

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. CHANGES TO VARIOUS CITY STAFF MEMBERS

B. BICENTENNIAL UPDATE

C. DEA DRUG TAKE BACK

D. CHRISTMAS TREE LIGHTING

E. CITY HOLIDAYS-NOVEMBER AND DECEMBER

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.

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.**

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**
- 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**
- 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.**
- D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A PROFESSIONAL SERVICE AGREEMENT #2023-048 FOR DESIGN SERVICES FOR THE LIFT STATION NO. 11 EXPANSION PROJECT**
- E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2023-606 TO SUSPEND THE CENTERPOINT GAS RATE FILING**
- 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**
- 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**
- 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**

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**

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**

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 THURSDAY, NOVEMBER 9, 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