



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: Jeff Roberts

MAYOR PRO-TEM: Erin Tristan

COUNCIL MEMBER: Stephen Gill

COUNCIL MEMBER: Tricia Krenek

COUNCIL MEMBER: James Murdoch

COUNCIL MEMBER: Ramona Ridge

STAFF:

CITY MANAGER: C.J. Snipes

CITY SECRETARY: D. Gordon Offord

CITY ATTORNEY: J. Grady Randle

REGULAR CITY COUNCIL MINUTES DECEMBER 13, 2016

I. OPENING

A. CALL TO ORDER

A REGULAR CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR JEFF W. ROBERTS ON TUESDAY, DECEMBER 13, 2016 AT 7:02 P.M. IN THE FULSHEAR CITY HALL LOCATED AT 30603 FM 1093 ROAD, FULSHEAR, TEXAS 77441 AND ALL CITIZENS WERE WELCOMED. MAYOR ROBERTS WISHED EVERYONE A HAPPY HOLIDAY SEASON AND INVITED EVERYONE TO COME OUT TO FESTIVAL.

B. QUORUM & ROLL CALL

MAYOR ROBERTS ANNOUNCED THAT ALL CITY COUNCIL MEMBERS ARE PRESENT.

MEMBERS PRESENT:

JEFF W. ROBERTS, MAYOR

ERIN TRISTAN, MAYOR PRO TEM

STEPHEN GILL

TRICIA KRENEK

JAMES MURDOCH

RAMONA RIDGE

CITY STAFF PRESENT:

D. (DIANA) GORDON OFFORD, CITY SECRETARY

C. J. SNIPES, CITY MANAGER

MICHAEL ROSE, ASSISTANT CITY MANAGER

WAS VELA, FINANCE DIRECTOR

MICHELLE KILLEBREW, BUILDING OFFICIAL

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CONTINUE- CITY STAFF PRESENT:

SHARON VALIANTE, PUBLIC WORKS DIRECTOR

ANGELA FRITZ, ECONOMIC DEVELOPMENT DIRECTOR

TIM KIRWAN, ASSISTANT CITY ATTORNEY

KENNY SEYMOUR, CHIEF OF POLICE

JERONE MCKINNEY, MAINTENANCE SUPERINTENDENT

OTHERS PRESENT:

VIOLA RANDLE

TREY DEVILLIER

KAYE KAHLICH

JOY MURDOCH

SONYA SIMMONS

DANNY CURTIS

LAURIE SZANTAY

MARK YENTZEN

TOMMY KUYKENDALL

ALAN HUTSON

JULIE DOWDALL

C J MCDANIEL

PAUL BAUER

AND 23 OTHERS WHO DID NOT SIGN IN

C. INVOCATION – REVEREND JACKIE GILMORE, GREATER ZACHERY BAPTIST CHURCH

REV. JACKIE GILMORE PROVIDED THE PRAYER.

D. 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 and with Liberty and Justice for all

E. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG - Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible

MAYOR ROBERTS LED THE AUDIENCE IN BOTH PLEDGES.

II. 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 presentations to three minutes each.

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(NOTE: COUNCIL MEMBER MURDOCH HANDED OUT HIS LETTER OF RESIGNATION TO EACH COUNCIL MEMBER AND THE CITY SECRETARY)

KAYE KALICH- SHE STATED SHE HAS BEEN A RESIDENT OF FULSHEAR FOR FIVE YEARS. SHE STATED SHE HEARD MR. MURDOCH POSITION WAS BEING VACATED. SHE INFORMED THE COUNCIL OF HER QUALIFICATION AND INTEREST IN CITY GOVERNMENT. (FOR ALL THE ENTIRE BACKGROUND HISTORY, REQUEST A COPY OF THE TAPE RECORDING)

SONYA SIMMONS-MS. SIMMONS STATED SHE WISHES TO EXPRESS HER CONCERNS REGARDING THE WEST PARK TOLL WAY COMING TO DOWNTOWN FULSHEAR. MS. SIMMONS OPPOSES THE TOLL WAYS COMING THROUGH CITY. (FOR ALL OF THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

DANNY CURTIS- HE STATES HE STRONGLY OPPOSES THE TOLL WAY COMING INTO THE DOWNTOWN AREA OF FULSHEAR. (FOR ALL OF THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

LAURIE SZANTKAY- SHE STATED SHE AGREES WITH THE OTHER TWO SPEAKERS AND DOES NOT WANT A TOLL WAY COMING THROUGH THE CITY. (FOR ALL THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

TOMMY KUYKENDALL- MR. KUYKENDALL ADDRESSED FLOOD PLAIN ISSUE CHANGES ON BESSIE'S CREEK. HE STATED THIS HAS TO DO WITH FULSHEAR LAKES. HE ASKED THAT THE LEADERS OF THE CITY FIND OUT THE IMPACT THIS WILL HAVE ON ADJACENT PROPERTY OWNERS SUCH AS FULBROOK ON FULSHEAR CREEK, MR. GILL, MS. STUBBLEFIELD, AND HIMSELF. HE STATED THAT THE RESPONSE DATE IS DECEMBER 16, 2016 WHICH DOES NOT GIVE THE PUBLIC TIME TO DUE DILIGENCE.

JULIE DOWDALL- SHE OPPOSES THE WEST PARK TOLL WAY. (FOR ALL COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

CJ MCDANIEL – HE STATED HE HELPED TO WRITE THE HOME RULE CHARTER AND SINCE THEN HE HAS BEEN TRACKING TO SEE THAT NECESSARY DOCUMENTS HAVE BEEN REGISTERED WITH FORT BEND COUNTY. HE STATED THAT THE NECESSARY DOCUMENTS HAVE NOT BEEN RECEIVED BY THE FORT BEND COUNTY ELECTIONS. HE STATED IF THE PROPER PLATTING AND DOCUMENTS DO NOT GET TO THE ELECTION ADMINISTRATOR, WE WILL NOT HAVE AN ELECTION. (FOR ALL THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

PAM BAUER- SHE OPPOSES THE WEST PARK TOLLWAY COMING THROUGH TOWN. SHE ALSO IS CONCERNED ABOUT THE FLOODING WATERS. (FOR ALL THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

IV. CONSENT AGENDA

Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this is rule is that a Council Members may request one or more items to be removed from the consent agenda for a separate discussion and action.

- A. CONSENT AND APPROVAL OF CREEK FALLS AT CROSS CREEK RANCH UNRESTRICTED RESERVE/ FINAL PLAT
- B. CONSENT AND APPROVAL OF PARK LANE FULSHEAR/ PRELIMINARY PLAT
- C. CONSENT AND APPROVAL OF CHRISTIAN BROTHERS/ FINAL PLAT (2ND REVIEW)
- D. CONSENT AND APPROVAL OF TAMARRON CROSSING SECTION 1 STREET DEDICATION/ FINAL PLAT
- E. CONSENT AND APPROVAL OF TAMARRON CROSSING SECTION 2 STREET DEDICATION/ FINAL PLAT
- F. CONSENT AND APPROVAL OF BONTERRA AT CROSS CREEK RANCH SECTION 2/ FINAL PLAT
- G. CONSENT AND APPROVAL OF FULBROOK ON FULSHEAR CREEK SECTION 8/ PRELIMINARY PLAT
- H. CONSENT AND APPROVAL OF FULBROOK ON FULSHEAR CREEK SECTION 12/ PRELIMINARY PLAT
- I. CONSENT AND APPROVAL OF CROSS CREEK COMMERCIAL (FORMERLY KNOWN AS SHOPS AT CROSS CREEK)/ FINAL PLAT (RE-SUBMITTAL)
- J. CONSENT AND APPROVAL OF CROSS CREEK COMMERCIAL II (FORMERLY KNOWN AS SHOPS AT CROSS CREEK II)/ PRELIMINARY PLAT (RE-SUBMITTAL)
- K. CONSENT AND APPROVAL OF STREET DEDICATION FOR CROSS CREEK BEND LANE AND SOUTH FRY ROAD
- L. CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR CREEK FALLS AT CROSS CREEK RANCH SECTION 1
- M. CONSENT AND APPROVAL OF MINUTES FROM THE NOVEMBER 15, 2016 MEETINGS

A MOTION WAS MADE BY MAYOR PRO TEM TRISTAN TO APPROVE THE CONSENT AGENDA, ITEMS A THRU M. IT WAS SECONDED BY COUNCIL MEMBER KRENEK. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN

NAYS: NONE

MOTION PASSES.

V. BUSINESS ITEMS

A. PRESENTATION OF PROCLAMATION RECOGNIZING THE SERVICE OF THE FULSHEAR SIMONTON FIRE DEPARTMENT

MAYOR ROBERTS PRESENTED A PROCLAMATION TO THE FULSHEAR-SIMONTON FIRE DEPARTMENT. JERONE MCKINNEY AND MARVIN DEVOUR WERE ON HAND TO RECEIVE THE PROCLAMATION. MAYOR ROBERTS READ THE PROCLAMATION TO THE COUNCIL AND AUDIENCE. THE AUDIENCE APPLAUDED.

B. PRESENTATION OF PROCLAMATION RECOGNIZING THE SERVICE OF MICHAEL ROSS, ASSISTANT CITY MANAGER

MAYOR ROBERTS PRESENTED A PROCLAMATION TO MICHAEL ROSS WHO WILL BE LEAVING THE CITY EMPLOYMENT AT THE END OF THIS MONTH TO ACCEPT A POSITION OUT OF THIS JURISDICTION. AGAIN, THE AUDIENCE APPLAUDED.

MAYOR ROBERTS ANNOUNCED THAT COUNCIL WILL BE MEETING WITH THE CITY ATTORNEY AT THIS TIME AND QUORUM WAS AVAILABLE.

A MOTION WAS MADE BY COUNCIL MEMBER KRENEK TO GO INTO EXECUTIVE SESSION. IT WAS SECONDED BY MAYOR PRO TEM TRISTAN. ASSISTANT CITY ATTORNEY, TIM KIRWAN, ASKED ARE THEY HANDLING ONE ISSUE OR TWO? RESPONSE WAS – ONE ISSUE AT A TIME.

THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN

NAYS: NONE

MAYOR ROBERTS ANNOUNCED THAT WE WILL NOW RECONVENE FROM EXECUTIVE SESSION BACK INTO REGULAR SESSION AT 8:09 P.M.

MAYOR ROBERTS READ BUSINESS ITEM C (...TO APPROVE RESOLUTION No. 2016-332.....)

C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION No. 2016-332 A RESOLUTION OF THE CITY OF FULSHEAR REGARDING THE EXTENSION OF THE WEST PARK TOLLWAY INTO THE CITY LIMITS OF THE CITY OF FULSHEAR

A MOTION WAS MADE BY COUNCIL MEMBER MURDOCH TO APPROVE RESOLUTION NO. 2016-332 A RESOLUTION OF THE CITY OF FULSHEAR REGARDING THE EXTENSION OF THE WEST PARK TOLLWAY INTO THE CITY LIMITS OF THE CITY OF FULSHEAR. IT WAS SECONDED BY COUNCIL MEMBER RIDGE.

MAYOR ROBERTS ASKED IF THERE WERE ANY QUESTIONS OR COMMENTS.

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COUNCIL MEMBER GILL STATED HE HAS SOME QUESTIONS. COUNCIL MEMBER GILL STATED HE COMES BACK TO THE SAME POINT HE MADE AT A PREVIOUS COUNCIL MEETING THAT HE DOES NOT HAVE SUFFICIENT INFORMATION TO MAKE A DECISION. HE STATED HE DOES NOT KNOW WHETHER THE PROPOSED MOBILITY WOULD HELP OR HINDER. (FOR ALL OF THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

COUNCIL MEMBER MURDOCH STATED THAT THE PRESENT OF TOLL ROADS IN TEXAS DO NOT PRODUCE QUALITY RETAIL DEVELOPMENT DUE TO THE HINDRANCES OF TRAFFIC ON AND OFF IN THOSE LOCATIONS. HE STATED THAT HE AGREES WITH RESIDENTS THAT WE DO NOT NEED A ROAD GOING OVER OR THROUGH FULSHEAR. (FOR ALL OF THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

COUNCIL MEMBER KRENEK STATED THAT SHE WOULD ECHO ON THATDO NOT WANT GREAT BIG WALLS AS THIS WOULD CREATE A NORTH AND SOUTH DIVIDE. SHE STATED IT IS COUNCIL RESPONSIBILITY TO DECIDE HOW TRAFFIC WILL BE MOVED IN AND OUT OF THE CITY. SHE STATED THAT CURRENTLY THE WAY THE RESOLUTION IS WORDED, IT IS NOT APPROPRIATE. THERE ARE A LOT OF THINGS MISSING. (FOR ALL OF THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

MAYOR PRO TEM TRISTAN STATED THAT OVER THE LAST SEVERAL MONTHS, SHE HAS BEEN DOING RESEARCH FOR DATA AND FOUND VERY LITTLE. SHE STATED IN TALKING TO RESIDENTS AND DEVELOPERS, SHE HAS HEARD VARIOUS COMMENTS. (FOR ALL OF THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

A MOTION WAS MADE BY COUNCIL MEMBER KRENEK TO AMEND PREVIOUS MOTION TO RE-WORD THE RESOLUTION TO SAY WITHOUT FURTHER DATA AND INFORMATION CANNOT SUPPORT THE EXTENSION OF THE WEST PARK TOLLWAY AND WELCOME THE OPPORTUNITY TO PARTICIPATE IN THE DECISION FOR ROADWAY DESIGN.

MAYOR ROBERTS STATES THIS IS JUST A RESOLUTION TO GIVE SOME DIRECTION TO THE COUNTY OF WHERE WE ARE TODAY REGARDING THE WEST PARK TOLLWAY. (FOR ALL THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

THE DEBATE ON THIS ISSUE CONTINUED AMONG THE COUNCIL MEMBERS.

COUNCIL MEMBER GILL STATED HE WOULD SECOND THE MOTION BY MS. KRENEK. COUNCIL MEMBER GILL STATED HE HAD SPOKEN WITH RICHARD STOLLEIS FROM THE COUNTY AND HE DID NOT APPEAR TO BE IN A HURRY FOR GUIDANCE FROM THE CITY.

MAYOR ROBERTS STATED THAT BOTH HE AND THE CITY MANAGER, C.J. SNIPES, WAS ASKED TO MEET WITH COUNTY COMMISSIONER MEYERS.

COUNCIL MEMBER KRENEK CONTINUED TO GIVE HER THOUGHTS ON THE WEST PARK TOLLWAY. MAYOR ROBERTS THANKED EVERYONE FOR THEIR COMMENTS BUT STATED WE HAVE A COUPLE OF

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MOTIONS ON THE FLOOR AND WOULD LIKE TO TAKE THE AMENDED MOTION FIRST. IT WAS A MOTION BY COUNCIL MEMBER KRENEK AND SECONDED BY COUNCIL MEMBER GILL. COUNCIL MEMBER MURDOCH STARTED TO GIVE MORE INPUT REGARDING THE TOLL. MAYOR ROBERTS INTERRUPTED AND STATED THAT WE COULD SIT HERE ALL NIGHT AND RE-WRITE THE WHOLE RESOLUTION. COUNCIL MEMBER MURDOCH STATED HE WOULD LIKE TO ADD TO THE SECOND AMENDED TO INCLUDE "USE OF ALTERNATE ROUTES". THE DEBATE AMONG THE COUNCIL MEMBERS CONTINUED. CITY ATTORNEY, TIM KIRWIN, RESPONDED TO THE COUNCIL. FOR ALL THE COMMENTS, REQUEST A COPY OF TAPE RECORDING.

C.J. SNIPES, CITY MANAGER, REPEATED THE MOTION. YOUR MOTION WAS WITHOUT FURTHER INFORMATION AND DATA, I CANNOT SUPPORT YOUR INTENTION FOR A TOLL ROAD AT THIS TIME AND WELCOME THE OPPORTUNITY TO PARTICIPATE IN THE PLANNING OF THE ROAD AND YOU WOULD LIKE TO ADD "USE OF AN ALTERNATE ROUTE". COUNCIL MEMBER MURDOCH STATED CORRECT. MAYOR ROBERTS STATED WE NEED A MOTION TO AMEND. A MOTION WAS MADE TO AMEND THE FIRST MOTION. MAYOR ROBERTS STATED THAT THE FIRST AMENDED MOTION MADE BY COUNCIL MEMBER MURDOCH AND SECONDED BY COUNCIL MEMBER RIDGE, HE CALLED FOR A VOTE:

AYES: COUNCIL MEMBER GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN
NAYS: NONE

MAYOR ROBERTS STATED NOW WE ARE READY TO VOTE ON THE FIRST MOTION. COUNCIL MEMBER GILL ASKED FOR CLARIFICATION. BOTH ASSISTANT CITY ATTORNEY, TIM KIRWIN, AND CITY MANAGER, CJ SNIPES, STATED NOW WE ARE VOTING ON THE RESOLUTION ITSELF. ASSISTANT CITY ATTORNEY KIRWIN STATED THE FIRST MOTION WAS TO APPROVE THE AMENDMENTS.

MAYOR ROBERTS STATED WE ARE NOW VOTING TO ACCEPT THE RESOLUTION; A MOTION WAS MADE BY COUNCIL MEMBER MURDOCH AND SECOND BY COUNCIL MEMBER RIDGE. HE CALLED FOR A VOTE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN
NAYS: NONE
MOTION PASSES.

- D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION No. 2016-333 A RESOLUTION OF THE CITY OF FULSHEAR SUSPENDING THE DECEMBER 21, 2016 EFFECTIVE DATE OF THE STATEMENT OF INTENT OF CENTERPOINT ENERGY TO INCREASE RATES WITHIN THE HOUSTON AND TEXAS COAST DIVISIONS AND TO CONSOLIDATE THE HOUSTON AND TEXAS COAST DIVISIONS TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE**

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REIMBURSED BY THE COMPANY; AUTHORIZING PARTICIPATION WITH THE GULF COAST COALITION OF CITIES; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND TO DIRECT NECESSARY LITIGATION AND APPEALS

CJ SNIPES, CITY MANAGER, PROVIDED AN EXPLANATION TO THE COUNCIL. FOR ALL THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING.

A MOTION WAS MADE BY COUNCIL MEMBER KRENEK TO APPROVE RESOLUTION NO. 2016-333. IT WAS SECONDED BY COUNCIL MEMBER RIDGE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN

NAYS: NONE

MOTION PASSES.

E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2016-1234 AN ORDINANCE OF THE CITY OF FULSHEAR ACCEPTING THE PROPOSED GROUNDWATER PUMPAGE REDUCTION FEE AS REQUESTED BY THE NORTH FORT BEND WATER AUTHORITY; SETTING THE NEW FEE AT \$3.14 PER 1,000 GALLONS AND PROVIDING FOR AN EFFECTIVE DATE OF JANUARY 1, 2017

C.J. SNIPES, CITY MANAGER, PROVIDED AN EXPLANATION TO THE COUNCIL REGARDING PROPOSED ORDINANCE NO. 2016-1234.

A MOTION WAS MADE BY COUNCIL MEMBER KRENEK TO APPROVE ORDINANCE NO. 2016-1234. IT WAS SECONDED BY MAYOR PRO TEM TRISTAN.

COUNCIL MEMBER GILL ASKED WHAT THE CURRENT RATE IS. MR. SNIPES RESPONDED. (FOR ALL THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING) THE DISCUSSION AMONG THE COUNCIL MEMBERS CONTINUED.

COUNCIL MEMBER TRISTAN STATED THAT THE WATER RATES ARE ALREADY HUGE BILL.

SHARON VALIANTE, NEW PUBLIC WORKS DIRECTOR, PROVIDED INFORMATION ABOUT A REBATE OFFERED TO CITIES. MORE QUESTIONS CAME FROM VARIOUS MEMBERS. THE DEBATE CONTINUED ON. (FOR ALL THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING)

COUNCIL MEMBER KRENEK COMMENTED ON THE COST. COUNCIL MEMBER MURDOCH ASKED IF WE COULD NEGOTIATE WITH THE NORTH FORT BEND AUTHORITY FOR A LOWER RATE. COMING TO END OF THE DISCUSSION AFTER ABOUT TWENTY MINUTES, THERE APPEARED MORE QUESTIONS THAN ANSWERS. THERE WAS NO DETERMINING A REAL SOLUTION AND PUMPAGE FEES FROM THE AUTHORITY WILL CONTINUE UNTIL THE MAX IS REACHED.

MAYOR ROBERTS CALLED FOR A VOTE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN

NAYS: NONE

MOTION PASSES.

F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION No. 2016-334 A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING THE CITY'S CHIEF FINANCIAL OFFICER WES VELA AS A SIGNATORY ON ALL OF THE CITY'S ACCOUNTS

A MOTION WAS MADE BY COUNCIL MEMBER KRENEK TO APPROVE RESOLUTION NO. 2016-334 A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING THE CITY'S CHIEF FINANCIAL OFFICER WES VELA AS A SIGNATORY ON ALL OF THE CITY'S ACCOUNTS. IT WAS SECONDED BY COUNCIL MEMBER GILL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

*AYES: COUNCIL MEMBER GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN
NAYS: NONE*

MOTION PASSES.

G. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION No. 2016-335 A RESOLUTION OF THE CITY OF FULSHEAR APPROVING INVESTMENT POLICY

WES VELA, NEW FINANCE OFFICER, PRESENTED TO COUNCIL THE CITY OF FULSHEAR INVESTMENT POLICY. HE STATED IT IS EXACTLY THE SAME AS PREVIOUS YEAR AND ONLY CHANGES ARE NAMES OF MAYOR AND FINANCE OFFICER.

A MOTION WAS MADE BY COUNCIL MEMBER GILL TO APPROVE RESOLUTION NO. 2016-335 A RESOLUTION OF THE CITY OF FULSHEAR APPROVING INVESTMENT POLICY. IT WAS SECONDED BY COUNCIL MEMBER KRENEK. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

*AYES: COUNCIL MEMBER GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN
NAYS: NONE*

MOTION PASSES

H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE PAYMENTS ON REMEDIATION OF SETTLEMENT ISSUES IN LEGACY SECTION 3

MICHAEL ROSS, ASSISTANT CITY MANAGER, PROVIDED AN EXPLANATION TO THE COUNCIL. HE OUTLINED ALL THE COST FACTORS AND WHO WAS RESPONSIBLE FOR THESE COSTS. HE STATED THE TOTAL COST FOR THE CITY'S PORTION OF THE REPAIR IS \$123,485.34. FOR ALL THE SPECIFICS, REQUEST A COPY OF THE TAPE RECORDING.

A MOTION WAS MADE BY COUNCIL MEMBER KRENEK TO APPROVE PAYMENTS ON REMEDIATION OF SETTLEMENT ISSUES IN LEGACY SECTION 3 (SPECIFICALLY TO ACCEPT MUD CONTRIBUTION OF \$40,000. APPROVING \$79,424.79 TO CEDROS PAVING PAID FROM THE CITY OF FULSHEAR, \$35,564.69 REIMBURSEMENT TO LAMB). IT WAS SECONDED BY COUNCIL MEMBER GILL.

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COUNCIL MEMBER GILL ASKED WHAT IS THE TOTAL AMOUNT THAT THE CITY CONTRIBUTED TO THIS PROJECT. MICHAEL ROSS, ASSISTANT CITY MANAGER, PROVIDED A RESPONSE.

THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN

NAYS: NONE

MOTION PASSES

I. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION No. 2016-336 A RESOLUTION OF THE CITY OF FULSHEAR AMENDING THE STAFF CLASSIFICATION AND COMPENSATION PLAN

PAULA RYAN, HUMAN RESOURCE DIRECTOR, PROVIDED AN OVERVIEW TO THE COUNCIL. SHE STATED THIS CLASSIFICATION HAS RETURNED DUE TO 4 NEW TITLES BEING ADDED.

A MOTION WAS MADE BY COUNCIL MEMBER RIDGE TO APPROVE RESOLUTION NO. 2016-336 A RESOLUTION OF THE CITY OF FULSHEAR AMENDING THE STAFF CLASSIFICATION AND COMPENSATION PLAN. IT WAS SECONDED BY MAYOR PRO TEM TRISTAN.

MAYOR ROBERTS ASKED IF THERE ARE ANY QUESTIONS OR COMMENTS. COUNCIL MEMBER GILL STATED HAS THIS CLASSIFICATION BEEN DISCUSSED WITH DEPARTMENT HEADS. CJ SNIPES RESPONDED YES AND NO. FOR ALL THE COMMENTS, REQUEST A COPY OF TAPE RECORDING.

PAULA RYAN INTERRUPTED TO PROVIDE MORE CLARITY. COUNCIL MEMBER GILL STATED HE WANTS TO KNOW IF DEPARTMENT HEADS HAD BEEN INCLUDED AND WHETHER THE STRUCTURE MAKE SENSE TO THE DEPARTMENT HEAD. (FOR ALL THE COMMENTS, REQUEST A COPY OF TAPE RECORDING) MS. RYAN RESPONDED. COUNCIL MEMBER KRENEK ADDRESSED ANOTHER ISSUE USING THE POLICE DEPARTMENT. THE DISCUSSION CONTINUED.

MAYOR ROBERTS STATED WE HAVE A MOTION BY MS. RIDGE AND A SECOND BY MS. TRISTAN, AND ASKED IF THERE ARE ANY OTHER COMMENTS. COUNCIL MEMBER KRENEK STATED, YES. COUNCIL MEMBER KRENEK REQUESTED THAT FEEDBACK FROM DEPARTMENT HEADS REGARDING THIS ISSUE BE REPORTED TO COUNCIL. MAYOR ROBERTS CALLED FOR A VOTE:

AYES: COUNCIL MEMBER GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN

NAYS: NONE

MOTION PASSES.

MAYOR ROBERTS ASKED FOR A MOTION TO ENTER INTO EXECUTIVE SESSION BEFORE TAKING ITEM J.

A MOTION WAS MADE BY COUNCIL MEMBER RIDGE TO ENTER INTO A SECOND EXECUTIVE SESSION. IT WAS SECONDED BY COUNCIL MEMBER MURDOCH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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AYES: COUNCIL MEMBER GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN
NAYS: NONE

MOTION PASSES.

MAYOR ROBERTS ANNOUNCED THAT COUNCIL WOULD ENTER INTO A SECOND EXECUTIVE SESSION AT 8:57 P.M. AND A QUORUM WAS PRESENT.

MAYOR ROBERTS ANNOUNCED THAT COUNCIL WOULD RECONVENE BACK INTO REGULAR SESSION AT 9:58 P.M. AND A QUORUM WAS PRESENT. MAYOR ROBERTS ALSO ANNOUNCED THAT WE WILL MOVE BACK TO ITEM J.

J. CONSIDERATION AND POSSIBLE ACTION TO ACCEPT RESIGNATION OF COUNCIL MEMBER JAMES MURDOCH

MAYOR ROBERTS ANNOUNCED TO THE AUDIENCE THAT COUNCIL MEMBER MURDOCH HAS PRESENTED A COPY OF HIS RESIGNATION TO THE COUNCIL. HE STATED HE WAS OFFERED A NEW POSITION WHICH IS LOCATED IN SAN ANTONIO. MAYOR ROBERTS TURNED THE FLOOR OVER TO COUNCIL MEMBER MURDOCH.

COUNCIL MEMBER MURDOCH STARTED OUT BY THANKING ALL THE CITIZENS OF FULSHEAR ALLOWING HIM TO SERVE WHETHER YOU VOTED FOR HIM OR NOT. HE STATED HIS LAST DAY AT ACADEMY WAS OCTOBER 31, 2016. HE STATED THAT HEB OFFERED HIM A POSITION THAT IS IN SAN ANTONIO AND HE WILL BE TRANSITIONING HIS FAMILY THERE OVER THE NEXT FEW MONTHS. HE NOMINATES LAUREN ASHLEY FOR HIS REPLACEMENT AS HER VIEWS COINCIDE WITH THE PLATFORM HE RAN FOR COUNCIL ON. HE ALSO PROVIDED A DETAILED ACCOUNT OF MS. ASHLEY'S CREDENTIALS. COUNCIL MEMBER MURDOCH EXPRESSED HIS VIEWS FOR FULSHEAR'S GROWTH FOR APPROXIMATELY TEN MINUTES. (FOR ALL OF HIS COMMENTS, REQUEST A COPY OF TAPE RECORDING)

TIM KIRWIN, ASSISTANT CITY ATTORNEY, EXPLAINED THE OPTIONS REGARDING SELECTION FOR VACANT CITY COUNCIL POSITION. HE STATED THAT IF COUNCIL ACCEPTS THE RESIGNATION IT BECOMES EFFECTIVE TONIGHT; OTHERWISE IT WILL BE EIGHT (8) DAYS FROM NOW. IF COUNCIL MEMBER MURDOCH'S RESIGNATION IS ACCEPTED TONIGHT, HE ALSO WILL BE A HOLD-OVER UNTIL A NEW MEMBER IS SELECTED BY APPOINTMENT OR SPECIAL ELECTION. THERE WAS A LONG DISCUSSION REGARDING HOME RULE CHARTER AND CONSTRUCTIONAL LAWS THAT APPLY REGARDING VOTING RIGHTS OF COUNCIL MEMBERS IN HANDLING REPLACEMENT OF NEW MEMBERS BETWEEN THE ATTORNEY AND VARIOUS COUNCIL MEMBERS. (FOR ALL OF THE SPECIFICS, REQUEST A COPY OF THE TAPE RECORDING) ATTORNEY KIRWIN PROVIDED A QUOTE FROM THE TEXAS CONSTRUCTIONAL ARTICLE 16.

A MOTION WAS MADE BY MAYOR PRO TEM TRISTAN TO ACCEPT THE RESIGNATION OF COUNCIL MEMBER JAMES MURDOCH. IT WAS SECONDED BY COUNCIL MEMBER KRENEK. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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AYES: COUNCIL MEMBER GILL, KRENEK, MURDOCH, RIDGE, AND TRISTAN
NAYS: NONE

MOTION PASSES.

K. CONSIDERATION AND POSSIBLE ACTION TO APPOINT AND SWEAR IN A REPLACEMENT TO FILL VACANT COUNCIL POSITION

A MOTION WAS MADE BY MAYOR PRO TEM TRISTAN TO APPOINT AND SWEAR IN LAUREN ASHLEY TO FILL VACANT COUNCIL POSITION. IT WAS SECONDED BY COUNCIL MEMBER RIDGE.

A MOTION WAS MADE BY COUNCIL MEMBER GILL TO APPOINT AND SWEAR IN KAYE KAHLICH TO FILL VACANT COUNCIL POSITION. A QUESTION WAS ASKED ABOUT AN AMENDMENT TO THE FIRST MOTION. ATTORNEY KIRWIN GAVE AN OPINION TO THE COUNCIL REGARDING AN AMENDMENT MOTION. (FOR ALL THE COMMENTS, REQUEST A COPY OF THE TAPE RECORDING) IT WAS SECONDED BY COUNCIL MEMBER KRENEK.

ATTORNEY KIRWIN CONTINUED THE DISCUSSION WITH COUNCIL REGARDING THE AMENDMENT MOTION. MAYOR ROBERTS CALLED FOR A VOTE. COUNCIL MEMBER KRENEK STATED SHE HAS A COMMENT AND QUESTION. COUNCIL MEMBER KRENEK THANKED MS. KAHLICH FOR HER EMAIL AND PRAISES HER FOR HER GREAT QUALIFICATIONS. COUNCIL MEMBER KRENEK SHARED WITH COUNCIL AND THE AUDIENCE BACKGROUND QUALIFICATIONS OF MS. KAHLICH. (FOR ALL THE SPECIFICS, REQUEST A COPY OF TAPE RECORDING) COUNCIL MEMBER GILL STATED HE LIKED TO SECOND THE COMMENTS AS HE GOT A SIMILAR EMAIL. COUNCIL MEMBER RIDGE STATED THAT MS. KAHLICH WOULD BE A WONDERFUL ADDITION TO THE COUNCIL, HOWEVER SHE RESPECTS THE RECOMMENDATION MADE BY COUNCIL MEMBER MURDOCH. THE DISCUSSION AMONG THE COUNCIL MEMBERS CONTINUED FOR ANOTHER TEN MINUTES.

MAYOR ROBERTS STATED WE HAVE TWO MOTIONS AND WE WILL TAKE THE SECOND ONE FIRST. MAYOR ROBERTS STATED A MOTION WAS MADE BY COUNCIL MEMBER GILL TO NOMINATE KAY KAHLICH AND SECONDED BY COUNCIL MEMBER KRENEK. MAYOR ROBERTS CALLED FOR A VOTE BY SHOW OF HANDS.

AYES: COUNCIL MEMBER GILL AND KRENEK
NAYS: COUNCIL MEMBER MURDOCH, RIDGE, AND TRISTAN

MAYOR ROBERTS STATED WE HAVE TWO AYES AND THREE NAYS. HE STATED WE WILL NOW GO BACK TO THE ORIGINAL MOTION. MAYOR ROBERTS STATED A MOTION WAS MADE BY COUNCIL MEMBER TRISTAN AND SECONDED BY COUNCIL MEMBER RIDGE TO NOMINATE LAUREN ASHLEY. MAYOR ROBERTS ASKED IF THERE WERE ANY COMMENTS OR QUESTIONS. COUNCIL WAS SILENT. MAYOR ROBERTS ASKED FOR A SHOW OF HANDS REGARDING THE VOTE:

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AYES: COUNCIL MEMBER MURDOCH, RIDGE, AND TRISTAN
NAYS: COUNCIL MEMBER GILL AND KRENEK

MAYOR ROBERTS ANNOUNCED THAT LAUREN ASHLEY WILL BE SEATED ON COUNCIL TO FILL POSITION EXITED BY JAMES MURDOCH. (MURDOCH TERM EXPIRES MAY, 2018)

MAYOR ROBERTS STATES WE WILL TAKE A TEN MINUTE RECESS AND AFTERWARD WE WILL SWEAR IN MS. LAUREN ASHLEY.

MAYOR ROBERTS ANNOUNCED THAT COUNCIL WOULD RECONVENE BACK INTO REGULAR SESSION AT 10:39 P.M. FROM THE TEN MINUTE RECESS AND A QUORUM WAS PRESENT.

JUDGE CROW SWORE IN NEW COUNCIL MEMBER, LAUREN ASHLEY BY GIVING HER OATH.
MAYOR ROBERTS WELCOMED MS. ASHLEY TO CITY COUNCIL.

VI. **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 PENDING LITIGATION

551.074. PERSONNEL MATTERS; CLOSED MEETING

1) TO DELIBERATE THE EMPLOYMENT, EVALUATION OR DUTIES OF A PUBLIC OFFICER OR EMPLOYEE;

2) TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE

REVIEW OF CONTRACT FOR CITY MANAGER

VII. **RECONVENE AND TAKE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION IF DEEMED
APPROPRIATE**

SEE ABOVE FOR THE EXECUTIVE SESSIONS THAT WERE HELD.

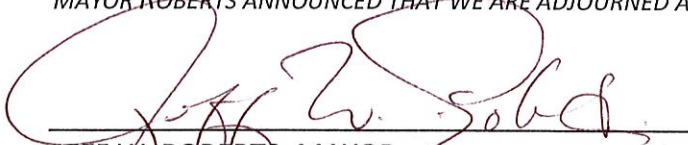
VIII. **ADJOURNMENT**

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

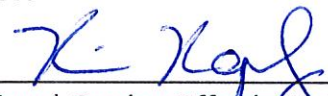
AYES: COUNCIL MEMBER ASHLEY, GILL, KRENEK, RIDGE, AND TRISTAN
NAYS: NONE

MAYOR ROBERTS ANNOUNCED THAT WE ARE ADJOURNED AT 10:41 P.M.



JEFF W. ROBERTS, MAYOR

ATTEST:



~~D. (Diana) Gordon Offord, City Secretary~~
Kimberly Kopecky, Deputy City Secretary