



# CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093  
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**Regular City Council Minutes**  
**February 21, 2017**  
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## **1. Opening**

### **A. Call To Order**

A Regular City Council Meeting was called to order by Mayor Jeff W. Roberts, Tuesday February 21, 2017 at 7:00 p.m. in the Fulshear City Hall located at 30603 FM 1093, Fulshear, Texas 77441 and all citizens were welcomed. Mayor Roberts acknowledged everyone for their attendance (city staff and audience).

### **B. Quorum & Roll Call**

Mayor Roberts announced that a quorum was present and that Ms. Tristan was absent.

#### Council Members Present:

Jeff W. Roberts, Mayor  
Lauren Ashley  
Stephen Gill  
Tricia Krenek  
Ramona Ridge

#### Council Member Absent:

Erin Tristan

#### City Staff Present:

D. (Diana) Gordon Offord, City Secretary  
J. Grady Randle, City Attorney  
David Leyendecker, City Engineer  
Michelle Killebrew, Building Official  
C. J. Snipes, City Manager

#### Others:

Kim Stacy  
Dana Hollingsworth  
Adam Hollingsworth  
Jim Fatheree  
Bob Johnson  
Trey DeVillier  
Debra Cates  
Brian Thomas  
And 32 others who did not sign in

### **C. Invocation- Rev. Dale Olsen, Fulshear, Texas**

Pastor Olsen provided the prayer.

**Pledge of Allegiance to the U.S. Flag**  
**Pledge of Allegiance to the Texas Flag**

Mayor Roberts led the audience in the Pledge to the U. S. Flag and the Texas Flag.

Mayor Roberts announced that we had a fatal accident that occurred in this community and asked that we keep the Gordon Family lifted up in prayer.

**II. Citizens Comments**

There were no Citizens Comments.

**III. Public Hearings**

**A. Special Use Permit Request-Thrive Church**

Mayor Roberts announced that this agenda has been pulled. No action will be taken.

**B. Special Use Request- GOKI Development Corporation**

Public Hearing was opened at 7:05 p.m.

There were no comments from the Public.

Public Hearing was closed at 7:06 p.m.

**IV. Consent Items**

**A. Consent and Approval of the Brooks at Cross Creek Ranch Section 2/Final Plat**

**B. Consent and Approval of Tamarron Trace Section 2-Street Dedication /Final Plat**

**C. Consent and Approval of Tamarron Trace Section 3-Street Dedication/Final Plat**

**D. Consent and Approval of Tamarron Coles Canyon And Riley's Ridge-Street Dedication/Final Plat**

**E. Consent and Approval of Tamarron Section 16/Final Plat**

**F. Consent and Approval of Tamarron Section 24/ Preliminary Plat**

**G. Consent and Approval of Tamarron Section 31/Preliminary Plat**

**H. Consent and Approval of Tamarron Section 32 (amended)/Final Plat**

**I. Consent and Approval of the Market at Cross Creek Ranch Partial Replat No. 1/Preliminary Plat**

**J. Consent and Approval of Katy ISD Elementary School No. 41 / Preliminary Plat**

**K. Consent and Approval of Cross Creek Commons Retail Site-Replat No. 1/Preliminary Plat**

**L. Consent and Approval of the City's Quarterly Investment Report for the period ending December 31, 2016**

**M. Consent and Approval of the monthly financial report**

**N. Consent and Approval of Minutes from January 10, 2017 and January 24, 2017 City Council Meetings**

Council Member Krenek asked if item J could be considered separately.

A motion was made by Council Member Krenek to approve the Consent Agenda items A thru I and K thru -N. It was seconded by Council Member Gill. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge

Nays: None

Absent: Council Member Tristan

Council Member Ashley recused herself from the vote on Item J.

Mayor Roberts stated we will now take item J (Katy ISD Elementary School. No. 41/ Preliminary Plat)

A motion was made by Council Member Krenek to approve Katy ISD Elementary School No. 41/ Preliminary Plat. It was seconded by Council Member Gill. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan  
Recused: Council Member Ashley

**V. BUSINESS ITEMS**

**A. PRESENTATION OF A PROCLAMATION FOR BLIND VETERANS**

Mayor Roberts read the Proclamation for Blind Veterans Association.

**B. PRESENTATION OF A PROCLAMATION RECOGNITION OF THE LION'S CLUB**

Mayor Roberts read the Proclamation for the Fulshear-Simonton Lion's Club. There were several members present for the reading. The audience applauded. Mayor Roberts presented the document to the group leader, Mr. Randy Emery.

**C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ABSENCE OF COUNCIL MEMBER PER SECTION 3.10 OF THE CITY OF FULSHEAR CHARTER**

This was a controversial discussion among the Council Members. Mayor Roberts interrupted to state if personal questions will be discussed, he asked that this be done in close session. After about fifteen minutes discussion among the Council Members and city attorney, it was decided that this item be tabled for further clarification. (for all the specifics, request a copy of the tape recording).

A motion was made by Council Member Krenek to postpone item C for more clarification. It was seconded by Council Member Ashley. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

**D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE CONTRACT FOR DELINQUENT AD VALOREM TAX COLLECTION SERVICES BETWEEN THE CITY OF FULSHEAR AND LINEBARGER, GOGGIN, BLAIR AND SAMPSON, LLP**

C.J. Snipes, City Manager presented to Council. Council Member Gill had a question regarding the percentage of collection fee from previous year vs. current. Mr. Richard Hill, representative for Linebarger, et al. provided a response. He stated that the legislature allowed for the increase.

A motion was made by Council Member Ridge to approve contract for delinquent Ad Valorem Tax Collection Services between the City of Fulshear and Linebarger, Goggin, Blair, and Sampson, LLP. It was seconded by Council Member Krenek. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

**E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE CONTRACT FOR DELINQUENT FEES AND FINES COLLECTION SERVICES BETWEEN THE CITY OF FULSHEAR AND LINEBARGER, GOGGIN, BLAIR AND SAMPSON, LLP**

A motion was made by Council Member Krenek to approve contract for delinquent court fees and fines collection services between the City of Fulshear and Linebarger, Goggin, Blair and Sampson, LLP. It was seconded by

Council Member Ashley. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

**F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE REQUEST FOR A SPECIAL USE PERMIT FOR A COMMERCIAL OFFICE/BUSINESS LOCATED AT 30136 FM 1093, FULSHEAR, TEXAS 77441 SUBMITTED BY : THRIVE CHURCH**

Mayor Roberts announced that this item was pulled from the agenda. No action was taken.

**G. CONSIDERATION AND POSSIBLE ACTION TO APPROVE REQUEST FOR A SPECIAL USE PERMIT FOR COMMERCIAL USE LOCATED AT 30415 5<sup>TH</sup> STREET, FULSHEAR TEXAS SUBMITTED BY GOKI DEVELOPMENT CORPORATION**

Michelle Killebrew, Building Official, presented to the Council. She stated that this project consist of offices, warehouse, barber shop, recreation center, and a small restaurant. Goki Development is requesting an exemption regarding the parking spaces. The fitness center will have participants the early part of the day and will be gone before the other businesses open. Goki Development recently demolished a car wash and would like to build a 6000 sq.ft. office/center. This complex was built before there was a city ordinance requiring x-amount of parking spaces. The Planning and Zoning Commission felt that if they limited their use with what is being requested today, they would have adequate parking for their needs. Mr. Gordon, owner of Goki Development, stated they are only planning to have insurance agent, fitness center and a barber shop. He stated they have plenty of parking and the fitness center will be operating early morning and late evenings. Request a copy of tape recording.

Council had a question and answer session among themselves and the owner for approximately five minutes.

A motion was made by Council Member Krenek to approve request for a special use permit for commercial use located at 30415 5<sup>th</sup> Street, Fulshear, Texas submitted by Goki Development Corporation. It was seconded by Council Member Ridge. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

**H. CONSIDERATION AND DISCUSSION OF PRESENTATION OF ANNUAL RACIAL PROFILING REPORT AND CRIME REPORT**

Chief Kenny Seymour of the Fulshear Police Department presented the Racial Profiling Report and Crime Report to Council. He stated that in 2001 the legislature adopted a law that collected and reported traffic and motor vehicle related data be identified and address concerning racial profiling practices. He showed this information on a video screen. He stated that 6107 traffic stops, 1310 citations issued, 5970 warnings issued, 217 searches conducted, 70 consented searches, and 144 traffic arrests. He presented for approximately 30 minutes. A copy of the report was provided to the City Secretary, D. Offord. A copy of the report will be provided to each Council Member. For all the specifics, request a copy of the tape recording.

No action was taken.

**I. CONSIDERATION AND POSSIBLE ACTION TO APPROVE POLICE TRAINING PROGRAM WITH DEL CARMEN, LLC FOR RACIAL PROFILING TRAINING**

A motion was made by Council Member Krenek to approve Police Training Program with Del Carmen, LLC for

racial profiling training. It was seconded by Council Member Ridge. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

**J. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE CITY'S PARTICIPATION AND ENROLLMENT IN THE "LARRY'S TOOL BOX" IRRIGATION SYSTEM COST-SHARING AGREEMENT WITH THE NORTH FORT BEND WATER AUTHORITY**

Sharon Valiante, Public Works Director, presented to the Council. She provided background on North Fort Bend Water Authority. There is a rebate program that provides a \$15 incentive to the resident for signing up for the Residential Irrigation System Evaluation. It is called Larry's Toolbox that allows the participants the opportunity to get a rebate on the cost of their water usage. (for all the specifics, request a copy of the tape recording) There was approximately a five minute question and answer period between Ms. Valiante and the Council.

Mayor Roberts called for action. A motion was made by Council Member Gill to approve the City's participation and enrollment in the "Larry's Tool Box" Irrigation System Cost-Sharing Agreement with the North Fort Bend Water Authority. It was seconded by Council Member Ridge. Mayor Roberts asked if there are any questions. Council Member Krenek asked a question and C.J. Snipes, City Manager, responded.

A motion was made by Council Member Krenek to amend the first motion and approve the City's participation and enrollment in the "Larry's Tool Box" Irrigation System Evaluation program capping the expenditure at \$2, 080. It was seconded by Council Member Ashley. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

Mayor Roberts stated we will now go back to the original motion. Mayor Roberts asked if there are any questions. Council was silent.

A motion was made by Council Member Gill to approve the City's participation and enrollment in the "Larry's Tool Box" Irrigation System Cost-Sharing Agreement with the North Fort Bend Water Authority. It was seconded by Council Member Ridge. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

**K. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AGREEMENT FOR SERVICES THROUGH HGAC BUY PROGRAM FOR COMPREHENSIVE STREET ASSESSMENT AND DATA COLLECTION SERVICES PROVIDED BY H2O AND DATA TRANSFER SERVICES.**

C. J. Snipes, City Manager, introduced Brant Gary , Executive Director of Planning and Development, to the Council. Mr. Gary presented to the Council regarding item K. He stated this is a project for street assessment services. The project would have a van that would travel all of the cities' streets to collect data regarding roughness, pavement width, condition, etc. (for all the specifics, request a copy of the tape recording) He stated that by gathering this data, the City will have a baseline for existing street conditions and related items based on industry standard criteria. He stated a short presentation document is included in the Council packet. He stated that we are asking for approval.

Agenda Memo included with the packet specifies Agreement for Street Assessment Data Collection Services with H2O Partners through HGAC contract HP07-16 for a cost of \$53,200.

There was a short discussion between Mr. Gary and the Council.

A motion was made by Council Member Krenek to approve an agreement for services through HGAC Buy Program for Comprehensive Street Assessment and Data Collection Services provided by H2O and Data Transfer Services. It was seconded by Council Member Ridge. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

**L. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2017-339 A  
RESOLUTION OF THE CITY OF FULSHEAR REQUESTING THE CLOSURE OF MAIN STREET/FM  
359 BY TX DOT FOR CERTAIN COMMUNITY EVENTS THROUGHOUT THE YEAR**

Sharon Valiante, Public Works Director, presented to the Council. Ms. Valiante stated that the Resolution establishes the events as a public purpose and enters into an agreement with TXDOT (Texas Department of Transportation) regarding road closures by the City when such events are held. Council spent about ten minutes discussing whether the resolution meets the required intent. Council Member Krenek was concerned with dates specified and that the instrument was too broad. Ms. Valiante stated that it is the intent so would not have to come to Council every time. Mr. Snipes, City Manager, also provided a response. Council Member Gill wanted to know the connection between the resolution and the agreement. Mr. Snipes responded. This topic continued to be debated among the Council for another ten minutes. (for all the specifics, request a copy of the tape recording)

A motion was made by Council Member Krenek to approve Resolution No. 2017-339 a resolution of the City Council of the City of Fulshear determining that certain city sponsored events for public service and ultimately tie into the execution agreement to approve temporary closure of state right of way. It was seconded by Council Member Gill.

Council Member Gill asked for clarification regarding the motion. Council Member Krenek responded.

The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

More debate continued among Council regarding agreement and resolution.

A motion was made by Council Member Krenek to approve the agreement of temporary closure of a state right of way for March 18, 2017 from noon until 9p.m. March 18, 2017. It was seconded by Council Member Gill.

The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

**M. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2017-340**

**RESOLUTION OF THE CITY OF LFULSHEAR APPROVING PETITION TO CONSENT FOR THE EXPANSION OF COUNTY ASSISTANCE DISTRICT NO. 1 ALONG THE RIGHT OF WAY ASSOCIATED WITH THE EXPANSION OF FM 1093 FOR THE PURPOSE OF APPLYING PROCEEDS FROM THE COUNTY ASSISTANCE DISTRICT TOWARDS CONSTRUCTION COSTS ASSOCIATED WITH THAT PROJECT.**

C. J. Snipes, City Manager, presented to the Council. He stated this is a request from the County. He stated that the County is funding the expansion of FM 1093 and has requested the City consider the addition of the Right of Way for FM 1093 into the currently active Fort Bend County Assistance District No. 1 Funds derived through sales tax collection in other areas of the district will be available for the county to use as construction is initiated and complete on FM 1093 expansion project. There will be no sales tax collection within the city (current and future) tied to this inclusion as it impacts only the Right of Way of the project and no private properties.

A motion was made by Council Member Krenek to approving petition to consent for the expansion of County Assistance District No. 1 along the Right of Way associated with the expansion of FM 1093 for the purpose of applying proceeds from the County Assistance District towards construction costs associated with that project. It was seconded by Council Member Ashley. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

**N. CONSIDERATION AND POSSIBLE ACTION TO APPROVE INTERLOCAL AGREEMENT BETWEEN THE CITY OF FULSHEAR AND FORT BEND COUNTY FOR THE ADMINISTRATION OF THE MAY 2017 GENERAL ELECTION**

A motion was made by Council Member Gill to approve InterLocal Agreement between the City of Fulshear and Fort Bend County for the administration of the May 2017 General Election. It was seconded by Council Member Krenek. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

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

**-UPDATED ON LITIGATION**

**SEC. 551.074. PERSONNEL MATTERS; CLOSED MEETING**

**-REVIEW OF CONTRACT FOR CITY MANAGER**

Mayor Roberts announced that this section would be omitted from the Executive Session and add Section 551.072.

**SEC. 551.072 DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING  
A GOVERNMENTAL BODY MAY CONDUCT A CLOSED MEETING TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OR REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.**

A motion was made by Council Member Krenek to enter into Executive Session (closed session). It was seconded

by Council Member Ridge. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

Mayor Roberts announced that Council would enter into Executive Session at 8:21 p.m. and a quorum was present.

Mayor Roberts announced that Council would reconvened back into Regular Session at 9:29 p.m. and a quorum was present.

Mayor Roberts asked if there was any action to be taken. Council Member Gill stated "no".

**VII. ADJOURNMENT**

A motion was made by Council Member Krenek to adjourn. It was seconded by Council Member Ridge. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, and Ridge  
Nays: None  
Absent: Council Member Tristan

Mayor Roberts announced that we are adjourned.

  
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Jeff W. Roberts, Mayor

Attest:

  
\_\_\_\_\_  
D. (Diana) Gordon Offord, City Secretary