

II. QUORUM AND ROLL CALL

III. INVOCATION- PASTOR BILL HOGAN, WORD SERVE

IV. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL.

V. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE

VI. CITIZENS 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.

VII. CITY MANAGERS 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. SPECIAL CITY COUNCIL MEETING - SEPTEMBER 5, 2023

VIII PUBLIC HEARING

A NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE CITY OF FULSHEAR, TEXAS, PROPOSES TO INSTITUTE ANNEXATION PROCEEDINGS TO ENLARGE AND EXTEND THE BOUNDARY LIMITS OF THE CITY TO INCLUDE THE FOLLOWING DESCRIBED TERRITORY, TO-WIT: BEING 2.0880 ACRES OF LAND SITUATED IN THE CHURCHILL FULSHEAR LEAGUE, ABSTRACT 29, FORT BEND COUNTY, AND GENERALLY SITUATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF FARM-TO-MARKET 359 AND N. FULSHEAR DRIVE. A PUBLIC HEARING WILL BE HELD BY AND BEFORE THE CITY COUNCIL OF THE CITY OF FULSHEAR AT 5:30 P.M. ON TUESDAY, AUGUST 15, 2023, AT THE FULSHEAR MUNICIPAL COMPLEX, 6611 W. CROSS CREEK BEND LN., FULSHEAR, TEXAS 77441,

FOR ALL PERSONS INTERESTED IN THE ABOVE PROPOSED ANNEXATION. AT SAID TIME AND PLACE, ALL SUCH PERSONS SHALL HAVE THE RIGHT TO APPEAR AND BE HEARD. A MORE DETAILED DESCRIPTION AND MAP OF THE PROPERTY PROPOSED FOR ANNEXATION IS ON FILE AT THE OFFICE OF THE CITY SECRETARY OF THE CITY OF FULSHEAR, TEXAS. IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CALL THE CITY SECRETARY'S OFFICE AT 281-346-1796

- B** IN COMPLIANCE WITH THE CITY OF FULSHEAR ZONING ORDINANCE AND CHAPTER 211 OF THE LOCAL GOVERNMENT CODE, THE CITY WILL HOLD TWO PUBLIC HEARINGS REGARDING A PROPOSED ZONING MAP AMENDMENT FOR AN APPROXIMATELY 2.0880 ACRE TRACT OF LAND, NEAR THE INTERSECTION OF FARM-TO-MARKET 359 AND N. FULSHEAR DRIVE, AND LOCATED IN THE CHURCHILL FULSHEAR LEAGUE, ABSTRACT 29, AND BEING A PORTION OF A CERTAIN 87.203 ACRE TRACT OF LAND RECORDED IN VOLUME 673, PAGE 138 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS. THE TRACT OF LAND, CURRENTLY VACANT, AND NOT ZONED, REQUESTS TO BE ZONED INTO THE GENERAL COMMERCIAL (GC) DISTRICT UPON ANNEXATION INTO THE CITY. THE FIRST PUBLIC HEARING WILL BE HELD BY THE PLANNING AND ZONING COMMISSION ON AUGUST 4, 2023, AT 8:30 A.M. THE SECOND HEARING WILL BE HELD BY THE CITY COUNCIL ON AUGUST 15, 2023, AT 5:30 P.M. THE HEARINGS WILL BE HELD AT FULSHEAR MUNICIPAL COMPLEX, 6611 W. CROSS CREEK BEND LN., FULSHEAR, TEXAS 77441. INTERESTED PARTIES MAY APPEAR AT THE PUBLIC HEARING AND BE HEARD WITH RESPECT TO THE APPLICATION. A COPY OF THE ZONING CHANGE IS ON FILE AT THE CITY SECRETARY'S OFFICE LOCATED AT 6611 W. CROSS CREEK BEND LN., FULSHEAR, TEXAS 77441 ON MONDAY THROUGH THURSDAYS FROM 8:00 A.M. TO 5:00 P.M. AND FRIDAYS FROM 8:00 A.M. TO 3 P.M. FOR ALL INTERESTED PARTIES PRIOR TO SAID HEARING. IF YOU HAVE ANY QUESTIONS REGARDING THIS REQUEST PLEASE CALL JOSHUA BROTHERS, CITY OF FULSHEAR, 281-346-1796

IX PUBLIC HEARING

- A** IN COMPLIANCE WITH THE CITY OF FULSHEAR ZONING ORDINANCE AND CHAPTER 211 OF THE LOCAL GOVERNMENT CODE, THE CITY WILL HOLD TWO PUBLIC HEARINGS REGARDING A PROPOSED ZONING MAP AMENDMENT FOR AN APPROXIMATELY 6-ACRE TRACT OF LAND, GENERALLY LOCATED ALONG WALLIS STREET, AND WITHIN THE THRIVE CHURCH FULSHEAR SUBDIVISION. THE TRACT OF LAND, CURRENTLY VACANT, AND WITHIN THE WALLIS STREET PUD ZONING DISTRICT, REQUESTS TO BE ZONED INTO THE GENERAL COMMERCIAL (GC) DISTRICT. THE FIRST PUBLIC HEARING WILL BE HELD BY THE PLANNING AND ZONING COMMISSION ON AUGUST 4, 2023 AT 8:30 A.M. THE SECOND HEARING WILL BE HELD BY THE CITY COUNCIL ON AUGUST 15, 2023 AT 5:30 P.M. THE HEARINGS WILL BE HELD AT FULSHEAR MUNICIPAL COMPLEX, 6611 W. CROSS CREEK BEND LN., FULSHEAR, TEXAS 77441. INTERESTED PARTIES MAY APPEAR AT THE PUBLIC HEARING AND BE HEARD WITH RESPECT TO THE APPLICATION. A COPY OF THE ZONING CHANGE IS ON FILE AT THE CITY SECRETARY'S OFFICE LOCATED AT 6611 W. CROSS CREEK BEND LN., FULSHEAR, TEXAS 77441 ON MONDAY THROUGH THURSDAYS FROM 8:00 A.M. TO 5:00 P.M. AND FRIDAYS FROM

8:00 A.M. TO 3 P.M. FOR ALL INTERESTED PARTIES PRIOR TO SAID HEARING. IF YOU HAVE ANY QUESTIONS REGARDING THIS REQUEST PLEASE CALL JOSHUA BROTHERS, CITY OF FULSHEAR, 281-346-1796

X. 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 THE CITY COUNCIL MEETINGS HELD ON JULY 11, 2023 (SPECIAL) AND JULY 18, 2023 (REGULAR) MEETINGS**
- B. CONSENT AND POSSIBLE ACTION TO OUTFIT AND WRAP 2 REPLACEMENT POLICE VEHICLES APPROVED AND PURCHASED IN FY2023 BUDGET AND AS INDICATED ON THE VEHICLE AND EQUIPMENT REPLACEMENT SCHEDULE**
- C. CONSENT AND APPROVAL OF A UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR UTILITY EXTENSIONS TO SERVE THE FM 1093 TRACTS FROM FBCMUD NO. 171**
- D. CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR MORGANS SPUR DRIVE EXTENSION NO. 4 AND NO. 5 FOR FBCMUD NO. 169**
- E. CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR FULBROOK ON FULSHEAR CREEK, SECTION 18, FROM FMUD NO.1**
- F. CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR FULBROOK ON FULSHEAR CREEK, SECTION 19, FROM FBCMUD 1**
- G. CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 6 FINAL PLAT**
- H. CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 10 FINAL PLAT**
- I. CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 19 FINAL PLAT**
- J. CONSENT AND APPROVAL OF AN UPDATE TO THE TAMARRON MASTER SIGN PLAN**
- K. CONSENT AND APPROVAL OF AN UPDATE TO THE CROSS CREEK RANCH MASTER SIGN PLAN**
- L. CONSENT AND POSSIBLE ACTION TO APPROVE THE JUNE 2023 FINANCIAL REPORT FOR THE GENERAL AND UTILITY FUNDS**
- M. CONSENT AND POSSIBLE ACTION TO APPROVE THE FY2023 3RD QUARTER INVESTMENT REPORT**
- N. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2023-1429 AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO.**

2022-1381, ESTABLISHING OR ALTERING A REGULATORY SPEED ZONE ON VARIOUS STREETS OR PORTIONS OF STREETS WITHIN THE CITY

XI. BUSINESS

- A. DISCUSSION OF AND POSSIBLE ACTION TO ADDRESS DISTRICT 3 CITY COUNCIL SEAT VACANCY**
- B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A WRITTEN SERVICES AGREEMENT WITH JDR DEVELOPMENT FOR THE ANNEXATION OF A 2.0880-ACRE TRACT OF LAND LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FULSHEAR**
- C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2023-1430, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY**
- D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2023-1431, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, GRANTING A ZONING MAP AMENDMENT FOR THE PURPOSES OF ZONING A PARCEL INTO THE GENERAL COMMERCIAL (GC) DISTRICT, FOR A 2.0880 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE C. FULSHEAR LEAGUE, ABSTRACT NO. 29, FORT BEND COUNTY, TEXAS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE**
- E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2023-1432, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, GRANTING A ZONING MAP AMENDMENT FOR THE PURPOSES OF REZONING A PARCEL FROM THE WALLIS STREET PLANNED UNIT DEVELOPMENT (PUD) INTO THE GENERAL COMMERCIAL (GC) DISTRICT, FOR A 6 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE C. FULSHEAR LEAGUE, ABSTRACT NO. 29, FORT BEND COUNTY, TEXAS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE**
- F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE TERMS AND CONDITIONS FOR THE PAYMENT OF THE FORT BEND COUNTY INTERLOCAL AGREEMENT FOR TEXAS HERITAGE PARKWAY**
- G. CONSIDERATION AND POSSIBLE ACTION TO RECORD RECEIPT OF THE 2023 TAX YEAR APPRAISAL ROLL AND NEW PROPERTY VALUE AS REQUESTED BY THE COUNTY TAX ASSESSOR/COLLECTOR**
- H. CONSIDERATION AND POSSIBLE ACTION TO PROPOSE A TAX RATE AND SET A PUBLIC HEARING**
- I. DISCUSSION OF FY2024 PROPOSED BUDGET**

XII. EXECUTIVE SESSION

- A. EXECUTIVE SESSION – CLOSED SESSION IN ACCORDANCE WITH SECTION**

551.071 OF THE TEXAS OPEN MEETINGS ACT (CHAPTER 551, GOVERNMENT CODE), CONSULTATION WITH ATTORNEY. A GOVERNMENTAL BODY MAY NOT CONDUCT A PRIVATE CONSULTATION WITH ITS ATTORNEY EXCEPT: (1) WHEN THE GOVERNMENTAL BODY SEEKS THE ADVICE OF ITS ATTORNEY ABOUT: (A) PENDING OR CONTEMPLATED LITIGATION; OR (B) A SETTLEMENT OFFER; OR (2) ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH CHAPTER 551, GOVERNMENT CODE

- **FM 1093/WESTPARK TOLLWAY EXTENSION**
- **PETITION TO APPEAL RATES ESTABLISHED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS FOR FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 222**

XIII. 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.

XIV. 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, MARIELA RODRIGUEZ, 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, AUGUST 11, 2023 IN PLACE CONVENIENT AND READILY ACCESSIBLE AT ALL TIMES TO THE GENERAL PUBLIC, IN COMPLIANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

MARIELA RODRIGUEZ, CITY SECRETARY