



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 Knappe **COUNCIL MEMBER:** Abhijeet **COUNCIL MEMBER:** Patrick
Utturkar Powers
COUNCIL MEMBER: Sarah B. **COUNCIL MEMBER:** Christina
Johnson Baron

STAFF:

ACTING CITY **CITY SECRETARY:** Mariela **CITY ATTORNEY:** Byron Brown
MANAGER: Zachary Goodlander Rodriguez

CITY COUNCIL MEETING

August 20, 2024

NOTICE IS HEREBY GIVEN OF A CITY COUNCIL MEETING OF THE CITY OF FULSHEAR TO BE HELD ON **Tuesday, August 20, 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- MINISTER PAUL CARTWRIGHT, FULSHEAR CHURCH OF CHRIST

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. UPDATE ON CONSTRUCTION ACTIVITY RELATED TO WATER PLANT #2/EST

C. UPDATE ON THE ECONOMIC DEVELOPMENT CORPORATIONS SECOND ANNUAL PHOTOGRAPHY CONTEST

VIII PUBLIC HEARING

A IN COMPLIANCE WITH THE CITY OF FULSHEAR'S COORDINATED DEVELOPMENT ORDINANCE, THE CITY WILL HOLD TWO PUBLIC HEARINGS; THE FIRST PUBLIC HEARING WILL BE HELD BY THE PLANNING AND ZONING COMMISSION ON AUGUST 2, 2024 AT 8:30 AM. THE HEARING WILL BE HELD AT CITY HALL LOCATED AT 6611 W. CROSS CREEK BEND LN. FULSHEAR, TEXAS 77441. THE SECOND HEARING WILL BE HELD BY THE CITY COUNCIL ON AUGUST 20, 2024 AT 5:30 PM. THE HEARING WILL BE

HELD AT CITY HALL LOCATED AT 6611 W. CROSS CREEK BEND LN. FULSHEAR, TEXAS 77441. BOTH HEARINGS WILL ALLOW ALL INTERESTED PERSONS AN OPPORTUNITY TO APPEAR AND BE HEARD. THE LOCATION OF THE PREMISES IN QUESTION IS IN THE DOWNTOWN DISTRICT, FULSHEAR, BLOCK 3, LOT 1 & 2, ACRES 0.37, SPECIFICALLY THE ADDRESS IS 8526 FM 359 RD, FULSHEAR, TX 77441. THE APPLICANT IS SEEKING A SPECIFIC USE PERMIT PURSUANT TO THE COORDINATED DEVELOPMENT ORDINANCE, SECTION 28-2-17 (A), (B), (C), FOR THE PURPOSES OF DEVELOPING A GAS STATION IN THE DOWNTOWN DISTRICT AS PROVIDED FOR BY TABLE 28-2-13-2. THE APPLICANT RESERVES THE RIGHT TO SUPPLEMENT THIS APPLICATION AND/OR SEEK AT THE TIME OF THE HEARING, SUCH OTHER APPROVALS, INTERPRETATIONS, AND/OR WAIVERS AS MAY BE REQUESTED OR REQUIRED BY THE APPLICANT OR THE BOARD/COUNCIL. A COPY OF SAID APPLICATION AND DOCUMENTS IS ON FILE AT THE CITY OF FULSHEAR CITY HALL LOCATED AT 6611 W. CROSS CREEK BEND LN. FULSHEAR, TEXAS 77441 ON MONDAY THROUGH THURSDAYS FROM 8:00 AM TO 5:00 PM AND FRIDAYS FROM 8:00 AM TO 3:00 PM IN THE CITY SECRETARY'S OFFICE 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 THE MINUTES FROM THE CITY COUNCIL MEETINGS HELD ON JULY 9, 2024 (SPECIAL), JULY 16, 2024 (REGULAR), JULY 25, 2024 (SPECIAL), AND JULY 30, 2024 (SPECIAL)**
- B. CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR FULBROOK ON FULSHEAR CREEK, SECTION 17, AND LIFT STATION NO. 10, FROM FMUD NO.1**
- C. CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR LEGACY RIDGE AT CROSS CREEK RANCH FROM FBMUD NO.169**
- D. CONSENT AND APPROVAL OF THE JUNE 2024 MONTHLY FINANCIAL REPORT FOR THE GENERAL AND UTILITY FUNDS**
- E. CONSENT AND APPROVAL OF THE FY2024 3RD QUARTER INVESTMENT REPORT**
- F. CONSENT AND APPROVAL FOR PAYMENT OF CAPACITY FEES FOR WATER, WASTEWATER AND STORMWATER FOR CITY HALL TO MUD 169 AND MUD 170**
- G. CONSENT AND APPROVAL OF THE BREAKTIME AT JORDAN RANCH PRELIMINARY PLAT**
- H. CONSENT AND APPROVAL OF THE JORDAN RANCH SECTION 45 FINAL**

PLAT

- I. **CONSENT AND APPROVAL OF THE TAMARRON F.M. 1463 COMMERCIAL RESERVE SECTION 2 FINAL PLAT**
- J. **CONSENT AND APPROVAL TO APPROVE THE TAMARRON SECTION 74 PRELIMINARY PLAT**
- K. **CONSENT AND APPROVAL OF THE TAMARRON SECTION 76 PRELIMINARY PLAT**
- L. **CONSENT AND APPROVAL OF THE TAMARRON SECTION 77 PRELIMINARY PLAT**
- M. **CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 23 FINAL PLAT**
- N. **CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 24A FINAL PLAT**
- O. **CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 24B FINAL PLAT**
- P. **CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 32 FINAL PLAT**
- Q. **CONSENT AND APPROVAL OF AN UPDATE TO THE CROSS CREEK WEST MASTER SIGN PLAN**
- R. **CONSENT AND APPROVAL FOR THE CREATION OF A REVIEW COMMITTEE TO UPDATE THE ECONOMIC DEVELOPMENT CORPORATION BYLAWS**
- S. **CONSENT AND APPROVAL OF RESOLUTION NO. 2024-635, A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, CONSENTING TO THE ADDITION OF CERTAIN LAND INTO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 188 AND IMPOSING CONDITION ON SAME**
- T. **CONSENT AND APPROVAL OF CROSS CREEK RANCH LOAN SUBSIDIARY 1, L.P. DONATION DEED (PUBLIC RIGHTS-OF-WAY)**
- U. **CONSENT AND APPROVAL OF CROSS CREEK RANCH TEXAS HOLDING LP, DONATION DEED**
- V. **CONSENT AND APPROVAL OF DEDICATION OF LAND FROM LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**
- X. **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**
 - **CITY MANAGER**
 - B. **EXECUTIVE SESSION – PURSUANT TO SECTION 551.074 OF THE TEXAS**

OPEN MEETINGS ACT (CHAPTER 551, GOVERNMENT CODE), DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE

- **CITY MANAGER**

XI. ACTION FROM EXECUTIVE SESSION

- A. CITY MANAGER EMPLOYMENT AGREEMENT**

XII. BUSINESS

- A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE BID #2024-053 FOR THE HARRIS STREET PROJECT**
- B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SPECIFIC USE PERMIT FOR COUNTRY MART, LOCATED AT 8526 FM 359 ROAD**
- C. CONSIDERATION AND POSSIBLE ACTION OF RESOLUTION NO. 2024-634, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATIONS TO FINANCE IMPROVEMENTS TO THE CITY'S WATER AND WASTEWATER SYSTEM**
- D. DISCUSSION AND POSSIBLE ACTION ON CITY HALL WARRANTIES AND INSURANCE**
- E. CONSIDERATION AND POSSIBLE ACTION TO RECORD RECEIPT OF THE 2024 TAX YEAR APPRAISAL ROLL AND NEW PROPERTY VALUE AS REQUESTED BY THE COUNTY TAX ASSESSOR/COLLECTOR**
- F. CONSIDERATION AND POSSIBLE ACTION TO PROPOSE A TAX RATE AND SET A PUBLIC HEARING**
- G. DISCUSSION OF FY2025 BUDGET**
- H. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 2024-1456, REPEALING ORDINANCE NO. 2019-1304, ADOPTING A DROUGHT CONTINGENCY PLAN AND THE 2021 REGIONAL WATER PLAN**
- I. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SALE OF .0018-ACRE TRACT TO FORT BEND COUNTY**
- J. DISCUSSION REGARDING ALTERNATES FOR THE ZONING BOARD OF ADJUSTMENTS**
- K. DISCUSSION REGARDING THE DISSOLUTION OF THE HISTORIC PRESERVATION AND MUSEUM COMMITTEE**

XIII. 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

- **AMENDED AND RESTATED CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT BETWEEN THE CITY OF FULSHEAR AND MS HUGGINS, LLC, AS ASSIGNEE OF THOMAS BLACKBURN**
- **AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR AND MS HUGGINS, LLC, AS ASSIGNEE OF THOMAS BLACKBURN**

XIV. ACTION FROM EXECUTIVE SESSION

- A. AMENDED AND RESTATED CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT BETWEEN THE CITY OF FULSHEAR AND MS HUGGINS, LLC, AS ASSIGNEE OF THOMAS BLACKBURN**
- B. AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR AND MS HUGGINS, LLC, AS ASSIGNEE OF THOMAS BLACKBURN**

XV. 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.

XVI. 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 16, 2024 by 5:00PM 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