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: Donald McCoy	**MAYOR PRO-TEM:** Joel Patterson	**COUNCIL MEMBER:** Kent Pool
COUNCIL MEMBER: Jason Knape	**COUNCIL MEMBER:** Abhijeet Utturkar	**COUNCIL MEMBER:** Patrick Powers
COUNCIL MEMBER: Sarah B. Johnson	**COUNCIL MEMBER:** Christina Baron	

STAFF:

ACTING CITY MANAGER: Zachary Goodlander	**CITY SECRETARY:** Mariela Rodriguez	**CITY ATTORNEY:** Byron Brown

CITY COUNCIL MEETING MINUTES
August 20, 2024

I. CALL TO ORDER

A REGULAR CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR MCCOY AT THE CITY OF FULSHEAR MUNICIPAL COMPLEX 6611 W. CROSS CREEK BEND LANE, FULSHEAR, TEXAS 77441 AT 5:30PM

II. QUORUM AND ROLL CALL

THERE WAS A QUORUM PRESENT.

CITY COUNCIL PRESENT:
DONAL MCCOY
KENT POOL
SARAH B. JOHNSON
PATRICK POWERS
CHRISTINA BARON
JOEL PATTERSON
ABHIJEET UTTURKAR
JASON KNAPE

STAFF PRESENT:
MARIELA RODRIGUEZ
KATIE LEWIS
ZACH GOODLANDER
BYRON BROWN
ANNEL GUADALUPE

MICKEY
AMRYN
TIFFANY STODDER
CASSIE LEAL
JESUS ESCOBAR
KIMBERLY KOPECKY
CLIFF BROUHARD
MARIAH GALLEGOS
BEN GLYNN
JOSH GREEN
ERIN TUREAU
SHARON VALIANTE
HADEN FARR
MIKE MCCOY
BILL HENRY
MEREDITH DUSEK
HEIDY
JOSH BROTHERS
GEORGE

OTHERS PRESENT:

III. INVOCATION- MINISTER PAUL CARTWRIGHT, FULSHEAR CHURCH OF CHRIST

INVOCATION WAS GIVEN BY MINISTER PAUL CARTWRIGHT WITH FULSHEAR CHURCH OF CHRIST.

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

V. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

THE PLEDGE OF ALLEGIANCE TO THE U.S. FLAG AND TEXAS FLAG WERE LED BY MAYOR MCCOY.

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.

THERE WERE NO CITIZEN COMMENTS.

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

ZACH GOODLANDER INFORMED COUNCIL ABOUT THE FOLLOWING STAFF CHANGES:

- *JAMIE ESCOBAR RESIGNED FROM THE CSR I POSITION*
- *CODY POWERS RESIGNED FROM THE POLICE DEPARTMENT*

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

ZACH GOODLANDER PROVIDED THE FOLLOWING UPDATE:

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

- *CONCRETE HAS BEEN PLACED FOR THE GROUND STORAGE TANK (GST) 16" OUTLET PIPE, 12" DRAINPIPE AND INLET/FUTURE INLET PIPES; GEO-TEXTILE FABRIC HAS BEEN PLACED AND 57 STONE INSTALLED AND COMPACTED FOR TANK FOUNDATION*
- *ALSAY HAS COMPLETED THE WELL CASING, SCREEN, AND GRAVEL PACKING AND HAS DEMOBILIZED AS OF 8/14/2024. EXPECTED TO GET TEST MOTOR DELIVERED THIS WEEK.*
- *PIPE SUPPORTS, RESPECTIVE PIPING AND VALVES HAVE BEEN INSTALLED AT BOOSTER PUMP STATION.*
- *EXCAVATION, HYDROSTATIC PRESSURE TEST AND BACKFILL HAS BEEN DONE FOR THE GST 12" DRAINPIPE, GST 16" OUTLET PIPE, GST 16" OUTLET PIPE TO SUCTION HEADER PIPE 10" GATE VALVES, 10" SUCTION HEADER OUTLET PIPE GATE VALVES TO PUMPS, AND 16" DISCHARGE PIPE TO BOOSTER PUMP STATION.*
- *DUE TO ADDITIONAL REQUIRED WELL QUALITY SAMPLES, INCREASED LAB PROCESSING TIME, AND WEATHER EVENTS THE PROJECT HAS MOVED BEHIND SCHEDULE BY APPROXIMATELY 3 WEEKS.*
- *CONSTRUCTION PROJECT IS CURRENTLY 37% COMPLETE BASED ON DAYS (211/577).*
- *CONSTRUCTION PROJECT IS CURRENTLY 43% COMPLETE BASED ON DOLLARS SPENT.*
- *TO DATE WE HAVE BEEN INVOICED FOR $6,140,695.00 FOR THE PROJECT ($14,434,000.00 BUDGET).*

ELEVATED STORAGE TANK (EST):

- *GROUND STAGE STEEL TANK CONSTRUCTION IS NEAR COMPLETION.*
- *RAISING OF THE STORAGE TANK IS CURRENTLY PLANNED FOR AUGUST 27TH.*
- *TANK DOME WILL BE COMPLETED ONCE RAISED AND THEN PAINTED.*
- *CURRENT ESTIMATED COMPLETION IS THE END OF 2024.*
- *CONSTRUCTION PROJECT IS CURRENTLY 70% COMPLETE BASED ON DAYS (279/400)*
- *CONSTRUCTION PROJECT IS CURRENT 74% COMPLETE BASED ON*

DOLLARS SPENT.

- *TO DATE WE HAVE PAID $3,167,583.00 FOR THE PROJECT. ($4,285,000.00 BUDGET)*

MAYOR MCCOY ANNOUNCED THE PHOTO CONTEST WINNERS WILL ARRIVE AT 6PM AND WE WILL BE COMING BACK TO THIS ITEM.

ZACH GOOLANDER ANSWERED QUESTIONS FROM COUNCIL AND SPOKE ON THE WATER LINE BREAK FROM THE NIGHT BEFORE.

C. UPDATE ON THE ECONOMIC DEVELOPMENT CORPORATIONS SECOND ANNUAL PHOTOGRAPHY CONTEST

ANNEL GUADALUPE PRESENTED THE FOLLOWING WINNERS:

- *FACEBOOK POPULAR VOTE- DENISE KASUBINSKI*
- *3RD PLACE- UMAR MUHKTAR*
- *2ND PLACE- SOORIYA SIVA*
- *1ST PLACE- RAYMOND CHOO*

MAYOR MCCOY PRESENTED EACH WINNER WITH A PRIZE AND CONGRATULATED THEM.

*** GO TO ITEM X EXECUTIVE SESSION****

VIII PUBLIC HEARING

A IN COMPLIANCE WITH THE CITY OF FULSHEAR'S COORDINATED DEVELOPMENT ORDINANCE, THE CITY WILL HOLD TWO PUBLIC HEARINGS; THE FIRST PUBLIC HEARING WILL BE HELD BY THE PLANNING AND ZONING COMMISSION ON AUGUST 2, 2024 AT 8:30 AM. THE HEARING WILL BE HELD AT CITY HALL LOCATED AT 6611 W. CROSS CREEK BEND LN. FULSHEAR, TEXAS 77441. THE SECOND HEARING WILL BE HELD BY THE CITY COUNCIL ON AUGUST 20, 2024 AT 5:30 PM. THE HEARING WILL BE HELD AT CITY HALL LOCATED AT 6611 W. CROSS CREEK BEND LN. FULSHEAR, TEXAS 77441. BOTH HEARINGS WILL ALLOW ALL INTERESTED PERSONS AN OPPORTUNITY TO APPEAR AND BE HEARD. THE LOCATION OF THE PREMISES IN QUESTION IS IN THE DOWNTOWN DISTRICT, FULSHEAR, BLOCK 3, LOT 1 & 2, ACRES 0.37, SPECIFICALLY THE ADDRESS IS 8526 FM 359 RD, FULSHEAR, TX 77441. THE APPLICANT IS SEEKING A SPECIFIC USE PERMIT PURSUANT TO THE COORDINATED DEVELOPMENT ORDINANCE, SECTION 28-2-17 (A), (B), (C), FOR THE PURPOSES OF DEVELOPING A GAS STATION IN THE DOWNTOWN DISTRICT AS PROVIDED FOR BY TABLE 28-2-13-2. 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 6611 W. CROSS CREEK BEND LN. FULSHEAR, TEXAS 77441 ON MONDAY THROUGH THURSDAYS FROM 8:00 AM TO 5:00 PM AND FRIDAYS FROM 8:00 AM TO 3:00 PM IN THE CITY SECRETARY'S OFFICE 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 MCCOY OPENED THE PUBLIC HEARING AT 5:47PM

NO ONE WISHED TO SPEAK.

MAYOR MCCOY CLOSED THE PUBLIC HEARING AT 5:48PM

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 MEETINGS HELD ON JULY 9, 2024 (SPECIAL), JULY 16, 2024 (REGULAR), JULY 25, 2024 (SPECIAL), AND JULY 30, 2024 (SPECIAL)

B. CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR FULBROOK ON FULSHEAR CREEK, SECTION 17, AND LIFT STATION NO. 10, FROM FMUD NO.1

C. CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR LEGACY RIDGE AT CROSS CREEK RANCH FROM FBMUD NO.169

D. CONSENT AND APPROVAL OF THE JUNE 2024 MONTHLY FINANCIAL REPORT FOR THE GENERAL AND UTILITY FUNDS

E. CONSENT AND APPROVAL OF THE FY2024 3RD QUARTER INVESTMENT REPORT

F. CONSENT AND APPROVAL FOR PAYMENT OF CAPACITY FEES FOR WATER, WASTEWATER AND STORMWATER FOR CITY HALL TO MUD 169 AND MUD 170

G. CONSENT AND APPROVAL OF THE BREAKTIME AT JORDAN RANCH PRELIMINARY PLAT

H. CONSENT AND APPROVAL OF THE JORDAN RANCH SECTION 45 FINAL PLAT

I. CONSENT AND APPROVAL OF THE TAMARRON F.M. 1463 COMMERCIAL RESERVE SECTION 2 FINAL PLAT

J. CONSENT AND APPROVAL TO APPROVE THE TAMARRON SECTION 74 PRELIMINARY PLAT

K. CONSENT AND APPROVAL OF THE TAMARRON SECTION 76 PRELIMINARY PLAT

L. CONSENT AND APPROVAL OF THE TAMARRON SECTION 77 PRELIMINARY PLAT

M. CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 23 FINAL PLAT

N. CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 24A FINAL PLAT

O. CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 24B FINAL PLAT

P. CONSENT AND APPROVAL OF THE TAMARRON WEST SECTION 32 FINAL PLAT

Q. CONSENT AND APPROVAL OF AN UPDATE TO THE CROSS CREEK WEST MASTER SIGN PLAN

R. CONSENT AND APPROVAL FOR THE CREATION OF A REVIEW COMMITTEE TO UPDATE THE ECONOMIC DEVELOPMENT CORPORATION BYLAWS

S. CONSENT AND APPROVAL OF RESOLUTION NO. 2024-635, A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, CONSENTING TO THE ADDITION OF CERTAIN LAND INTO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 188 AND IMPOSING CONDITION ON SAME

T. CONSENT AND APPROVAL OF CROSS CREEK RANCH LOAN SUBSIDIARY 1, L.P. DONATION DEED (PUBLIC RIGHTS-OF-WAY)

U. CONSENT AND APPROVAL OF CROSS CREEK RANCH TEXAS HOLDING LP, DONATION DEED

V. CONSENT AND APPROVAL OF DEDICATION OF LAND FROM LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

COUNCIL MEMBER POOL REQUESTED TO PULL CONSENT ITEMS G AND Q FOR DISCUSSION.

COUNCIL MEMBER UTTURKAR REQUESTED TO PULL CONSENT ITEMS F AND R FOR DISCUSSION.

MAYOR PRO-TEM PATTERSON REQUESTED TO PULL CONSENT ITEMS T AND U FOR DISCUSSION.

A MOTION WAS MADE BY COUNCIL MEMEBER KNAPE TO APPROVE CONSENT ITEMS A-E, H-P, S, AND V. IT WAS SECONDED BY COUNCIL MEMBER UTTURKAR. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION APPROVED

COSENT ITEM F

SHARON VALIANTE AND BYRON BROWN ANSWERED QUESTIONS FROM COUNCIL.

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

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

MOTION APPROVED

CONSENT ITEM G

JOSH BROTHERS CLARIFIED FOR COUNCIL.

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

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

MOTION APPROVED

COSENT ITEM Q

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

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

MOTION APPROVED

CONSENT ITEM R

ANNEL GUADALUPE EXPLAINED THAT THE BYLAWS HAVE NOT BEEN REVIEWED AND UPDATED SINCE 2007.

THE COMMITTEE WILL CONSISTS OF 2 (TWO) A BOARD MEMBERS, 2 (TWO)BOARD MEMBERS AND LEGAL COUNSEL.

ANNEL ANSWERED QUESTIONS FROM COUNCIL.

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

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

MOTION APPROVED

CONSENT ITEM T & U

SHARON ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMEBER PATTERSON TO APPROVE CONSENT ITEMS T AND U. IT WAS SECONDED BY COUNCIL MEMBER UTTURKAR. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: BARON, JOHNSON, KNAPE, PATTERSON, POOL, POWERS,

UTTURKAR
NAYS:
ABSENT:
ABSTAIN:

MOTION APPROVED

*** GO TO CITY MANAGER REPORT ITEM C****

X. EXECUTIVE SESSION

A. 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

- **CITY MANAGER**

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO MOVE INTO EXECUTIVE SESSION ACCORDING TO SECTION 551.071 OF THE TEXAS OPEN MEETING ACT. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION APPROVED

MAYOR MCCOY ADJOURNED THE REGULAR MEETING INTO EXECUTIVE SESSION AT 6:09PM

MAYOR MCCOY RECONVEINED THE REGULAR MEETING AT 6:31PM

B. EXECUTIVE SESSION – 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 MANAGER**

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO MOVE INTO EXECUTIVE SESSION ACCORDING TO SECTION 551.074 OF THE TEXAS OPEN MEETING ACT. IT WAS SECONDED BY COUNCIL MEMBER UTTURKAR. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION APPROVED

MAYOR MCCOY ADJOURNED THE REGULAR MEETING INTO EXECUTIVE SESSION AT 6:31PM

MAYOR MCCOY RECONVEINED THE REGULAR MEETING AT 6:59PM

XI. ACTION FROM EXECUTIVE SESSION

A. CITY MANAGER EMPLOYMENT AGREEMENT

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO MOVE APPROVE ORDINANCE NO. 2024-1462 AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, APPOINTING ZACHARY GOODLANDER AS CITY MANAGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING ROLL CALL VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE THE MAYOR TO EXECUTE THE EMPLOYMENT AGREEMENT WITH ZACH GOODLANDER . IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING ROLL CALL VOTE:

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

MOTION APPROVED

MARIELA RODRIGUEZ, CITY SECRETARY, ADMINISTERED THE OATH TO THE NEWLY APPOINTED CITY MANAGER, ZACH GOODLANDER.

XII. BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE BID #2024-053 FOR THE HARRIS STREET PROJECT

TIFFANY STODDER INTRODUCED THIS ITEM AND EXPLAINED THIS PROJECT WAS READVERTIZED ON JULY 02, 2024 AND RECIEVED FIVE RESPONSES WITH ONE RESPONDENT COSIDERED NON RESPONSIVE. STAFF MET WITH BOTH EDC BOARDS IT WAS VOTED BY THE EDC TO CONSIDER ALTERNATES.

- *ALTERNATE A - STREET LIGHTING WITHIN THE PEDESTRIAN PLAZA*
- *ALTERNATE B - FOR STING LIGHTING WITHIN THE PLAZA*
- *ALTERNATE C - STREET LIGHTING OUTSIDE OF THE PLAZA*
- *ALTERNATE D - CONTIGENCY*
-

THIS PROJECT IS ESTIMATED TO BE SUBSTANTIALLY COMPLETED IN 270 CALENDAR DAYS FROM THE NOTICE TO PROCEED.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT FOR THE HARRIS STREET PROJECT IFB #2024-053 WITH D G MEDINA CONSTRUCTION, LLC IN THE AMOUNT OF $3,749,795.03. IT WAS SECONDED BY COUNCIL MEMBER UTTURKAR . THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION APPROVED

*** FOR THE FULL DISCUSSION GO TO THE CITY'S WEBSITE TO VIEW THE VIDEO****

B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SPECIFIC USE PERMIT FOR COUNTRY MART, LOCATED AT 8526 FM 359 ROAD

JOSH BROTHERS EXPLAINED COUNTRY MART LOCATED IN THE SW CORNER OF MAIN STREET AND FM1093 HAS REQUESTED A SPECIAL USE PERMIT FOR REDEVELOPING THE PROPERTY. THIS APPLICANT IS SEEKING TO DO GAS STATION AND A LIQUOR STORE.

BASED ON THE FEEDBACK FROM STAFF AND THE PLANNING AND ZONING COMMISSION, THE APPLICANT SUBMITTED MODIFIED PLANS TO INCLUDE THE FOLLOWING ASPECTS AND FEATURES:

- *BRICK POLES UNDER THE CANOPY*
- *STAMPED CONCRETE FOR THE PEDESTRIAN CROSSING (DRIVEWAY) ALONG MAIN STREET*
- *DUMPSTER LOCATED IN THE REAR AS OPPOSED TO THE FRONT OF THE PROPERTY*
- *REMOVING THE PARALLEL PARKING (SPACES 20 AND 21) ALONG MAIN STREET*
- *RECONFIGURING PARKING SPACE #4 TO ACCOMMODATE LOADING/UNLOADING AS WELL AS SOME CIVIC SPACE*

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE A SPECIAL USE PERMIT FOR COUNTY MART LOCATED OFF OF 8526 FM359 WITH THE CONDITIONS IN THE EXECUTIVE SUMMARY AND ASSIGN CITY ATTORNEY TO DRAFT AN ORDINANCE WHICH THE MAYOR CAN EXECUTE. IT WAS SECONDED BY COUNCIL MEMBER JOHNSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C. CONSIDERATION AND POSSIBLE ACTION OF RESOLUTION NO. 2024-634, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATIONS TO FINANCE IMPROVEMENTS TO THE CITY'S WATER AND WASTEWATER SYSTEM

ERIN TUREAU INTRODUCED KRISTEN BLOMQUIST WITH MASTERSON ADVISORS AND
NIKKI HILL WITH MCCALL PARKHURST AND HORTON.

KRISTEN EXPLAINED THE REASON FOR THIS REQUEST AND ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE RESOLUTION NO. 2024-634. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION APPROVED

D. DISCUSSION AND POSSIBLE ACTION ON CITY HALL WARRANTIES AND INSURANCE

HEIDI TAYLOR PROVIDED THE FOLLOWING UPDATE:

- *CITY INSURED THROUGH THE TML RISK POOL*
- *MERDITH CONTACTED TML RISK POOL ABOUT THE DAMAGE TO THE BUILDING AND THE CITY RECIEVED $25,000 FOR DAMAGED OCCURING FROM A NAMED STORM.*
- *MEREDITH AND LUETENANT VARGAS HAVE BEEN WORKING WITH FEMA AND ARE SUBMITTING THE REQUIRED DOCUMENTATION.*
- *STAFF REACHED OUT TO THE COMPANY THAT RESEALED THE WINDOWS REGARDING THE 2 YEAR CONTRACT WORKMANSHIP*

TIFFANY STODDER EXPLAINED RESTORATION SERVICES WAS ESTIMATED AT $38,000.00. SHE EXPLAINED STAFF WALKED THE BUILDING WITH DIFFRENT CONTRACTORS AND EXPLORED DIFFRENT OPTIONS FOR REPAIRS. TIFFANY WENT OVER SOME OF THE CAUSES OF THE WATER DAMAGE AND WHAT WILL BE PROPOSED TO FIX SOME OF THE ISSUES.

CITY STAFF ANSWERED QUESTIONS FROM COUNIL.

*** FOR THE FULL DISCUSSION GO TO THE CITY'S WEBSITE TO VIEW THE VIDEO****

E. CONSIDERATION AND POSSIBLE ACTION TO RECORD RECEIPT OF THE 2024 TAX YEAR APPRAISAL ROLL AND NEW PROPERTY VALUE AS REQUESTED BY THE COUNTY TAX ASSESSOR/COLLECTOR

ERIN TUREAU INTRODUCED THIS ITEM. THERE WAS NO DISCUSSION OR QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY MAYOR PRO-TEM PATTERSON TOAPPROVE AND RECORD RECEIPT OF THE 2024 CERTIFIED TAX ROLL & COLLECTION RATE. IT WAS SECONDED BY COUNCIL MEMBER KNAPE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION APPROVED

F. CONSIDERATION AND POSSIBLE ACTION TO PROPOSE A TAX RATE AND SET A PUBLIC HEARING

ERIN TUREAU

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO PROPOSED A TOTAL TAX RATE OF $0.161856 PER $100 VALUATION. $0.121606/$100 VALUATION FOR THE MAINTENANCE & OPERATIONS TAX RATE AND $0.040250/$100 VALUATION FOR THE INTEREST & SINKING RATE AND DIRECT STAFF TO PUBLISH A NOTICE OF THE PROPOSED 2024 TAX RATE WITH A PUBLIC TO BE HELD SEPTEMBER 17, 2024. IT WAS SECONDED BY MAYOR PRO-TEM PATTERSON. THE MOTION WAS CARRIED BY THE FOLLOWING ROLL CALL VOTE:

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

MOTION APPROVED

G. DISCUSSION OF FY2025 BUDGET

ERIN TUREAU WENT OVER THE FOLLOWING MAJOR CHANGES:

- *RECIEVED THE INSURANCE RENEWAL RATES FROM TML FOR EVERYTHING BUT AUTO. STAFF HAS ACCOUNTED FOR A POSSIBLE*

INCREASE.

- *THERE WAS AN UPDATE ON PROJECT FUNDS. THE WERE SOME PROJECT NAMES THAT CHANGED AND THE CITY RECIEVED UPDATED NUMBER DUE TO BONDS WE WILL BE ISSUING.*
- *THE CITY CAPITAL PROJECTS FUND SHOWS THE $300K THAT WAS BUDGETED FOR THE BUILDING*

ERIN AND ZACH ANSWERED QUESTIONS FROM COUNCIL.

H. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 2024-1456, REPEALING ORDINANCE NO. 2019-1304, ADOPTING A DROUGHT CONTINGENCY PLAN AND THE 2021 REGIONAL WATER PLAN

BENN GLYN EXPLAINED STAFF TOOK COUNCILS COMMENTS INTO CONSIDERATION AND HAVE COME UP WITH THE PLAN PROVIDED IN THE PACKET.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO CITY COUNCIL APPROVE ORDINANCE 2024-1546. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION APPROVED

I. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SALE OF .0018-ACRE TRACT TO FORT BEND COUNTY

JOSH BROTHERS EXPLAINED PERCHERON IS WORKING ON BEHALF OF FORT BEND COUNTY TO OBTAIN NECESSARTY RIGHT OF WAY FOR FOR THE WALLIS STREET IMPROVEMENTS.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO APPROVE THE SALE OF THE .0018-ACRE TRACT TO FORT BEND COUNTY AND TO AUTHORIZE THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE SALE OF THAT .0018-ACRE TRACT. IT WAS SECONDED BY MAYOR PRO-TEM PATTERSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION APPROVED

J. DISCUSSION REGARDING ALTERNATES FOR THE ZONING BOARD OF ADJUSTMENTS

JOSH BROTHERS STATED THERE HAVE BEEN DELAYS DUE TO MEMBERS NOT BEING ABLE TO ATTEND THESE MEETINGS. THE CITYTHEN IS FORCED TO RESCHEDULE THE MEETINGS DUE TO LACK OF QUORUM.

CITY STAFF ANSWERED QUESTIONS FROM COUNCIL.

COUNCILS CONSENSUS IS TO DRAW UP A ORDINANCE FOR 2 ALTERNATES.

K. DISCUSSION REGARDING THE DISSOLUTION OF THE HISTORIC PRESERVATION AND MUSEUM COMMITTEE

ZACH EXPLAINED THE DUTIES OF THE HISTORIC PRESERVATION AND MUSEUM COMMITTEE AND RECOMMENDED P&Z TAKE OVER THOSE DUTIES.

COUNCIL AGREED TO DRAFT AN ORDINANCE GICING ALL OF THE HPMC POWERS TO THE PLANNING AND ZONNING COMMITTEE. ANY ZONING CHANGES OR SPECIAL USE PERMITS FOR ANY HISTORIC PROPERTIES WILL BE DESIGNATED TO THE PLANNING DIRECTOR.

XIII. <u>EXECUTIVE SESSION</u>

A. 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 CHAPTER 380 ECONOMIC DEVELOPMENT**

PROGRAM AGREEMENT BETWEEN THE CITY OF FULSHEAR AND MS HUGGINS, LLC, AS ASSIGNEE OF THOMAS BLACKBURN

- **AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR AND MS HUGGINS, LLC, AS ASSIGNEE OF THOMAS BLACKBURN**

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE TO SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT.. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION APPROVED

MAYOR MCCOY ADJOURNED THE REGULAR MEETING INTO EXECUTIVE SESSION AT 8:13PM

MAYOR MCCOY RECONVIENED THE REGULAR MEETING AT 8:42PM

XIV. ACTION FROM EXECUTIVE SESSION

A. AMENDED AND RESTATED CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT BETWEEN THE CITY OF FULSHEAR AND MS HUGGINS, LLC, AS ASSIGNEE OF THOMAS BLACKBURN

NO ACTION FROM THIS ITEM

B. AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR AND MS HUGGINS, LLC, AS ASSIGNEE OF THOMAS BLACKBURN

NO ACTION FROM THIS ITEM

XV. 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.

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO EXCUSE COUNCIL MEMBER JOHNSON FOR THE OCTOBER 15 REGULAR MEETING. IT WAS SECONDED BY MAYOR PRO-TEM PATTERSON. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

NAYS:
ABSENT:
ABSTAIN:

MOTION APPROVED

A MOTION WAS MADE BY COUNCIL MEMBER KNAPE TO EXCUSE COUNCIL MEMBER POWERS FOR THE SEPTEMBER 17TH REGULAR MEETING. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

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

MOTION APPROVED

XVI. ADJOURNMENT

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

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

MOTION APPROVED

MAYOR MCCOY ADJOURNED THE MEETING AT 8:43PM

_____
AARON GROFF, MAYOR

ATTEST:

_____
MARIELA RODRIGUEZ, CITY SECRETARY