



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

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

SPECIAL CITY COUNCIL MEETING MINUTES

AUGUST 9, 2018

I. CALL TO ORDER

A SPECIAL CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR AARON GROFF AT IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS AT 6:31 P.M. A QUORUM WAS PRESENT.

II. QUORUM & ROLL CALL

COUNCIL MEMBERS PRESENT:

*AARON GROFF, MAYOR
KAYE KAHLICH, MAYOR PRO-TEM
JOEL PATTERSON
LISA MARTIN
JOHN KELLY
DANA HOLLINGSWORTH
KENT POOL*

COUNCIL MEMBERS ABSENT

DEBRA CATES

CITY STAFF PRESENT

*JACK HARPER, CITY MANAGER
ANGELA FRITZ, ECONOMIC DEVELOPMENT DIRECTOR
BRANT GARY, ASSISTANT CITY MANAGER
KIMBERLY KOPECKY, CITY SECRETARY
DAVID LEYENDECKER, CITY ENGINEER
BYRON BROWN, CITY ATTORNEY*

KENNY SEYMOUR, CHIEF OF POLICE

OTHERS PRESENT

NICOLE RATHE

JEFF MARTIN

RAMONA RIDGE

MARK JANIK

JULIE DOWDALL

NIGIL PATTERSON

LINDA WOOTEN

DYWANE GORDON

RAY KERLICK

MARK VOGLER

MIKE SHELTON

CHRISTY RAUSBECK

HUGH DURLAN

BOB BARDUL

III. PUBLIC HEARING- ZONING CHANGE

In compliance with the City of Fulshear Zoning Ordinance Number 2010-1028, the City will hold two Public Hearings; the first Public Hearing will be held by the Planning and Zoning Commission on August 9, 2018 at 6:00 p.m., the hearing will be held at the Irene Stern Center located at 6920 Katy Fulshear Road. The second hearing will be held by the City Council on August 9, 2018 at 6:15 p.m. the hearing will be held at the Irene Stern Center located at 6920 Katy Fulshear Road. Both hearings will allow all interested persons an opportunity to be heard.

The location of the premises in question is in the Downtown District, C Fulshear League, Abstract 29, Acres 4.99, specifically the location is at the northeast corner of FM 1093 and Syms Rd, Fulshear, Texas 77441.

The applicant's agent, Anderson Smith, of Capital Retail Properties, is seeking a Zoning Change pursuant to the Zoning Ordinance, Section 1-279, to take the current zoning from Downtown District to Commercial Use for commercial, retail, restaurant, office and/or medical space.

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 30603 FM 1093 Fulshear, Texas 77441 on Monday through Thursdays from 8:00 a.m. to 5 p.m. and Fridays from 8:00 a.m. to 3 p.m. in the City Secretary's office for all interested parties prior to said hearing.

If you have any questions regarding this request please call the City Secretary's office at 281-346-1796.

Posted: July 24, 2018

MAYOR GROFF OPENED THE PUBLIC HEARING AT 6:32 P.M.

KAREN MARESH SPOKE REGARDING THE ZONING CHANGE.
TAJANA MESIC SPOKE REGARDING THE ZONING CHANGE.
(FOR FULL COMMENTARY, REQUEST AUDIO)

MAYOR GROFF CLOSED THE PUBLIC HEARING AT 6:39 P.M.

IV. ACTION REGARDING PUBLIC HEARING

A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2018-1280, A ZONING CHANGE FOR THE NORTHEAST CORNER OF FM 1093 AND SYMS ROAD (CAPITAL RETAIL PROPERTIES)

DISCUSSION OCCURS ON THIS AGENDA ITEM FOR SEVERAL MINUTES.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE ORDINANCE NO. 2018-1280 (A ZONING CHANGE FOR THE NORTHEAST CORNER OF FM 1093 AND SYMS ROAD) WITH CONDITIONS. IT WAS SECONDED BY COUNCIL MEMBER HOLLINGSWORTH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

*AYES: COUNCIL MEMBERS POOL, HOLLINGSWORTH, KAHLICH, AND PATTERSON
NAYS: COUNCIL MEMBERS MARTIN AND KELLY*

MOTION PASSES

V. JOINT DISCUSSION AND PRESENTATION WITH THE PLANNING & ZONING COMMISSION

A. DRAINAGE PRESENTATION BY FORT BEND COUNTY AND CENTURY DEVELOPMENT (POLO RANCH DEVELOPMENT)

MAYOR INVITED THE PLANNING AND ZONING COMMISSION TO JOIN THEM FOR THE JOINT DISCUSSION AND PRESENTATION ON DRAINAGE BY FORT BEND COUNTY AND CENTURY DEVELOPMENT.

BRANT GARY ADDRESSES COUNCIL, PLANNING AND ZONING, AND THE AUDIENCE. HE INTRODUCES MARK VOGLER FROM FORT BEND COUNTY DRAINAGE. MR. VOGLER GIVES A POWER POINT PRESENTATION ON THE DRAINAGE FOR POLO RANCH. MR. VOGLER ANSWERED QUESTIONS FROM CITY COUNCIL AND PLANNING AND ZONING. MR. VOGLER EXPLAINED THAT THE POLO RANCH DEVELOPMENT MET FORT BEND COUNTY REQUIREMENTS FOR DRAINAGE. (FOR FULL PRESENTATION, REQUEST AUDIO)

MARK TINDLE, VICE PRESIDENT OF LAND FOR CENTURY COMMUNITIES, ADDRESSED COUNCIL AND PLANNING AND ZONING MEMBERS. HE GAVE A BRIEF EXPLANATION OF THE POLO RANCH DEVELOPMENT.

JAMES ROSS WITH LJA ENGINEERING STEPPED UP TO EXPLAIN THE PROCESS AND ANSWER ANY QUESTIONS. (FOR FULL COMMENTARY, REQUEST AUDIO)

VI. BRIEF RECESS

PLANNING AND ZONING ADJOURNED THEIR MEETING AT 7:36 P.M.

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO TAKE A BRIEF RECESS. IT WAS SECONDED BY COUNCIL MEMBER KELLY. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL

NAYS: NONE

MAYOR GROFF ANNOUNCED A BRIEF RECESS AT 7:36 P.M.

MAYOR GROFF CALLED THE MEETING BACK TO ORDER AT 7:48 P.M. A QUORUM WAS PRESENT.

***MAYOR MADE A NOTE THAT THIS MEETING WAS NOT STREAMING LIVE BUT IT WOULD BE MADE AVAILABLE TOMORROW OR MONDAY.*

VII. BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION TO ADOPT A WATER AND WASTEWATER MASTER PLAN

BRANT GARY GAVE A BRIEF INTRO TO THIS ITEM (IT WAS DISCUSSED AT A PREVIOUS WORKSHOP) STAFF RECOMMENDS ADOPTION OF THIS ITEM.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ADOPT THE PROPOSED WATER AND WASTEWATER MASTER PLAN. IT WAS SECONDED BY COUNCIL MEMBER PATTERSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL

NAYS: NONE

MOTION PASSES

B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A WATER AND WASTEWATER OPERATIONS CONTRACT WITH INFRAMARK, INC.

THIS ITEM WAS PRESENTED TO COUNCIL IN A PREVIOUS WORKSHOP. THIS IS A 1 YEAR CONTRACT THAT BEGINS UPON EXECUTION.

A MOTION WAS MADE BY COUNCIL MEMBER HOLLINGSWORTH TO APPROVE THE WATER AND WASTEWATER OPERATIONS CONTRACT WITH INFRAMARK. IT WAS SECONDED BY MAYOR PRO-TEM KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL

NAYS: NONE

MOTION PASSES

C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2018-1281 APPROVING A PETITION FOR CONSENT TO THE CREATION OF FORT BEND COUNTY MUD NO. 175

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO APPROVE ORDINANCE NO. 2018-1281 APPROVING A PETITION FOR CONSENT TO THE CREATION OF FORT BEND COUNTY MUD NO. 175. IT WAS SECONDED BY COUNCIL MEMBER HOLLINGSWORTH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL

NAYS: NONE

MOTION PASSES

D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE WORK ORDER FOR SERVICES RELATED TO PHASE 1 OF THE COORDINATED DEVELOPMENT ORDINANCE REVIEW PROJECT

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE THE WORK ORDER FOR SERVICES RELATED TO PHASE 1 OF THE COORDINATED DEVELOPMENT ORDINANCE REVIEW PROJECT. IT WAS SECONDED BY COUNCIL MEMBER MARTIN. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL

NAYS: NONE

MOTION PASSES

E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT FOR IT SERVICES

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO APPROVE A CONTRACT FOR IT SERVICES WITH CAP5 TECHNOLOGY SOLUTIONS. IT WAS SECONDED BY COUNCIL MEMBER KELLY. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL

NAYS: NONE

MOTION PASSES

VIII. 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

REQUEST FOR ATTORNEY GENERAL OPINION

THERE WAS NO NEED TO ENTER INTO EXECUTIVE SESSION.

IX. 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 HOLLINGSWORTH, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL

NAYS: NONE

MAYOR GROFF ADJOURNS THE MEETING AT 8:28 P.M.




AARON GROFF, MAYOR

ATTEST:


KIMBERLY KOPECKY, CITY SECRETARY