



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 **COUNCIL MEMBER:** Christina Baron

STAFF:

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

CITY COUNCIL MEETING MINUTES

November 14, 2023

I. CALL TO ORDER

A REGULAR CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR GROFF AT THE CITY OF FULSHEAR MUNICIPAL COMPLEX, 6611 W. CROSS CREEK BEND LANE, FULSHEAR, TEXAS AT 5:31 P.M.

II. QUORUM AND ROLL CALL

A QUORUM WAS PRESENT.

COUNCIL MEMBERS PRESENT:

*AARON GROFF
KENT POOL
SARAH B. JOHNSON
DEBRA CATES
ABHIJEET UTTURKAR
JOEL PATTERSON
CHRISTINA BARON*

COUNCIL MEMBERS ABSENT:

JASON KNAPE

CITY STAFF PRESENT:

*MARIELA RODRIGUEZ
ZACH GOODLANDER
JACK HARPER*

BYRON BROWN
JOSH GREEN
SHARON VALIANTE
JESUS ESCOBAR
KENNY SEYMOUR
JOSH BROTHERS
CLIFF BROUHARD
ERIN TUREAU
KRISTI BRASHEAR

OTHERS PRESENT:

JOYCE OWEN
SUSANNE H.
BRYAN THOMAS
TREY DEVILLIER
NABIL PUNJANI
SAL MIRAJWALA
KAYE KAHLICH
FERNANDO ALUCEMA
SHANDRA ALICERA
HUGO ALICERA
GUY DAVIS
AND 8 OTHERS THAT DID NOT SIGN IN

III. INVOCATION- PASTOR BILL HOGAN, WORD SERVE

INVOCATION WAS GIVEN BY PASTOR BILL HOGAN

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

V. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

MAYOR GROFF LED THE PLEDGE OF ALLEGIANCE TO THE US AND TEXAS FLAG.

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. CHANGES TO VARIOUS CITY STAFF MEMBERS

JACK INFORMED COUNCIL ABOUT THE FOLLOWING STAFF CHANGES:

- DEBBIE MCMULLEN WAS PROMOTED FROM CSR I TO ADMINISTRATIVE ASSISTANT II FOR THE PLANNING DEPARTMENT*
- OFFICER AARON LOONEY WAS PROMOTED TO THE RANK OF DETECTIVE AND WILL JOIN THE CRIMINAL INVESTIGATION DIVISION OF THE FPD*

B. BICENTENNIAL UPDATE

JACK PRESENTED A SLIDE SHOW TO CITY COUNCIL WITH THE FOLLOWING BICENTENNIAL INFORMATION:

- DATE AND LOCATION*
- LOGOS*
- PERFORMERS*
- GUEST LIST*
- EVENT MAP*
- HISTORICAL COMPONENT*
- SPONSORSHIPS/ COMMITMENTS*

C. DEA DRUG TAKE BACK

JACK STATED THAT IN PARTNERSHIP WITH THE HOUSTON DIVISION OFFICE OF THE DEA, FULSHEAR PD COLLECTED 22 VERY FULL BOXES OF UNNEEDED MEDICATION DURING THE FALL 2023 NATIONAL PRESCRIPTION DRUG TAKE BACK INITIATIVE.

JACK THANKED EVERYONE INVOLVED IN THIS PROJECT.

D. CHRISTMAS TREE LIGHTING

JACK INFORMED COUNCIL THAT THE CITY OF FULSHEAR WILL BE HOSTING THE CHRISTMAS TREE LIGHTING ON SATURDAY, DEC. 2ND FROM 4-6PM, AT THE MUNICIPAL COMPLEX.

THE EVENT WILL CONSIST OF LIVE MUSIC, CAROLERS, PICTURES WITH SANTA, TRAIN RIDES, FACE PAINTING, AND A GINGERBREAD HOUSE CONTEST.

THE TREE LIGHTING WILL BE AT 5:30 PM

E. CITY HOLIDAYS-NOVEMBER AND DECEMBER

CITY OF FULSHEAR OFFICES WILL BE CLOSED ON THE FOLLOWING DATES:

- THURSDAY, NOVEMBER 23RD AND FRIDAY, NOVEMBER 24TH IN OBSERVANCE OF THANKSGIVING
- MONDAY, DECEMBER 25TH AND TUESDAY, DECEMBER 26TH IN OBSERVANCE OF CHRISTMAS.

VIII 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 1.895-ACRE TRACT OF LAND, GENERALLY LOCATED AT THE NORTHWEST CORNER OF FARM-TO-MARKET 1093 AND CHARGER WAY, AND WITHIN THE NAFERDON SUBDIVISION SECTION 1, BLOCK 1, RESERVE "D", CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS. THE TRACT OF LAND, CURRENTLY A DAYCARE CENTER, AND WITHIN THE DOWNTOWN 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 NOVEMBER 3, 2023 AT 8:30 A.M. THE SECOND HEARING WILL BE HELD BY THE CITY COUNCIL ON NOVEMBER 14, 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 THURSDAY FROM 8:00 A.M. TO 5:00 P.M. AND FRIDAYS FROM 8:00 A.M. TO 3:00 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.**

MAYOR GROFF OPENED THE PUBLIC HEARING AT 5:53 P.M.

JOYCE OWENS WITH OWENS MANAGEMENT SYSTEMS SPOKE REGARDING THE STORES PROPOSAL AND ASKED THAT THE OWNER AND ENGINEER COME UP AND SPEAK. THE DECISION WAS MADE FOR ALL TO WAIT FOR THE BUSINESS ITEM TO DO THEIR PRESENTATION.

DIANE LANE CASTER, OWNER OF THE DAYCARE CENTER LOCATED AT THIS PROPERTY, SPOKE AGAINST THIS PROPOSAL AND EXPLAINED HER CONCERNS WITH A GAS STATION BEING ON THE PROPERTY.

GRACE MALVOUX, RESIDENT OF CCR, EXPLAINED THAT THE DEVELOPER HAS OTHER OPTIONS FOR ZONING.

MAYOR GROFF CLOSED THE PUBLIC HEARING AT 5:57 P.M.

IX. 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 MEETING HELD ON OCTOBER 17, 2023**
- B. CONSENT AND APPROVAL OF THE SEPTEMBER 2023 FINANCIAL REPORT FOR THE GENERAL AND UTILITY FUNDS**
- C. CONSENT AND APPROVAL OF FY2023 4TH QUARTER INVESTMENT REPORT**
- D. CONSENT AND APPROVAL OF THE 2024 HEALTH INSURANCE RENEWAL AND AGREEMENT**
- E. CONSENT AND APPROVAL FOR THE PURCHASE OF 1 NEW POLICE VEHICLE AS INDICATED ON THE VEHICLE AND EQUIPMENT REPLACEMENT SCHEDULE AND APPROVED IN THE FY23/24 BUDGET**
- F. CONSENT AND APPROVAL FOR PURCHASE TO OUTFIT 6 NEW POLICE VEHICLES AS INDICATED ON THE VEHICLE AND EQUIPMENT REPLACEMENT SCHEDULE AND APPROVED IN THE FY23/24 BUDGET**
- G. CONSENT AND APPROVAL OF THE 5-YEAR AXON CONTRACT FOR BODY WORN CAMERAS**
- H. CONSENT AND APPROVAL OF THE ARVO AT JORDAN RANCH PRELIMINARY PLAT**
- I. CONSENT AND APPROVAL OF THE REGENCY CENTERS JORDAN RANCH FINAL PLAT**
- J. CONSENT AND APPROVAL OF THE TAMARRON JORDAN RANCH BLVD. SECTION 14 STREET DEDICATION PRELIMINARY PLAT**
- K. CONSENT AND APPROVAL OF THE TAMARRON SECTION 72A PRELIMINARY PLAT**
- L. CONSENT AND APPROVAL OF THE TAMARRON SECTION 72B PRELIMINARY PLAT**
- M. CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR PECAN RIDGE, SECTION 5 FROM FBCMUD NO.175**

- N. CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR DEL WEBB FULSHEAR, SECTION 5 AND 7 FROM FBCMUD NO.245**
- O. CONSENT AND APPROVAL TO AUTHORIZE THE CITY MANAGER TO EXPEND THE AMOUNT OF \$113,000.00 WITH TYLER TECHNOLOGIES, INC.**

COUNCIL MEMBER UTTURKAR ASKED TO PULL CONSENT ITEMS K AND L FOR DISCUSSION.

A MOTION WAS MADE BY COUNCIL MEMBER CATES TO APPROVE COSENT ITEMS A-J AND M-O. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

MAYOR GROFF ASKED IF WE COULD TAKE CONSENT ITEMS K AND L TOGETHER.THERE WERE NO OBJECTIONS.

CONSENT ITEM K & L

A MOTION WAS MADE BY COUNCIL MEMBER UTTURKAR TO APPROVE COSENT ITEMS K AND L. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

X. BUSINESS

- A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2023-607; A RESOLUTION APPOINTING A CITY REPRESENTATIVE AND AN ALTERNATE TO THE HGAC 2024 GENERAL ASSEMBLY**

COUNCIL MEMBER UTTURKAR RECOMMENDED COUNCIL MEMBER JOHNSON AS THE REPRESENTATIVE.

COUNCIL MEMBER JOHNSON WAS FLATTERED BUT IS UNABLE TO SERVE DUE TO HER SCHEDULE.

MAYOR PRO-TEM PATTERSON VOLUNTEERED TO TAKE THE REPRESENTATIVE SEAT.

A MOTION WAS MADE BY COUNCIL MEMBER CATES TO NOMINATE MAYOR PRO-TEM PATTERSON AS REPRESENTATIVE. IT WAS SECONDED BY COUNCIL MEMBER UTTURKAR. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

A MOTION WAS MADE BY COUNCIL MEMBER CATES TO NOMINATE MAYOR GROFF TO SERVE AS THE ALTERNATE MEMBER FOR FULSHEAR ON THE HGAC 2024 GENERAL ASSEMBLY. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

A MOTION WAS MADE BY COUNCIL MEMBER UTTURKAR TO APPROVE RESOLUTION NO. 2023-607 APPOINTING CITY REPRESENTATIVE TO HGAC MAYOR PRO-TEM PATTERSON AND ALTERNATE AS MAYOR GROFF . IT WAS SECONDED BY COUNCIL MEMBER BARON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

B. CONSIDERATION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO.

2023-604, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS ADOPTING JUNE 19TH AS A CITY HOLIDAY IN HONOR OF JUNETEENTH

KRISTI BRASHEAR EXPLAINED JUNETEENTH IS NOW A FEDERALLY RECOGNIZED HOLIDAY AND RECOMMENDS COUNCIL APPROVED ADDING IT TO OUR HOLIDAY SCHEDULE.

A MOTION WAS MADE BY COUNCIL MEMBER JOHNSON TO APPROVE RESOLUTION NO. 2023-604 ADOPTING JUNE 19TH AS A CITY HOLIDAY IN HONOR OF JUNETEENTH. IT WAS SECONDED BY COUNCIL MEMBER UTTURKAR. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, POOL, UTTURKAR

NAYS: PATTERSON

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

- C. DISCUSSION AND POSSIBLE ACTION TO APPROVE A RESOLUTION 2023-605 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS, DELEGATING TO THE CITY MANAGER THE AUTHORITY TO SELECT A VENDOR FOR THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROGRAM PROJECT NUMBER W21B, WATER PLANT NO. 2 (PECAN RIDGE), AND TO NEGOTIATE AND EXECUTE A CONTRACT FOR SAME.**

CLIFF BROUHARD EXPLAINED THE CITY WENT OUT FOR OFFERS ON OCTOBER 24, 2023 FOR CONSTRUCTION OF THE PLANT IN HOPES TO HAVE A CONTRACTOR TO PRESENT TO COUNCIL FOR APPROVAL.

DUE TO THE MEETING BEING MOVED UP AND THE COMPRESSED TIME FROM WHEN THE PROJECT WAS PUT OUT FOR OFFERS, A LOT OF CONTRACTORS REQUESTED MORE TIME IN ORDER TO PROVIDE THE CITY A QUALITY OFFER.

STAFF DECIDED TO EXTEND THE OFFER DAY OUT TO THURSDAY NOVEMBER 16, 2023 AND WOULD LIKE COUNCIL TO APPROVE A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE THAT CONTRACT. STAFF IS ALSO REQUESTING COUNCIL ALLOW STAFF TO GO UP TO THE BUDGETED AMOUNT OF \$14,434,000.00 THAT WAS APPROVED IN THE CAPITAL IMPROVEMENT PROGRAM AND BUDGET PROCESS FOR THE WATER PLANT NO. 2 PROJECT.

JACK HARPER EXPLAINED TO COUNCIL THAT BECAUSE OF THE COMPRESSED TIMELINE, STAFF DID NOT WANT THIS PROJECT HAVE TO WAIT UNTIL THE THIRD WEEK OF DECEMBER. HE STATED RICHARD WEATHERLY WITH FREESE AND NICHOLS, RECOMMENDED TO NOT FORCE THE POTENTIAL BIDDERS TO BID EARLY.

BYRON BROWN WANTED TO NOTE THAT THE CORRECT TERM FOR THIS PROJECT IS "OFFER" NOT "BIDS".

COUNCIL DISCUSSED AMONG THEMSELVES AND DECIDED "NO ACTION" FOR THIS ITEM.

THE CITY SECRETARY WILL POLL THE COUNCIL ON AVAILABILITY FOR A SPECIAL MEETING.

THERE WAS NO ACTION ON THIS ITEM.

D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A PROFESSIONAL SERVICE AGREEMENT #2023-048 FOR DESIGN SERVICES FOR THE LIFT STATION NO. 11 EXPANSION PROJECT

TIFFANY STODDER EXPLAINED THIS AGREEMENT IS FOR THE DESIGN TO EXPAND THE CAPACITY OF THE LIFT STATION FROM .76 MILLION GALLONS PER DAY TO 1.2 MILLION GALLONS PER DAY.

A MOTION WAS MADE BY COUNCIL MEMBER UTTURKAR TO APPROVE A PROFESSIONAL SERVICE AGREEMENT #2023-048 FOR DESIGN SERVICES FOR THE LIFT STATION NO. 11 EXPANSION PROJECT. IT WAS SECONDED BY COUNCIL MEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2023-606 TO SUSPEND THE CENTERPOINT GAS RATE FILING

BYRON INTRODUCED THIS ITEM AND WANTED TO POINT OUT THERE IS AN ERROR ON BUSINESS ITEM E. THIS SHOULD READ RESOLUTION NO. 2023-606 NOT "ORDINANCE NO."

HE EXPLAINED THIS IS A RATE CASE FILING BY CENTER POINT FOR GAS. CENTER POINT IS PROPOSING TO CONSOLIDATE ALL DIVISIONS OF TEXAS INTO ONE UNIFIED DIVISION OF TEXAS. THIS RESOLUTION ELECTS TO JOIN THAT COALITION AND DELAY THE RATE INCREASE BY 90 DAYS TO ALLOW THE ATTORNEYS AND CONSULTANTS TO REVIEW THE RATE CASE FILINGS AND DETERMINE IF ANYTHING NEEDS TO BE FILED IN RESPONSE OR OPPOSITION.

A MOTION WAS MADE BY COUNCIL MEMBER JOHNSON TO APPROVE RESOLUTION NO. 2023-606 TO SUSPEND THE CENTERPOINT GAS RATE FILING. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2023-1444 AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ADDING A NEW DIVISION TO THE FULSHEAR CODE TITLED "ELECTRONIC PAYMENT SERVICES", PROVIDING FOR REGULATIONS REGARDING ELECTRONIC PAYMENTS, REPEALING SECTION 40-109 "FEE FOR ONLINE PAYMENTS" OF THE FULSHEAR CODE

ERIN TUREAU EXPLAINED THE ORDINANCE IS REPEALING SECTION 40-109 "FEE FOR ONLINE PAYMENTS " OF THE FULSHEAR CODE.

A MOTION WAS MADE BY COUNCIL MEMBER CATES TO APPROVE ORDINANCE NO. 2023-1444 AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ADDING A NEW DIVISION TO THE FULSHEAR CODE TITLED "ELECTRONIC PAYMENT SERVICES". IT WAS SECONDED BY COUNCIL MEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

ERIN TEARUE EXPLAINED THE ORDINANCE IS REPEALING SECTION 40-109 "FEE FOR ONLINE PAYMENTS " OF THE FULSHEAR CODE.

G. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2023-1441 A ZONING MAP AMENDMENT FOR AN APPROXIMATELY 1.895-ACRE TRACT OF LAND, CURRENTLY ZONED WITHIN THE DOWNTOWN DISTRICT, INTO THE GENERAL COMMERCIAL (GC) DISTRICT

JOSH BROTHERS EXPLAINED THIS PROPERTY WAS JUST REZONED IN JULY INTO THE DOWNTOWN DISTRICT WITH THE VISION THAT THIS

WOULD BE THE GATEWAY TO THAT DISTRICT. STAFF IS RECOMMENDING DENIAL OF THIS REZONE.

JOSH ANSWERED QUESTIONS FROM COUNCIL. COUNCIL DISCUSSED AMONGST THEMSELVES.

MR. JOHNNY REPRESENTATIVE OF PIT STOP EXPRESSED EXPLAINED THE REASON FOR WANTING TO PLACE A GAS STATION ON THAT PROPERTY. HE WENT OVER THE VISION THEY HAVE FOR THIS STATION AND THAT THEY ARE WILLING TO WORK WITH THE CITY.

MR JOHNNY ANSWERED QUESTIONS FROM COUNCIL.

BYRON ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER JOHNSON TO DENY ORDINANCE NO. 2023-1441 A ZONING MAP AMENDMENT FOR AN APPROXIMATELY 1.895-ACRE TRACT OF LAND, CURRENTLY ZONED WITHIN THE DOWNTOWN DISTRICT, INTO THE GENERAL COMMERCIAL (GC) DISTRICT. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

** FOR THE FULL DISCUSSION VISIT THE CITY'S WEBSITE TO VIEW THE VIDEO**

H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2023-1445, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REPEALING AND REPLACING CHAPTER 10, ARTICLE II OF THE FULSHEAR CODE, GOVERNING FOOD AND FOOD ESTABLISHMENTS

STAFF EXPLAINED THAT THE PURPOSE OF THE ORDINANCE IS TO ADHERE TO THE MOST RECENTLY ADOPTED RULES AND REGULATIONS OF THE STATE REGARDING HEALTH.

A MOTION WAS MADE BY COUNCIL MEMBER UTTURKAR TO APPROVE ORDINANCE NO. 2023-1445 . IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

XI. EXECUTIVE SESSION

- A. 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**
- **FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT, AMENDING THAT CERTAIN DEVELOPMENT AGREEMENT DATED DECEMBER 18, 2020, AND RECORDED IN DOCUMENT NO. 2020183531, OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY, TEXAS**
 - **FIRST AMENDMENT TO THE AGREEMENT FOR DEVELOPMENT OF A REGIONAL PARK FACILITY, AMENDING THAT CERTAIN AGREEMENT FOR DEVELOPMENT OF A REGIONAL PARK FACILITY DATED DECEMBER 14, 2021**
 - **FIRST AMENDMENT TO THE WATER AND WASTEWATER FACILITIES AGREEMENT, AMENDING THAT CERTAIN WATER AND WASTEWATER FACILITIES AGREEMENT DATED DECEMBER 18, 2020, BEING THEREAFTER ASSIGNED TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 222, EFFECTIVE AUGUST 16, 2021**
 - **SECOND AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND D.R. HORTON – TEXAS, LTD., AMENDING THAT CERTAIN AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND D.R. HORTON – TEXAS, LTD. DATED AUGUST 27, 2013, AND RECORDED IN DOCUMENT NO. 2014049738, OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY, TEXAS**

A MOTION WAS MADE BY COUNCIL MEMBER JOHNSON TO MOVE INTO EXECUTIVE SESSION. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, PATTERSON, POOL, UTTURKAR
NAYS:
ABSTAIN:
ABSENT: KNAPE

MOTION APPROVED

MAYOR GROFF ADJOURNED INTO EXECUTIVE SESSION AT 6:49 PM

MAYOR GROFF RECONVENED THE MEETING AT 7:33 PM

XII. ACTION FROM EXECUTIVE SESSION

- A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT, AMENDING THAT CERTAIN DEVELOPMENT AGREEMENT DATED DECEMBER 18, 2020, AND RECORDED IN DOCUMENT NO. 2020183531, OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY, TEXAS**
- B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FIRST AMENDMENT TO THE AGREEMENT FOR DEVELOPMENT OF A REGIONAL PARK FACILITY, AMENDING THAT CERTAIN AGREEMENT FOR DEVELOPMENT OF A REGIONAL PARK FACILITY DATED DECEMBER 14, 2021**
- C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FIRST AMENDMENT TO THE WATER AND WASTEWATER FACILITIES AGREEMENT, AMENDING THAT CERTAIN WATER AND WASTEWATER FACILITIES AGREEMENT DATED DECEMBER 18, 2020, BEING THEREAFTER ASSIGNED TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 222, EFFECTIVE AUGUST 16, 2021**
- D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE SECOND AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND D.R. HORTON – TEXAS, LTD., AMENDING THAT CERTAIN AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND D.R. HORTON – TEXAS, LTD. DATED AUGUST 27, 2013, AND RECORDED IN DOCUMENT NO. 2014049738, OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY, TEXAS**

A MOTION WAS MADE BY MAYOR PRO-TEM PATTERSON TO APPROVE EXECUTIVE SESSION ITEMS A,B,C, AND D. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, PATTERSON, POOL, UTTURKAR
NAYS:
ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

*SAM JOHNSON WITH COATS ROSE REPRESENTING DR HORTON
ANSWERED QUESTIONS FROM COUNCIL.*

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.

THERE WAS NO ACTION ON THIS ITEM.

XIV. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER CATES TO ADJOURN. IT WAS SECONDED BY COUNCIL MEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: CATES, BARON, JOHNSON, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT: KNAPE

MOTION APPROVED

MAYOR GROFF ADJOURNED THE MEETING AT 7:39 PM

AARON GROFF, MAYOR

ATTEST:

MARIELA RODRIGUEZ, CITY SECRETARY