



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: Donald McCoy | MAYOR PRO-TEM: Joel Patterson | COUNCIL MEMBER: Kent Pool |
| COUNCIL MEMBER: Jason Knape | COUNCIL MEMBER: Abhijeet Utturkar | COUNCIL MEMBER: Patrick Powers |
| COUNCIL MEMBER: Sarah B. Johnson | COUNCIL MEMBER: Christina Baron | |

STAFF:

| | | |
|--|--|-----------------------------------|
| ACTING CITY MANAGER: Zachary Goodlander | CITY SECRETARY: Mariela Rodriguez | CITY ATTORNEY: Byron Brown |
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SPECIAL CITY COUNCIL MEETING

July 25, 2024

NOTICE IS HEREBY GIVEN OF A SPECIAL CITY COUNCIL MEETING OF THE CITY OF FULSHEAR TO BE HELD ON **Thursday, July 25, 2024 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

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. 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.

VII. BUSINESS

- A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2024-1461 AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2023-1429, ESTABLISHING OR ALTERING A REGULATORY SPEED ZONE ON VARIOUS STREETS OR PORTIONS OF STREETS WITHIN THE CITY**

VIII. 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**
- SECOND AMENDMENT TO THE WATER AND WASTEWATER FACILITIES AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 222**
 - RESOLUTION NO. 2024-632, CONSENTING TO THE CREATION OF FORT**

- BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 270**
- **RESOLUTION NO. 2024-633, CONSENTING TO THE ADDITION OF LAND TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 220**
- **LETTER AGREEMENT REGARDING AGREEMENT NOT TO REMOVE CERTAIN LAND FROM THE CITY'S ETJ BETWEEN THE CITY OF FULSHEAR AND DR HORTON**
- **DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR AND DR HORTON REGARDING APPROXIMATELY 139.81 ACRE AREA OF LAND**
- **DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR AND DR HORTON REGARDING APPROXIMATELY 283.2 ACRE AREA OF LAND**

IX. ACTION FROM EXECUTIVE SESSION

- A. SECOND AMENDMENT TO THE WATER AND WASTEWATER FACILITIES AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 222**
- B. RESOLUTION NO. 2024-632, CONSENTING TO THE CREATION OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 270**
- C. RESOLUTION NO. 2024-633, CONSENTING TO THE ADDITION OF LAND TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 220**
- D. LETTER AGREEMENT REGARDING AGREEMENT NOT TO REMOVE CERTAIN LAND FROM THE CITY'S ETJ BETWEEN THE CITY OF FULSHEAR AND DR HORTON**
- E. DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR AND DR HORTON REGARDING AN APPROXIMATELY 139.81 ACRE AREA OF LAND**
- F. DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR AND DR HORTON REGARDING AN APPROXIMATELY 283.2 ACRE AREA OF LAND**

X. 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 MONDAY, JULY 22, 2024 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

ORDINANCE NO. 2024-1461

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 2023-1429, ESTABLISHING OR ALTERING A REGULATORY SPEED ZONE ON VARIOUS STREETS OR PORTIONS OF STREETS WITHIN THE CITY; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, Transportation Code section 545.352 establishes prima facie reasonable and prudent speed limits for various categories of public roads, streets and highways; and

WHEREAS, Transportation Code section 545.356 empowers the City of Fulshear, Texas, to alter those prima facie limits on public roads, streets, and highways in the City as determined from the results of an engineering and traffic investigation conducted according to the procedures adopted by the Texas Transportation Commission; and

WHEREAS, the City has conducted the prescribed engineering and traffic investigations to determine reasonable and safe prima facie maximum speed limits for those portions of those certain public roads, streets, and highways described in the exhibits attached hereto; and

WHEREAS, the exhibits attached hereto describe speed zones for sections of public roads, streets, and highways where engineering and traffic investigations justify the need to alter the speeds; and

WHEREAS, the City previously adopted Ordinance No. 2023-1429, and desires to repeal and replace said ordinances with this ordinance;

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

Section 1. Ordinance 2023-1429 is hereby repealed.

Section 2. The reasonable and prudent prima facie maximum speed limits set forth in Exhibits A, B, C, D, E, F, & G which are incorporated herein by this reference, are declared as tabulated in said exhibits and, subject to section 545.356(c), Transportation Code, are in effect at the times set forth in said exhibits.

Section 3. The City Manager or his designee is hereby authorized to proceed with the erection of appropriate signs and other traffic control devices to effect this ordinance.

Section 4. **Penalty.** Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00), provided that if such rule, ordinance, or police regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00), and further provided that if such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 5. **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 6. **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 7. **Effective date.** This Ordinance shall be effective and in full force when published as required by law.

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PASSED, APPROVED, and ADOPTED this, ____ day of _____, 2024.

Don McCoy
Mayor

ATTEST:

Mariela Rodriguez
City Secretary

Exhibit A

School Speed Zones
Campbell Elementary
Katy Independent School District

| Street | Speed | Times in Effect | Limits of Zone |
|-----------------------|--------------|--|---|
| Cross Creek Bend Lane | 20 MPH | Monday - Friday 7:00 am - 8:00am 2:45 pm - 3:45 pm | From the intersection of Tamarron Trace to a point 200 feet east of Creek Falls Drive |
| Creek Falls Drive | 20 MPH | Monday - Friday 7:00 am - 8:00am 2:45 pm - 3:45 pm | From a point 810 feet north of Cross Creek Bend Lane to the intersection of Cross Creek Bend Lane |

Exhibit B

School Speed Zones
Randolph Elementary
Katy Independent School District

| Street | Speed | Times in Effect | Limits of Zone |
|----------------------|--------------|---|---|
| Flewellen Oaks Lane | 20 MPH | Monday - Friday 7:15 am - 8:15 am 3:05 pm - 4:04 pm | From a point 400 feet west of FM 1463 to a point 400 feet south of South Fry Road |
| South Fry Road | 20 MPH | Monday - Friday 7:15 am - 8:15 am 3:05 pm - 4:04 pm | From a point 400 feet east of Flewellen Oaks Lane to a Point 400 feet west of Flewellen Oaks Lane |
| Dove Ranch Boulevard | 20 MPH | Monday - Friday 7:15 am - 8:15 am 3:05 pm - 4:04 pm | From a point 75 feet north of Flewellen Oaks Lane to the Intersection of Flewellen Oaks Lane |

Exhibit C

School Speed Zones

Leaman Junior High School, Fulshear High School, and Roberts Middle School
Lamar Consolidated Independent School District

| Street | Speed | Times in Effect | Limits of Zone |
|---------------|--------------|---|--|
| Charger Way | 20 MPH | Monday - Friday 7:40 am - 9:20 am 3:35 pm - 5:15 pm | From a point 600 feet north of FM 1093 to a point 3970 feet north of FM 1093 |

Exhibit D

School Speed Zones

Huggins Elementary

Lamar Consolidated Independent School District

| Street | Speed | Times in Effect | Limits of Zone |
|---------------|--------------|---|---|
| Huggins Drive | 20 MPH | Monday - Friday 7:00 am - 8:00 am 2:55 pm - 3:55 pm | From the intersection of Houston Street to the intersection of Katy Fulshear Road |

Exhibit E

School Speed Zones
Adams Junior High
Katy Independent School District

| Street | Speed | Times in Effect | Limits of Zone |
|-----------------------|--------------|---|---|
| Cross Creek Bend Lane | 20 MPH | Monday - Friday 6:25 am - 9:00 am 2:20 pm - 4:50 pm | From a point 200 feet south of Fulshear Bend Drive to a point 200 feet north of Evergreen Cove Lane |
| Evergreen Cove Lane | 20 MPH | Monday - Friday 6:25 am - 9:00 am 2:20 pm - 4:50 pm | From a point 50 west of Cross Creek Bend Lane to the Intersection of Cross Creek Bend Lane |

Exhibit F

School Speed Zones
Jordan High School
Katy Independent School District

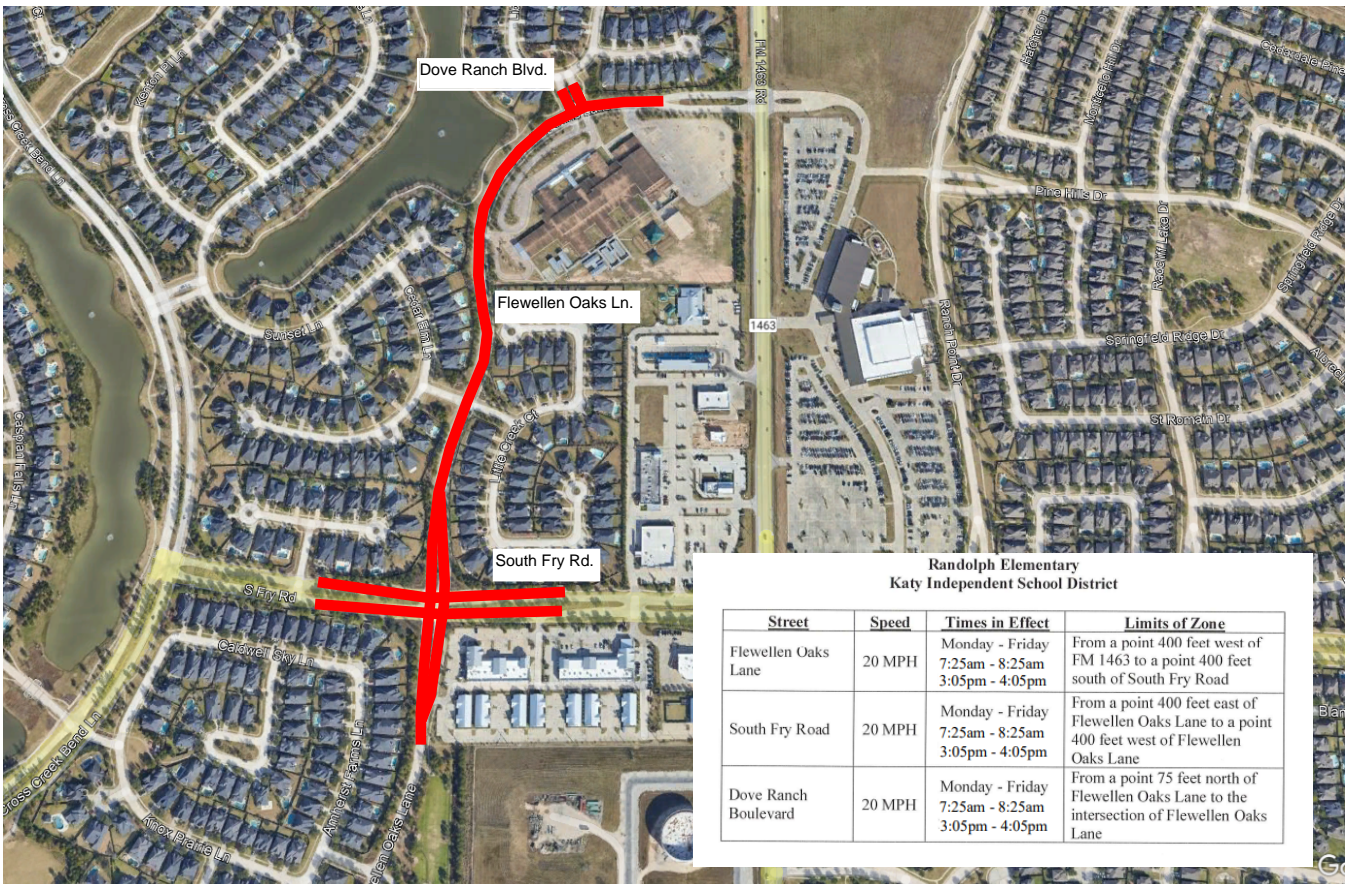
| Street | Speed | Times in Effect | Limits of Zone |
|---------------------|--------------|---|---|
| Fulshear Bend Drive | 20 MPH | Monday - Friday 6:25 am - 9:00 am 2:20 pm - 4:50 pm | From a point 1,900 feet east of Cross Creek Bend Lane to a point 200 feet west of Cross Creek Bend Lane |

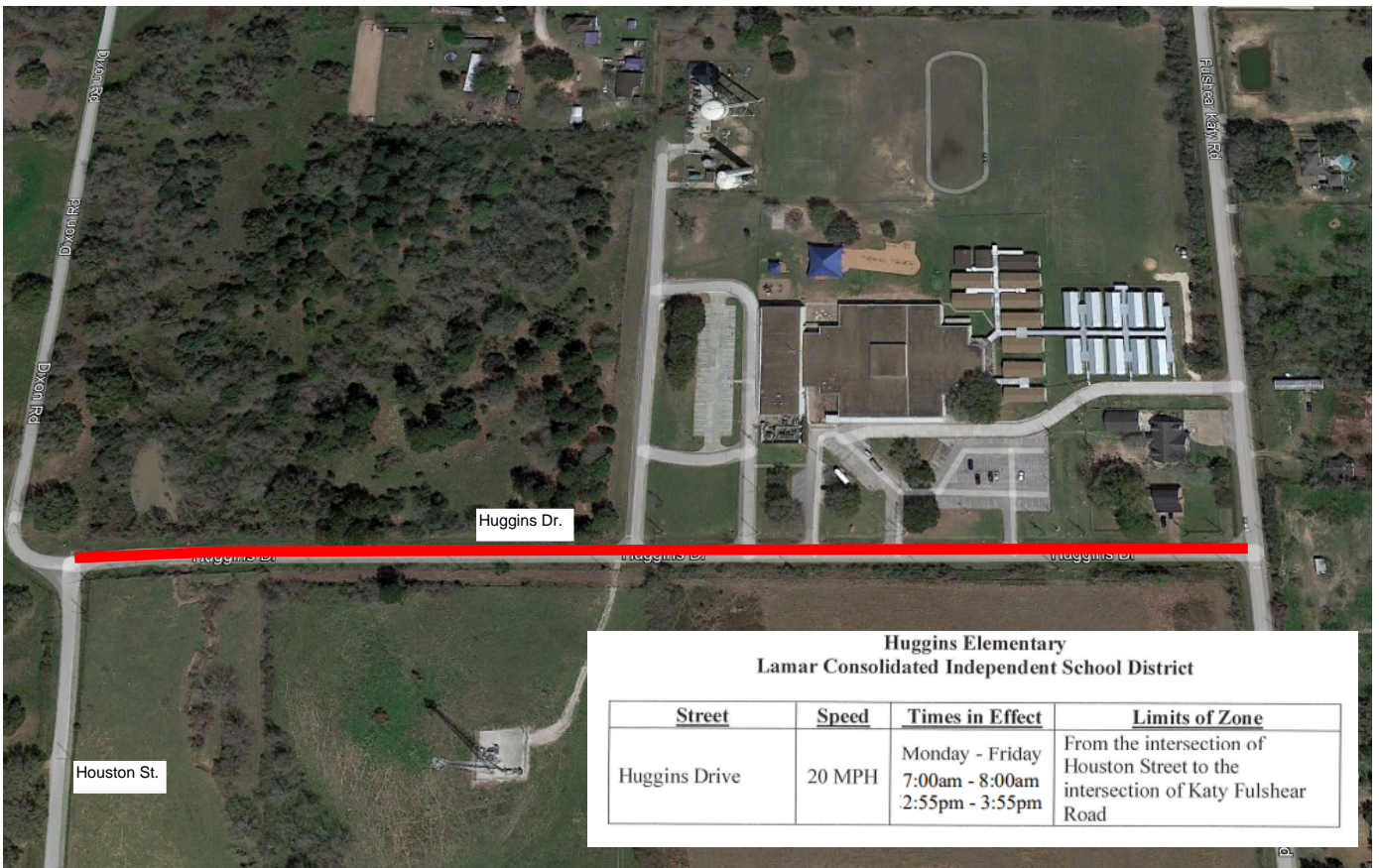
Exhibit G

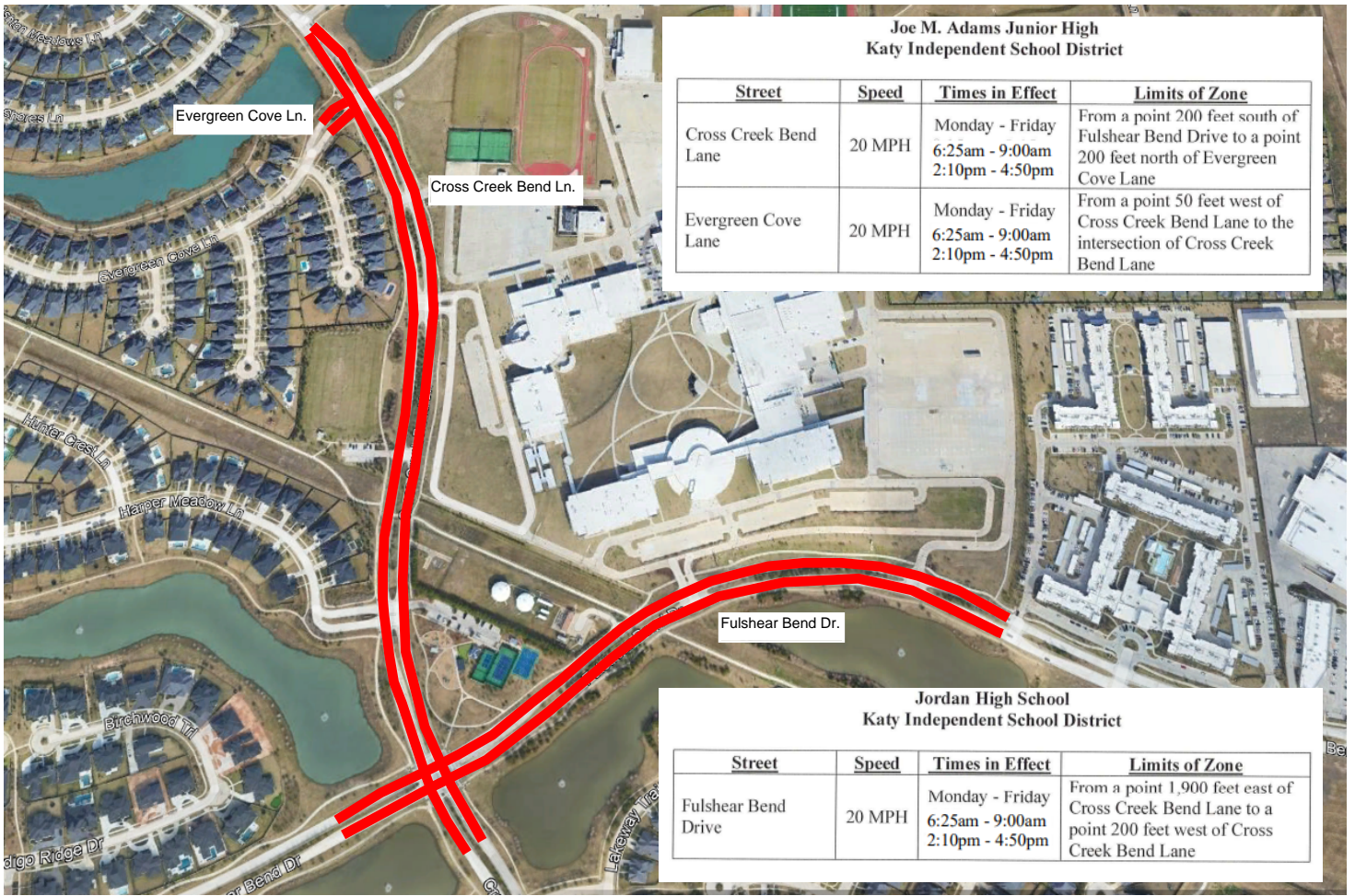
School Speed Zones Randle Elementary School Lamar Consolidated Independent School District

| Street | Speed | Times in Effect | Limits of Zone |
|---------------------|--------------|---|--|
| Fulshear Bend Drive | 20 MPH | Monday - Friday 6:30 am - 7:30 am 2:25 pm - 3:25 pm | From a point 300 feet east of Charger Way to a point 1,400 feet east of Charger Way |
| Sycamore Ranch Lane | 20 MPH | Monday - Friday 6:30 am - 7:30 am 2:25 pm - 3:25 pm | From Fulshear Bend Drive to Turning Creek Lane |
| Turning Creek Lane | 20 MPH | Monday - Friday 6:30 am - 7:30 am 2:25 pm - 3:25 pm | From a point 250 feet west Sycamore Ranch Lane to a point 175 feet east of Sycamore Ranch Lane |
| Cascading Creek | 20 MPH | Monday - Friday 6:30 am - 7:30 am 2:25 pm - 3:25 pm | From Fulshear Bend Drive to a point 200 feet south of Fulshear Bend Drive |
| Clear Spring Trace | 20 MPH | Monday - Friday 6:30 am - 7:30 am 2:25 pm - 3:25 pm | From Sycamore Ranch Lane to a point 150 east of Sycamore Ranch Lane |

City of Fulshear School Zone Maps





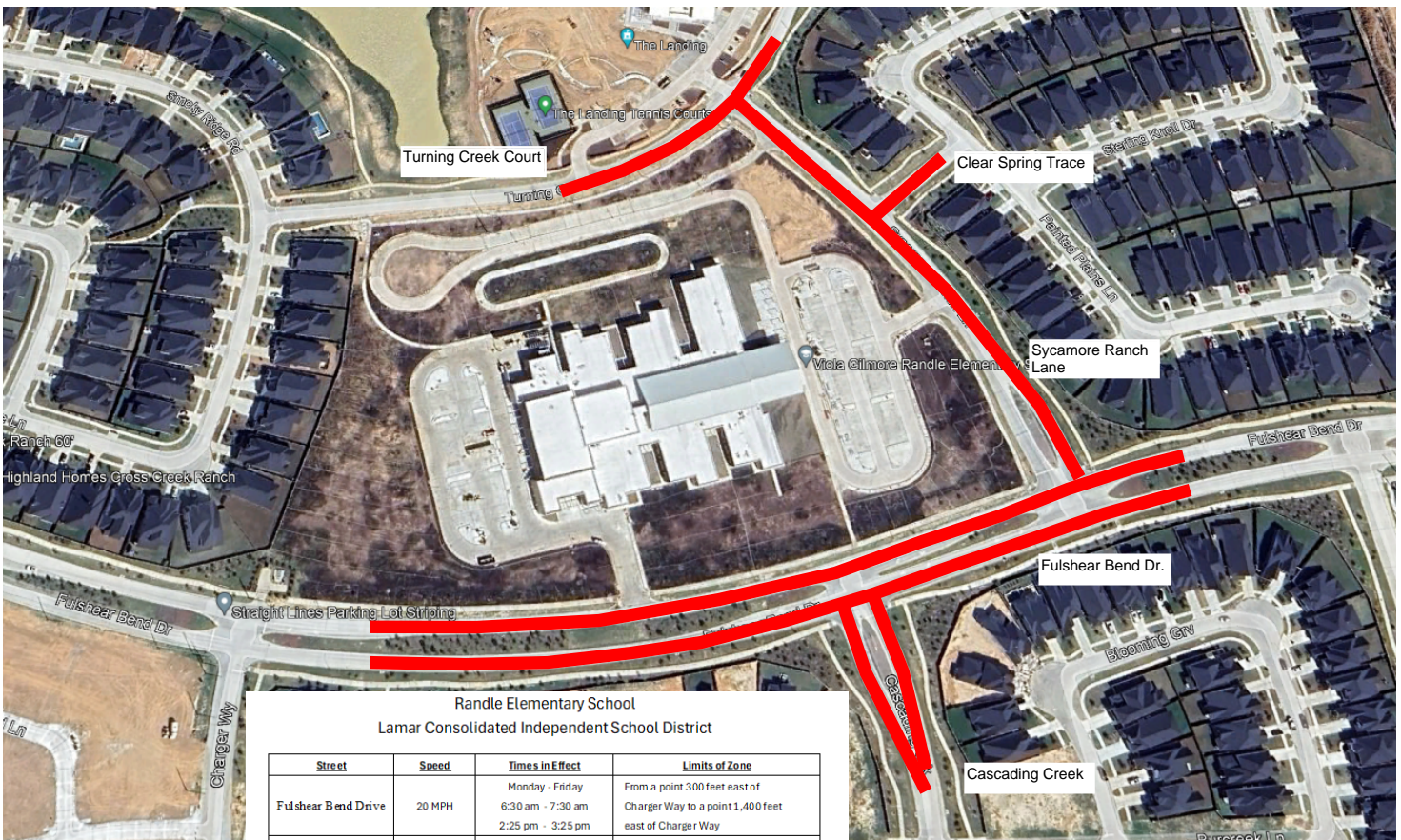


**Joe M. Adams Junior High
Katy Independent School District**

| Street | Speed | Times in Effect | Limits of Zone |
|-----------------------|--------|---|---|
| Cross Creek Bend Lane | 20 MPH | Monday - Friday 6:25am - 9:00am 2:10pm - 4:50pm | From a point 200 feet south of Fulshear Bend Drive to a point 200 feet north of Evergreen Cove Lane |
| Evergreen Cove Lane | 20 MPH | Monday - Friday 6:25am - 9:00am 2:10pm - 4:50pm | From a point 50 feet west of Cross Creek Bend Lane to the intersection of Cross Creek Bend Lane |

**Jordan High School
Katy Independent School District**

| Street | Speed | Times in Effect | Limits of Zone |
|---------------------|--------|---|---|
| Fulshear Bend Drive | 20 MPH | Monday - Friday 6:25am - 9:00am 2:10pm - 4:50pm | From a point 1,900 feet east of Cross Creek Bend Lane to a point 200 feet west of Cross Creek Bend Lane |



**Randle Elementary School
Lamar Consolidated Independent School District**

| Street | Speed | Times in Effect | Limits of Zone |
|---------------------|--------|---|--|
| Fulshear Bend Drive | 20 MPH | Monday - Friday 6:30 am - 7:30 am 2:25 pm - 3:25 pm | From a point 300 feet east of Charger Way to a point 1,400 feet east of Charger Way |
| Sycamore Ranch Lane | 20 MPH | Monday - Friday 6:30 am - 7:30 am 2:25 pm - 3:25 pm | From Fulshear Bend Drive to Turning Creek Lane |
| Turning Creek Lane | 20 MPH | Monday - Friday 6:30 am - 7:30 am 2:25 pm - 3:25 pm | From a point 250 feet west Sycamore Ranch Lane to a point 175 feet east of Sycamore Ranch Lane |
| Cascading Creek | 20 MPH | Monday - Friday 6:30 am - 7:30 am 2:25 pm - 3:25 pm | From Fulshear Bend Drive to a point 200 feet south of Fulshear Bend Drive |
| Clear Spring Trace | 20 MPH | Monday - Friday 6:30 am - 7:30 am 2:25 pm - 3:25 pm | From Sycamore Ranch Lane to a point 150 east of Sycamore Ranch Lane |

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

AGENDA OF: 7/25/2024

ITEMS: VI.B.

**DATE
SUBMITTED:** 7/22/2024

DEPARTMENT: Administration

PREPARED BY: Byron Brown

PRESENTER: Byron Brown

SUBJECT: RESOLUTION NO. 2024-632, CONSENTING TO THE CREATION OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 270

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

Generally, land within the corporate limits or ETJ of the City cannot be included in a MUD unless the City grants its consent. If a city fails or refuses to grant consent within 90 days of receiving a written request for inclusion of land in its ETJ, qualified landowners making the request may initiate “self-help” measures, which generally include first attempting to contract with the City for the provision of municipal utilities and, if an agreement is not reached timely, petitioning the TCEQ for including the land within a MUD.

RECOMMENDATION

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

AGENDA OF: 7/25/2024

ITEMS: VI.C.

**DATE
SUBMITTED:** 7/22/2024

DEPARTMENT: Administration

PREPARED BY: Byron Brown

PRESENTER: Byron Brown

SUBJECT: RESOLUTION NO. 2024-633, CONSENTING TO THE ADDITION OF LAND TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 220

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

Generally, land within the corporate limits or ETJ of the City cannot be included in a MUD unless the City grants its consent. If a city fails or refuses to grant consent within 90 days of receiving a written request for inclusion of land in its ETJ, qualified landowners making the request may initiate “self-help” measures, which generally include first attempting to contract with the City for the provision of municipal utilities and, if an agreement is not reached timely, petitioning the TCEQ for including the land within a MUD.

RECOMMENDATION

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

AGENDA OF: 7/25/2024

ITEMS: VI.D.

**DATE
SUBMITTED:** 7/22/2024

DEPARTMENT: Administration

PREPARED BY: Byron Brown

PRESENTER: Byron Brown

SUBJECT: LETTER AGREEMENT REGARDING AGREEMENT NOT TO REMOVE CERTAIN LAND FROM THE CITY’S ETJ BETWEEN THE CITY OF FULSHEAR AND DR HORTON

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

The State of Texas granted cities the power to regulate outside their corporate boundaries in a designated extra-territorial jurisdiction (“ETJ”) as part of the Municipal Annexation Reform Act of 1963. This allows cities to regulate outside of the city limits, including in the ETJ some aspects of development such as platting, and subdivision infrastructure. However, a City cannot regulate land use, lot size, or density in the ETJ.

Furthermore, in 2023 the state legislature passed S.B. 2038 which stated that landowners may petition their property out of the ETJ.

RECOMMENDATION