



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: Aaron Groff	MAYOR PRO-TEM: Joel Patterson	COUNCIL MEMBER: Kent Pool
COUNCIL MEMBER: Jason Knappe	COUNCIL MEMBER: Abhijeet Utturkar	COUNCIL MEMBER: Debra Cates
COUNCIL MEMBER: Sarah B. Johnson	COUNCIL MEMBER: Christina Baron	

STAFF:

ACTING CITY MANAGER: Zachary Goodlander	CITY SECRETARY: Mariela Rodriguez	CITY ATTORNEY: Byron Brown
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CITY COUNCIL MEETING MINUTES

April 16, 2024

I. CALL TO ORDER

A REGULAR CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR GROFF AT THE CITY OF FULSHEAR MUNICIPAL COMPLEX, 6611 W. CROSS CREEK BEND LANE, FULSHEAR, TEXAS AT 5:31 P.M.

II. QUORUM AND ROLL CALL

A QUORUM WAS PRESENT.

COUNCIL MEMBERS PRESENT:

*AARON GROFF
SARAH B. JOHNSON
ABHIJEET UTTURKAR
JOEL PATTERSON
CHRISTINA BARON
JASON KNAPE
DEBRA CATES
KENT POOL*

CITY STAFF PRESENT:

*MARIELA RODRIGUEZ
ZACH GOODLANDER
BYRON BROWN
JOSH GREEN
SHARON VALIANTE*

KENNY SEYMOUR
JOSH BROTHERS
CLIFF BROUHARD
ERIN TUREAU
MORGAN EARLY
MARIAH GALLEGOS
ALEX ROJAS
MEREDITH DUSEK
HEIDY TAYLOR
TIFFANY STODDER
CASSIE LEAL
ANNEL GUADALUPE
AARON FLORES

OTHERS PRESENT:

TAJANA SURLAN
WARREN JOHNSON
CHRIS JOHNS
ANAMARIA JOHNS
SHANDRA ALOCEMA
FERNANDO ALOCEMA
MIKE ROLLER
BRIAN PATTERSON
MIKE HAUDE
RANDY CONNOR
DANIELLE AGEE
JEREMY KATZENBERGER
BILL CLIFFORD
GRACE MALVEAUX
TREY DEVILLIER
BRIAN WILLIAMS
SUSAN DAVIS
GUY DAVIS
CHAD N.
KATY KEESE
KATHY WARD
KATE KAHLICH

III. INVOCATION- REV. WINSTON RUSHIN JR., GREATER ZACHARY MBC

INVOCATION WAS GIVEN BY REV. WINSTON RUSHIN JR.

IV. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

V. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

THE PLEDGE ALLEGIANCE TO THE U.S AND TEXAS FLAG WAS LED BY MAYOR GROFF.

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.

BRYAN PATTERSON, RESIDENT OF BOIS D'ARC, COMMENTED IN REFERENCE TO THE ZONING REQUEST AND SPOKE AGAINST STRIP MALLS AND MORE GREEN SPACE.

BILL CLIFFORD, RESIDENT OF FULSHEAR RUN TRACE, SPOKE AGAINST THE PROPOSED WHATABURGER AND VOICED HIS CONCERNS WITH TRAFFIC.

SUZANNE DAVIS, RESIDENT OF FULSHEAR RUN, VOICED HER CONCERNS REGARDING THE TRAFFIC AND TRASH THE PROPOSED WHATABURGER WILL CAUSE.

GUY DAVIS SPOKE AGAINST TOWN HOMES BEING BUILT IN FULSHEAR TRACE & BOIS D'ARC.

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

**** ACTING CITY MANAGER ZACH GOODLANDER PRESENTED ****

ZACH INFORMED COUNCIL REGARDING THE FOLLOWING STAFF CHANGES:

NEW HIRES:

- AARON FLORES - TECHNICAL SUPPORT SPECIALIST
- MICHAEL STOVER- POLICE OFFICER

PROMOTIONS:

- HEIDY TAYLOR- HUMAN RESOURCES DIRECTOR
- FELIX VARGAS- LIEUTENANT
- BILL HENRY- LIEUTENANT

DEPARTURES:

- JULIE WATTS- FINANCE SPECIALIST II EFFECTIVE APRIL 5TH
- LANCE HALL- ASSISTANT DIRECTOR OF PUBLIC WORKS UTILITIES DIVISION EFFECTIVE APRIL 12TH

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

ZACH GOODLANDER GAVE THE FOLLOWING UPDATE FOR THE CITY OF FULSHEAR WATER PLANT NO. 2:

• WATER PLANT NO. 2 – PUMP STATION AND GROUND STORAGE TANK (GST):

- FOUNDATION FOR GROUND STORAGE TANK HAS BEGUN.*
- ROUTING OF UNDER SLAB PIPING AND CONDUIT FOR THE PUMP STATION, CHEMICAL ROOMS, AND ELECTRICAL ROOM HAVE STARTED.*
- THE SAMPLE WELL HAS BEEN COMPLETED AND WATER SAMPLES HAVE BEEN TAKEN. SHOULD RECEIVE RESULTS FROM WATER SAMPLING NEAR THE END OF APRIL.*
- COORDINATION MEETING WITH PECAN RIDGE DEVELOPER, ELEVATED STORAGE TANK (EST) ENGINEER (BLEYL), EST CONTRACTOR (CALDWELL TANKS), WATER PLANT DESIGN ENGINEER, AND WATER PLANT CONTRACTOR ARE SCHEDULED FOR THE LAST WEDNESDAY OF EVERY MONTH.*
- CONSTRUCTION PROJECT IS CURRENTLY 7% COMPLETE. (BASED ON DOLLARS SPENT)*
- TO DATE WE HAVE BEEN INVOICED FOR \$1,050,597.00 FOR THE PROJECT. (\$14,434,000.00 BUDGET)*

• ELEVATED STORAGE TANK (EST):

- WALLS FOR TANK PEDESTAL HAVE BEEN COMPLETED TO 125FT.*
- PEDESTAL DOME IS NEAR COMPLETION.*
- TANK FABRICATION IS SCHEDULED TO BEGIN MID-MAY.*
- TANK RAISING TO TAKE PLACE EARLY JULY.*
- CURRENT ESTIMATED COMPLETION IS THE END OF NOVEMBER 2024.*
- CONSTRUCTION PROJECT IS CURRENT 35% COMPLETE. (BASED ON DOLLARS SPENT)*
- TO DATE WE HAVE PAID \$1,492,371.40 FOR THE PROJECT. (\$4,285,000.00 BUDGET)*

VIII PUBLIC HEARING

- A THE CITY OF FULSHEAR WILL HOLD TWO PUBLIC HEARINGS REGARDING PROPOSED ZONING REGULATION TEXT AMENDMENTS SPECIFICALLY AMENDMENTS TO ARTICLE II AND ARTICLE III OF THE COORDINATED DEVELOPMENT ORDINANCE (CDO), AND ARTICLE VI OF CHAPTER 8 OF THE CODE OF ORDINANCES. THE FIRST PUBLIC HEARING WILL BE HELD BY THE PLANNING AND ZONING COMMISSION ON APRIL 12, 2024, AT 8:30 A.M. THE SECOND PUBLIC HEARING WILL BE HELD BY THE CITY COUNCIL ON APRIL 16, 2024, AT 5:30 P.M. EACH HEARING WILL BE HELD AT THE CITY OF FULSHEAR MUNICIPAL COMPLEX, LOCATED AT 6611 W. CROSS CREEK BEND LN., FULSHEAR, TEXAS 77441. INTERESTED PARTIES MAY APPEAR AT THE PUBLIC HEARINGS AND BE HEARD WITH RESPECT TO THE PROPOSED AMENDMENTS. A COPY OF THE PROPOSED AMENDMENTS IS ON FILE AT THE CITY SECRETARY'S OFFICE LOCATED IN THE CITY OF FULSHEAR MUNICIPAL COMPLEX AND MAY BE INSPECTED ON MONDAY THROUGH THURSDAYS FROM 8:00 A.M. TO 5:00 P.M. AND FRIDAYS FROM 8:00 A.M. TO 3:00 P.M. FOR QUESTIONS REGARDING THE PROPOSED AMENDMENTS, PLEASE CALL JOSHUA BROTHERS, CITY OF FULSHEAR, 281-346-1796**

MAYOR GROFF OPENED THE HEARING AT 5:47 P.M.

THERE WERE NO COMMENTS

MAYOR GROFF CLOSED THE HEARING AT 5:48 P.M.

- B IN COMPLIANCE WITH THE CITY OF FULSHEAR ZONING ORDINANCE AND CHAPTER 211 OF THE LOCAL GOVERNMENT CODE, THE CITY WILL HOLD TWO PUBLIC HEARINGS REGARDING A PROPOSED ZONING MAP AMENDMENT FOR AN APPROXIMATELY 3.21 ACRE TRACT OF LAND, NEAR THE INTERSECTION OF BOIS D'ARC RD. AND FULSHEAR RUN TRACE, AND LOCATED IN THE 0050 E LATHAM, TRACT 28, FORT BEND COUNTY, TX. THE TRACT OF LAND, CURRENTLY VACANT, AND ZONED IN THE GENERAL COMMERCIAL DISTRICT, REQUESTS TO BE ZONED INTO THE DOWNTOWN DISTRICT. THE FIRST PUBLIC HEARING WILL BE HELD BY THE PLANNING AND ZONING COMMISSION ON APRIL 5, 2024, AT 8:30 A.M. THE SECOND HEARING WILL BE HELD BY THE CITY COUNCIL ON APRIL 16, 2024, AT 5:30 P.M. THE HEARINGS WILL BE HELD AT FULSHEAR MUNICIPAL COMPLEX, 6611 W. CROSS CREEK BEND LN., FULSHEAR, TEXAS 77441. INTERESTED PARTIES MAY APPEAR AT THE PUBLIC HEARING AND BE HEARD WITH RESPECT TO THE APPLICATION. A COPY OF THE ZONING CHANGE IS ON FILE AT THE CITY SECRETARY'S OFFICE LOCATED AT 6611 W. CROSS CREEK BEND LN., FULSHEAR, TEXAS 77441 ON MONDAY THROUGH THURSDAYS FROM 8:00 A.M. TO 5:00 P.M. AND FRIDAYS FROM 8:00 A.M. TO 3 P.M. 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**

MAYOR GROFF OPENED THE HEARING AT 5:49 P.M.

FERNANDO RESIDENT OF FULSHEAR RUN, SPOKE REGARDING HIS TRAFFIC CONCERNS.

MIKE ROLLER SPOKE ABOUT WHAT THE PROPERTY COULD BE USED FOR AND ADVOCATED FOR THE REZONE.

BILL CLIFFORD SPOKE AGAINST THE REZONE.

GRACE MALVEAUX EXPRESSED THAT IT MAY NOT BE TIME TO DEVELOP THE LAND.

GUY DAVIS BELIEVES A PROFESSIONAL BUILDING WOULD BE BETTER THAN TOWN HOMES.

PAUL STAFANIAE SPOKE AGAINST THE REZONE AND EXPLAINED HIS CONCERNS WITH THE TRAFFIC ISSUES AND HOW WORSE IT WILL GET WITH MORE HOUSING.

MAYOR GROFF CLOSED THE HEARING AT 6:10 P.M.

- C THE CITY OF FULSHEAR WILL HOLD A PUBLIC HEARING REGARDING THE PROPOSED UPDATES TO THE DROUGHT CONTINGENCY PLAN TO BE ADOPTED BY ORDINANCE IN ACCORDANCE WITH SECTION 11.1272 OF THE TEXAS WATER CODE; AND 30 TAC CHAPTER 288, SUBCHAPTER B. THE PUBLIC HEARING WILL BE HELD BY THE CITY COUNCIL ON APRIL 16, 2024, AT 5:30 P.M. THE PUBLIC HEARING WILL BE HELD AT THE CITY OF FULSHEAR MUNICIPAL COMPLEX, LOCATED AT 6611 W. CROSS CREEK BEND LN., FULSHEAR, TEXAS 77441. INTERESTED PARTIES MAY APPEAR AT THE PUBLIC HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED UPDATES. A COPY OF THE PROPOSED UPDATES IS ON FILE AT THE CITY SECRETARY'S OFFICE LOCATED IN THE CITY OF FULSHEAR MUNICIPAL COMPLEX AND MAY BE INSPECTED ON MONDAY THROUGH THURSDAY FROM 8:00 A.M. TO 5:00 P.M. AND FRIDAYS FROM 8:00 A.M. TO 3:00P.M.FOR QUESTIONS REGARDING THE PROPOSED UPDATES, PLEASE CALL SHARON VALIANTE, CITY OF FULSHEAR, 281-346-1796**

MAYOR GROFF OPENED THE HEARING AT 6:11 P.M.

RANDY CONNOR RESIDENT OF DEL WEBB STATED HE BELIEVES THIS IS A GREAT IDEA AND IS HAPPY COUNCIL AND THE CITY ARE GETTING AHEAD OF THE PROBLEM.

MAYOR GROFF CLOSED THE HEARING AT 6:12 P.M.

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 MEETING HELD ON MARCH 19, 2024**
- B. CONSENT AND APPROVAL OF THE FEBRUARY 2024 MONTHLY FINANCIAL REPORT FOR THE GENERAL AND UTILITY FUNDS**
- C. CONSENT AND APPROVAL OF UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR BONTERRA SECTION 10 FROM FBMUD NO.170**
- D. CONSENT AND APPROVAL OF THE CROSS CREEK WEST SECTION 8 FINAL PLAT**
- E. CONSENT AND APPROVAL OF THE CROSS CREEK WEST SECTION 10 FINAL PLAT**
- F. CONSENT AND APPROVAL OF THE SUMMERVIEW SECTION 4 FINAL PLAT**
- G. CONSENT AND APPROVAL OF THE TAMARRON SECTION 73 FINAL PLAT**
- H. CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 14 FINAL PLAT**
- I. CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 17 FINAL PLAT**
- J. CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 18 FINAL PLAT**
- K. CONSENT AND APPROVAL OF THE FULBROOK ON FULSHEAR CREEK SECTION 11 PRELIMINARY PLAT**
- L. CONSENT AND APPROVAL OF THE JORDAN RANCH WALLER COUNTY PRELIMINARY PLAT**
- M. CONSENT AND APPROVAL OF THE JORDAN RANCH STREET DEDICATION NO. 15 FINAL PLAT**
- N. CONSENT AND APPROVAL OF THE EXTENSION TO THE FULSHEAR BEND DRIVE STREET DEDICATION NO. 1 IN CROSS CREEK WEST FINAL PLAT**
- O. CONSENT AND APPROVAL OF THE PURCHASE OF MOTOROLA PORTABLE RADIOS FOR USE BY FULSHEAR POLICE DEPARTMENT**

COUNCIL MEMBER KNAPE ASKED TO PULL CONSENT ITEMS B, D, E, F, G, H, I, AND J

COUNCIL MEMBER UTTURKAR ASKED TO PULL CONSENT ITEM C

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE

CONSENT ITEMS A, K, L, M, N, AND O. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT:

MOTION APPROVED

ITEM B.

ERIN TUREAU ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER UTTURKAR TO APPROVE CONSENT ITEM B. IT WAS SECONDED BY COUNCIL MEMBER KNAPE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT:

MOTION APPROVED

ITEM C.

SHARON VALIANTE ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER UTTURKAR TO APPROVE CONSENT ITEM C. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT:

MOTION APPROVED

COUNCIL MEMBER KNAPE ASKED TO TAKE CONSENT ITEMS D-J TOGETHER. THERE WERE NO OBJECTIONS.

CLIFF BROUHARD ANSWERED QUESTIONS REGARDING THE WATER PLANT THAT EACH DEVELOPMENT WILL BE CONNECTED TO.

COUNCIL REQUESTED TO MAKE SURE ALL APPLICATION ARE FILLED OUT COMPLETELY INCLUDING LOCATION AND WETHER THE LOCATION IS IN

THE CITY LIMITS OR ETJ.

JOSH BROTHERS TOOK NOTE AND STATED HE WOULD MAKE SURE IT GETS DONE.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE CONSENT ITEMS D-J. IT WAS SECONDED BY COUNCIL MEMBER BARON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT:

MOTION APPROVED

**** MAYOR GROFF REQUESTED TO TAKE BUSINESS ITEM I, THERE WERE NO OBJECTIONS****

**** GO TO BUSINESS ITEM I****

X. BUSINESS

A. STATE OF THE CITY

MAYOR GROFF RESUMED THE MEETING FROM A BRIEF RECESS AT 7:00 P.M.

MAYOR GROFF SPOKE ABOUT THE FOLLOWING TOPICS:

- GROWTH
- LEGISLATION
- SCHOOLS
- WATER
- BICENTENNIAL

MAYOR PRESENTED A VIDEO PREPARED BY STAFF AND COMMENTED IN BETWEEN UPDATES.

COUNCIL RETURNED TO THE THEIR SEATS ON THE DIAS.

**** FOR THE FULL PRESENTATION PLEASE REFER TO THE CITYS WEBSITE TO VIEW THE VIDEO****

B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FY2023 ANNUAL COMPREHENSIVE FINANCIAL REPORT

A MOTION WAS MADE BY COUNCIL MEMBER UTTURKAR TO APPROVE THE FY2023 ANNUAL COMPREHENSIVE FINANCIAL REPORT AS PRESENTED. IT WAS SECONDED BY COUNCIL MEMBER KNAPE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT:

MOTION APPROVED

C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A PURCHASE FOR HYDRO-PNEUMATIC TANK RENTALS FROM I.K.STOLTZFUS SERVICE CORPORATION WITH A PROJECT BUDGET OF \$200,000

THERE WAS NO ACTION OR DISCUSSION ON THIS ITEM

D. PRESENTATION AND DISCUSSION REGARDING THE UPDATES TO THE CITY'S DROUGHT CONTINGENCY PLAN

SHARON EXPLAINED THAT THIS PRESENTATION IS A DRAFT VERSION FOR A DROUGHT CONTINGENCY PLAN AND WOULD LIKE COUNCIL TO PROVIDE DIRECTION SO THAT THIS CAN BE ADOPTED VIA ORDINANCE AT THE MAY MEETING.

SHARON INTRODUCED ADAM CONNOR, WATER SUPPLY PLANNER WITH FREESE & NICHOLS.

ADAM PRESENTED A SLIDE SHOW PRESENTATION OF THE FOLLOWING:

- TODAY AGENDA*
- DROUGHT CONTINGENCY PLAN REQUIREMENTS*
- METEOROLOGIC CONDITIONS 2000-2024*
- METEOROLOGIC CONDITIONS- CURRENT*
- DROUGHT CONDITIONS Q2 2023 - Q1-2024*
- MAJOR REVISIONS TO DRAFT DCP*
- DROUGHT TRIGGER ELEVATION*
- KEY TAKE AWAYS*

COUNCIL REQUESTED TO HAVE "VOLUNTARY" REMOVED FROM STAGE ONE.

SHARON AND ADAM ANSWERED QUESTIONS FROM COUNCIL.

E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2024-1453, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING CHAPTER 28, "COORDINATED DEVELOPMENT ORDINANCE (CDO)",

ARTICLE II AND ARTICLE III OF THE FULSHEAR CODE, FOR THE AMENDMENT, REPEAL, OR OTHER CHANGE OF VARIOUS ZONING REGULATIONS APPLICABLE TO ONE OR MORE ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE

JOSH BROTHERS EXPLAINED THIS UPDATE IS MUCH MORE MINOR THAN SOME OF THE PREVIOUS AMENDMENTS TO SOME OF THE TEXT INCLUDING THE FOLLOWING:

- *NURSING HOMES PERMITTED BY RIGHT TO SPECIAL USE*
- *AUTOMOBILE WASHES TO SPECIAL USE*
- *MIXED USED REGULATIONS*
- *PRESERVATION OF TREES*
- *DESIGN STANDARDS & ARCHITECTURAL*
- *CROSS ACCESS FOR COMMERCIAL BUSINESSES*

STAFF ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE ORDINANCE NO. 2024-1453. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, PATTERSON, POOL, UTTURKAR
NAYS:
ABSTAIN:
ABSENT:

MOTION APPROVED

F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2024-619 APPROVING AN AGREEMENT WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP AS BEING FULLY QUALIFIED AS SPECIAL COUNSEL TO PERFORM ALL LEGAL SERVICES NECESSARY TO COLLECT UNPAID DELINQUENT AD VALOREM TAXES AS PROVIDED IN THE SECTION 6.30 OF THE TEXAS TAX CODE

BYRON INTRODUCED THIS ITEM.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE RESOLUTION NO. 2024-619. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, PATTERSON, POOL, UTTURKAR
NAYS:
ABSTAIN:
ABSENT:

MOTION APPROVED

G. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AGREEMENT FOR TAX COLLECTION SERVICES WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP AFTER HAVING PROVIDED ADEQUATE NOTICE AS REQUIRED BY SECTION 2254.1036 OF THE TEXAS GOVERNMENT CODE, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

CHIP SUTTON WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE AN AGREEMENT FOR TAX COLLECTION SERVICES WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP AFTER HAVING PROVIDED ADEQUATE NOTICE AS REQUIRED BY SECTION 2254.1036 OF THE TEXAS GOVERNMENT CODE, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

*AYES: BARON, CATES, JOHNSON, KNAPE, PATTERSON, POOL, UTTURKAR
NAYS:
ABSTAIN:
ABSENT:*

MOTION APPROVED

H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE THIRD AMENDMENT TO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND PULTE HOMES OF TEXAS, L.P.

JOSH BROTHERS MADE A CLARIFIED STATEMENT ABOUT THE ELEVATIONS AS HE IS REFERRING TO THE FACADE OF THE HOME AND NOT THE HEIGHT. STAFF FEELS THAT THE CHANGES PRESENTED BY PULTE HOMES ARE A VAST IMPROVEMENTS THAN WHAT WAS PREVIOUSLY PROPOSED.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE THE THIRD AMENDMENT TO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND PULTE HOMES OF TEXAS, L.P. IT WAS SECONDED BY COUNCIL MEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

*AYES: BARON, CATES, JOHNSON, KNAPE, PATTERSON, POOL, UTTURKAR
NAYS:
ABSTAIN:
ABSENT:*

MOTION APPROVED

I. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2024-1455 AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, GRANTING A ZONING MAP AMENDMENT FOR THE PURPOSES OF REZONING A PARCEL FROM GENERAL COMMERCIAL (GC) INTO THE DOWNTOWN DISTRICT (DD), FOR A 4.95-ACRE TRACT OR PARCEL OF LAND SITUATED IN THE ENOCH LATHAM SURVEY, ABSTRACT NO. 50, CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS**

MAYOR GROFF NOTED THERE IS A DIFFERENCE ON SIZE FROM THE PUBLIC HEARING BECAUSE OF WHAT WAS PREVIOUSLY ZONED. 3.21 TO THE 4.95

WARREN JOHNSON, WITH JOHNSON DESIGN GROUP, GAVE A SLIDE SHOW PRESENTATION WITH THE FOLLOWING:

- *BOIS D'ARC RESIDENCES CHANGE OF ZONING FROM GENERAL COMMERCIAL TO DOWNTOWN DISTRICT*
- *GENERAL COMMERCIAL -> DOWNTOWN DISTRICT ZONING*
- *MCKINNON ROAD*
- *RETAIL COMPONENT*
 - *A. TRANSITIONAL NEIGHBORHOOD/ BUFFER*
 - *B. DEDICATION OF PARK LAND*
 - *C. DOWNTOWN DISTRICT REQUIREMENTS*
 - *D. BUILDING CHARACTER*
 - *E. PLANS AND ELEVATIONS*
 - *F. THREE DIMENSIONAL IMAGES/ RENDERINGS*

COUNCIL DISCUSSED AMONG THEMSELVES AND STATED THEIR OPINIONS.

WARREN JOHNSON ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO DENY THE ZONING REQUEST. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, POOL, UTTURKAR

NAYS: PATTERSON

ABSTAIN:

ABSENT:

MOTION APPROVED

MAYOR GROFF REQUESTED A BRIEF RECESS TO REARRANGE THE ROOM FOR THE STATE OF THE CITY PRESENTATION, THERE WERE NO OBJECTIONS

****GO TO BUSINESS ITEM A****

J. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2024-1453 AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING CHAPTER 8, ARTICLE VI OF THE FULSHEAR CODE, GOVERNING TELECOMMUNICATION ANTENNAS AND TOWERS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

MAYOR GROFF SPOKE ABOUT THE ISSUES RESIDENTS HAVE FACED WITH THE CELL TOWER SERVICE.

JOSH BROTHERS SPOKE ABOUT THE AMENDMENTS BEING REQUESTED TO CHAPTER 8, ARTICLE VI OF THE FULSHEAR CODE.

CITY STAFF ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE ORDINANCE NO. 2024-1453. IT WAS SECONDED BY COUNCIL MEMBER BARON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, POOL, UTTURKAR

NAYS: PATTERSON

ABSTAIN:

ABSENT:

MOTION APPROVED

K. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A VERIZON CELL TOWER LAND LEASE AGREEMENT WITH GTE MOBILNET OF SOUTH TEXAS LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS

SHARON VALIANTE EXPLAINED VERIZON PROPOSED TO DEVELOP A CELL TOWER AT WATER PLANT #3 OF ABOUT 800 SQ FT.

SHARON WENT OVER SOME OF THE KEY POINTS OF THE AGREEMENT WHICH INCLUDE THE TERM OF THE AGREEMENT, PROVISIONS FOR EXTENSIONS, THE COST, AND MAINTENANCE.

JEREMY C. WITH VERIZON AND CITY STAFF ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE A VERIZON CELL TOWER LAND LEASE AGREEMENT WITH GTE MOBILNET

OF SOUTH TEXAS LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, POOL, UTTURKAR

NAYS: PATTERSON

ABSTAIN:

ABSENT:

MOTION APPROVED

L. CONSIDERATION AND POSSIBLE ACTION TO APPROVE COOPERATIVE AGREEMENT FOR WATER SYSTEM REHABILITATION PROJECT IN CROSS CREEK RANCH

MORGAN DAILY THIS CAPITAL PROJECT WAS FUNDED IN 2024 AND CONSISTS OF RECODING THE PLANT PIPING, PUMPS, GROUND STORAGE TANKS AND WELL HEADS TO ENSURE THE FACILITY REMAINS IN COMPLIANCE WITH TCEQ REGULATIONS AND REQUIREMENTS.

STAFF ADVERTISED FOR BIDS IN NOVEMBER 2023 AND JANUARY 2024 AND RECEIVED ZERO RESPONSES.

STAFF CONTACTED SEVEN COOPERATIVE CONTRACTORS AND DECIDED TO GO WITH WEISINGER INC. WHO SUBMITTED A THOROUGH PROPOSAL IN THE AMOUNT OF \$89,650.00

MORGAN AND SHARON VALIANTE ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE COOPERATIVE AGREEMENT FOR WATER SYSTEM REHABILITATION PROJECT IN CROSS CREEK RANCH. IT WAS SECONDED BY COUNCIL MEMBER BARON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT:

MOTION APPROVED

XI. EXECUTIVE SESSION

A. 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 ATTORNEY

MAYOR GROFF ASKED TO TAKE BOTH EXECUTIVE SESSIONS TOGETHER, THERE WERE NO OBJECTIONS

- B. EXECUTIVE SESSION – 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 DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND THOMAS BLACKBURN**
- **AMENDED AND RESTATED CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND THOMAS BLACKBURN**
- **DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND CENTURY LAND HOLDINGS OF TEXAS, LLC**
- **UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND CENTURY LAND HOLDINGS OF TEXAS, LLC ON BEHALF OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 174**
- **DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, POSITIVE DEVELOPMENTS LLC, AND GRANDES RICOS, LLC**
- **DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND D.R. HORTON**

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE ADJOURN INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.074 AND 551.071 . IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT:

MOTION APPROVED

MAYOR GROFF ADJOURNED INTO EXECUTIVE SESSION AT 8:43 P.M.

MAYOR GROFF RECONVENED THE REGULAR MEETING AT 10:00 P.M.

XII. ACTION FROM EXECUTIVE SESSION

THERE WAS NO ACTION FROM EXECUTIVE SESSION.

XIII. 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.

COUNCIL MEMBER CATES EXPLAINED SHE WILL BE ABSENT AT THE MAY 21 REGULAR MEETING.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE EXCUSE COUNCIL MEMBER CATES FROM THE MAY 21ST REGULAR MEETING. IT WAS SECONDED BY COUNCIL MEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT:

MOTION APPROVED

XIV. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER POOL TO ADJOURN. IT WAS SECONDED BY COUNCIL MEMBER KNAPE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, CATES, JOHNSON, KNAPE, PATTERSON, POOL, UTTURKAR

NAYS:

ABSTAIN:

ABSENT:

MOTION APPROVED

MAYOR GROFF ADJOURNED THE MEETING AT 10:02 P.M.

AARON GROFF, MAYOR

ATTEST:

MARIELA RODRIGUEZ, CITY SECRETARY