



# CITY OF FULSHEAR

*"FIND YOUR FUTURE IN FULSHEAR"*

30603 FM 1093 WEST/ PO BOX 279 ~ FULSHEAR, TEXAS 77441

PHONE: 281-346-1796 ~ FAX: 281-346-2556

[WWW.FULSHEARTEXAS.GOV](http://WWW.FULSHEARTEXAS.GOV)

## CITY COUNCIL:

MAYOR: Aaron Groff

MAYOR PRO-TEM: Kaye Kahlich

COUNCIL MEMBER: Kent Pool

COUNCIL MEMBER: Dana Hollingsworth

COUNCIL MEMBER: Debra Cates

COUNCIL MEMBER: Lisa Martin

COUNCIL MEMBER: Joel Patterson

COUNCIL MEMBER: John Kelly

## STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly Kopecky

CITY ATTORNEY: J. Grady Randle

---

## CITY COUNCIL MEETING MINUTES OCTOBER 16, 2018

---

### **I. CALL TO ORDER**

*A REGULAR CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR AARON GROFF AT IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS AT 7:00 P.M. A QUORUM WAS PRESENT.*

### **II. QUORUM & ROLL CALL**

#### **COUNCIL MEMBERS PRESENT:**

AARON GROFF, MAYOR  
KAYE KAHLICH, MAYOR PRO-TEM  
DEBRA CATES  
LISA MARTIN  
JOHN KELLY  
KENT POOL

#### **COUNCIL MEMBERS ABSENT:**

DANA HOLLINGSWORTH (*EXCUSED*)  
JOEL PATTERSON (*EXCUSED*)

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO EXCUSE THE ABSENCE OF DANA HOLLINGSWORTH AND JOEL PATTERSON. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, AND POOL*

*NAYS: NONE*

**CITY STAFF PRESENT:**

JACK HARPER, CITY MANAGER  
KIMBERLY KOPECKY, CITY SECRETARY  
BRANT GARY, ASSISTANT CITY MANAGER  
SHARON VALIANTE, PUBLIC WORKS DIRECTOR  
GRADY RANDLE, CITY ATTORNEY  
DAVID LEYENDECKER, CITY ENGINEER  
LYNN RAYMER, EXECUTIVE ASSISTANT FOR PD  
ANGELA FRITZ, ECONOMIC DEVELOPMENT DIRECTOR  
KENNY SEYMOUR, CHIEF OF POLICE  
MIKE MCCOY, POLICE CAPTAIN

**OTHERS PRESENT:**

VIOLA RANDLE  
TREY DEVILLIER  
ROB MILLER  
AND ABOUT 19 OTHERS THAT DID NOT SIGN IN

**III. INVOCATION- REVEREND JACKIE GILMORE**

*THE INVOCATION WAS GIVEN BY REVEREND JACKIE GILMORE.*

**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**

*BOTH THE PLEDGE OF ALLEGIANCE TO THE U.S. FLAG AND PLEDGE TO THE TEXAS FLAG WERE LED BY MAYOR GROFF.*

**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.**

*THERE WERE NO CITIZEN COMMENTS*

**VII. CITY'S MANAGER'S 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. PROMOTION OF LINDSAY MILLER FROM SERGEANT TO LIEUTENANT**
- B. CITY STAFF TAKING TDEM DISASTER FINANCE MANAGEMENT COURSES**
- C. DISCUSS NOVEMBER CITY COUNCIL WORKSHOP ON WATER RATES, WATER BILLS, ETC**

JACK HARPER UPDATED COUNCIL ON ITEMS A, B, AND C. HE ANTICIPATES THE WORKSHOP ON WATER RATES, WATER BILLS TO START AT 5:30 P.M. ON NOVEMBER 20, 2018.

**VIII. CITY COUNCIL LIAISON REPORT- BRIEFINGS OR UPDATES FROM CITY COUNCIL MEMBERS MAY BE PROVIDED REGARDING BOARDS AND COMMISSIONS MEETINGS.**

- **MAYOR PRO-TEM KAHLICH- LIAISON FOR PLANNING & ZONING COMMISSION AND EX OFFICIO FOR THE LIVABLE CENTERS STUDY**
- **COUNCIL MEMBER KELLY- LIAISON FOR FULSHEAR DEVELOPMENT CORP "TYPE A"**
- **COUNCIL MEMBER MARTIN- LIAISON FOR FULSHEAR DEVELOPMENT CORP "TYPE B"**
- **COUNCIL MEMBER POOL- LIAISON FOR PARKS & RECREATION COMMISSION**
- **COUNCIL MEMBER CATES- LIAISON FOR HISTORIC PRESERVATION AND MUSEUM COMMISSION**

*COUNCIL LIAISON REPORTS WERE INCLUDED IN THE PACKET, BUT WERE NOT DISCUSSED AT THIS MEETING.*

**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 JORDAN RANCH STREET DEDICATION NO. 4 & RESERVES/FINAL PLAT**
- B. CONSENT AND APPROVAL OF JORDAN RANCH SECTION 6/FINAL PLAT**
- C. CONSENT AND APPROVAL OF JORDAN RANCH SECTION 7/FINAL PLAT**
- D. CONSENT AND APPROVAL OF JORDAN RANCH SECTION 13/FINAL PLAT**
- E. CONSENT AND APPROVAL OF JORDAN RANCH SECTION 15/FINAL PLAT**
- F. CONSENT AND APPROVAL OF JORDAN RANCH SECTION 16/FINAL PLAT**
- G. CONSENT AND APPROVAL OF TAMARRON SECTION 31/FINAL PLAT**
- H. CONSENT AND APPROVAL OF MARCEL TOWN CENTER/FINAL PLAT**
- I. CONSENT AND APPROVAL OF CHILDRENS LIGHTHOUSE AT JORDAN RANCH/PRELIMINARY PLAT**
- J. CONSENT AND APPROVAL OF CITY COUNCIL MINUTES FROM CITY COUNCIL MEETINGS HELD ON SEPTEMBER 11, 2018, SEPTEMBER 18, 2018 (SPECIAL), AND SEPTEMBER 18, 2018 (REGULAR) MEETING**
- K. CONSENT AND APPROVAL OF GENERAL FUND REPORT FOR SEPTEMBER 2018**
- L. CONSENT AND APPROVAL OF PURCHASES FOR CITY HALL REPAIRS**
- M. CONSENT AND APPROVAL OF RESOLUTION NO. 2018-405 AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDING FOR CDBG FUNDING-SITE 1 LEA DRAINAGE IMPROVEMENTS AND SITE 2 PENN DRAINAGE IMPROVEMENTS UNDER A GRANT PROVIDED BY TEXAS GENERAL LAND OFFICE**

- N. **CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT AND STREET DEDICATION FOR CREEK FALLS AT CROSS CREEK RANCH SECTION 10**
- O. **CONSENT AND APPROVAL OF PURCHASE OF TWO (2) POLICE VEHICLES AS APPROVED IN THE 2018/2019 BUDGET**
- P. **CONSENT AND APPROVAL OF A VOLUNTARY ANNEXATION AGREEMENT WITH THE OWNER(S) OF A CERTAIN TRACT OF LAND LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION, BEING AN APPROXIMATELY 9.9225 ACRE TRACT OF LAND ABUTTING RODGERS ROAD AND FM 359, INCLUDING ASSOCIATED RIGHT-OF-WAY**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEMS A-P. COUNCIL MEMBER MARTIN REQUESTED ITEMS K, M, AND P BE PULLED FOR DISCUSSION. MAYOR PRO-TEM KAHLICH WITHDREW HER ORIGINAL MOTION.*

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ITEMS A-J, L, N, AND O. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, AND POOL  
NAYS: NONE*

*ITEM K WAS DISCUSSED. A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ITEM K. IT WAS SECONDED BY COUNCIL MEMBER KELLY. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, AND POOL  
NAYS: NONE*

*ITEM M WAS DISCUSSED. A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ITEM M. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, AND POOL  
NAYS: NONE*

*ITEM P WAS DISCUSSED. A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ITEM P. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, AND POOL  
NAYS: NONE*

X. **BUSINESS**

A. **PROCLAMATION FOR BREAST CANCER AWARENESS**

*MAYOR GROFF READ A PROCLAMATION FOR BREAST CANCER AWARENESS.*

B. **PRESENTATION AND POSSIBLE ACTION ON THE CROSS CREEK RANCH GENERAL PLAN**

*TODD HAMILTON FROM JOHNSON DEVELOPMENT GAVE CITY COUNCIL AN UPDATE ON THE CCR GENERAL PLAN. A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ACCEPT THE UPDATED PLAN. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, AND POOL*

*NAYS: NONE*

C. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2018-406 APPOINTING MEMBERS TO THE HISTORIC PRESERVATION AND MUSEUM COMMISSION (3 VACANCIES)**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2018-406 APPOINTING CHAZ CLARKE (UNTIL JUNE 1, 2019). IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, AND POOL*

*NAYS: NONE*

D. **CONSIDERATION OF AND POSSIBLE ACTION ON APPOINTMENT OF A MEMBER OF THE CITY COUNCIL TO SERVE AS LIAISON TO THE CITY'S ORDINANCE ADVISORY COMMITTEE (OAC) RELATIVE TO THE CITY'S COORDINATED DEVELOPMENT ORDINANCE (CDO) PROJECT**

*A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO APPOINT COUNCIL MEMBER JOHN KELLY AS COUNCIL MEMBER LIAISON TO THE CITY'S ORDINANCE ADVISORY COMMITTEE AND TO APPOINT MAYOR PRO-TEM KAHLICH AS ALTERNATE. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, AND POOL*

*NAYS: NONE*

E. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2018-407 REPEALING THE MINUTE ORDER AND ALLOWING THE CITY MANAGER AUTHORITY ON PURCHASING**

*A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE RESOLUTION NO. 2018-407. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, AND POOL*

*NAYS: NONE*

F. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT FOR A GIS BASED WORK ORDER AND ASSET MANAGEMENT SOFTWARE SOLUTION**

*A PRESENTATION WAS GIVEN BY TARA PAYNE FROM MCMANUS & JOHNSON. A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE A CONTRACT WITH NOVOTX. IT*

WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, AND POOL

NAYS: NONE

**XI. EXECUTIVE SESSION – CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE SEC. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.**

**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 THIS CHAPTER.**

**UPDATE ON THREATENED LITIGATION:**

**4<sup>TH</sup> STREET LITIGATION**

*A MOTION TO ADJOURN TO EXECUTIVE SESSION WAS MADE BY COUNCIL MEMBER MARTIN. IT WAS SECONDED BY MAYOR PRO-TEM KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:*

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, AND POOL*

*NAYS: NONE*

*MAYOR GROFF ADJOURNED INTO EXECUTIVE SESSION AT 8:23 P.M.*

*COUNCIL RECONVENED INTO REGULAR SESSION AT 8:48 P.M.*

**XII. ACTION FROM EXECUTIVE SESSION**

*NO ACTION TO BE TAKEN FROM EXECUTIVE SESSION*

**XIII. ADJOURNMENT**

A MOTION TO ADJOURN WAS MADE BY MAYOR PRO-TEM KAHLICH. IT WAS SECONDED BY COUNCIL MEMBER MARTIN. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, AND POOL*

*NAYS: NONE*

*MAYOR GROFF ADJOURNED THE MEETING AT 8:49 P.M.*



  
\_\_\_\_\_  
AARON GROFF, MAYOR

ATTEST:

  
\_\_\_\_\_  
KIMBERLY KOPECKY, CITY SECRETARY