ORDINANCE NO. 89-762

AN ORDINANCE AMENDING ORDINANCE NO. 583, APPROVING THE TRANSFER OF THE FRANCHISEE TO BROOKSHIRE CABLE TV, LIMITED PARTNERSHIP; PROVIDING A CONFIRMATION CLAUSE; PROVIDING AUTHORITY OF THE FRANCHISEE TO PLEDGE ITS INTEREST IN THE FRANCHISE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE AND EFFECTIVE DATE; PROVIDING FOR POSTING AND PUBLISHING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

I

Within thirty (30) days from the effective date of this Ordinance, Grantee shall file with the City a written statement in the following form signed in its name and behalf:

"To the Honorable Mayor and City Council of the City of Fulshear, Texas:

For itself, its successors and assigns BROOKSHIRE CABLE TV, LIMITED PARTNERSHIP, hereby accepts the attached Ordinance and agrees to be bound by Ordinance Number 583 as amended and agrees to be bound by all of its terms, conditions and provisions.

BROOKSHIRE CABLE TV, LIMITED PARTNERSHIP

BY: Weik, Gores & Associates, Inc .

ITS: General Partner

By: _____

Dated: this the 31st day of January, 1989."

II

Pursuant to Section 27 of Ordinance Number 583, passed by the Fulshear City Council on September 30, 1982, the approval for the transfer of the cable television system for the City as provided in the Ordinance dated September 30, 1982 from Grantee to BROOKSHIRE CABLE TV, LIMITED PARTNERSHIP is herewith granted upon acceptance by BROOKSHIRE CABLE TV, LIMITED PARTNERSHIP as provided in this Ordinance.

III

Except to the extent affected herein, the Ordinance dated September 30, 1982 shall continue in full force and effect.

IV

Grantee, BROOKSHIRE CABLE TV, LIMITED PARTNERSHIP shall have the right to pledge its interest in the herein mentioned Franchise and related cable television assets, including but not limited to the right to pledge said Franchise as collateral and

security for loans or borrowings.

V

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

VI

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion therof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

VII

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 16th day of January, 1989.

THE CITY OF FULSHEAR, TEXAS

By: C B Bentley
Mayor

ATTEST:

By: Carolyn W. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. RANDLE	YES
F. SMART	YES
T. HARKNESS	YES
P. PRES LEY	YES
E. VONDERGOLTZ	YES

36 Order of Election (186)
ribed by Secretary of State
ns 3.006, 83.010, 85.004, 85.007, V.T.C.A., Election Code

HART GRAPHICS, Austin

ORDINANCE 89-763

ORDER OF ELECTION

An election is hereby ordered to be held on MAY 06, 1989 (date) for the purpose of:

Electing three ALDERMEN (COUNCIL MEMBERS), each for a two year term.

Said election shall be held at the following place in the City of Fulshear, Texas, and the following named persons are hereby appointed officers for said election:

In Election Precinct # 4006, at City Hall of Fulshear Building, in said City, with Carolyn H. Smith, as Presiding Judge, and Barbara J. Austin as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerk to assist her which shall not exceed one clerk. The hourly rate of pay shall be $5.00 and shall not exceed 14 hours for each election officer.

sentee voting by personal appearance will be conducted each weekday at

ITY HALL of Fulshear, 6920 Katy-Fulshear Road, Fulshear, Texas,
(location)

ween the hours of 9:00 a.m. and 5:00 p.m. beginning on APRIL 17, 1989 (date)

d ending on MAY 02, 1989 (date).

ditional absentee voting will be held as follows: NONE

Location	Date	Hours

plications for ballot by mail shall be mailed to:

CAROLYN H. SMITH, CITY OF FULSHEAR
(Name of Absentee Voting Clerk)

P.O. BOX 279
(Address)

FULSHEAR, TEXAS 77441
(City) (Zip Code)

plications for ballots by mail must be received no later than the close of business on

PRIL 28, 1989
(date).

Issued this the 20th day of FEBRUARY, 19 89.

C B Bentley
Signature of Presiding Officer MAYOR

TTEST:
Carolyn H. Smith
Carolyn H. Smith, City Secy-Treas.

VOTING: P. Presley Yes, F. Smart Yes
T. Harkness Absent, V. Randle Yes
E. Vondergoltz Yes

ORDINANCE NO. 89-764

AN ORDINANCE PROHIBITING THE BURNING OF TOBACCO, OR TOBACCO BY-PRODUCTS OR ARTIFICIAL TOBACCO OR PAPER INCLUDING BUT NOT LIMITED TO THE PRACTICE OF SMOKING OF CIGARETTES, CIGARS, AND SMOKING PIPES, PROHIBITING THE STRIKING OF MATCH OR MATCHES OR LIGHTING A MATCH OR MATCHES OR USING A LIGHTER OR OTHER FLAME PRODUCING DEVICE OR DEVICES OR CAUSE A FLAME TO BE PRODUCED IN THE CITY HALL PREMISES; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING A SEVERANCE CLAUSE AND PROVIDING AN EFFECTIVE DATE AND POSTING AND PUBLISHING OF CAPTION.

WHEREAS, the City Hall premises are constructed of combustable materials and all official records are stored in City Hall premises; and,

WHEREAS, the ventilation of the City Hall premises is inadequate to allow the consumption of tobacco and similar products by smoking or combustion of paper within the premises; and,

WHEREAS, the City Council finds the above statements to be true and correct.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

I

All terms not specifically defined shall be construed according to their common usage.

II

A. It shall be unlawful for any person to burn tobacco, or tobacco by-products or artificial tobacco or paper including but not limited to the practice of smoking of cigarettes, cigars, or smoking pipes in the City Hall premises.

B. It shall be unlawful for any person to strike a match or matches or light a match or matches or using a lighter or lighters, or other flame producing device or devices or cause a flame to be produced in the City Hall premises.

III

Any person violating this ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to punishment by fine not exceeding TWO HUNDRED AND NO/100 ($200.00) DOLLARS.

IV

This Ordinance shall be passed and effective upon publishing of the Ordiance as required by law, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof

are specifically repealed.

V

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or portions of this Ordiance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

VI

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED THIS the 20th day of FEBRUARY, 1989.

THE CITY OF FULSHEAR, TEXAS

By: C B Bentley
C. B. BENTLEY,
Mayor

ATTEST:

By: Carolyn H Smith
CAROLYN SMITH
City Secretary

VOTING ALDERMEN:

P. PRESSLEY	YES
V. RANDLE	YES
F. SMART	YES
T. HARKNESS	ABSENT
E. VONDERGOLTZ	YES

Incorporated 1977

City of Fulshear

6920 Katy-Fulshear Road

713/346-1796 P.O. BOX 279 FULSHEAR, TEXAS 77441

C.B. Bentley, Mayor
Pat L. Presley, Mayor Pro-Tem
Frances Smart, Council Member
Tom Harkness, Council Member
Viola Randle, Council Member
David Frishman, City Attorney
Earle Vondergoltz, Council Member
Carolyn H. Smith, City Secy-Treas.

TAX ABATEMENT ORDINANCE

LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT ORDINANCE NUMBER 89-765 BEARING THE FOLLOWING CAPTION WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS, ON FEBRUARY 20, 1989:

AN ORDINANCE TO ADOPT GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN A REINVESTMENT ZONE CREATED IN THE CITY OF FULSHEAR, TEXAS; PROVIDING FOR DEFINITIONS, ABATEMENT, APPLICATIONS, PUBLIC HEARINGS AND APPROVAL, ABATEMENT AGREEMENTS, DEFAULT AND RECAPTURE, ADMINISTRATION, ASSIGNMENT, SUNSET PROVISION, PROVIDING A SEVERANCE CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR POSTING AND PUBLISHING.

BY ORDER OF THE MAYOR AND THE
CITY COUNCIL OF THE CITY OF
FULSHEAR, TEXAS
FEBRUARY 20, 1989

* *

I HEREBY CERTIFY POSTING COPIES OF ORDINANCE NUMBER 89-765 IN ITS entirety at 1:10 p.m. Thursday, March 09, 1989, inside City Hall, 6920 Katy-Fulshear Road; outside City Hall, 6920 Katy-Fulshear Road; and at the U.S. POST OFFICE, 30506 First Street, Fulshear, Texas.

Carolyn H. Smith
City Secy-Treas

ORDINANCE # 89-765

AN ORDINANCE TO ADOPT GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN A REINVESTMENT ZONE CREATED IN THE CITY OF FULSHEAR, TEXAS; PROVIDING FOR DEFINITIONS, ABATEMENT, APPLICATIONS, PUBLIC HEARINGS AND APPROVAL, ABATEMENT AGREEMENTS, DEFAULT AND RECAPTURE, ADMINISTRATION, ASSIGNMENT, SUNSET PROVISION, PROVIDING A SEVERANCE CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR POSTING AND PUBLISHING.

WHEREAS, the creation and retention of job opportunities that bring new wealth is a high civic priority; and

WHEREAS, new jobs and investment will benefit the area economy, provide needed opportunities, strengthen the real estate market and generate tax revenue to support local services; and

WHEREAS, the City of Fulshear, Texas, must compete with other localities across the nation currently offering tax inducements to attract new plant and modernization projects; and

WHEREAS, any tax incentives offered in the City of Fulshear, Texas, would reduce needed tax revenue unless strictly limited in application to those new and existing industries that bring new wealth to the City; and

WHEREAS, any tax incentives should not adversely affect the competitive position of existing companies operating in the area; and

WHEREAS, the abatement of property taxes, when offered to attract primary jobs in industries which bring in money from outside a community instead of merely recirculating dollars within a community, has been shown to be an effective method of enhancing and diversifying an area's economy; and

WHEREAS, effective September 1, 1987, Texas law requires any eligible taxing jurisdiction to establish Guidelines and Criteria as to eligibility for tax abatement agreements prior to granting of any future tax abatement, said Guidelines and Criteria to be unchanged for a two year period unless amended by a three-quarters vote; and

WHEREAS, Guidelines and Criteria have been adopted in Harris, Fort Bend and Waller Counties and the Katy Independent School District; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS. THE CITY OF FULSHEAR, TEXAS DOES HEREBY ADOPT THESE GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN REINVESTMENT ZONES IN FORT BEND COUNTY, TEXAS.

SECTION 1

DEFINITIONS

(a) "Abatement" means the full or partial exemption from ad valorem taxes of certain real property in a reinvestment zone designated for economic development purposes.

(b) "Eligible jurisdiction" means Fort Bend County, Texas and any school district or college district, located in Fort Bend County, that levies ad valorem taxes upon and provides services to property located within the proposed or existing reinvestment zone.

(c) "Agreement" means a contractual agreement between a property owner and/or lessee and an eligible jurisdiction for the purposes of tax abatement.

(d) "Base year value" means the assessed value of eligible property January 1, preceding the execution of the agreement plus the agreed upon value of eligible property improvements made after January 1, but before the execution of the agreement.

(e) "Economic Life" means the number of years a property improvement is expected to be in service in a facility.

(f) "Deferred maintenance" means improvements necessary for continued operations which do not improve productivity or alter the process technology.

(g) "Expansion" means the addition of buildings, structures, fixed machinery or equipment for purposes of increasing production capacity.

(h) "Facility" means property improvements complete or in the process of construction which together comprise an integral whole.

(i) "Manufacturing Facility" means buildings and structures, including fixed machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

(j) "Modernization" means the replacement and upgrading of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration or installation of building, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing or repairing.

(k) "New Facility" means a property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.

(l) "Other Basic Industry" means buildings and structures including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services which primarily serve a market outside the Houston Consolidated Metropolitan Statistical Area (CMSA) and result in the creation of new permanent jobs and bring new wealth in.

(m) "Productive Life" means the number of years a property improvement is expected to be in service in a facility.

(n) "Regional Distribution Center Facility" means buildings and structures, including fixed machinery and equipment, used or to be used primarily to receive, store, service or

distribute where a majority of the goods or services are distributed to points at least 100 miles from any part of Fort Bend County.

(o) "Regional Entertainment Facility" means buildings and structures, including fixed machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside at least 100 miles from any part of Fort Bend County.

(p) "Regional Service Facility" means buildings and structures, including fixed machinery and equipment, used or to be used, to service goods where a majority of the goods being serviced originate at least 100 miles from any part of Fort Bend County, Texas.

(q) "Research Facility" means building and structures, including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or minerals or to improve or develop the production processes thereto.

SECTION 2

ABATEMENT AUTHORIZED

(a) Authorized Facility. A facility may be eligible for abatement if it is a: Manufacturing Facility, Research Facility, Regional Distribution Center Facility, Regional Service Facility, Regional Entertainment Facility or Other Basic Industry.

(b) Creation of New Value. Abatement may only be granted for the additional value of eligible property improvements made subsequent to and listed in an abatement agreement between the City of Fulshear, Texas and the property owner and lessee (if required), subject to such limitations as City Council may require.

(c) New and Existing Facilities. Abatement may be granted for new facilities and improvements to existing facilities for purposes of modernization or expansion.

(d) Eligible Property. Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements plus that office space and related fixed improvements necessary to the operation and administration of the facility.

(e) Ineligible Property. The following types of property shall be fully taxable and ineligible for abatement: land; inventories; supplies; tools; furnishings, and other forms of movable personal property; vechicles; vessels; aircraft; housing; hotel accommodations; deferred maintenance investments; property to be rented or leased except as provided in Section 2(f); improvements for the generation or transmission of electrical energy not wholly consumed by a new facility or expansion; any improvements, including those to produce, store or distribute natural gas, fluids or gases, which are not integral to the operation of the facility; property which has an economic life of less than 15 years; property owned or used by the State of Texas or its political subdivisions or by any organization owned, operated or directed by a political subdivision of the State of Texas.

(f) Owned/Leased Facilities. If a leased facility is granted abatement the agreement shall be executed with the owner, lessor and the lessee.

(g) Value and Term of Abatement. Abatement shall be granted effective with the January 1, valuation date immediately

following the date of execution of the agreement. The percent of the abatement and other provisions such as number of years of abatement shall be negotiated by the applicant and City, the final percent of abatement and other provisions being subject to approval by the City Council. The number of years of abatement shall not exceed five years plus two years for construction. If the period of construction exceeds two years the facility shall be considered completed for purposes of abatement and in no case shall the period of abatement inclusive of construction and completion exceed seven years.

If modernization project includes facility replacement, the abated value shall be the value of the new unit(s) less the value of the old unit(s).

(h) Economic Qualification. In order to be eligible for designation as a reinvestment zone and receive tax abatement the planned improvement:

(1) must be reasonably expected to increase the appraised value of the property in the amount of $500,000.00 after the period of abatement has expired;

(2) must be expected to prevent the loss of employment, retain or create employment for at least 10 people on a permanent basis in Fort Bend County;

(3) must not be expected to solely or primarily have the effect of transferring employment from one part of Fort Bend County to another; and

(4) must be necessary because capacity cannot be provided efficiently utilizing existing improved property when reasonable allowance is made for necessary improvements.

(i) Standards for Tax Abatement. The following factors, among others shall be considered in determining whether to grant Tax Abatement and, if so, the percentage of value to be abated and the duration of the Tax Abatement:

(1) value of land and existing improvements, if any;

(2) type and value of proposed improvements;

(3) Productive Life of proposed improvements;

(4) number of existing jobs to be retained by proposed improvements;

(5) number and type of new jobs to be created by proposed improvements;

(6) amount of local payroll to be created;

(7) whether the new jobs to be created will be filled by persons residing or projected to reside within affected taxing jurisdictions; and

(8) amount of local sales taxes to be generated directly;

(9) amount of property tax base valuation will be increased during term of Abatement and after Abatement, which shall include a definitive commitment that such valuation shall not, in any case, be less than $500,000.00;

(10) the costs to be incurred by the City of Fulshear to provide facilities or services directly resulting from the new improvements;

(11) the amount of ad valorem taxes to be paid the City of Fulshear during the Abatement period considering (a) the existing values, (b) the percentage of new value abated, (c) the Abatement period, and (d) the value after expiration of the Abatement period;

(12) the population growth of the City of Fulshear that occurs directly as a result of new improvements;

(13) the types and values of public improvements, if any, to be made by applicant seeking Abatement;

(14) whether the proposed improvements compete with existing businesses to the detriment of the local economy;

(15) the impact on the business opportunities of existing businesses;

(16) the attraction of other new businesses to the area;

(17) the overall compatibility with the zoning ordinances and comprehensive plan for the area;

(18) whether the project is environmentally compatible with no negative impact on quality of life perceptions.

Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, Abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

(j) Denial of Abatement. Neither a reinvestment zone nor abatement agreement shall be authorized if it is determined that:

(1) there would be a substantial adverse affect on the provision of government service or tax base;

(2) the applicant has insufficient financial capacity;

(3) planned or potential use of the property would constitute a hazard to public safety, health or morals;

(4) violation of other codes or laws; or

(5) any other reason deemed appropriate by the City Council of the City of Fulshear.

(k) Taxability. From the execution of the abatement to the end of the agreement period taxes shall be payable as follows:

(1) The value of ineligible property as provided in Section 2(e) shall be fully taxable;

(2) the base year value of existing eligible property as determined each year shall be fully taxable; and

(3) the additional value of new eligible property shall be fully taxable at the end of the abatement period, howsoever said period shall end.

SECTION 3

APPLICATION

(a) Any present or potential owner of taxable property in the City of Fulshear may request the creation of a reinvestment zone or tax abatement by filing a written request with the Office of the Mayor.

(b) The application shall consist of a completed application form designated by the Mayor from time to time accompanied

by: a general description of the new improvements to be undertaken; a descriptive list of the improvements for which an abatement is requested; a list of the kind, number and location of all proposed improvements of the property; a map and property description; a time schedule for undertaking and completing the proposed improvements. In the case of modernization a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the application. The application form may require such financial and other information as the Mayor or City Council deems appropriate for evaluating the financial capacity and other factors of the applicant.

(c) Upon receipt of a completed application, the Mayor shall notify in writing the presiding officer of the governing body of each eligible jurisdiction.

(d) The City Council shall not establish a reinvestment zone or enter into an abatement agreement if it finds that the request for the abatement was filed after the commencement of construction, alterations, or installation of improvements related to a proposed modernization, expansion or new facility. An applicant is ineligible for abatement if a decision to commence a modernization, expansion or a new facility in Fort Bend County has been formally announced on or before the date of adoption of these guidelines.

(e) Variance, Requests for variance from the provisions of Subsections (a), (e) and (g) of Section 2 may be made in written form to the Mayor, provided, however, the total duration of an abatement shall in no instance exceed seven years. Such request shall include a complete description of the circumstances explaining why the applicant should be granted a variance. Approval of a request for variance requires a three-fourths (3/4) vote of the City Council.

(g) The City of Fulshear, not more than 45 days after receipt of the application study shall by resolution either approve or disapprove the application for tax abatement. The City shall notify the applicant of approval or disapproval.

SECTION 4

PUBLIC HEARING AND APPROVAL

(a) The City Council may not adopt an ordinance, designating a reinvestment zone until it has held a public hearing at which interested persons are entitled to speak and present evidence for or against the designation. Notice of the hearing shall be clearly posted or identified on City Council's agenda at least 30 days prior to the hearing. The presiding officers of eligible jurisdictions shall be notified in writing at least 15 days prior to the hearing.

(b) Prior to entering into a tax abatement agreement the City Council may, at its option hold a public hearing at which interested persons shall be entitled to speak and present written materials for or against the approval of the tax abatement agreement.

(c) In order to enter into a tax abatement agreement, the City Council must find that the terms of the proposed agreement meet these Guidelines and Criteria and that:

(1) there will be no substantial adverse affect on the provision of the jurisdiction's service or tax base; and

(2) the planned use of the property will not constitute a hazard to public safety, health or morals.

(d) Any applicant requesting a variance under Section 3(f) shall be approved by a vote of at least three-fourths (3/4) vote of the City Council. No application which deviates from the requirements of these Guidelines and Criteria shall be approved unless accompanied by a request for variance as provided under Section 3(f).

SECTION 5

AGREEMENT

(a) After approval the City Council shall formally pass a resolution and execute an agreement with the owner of the facility and lessee as required which shall include:

(1) estimated value to be abated and the base year value;

(2) percent of value to be abated each year as provided in Section 2(g);

(3) the commencement date and the termination date of abatement;

(4) the proposed use of the facility; nature of construction, time schedule, map, property description, and improvement list as provided in the application, Section 3(b);

(5) contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture, administration and assignment as provided in Sections 2(a), 2(f), 2(g), 6, 7, and 8, or other provisions that may be required for uniformity or state law; and

(6) amount of investment and average number of jobs involved;

(7) Such other provisions as the City shall deem appropriate.

Such agreement shall normally be executed within 60 days after the applicant has forwarded all necessary information and documentation to the City Council.

SECTION 6

DEFAULT AND RECAPTURE

(a) In the event that the facility is completed and begins producing product or service, but subsequently discontinues producing product or service for any reason excepting fire, explosion or other casualty or accident or natural disaster for a period of one year during the abatement period, then the agreement shall terminate and so shall the abatement of the taxes for the calendar year during which the facility no longer produces. The taxes otherwise abated for that calendar year shall be paid to the City of Fulshear, Texas, within sixty days from the date of termination.

(b) Should the City Council determine that the company or individual is in default according to the terms and conditions of it's Agreement, the City of Fulshear shall notify the company or individual in writing at the address stated in the Agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the Agreement may be terminated.

(c) In the event that the company or individual (1) allows its ad valorem taxes owed the City of Fulshear to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or (2) violates any of the terms and conditions of the abatement agreement and fails to cure during the Cure Period, the agreement then may be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within thirty (30) days of the termination.

SECTION 7

ADMINISTRATION

(a) The Chief Appraiser of the Fort Bend County Central Appraisal District shall annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the abatement. Once value has been

established, the Chief Appraiser shall notify the City of Fulshear of the amount of the assessment.

(b) The Abatement shall stipulate that employees and/or designated representatives of the City of Fulshear, Texas, will have access to the reinvestment zone during the term of the abatement to inspect the facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

(c) Upon completion of construction the City shall annually evaluate each facility receiving abatement to ensure compliance with the Abatement and report possible violations to the contract and agreement to the City Council of Fulshear regarding the findings of each evaluation.

SECTION 8

ASSIGNMENT

(a) Tax abatement agreements may be assigned to a new owner or lessee of the facility, upon the approval by resolution of the City of Fulshear subject to the financial capacity of the assignee and provided that all conditions and obligations in the Abatement Agreement are guaranteed by the execution of a new contractual Agreement with the City of Fulshear, which consent shall not be unreasonably withheld. Any assignment shall provide that the assignee shall irrevocably and unconditionally assume all the duties and obligations of the assignor upon the same terms and conditions as set outin the Agreement. Any assignment of a tax abatement agreement shall be to an entity that contemplates the same improvements or repairs to the property, except to the extent such improvements or repairs have been completed. No assignment shall be approved, if the assignor or the assignee are indebted to the City of Fulshear, Texas, for ad valorem taxes or other obligations.

(b) Any tax certificates issued on property subject to abatement shall state, that the property is subject to a rollback in the event of default.

SECTION 9

SUNSET PROVISION

(a) These Guidelines and Criteria are effective upon the date of their adoption and will remain in force for two years, at which time all reinvestment zones and tax abatement contracts created pursuant to its provisions will be reviewed by the City Council to determine whether the goals have been achieved. Based on that review, the Guidelines and Criteria may be modified, renewed or eliminated.

(b) This policy is mutually exclusive or existing Industrial District Contracts and owners of real property in areas deserving of special attention as agreed by the affected jurisdiction.

SECTION 10

REPEALER CLAUSE

All Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

SECTION 11

SEVERANCE CLAUSE

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 12

EFFECTIVE DATE

This Ordinance shall take effect from and after the date of its passage.

SECTION 13

POSTING AND PUBLISHING

The City Secretary shall publish and post this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 20th day of February, 1989.

CITY OF FULSHEAR, TEXAS

By: C B Bentley
C. B. BENTLEY
Mayor

ATTEST:
By: Carolyn N. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

P. PRESLEY	YES
V. RANDLE	ABSTAIN
F. SMART	NO
T. HARKNESS	ABSENT
E. VONDERGOLTZ	YES

City of Fulshear Ordinance No. 89-766

AN ORDINANCE RELATING TO RATES TO BE CHARGED BY HOUSTON LIGHTING & POWER COMPANY FOR ELECTRIC UTILITY SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF FULSHEAR, TEXAS; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR A REPEALER AND FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, on or about November 23, 1988, Houston Lighting & Power Company (the "Company"), filed with the City of Fulshear a Statement of Intent and Petition for Authority to Change Rates relating to electric utility service, and proper notice thereof was duly given; and

WHEREAS, by RESOLUTION No. 88-049 the City Council suspended the effective date of such proposed rate increase until March 29, 1989, and

WHEREAS, the City Council, having considered the Company's rate request at a public hearing for which proper notice was duly given, finds that such request is excessive; and

WHEREAS, the City Council having original jurisdiction over the matter finds that no increase in rates should be prescribed for the Company; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR:

Section 1. The City Council of the City of Fulshear hereby finds the requested rates of the Company to be excessive and unreasonable.

Section 2. The City Council hereby approves the recommendations set out in Exhibit "A", attached hereto.

Section 3. The City has original jurisdiction over this case pursuant to Section 43 of the Public Utility Regulatory Act.

Section 4. The City hereby denies HL&P's Petition for Authority to Change Rates.

Section 5. The City Council hereby authorizes and directs the City Secretary to serve the Company with a certified copy of this ordinance which is the final determination and order of the City.

Section 6. The Company shall, within ten days following the final passage and approval of this ordinance and thereafter whenever required by applicable statutes and ordinances and whenever requested by the Mayor, file a complete schedule of rates and tariffs with the Mayor setting forth all of the Company's rates and charges for utility service then in effect. The Mayor is authorized to review, and approve and require revisions to the tariff if he determines it is not to be in accordance with this ordinance.

Section 7. Nothing contained in this ordinance shall be construed now or hereafter as limiting or modifying, in any manner, the right and power of the City under the law to regulate the rates and charges of the Company.

Section 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 9. In the event that the Company appeals from this order setting electric rates for the Company, the City hereby waives written notice of the hearing before the Commission of

such appeal.

With respect to any such appeal, the City Council hereby authorizes the City Attorney or his designees to vigorously represent the City of Fulshear and its citizens in all matters relating to STNP and, in particular, directs the City Attorney or his designees to continue developing the expert testimony and analyses necessary to document and establish for the record any and all imprudence by Houston Lighting & Power Company in its management of the planning and construction of STNP, including, but not limited to the following areas of imprudence which the City Council hereby finds, determines, and declares to exist:

(a) Houston Lighting & Power Company failed to prudently evaluate and select Brown and Root as the Architect/Engineer for STNP;

(b) Both Houston Lighting & Power Company and Brown and Root lacked adequate nuclear background and experience, and they failed to overcome this deficiency in a timely manner;

(c) The project had inadequate project controls during the Brown and Root era which obscured actual project progress and hindered the identification of problems and associated root causes of such problems;

(d) There existed inadequate control of interdisciplinary design interfaces by Brown and Root.

The City Council further directs that the City Attorney or his designees represent the City in any and all other matters in connection with the appeal and to take any and all actions

necessary and incidental thereto and to the resolution of the matters subject to such appeal, all as may be in the best interests of the City.

Section 10. If any provisions, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 11. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Article 6252-17, Texas Revised Civil Statutes Annotated (Vernon Supp. 1989); and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSES AND ADOPTED this 7th day of MARCH, 1989.

THE CITY OF FULSHEAR, TEXAS

C.B. BENTLEY, MAYOR

ATTEST:

BY: _____
Carolyn H. Smith
City Secretary

VOTING:

P. PRESLEY	YES
V. RANDLE	YES
F. SMITH	YES
T. HARKNESS	YES
E. VONDERGOLTZ	YES

ORDINANCE NO. 89-767

AN ORDINANCE AMENDING ORDINANCE NO. 88-757 PROVIDING FOR A ASSESSMENT AND FEE FOR INSPECTION REQUESTED BY CUSTOMERS OF THE SEWER SYSTEM; PROVIDING A SEVERANCE CLAUSE AND PROVIDING AN EFFECTIVE DATE AND POSTING AND PUBLISHING OF CAPTION.

WHEREAS, the City Council finds it reasonable that the users pay the operating costs of operation of the wastwater treatment facility.

WHEREAS, the operator of the wastewater treatment facility charges the City of Fulshear, whenever it inspects a line for obstruction.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

I

Section 5.02 is amended by adding the following sentence and read as follows:

"Whenever the Operator is called by a Customer to inspect an obstruction and the Operator determines that the obstruction is wholly within the Customer's lines and there is no obstruction of the System, then in such event a fee of $ 50.00 shall be assessed to that Customer and paid by that Customer as part of their monthly bill.

II

This Ordinance shall be passed and effective upon publishing of the Ordinance as required by law, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

III

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or portions of this Ordiance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

VI

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the

descriptive caption.

PASSED AND APPROVED THIS the 07th day of MARCH, 1989.

THE CITY OF FULSHEAR, TEXAS

By: C B Bentley
C. B. BENTLEY,
Mayor

ATTEST:

By: Carolyn H Smith
CAROLYN SMITH
City Secretary

VOTING ALDERMEN:

V. RANDLE	YES
F. SMART	YES
T. HARKNESS	YES
E. VONDERGOLTZ	YES
P. PRESLEY	YES

ORDINANCE NO. 89-768

AN ORDINANCE AMENDING ORDINANCE NO. 88-757 PROVIDING FOR DEFINITIONS; PROVIDING FOR A VARIANCE OF SEWER FEE; PROVIDING FOR AN APPLICATION FOR A FEE VARIANCE; PROVIDING FOR A FEE VARIANCE APPLICATION FEE; PROVIDING FOR INSPECTIONS; PROVIDING THE BUILDING INSPECTOR TO GRANT FEE VARIANCES; PROVIDING CONDITIONS FOR FEE VARIANCES; PROVIDING FOR TERMINATION OF VARIANCES; PROVIDING A SEVERANCE CLAUSE AND PROVIDING AN EFFECTIVE DATE AND POSTING AND PUBLISHING OF CAPTION.

WHEREAS, the City Council finds it reasonable that variance from sewer fees be granted under certain conditions.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

I

Section 1 is amended by adding the following sentences and read as follows:

1.14 "Uninhabitable Residence" as used herein shall mean a residence that is dilapidated or dangerous as defined by law.

1.15 "Building Inspector" as used herein shall mean the Building Inspector of the City of Fulshear, Texas.

II

Section 4.02 Shall be amended by adding a new Subsection B and shall read as follows:

4.02 Termination of Service for Failure to Pay Bills When Due and Variances.

A. Termination of Service for Failure to Pay Bills When Due. The City shall have the right to terminate service to a Customer at any time after his bill becomes a Delinquent Bill. The Customer shall, by written notice mailed to the Customer's address as reflected in the records of the City, be notified of the delinquency and the date on which service shall be terminated if the account is not paid in full, which date shall not be less than five (5) days from the date such notice is sent. Such notice shall state the place and time at which the account may be paid, that any errors in the bill may be corrected by contacting the billing company, whose telephone number shall also be given in such notice, and that the Customer has the right to appeal such termination to the City Council of the City. The notice shall also be left by the City's Operator on the front door at the address to which service in question was provided at least twenty-four (24) hours prior to the time at which service shall be terminated. If the delinquent account, including penalty, has not been paid in full by the proposed termination date, service shall then be discontinued unless otherwise agreed by the City Council of the City. A penalty of $300.00 shall be imposed for the restoration of service discontinued pursuant to this Section. Payment of the delinquent account, including the penalty, shall be paid in cash, cashier's check or money order for restoring sewer service where service has been terminated because of the Customer's failure to pay a bill before it became a Delinquent Bill. Such payment shall be made prior to restoration of service.

B. Request For Variance.

An owner of a building required to connect to the sewer system of the City of Fulshear may request a variance from the payment on the monthly fee if the building meets the following conditions:

1. the building is vacant;
2. the owner completes under oath an application to be promulgated by the Mayor, for variance of the sewer fee bill and the owner pays a $20.00 application fee;
3. the Building Inspector is designated as an authorized agent of the City and is authorized to inspect buildings for which the City has received a variance application;

4. the building is found to be dilapidated or dangerous by the Building Inspector, as he in his discretion shall find;
5. any variance granted hereunder shall terminate automatically be null and void should the building be inhabited or used and the building shall immediately be subject to this Ordinance and pay a sewer bill fee effective the (1st) first day of the month in which the building was inhabited.

III

This Ordinance shall be passed and effective upon publishing of the Ordinance as required by law, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

IV

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or portions of this Ordiance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

V

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED THIS the 2nd day of May, 1989.

THE CITY OF FULSHEAR, TEXAS

By: C. B. Bentley
C. B. BENTLEY,
Mayor

ATTEST:

By: Carolyn H. Smith
CAROLYN SMITH
City Secretary

VOTING ALDERMEN:

P. PRESSLEY	YES
V. RANDLE	YES
F. SMART	YES
T. HARKNESS	YES
E. VONDERGOLTZ	YES

ORDINANCE NO. 89-770

AN ORDINANCE DETERMINING PUBLIC NECESSITY FOR THE TAKING OF PRIVATE PROPERTY, DETERMINING REAL ESTATE IS NECESSARY FOR PUBLIC PURPOSES AND USE, AUTHORIZING THE MAKING OF A FINAL OFFER FOR LAND, GRANTING MAYOR AUTHORITY TO MAKE FINAL OFFER FOR LAND, PROVIDING FOR CITY ATTORNEY TO INITIATE EMINENT DOMAIN PROCEEDINGS AGAINST ANY LANDOWNER REFUSING TO ACCEPT THE FINAL OFFER OR WHO CANNOT BE FOUND, AUTHORIZING THE CITY SECRETARY TO PAY THE COSTS OF EMINENT DOMAIN PROCEEDINGS INCLUDING BUT NOT LIMITED TO COMMISSIONER'S FEES, COURT COSTS THE COSTS OF ANY ATTORNEY AD LITEM FEES OR CITATION BY PUBLICATION COSTS NECESSARY TO BE INCURRED, AUTHORIZING THE CITY SECRETARY TO DEPOSIT WITH THE COUNTY COURT AT LAW OF FORT BEND COUNTY, TEXAS, THE AWARD OF THE COMMISSIONERS OF THE COUNTY COURT AT LAW OF FORT BEND COUNTY, TEXAS.

WHEREAS, the Mayor of the City of Fulshear, Texas, has reported that efforts to negotiate the acquisition of real estate being the private property described below have not resulted in voluntary agreements to sell said property; and that some of the owners are unknown or their location are unknown, and;

WHEREAS, it is necessary that the private property the real estate described below be acquired by the City for public use for the construction of a road easement, right of way, sanitary sewer service connections, and wastewater treatment plant, sewer, sewer pipes, construct water mains, water lines, water works, mains and laterals, drainage ditches, utility lines and a temporary easement for construction purposes in the City of Fulshear, Texas, Fort Bend County, Texas.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FULSHEAR, TEXAS:

Section 1. The Board of Aldermen of the City of Fulshear, Texas, does hereby find and deem it necessary that the said real estate being the private property described herein is necessary for public purposes and uses for construction of a road easement, right of way, sanitary sewer service connections, and wastewater treatment plant, sewer system, sewer, sewer pipes, construct water mains, water lines, water works, mains, and laterals, drainage ditches, utility lines in the City of Fulshear, Texas, Fort Bend County, Texas.

Section 2. The Board of Aldermen of the City of Fulshear, Texas, does hereby accept the report of its appraiser, Tom Conlan, and find that the values assigned in his report is accurate.

Section 3. That pursuant to the provisions of law including V.T.C.A. Local Government Code Section 251.001, the City of Fulshear, Texas, shall acquire by purchase or condemnation, fee simple title to the following lands for the purpose of making them available for the purposes and uses provided in Section 1, above, said lands described as follows:

TRACT I

40 Foot and 35 Foot tract Out of Lot No. 58

A FIELD NOTE DESCRIPTION of a 40 foot wide tract and a 35 foot wide tract out of a 3.874 Acre Tract of Land (Volume 947, Page 129; Deed Records of Fort Bend County, Texas) commonly referred to as Lot No. 58 in an unrecorded subdivision of 129.253 Acres of Land (Volume 393, Page 93; Deed Records of Fort Bend County, Texas - 129.429 Acres) as shown on survey plat of Henry Steinkamp, Jr. Inc. dated December 12, 1980, being out of the David Randon and I. Pennington League, Abstract No. 75, Fort Bend County, Texas.

BEGIN at the Northeast corner of the said 129.253 Acre Tract of Land; THENCE; South 00 degrees 36 minutes 05 seconds West - 1119.36 feet along the Easterly line of said 129.253 Acre Tract to a point being the Northeast corner of said Lot No. 58 and the Southeast corner of a 2.00 Acre drill site (Volume 947, Page 129; Deed Records of Fort Bend County, Texas); Said point being the Northeast corner of and PLACE OF BEGINNING for this tract;

THENCE; South 00 degrees 36 minutes 05 seconds West - 327.26 feet along the Easterly line of said 129.253 Acre Tract and said Lot No. 58 to a point being the Southeast corner of this tract; Said point being the Southeast corner of said 129.253 Acre Tract and the Southeast corner of said Lot No. 58;

THENCE; North 89 degrees 59 minutes 30 seconds West - 495.71 feet along the Southerly line of said 129.253 Acre Tract and Lot No. 58 to a point being the Southwest corner of this tract; Said corner being the Southwest corner of said Lot No. 58;

THENCE; North 00 degrees 00 minutes 30 seconds West - 35.00 feet along the Westerly line of said Lot No. 58 and the Easterly line of Oak Lane to a point for the Westerly Northwest corner of this tract;

THENCE; South 89 degrees 59 minutes 30 seconds East - 456.08 feet parallel to and 35 feet perpendicular distance North of the Southerly line of said 129.253 Acre Tract and Lot No. 58 to a point being an interior corner of this tract;

THENCE; North 00 degrees 36 minutes 05 seconds East - 292.25 feet parallel to and 40 feet perpendicular distance West of the Easterly line of said 129.253 Acre Tract and Lot No. 58 to a point for the Northerly Northwest corner of this tract;

THENCE; North 89 degrees 59 minutes 30 seconds East - 40.00 feet along the Northerly line of said Lot No. 58 and the Southerly line of said drill site to the PLACE OF BEGINNING of and containing 0.667 Acres of Land.

TRACT II

40 Foot tract Out of Drill Site

A FIELD NOTE DESCRIPTION of a 40 foot wide tract out of a 2.00 Acre Tract of Land (Volume 947, Page 129; Deed Records of Fort Bend County, Texas) commonly referred to as a drill site in an unrecorded subdivision of 129.253 Acres of Land (Volume 393, Page 93; Deed Records of Fort Bend County, Texas - 129.429 Acres) as shown on survey plat of Henry Steinkamp, Jr. Inc. dated December 12, 1980, being out of the David Randon and I. Pennington League, Abstract No. 75, Fort Bend County, Texas.

BEGIN at the Northeast corner of the said 129.253 Acre Tract of Land; THENCE; South 00 degrees 36 minutes 05 seconds West - 952.02 feet along the Easterly line of said 129.253 Acre Tract to a point being the Northeast corner of said drill site and the Southeast corner of Lot No. 59, a 2.65 Acre Tract (Volume 997, Page 421; Deed Records of Fort Bend County, Texas); Said point being the Northeast corner of and PLACE OF BEGINNING for this 40 foot wide tract;

THENCE; South 00 degrees 36 minutes 05 seconds West - 167.34 feet along the Easterly line of said 129.253 Acre Tract and said drill site to a point being the Southeast corner of this 40 foot wide tract; Said point being the Southeast corner of said drill site and the Northeast corner of Lot No. 58, a 3.874 Acre Tract (Volume 947, Page 129; Deed Records of Fort Bend County, Texas);

THENCE; South 89 degrees 59 minutes 30 seconds West - 40.00 feet along the Southerly line of said drill site and the Northerly line of said Lot No. 58 to a point for the Southwest corner of this 40 foot wide tract;

THENCE; North 00 degrees 36 minutes 05 seconds East - 167.34 feet parallel to and 40 feet perpendicular distance West from the Easterly line of said drill site to a point for the Northwest line of this 40 foot wide tract;

THENCE; North 89 degrees 59 minutes 30 seconds East - 40.00 feet along the Northerly line of said drill site and the Southerly line of said Lot No. 59 to the PLACE OF BEGINNING of and containing 0.154 Acres of Land.

Section 4. That the Mayor be and he is authorized and directed to negotiate with the owners for the purchase of said lands, and upon failure to agree upon a price satisfactory to the City, or if such owner be unknown or such owner cannot be found to institute legal proceedings including condemnation proceedings the exercise of the right of eminent domain for the purpose of acquiring such lands in the manner required and provided by law.

Section 5. That the City Attorney be and he is hereby authorized and directed to commence and conduct any and all proceedings, notices, incur such costs necessary for the acquisition and condemnation of such right of way and needs as described in

Section 1., hereinabove noted.

Section 6. The City Secretary is instructed to pay the filing fees and all costs incurred in the filing and litigation of the proceedings brought in the County Court at Law of Fort Bend County, Texas, hereunder including but not limited to the costs of any attorney ad litem fees or citation by publication.

Section 7. The City Secretary is instructed to pay into the Registry of the County Court at Law of Fort Bend County, Texas, the award of Commissioners of said County Court at Law of Fort Bend County, Texas.

Section 8. This ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 19th day of June, 1989.

THE CITY OF FULSHEAR, TEXAS

By: Carl B Bentley
CARL B. BENTLEY
Mayor

ATTEST:
Carolyn W. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. Randle	YES
F. Smart	YES
T. Harkness	ABSENT
P. Presley	ABSENT
E. Vondergoltz	YES

COPY

ORDINANCE NO. 89-771

AN ORDINANCE PROVIDING FOR GARBAGE PICK-UP SERVICE, PROVIDING FOR DEFINITIONS; PROVIDING FOR COMPULSORY SERVICE; PROVIDING FOR RATES AND FEES; PROVIDING FOR GARBAGE COLLECTION STANDARDS; PROHIBITING PLACING TRASH, REFUSE, OR GARBAGE IN CONTAINERS NOT OWNED BY PERSONS PLACING SUCH MATERIAL; PROVIDING FOR REGULATION OF PRIVATE GARBAGE COLLECTORS; PROVIDING FOR PERMITS FOR PRIVATE GARBAGE TRUCKS; PROVIDING FOR STANDARDS FOR PRIVATE GARBAGE TRUCKS; PROVIDING FOR REGULATIONS FOR PRIVATE GARBAGE CONTAINERS; PROVIDING FOR VIOLATIONS; PROVIDING FOR PENALTIES, MAKING VIOLATIONS OF THE ORDINANCE UNLAWFUL; MAKING ALL PERSONS WHO PARTICIPATE OR ASSIST IN THE COMMISSION OF ANY VIOLATION GUILTY OF A SEPARATE OFFENSE AND PROVIDING A PENALTY UP TO TWO HUNDRED DOLLARS FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLISHING AND POSTING AS REQUIRED BY LAW.

WHEREAS, the disposition of garbage, refuse and trash is critical to the health, safety and welfare of the citizens and residents of the City of Fulshear;

WHEREAS, the City of Fulshear has determined that the compulsory garbage collection will enhance the standards of living and improve the health safety and welfare of the citizens and residents of the City of Fulshear.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

I

1. The City finds the recitals in the preamble to be true.

II

The City of Fulshear shall provide garbage pick-up service to the citizens and businesses of the City on a regular basis upon terms established from time to time by the City Council. The City may provide such service through contract with private collection services.

III

DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

(1) Residential shall mean all single-family residences including those multi-family dwelling units containing not more than four (4) single-family units.

(2) Commercial shall mean a business which is not a food service establishment; a business which does not sell produce or meat; an establishment which generates less than two (2) yards of refuse per week; establishments which are not part of an integrated business development or "shopping center"; multi-family dwellings containing four (4) units or less; small, free-standing commercial establishments or offices which generate quantities of refuse comparable to residential units; those units described above which have not filed a waiver with the City signifying that they do not wish City service.

(a) Each tenant of a commercial building designed to house more than (1) occupant shall be deemed a single commercial unit except:

(i) commercial buildings, including apartments and office buildings, where the owner provides garbage collection as a part of the landlord's obligation and provides one (1) single location for collection of garbage;

(ii) commercial buildings under more than one (1) ownership, including, but not limited to, condominiums and townhouses where a property owners' association provides garbage collection at one (1) single location; and

(iii) multiple detached buildings under single ownership on the same tract of land where the owner provides garbage collection at one (1) single location.

In the case of exceptions (i), (ii), and (iii), such service shall be billed as a single commercial unit. If more than one (1) location is provided by the owner or association, each separate location shall be billed as a separate single commercial unit.

(b) In each case where a single building houses a commercial unit and a residential unit owned and occupied by the same person, the unit shall be billed as a commercial unit.

(c) A commercial unit within a residential unit not owned and occupied by the same person shall be billed as a commercial unit.

(3) Terms not specifically defined herein shall be understood and be used as they are commonly used and understood.

IV

COMPULSORY SERVICE

Every residential unit shall be required to participate in the city collection service. Each residential unit shall pay minimum garbage collection fees. Commercial units desiring to contract for private garbage collection may do so and pay no garbage fee to the city upon presentation to the City Secretary of a copy of such private contract, provided such private contractor shall meet the requirements hereinafter set out.

All garbage shall be placed adjacent to public street for pick-up. Commercial accounts may place garbage in dedicated paved alleyways where access has been and continues to be available.

V

RATES AND FEES

A. Each residential unit shall pay to the City of Fulshear the sum of _____(_____)__Dollars per month.

In those cases where the City is unable to provide garbage pick-up service, no charge shall be levied.

B. Small commercial units generating less than two (2) cubic yards of uncompressed garbage per week shall pay _____(_____)__Dollars per month.

C. Payment of Rates and Charges

The charges made by the City for collection of garbage, trash and refuse shall become a part of the monthly charges due the City the same as sewer services, on the condition that all payments and/or partial payments made by any customer on such monthly service bill shall be applied first to the payment of charges due and owing on the garbage collection fee due the City. Provided further, that this service represents a health need to the citizens of the City and that the delinquent fees due for collection of garbage shall never constitute a grounds to discontinue the collection thereof.

D. Where garbage collection is desired in developments with private streets, a letter holding the City harmless for any damages or deterioration to such property signed by the owner must first be on file with the City.

VI

GARBAGE COLLECTION STANDARDS

A. Definitions

(1) Residential - See subsection III (1) of this Ordinance.

(2) Commercial - See subsection III (2) of this Ordinance.

(3) Garbage means any animal or vegetable matter or trimmings of any nature or description, as from a kitchen or store.

(4) Trash means boxes, packing paper and packing materials, trees, branches, leaves, brush, foliage, and any other matter not herein defined as garbage or refuse.

(5) Refuse means any comingled garbage and trash, including boxes, cans and bags used for the storage and carrying of animal or vegetable matter.

B. Residential Standards

(1) Containers

Each residence shall provide containers for the storage of refuse and garbage. Such containers shall be metal containers of no more than thirty (30) gallons, or plastic or paper bags of sufficient strength to hold the weight of the contents not larger than thirty (30) gallons. Each container shall be closed to prevent blowing loose material and spillage.

(2) Type and Placement of Containers

Any resident is entitled to store trash in the containers provided by paragraph (1) hereof and such trash shall be collected on the usual days for collection of garbage and refuse. Also, trash

may be stored in paper packing boxes and containers, provided such packing boxes and containers are placed inside out of the weather and are in sufficient condition for removal on the day designated for trash removal. No garbage or refuse shall be placed in any container other than the type authorized in paragraph (1) hereof and upon collection of any trash by the City, all containers other than the type authorized herein shall be subject to removal by the City; and further provided no trash shall be placed out for collection except on the days designated as trash collection days. All trash shall be in an approved box or container or shall be made into securely tied bundles of a length not more than four (4') feet and shall be of a weight no greater than can be lifted by two (2) men.

(3) Accumulation of Garbage, Trash or Refuse Prohibited

No garbage, trash or refuse shall be allowed to accumulate or be stored around the outside of a residential unit in the open, or in containers, or in a manner other than as provided in paragraph (1) and (2) hereof.

(4) Removal of Garbage and Refuse

All garbage and refuse shall be removed from the premises of every residence in the City at least one (1) time each week, and all trash shall be removed at least one (1) time each month.

C. Commercial Establishment Standards

(1) Containers

Each commercial establishment shall provide at least one (1) container of a capacity of not more than thirty (30) gallons for the purpose of storing garbage and refuse which accumulates from and around such commercial establishment. Such container or containers shall be in good condition and repair with a substantial bottom of sufficient strength to hold the weight of the contents of such container, and with a securely fitting top enclosing such container.

(2) Storage of Trash

All trash from commercial establishments shall be stored in the type of container provided in paragraph (1) hereof; or shall be stored in substantial packing boxes; provided, however, any trash stored in a container other than provided in paragraph (1) hereof, shall be kept dry and under cover until the day when the trash is to be collected so the contents of such packing box will not blow out of the box or the box will not get wet and fall apart when loading on the truck.

(3) Accumulation of Garbage, Trash or Refuse Prohibited

No garbage, trash or refuse shall be allowed to accumulate or be stored around the outside of any commercial establishment in the open, or in

containers, or in a manner other than as provided in paragraphs (1) and (2) hereof.

(4) Removal of Garbage and Refuse

All garbage and refuse shall be removed from the premises of every commercial establishment in the City at least two (2) times each week and all trash shall be removed from each commercial establishment at least one (1) time each week.

VII

VIOLATIONS AND PENALTY

A. The City, or its agent or contractors, shall be under no obligation to pick up, collect and remove any garbage, trash or refuse from any residence or commercial establishment where the residences or commercial establishments fail or refuse to provide the containers and and enclosures meeting the standards required by this Subsection.

B. The Municipal Health Officer, Fire Marshal or any City official shall be entitled to file a complaint in the Municipal Court of the City of Fulshear, Texas, against any owner or occupant of any residence or commercial establishment within the City of Fulshear, Texas, who allows garbage, trash and/or refuse to accumulate, collect or be stored contrary to the provisions of this Subsection.

C. Any person, firm or corporation who shall allow garbage, trash and/or refuse to accumulate, collect or be stored at any residence or commercial establishment within the limits of the City of Fulshear, Texas, contrary to the standards and provisions of this Subsection shall be deemed guilty of creating a health hazard and/or fire hazard and shall be guilty of a misdemeanor and upon conviction shall be fined not more than $200.00 and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, and any agent, person or corporation, employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided.

VIII

PLACING TRASH, REFUSE OR GARBAGE IN CONTAINERS NOT OWNED BY PERSONS PLACING SUCH MATERIAL

It shall be unlawful for any person to place refuse, trash or garbage into a residential or commercial garbage container not belonging to or under the control of such person, without the consent of the owner of the container or the person legally entitled to the use and possession of such container. In the case of a commercial establishment operated by a corporation, such permission shall be granted only by an employee of the

corporation over the age of eighteen (18) years. Anyone found to have violated this provision, shall be guilty of a misdemeanor and punished in accordance with Paragraph VII, Section C. of this Ordinance.

IX

PRIVATE GARBAGE COLLECTORS

A. Permit Required

No person may place upon the premises of any other person a container for the collection and placement of garbage, refuse or trash with a capacity larger than fifty-five (55) gallons unless he/she shall first have obtained a permit for such container from the Mayor or other department designated to supervise garbage collection.

B. Container Requirements

Each container to be used for garbage storage shall meet all requirements listed below:

(1) Have a lid capable of sealing the container. Lids on containers shall be closed at all times except when unloading;

(2) Be constructed of sturdy metal;

(3) The mouth of the container shall be equal to or greater than that of the base;

(4) Be leak-proof to prevent spillage or leakage; and

(5) Be in capacity of two (2) cubic yards or more.

C. Sanitation

A private container must be maintained in a sanitary manner and no garbage, trash or refuse allowed to remain after emptying. The lid must remain on the container at all times.

D. Identification

Each container shall have applied to its exterior the name, address and telephone number of the owner in contrasting colors so as to be readily visible.

E. Violation

In the event of violation of this Section or any other Ordinance of the City of Fulshear or law or Ordinance of any other governmental authority, the officer charged with enforcing this Section shall send notice of the violation to the owner as shown on the container and deliver notice to the person on whose premises the container is located. In the event such violation is not corrected within ten (10) days from the date the notice is mailed, as certified by the U.S. Postal Service, then the enforcement officer may file a complaint against the person on whose premises the container is located. The container shall be removed to a City storage lot. Such container may later be redeemed by the owner or his agent upon the payment of a fifty dollar ($50.00) storage and hauling fee. Containers unclaimed after thirty (30) days are declared abandoned and may be sold as surplus by the City upon resolution by Council, or destroyed upon

recommendation of the enforcement officer which is approved by Council.

F. Private Garbage Truck

No person shall operate a private garbage truck within the City of Fulshear without first having obtained a permit from the City of Fulshear. A private garbage truck operating in Fulshear shall meet the following standards:

(a) Three hundred thousand dollars ($300,000.00) insurance for liability for property and/or personal injury or death; five hundred thousand dollars ($500,000.00) each occurrence. The City shall be shown as additional insured on each policy, and the policy shall provide that the insurance company will notify the City if the policy is cancelled or terminated, ten (10) days prior to cancellation;

(b) Storage areas shall be completely covered or self-contained while moving; and

(c) Allow no liquids or other refuse to escape into the City streets.

G. Application

Any person desiring to maintain a private garbage container as herein provided or operate a private garbage truck shall furnish the following:

(a) With each application for container a fee of ten dollars ($10.00) per container; for each truck, fifty dollars ($50.00) per truck.

(b) Name, address, telephone number of the owner, or if a corporation, applicant must furnish name, address, and telephone number of company officer or representative for purposes of notice.

(c) A certificate showing that each truck for which an application is sought is insured, showing the name and address of the insurance carrier.

(d) An affidavit, signed by the applicant, and in the case of a corporation, signed by an officer authorized to sign for the corporation, agreeing to indemnify and hold the City harmless from any claim or cause of action arising out of the use of any permitted container or truck.

(e) Each container permitted by the City shall have affixed and maintained on an exterior surface, a City permit issued by the City. Such permit may be by stencil and spray paint applied by the enforcement officer or his designees.

(f) Each permitted truck operating inside the City shall have displayed inside the cab for inspection at all reasonable times, a current permit signed by the enforcement officer.

(g) Name, license number, and vehicle identification number of each truck. Permits shall be issued for each truck and are nontransferable.

H. Emptying Containers

Each permitted container shall be emptied at least two (2) times each week. No truck used for private hauling of garbage, trash, or refuse shall be allowed to remain inside the City limits of Fulshear overnight with garbage, trash, or refuse inside. All collected garbage, trash, or refuse shall be disposed of outside the City of Fulshear.

I. Persons Defined

The word person shall mean an individual, partnership, corporation, a club or political subdivision.

J. Penalty

Any person who shall allow an unpermitted garbage container requiring a permit to remain on his premises for more than ten (10) days after written notice is given by the enforcement officer; or shall allow trash, garbage or refuse to fall from, blow out of, overflow from, drop from, or otherwise escape from a container or a garbage truck onto a City street; or operates a private garbage truck as owner, operator or driver without obtaining a permit and maintaining such permit within such truck; or shall violate any other ordinance of the City of Fulshear, shall upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed two hundred dollars ($200.00). Each separate day or portion thereof during which the violation occurs or continues shall be deemed to constitute a separate violation.

X

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

XI

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall ot be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

XII

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 17th day of JULY, 1989.

THE CITY OF FULSHEAR, TEXAS

By: C.B. Bentley
C.B. BENTLEY
MAYOR

ATTEST:

By: Carolyn H. Smith
CAROLYN H. SMITH
City Secretary

ALDERMEN VOTING:

P. PRESLEY	YES
F. SMART	NO
V. RANDLE	ABSENT
T. HARKNESS	YES
E. VONDERGOLTZ	YES

ORDINANCE NO. 89-772

AN ORDINANCE AMENDING ORDINANCE NUMBER 580, AND ORDINANCE NUMBER 697 DESIGNATING CERTAIN INTERSECTIONS AS STOP INTERSECTIONS; PROVIDING FOR THE ERECTION OF STOP SIGNS AT ONE OR MORE ENTRANCES TO DESIGNATED INTERSECTIONS; PROVIDING FOR A FINE OF NOT MORE THAN $200.00 UPON CONVICTION OF A VIOLATION UNDER THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR POSTING AND PUBLISHING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

I

Section II is amended by adding to Section II stop signs at the intersection of Bois D' Arc and Farm to Market 1093 on the North and South intersections of said streets to read:

"Section II. The intersections hereinafter named are hereby expressly designated as stop intersections. A stop sign or stop signs shall be erected and maintained on the streets hereinafter names at their intersection with the streets also named, and every vehicle shall stop at such sign or at a clearly marked stop line before entering the hereinafter designated intersection on the streets hereinafter named, except when directed to proceed by a police officer.

On Bois D'Arc Lane and Farm to Market Road 1093 (2) at the north intersections of said streets and at the south intersection of said streets."

The balance of said Ordiance to remain in full force and effect.

II

The Mayor and Department of Public Works is authorized and instructed to purchase, install, post and maintain the traffic control devices provided by Ordinance No. 580 and all amendments thereto displaying the stops signs provided by this Ordinance to vehicular traffic traveling along such highays post and maintain stop signs along highways within the City of Fulshear, Texas displaying the stops signs provided by this Ordinance to vehicular traffic traveling along such highways.

III

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined not more than $200.00 upon conviction of such violation; provided however if such person convicted of an offense under this Ordinance which offense is also a violation of the penal laws of the State of

Texas, such person shall be subject to the penalties set out in the penal laws of the State of Texas for the offense.

IV

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

V

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

VI

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 28th day of August, 1989.

THE CITY OF FULSHEAR, TEXAS

By: C B Bentley
Mayor

ATTEST:

By: Carolyn N. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. RANDLE	YES
F. SMART	YES
T. HARKNESS	YES
P. PRESSLEY	YES
E. VONDERGOLTZ	YES

ORDINANCE NO. 89-772(a)

AN ORDINANCE AMENDING ORDINANCE NUMBER 89-771, PROVIDING FOR DEFINITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR POSTING AND PUBLISHING AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

I

Paragraph (2) of Article III of said Ordinance is amended to read as follows:

"(2) Commercial shall mean an establishment which generates less than two (2) yards of refuse per week; establishments which are not part of an integrated business development or "shopping center"; multi-family dwellings containing four (4) units or less; small, free-standing commercial establishments or offices which generate quantities of refuse comparable to residential units; those units described above which have not filed a waiver with the City signifying that they do not wish City service."

All other provisions of Article III shall remain in full force and effect.

II

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

III

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

IV

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 1st day of August, 1989.

THE CITY OF FULSHEAR, TEXAS

By: C. B. Bentley
C. B. BENTLEY
Mayor

ATTEST:

By: Carolyn Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. RANDLE	ABSTAIN
F. SMART	NO
T. HARKNESS	YES
P. PRES LEY	YES
E. VONDERGOLTZ	ABSENT

ORDINANCE 89-773

AN ORDINANCE ADOPTING THE 1990 BUDGET

FOR THE CITY OF FULSHEAR, TEXAS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

1. The Budget as proposed and presented by the Mayor and Board of Council Members of the City of Fulshear, Texas, for the fiscal year January 01, 1990 through December 31, 1990, is hereby approved and adopted by the City of Fulshear, Texas.

2. The Public Hearing having been duly held on AUGUST 28, 1989, at 7:30 p.m., at City Hall, 6920 Katy-Fulshear Rd., Fulshear, Texas, with all persons having been heard, this Ordinance shall take effect and be in full force from and after its adoption.

PASSED AND APPROVED THIS THE 28 day of AUGUST, 1989.

C B Bentley
MAYOR

ATTEST:

Carolyn H. Smith
Carolyn H. Smith, City Secy-Treas

VOTING:

P.L. Presley YES, V. Randle YES, T. Harkness YES,

F. Smart YES, Earle Vondergoltz YES.

ORDINANCE 89-774

AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF FULSHEAR; PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE YEAR 1989; APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE; PROVIDING FOR PENALTIES AND INTEREST AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

SECTION 1. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Fulshear, and to provide Interest and Sinking Fund for the year NINETEEN HUNDRED AND EIGHTY-NINE, upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a tax of 0.4800 CENTS on each One Hundred Dollars ($100.00) valuation of property, said tax being so levied and apportioned to the specific purpose herein set forth:

(1) For the maintenance and support of the general government (General Fund) on each One Hundred Dollar ($100.00) valuation of property.

SECTION 2. All monies collected under this Ordinance for the specific items therein named, be and the same are hereby appropriated and set apart for the specific purpose indicated in each item and that the Assessor and Collector of Taxes, the City Treasurer and the City Secretary shall keep these accounts so as to readily and distinctly show the amount collected, the amounts expended and the amount on hand at any time, belonging to such funds, it is hereby made the duty of the Tax Assessor and Collector of Taxes and every person collecting money for the City of Fulshear, to deliver to the City

Treasurer and the City Secretary at the time of depositing any monies, a statement showing to what fund such deposit should be made and from what source received. All receipts for the City not specifically apportioned by this Ordinance are hereby made payable to the General Fund of the City.

SECTION 3. All taxes for the year 1989 hereby levied shall become due and payable at the offices of the Tax Assessor/Collector of the City of Fulshear, Texas, on or after the first day of OCT.,1989, and of the taxes levied for said year are not paid on or before January 31 next after becoming due, interest shall be charged upon the gross amount of the taxes due and penalty due until paid at the rate provided by law for each month or fraction thereof thereafter. Said interest shall be in addition to such penalties, costs of collection and attorney fees as may be thereafter provided for delinquent taxes or as provided by law.

SECTION 4. That this Ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 28 day of AUGUST, 1989.

By: C B Bentley
C. B. Bentley, MAYOR

ATTEST:
Carolyn H. Smith
Carolyn H. Smith, City Secy - Treas.

VOTING:
Pat L. Presley YES,
Frances Smart YES, Viola Randle YES
Tom Harkness YES, Earle Vondergoltz YES

ORDINANCE ESTABLISHING AN
EMERGENCY MANAGEMENT PLAN
(911)

LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT ORDINANCE NUMBER 89-775 BEARING THE FOLLOWING CAPTION WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS, ON SEPTEMBER 05, 1989:

AN ORDINANCE ESTABLISHING A PROGRAM INCLUDING MITIGATION, PREPAREDNESS, RESPONSE, AND RECOVERY OF PHASES OF COMPREHENSIVE EMERGENCY MANAGEMENT; ACKNOWLEDGING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; AUTHORIZING THE PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THOSE OFFICES; IDENTIFYING AN OPERATIONAL ORGANIZATION; GRANTING NECESSARY POWERS TO COPE WITH ALL PHASES OF EMERGENCY MANAGEMENT WHICH THREATEN LIFE AND PROPERTY IN THE CITY OF FULSHEAR; AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PROHIBITING UNAUTHORIZED WARNING AND ALL-CLEAR SIGNALS AND MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY FINE NOT TO EXCEED $200.00;

BY ORDER OF THE MAYOR AND THE
CITY COUNCIL OF THE CITY OF
FULSHEAR, TEXAS
SEPTEMBER 05, 1989

* *

I HEREBY CERTIFY POSTING COPIES OF ORDINANCE NUMBER 89-775 IN ITS entirety at 1:30 p.m. WEDNESDAY, SEPTEMBER 06, 1989, inside City Hall, 6920 Katy-Fulshear Road; outside City Hall, 6920 Katy-Fulshear Road; and at the U.S. POST OFFICE, 30506 First Street, Fulshear, Texas.

Carolyn N. Smith
City Secy-Treas.

Ordinance No. 89-775

AN ORDINANCE ESTABLISHING A PROGRAM INCLUDING MITIGATION, PREPAREDNESS, RESPONSE, AND RECOVERY OF PHASES OF COMPREHENSIVE EMERGENCY MANAGEMENT; ACKNOWLEDGING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; AUTHORIZING THE PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THOSE OFFICES; IDENTIFYING AN OPERATIONAL ORGANIZATION; GRANTING NECESSARY POWERS TO COPE WITH ALL PHASES OF EMERGENCY MANAGEMENT WHICH THREATEN LIFE AND PROPERTY IN THE CITY OF FULSHEAR; AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PROHIBITING UNAUTHORIZED WARNING AND ALL-CLEAR SIGNALS AND MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY FINE NOT TO EXCEED ~~$500.00~~. $200.00 CNB

WHEREAS, the City Council of the City of Fulshear finds that the identification of potential hazards and the prevention or mitigation of their effects must be an on-going concern of the City of the lives and property of the populace are to be protected; and

WHEREAS, the City Council hereby declares that the preparation of a Comprehensive Emergency Management plan, and the means for it's implementation, for the protection of lives and property in the City of Fulshear from natural or man-caused disaster or threat thereof is immediately essential; and

WHEREAS, the City Council further finds that in times of disasters which may imperil the safety of the inhabitants of the City, or their property, it becomes necessary to effectuate and place into operation the preconceived plans and preparations with a minimum of delay; and

WHEREAS, the City Council finds, therefore, that the preparation of such plans are now imperative;
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR:

Section 1. ORGANIZATION

There exists the office of Emergency Management Director of the City of Fulshear, which shall be held by the Mayor in accordance with state law.

(a) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the director;

Section 6. LIABILITY

This ordnance is an exercise by the City of its governmental functions for the protection of the public peace, health and safety and neither the City of Fulshear, the agents and representatives of said City, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons as the result of said activity. Any person owing or controlling real estate or other premises who voluntarily and without compensation grants to the City of Fulshear a license of privilege, or otherwise permits the City to inspect, designate and use the whole or any part or parts of such a real estate or premises for the purpose of sheltering persons during actual, impending or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

Section 7. COMMITMENT OF FUNDS

No person shall have the right to expend any public funds of the City in carrying out any Emergency Management activity authorized by this ordinance without prior approval by the City Council, nor shall any person have any right to bind the City by contract, agreement or otherwise without prior and specific approval of the City Council unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life, or property.

Section 8. OFFENSES; PENALTIES

(a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the Emergency Management organization in the enforcement of any rule or regulation issued pursuant to this ordinance, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this ordinance.

(b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the Emergency Management organization of the City of Fulshear, unless authority to do so has been granted to such person by the proper officials.

(c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this ordinance and shall be subject to the penalties imposed by this ordinance.

(d) Convictions for violations of the provisions of this ordinance shall be punishable by fine not to exceed ~~Five~~ TWO Hundred dollars (~~$500.00~~). 200.00 CBB CBB

Section 9. SEVERABILITY

If any portion of this ordinance shall, for any reason, be declared invalidity shall not affect the remaining provisions thereof.

Section 10. LIMITATIONS

This ordinance shall not be construed so as to conflict with any State or Federal statute or with any military or naval order, rule, or regulation.

Section 11. REPEALER

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

05th READ AND APPROVED on first reading this the
DAY OF September, 1989.

READ, APPROVED AND ADOPTED on second reading this the
DAY OF _____, 19__.

CBBentley
, Mayor
City of , Texas

ATTEST:

Judy N. Smith
, City Secretary

ORDINANCE NO. 89-776

AN ORDINANCE OF THE CITY OF FULSHEAR AUTHORIZING ENTERING INTO AN INTERLOCAL AGREMENT WITH THE LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT TO PROVIDE PORTABLE RESTROOMS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fulshear and the Lamar Consolidated Independent School District are desirous of entering into an Interlocal Agreement for the installation of portable restrooms on school grounds inside the corporate limits of the City; and,

WHEREAS, the attached Agreement represents the agreement between the City of Fulshear and the Lamar Consolidated Independent School District.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

I

The Mayor of the City of Fulshear is authorized to enter into the Interlocal Agreement with the Lamar Consolidated Independent School District, attached hereto.

II

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

III

This ordinance is effective on the date of passage.

PASSED AND APPROVED this 03rd day of OCTOBER, 1989.

THE CITY OF FULSHEAR, TEXAS

By: C B Bentley
CARL B. BENTLEY
Mayor

ATTEST:

By: Carolyn H Smith
CAROLYN SMITH
City Secretary

ALDERMAN VOTING:

P. PRESLEY	YES
V. RANDLE	YES
F. SMART	YES
T. HARKNESS	YES
E. VONDERGOLTZ	ABSENT

THE STATE OF TEXAS)
)
COUNTY OF FORT BEND)

INTERLOCAL AGREEMENT BETWEEN
LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND
THE CITY OF FULSHEAR, TEXAS

This interlocal agreement is entered into between the Lamar Consolidated Independent School District, hereinafter referred to as "School District" and the City of Fulshear, Texas, hereinafter referred to as "City."

WHEREAS, the School District desires that the City assist in the installation of portable restrooms on school grounds inside the corporate limits of City;

WHEREAS, the governing body of the City has duly authorized this agreement;

WHEREAS, the governing body of said School District has duly authorized this agreement; and,

WHEREAS, this agreement is made pursuant to and under the provisions of Article 4413 (32c), Vernon's Texas Civil Statutes.

NOW, THEREFORE, the School District and City mutually agree as follows:

1. The City of Fulshear will secure, locate and pay for installation of portable restrooms upon request of the Lamar Consolidated Independent School District, areas of the School District located within the corporate limits of said City.

2. The request will be from the Office of the Superintendent.

   a. Describe in detail the area the School District wishes the portable restrooms to be located by the City.

   b. The approximate time the School District desires the City to commence and the approximate time the School District desires the City to complete the work.

   c. The School District will provide damage, hazard and public liability insurance for the portable restrooms.

3. Upon receipt of such written request, contingent upon the City having current revenue funds available to pay for any and all materials used pursuant to the request, the Mayor will review and consider the request and review same with the City personnel, and if equipment and manpower are available, the City may make arrangements to assist the School District, provided, however, it is expressly understood and agreed between the parties that such assistance shall be at the sole discretion of the City. The School District understands that the City will have to lease the portable restrooms from third parties.

4. Once the terms as provided in Paragraph 3 are consummated, the City agrees to furnish all necessary equipment and labor, at no cost to the School District, other than insurance to be paid for by the School District.

5. The School District agrees to indemnify and hold the City harmless with respect to any claim, demand or suit including costs, legal fees, expenses, damages, judgments for liability, including claims of negligence and further

indemnifying the City for claims arising out of the City's own negligence commencing during the time of the City's performing the necessary task of providing portable restrooms and provide appropriate insurance coverage; for purposes of this Agreement the City is an agent of School District.

6. It is expressly understood and agreed that this agreement may be terminated at any time by either party upon thirty (30) days written notice.

7. It is expressly understood and agreed that this Agreement automatically terminates on the 31st day of May, 1990, and must be renewed annually thereafter.

8. It is expressly understood and agreed by the parties hereto that this Agreement will have no force or effect until duly executed by all parties as provided herein below.

SIGNED this 03 day of OCTOBER, 1989.

CITY OF FULSHEAR, TEXAS

CB Bentley

CARL B. BENTLEY
MAYOR

ATTEST:

Carolyn H. Smith

CAROLYN SMITH
CITY SECRETARY

SIGNED this _____ day of _____, 1989.

LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

By: _____
PRESIDENT

ATTEST:

_____
SECRETARY