

Order Declaring Result Of City Officers' Election

THE STATE OF TEXAS

CITY OF FULSHEAR }

On this the 06 day of MAY, 1998, the City Council/Commission¹ of the City of FULSHEAR, Texas, convened in SPECIAL session open to the public at the regular meeting place thereof with the following members present, to-wit:

- VIOLA RANDLE, Mayor,
- CARL G. UTLEY, Alderman/Commissioner¹
- KATHY MAYFIELD, Alderman/Commissioner¹
- SCOTT EVANS, Alderman²
- GLORIA SIMMONS, Alderman²
- J.B. COLLINS, JR., Alderman²
- CAROLYN H. SMITH, City Secretary/Clerk¹

and the following absent: NONE, constituting a quorum, and among other proceedings had were the following:

Alderman/Commissioner¹ CARL G. UTLEY introduced a resolution and order and moved its adoption. The motion was seconded by Alderman/Commissioner¹ J.B. COLLINS, JR., and the motion carrying with it the adoption of the resolution and order prevailed by the following vote,

AYES: ALL
NOES: none

The resolution is as follows:

There came on to be considered the returns of an election held on the 02 day of MAY, 1998, for the purpose of electing the hereinafter named officials, and it appearing from said returns, duly and legally made, that there were cast at said election 140 valid and legal votes; that each of the candidates in said election received the following votes:

FOR MAYOR²

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED
<u>CARL G. UTLEY</u>	<u>108</u>
<u>PAT L. PRESLEY</u>	<u>32</u>

FOR ALDERMAN/COMMISSIONER¹ and ³

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED
<u>JERONE MCKINNEY</u>	<u>103</u>
<u>GLORIA BANKS SIMMONS</u>	<u>75</u>

ORDINANCE NUMBER 98-840

ORDER OF ELECTION

An election is hereby ordered to be held on MAY 02, 1998 for the purpose of:
electing ^{one MAYOR and} two ALDERMEN (COUNCIL MEMBERS), each for a ^(date) 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 Number 4006, at Fulshear City Hall, 30603 FM 1093, in Fulshear, Texas, with Laverne Patterson, as Presiding Election Judge, and Linda McKinney as Alternate Election Judge, and said Presiding Election Judge shall appoint the necessary clerk to assist her which shall not exceed one clerk. These three election officers shall also serve as the early voting ballotboard for this May 02, 1998 election.

The hourly rate of pay shall be \$6.00 and shall not exceed fourteen (14) hours for each election officer.

Absentee voting by personal appearance will be conducted each weekday at
FULSHEAR CITY HALL, 30603 FM 1093, FULSHEAR, TEXAS 77441

(location)

between the hours of 9:00 a.m. and 5:00 p.m. beginning on APRIL 15, 1998

and ending on APRIL 28, 1998 (date)

Additional absentee voting will be held as follows:

	Location	Date	Hours
NONE			

Applications 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, TX. 77441-0279
 (City) (Zip Code)

Applications for ballots by mail must be received no later than the close of business on
APRIL 24, 1998

(date)

Issued this the 21 day of JANUARY, 19 98

Viola Randle
 Signature of Presiding Officer VIOLA RANDLE, MAYOR
 VOTING: CARL UTLEY yes, SCOTT EVANS yes
 GLORIA SIMMONS absent, KATHY MAYFIELD yes,
 J.B. COLLINS, JR. yes.

ATTEST:
Carolyn H. Smith
 CAROLYN H. SMITH, CITY CLERK

ORDINANCE NUMBER 98-840

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(location)

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and ending on APRIL 28, 1998 (date)

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(Name of Absentee Voting Clerk)
P.O. BOX 279
(Address)
FULSHEAR, TX. 77441-0279
(City) , (Zip Code)

Applications for ballots by mail must be received no later than the close of business on
APRIL 24, 1998
(date)

Issued this the 21 day of JANUARY, 19 98.

Viola Randle

Signature of Presiding Officer VIOLA RANDLE, MAYOR
VOTING: CARL UTLEY yes, SCOTT EVANS yes
GLORIA SIMMONS absent KATHY MAYFIELD yes,
J.B. COLLINS, JR. yes.

ATTEST:

Carolyn H. Smith
CAROLYN H. SMITH, CITY SECY-TREAS.

AN ORDINANCE AMENDING ORDINANCE NUMBER 600; PROVIDING FOR AN INCREASE IN FINE SCHEDULE; 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 III is amended to read:

"SECTION III

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be fined not more than TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS upon conviction of such violation."

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 17th day of June, 1998.

THE CITY OF FULSHEAR, TEXAS

By: Carl D. Utley
CARL UTLEY, Mayor

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

ALDERMEN VOTING:

SCOTT EVANS	<u>ABSENT</u>
GLORIA J. SIMMONS	<u>YES</u>
J. B. COLLINS, JR.	<u>YES</u>
JEROME MCKINNEY	<u>YES</u>
VIOLA RANDLE	<u>YES</u>

ORDINANCE NO. 98-843

AN ORDINANCE AMENDING ORDINANCE NUMBER 574; PROVIDING FOR AN INCREASE IN FINE SCHEDULE; 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 I, paragraph I is amended to read:

"I. Any person violating this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS for each violation."

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 17th day of June, 1998.

THE CITY OF FULSHEAR, TEXAS

By:

Carl Utley
CARL UTLEY, Mayor

ATTEST:

By:

Carolyn Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

SCOTT EVANS	<u>ABSENT</u>
GLORIA J. SIMMONS	<u>YES</u>
J. B. COLLINS, JR.	<u>YES</u>
JEROME MCKINNEY	<u>YES</u>
VIOLA RANDLE	<u>YES</u>

ORDINANCE NO. 98-844

AN ORDINANCE DECLARING A MORATORIUM ON THE ISSUANCE OF PERMITS FOR TOWERS; PROVIDING AN EFFECTIVE DATE; MAKING FINDINGS CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND CONTAINING A REPEALER CLAUSE; PROVIDING FOR POSTING AND PUBLISHING.

WHEREAS, currently Fulshear, Texas does not regulate location, fencing, screening, landscaping and related issues with respect to the construction, alteration or placement of certain towers and tower structures within the City; and

WHEREAS, the expansion of wireless communication usage and services has increased the demand for tower sites within the City; and

WHEREAS, the increased demand has raised questions what criteria the City should adopt to address the City's police power concerns with respect to the safety, location, and appearance of towers; and

WHEREAS, the location, visual impact, and affect on property values of towers are of particular concern to residents of the City and City Council; and

WHEREAS, the preservation of the harmonious appearance, appropriateness, good taste, and beauty of residential neighborhoods is paramount to the continued vitality and health of the City's neighborhoods; and

WHEREAS, preserving property values, fostering contentment and happiness among residents is an appropriate purpose and basis for the exercise of the police power of the City; and

WHEREAS, the City's Planning Chairman has recommended that an Ordinance be written and adopted in light of concerns recently raised by the public; and

WHEREAS, the City Council has the authority to adopt a moratorium on the issuance of permits for a period not to exceed NINETY (90) days, during which period the City's Planning Commission and the City Council will review the criteria of a new Ordinance; and

WHEREAS, the City Planning Commission recommends further study and consideration of locating towers and tower structures on public facilities and in public rights-of-way, and further

recommends the adoption of such an Ordinance;

I.

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

Section 1. That the findings and recitals contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. A moratorium is hereby adopted effective immediately for a period not to exceed NINETY (90) days during which period the City's Planning Commission and the City Council will review the criteria of a new Ordinance.

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.

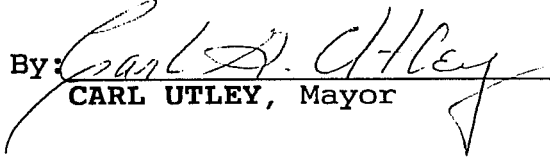
IV.

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 15 day of JULY, 1998.

THE CITY OF FULSHEAR, TEXAS

By: 
CARL UTLEY, Mayor

ATTEST:

By: 
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

VIOLA RANDLE	<u>YES</u>
SCOTT EVANS	<u>YES</u>
GLORIA J. SIMMONS	<u>YES</u>
J. B. COLLINS, JR.	<u>YES</u>
JERONE MCKINNEY	<u>YES</u>

ORDINANCE NO. 98-845

AN ORDINANCE AMENDING ORDINANCE NUMBER 595; PROVIDING FOR AN INCREASE IN PATROLMEN AND OFFICERS; 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 I is amended to read:

"SECTION I.

That there is hereby created and established in accordance with Art. 998 (A) V.T.C.S. for the City of Fulshear, as a part of the City Police Department composed of up to TWENTY (20) patrolmen and officers. The personnel to fill such positions shall be appointed by the Chief of Police confirmed by the City Council. The terms of office, salaries of officers, or patrolmen, if any, shall be established by the City Council and all such appointees shall give bond for the faithful performance of their duties in the amount as the City Council may require and in accordance with all the laws of the State of Texas."

Section III is amended to read:

"SECTION III.

All reserve officers and patrolmen are subject to being called into active duty under emergency conditions as determined by the Chief of Police when it is necessary to preserve the peace and/or enforce the laws; otherwise, reserve officers shall act only in a supplemental capacity to the regular police force and shall not assume full time duties. All officers and patrolmen shall be at least TWENTY-ONE (21) years of age and certified in accordance with the governing Statutes of the State of Texas and the rules and regulations of the Texas Commission of Law Enforcement Officer Standards and Education. Specifically included for compliance are all Procedural Rules promulgated and authorized by Article 4413 (29aa), V.T.C.S."

Section IV is amended to read:

"SECTION IV.

Members of the Reserve Officers' Unit may serve without compensation, but the City will provide ammunition, ammunition not to exceed FIFTY (50) rounds every SIXTY (60) days. The City will provide police officers Blanket Accident Policy coverage."

Section VII 4. is amended to read:

"4. Every Reserve Officer shall serve at least THIRTY-TWO (32) hours a month on active duty to retain his status, plus such time as the Chief of Police may assign."

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 15th day of July, 1998.

THE CITY OF FULSHEAR, TEXAS

By: Carl D. Utley
CARL UTLEY, Mayor

ATTEST:

By: Carolyn N. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

VIOLA RANDLE	<u>YES</u>
SCOTT EVANS	<u>YES</u>
GLORIA J. SIMMONS	<u>YES</u>
J. B. COLLINS, JR.	<u>YES</u>
JERONE MCKINNEY	<u>YES</u>

ORDINANCE GRANTING USE OF CITY RIGHT-OF-WAY

BE IT ORDAINED by the City Council of the City of Fulshear,

I.

THAT, KENNETH E. KOCIAN and LAURA ANN GRISHAM KOCIAN, their heirs and assigns, who have petitioned the City for use of a portion of the Wilson Road Right-of-Way described as a tract or parcel of land as follows, to-wit:

11.76 feet by 37 feet being West of and adjacent to the West line of Lots Three (3), and Six (6), in Block Sixteen (16), Town of Fulshear, Fort Bend County, Texas, according to the map or plat thereof recorded in Volume "U", page 180 of the Deed Records of Fort Bend County, Texas, Save and Except the Northeast corner of said Lot Six (6) which was previously conveyed.

II.

Such use is granted upon a finding by City Council that the existing garage encroaches into the City Right-of-Way of Wilson Road, 5.6 feet and the driveway encroaches into the City Right-of-Way 6.16 feet, for a total of 11.76 feet and has been located on such encroachment for many years without interference with any public use of the Right-of-Way, as set out in the attached survey plat, dated July 30, 1998 by Fred W. Lawton.

III.

Such use is granted only for so long as the existing garage remains in its present location.

PASSED AND APPROVED this 16th day of September, 1998.

THE CITY OF FULSHEAR, TEXAS

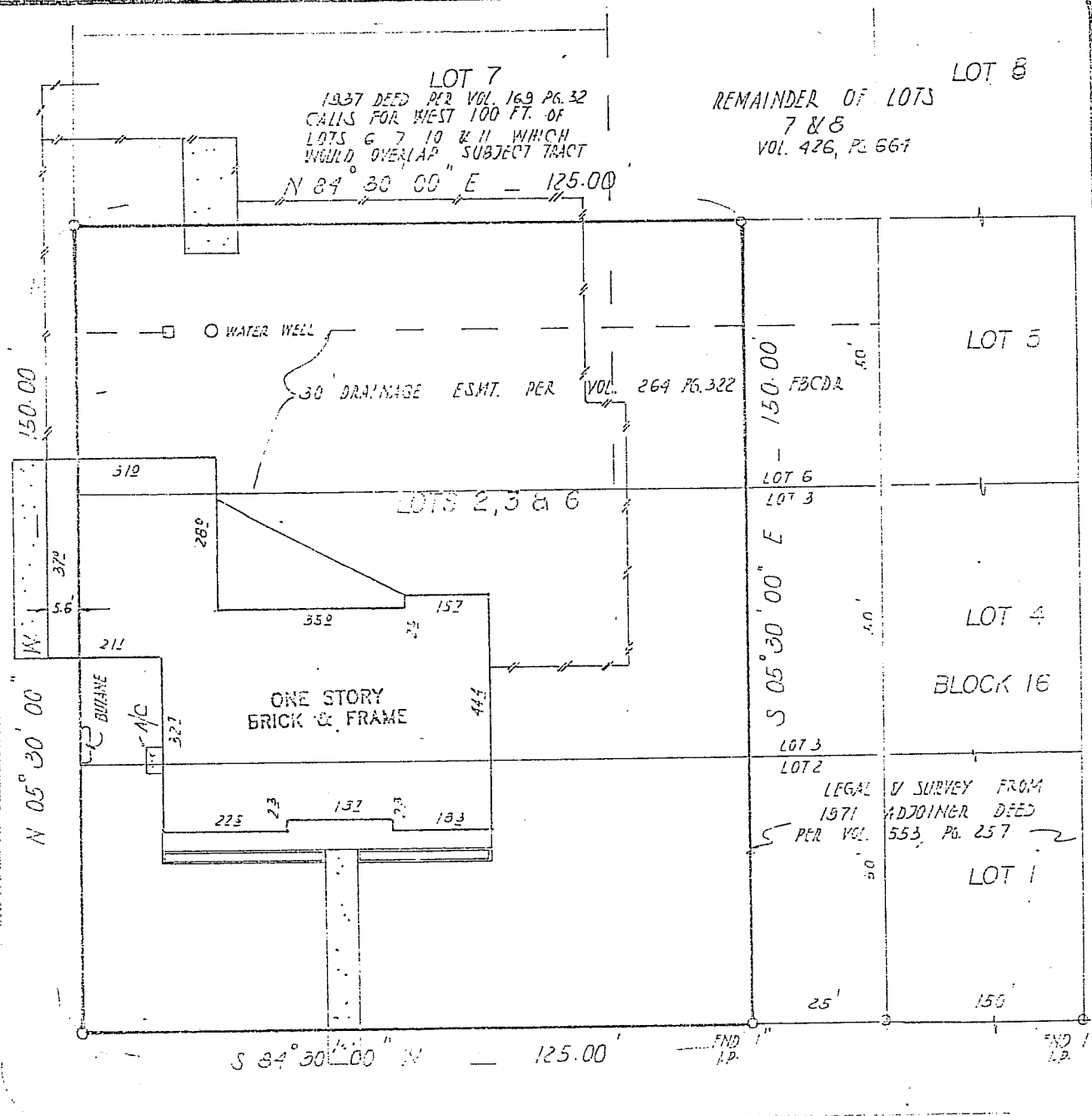
By: Carl D. Utley
CARL UTLEY,
Mayor

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

ALDERMEN VOTING:

- VIOLA RANDLE YES
- SCOTT EVANS YES
- GLORIA B. SIMMONS YES
- J. B. COLLINS, JR. YES
- Jerone MCKINNEY YES

WILSON ROAD
60' ROW



- NOTES:
1. THERE ARE NUMEROUS PRIOR DEEDS SHOWING VARIOUS PARCELS OF LAND IN THIS BLOCK. THIS SURVEY IS FOR PARCEL AS REQUESTED BY CLIENT. SURVEYOR DID NOT ABSTRACT PROPERTY FOR OWNERSHIP.
 2. STREET RIGHT OF WAY PER PLAT.
 3. CORNERS NOT SET PENDING CONFIRMATION OF LEGAL.

PLAT OF THE WEST 125 FEET OF:
 LOTS 2, 3, AND 6 IN BLOCK 16 TOWN OF FULSHEAR, FORT BEND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. "U", PG. 180 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS, SAVE AND EXCEPT THE NORTHEAST CORNER OF SAID LOT 6 WHICH WAS PREVIOUSLY CONVEYED. THERE IS NO APPARENT RECORD OF THE SAVE & EXCEPT LEGAL PREVIOUSLY CONVEYED.

PROPERTY IS NOT IN THE 100 YEAR FLOOD ZONE, IN ZONE _____ X _____
 ACCORDING TO F.I.R.M. MAP NO. 481488 0075 J _____, DATE 01-03-97
 BY GRAPHING PLOTTING ONLY, WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.



PROPERTY SUBJECT TO SUBDIVISION COVENANTS, CONDITIONS AND RESTRICTIONS.

I hereby certify that this survey was made on the ground and that this plat correctly represents the facts found at the time of survey showing the improvements, from legal descriptions supplied by client. There are no encroachments apparent on the ground, except as shown. The survey is only certified for boundary and this transaction only. Surveyor did not abstract property. Easements, building lines, etc. shown are as identified by:

GF 983494 of FORT BEND TITLE COMPANY

Fred W. Lawton
 Fred W. Lawton, Registered Professional Land Surveyor No. 2321

ADDRESS: 30320 THIRD STREET LENDER: ACCUBANC MORTGAGE CORPORATION
 CITY: FULSHEAR, TEXAS ZIP: 77441
 PURCHASER: KENNETH E. KOCIAN AND LAURA ANN GRISHAM KOCIAN
 JOB NO: 2186_98 DATE: 7_30_98 SCALE: 1" = 30' REVISION: Key Map

SOUTH TEXAS SURVEYING ASSOCIATES, INC.
 11281 Richmond Ave. Suite J-101 Houston, Texas 77062

THE STATE OF TEXAS)
)
COUNTY OF FORT BEND)
)
THE CITY OF FULSHEAR)

PETITION TO GRANT USE OF A PORTION
OF CITY RIGHT-OF-WAY

TO THE MAYOR AND CITY COUNCIL:

COMES NOW, KENNETH E. KOCIAN and LAURA ANN GRISHAM KOCIAN, Petitioners, who file this Petition requesting of the City of Fulshear that they be allowed to use a portion of a City Right-of-Way and in connection therewith would show the City Council the following:

I.

Petitioners own a home described as follows, to-wit:

Lots Two (2), Three (3), and Six (6), in Block Sixteen (16) Town of Fulshear, Fort Bend County, Texas, according to the map or plat thereof recorded in Volume "U", page 180 of the Deed Records of Fort Bend County, Texas, Save and Except the Northeast corner of said Lot Six (6) which was previously conveyed.

Petitioners' house is located on the corner of Wilson and Third Street in Fulshear, Texas also known as 30320 Third Street, Fulshear, Texas. The garage to Petitioners' home faces on Wilson Road, and the garage and the garage driveway pad, encroaches into Wilson Road. This encroachment has existed for more than FOURTEEN (14) years, the garage has been located on the present foundation since December, 1984.

II.

A survey made by a Registered Public Surveyor shows the existing foundation slab of the garage encroaches into the City Right-of-Way (Wilson Road) 5.6 feet and the driveway pad en-

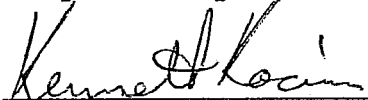
croaches into the City Right-of-Way 6.16 feet. A copy of the survey is attached.

III.

The encroachment has existed for a great number of years without interference to existing utilities or use of the Right-of-Way. To require Petitioners to relocate their structure and driveway would work an undue hardship on the Petitioners.

WHEREFORE, PREMISES CONSIDERED, Petitioners, KENNETH E. KOCIAN and LAURA ANN GRISHAM KOCIAN, request the City Council grant Petitioners the right to continue using that portion of the Wilson Road Right-of-Way, 11.76 feet by 37 feet West of and adjacent to Lots Three (3) and Six (6), in Block Sixteen (16), Town of Fulshear, Fort Bend County, Texas, according to the map or plat thereof recorded in Volume "U", Page 180 of the Deed Records of Fort Bend County, Texas, Save and Except the Northeast corner of said Lot Six (6) which was previously conveyed, only for so long as the existing structure remains in its present location.

Respectfully submitted,


KENNETH E. KOCIAN


LAURA ANN GRISHAM KOCIAN

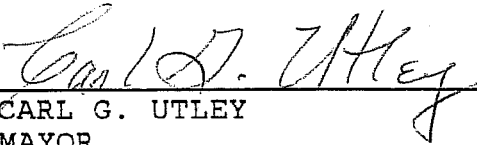
ORDINANCE 98-847

AN ORDINANCE ADOPTING THE 1999 BUDGET
FOR THE CITY OF FULSHEAR, TEXAS

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

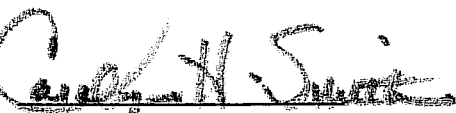
1. The Budget as proposed and presented by the Mayor and Board of Council Members of the City of Fulshear, Texas, for the fiscal year January 01, 1999 through December 31, 1999, is hereby approved and adopted by the City of Fulshear, Texas.
2. The Public Hearing having been duly held on SEPTEMBER 16, 1998, at 7:00 p.m., at City Hall, 30603 F.M. 1093, 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 16TH DAY OF SEPTEMBER, 1998.



CARL G. UTLEY
MAYOR

ATTEST:



CAROLYN H. SMITH
CITY SECY-TREAS.

VOTING:

VIOLA RANDLE YES,

GLORIA SIMMONS YES,

SCOTT EVANS YES,

J.B. COLLINS, JR. YES,

JERONE MCKINNEY YES.

AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF FULSHEAR FOR THE YEAR 1998; 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 for the year NINETEEN HUNDRED AND NINETY-EIGHT, upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a tax of 0.47516 CENTS on each One Hundred Dollars (\$100.00) valuation of property, said tax being so levied and apportioned to the specific purposes herein set forth:

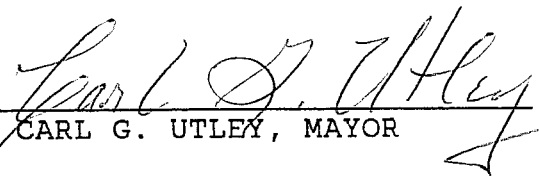
- (1) For the maintenance and support of the general government (General Fund) .47516 on each One Hundred Dollars (\$100.00) valuation of property.

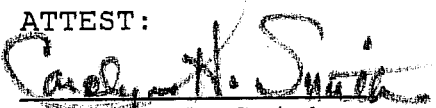
SECTION 2. All monies collected under this Ordinance for the specific items therein named, be and the same are hereby appropriated and set apart for the specific purpose indicated in each item and that the Assessor and Collector of Taxes, the City Treasurer, and the City Secretary shall keep these accounts 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 1998 hereby levied shall become due and payable at the offices of the Tax Assessor Collector for the City of Fulshear, Texas, on or after the first day of OCT., 1998, 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 16 day of SEPTEMBER, 1998.

By: 
CARL G. UTLEY, MAYOR

ATTEST:

Carolyn H. Smith
City Secy - Treas.

VOTING:

VIOLA RANDLE YES,

JERONE MCKINNEY YES,

GLORIA SIMMONS YES,

J.B. COLLINS, JR. YES,

ORDINANCE NO. 98-849

AN ORDINANCE DECLARING A MORATORIUM ON THE ISSUANCE OF PERMITS FOR INSTALLATION, MOVEMENT OR TRANSFER OF PREFABRICATED STRUCTURES, MOBILE HOMES OR OTHER TEMPORARY STRUCTURES; PROVIDING AN EFFECTIVE DATE; MAKING FINDINGS CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND CONTAINING A REPEALER CLAUSE; PROVIDING FOR POSTING AND PUBLISHING.

WHEREAS, currently Fulshear, Texas does not regulate location, construction, installation of prefabricated structures, mobile homes, or other temporary structures, and the economic impact, neighborhood preservation, and related issues within the City; and

WHEREAS, there is an increased interest in the installation, movement or transfer of prefabricated structures, mobile homes, or other temporary structures in the City of Fulshear; and

WHEREAS, the increased interest has raised questions what criteria the City should adopt to address the City's police power concerns with respect to the safety, location, and placement of prefabricated structures, mobile homes, or other temporary structures; and

WHEREAS, the location, visual impact, and affect on property values of prefabricated structures, mobile homes, or other temporary structures are of particular concern to residents of the City and City Council; and

WHEREAS, the preservation of the harmonious appearance, appropriateness, good taste, and beauty of residential neighborhoods is paramount to the continued vitality and health of the City's neighborhoods; and

WHEREAS, preserving property values, fostering contentment and happiness among residents is an appropriate purpose and basis for the exercise of the police power of the City; and

WHEREAS, the City Council has the authority to adopt a moratorium on the issuance of permits for a period not to exceed NINETY (90) days, during which period the City's Planning Commission and the City Council will review the criteria of a new Ordinance; and

I.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE

CITY OF FULSHEAR, TEXAS:

Section 1. That the findings and recitals contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. A moratorium for the installation, movement, or transfer of prefabricated structures, mobile homes, or other temporary structures is hereby adopted effective immediately for a period not to exceed NINETY (90) days during which period the City's Planning Commission and the City Council will review the criteria of a new Ordinance.

Section 3. No certificate of occupancy shall be granted for any prefabricated structures, mobile homes, or other temporary structures during the moratorium.

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.

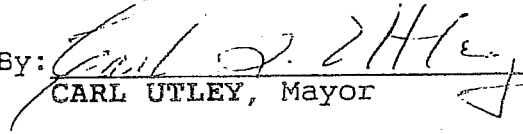
IV.

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

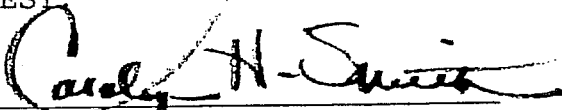
descriptive caption.

PASSED AND APPROVED this 21 day of October, 1998.

THE CITY OF FULSHEAR, TEXAS

By: 
CARL UTLEY, Mayor

ATTEST:

By: 
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

VIOLA RANDLE	<u>YES</u>
SCOTT EVANS	<u>NO</u>
GLORIA B. SIMMONS	<u>YES</u>
J. B. COLLINS, JR.	<u>ABSENT</u>
JERONE MCKINNEY	<u>ABSENT</u>