

ORDINANCE NO. 10-939B

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING ORDINANCE 06-939A, ADOPTED THE 19TH DAY OF SEPTEMBER 2006, WHICH ESTABLISHED RULES AND REGULATIONS GOVERNING THE CONSTRUCTION, ERECTION, MAINTENANCE AND USE OF SIGNS WITHIN THE CORPORATE LIMITS OF THE CITY BY REPEALING SECTION 6, SUBSECTION L ENTITLED "NON-COMMERCIAL SIGNS" AND REPLACING IT WITH A NEW SECTION 6, SUBSECTION L ENTITLED "POLITICAL SIGNS" AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT HEREWITH.

WHEREAS, the City Council of the City of Fulshear, Texas (the "City") finds that the unregulated construction and erection of outdoor signs, billboards and other structures designed to make an announcement to the general public can create structural hazards and can present impediments and dangers to traffic along City roadways and easements, and

WHEREAS, the City finds that portable signs present special traffic hazards when towed on public streets or displayed on public rights-of-way and present dangers to the health and safety of the citizens of the City;

WHEREAS, the City recognizes that protection of the City's visual environment will benefit both residential and commercial property owners and will promote a positive image of the City; and

WHEREAS, the City Council desires to promote the reasonable, orderly, and effective display of signs and to ensure that signs do not create or become hazards;

NOW, THEREFORE

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

1. The City hereby repeals Section 6, Subsection L of Ordinance 06-939A and hereby adopts the following new language in its place:

* * *

Section 6. Exceptions. This Ordinance shall not apply to the following types of signs:

L. **Political signs.** A sign containing a primarily political message that is located on private real property with the consent of the property owner.

1.) This subsection does not include a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

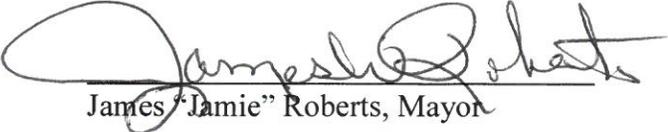
2.) This subsection does not apply to a sign that:

- a. has an effective area greater than 36 feet;
- b. is more than eight feet high;
- c. is illuminated; or
- d. has any moving elements.

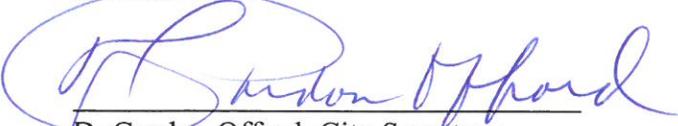
See TEX. LOCAL GOV'T CODE § 216.903.

* * *

PASSED and **APPROVED** on this, the 20th day April, 2010.


James "Jamie" Roberts, Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 10-939C

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING ORDINANCE 06-939A, ADOPTED THE 19TH DAY OF SEPTEMBER 2006, WHICH ESTABLISHED RULES AND REGULATIONS GOVERNING THE CONSTRUCTION, ERECTION, MAINTENANCE AND USE OF SIGNS WITHIN THE CORPORATE LIMITS OF THE CITY BY ADDING LANGUAGE TO SECTION 4, SUBSECTION B ENTITLED "DESIGN" AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT HEREWITH; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Fulshear, Texas (the "City") desires to vest the Planning Commission with the authority to approve signage prior to construction;

NOW, THEREFORE

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

Section 1. The City hereby adds language to Section 4, Subsection B entitled "Design" of Ordinance 06-939A and hereby adopts the following new language in its place:

"Section 4. Form, structure, construction and maintenance of signs.

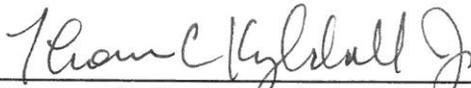
B. Design. All signs permitted by this ordinance shall be designed and constructed in one of two formats. All signage shall be initially approved by the Planning Commission and shall be finally approved by the City Council prior to construction."

Section 2. *Repeal.* Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 3. Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

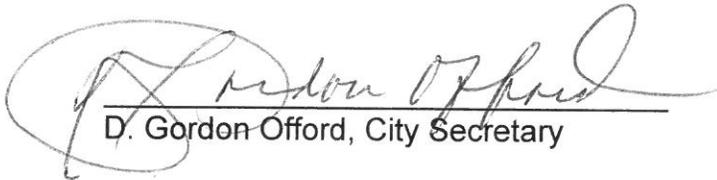
Section 4. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and **APPROVED** on this, the 20th day July, 2010.



Thomas C. Kuykendall, Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary

ORDINANCE NO. 2010-1000

AN ORDINANCE OF THE CITY OF FULSHEAR PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 8, 2010, FOR THE PURPOSE OF ELECTING MAYOR AND (3) ALDERMEN; AND SUBSTITUTING A NEW SECTION 1 THEREOF TO PROVIDE FOR APPOINTMENT OF A NEW EARLY VOTING CLERK, THE POLLING PLACE FOR EARLY VOTING, THE TIME FOR EARLY VOTING, AND THE DATES FOR EARLY VOTING; AUTHORIZING THE MAYOR AND THE CITY SECRETARY TO EXECUTE AND ATTEST, RESPECTIVELY, TO THE CONTRACT BETWEEN THE CITY AND FORT BEND COUNTY FOR THE CONDUCTION OF A JOINT ELECTION .

* * * * *

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

Section 1. Section 1 of Ordinance 06-937, passed, approved, and adopted on February 15, 2006, is hereby amended by deleting all of Section 1 and substituting therefore a new Section 1 to read as follows:

Section 1. In accordance with the general laws and Constitution of the State of Texas, a General Municipal Election is hereby called and ordered for the second Saturday in May 2010, the same being the 8th day of said month, at which election all qualified voters of the City may vote for the purpose of electing a Mayor and three (3) Aldermen.

Section 2. Section 3 of Ordinance 06-937, passed, approved, and adopted on February 15, 2006, is hereby amended by deleting all of Section 3 and substituting therefore a new Section 3 to read as follows:

Section 3. The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE

Irene Stern Community Center

6920 Katy Fulshear Road

Fulshear, Texas 77441

ELECTION OFFICERS

as appointed by the County Commissioners of
Fort Bend County, Texas

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment, as required by Section 32.009 of the TEXAS ELECTION CODE.

The Presiding Judge shall appoint no more than one (1) clerk to assist in the holding of said election. Said election officers shall also serve as the early voting ballot board for such election; and the Presiding Judge of the election precinct shall also serve as the presiding officer of such

board. The hourly rate of pay shall be \$9.00 and each election officer shall not exceed fourteen (14) hours.”

Section 3. Section 5 of Ordinance 06-937, passed, approved, and adopted on February 15, 2006, is hereby amended by deleting all of Section 5 in its entirety and substituting therefore a new Section 5 to read as follows:

Section 5. Early voting and voting on Election Day shall be performed on the eSlate polling place voting system and the Ballot non digital ballot imaging system from Hart InterCivic, Inc., in accordance with the TEXAS ELECTION CODE. All expenditures necessary for the conduct of the election, purchase of materials, and the employment of all election officials are hereby authorized in accordance with the TEXAS ELECTION CODE.

Section 4. Section 4 of Ordinance 06-938, passed, approved, and adopted on March 15, 2006, is hereby amended by deleting all of Section 1 and substituting therefore a new Section 4 to read as follows:

Section 4. Ms. Robin Heiman, Fort Bend County Assistant Election Administrator, is hereby appointed clerk for early voting; the appointment of a deputy clerk or clerks for such voting by the City Secretary shall be in accordance with Sections 83.031 et seq. of the TEXAS ELECTION CODE.

Irene Stern Community Center

6920 Katy Fulshear Road

Fulshear, Texas 77441

is hereby designated as the place for early voting for said election. Said clerks shall keep said office open for at least four (4) hours, that is, from nine o'clock (9:00) a.m. until twelve o'clock (12:00) p.m., on each day for early voting which is not a Sunday, or an official state holiday, beginning on the twelfth (12th) day (April 26, 2010) and continuing through the fourth (4th) day (May 4, 2010) preceding the date of said election. In addition to the foregoing hours, early voting will be open at the location herein designated from 7:00 a.m. until 7:00 p.m. on Monday, May 3, and Tuesday, May 4, 2010. Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote by personal appearance at any time when such office is not open to the public. The clerk's mailing address to which ballot applications and ballots voted by mail may be sent is Fort Bend County Elections Administrator, 4520 Reading Road, Rosenberg, Texas 77471. The early voting clerk, in accordance with the provisions of the TEXAS ELECTIONS CODE, shall maintain a roster listing each person who votes by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.”

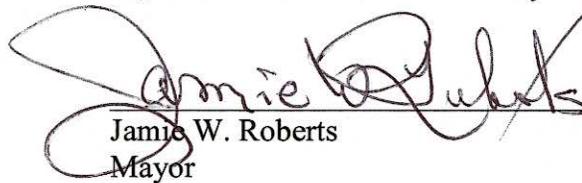
Section 5. City Council hereby authorizes and ratifies all actions taken by the City Secretary, Diana Gordon Offord, and the Mayor, Jamie W. Roberts, related to the occurrence of this election, including but not limited to the execution of the contract with

Fort Bend County, Texas for the conduct of a joint election between the City of Fulshear and Fort Bend County, Texas.

Section 6. Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

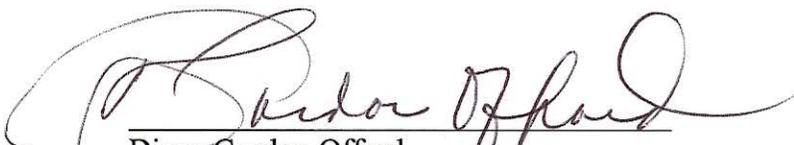
Section 7. Those portions of Ordinance No. 06-937, passed, approved, and adopted on February 15, 2006, and those portions of Ordinance No. 06-938, passed, approved, and adopted on March 15, 2006, in conflict or inconsistent herewith are hereby repealed. No other provision of the Ordinance No. 06-937 or 06-938 is changed or affected in any way by the adoption of this Ordinance.

PASSED, APPROVED, AND ADOPTED the 16th day of February, 2010.



Jamie W. Roberts
Mayor

ATTEST:



Diana Gordon Offord
City Secretary

GILL- absent
COLLINS- yes
CLACK- yes
PATTERSON- yes
EINKAUF- yes

CITY OF FULSHEAR, TEXAS

ORDINANCE NO. 2010-1003

LOCAL OPTION EXEMPTIONS

Residential Homestead Exemption	14% or \$5,000 whichever is greater
Over 65 Years Exemption	\$15,000
Disability Exemption	\$15,000

An Ordinance of the City of Fulshear, Fort Bend County, Texas, providing for a homestead exemption, providing for an exemption for the elderly and disabled, establishing an effective date.

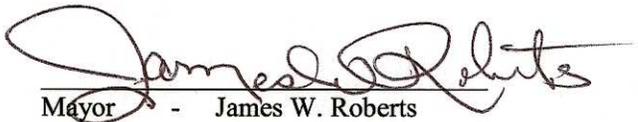
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, '11 XAS.

Section 1. That the City Council of the City of Fulshear, Texas hereby provides for and adopts an exemption from taxation of 14% or \$5000.00 whichever is greater of the appraised value of the residence homestead and/or \$15,000.00 for disabled or senior citizens 65 years of age and older, in accordance with Article 11.13 of the Texas Property Tax Code.

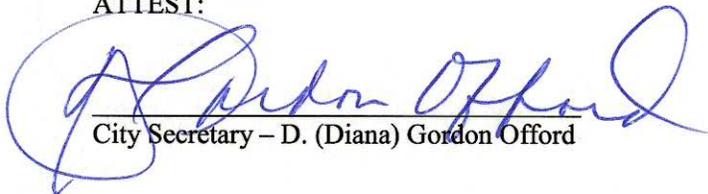
Section 2. "Disabled" means under a disability for purposes of payment of disability insurance benefits under Federal Old Age, Survivors, and Disability Insurance.

Section 3. That this Ordinance shall become effective from and after its adoption and it is so ordained.

PASSED AND APPROVED BY THE City Council of the City of Fulshear, Texas this 20th Day of April, 2010.


Mayor - James W. Roberts

ATTEST:


City Secretary - D. (Diana) Gordon Offord

ORDINANCE NO. 2010-1004

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 8, 2010, FOR THE PURPOSE OF ELECTING ONE (1) MAYOR AND THREE (3) ALDERMEN TO THE CITY COUNCIL OF THE CITY OF FULSHEAR.

* * * * *

WHEREAS, a general election was held in the City of Fulshear, Texas, on May 8, 2010, for the purpose of electing one (1) Mayor and three (3) Aldermen; and

WHEREAS, said election was duly and legally held in conformity with the election laws of the State of Texas, and the results of said election have been verified and returned by the proper judges and clerks; and

WHEREAS, it appears that a total of 319 votes were cast in such election; now, therefore,

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

Section 1. The facts set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The official canvass of the returns of the general election held on May 8, 2010 reflects that the following named persons received the number of votes set opposite their name:

<u>Candidate Names</u>	<u>Votes</u>
TOMMY KUYKENDALL	181
CARL G. UTLEY	138
LAVERNE PATTERSON	158
DEREK EINKAUF	117

ROBERT BECKER	130
JEFF ROBERTS	142
LARRY BEUSTRING	138
MARK WILSON	125

Section 3. In accordance with the official canvass of the returns of the general election held on May 8, 2010, the following persons are duly elected:

Tommy Kuykendall	- MAYOR
Laverne Patterson	- ALDERMAN
Jeff Roberts	- ALDERMAN
Larry Beustring	- ALDERMAN

PASSED, APPROVED AND ADOPTED this 18th day of May, 2010.


JAMES (JAMIE) W. ROBERTS
Mayor

ATTEST:


D. (DIANA) GORDON OFFORD
City Secretary

ORDINANCE NO. 2010-1005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULSHEAR ("City") declining to approve the change in rates requested in the Statement of Intent filed with the City by CenterPoint Energy Houston Electric, LLC ("CenterPoint Houston") on June 30, 2010; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AND IN ACCORDANCE WITH TEXAS LAW.

WHEREAS, on June 30, 2010, CenterPoint Houston filed with the City its Statement of Intent and Application for Authority to Change Rates ("Statement of Intent");

WHEREAS, CenterPoint Houston notified the City in writing of its intent to file the Statement of Intent at least 31 days before filing the Statement of Intent; and

WHEREAS, the City has duly noticed its consideration of the Statement of Intent and is acting within its authority under applicable law;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF FULSHEAR, TEXAS THAT the City **DECLINES** to approve any and all changes in rates requested by CenterPoint Houston in its Statement of Intent and that CenterPoint Houston's existing rates should stay in effect.

PASSED AND APPROVED ON THE _____ DAY OF _____, 2010.

ATTEST:

By: _____
City Secretary

[Handwritten signature]

By: _____
Mayor

No Action Taken

*Reference
C.C. met
7-20-2010
[Signature]*

*Get the 2
Resolutions
passed & not this
Ordinance,*

ORDINANCE NO. 2010-1006

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING ORDINANCE NO. 2009-__993, THE 2009-2010 FISCAL YEAR BUDGET, BY REALLOCATING FUNDS WITHIN THE BUDGET; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR BE MADE IN ACCORDANCE WITH SAID AMENDED BUDGET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fulshear, Texas, has determined, after due consideration and study, that it is necessary to the efficient business and operation of the City to amend the budget for fiscal year 2009-2010 and that the budget amendments set forth hereinafter are in the best interest of the public health, safety and welfare.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to adopt an amendment to the City of Fulshear's 2009-2010 Budget.

SECTION 2.0

AMENDED: That Ordinance No. 2009-993, the Fiscal Year 2009-2010 Budget Ordinance of the City of Fulshear, Texas, be and the same is hereby amended by reallocating funds in accordance with the budget attached hereto and incorporated herein as Exhibit "A."

SECTION 3.0

AUTHORIZED EXPENDITURE: That the City be and is hereby authorized to expend those funds allocated under the budget ordinance, as amended herein and the fund balance at the end of the current fiscal year will be carried forward to the next budget to fund the allocations for the next fiscal year.

SECTION 4.0

NON-REPEALER: That except as amended hereby, or as heretofore amended, the provisions of Ordinance No. 2009-993 shall remain in full force and effect.

SECTION 5.0

SEVERABILITY: That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part decided to be invalid, illegal or unconstitutional.

SECTION 6.0

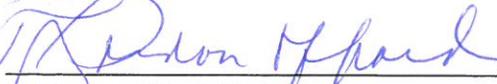
EFFECTIVE DATE: That this ordinance shall take effect immediately from and after its passage as the law in such cases provides, and the City Secretary is directed to furnish a copy of this amendment to the budget to the County Clerk of Ft. Bend County as required by Chapter 102 of the Texas Local Government Code.

DULY PASSED by the City Council of the City of Fulshear, Texas, on the 21st, day of September 2009.

APPROVED:


Thomas C. Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2010-1007

AN ORDINANCE APPROVING AND ADOPTING THE CITY OF FULSHEAR, TEXAS, GENERAL BUDGET FOR THE FISCAL YEAR 2010/2011; MAKING APPROPRIATIONS FOR THE CITY FOR SUCH YEAR AS REFLECTED IN SAID BUDGET; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, within the time and in the manner required by law, the Mayor presented to the City Council a proposed general budget of expenditures of the City of Fulshear for the 2010-2011

fiscal year; and

WHEREAS, pursuant to a motion of the City Council and after notice required by law, a public hearing on such general budget was held at the regular meeting place of the City Council at the Town Hall of the City of Fulshear, 30603 F.M. 1093, on the 21st day September 2010, at which hearing all citizens and taxpayers of the City had the right to be present and to be heard and those who requested to be heard were heard; and

WHEREAS, the City Council has considered the proposed general budget and has made such changes therein as in its judgment were warranted by law and were in the best interest of the citizens and taxpayers of the City; and

WHEREAS, a copy of such general budget has been filed with the City Secretary and the City Council now desires to approve and adopt the same; now, therefore,

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The City Council hereby approves and adopts the general budget described in the preamble of this Ordinance, a copy of which is attached hereto and made a part of this Ordinance for all purposes and a copy of which is on file with the City Secretary. The City Secretary is hereby directed to place on said budget an endorsement, which shall be signed by the City Secretary, which shall read as follows:

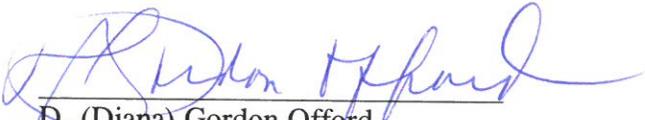
"The Original General Budget of the City of Fulshear, Texas, for the Fiscal Year 2010-2011" such budget, as thus endorsed, shall be kept on file in the office of the City Secretary as a public record.

Section 3. In support of said budget and by virtue of the adoption thereof, including any and all changes adopted thereto, the several amounts specified for the various purposes named in said budget are hereby appropriated to and for such purposes.

PASSED, APPROVED, AND ADOPTED this 21st day of September 2010.


Thomas C. Kuykendall, Jr.
Mayor

ATTEST:


D. (Diana) Gordon Offord
City Secretary

ORDINANCE NO. 2010-1008

AN ORDINANCE APPROVING AND ADOPTING THE FULSHEAR DEVELOPMENT CORPORATION (4B ECONOMIC CORPORATION) OF FULSHEAR, TEXAS, GENERAL BUDGET FOR THE FISCAL YEAR 2010/2011; MAKING APPROPRIATIONS FOR THE CORPORATION FOR SUCH YEAR AS REFLECTED IN SAID BUDGET; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, within the time and in the manner required by law, the Chairman presented to the City Council a proposed general budget of expenditures of the Fulshear Development Corporation (4B Economic Corporation) of Fulshear for the 2010-2011 fiscal year; and

WHEREAS, the City Council has considered the proposed general budget of the Fulshear Development Corporation (4B Economic Corporation) and accepts the proposed budget as submitted, and

WHEREAS, a copy of such general budget for the Fulshear Development Corporation (4B Economic Corporation) has been filed with the City Secretary and the City Council now desires to approve and adopt the same; now, therefore,

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

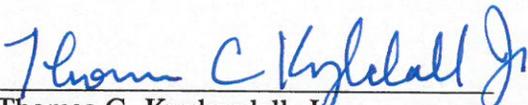
Section 2. The City Council hereby approves and adopts the Fulshear Development Corporation (4B Economic Corporation) general budget described in the preamble of this Ordinance, a copy of which is attached hereto and made a part of this Ordinance for all purposes and a copy of which is on file with the City Secretary. The City Secretary is hereby directed to

place on said budget an endorsement, which shall be signed by the City Secretary, which shall read as follows:

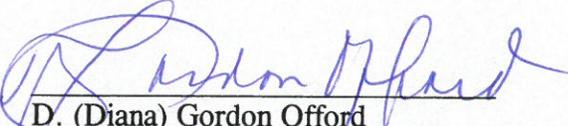
"The Proposed General Budget of the Fulshear Development Corporation (4B Economic Corporation) City of Fulshear, Texas, for the Fiscal Year 2010-2011" such budget, as thus endorsed, shall be kept on file in the office of the City Secretary as a public record.

Section 3. In support of said budget and by virtue of the adoption thereof, including any and all changes adopted thereto, the several amounts specified for the various purposes named in said budget are hereby appropriated to and for such purposes.

PASSED, APPROVED, AND ADOPTED this 21st day of September 2010.


Thomas C. Kuykendall, Jr.
Mayor

ATTEST:


D. (Diana) Gordon Offord
City Secretary

**Fulshear Development Corporation
Proposed Budget
Fiscal Year 2010-2011**

Revenue Summary	
Sales Tax Revenue	\$ 93,516.00
Interest Income	\$ 1,782.10
***** Total Revenues *****	\$ 95,298.10
Expense Summary	
Administration	
Admin - Supplies	\$ 500.00
Admin: Bank Charges	\$ 144.00
Admin - BOD Meeting Expenses	\$ 360.00
Admin - Indemnity Insurance	\$ 300.00
Admin - Continuing Education	\$ 2,000.00
Admin - Prof Services:Audit	\$ 1,500.00
Admin - Dues, Pub, Memberships	\$ 5,000.00
Admin - Public Notices	\$ 100.00
Admin - Prof Service:COF Admin	\$ 1,500.00
Admin - Prof Service:Ind Admin	\$ 4,000.00
Admin-Prof Services	\$ 3,000.00
Admin-Prof Services: Legal	\$ 1,000.00
Admin - travel (mileage)	\$ 1,000.00
Admin - Contingency	\$ 1,000.00
Total Administration	\$ 21,404.00
Marketing	
Mktng - Advertising	\$ 3,500.00
Mktng - Web Page	\$ 3,000.00
Mktng - Contingency	\$ 1,000.00
Total Marketing	\$ 7,500.00
Printing & Binding	
P&B - Contingency	\$ 500.00
Total Printing & Binding	\$ 5,000.00

**Fulshear Development Corporation
Proposed Budget
Fiscal Year 2010-2011**

Tourism Development	
TourDev - Established Events	\$ 13,000.00
TourDev - New Events	\$ 1,500.00
TourDev - Contingency	\$ 500.00
Total Tourisms Development	\$ 15,000.00
Retail Development Programs	\$ 7,500.00
RetDev - Contingency	\$ 500.00
Total Retail Development	\$ 8,000.00
Community Development	
ComDev - Signs	\$ 35,000.00
ComDev - Signs (Landscaping & maintenance)	\$ 10,000.00
ComDev - Parks	\$ 6,000.00
ComDev - DownTown Infrast.	\$ 3,000.00
ComDev - Contingency	\$ 500.00
Total Community Development	\$ 54,500.00
Business Development	
BusDev - Incentives	\$ 7,500.00
Bus Dev: Infrastructure	\$ 21,000.00
BusDev - Meetings	\$ 1,000.00
BusDev - Property Acquisition	\$ 10,000.00
BusDev - Contingency	\$ 500.00
Total Business Development	\$ 40,000.00
***** Total Expenses *****	\$ 151,404.00
Net Income	\$ (56,105.90)
Note: Budget deficit is covered by carry over from fiscal 2009-2010	
Total Liabilities & Capital @ 8/16/2010	\$ 186,289.41



ORDINANCE NO. 2010-1009

A JOINT ORDINANCE AND BOUNDARY AGREEMENT BETWEEN THE CITY OF FULSHEAR AND THE CITY OF HOUSTON RELEASING AND ACCEPTING CORPORATE LIMITS.

**STATE OF TEXAS
COUNTY OF FORT BEND**

WHEREAS, the City of Fulshear is a General Law City Type A situated within the County of Fort Bend, Texas; and

WHEREAS, the City of Houston is a home rule city situated within the County of Harris, Texas; and

WHEREAS, Fulshear and Houston share common boundaries; and

WHEREAS, municipalities in Texas are authorized and empowered, pursuant to Chapter 43 of the Texas Local Government Code, to exchange area with other municipalities; and

WHEREAS, Section 43.031 of the Texas Local Government Code authorizes adjacent municipalities to make mutually agreeable changes in their boundaries of areas that are less than 1,000 feet in width; and

WHEREAS, the tract of land subject to this Ordinance and fully described in Exhibit "A" is less than 1,000 feet in width; and

WHEREAS, Fulshear and Houston desire to adjust their corporate boundary lines, whereby Fulshear will release land from its corporate limits to be relinquished to and become part of the corporate limits of Houston; and

WHEREAS, the respective governing bodies of the cities hereby determine that this joint ordinance is in the best interest of the health, safety, morals and welfare of the citizens of the respective cities and hereby authorize the mayor of each city to execute this joint ordinance and agreement.

NOW, THEREFORE, BE IT ORDAINED AND MUTALLY AGREED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR AND THE CITY COUNCIL OF THE CITY OF HOUSTON:

SECTION 1.

Pursuant to Sections 43.021 and 43.031 of the Texas Local Government Code, the City of

Fulshear and the City of Houston hereby agree that the boundaries between the cities will be adjusted as depicted in Exhibit "A", which is attached hereto and incorporated herein for all purposes.

SECTION 2.

In accordance with the terms of this Joint Ordinance and Boundary Agreement, the City of Fulshear hereby relinquishes approximately 80.0 acres noted as portions of 492.1 acre tract (Davoody Tract) on Exhibit "A" and described in Exhibit "B" to the City of Houston and disannexes and discontinues such property as part of the ETJ of City of Fulshear. The City of Houston accepts and annexes said portions of acreage depicted on Exhibit "A" and described in Exhibit "B" into its corporate limits.

SECTION 3.

This ordinance shall be cumulative of all provision of ordinances of the City of Fulshear and the City of Houston, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Councils of Fulshear and Houston that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections, since the same would have been enacted without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5.

The City of Fulshear and the City of Houston do hereby covenant and agree to protect, preserve, and defend the herein depicted boundary adjustment.

SECTION 6.

The City of Fulshear and the City of Houston agree and ordain that the adoption by both cities of this Joint Ordinance and Boundary Agreement, and the boundary changes resulting there from do not mitigate, diminish or lessen in any way the rights that either party may have, at law or in equity, to challenge or contest any other annexations, attempted annexations, or extraterritorial jurisdiction claims made by the other party.

SECTION 7.

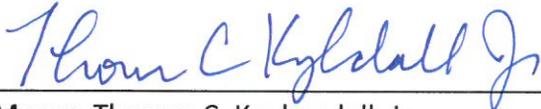
The Joint Ordinance and Boundary Agreement shall become effective and shall become a binding agreement upon the City of Fulshear and the City of Houston by the adoption of same in regular open City Council meetings of the City of Fulshear and the City of Houston.

SECTION 8.

The Joint Ordinance and Boundary Agreement, upon adoption by both cities, shall be executed in duplicate originals by the Mayor of each City.

PASSED, APPROVED, AND ADOPTED this 21st day of September, 2010

CITY OF FULSHEAR, TEXAS



Mayor, Thomas C. Kuykendall, Jr.

ATTEST:

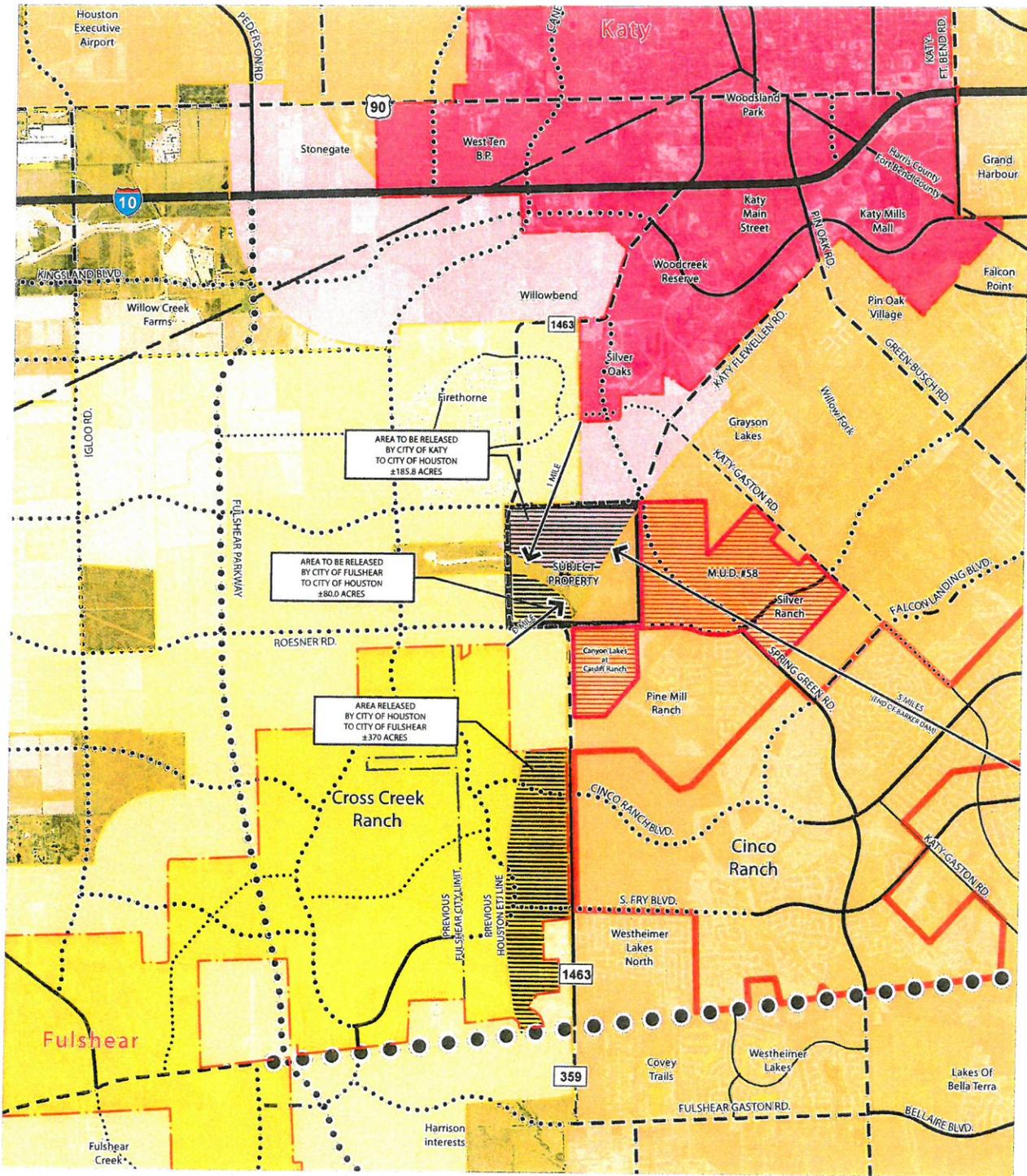


City Secretary, D. (Diana) Gordon Offord

Exhibit "A"

KERRY R. GILBERT & ASSOCIATES, INC.

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an area map for
± 492.1 ACRE TRACT

prepared for
NEWLAND COMMUNITIES

KERRY R. GILBERT & ASSOCIATES, INC. Land Planning Consultants

NOT TO SCALE

AUGUST 26, 2010
 KGA #1-232A

23501 Cinco Ranch Blvd.
 Suite A-250
 Katy, Texas 77484
 (281) 578-0240
 Fax (281) 578-8212

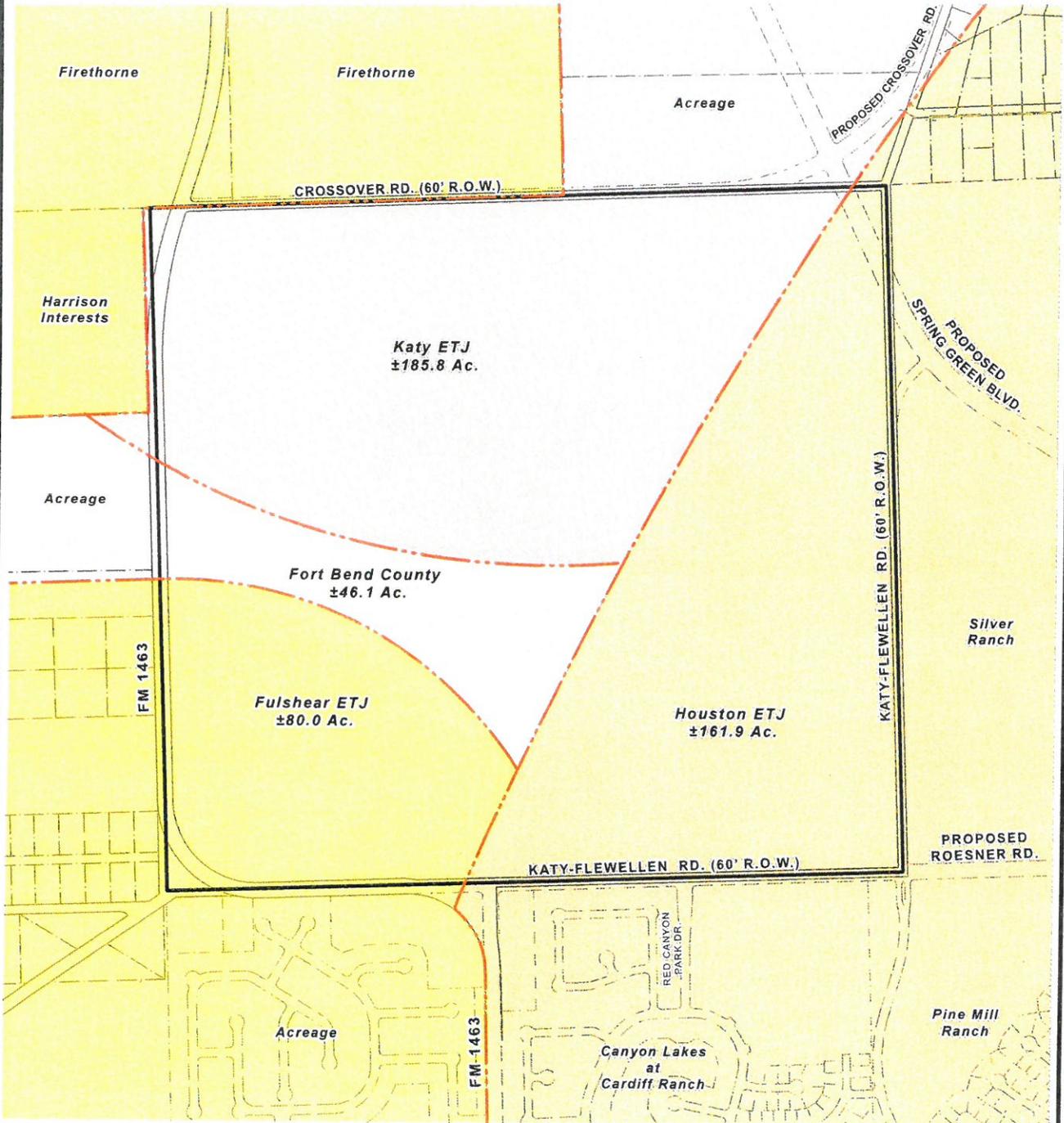


THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLANS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

KERRY R. GILBERT & ASSOCIATES, INC.

Exhibit "A"

Exhibit "A"



an jurisdictional exhibit for
492.1 ACRE TRACT

prepared for
NEWLAND COMMUNITIES

KERRY R. GILBERT & ASSOCIATES, INC. Land Planning Consultants

23501 Cinco Ranch Blvd.
 Suite A-250
 Katy, Texas 77494
 (281) 579-0340
 Fax (281) 579-8212

SCALE
 0 10 20 30 40 50 60 70 80 90 100

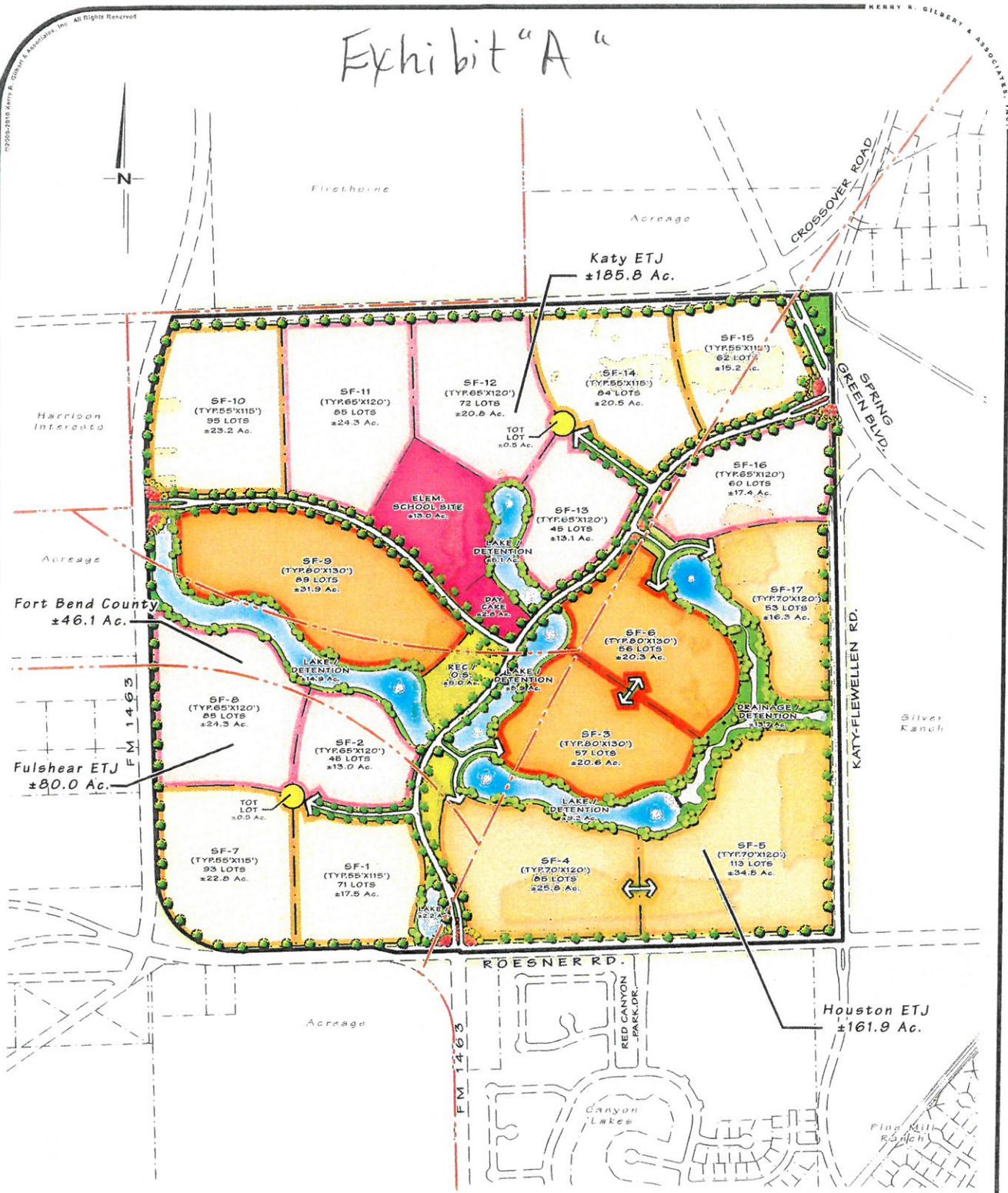
AUGUST 26, 2010
 KGA #1-232A

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KERRY R. GILBERT & ASSOCIATES, INC.

KERRY R. GILBERT & ASSOCIATES, INC.

Exhibit "A"



OPTION "D" OVERALL LOT SUMMARY

DESIGNATION	LOT SIZES	# OF LOTS
	55' X 115'	405 33%
	65' X 120'	392 31%
	70' X 120'	251 20%
	80' X 130'	202 16%

1,250 TOTAL LOTS

a conceptual development plan for

± 492.1 ACRES of LAND

prepared for
NEWLAND COMMUNITIES

KERRY R. GILBERT & ASSOCIATES, INC. Land Planning Consultants

23501 Cinco Ranch Blvd. Suite A-250
Katy, Texas 77454
(281) 578-0340
Fax (281) 578-8212

SCALE
JUNE 25, 2010
KGA #1-232A

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE FURTHER. SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLANS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES EXPRESS OR IMPLIED CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
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Exhibit "B"

FORT BEND COUNTY MUD 58
ETJ TRACT TWO
79.41 ACRES

OCTOBER 27, 2010
JOB NO. 336-00
PAGE 1 OF 2

DESCRIPTION OF A 79.41 ACRE TRACT OF LAND SITUATED IN THE ALEX PHILIPS SURVEY, ABSTRACT NO. 300 FORT BEND COUNTY, TEXAS

Being 79.41 acres of land situated in the Alex Philips Survey, Abstract Number 300, Fort Bend County, Texas and being part of that certain called 492.046 acre tract of land described in a deed recorded under Fort Bend County Clerk's File Number (F.B.C.C.F. No.) 2010082160, said 79.41 acres being described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron pipe found for the northeast corner of said called 492.046 acre tract, same being in the centerline of the Flewellen-Katy Road (60-foot wide) as described in Volume 31, Pages 247 and 249 of the Fort Bend County Deed Records (F.B.C.D.R.);

THENCE N 89°51'37" W, a distance of 327.53 feet along the line common to said 492.046 acre tract and a called 34.2300 acre tract described and recorded under F.B.C.C.F. No. 2002107809 to a point;

THENCE in a southwesterly direction over and across said 492.046 acre tract, 4,323.28 feet along the arc of a curve to the left, having a radius of 26,400.00 feet, a central angle of 09°22'58" and a chord which bears S 30°22'34" W, 4,318.45 feet to the northeast corner of the herein described tract and being the **POINT OF BEGINNING**;

THENCE continuing over and across said 492.046 acre tract the following seven (7) courses:

In a southwesterly direction, 784.66 feet along the arc of a curve to the left, having a radius of 26,400.00 feet, a central angle of 01°42'11" and a chord which bears S 24°50'00" W, 784.63 feet to the southeast corner of the herein described tract and being in the northern right-of-way line of said Flewellen-Katy Road;

S 89°57'28" W, a distance of 243.98 feet along the northern right-of-way line of said Flewellen-Katy Road to a 5/8-inch iron rod with cap stamped KALKOMY SURVEYING found for an angle point;

N 82°25'58" W, a distance of 151.30 feet continuing along said northern right-of-way line to a 5/8-inch iron rod with cap stamped KALKOMY SURVEYING found for an angle point;

S 89°59'02" W, a distance of 962.00 feet continuing along said northern right-of-way line to a 5/8-inch iron rod with cap stamped KALKOMY SURVEYING found for the point of curvature of a curve to the right;

In a northwesterly direction, 869.00 feet along the arc of said curve to the right, having a radius of 553.15 feet, a central angle of 90°00'43" and a chord which bears N 45°00'17" W, 782.35 feet to a 5/8-inch iron rod with cap stamped KALKOMY SURVEYING found for the point of tangency and being in the eastern right-of-way line of Farm-to-Market Road 1463 (width varies) as described in Volume 62, Page 304 and Volume 275, Page 548 of the F.B.C.D.R.;

N 00°00'05" E, a distance of 1,461.02 feet along the eastern right-of-way line of said F.M. 1463 to the northwest corner of the herein described tract;

Exhibit "B"

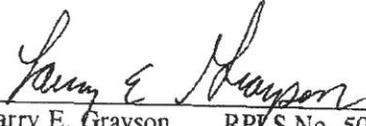
FORT BEND MUD 58
ETJ TRACT TWO
79.41 ACRES
PAGE 2

In a southeasterly direction, 2,718.17 feet along the arc of a curve to the right, having a radius of 2,640.00 feet, a central angle of $58^{\circ}59'32''$ and a chord which bears $S 59^{\circ}26'43'' E$, 2,599.69 feet to the **POINT OF BEGINNING** and containing 79.41 acres of land.

Bearing orientation is based on a call of $N 89^{\circ} 48' 24'' E$ along the north line of the Alex Phillips Survey, Abstract Number 300 as described in a deed recorded in Volume 1587, Page 416 of the Official Records of Fort Bend County Texas.

This metes and bounds description was prepared under 22 Texas Annotated Code # 663.21 and reflects the assembly of instruments of record to describe political boundary limits and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which is was prepared.




Larry E. Grayson RPLS No. 5071
Brown & Gay Engineers, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700

Ordinance No 2010-1010

Ordinance missing from file

4/3/14 L. Raymer

ORDINANCE NO. 2010-1011

REPEALING THE LOCAL SALES AND USE TAX EXEMPTION ON
TELECOMMUNICATIONS SERVICES

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REPEALING
THE LOCAL SALES AND USE TAX EXEMPTION ON
TELECOMMUNICATIONS SERVICES WITHIN THE MUNICIPAL LIMITS
OF THE CITY OF FULSHEAR, TEXAS; PROVIDING FOR NOTICE TO
THE COMPTROLLER OF PUBLIC ACCOUNTS FOR THE STATE OF
TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is deemed in the best interest of the City of Fulshear, Texas, to
repeal the local sales and use tax exemption on telecommunication services within the
City of Fulshear; and

NOW, THEREFORE

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

Section 1. *Purpose.* The purpose of this ordinance is to repeal the local sales
and use tax exemption on telecommunication services with the City of Fulshear to
increase the revenues for the City's General Fund.

Section 2. *Definition.* As used in this ordinance the following term shall have
the meaning respectively assigned to it in this section:

TELECOMMUNICATIONS SERVICES. The electronic or electrical
transmission, conveyance, routing or reception of sounds, signals, data or other
information utilizing wire, cable, radio waves, micro waves, satellites, fiber optic or any
other method now in existence or that may be devised, including but not limited to, long
distance telephone service. The storage of data or other information for subsequent
retrieval or the processing, or reception and processing, of data or information intended
to change its form or content; the sale or use of a telephone prepaid calling card; or
internet service.

Section 3. *General Provisions.* The local sales and use tax exemption on
telecommunications services is hereby repealed in the City of Fulshear, Texas.

Section 4. *Date of Effectiveness.* One whole calendar quarter must elapse prior
to adoption becoming effective. The effective date will be on the first day of the
calendar quarter that next succeeds the elapsed quarter. This Ordinance shall become

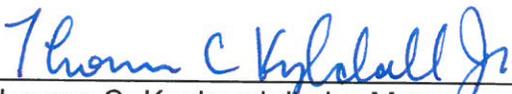
effective on the 1st day of October, 2010, following its passage and approval by the City Council.

Section 5. *Notice to Comptroller.* The Administrator or his designee is hereby authorized and directed to send by registered or certified mail a certified copy of this Ordinance to the Comptroller of Public Accounts for the State of Texas.

Section 6. *Severability Clause.* That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

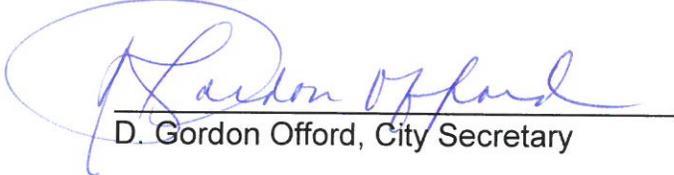
Section 7. *Repealing Clause.* All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

PASSED and **APPROVED** on this, the 21st day September, 2010.



Thomas C. Kuykendall, Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary

**ORDINANCE NO. 2010-1012
RESTRUCTURING WATER AND WASTE WATER RATES**

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS RESTRUCTURING RATES CHARGED FOR WATER AND WASTE WATER SERVICES TO ENCOURAGE CONSERVATION EFFORTS AND ENSURE FISCAL RESPONSIBILITY FOR THE ENTERPRISE FUND; REVISING THE TIER SCHEDULE REDUCING THE BASE CHARGE FROM \$23.65 TO \$15.00 FOR COMMERCIAL ACCOUNTS AND \$13.00 FOR RESIDENTIAL ACCOUNTS; INCREASE TIER CHARGES OVER THE BASE USAGE TO \$2.75 PER THOUSAND FOR COMMERCIAL ACCOUNTS USING BETWEEN 5,001 AND 10,000 GALLONS AND \$2.00 PER THOUSAND FOR RESIDENTIAL ACCOUNTS USING THE SAME; IMPLEMENTING A \$3.00 PER THOUSAND RATE FOR COMMERCIAL ACCOUNTS USING BETWEEN 10,001 AND 20,000 GALLONS AND A \$2.50 PER THOUSAND RATE FOR RESIDENTIAL ACCOUNTS USING THE SAME; CREATING A \$3.25 PER THOUSAND RATE FOR COMMERCIAL ACCOUNTS USING MORE THAN 20,001 GALLONS AND A \$3.00 PER THOUSAND RATE FOR RESIDENTIAL ACCOUNTS USING THE SAME; CREATING A BASE RATE CHARGE OF \$20.00 FOR BUILDERS AND ADOPTING THE SAME TIER CHARGES FOR BUILDERS AS COMMERCIAL CUSTOMERS. FURTHER REVISING THE CHARGE FOR WASTE WATER SERVICES TO \$15.00 BASE CHARGE FOR COMMERCIAL ACCOUNTS AND \$13.00 FOR RESIDENTIAL ACCOUNTS USING BETWEEN 1 AND 5,000 GALLONS; AND CREATING A RATE OF \$2.50 PER THOUSAND OVER 5,001 GALLONS USED FOR COMMERCIAL CUSTOMERS AND A RATE OF \$2.00 PER THOUSAND FOR RESIDENTIAL ACCOUNT USING THE SAME; REPEALING ALL PREVIOUS ORDINANCES, PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, in the interest of Water Conservation and Fiscal Responsibility, it has been deemed in the best interest of the City of Fulshear, Texas to revise the method and rates charged for Water and Waste Water services; AND

WHEREAS, it is the desire of the City Council of the City of Fulshear to develop a rate structure that will allow the Enterprise Fund to rely on its own revenues for operations rather than requiring a subsidy from the General Fund, thus making the rates more equitable to property owners within the jurisdiction; AND

WHEREAS, the State of Texas has long encouraged rate models that promote conservation of water resources by creating tiered rates which reward lower consumption; AND

WHEREAS, the City Council of the City of Fulshear, Texas believes that these financial goals are best attained through the rate structure contained herein.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to create a rate structure that encourages water conservation, rate equity for property owners and fiscal responsibility for the Enterprise Fund while developing a structure conducive for future development.

CITY OF FULSHEAR, ORDINANCE 2010-1012

SECTION 2.0

Definitions: The following terms are defined below for the purposes of this Ordinance.

Builder Account/ Customers: Any construction related enterprise requiring temporary water services during the course of construction prior to the completion of construction as denoted by the issuance of a Certificate of Occupancy by the City.

Commercial Account/ Customers: Any account which is not tied to residential usage, including but not limited to retail stores, restaurants, manufacturing facilities, service providers, non-profit organizations and churches.

Residential Accounts/ Customers: Any account which is tied strictly to residential usage.

SECTION 3.0

CREATED: The following rates and tiers for Water and Waste Water usage are hereby created:

- (a) The following charges shall be made and collected for water and waste water services used by the commercial customers of the water and waste water system of the City.

Water Rates for Commercial customers:

0 – 5,000 gallons.....\$15.00

5,001 - 10,000 gallons (for each additional
Thousand gallons)..... \$2.75

10,001 – 20,000 gallons (for each additional
Thousand gallons)..... \$3.00

20,001 gallons and over (for additional
Thousand gallons)..... \$3.25

Waste water Rates for commercial customers:

0 – 5,000 gallons..... \$15.00

5,001 and over (for each additional
Thousand gallons)..... \$2.50

- (b) The following charges shall be made and collected for water services used by builder customers of the water system of the City.

Water Rates for Builder customers:

0 – 5,000 gallons.....\$20.00

5,001 - 10,000 gallons (for each additional Thousand gallons).....	\$2.75
10,001 – 20,000 gallons (for each additional Thousand gallons).....	\$3.00
20,001 gallons and over (for additional Thousand gallons).....	\$3.25

(c) The following charges shall be made and collected for water and waste water services used by the residential customers of the water and waste water system of the City.

Water Rates for Residential customers:

0 – 5,000 gallons.....	\$13.00
5,001 - 10,000 gallons (for each additional Thousand gallons).....	\$2.00
10,001 – 20,000 gallons (for each additional Thousand gallons).....	\$2.50
20,001 gallons and over (for additional Thousand gallons).....	\$3.00

Waste water Rates for commercial customers:

0 – 5,000 gallons.....	\$13.00
5,001 and over (for each additional Thousand gallons).....	\$2.00

All monies collected under this Ordinance shall be credited to the Enterprise system fund of the City and shall become the property of said City.

SECTION 4.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 5.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

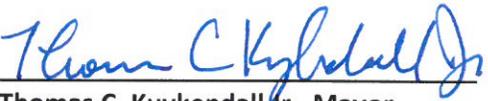
SECTION 6.0

EFFECTIVE DATE: This Ordinance shall be effective on October 1, 2010.

SECTION 7.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

DULY PASSED AND ADOPTED UPON MOTION OF COUNCILMEMBER Gill SECONDED BY COUNCILMEMBER Bensting THAT THE ORDINANCE BE ADOPTED. AYES: 4 NAYES: 1 MOTION CARRIED THIS 21st DAY OF September, 2010.


Thomas C. Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

**ORDINANCE NO. 2010-1013
RESTRUCTURING AND CREATING WATER AND WASTE WATER TAP FEES**

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS RESTRUCTURING THE FEES CHARGED BY THE CITY FOR WATER AND SEWER TAPS; INCREASING THE FEES FOR TAPS ONE INCH AND SMALLER TO A UNIFORM FEE OF \$860; CREATING FEE OF \$1,350.00, \$1,735.00, \$3,100 AND \$3,660.00 FOR TAPS OF 1.5 INCHES, 2 INCHES, 3 INCHES AND 4 INCHES RESPECTIVELY; REPEALING ALL PREVIOUS RESOLUTIONS OR ORDINANCES, PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, in the interest of Fiscal Responsibility, it has been deemed in the best interest of the City of Fulshear, Texas to revise the fees charged for tapping into the Water and Waste Water systems of the City; AND

WHEREAS, it is the desire of the City Council of the City of Fulshear to develop a fee structure that will allow the Enterprise Fund to rely on its own revenues for operations rather than requiring a subsidy from the General Fund; AND

WHEREAS, the City Council of the City of Fulshear, Texas believes that these financial goals are best attained through the fee structure contained herein.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to revise and create a fee structure for Water and Waste Water taps for the Enterprise Fund that is more conducive for future development.

SECTION 2.0

REVISED: The following fee reflects a revision in the charges made for taps that are less than one inch in diameter.

- (a) The fee charged for Water and Waste Water that are one inch and smaller shall be a uniform fee of \$860.

Section 3.0

CREATED: The following fees for Water and Waste Water taps are hereby created:

- (a) The following charges shall be made and collected for water and waste water taps on the basis of the diameter of the tap required for new services:

Taps of 1.5 inches.....	\$1,350.00
Taps of 2.0 inches.....	\$1,735.00
Taps of 3.0 inches.....	\$3,100.00
Taps of 4.0 or more inches.....	\$3,660.00

SECTION 4.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 5.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

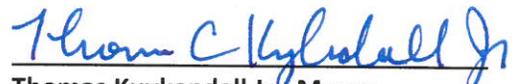
SECTION 6.0

EFFECTIVE DATE: This Ordinance shall be effective on October 1, 2010.

SECTION 7.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

DULY PASSED AND ADOPTED UPON MOTION OF COUNCILMEMBER Brustein SECONDED BY COUNCILMEMBER Collins THAT THE ORDINANCE BE ADOPTED. AYES: 5 NAYES: 0 MOTION CARRIED THIS 21st DAY OF September, 2010.


Thomas Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2010-1014

AFFIRMING AND ADOPTING FEE STRUCTURE FOR PLAN REVIEW AS ADOPTED THROUGH CITY OF FULSHEAR RESOLUTION 02-104 AND AFFIRMING THE 1% FEE FOR ALL BUILDING PERMITS

AN ORDINANCE OF THE CITY OF FULSHEAR AFFIRMING AND ADOPTING THE FEE STRUCTURE FOR PLAN REVIEW AS ADOPTED THROUGH CITY OF FULSHEAR RESOLUTION 02-104; MAINTAINING A PLAN REVIEW FEE OF ½ OF THE PERMIT FEE AND MAINTAINING THE PERMIT FEE OF 1% OF THE TOTAL BUILDING COST; REPEALING ALL PREVIOUS ORDINANCES, PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, in the interest of Fiscal Responsibility, it has been deemed in the best interest of the City of Fulshear, Texas to affirm the fees charged for plan review and building permits within the City and its ETJ; AND

WHEREAS, it is the desire of the City Council of the City of Fulshear to affirm and adopt the fee and fee structure previously adopted by Council in Resolution 02-104; AND

WHEREAS, the City Council of the City of Fulshear, Texas believes that the goal of financial stability is best attained through the fee structure contained herein.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to affirm and adopt the fee structure previously prescribed by the City of Fulshear Resolution 02-104 for plan review and affirm the fee of 1% of the total building cost for building permits.

SECTION 2.0

AFFIRMED AND ADOPTED: The City Council of the City of Fulshear hereby affirms and adopts:

- (a) A fee for Building permits equating to 1% of the building cost; and
- (b) A fee for plan review equating to one half of the fee for a building permit.

SECTION 4.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 5.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

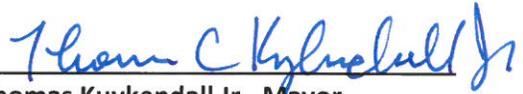
SECTION 6.0

EFFECTIVE DATE: This Ordinance shall be effective on the first day following the date of adoption.

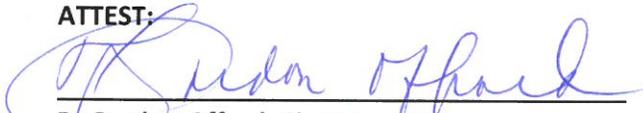
SECTION 7.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

DULY PASSED AND ADOPTED UPON MOTION OF COUNCILMEMBER Mill SECONDED BY COUNCILMEMBER Patterson THAT THE ORDINANCE BE ADOPTED. AYES: 5 NAYES: 0 MOTION CARRIED THIS 21st DAY OF September, 2010.


Thomas Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

**ORDINANCE NO. 2010-1015
REVISING FEE SCHEDULE FOR BUILDING INSPECTIONS**

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS REVISING FEES CHARGED FOR INSPECTION SERVICES; INCREASING THE BASE COST FOR AN INSPECTION TO \$60.00 PER INSPECTION AND INCREASING FEES CHARGED FOR RE-INSPECTIONS TO SAME; REPEALING ALL PREVIOUS RESOLUTIONS OR ORDINANCES, PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, in the interest of Fiscal Responsibility, it has been deemed in the best interest of the City of Fulshear, Texas to revise the fees charged for building inspections within the City Limits; AND

WHEREAS, the City Council of the City of Fulshear, Texas believes that the goal of financial stability is best attained through the fee structure contained herein.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to revise the fees charged for inspections and re-inspections for buildings within the City.

SECTION 2.0

ADOPTED: The City Council of the City of Fulshear hereby adopts the following:

- (a) A fee of \$60 for primary building inspections; and
- (b) A fee of \$60 for re-inspections of building projects.

SECTION 4.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 5.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

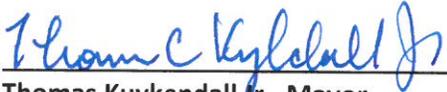
SECTION 6.0

EFFECTIVE DATE: This Ordinance shall be effective on the first day following the date of adoption.

SECTION 7.0

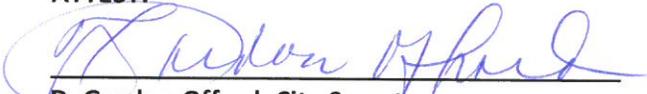
PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

DULY PASSED AND ADOPTED UPON MOTION OF COUNCILMEMBER Beustring SECONDED BY COUNCILMEMBER Patterson THAT THE ORDINANCE BE ADOPTED. AYES: 5 NAYES: 0 MOTION CARRIED THIS 21st DAY OF September, 2010.



Thomas Kuykendall Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary

**ORDINANCE NO. 2010-1016
AMENDING ORDINANCE NO. 2010-1013 RESTRUCTURING AND CREATING WATER AND WASTE WATER
TAP FEES**

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING ORDINANCE NO. 2010-1013 RESTRUCTURING THE FEES CHARGED BY THE CITY FOR WATER AND SEWER TAPS; REVISING FEES CHARGED FOR TAPS OF 5/8 AND 3/4 INCHES; INCLUDING CHARGES FOR WASTE WATER TAPS TO ALIGN WITH PREVAILING DEVELOPMENT AGREEMENTS; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, in the interest of Fiscal Responsibility, the City Council of the City of Fulshear revised fees for Water and Waste Water Taps; AND

WHEREAS, that revision included a uniform fee for taps one inch and smaller; which is in contravention to certain Development Agreements which control the City's ability to alter certain fees; AND

WHEREAS, the City Council of the City of Fulshear, Texas understands that it must abide by the agreements that it has endorsed.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to revise and create a fee structure for Water and Waste Water taps for the Enterprise Fund that is more conducive for future development and meets the requirements of certain Development Agreements.

SECTION 2.0

AMDENDED: The following fee reflects a revision in the charges made for Water and Waste Water taps that are less than one inch in diameter:

- (a) The fee charged for Water taps that measure 5/8 of an inch shall be \$570.
- (b) The fee charged for Water taps that measure ¾ of an inch shall be \$715 ;and
- (c) The fee charged for Water taps that measure 1 inch shall be \$860.
- (d) The fee charged for Waste Water taps shall be \$150 for standard connections. For non-standard connections the fee charged shall equal three (3) times the actual cost of installation.

SECTION 3.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 4.0

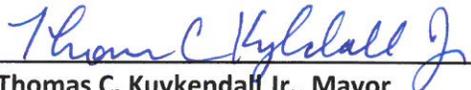
REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

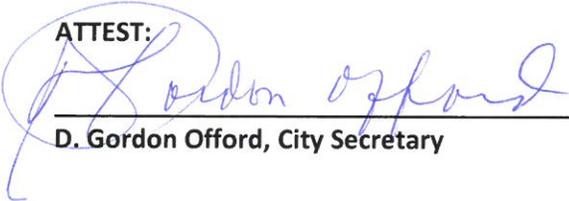
SECTION 5.0

EFFECTIVE DATE: This Ordinance shall be effective on the first day following the date of adoption.

SECTION 6.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.


Thomas C. Kuykendall Jr., Mayor

ATTEST:

D. Gordon Offord, City Secretary

**ORDINANCE NO. 2010-1017
AMENDING ORDINANCE NO. 2010-1014 CLARIFYING THAT THE FEES AFFIRMED IN SAID ORDINANCE
APPLY TO COMMERCIAL BUILDING PERMITS**

**AN ORDINANCE AMENDING ORDINANCE NO. 2010-1014 CLARIFYING THAT THE FEES
AFFIRMED IN SAID ORDINANCE APPLY TO COMMERCIAL BUILDING PERMITS;
PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

WHEREAS, in the interest of Fiscal Responsibility, the City Council of the City of Fulshear, Texas acted to affirm the fees charged for plan review and building permits within the City and its ETJ in Ordinance No. 2010-1012; AND

WHEREAS, the Council wishes to clarify that the aforementioned Ordinance applied to Commercial Permits.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to amend Ordinance 2010-1014 to clarify the applicability of fees affirmed therein apply to Commercial Building Permits only.

SECTION 2.0

AMENDED: The City Council of the City of Fulshear hereby amends Ordinance 2010-1014 to read:

“AFFIRMED AND ADOPTED: The City Council of the City of Fulshear hereby affirms and adopts:

- (a) A fee for **Commercial** Building permits equating to 1% of the building cost; and
- (b) A fee for plan review equating to one half of the fee for a building permit.”

SECTION 3.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 4.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

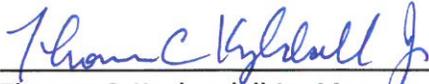
SECTION 5.0

EFFECTIVE DATE: This Ordinance shall be effective on the first day following the date of adoption.

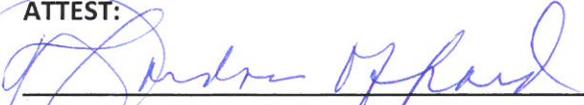
CITY OF FULSHEAR, ORDINANCE 2010-1017

SECTION 6.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law. Further they are directed to individually notify all customers outside the City Limits in keeping with State Law.



Thomas C. Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2010-1018

ADOPTING FEE STRUCTURE FOR PERMITS AND PLAN REVIEW FOR RESIDENTIAL BUILDING PERMITS

AN ORDINANCE OF THE CITY OF FULSHEAR ADOPTING FEE STRUCTURE FOR PERMITS AND PLAN REVIEW FOR RESIDENTIAL BUILDING PERMITS; TYING PERMIT FEES TO A SCALE BASED ON VALUATIONS AND SETTING PLAN REVIEW FEE TO ½ OF THE TOTAL PERMIT COST; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, in the interest of Fiscal Responsibility, it has been deemed in the best interest of the City of Fulshear, Texas to affirm the fees charged for plan review and building permits on residential construction within the City and its ETJ; AND

WHEREAS, the City has researched area jurisdictions to ensure fees are in a similar range with local standards; AND

WHEREAS, the City Council of the City of Fulshear, Texas believes that the goal of financial stability is best attained through the fee structure contained herein.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to adopt a fee structure for residential plan review and building permits.

SECTION 2.0

ADOPTED: The following rates are hereby adopted by the City Council of the City of Fulshear and applicable to all residential construction:

- (a) A fee for residential building permits based on the following scale based on the valuation of the project:

<u>Valuation</u>	<u>Fee Formula</u>
\$1,000 and less	\$25.00
\$1,001 to \$50,000	\$25.00 for the 1 st \$1,000 plus \$5.00 for each additional thousand dollars valuation or fraction thereof.
\$50,001 to \$100,000	\$260.00 for the 1 st \$50,000 plus \$4.00 for each additional thousand dollars valuation or fraction thereof.
\$100,001 to \$500,000	\$460.00 for the 1 st \$100,000 plus \$3.00 for each additional thousand dollars valuation or fraction thereof.
\$500,001 to \$1,000,000	\$2,314.00 for the 1 st \$500,000 plus \$3.50 for each additional thousand dollars valuation or fraction thereof.

\$1,000,001 and above

\$4,064.00 for the 1st \$1,000,000 plus \$3.00 for each additional thousand dollars valuation of fraction thereof.

(b) A fee for plan review equating to one half of the fee for a building permit.

SECTION 4.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 5.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6.0

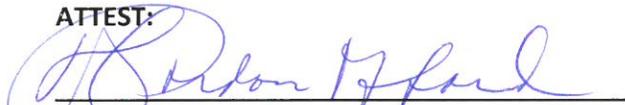
EFFECTIVE DATE: This Ordinance shall be effective on the first day following the date of adoption.

SECTION 7.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law. Further they are directed to individually notify all customers outside the City Limits in keeping with State Law.


Thomas C. Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

Ordinance No. 2010-1019



TMRS-New City SDB

TEXAS MUNICIPAL RETIREMENT SYSTEM

AN ORDINANCE PROVIDING FOR THE PARTICIPATION IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM AND THE SUPPLEMENTAL DEATH BENEFITS FUND BY THE CITY OF FULSHEAR, TEXAS; AND TO MAKE CURRENT SERVICE AND PRIOR SERVICE CONTRIBUTIONS TO THE CITY'S ACCOUNT IN THE MUNICIPAL ACCUMULATION FUND OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM AT THE ACTUARIALLY DETERMINED RATE OF TOTAL EMPLOYEE COMPENSATION.

WHEREAS, Subtitle G of Title 8 of the Government Code, as amended (herein after referred to as the "TMRS Act"), relating to the Texas Municipal Retirement System (the "System"), authorizes the governing body of each city or town to elect, at its option, to have one or more of the city departments participate in such System; and

WHEREAS, the City Council of the City of Fulshear, Texas, finds that it will be in the public interest for the City to have its employees participate in the System as hereinafter provided; now, therefore,

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

Section 1. The City Council of the City of Fulshear, Texas, on behalf of said City, hereby exercises its option and elects to have this City and all of the employees of all departments now existing and those hereafter created participate in the System as provided in the TMRS Act.

Section 2. The Mayor is hereby directed to notify the Board of Trustees of the System that this City has elected to participate and have the employees of this City covered in said System.

Section 3. Each person who becomes an employee of this City on or after the effective date of participation of this City whose position shall require more than 1,000 hours per year shall become a member of the System as a condition of their employment.

Section 4. Each employee of this City who is a member of the System is eligible to retire and receive a service retirement annuity if the member has at least 20 years of credited service in the System performed for one or more municipalities that have adopted a like provision under Section 854.202(g) of the TMRS Act.

Section 5. In accordance with the provisions of the TMRS Act, the deposits to be made to the System on account of current service of the employees of the several participating departments are hereby fixed at the rate of 5% percent (5%, 6% or 7%) of the full earnings of each employee of said departments.

Section 6. Each employee who qualifies for such credit shall be allowed "prior service credit" (as defined in Section 853.101 of the TMRS Act) at the rate of **one hundred percent** of the "base credit" of such member, calculated in the manner prescribed in Section 853.105 of said Act.

Section 7. For each month of current service rendered to this City by each of its employees who are members of the System, the City will contribute to the current service annuity reserve of each such member at the time of his or her retirement, a sum that is 100% percent (100%, 150%, or 200%) of such member's accumulated deposits for such month of employment; and said sum shall be contributed from this City's account in the municipality accumulation fund.

Section 8. The City Secretary is hereby directed to remit to the Board of Trustees of the System, at its office in Austin, Texas, the city contributions to the System and the amounts which shall be deducted from the compensation or payroll of employees, all as required by said Board under the provisions of the TMRS Act, and the said official is hereby authorized and directed to ascertain and certify officially on behalf of this City the prior service rendered to the said municipality by each of the employees of the participating departments, and the average prior service compensation received by each of the employees of the participating departments and make and execute all prior service certifications and all other reports and certifications which may be required of the City under the provisions of the TMRS Act, or in compliance with the rules and regulations of the Board of Trustees of the System.

Section 9. The City hereby elects to participate in the Supplemental Death Benefits Fund of the System for the purpose of providing in-service death benefits for each of this City's employees who are members of said System, and for the purpose of providing post-retirement death benefits for annuitants whose last covered employment was as an employee of this City, in the amounts and on the terms provided for in Sections 852.004, 854.601 through 854.605, 855.314, 855.408, and 855.502 of Title 8 Subtitle G, of the Texas Government Code, as amended.

Section 10. The City is hereby authorized and directed to notify the Director of the System of adoption of this ordinance, and of the participation of this City in said Fund.

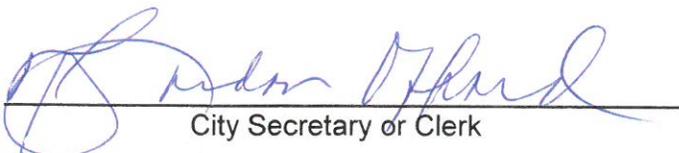
Section 11. Pursuant to Section 855.407(g) of the TMRS Act, the City hereby elects to make future normal and prior service contributions to its account in the municipal accumulation fund of the System at such combined rate of the total compensation paid by this City to employees who are members of the System, as the System's actuary shall annually determine as the rate necessary to fund, within the amortization period determined as applicable to this City under the TMRS Act, the costs of all benefits which are or may become chargeable to or are to be paid out of this City's account in said accumulation fund, regardless of other provisions of the TMRS Act limiting the combined rate of City contributions.

Section 12. The provisions of this ordinance shall become effective on the 1st day of _____, _____.

Passed and approved on this the 19th day of October, 2010.

ATTEST:

APPROVED:


City Secretary or Clerk


Mayor

ORDINANCE NO. 2010-1020

AN ORDINANCE FINDING THAT THE EXISTING ELECTRIC DISTRIBUTION RATES OF CENTERPOINT ENERGY HOUSTON ELECTRIC LLC (“CENTERPOINT” OR “COMPANY”) ARE UNREASONABLE AND SHOULD BE REDUCED; ORDERING CENTERPOINT TO REDUCE ITS EXISTING RATES WITHIN THE CITY; ORDERING CENTERPOINT TO SUBMIT TARIFFS CONSISTENT WITH THE RECOMMENDATION OF THE GULF COAST COALITION OF CITIES’ CONSULTANTS IN PUBLIC UTILITY COMMISSION OF TEXAS DOCKET NO. 38339; ORDERING CENTERPOINT TO REIMBURSE THE CITY FOR ITS REASONABLE COSTS INCURRED IN THIS RATE CASE AND ANY RELATED RATEMAKING PROCEEDINGS OR APPEALS OF SAID PROCEEDINGS; AUTHORIZING THE GULF COAST COALITION OF CITIES TO ACT ON BEHALF OF CITY AND INTERVENE IN ANY PROCEEDINGS BEFORE ADMINISTRATIVE OR JUDICIAL BODIES; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Fulshear, Texas (“City”) is a regulatory authority under the Public Utility Regulatory Act (“PURA”) and pursuant to PURA § 33.001, the City has exclusive original jurisdiction over the electric rates, operations, and services provided within city limits; and

WHEREAS, the City has the authority under PURA §§ 33.001 and 36.001, to determine whether the existing rates of an electric utility are unreasonable or in any way in violation of any provision of law; and

WHEREAS, on or about June 30, 2010, CenterPoint, pursuant to PURA §§ 33.001 and 36.001, filed with the City of Fulshear a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area effective August 6, 2010; and

WHEREAS, the City previously authorized participation with the Gulf Coast Coalition of Cities ("GCCC") in hiring experts and legal counsel to review CenterPoint's Statement of Intent; and

WHEREAS, on July 29, 2010, the City suspended the effective date of the Company's requested rate change; and

WHEREAS, GCCC's representatives obtained additional information from the Company through written requests for information; and

WHEREAS, the City's consultants and representatives through cooperative efforts under the direction of GCCC have reviewed the rate filing package and responses to information requests and have made a recommendation to the City regarding the rates to be charged by the Company within the City; and

WHEREAS, on October 19, 2010, a public hearing was held, at which time the Company was given an opportunity to address the City Council regarding its current rates and its Statement of Intent to increase rates; and

WHEREAS, PURA § 36.151(a) provides that if a regulatory authority, on its own motion or on complaint by an affected person, after reasonable notice and hearing, finds that the existing rates of an electric utility for a service are unreasonable or in violation of law, the regulatory authority shall enter an order establishing the just and reasonable rates to be observed thereafter, and serve a copy of the order on the electric utility; and

WHEREAS, PURA § 36.151(b) provides that the rates thus ordered by the regulatory authority constitute the legal rates of the electric utility until changed as provided by PURA; and

WHEREAS, after affording reasonable notice and hearing to the Company, it is the City's opinion that the Company's current rates are not reasonable; and

WHEREAS, based upon such hearing, the briefing of staff, and the consultants' findings, the City has made a determination of the reasonableness of the existing rates of the Company, and has determined just and reasonable rates to be hereafter observed and enforced for all services of the Company within the City.

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

SECTION 1. That the Company was given reasonable notice of the hearing held on October 19, 2010, and the Company had a reasonable opportunity to show to the City that its rates were just and reasonable.

SECTION 2. That the Company failed to show that its proposed or existing rates are just or reasonable.

SECTION 3. That the adjustments to the Company's Statement of Intent proposed by Mr. Lane Kollen on behalf of GCCC in Public Utility Commission of Texas ("PUC") Docket No. 38339 and provided to the Company on September 10, 2010 are reasonable and that it is, therefore, reasonable to reduce existing annual revenues by \$149 million.

SECTION 4. That within ten days of the adoption of this Ordinance, CenterPoint shall file with the City rate tariffs consistent with the adjustments proposed by Mr. Kollen and the cost allocation and rate design recommendations proposed by Mr. Clarence Johnson on behalf of GCCC in PUC Docket No. 38339 and provided to the Company on September 10, 2010 that will result in a reduction in current annual revenue of \$149 million.

Such Tariffs shall constitute just and reasonable rates and establish the Company's overall revenues at an amount that will permit the Company a reasonable opportunity to earn a reasonable return on its invested capital used and useful in providing service to the public in

excess of the Company's reasonable and necessary operating expenses, in compliance with PURA § 36.151.

SECTION 5. That the Company shall immediately begin charging the rates set forth in Tariffs that are consistent with the recommendations of GCCC witnesses Kollen and Johnson in PUC Docket No. 38339.

SECTION 6. That the existing rates, service charges, and tariff language not inconsistent with the recommendations of GCCC witnesses Kollen and Johnson in PUC Docket No. 38339 shall remain operative.

SECTION 7. That the City is authorized to intervene in any appeal of the City's action filed at the PUC and to otherwise participate in any litigation associated with the Company's rates charged in the City, in conjunction with GCCC.

SECTION 8. That within ten days of the adoption of this Ordinance, the Company shall reimburse GCCC for all ratemaking costs associated with GCCC's activities related to the rate proceeding and thereafter make prompt reimbursement on a monthly basis to cover the costs of appeals to the PUC or Courts, in accordance with PURA § 33.023.

SECTION 9. That a copy of this Ordinance shall be sent to the Company, care of Stephen Bezecny, Director, Regulatory Relations, CenterPoint Energy, Inc., 1111 Louisiana St., Houston, Texas, 77002 and to Thomas Brocato, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

SECTION 10. That this Ordinance shall become effective immediately from and after its passage, as the law and charter in such cases provide.

SECTION 11. That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

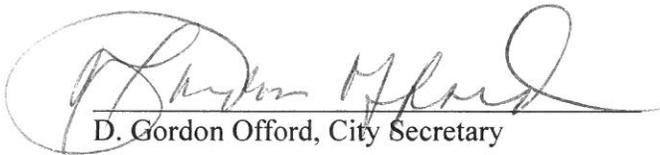
DULY PASSED and approved by the City Council of the City of Fulshear Texas, on this the 19th day of October, 2010.

APPROVED:



Thomas C. Kuykendall, Mayor

ATTEST:



D. Gordon Offord, City Secretary

APPROVED AS TO FORM:



J. Grady Randle, City Attorney

ORDINANCE NO. 2010-1021

AN ORDINANCE OF THE CITY OF FULESHEAR, TEXAS, AMENDING ORDINANCE NO. 2009-__993, THE 2009-2010 FISCAL YEAR BUDGET, BY REALLOCATING FUNDS WITHIN THE BUDGET; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR BE MADE IN ACCORDANCE WITH SAID AMENDED BUDGET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fulshear, Texas, has determined, after due consideration and study, that it is necessary to the efficient business and operation of the City to amend the budget for fiscal year 2009-2010 and that the budget amendments set forth hereinafter are in the best interest of the public health, safety and welfare.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to adopt an amendment to the City of Fulshear's 2009-2010 Budget.

SECTION 2.0

AMENDED: That Ordinance No. 2009-993, the Fiscal Year 2009-2010 Budget Ordinance of the City of Fulshear, Texas, be and the same is hereby amended by reallocating funds in accordance with the budget attached hereto and incorporated herein as Exhibit "A."

SECTION 3.0

AUTHORIZED EXPENDITURE: That the City be and is hereby authorized to expend those funds allocated under the budget ordinance, as amended herein and the fund balance at the end of the current fiscal year will be carried forward to the next budget to fund the allocations for the next fiscal year.

SECTION 4.0

NON-REPEALER: That except as amended hereby, or as heretofore amended, the provisions of Ordinance No. 2009-993 shall remain in full force and effect.

SECTION 5.0

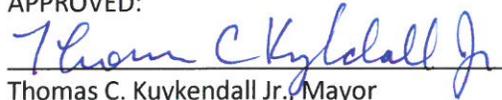
SEVERABILITY: That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part decided to be invalid, illegal or unconstitutional.

SECTION 6.0

EFFECTIVE DATE: That this ordinance shall take effect immediately from and after its passage as the law in such cases provides, and the City Secretary is directed to furnish a copy of this amendment to the budget to the County Clerk of Ft. Bend County as required by Chapter 102 of the Texas Local Government Code.

DULY PASSED by the City Council of the City of Fulshear, Texas, on the 19th, day of October 2010.

APPROVED:


Thomas C. Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2010-1022
AMENDING ORDINANCE NO. 2010-1012 SETTING RATES FOR WATER AND WASTE WATER SERVICES

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING ORDINANCE NO. 2010-SECTION 3.0 PARAGRAPH (C) TO ENSURE THAT THE RATES DESCRIBED THEREIN ARE APPLICABLE TO RESIDENTIAL CUSTOMERS; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, in the interest of Fiscal Responsibility, the City Council of the City of Fulshear revised fees for Water and Waste Water Taps; AND

WHEREAS, that revision included differentiated rates for commercial and residential customers; AND

WHEREAS, the City Council of the City of Fulshear, Texas wishes to clarify that the rates set in Section 3.0, paragraph (c) apply to residential customers.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to revise Ordinance 2010-1012 setting Water and Waste Water Rates, to ensure that Section 3.0, paragraph (c) applies to residential customers.

SECTION 2.0

AMDENDED: Section 3.0, paragraph (c) is hereby amended to read:

- (c) The following charges shall be made and collected for water and waste water services used by the residential customers of the water and waste water system of the City.

Water Rates for Residential customers:

0 – 5,000 gallons.....\$13.00

5,001 - 10,000 gallons (for each additional
Thousand gallons)..... \$2.00

10,001 – 20,000 gallons (for each additional
Thousand gallons)..... \$2.50

20,001 gallons and over (for additional
Thousand gallons)..... \$3.00

Waste water Rates for Residential customers:

0 – 5,000 gallons..... \$13.00

5,001 and over (for each additional
Thousand gallons)..... \$2.00

SECTION 3.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 4.0

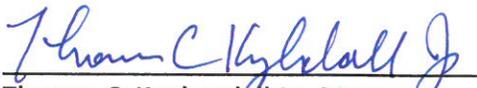
REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5.0

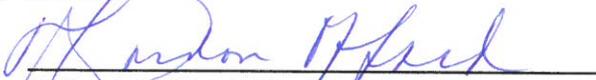
EFFECTIVE DATE: This Ordinance shall be effective on the first day following the date of adoption.

SECTION 6.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.


Thomas C. Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2010-1023

AN ORDINANCE CALLING TWO PUBLIC HEARINGS BEFORE THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS TO BE HELD AT CITY HALL, 30603 FM 1093, FULSHEAR, TEXAS TO HEAR ANY AND ALL PERSONS DESIRING TO BE HEARD ON OR IN CONNECTION WITH ANY MATTER OR QUESTION INVOLVING THE PROPOSED ANNEXATION INTO THE CITY OF FULSHEAR, TEXAS, A 47.748-ACRE TRACT OF LAND AND A 22.962-ACRE TRACT OF LAND ON PETITION OF LANDMARK INDUSTRIES DEVELOPMENT, LTD. AND DIRECTING THAT SAID NOTICE BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY OF FULSHEAR AND POSTING ON THE CITY'S WEB SITE

WHEREAS, the City has received a Petition to annex a 47.748-acre tract of land and a 22.962-acre tract of land owned by Landmark Development into the City of Fulshear; and

WHEREAS, the City has granted the Petition received from Landmark Development to annex a 47.748-acre tract of land and a 22.962-acre tract of land into the City of Fulshear; **NOW, THEREFORE**,

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

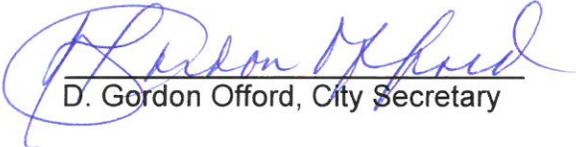
1. That the City Council of the City of Fulshear, Texas does hereby call a first public hearing to be held on the 13th day of December, 2010 at 6:00 o'clock p.m., and a second public hearing to be held on the 21st day of December, 2010 at 7:00 o'clock p.m. at Fulshear City Hall, 30603 FM 1093, FULSHEAR, Texas, at which time all persons desiring to be heard will be heard on or in connection the proposed annexation of a 47.748-acre tract of land and a 22.962-acre tract of land owned by Landmark Development into the City of Fulshear, Texas.

2. The City Council directs the City Secretary to publish and post the notices of hearings pursuant to the requirements of the Open Meetings Act and Chapter 43 of the Local Government Code.

PASSED and APPROVED this, the 4th day of November, 2010.


Thomas C. Kuykendall, Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2010-1024

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 1982-574 CONCERNING THE ABATEMENT OF PUBLIC HEALTH NUISANCES, UNSIGHTLY AND UNSANITARY CONDITIONS

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 1982-574 CONCERNING THE ABATEMENT OF PUBLIC HEALTH NUISANCES, UNSIGHTLY AND UNSANITARY CONDITIONS ON PROPERTY WITHIN THE CITY LIMITS PROVIDING FOR DEFINITIONS; INSPECTION; NOTICE OF VIOLATION; ABATEMENT MEASURES AND EXPENSES; ASSESSMENT OF LIEN; CRIMINAL PENALTIES WITH MAXIMUM CRIMINAL PENALTY OF \$2,000 FOR VIOLATION; LIABILITY; REPEALER; SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, the City Council of Fulshear ("City Council") seeks to promote the health, safety and general welfare within the City of Fulshear ("City) limits; and

WHEREAS, the City Council also seeks to protect property values within the City limits; and

WHEREAS, pursuant to the laws of the State of Texas, including Texas Local Government Code section 51.001, the City Council has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

WHEREAS, pursuant to Texas Health and Safety Code sections 342.001 through 342.005, the City Council has authority to regulate and order the abatement of stagnant water, the accumulation of filth and vegetation within the City Limits.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to repeal and place Ordinance No. 1982-574 so that the City Council may promote the public health, safety, and general welfare within the City through the regulation of unsightly and unsanitary conditions. Through this Ordinance the City requires the abatement and/or removal of stagnant water, accumulations of trash, weeds, rubbish, filth, carrion or other condition that may produce disease as the City Council seeks to protect property values and prevent bodily injury, death, and property damage within the City limits.

SECTION 2.0

DEFINITIONS: As used in this Ordinance, the following terms shall be defined as follows:

- 1) **City:** Shall mean the City of Fulshear, Texas.
- 2) **Nuisance:** Shall mean any condition that:
 - a) Is or may become dangerous to life or health; or
 - b) Renders the ground, water, air or any food or drink unhealthful.
- 3) **Occupant:** Shall mean a person, agent, firm or corporation who resides or holds possession of, or occupies property within the City.
- 4) **Owner:** Shall mean, in addition to the legal owner of such property, any person, firm, association or corporation in charge of, having control of or having the right of control of any property within the City, including tenants, lessees and occupants, except where specifically stated otherwise. The term "owner" shall also include any mortgage company or other

mortgagee who, by foreclosure or other operation of law has acquired any legal or equitable right in and to property.

- 5) **Parkway:** Shall mean that property adjacent to the property of any owner extending from the owner's property line to the curb line of any street, roadway or alley where curb exist, or, extending to the edge of the driving portion of any street, roadway or alley where there are no curbs, including adjacent drainage ditches and easements derived from the owner's servient estate.
- 6) **Property:** Shall mean any lot, parcel or tract of land within the corporate limits of the City of Fulshear.

SECTION 3.0

UNLAWFUL CONDITIONS ON PROPERTY: The owner or occupant of any property within the corporate limits of the city, whether the same be occupied or unoccupied, shall keep such property and adjacent parkway free of any of the following conditions which hereby constitute nuisances and offensive conditions:

- 1) Stagnant water;
- 2) Accumulations of trash, garbage, or debris including solid waste consisting of dirt, concrete, rocks, bricks, or other similar construction or building waste materials;
- 3) Filth, carrion, or other impure or unwholesome matter;
- 4) Grass, weeds and vegetation growing to a height of more than twelve inches (12"), excepting regularly cultivated crops not growing within a public right-of-way;
- 5) Rubbish, brush, and other objectionable, unsightly, or unsanitary matter; or
- 6) Any other condition found by the city's building official, code enforcement officer, police officer, health officer, the county health officer, state health officer, or other authorized person to be unsanitary or unwholesome or a condition that may produce disease.

SECTION 4.0

CODE ENFORCEMENT OFFICER: The code enforcement officer shall be charged with the duty of administering the provisions of this article and securing compliance with such provisions. In furtherance of such responsibility, the code enforcement officer shall:

- 1) Make inspections which may be necessary to effectuate the purposes and intent of this article, and to initiate appropriate action to bring about compliance with this article in cases of noncompliance.
- 2) Thoroughly investigate any complaints of alleged violations of this article, and indicate clearly, in writing, the disposition made of such complaints.
- 3) Order, in writing, the remedy of all conditions or violations of this article and the time limit for compliance.

- 4) Request the assistance of the city attorney or prosecutor in taking appropriate legal action upon the failure of the responsible party to comply with any violation order to remedy such violation within the time specified in the order.

SECTION 5.0

INSPECTION; NOTICE AND VIOLATION OF ORDINANCE:

- 1) The code enforcement officer, his designee or any duly authorized official shall be authorized and directed to lawfully enter in and upon all premises at reasonable times to determine the condition of such premises insofar as the provisions of this article are applicable.
- 2) Whenever the code enforcement officer, his designee or any duly authorized official determines that a violation of this article exists they shall issue and serve notice of such as follows:
 - a) Delivered personally to the owner or occupant in writing;
 - b) By letter addressed to the owner or occupant at the owner's or occupant's post office address, last known address, or property address where the violation exists; or if personal service cannot be obtained or the owner's or occupant's post office address is unknown:
 - i. By publication in the city's official newspaper at least twice within ten (10) consecutive days;
 - ii. By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - iii. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no building.
- 3) If the owner or occupant of the property does not comply with the notice and this article within ten (10) days of notice of the violation given as stated above, the city may, on written request, with good cause demonstrated, grant up to twenty-one (21) additional days for correction of the violation, or may:
 - a) Issue a citation charging such owner or occupant with a violation of this article;
 - b) Do the work or make the improvements required; and
 - c) Pay for the work done or improvements made and charge the expenses to the owner of the property.
- 4) The city may assess expenses incurred under this section against the real estate on which the work is done or improvements made in accordance with the provisions of Section 7.0 below.
- 5) The notice of violation described in the preceding subsection 1) of this section may inform the owner or occupant by certified mail, return receipt requested, that if the owner or occupant commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary date of the notice, the city may, without further notice, correct the violation at the owner's or occupant's expense and assess the expense against the property. If such violation occurs within the one-year period set forth in the notice and the owner or occupant has failed to notify the city of a change in ownership, then the city

may without further notice proceed with enforcement, correction and assessment as provided for herein.

SECTION 6.0

DANGEROUS VEGETATION:

- 1) The city may abate, without notice, weeds or other vegetation that have grown to a height of more than forty-eight inches (48") and that constitute an immediate danger to the health, life, or safety of any person.
- 2) Not later than the tenth (10th) day after the date the city abates vegetation under this section, the Mayor or designee or other duly authorized official of the city shall give notice to the property owner in the manner required by Section 6.103 of this article. The notice shall contain:
 - a) An identification, which is not required to be a legal description, of the property;
 - b) A description of the violations of this article that occurred on the property;
 - c) A statement that the city abated the weeds; and
 - d) An explanation of the property owner's right to request an administrative hearing about the city's abatement of the weeds.
- 3) The City Council shall conduct an administrative hearing on the abatement of weeds under this section if, not later than the thirtieth (30th) day after the date of the abatement of the weeds, the property owner files with the city a written request for a hearing.
- 4) An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.
- 5) The city may assess expenses and create liens under this section as it assesses expenses and creates liens under Section 7.0 of this article. A lien created under this section is subject to the same conditions as a lien created under Section 7.0 of this article.
- 6) The authority provided for in this section is in addition to the authority provided for in Section 7.0 and Section 7.0 of this article.

SECTION 7.0

ASSESSMENT OF EXPENSES; LIEN:

- 1) To obtain a lien against the property, the Mayor or his designee, including the City Administrator, or other designated city official, must file a statement of expenses with the County Clerk of Ft. Bend County. The statement of expenses must identify the name of the owner, if known, and the legal description of the property.
- 2) The lien obtained by the city is security for the expenditures made and interest accruing at the rate of ten percent (10%) per annum on the amount due from the date of payment by the city for the work done or improvements made.
- 3) The lien is inferior only to tax liens and liens for street improvements.

- 4) The city may authorize a suit for foreclosure in the name of the City of Fulshear to recover the expenditures and interest due.
- 5) The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work or making the improvements.
- 6) The remedy provided in this section is in addition to any fine which may be imposed for a violation of this Ordinance and is cumulative of and in addition to any other remedies which may be provided for by the Ordinances of the City of Fulshear or other law, whether civil or criminal.

SECTION 8.0

PENALTIES: Notwithstanding any other provision of this or any other of the City's Ordinances or of this article, any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Fulshear, Texas, shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, except however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law. Each and every day said violation is continued shall constitute a separate offense. The remedies provided for herein shall not be exclusive but shall be cumulative of and in addition to each other and of any other remedies which may be provided for by law, whether civil or criminal.

SECTION 9.0

LIABILITY: Neither the City nor any authorized agent acting under the terms of this Ordinance shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this Ordinance.

SECTION 10.0

REPEALER: All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 11.0

SEVERABILITY: Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

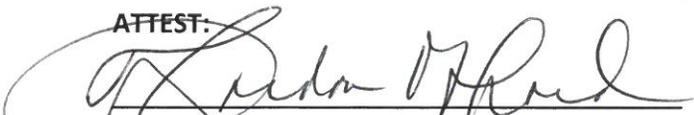
SECTION 12.0

EFFECTIVE DATE: This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.



Thomas C. Kuykendall, Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary

ORDINANCE NO. 2010-1025

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2001-877 an ORDINANCE DECLARING JUNK VEHICLES a NUISANCE and PROVIDING for the ABATEMENT of SAME

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 1982-574 an ORDINANCE DECLARING JUNK VEHICLES a NUISANCE and PROVIDING for the ABATEMENT of SAME; also PROVIDING DEFINITIONS; INSPECTION; NOTICE of VIOLATION; DISPOSAL; CRIMINAL PENALTIES not to EXCEED \$200 for VIOLATION; LIABILITY; REPEALER; SEVERABILITY and EFFECTIVE DATE.

WHEREAS, the City Council of Fulshear ("City Council") seeks to promote the health, safety and general welfare within the City of Fulshear ("City) limits; and

WHEREAS, the City Council also seeks to protect property values within the City limits; and

WHEREAS, pursuant to the laws of the State of Texas, including Texas Local Government Code section 51.001, the City Council has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

WHEREAS, pursuant to Texas Transportation Code sections 683.071 through 683.078, the City Council has authority to regulate and order the abatement of abandoned and junked vehicles within the City Limits.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to repeal and place Ordinance No. 2001-877 so that the City Council may promote the public health, safety, and general welfare within the City through the regulation of abandoned and junked vehicles. Through this Ordinance the City requires the abatement and/or removal of abandoned or junked vehicles as the City Council seeks to protect property values and prevent bodily injury, death, and property damage within the City limits.

SECTION 2.0

DEFINITIONS: As used in this Ordinance, the following terms shall be defined as follows:

- 1) ***Abandoned Vehicle:*** Shall mean a vehicle which:
 - a) Is inoperable and left unattended on public property for more than 48 hours;
 - b) Has remained illegally on public property for more than 48 hours;
 - c) Has remained on private property without the consent of the owner or person in control of such property for more than 48 hours; or
 - d) Has been left unattended on the right of way of a designated county, state or federal highway for more than 48 hours or for more than 24 hours on a controlled access highway.
- 2) ***Antique Vehicle:*** Shall mean a passenger car or truck that is at least 25 years old.
- 3) ***City:*** Shall mean the City of Fulshear, Texas.
- 4) ***Inoperable:*** Shall mean a vehicle not capable of operating due to legal or mechanical incapacity.

- 5) **Junked Vehicle:** Shall mean a self-propelled vehicle and:
 - a) Does not have attached to it:
 - i) An unexpired license plate; or
 - ii) A valid motor vehicle inspection; and
 - b) Is:
 - i) Wrecked, dismantled or partially dismantled, or discarded; or
 - ii) Inoperable and has remained inoperable for more than:
 - (a) Forty-eight (48) consecutive hour if the vehicle is on public property; or
 - (b) Thirty consecutive days if the vehicle is on private property.

- 6) **Motor Vehicle:** Shall mean any motor vehicle subject to registration under the Certificate Title Act, Transportation Code section 501.001 et seq., except that for purposes of this Ordinance, such term shall include a motorboat, outboard motor or vessel subject to registration under the Parks and Wildlife Code section 31.001 et seq.

- 7) **Special Interest Vehicle:** Shall mean a motor vehicle of any age that has not been altered or modified from the original manufacturer's specifications and is being preserved by hobbyists because of the historic interest of such vehicle.

SECTION 3.0

NUISANCE DECLARED: A Junked vehicle, including a part of a junked vehicle that is visible from a public place or public right of way:

- 1) Is detrimental to the safety and welfare of the public;
- 2) Tends to reduce the value of private property;
- 3) Invites vandalism;
- 4) Creates a fire hazard;
- 5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- 6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- 7) Is a public nuisance.

SECTION 4.0

OFFENSE: An offense under this Ordinance is a misdemeanor punishable by a fine not to exceed \$200.00. The municipal court shall order abatement and removal of the nuisance on conviction.

SECTION 5.0

AUTHORITY TO ABATE NUISANCE JUNKED VEHICLES; PROCEDURES:

- 1) *General.*

- a) The City, by this subsection, is adopting procedures for the abatement and removal from private or public property or a public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance.
- b) This chapter shall be administered by the Chief of Police, Code Enforcement Officer or their designee provided the same is a regularly salaried, full-time employee of the City. Any authorized person may remove the nuisance.
- c) A person authorized to administer these procedures may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.
- d) The removal of a junked vehicle that is a public nuisance to another location in the City after a proceeding for the abatement and removal of a junked vehicle has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

2) *Notice.*

- a) Notice of the nature of the nuisance must be personally delivered or sent by certified mail with a five-day return requested to:
 - i) The last known registered owner of the nuisance;
 - ii) Each lien holder of record of the nuisance; and
 - iii) The owner or occupant of:
 - (a) The property on which the nuisance is located; or
 - (b) If the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
- b) The notice must state that:
 - i) The nuisance must be abated and removed not later than the tenth day after the date on which the notice was personally delivered or mailed; and
 - ii) Any request for a hearing must be made before that ten-day period expires.
- c) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered.
- d) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.
- e) No notice is required for issuance of a citation for an offense under this article.
- f) If the City mails a notice to the property owner in accordance with this subsection and the United States Postal Service returns the notice as refused or unclaimed, the validity of the notice is not affected, and the notice is considered as delivered.

3) *Hearing.*

- a) The Municipal Court Judge shall conduct hearings relative to the abatement of junked vehicles.
- b) A Public Hearing must be conducted prior to the removal of the public nuisance not earlier than the 11th day after the date of service of notice.
- c) If a Hearing is requested by a person for whom notice is required under subsection 2) a) iii) herein, the hearing shall be held not earlier than the 11th day after the date of the service of notice.
- d) At the Hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
- e) If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include the vehicles:
 - i) Description;
 - ii) Vehicle identification number; and
 - iii) License plate number.
- f) As part of the order authorizing removal or abatement of the public nuisance, the Court shall:
 - i) Prohibit a vehicle from being reconstructed or made operable after removal; and
 - ii) Require that notice identifying the vehicle or part of the vehicle be given to the department of public safety not later than the fifth day after the date of removal. On receipt of notice of removal, the department shall immediately cancel the certificate of title issued for the vehicle.
- g) The Municipal Court shall have full authority to enforce the abatement procedures, including but not limited to issuing all necessary orders.

SECTION 6.0

AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES:

- 1) The Police department may take into custody an abandoned motor vehicle found on public or private property.
- 2) The Police department may employ its own personnel, equipment and facilities or hire persons, equipment and facilities to remove, preserve and store an abandoned motor vehicle which the police department takes into custody

SECTION 7.0

NOTIFICATION OF OWNER AND LIEN HOLDERS OF ABANDONED VEHICLES TAKEN INTO CUSTODY:

- 1) When an abandoned motor vehicle is taken into custody, not later than the tenth day after taking the motor vehicle into custody or receiving the report under V.T.C.A., Transportation Code § 683.031, by certified mail, the police department shall notify the last known registered owner of the motor vehicle and all lien holders of record pursuant to the Certificate of Title Act,

V.T.C.A., Transportation Code § 501.001 et seq., or V.T.C.A., Parks and Wildlife Code § 31.001 et seq., that the vehicle has been taken into custody. The notice shall:

- a) Describe the year, make, model and vehicle identification number of the abandoned motor vehicle;
 - b) Set forth the location of the facility where the motor vehicle is being held;
 - c) Inform the vehicle owner and any lien holders of their right to reclaim the motor vehicle not later than the 20th day after the date of the notice, upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody, or garage keeper's charges if notice is given under V.T.C.A., Transportation Code §§ 683.012, 683.031--683.033, and that the failure of the owner and lien holders to exercise their right to reclaim the vehicle within the time provided shall constitute a waiver by the owner and lien holders of all right, title and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction.
- 2) If the identity of the last registered owner of an abandoned vehicle cannot be determined; the registration does not contain an address for the owner; or it is impossible to determine with reasonable certainty the identity and addresses of all lien holders, notice by one publication in the official newspaper of the city shall be deemed sufficient notice under this division. The notice by publication may contain multiple listings of abandoned vehicles; shall be published within the time requirements prescribed for notice by certified mail; and shall have the same contents required for a notice by certified mail as set forth in this section.
- 3) The consequences and effect of failure to reclaim an abandoned motor vehicle shall be as set forth in a valid notice given under subsection 1) of this section.
- 4) The police department or an agent of the police department who takes custody of an abandoned motor vehicle shall be entitled to reasonable storage fees for:
- a) A period of not more than ten days beginning on the day the police department takes custody of such vehicle and continuing through the day the department mails notice as provided in this section; and
 - b) A period beginning on the day after the day the police department mails notice as provided in this section, and continuing through the day any accrued charges are paid and the vehicle is removed.

SECTION 8.0

DISPOSITION OF VEHICLES: The chief of police or other designated city employee shall arrange for the disposal of junked vehicles or parts thereof in accordance with V.T.C.A., Transportation Code § 683.07880Tex.Rev.Civ.Stat.Ann. art. 4477-9a, sec. 5.10 (Supp. 1984), providing for removal to a scrap yard, demolisher or any suitable site operated by the city for processing as scrap or salvage.

SECTION 9.0

EXCEPTIONS:

- 1) Procedures adopted herein shall not apply to a vehicle or vehicle part thereof:
 - a) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or

- b) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part thereof and the outdoor storage area, if any:
 - i) Are maintained in an orderly manner;
 - ii) Do not constitute a health hazard; and
 - iii) Are screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery. A vehicle or part thereof, covered by a tarp, car blanket, or similar covering does not meet the requisite screening requirements of this article.
- 2) For purposes of this section, the term "ordinary public view" means the view from private or public property, or public right-of-way from average grade of the surrounding property

SECTION 10.0

LIABILITY: Neither the City nor any authorized agent acting under the terms of this Ordinance shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this Ordinance.

SECTION 11.0

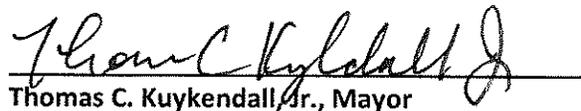
REPEALER: All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

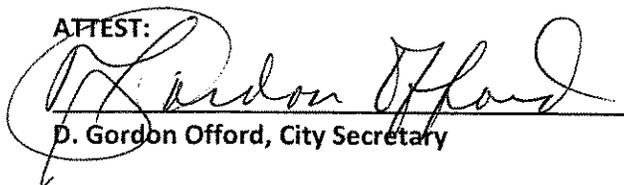
SECTION 12.0

SEVERABILITY: Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

SECTION 13.0

EFFECTIVE DATE: This Ordinance shall be and become effective on the 1st day of December, 2010.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:

D. Gordon Offord, City Secretary

ORDINANCE NO. 2010-1026
ADOPTING THE REVISED GROUNDWATER REDUCTION FEE AS REQUIRED BY THE NORTH FORT BEND
WATER AUTHORITY

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING AND ADOPTING THE REVISED GROUNDWATER REDUCTION FEE AS REQUIRED BY THE NORTH FORT BEND WATER AUTHORITY; REPEALING ALL PREVIOUS RESOLUTIONS OR ORDINANCES, PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, in the interest of Fiscal Responsibility and conservation, it has been deemed in the best interest of the City of Fulshear, Texas to revise the fee charged for Groundwater Reduction as required by the North Fort Bend Water Authority; AND

WHEREAS, it is the desire of the City Council of the City of Fulshear to develop a fee structure that will allow the Enterprise Fund to rely on its own revenues for operations rather than requiring a subsidy from the General Fund; AND

WHEREAS, the City Council of the City of Fulshear, Texas believes that these financial goals are best attained through the fee structure contained herein.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to amend and adopt the revised fee for Groundwater Reduction as required by the North Fort Bend Water Authority.

SECTION 2.0

ADOPTED: The following fee reflects a revision in the charges made for Groundwater Reduction as ordered by the North Fort Bend Water Authority.

- (a) The fee charged for Groundwater Reduction shall be \$1.29 per thousand gallons pumped.

SECTION 4.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 5.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

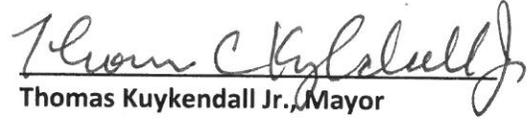
SECTION 6.0

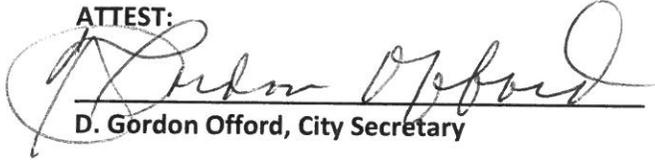
EFFECTIVE DATE: This Ordinance shall be effective on January 1, 2011.

CITY OF FULSHEAR, ORDINANCE 2010-1026

SECTION 7.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.


Thomas Kuykendall Jr., Mayor

ATTEST:

D. Gordon Offord, City Secretary

ORDINANCE NO. 2010-1027

ADOPTING THE INTERNATIONAL CODE COUNCIL BUILDING VALUATION DATA AS THE BASIS AS THE BASIS FOR VALUATIONS USED TO DETERMINE FEES CHARGED FOR RESIDENTIAL AND COMMERCIAL CONSTRUCTION PERMITS

AN ORDINANCE OF THE CITY OF FULSHEAR ADOPTING THE INTERNATIONAL CODE COUNCIL BUILDING VALUATION DATA AS THE BASIS FOR VALUATIONS USED TO DETERMINE FEES CHARGED FOR RESIDENTIAL AND COMMERCIAL CONSTRUCTION PERMITS; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, in the interest of Fiscal Responsibility, the City of Fulshear, Texas passed Ordinance Nos. 2010-1014, 2010-1017 and 2010-1018 to affirm the fees charged for plan review and building permits on residential and commercial construction within the City and its ETJ; AND

WHEREAS, the City has reviewed its standard for base valuations and discovered that its current figure is dated; AND

WHEREAS, the City Council of the City of Fulshear, Texas believes is desirous of developing a standard for base valuations that is reasonable and flexible; AND

WHEREAS, the International Code Council provides updated Building Valuation Data on a regular basis that accounts for regional variation and is based on actual costs; which would provide the City a reasonable standard and up to date valuations.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to adopt the International Code Council Building Valuation Data as the basis for valuations reported to issue residential and commercial construction permits.

SECTION 2.0

ADOPTED: The City Council of the City of Fulshear hereby adopts the International Code Council Building Valuation Data as the basis for valuations used to determine residential and commercial construction permits. Further, the City will review and realign such Valuation Data every even numbered year and use the second such report from that even numbered year to determine the valuation for the succeeding two years.

SECTION 3.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 4.0

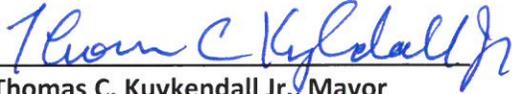
REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5.0

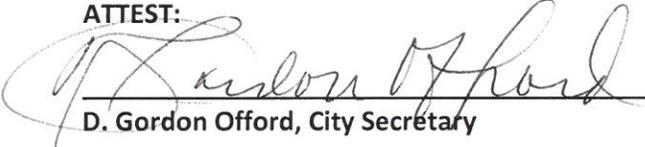
EFFECTIVE DATE: This Ordinance shall be effective on the first day January, 2011.

SECTION 6.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law. Further they are directed to individually notify all customers outside the City Limits in keeping with State Law.


Thomas C. Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2010-1028
AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 1978-506 CONCERNING ALCOHOLIC BEVERAGE LICENSES ISSUED WITHIN THE CITY LIMITS

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REPEALING AND REPLACING ORDINANCE NO. NO. 1978-506 CONCERNING ALCOHOLIC BEVERAGE LICENSES ISSUED WITHIN THE CITY LIMITS; PROVIDING FOR LICENSE AND PERMITS; FEES; LATE HOURS OPERATIONS; PROHIBITION OF SALE IN PROXIMITY TO SCHOOLS AND CHURCHES; PROHIBITION OF USE IN CERTAIN PLACES; VIOLATION AND PENALTIES; LIABILITY; REPEALER; SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, the City Council of Fulshear previously adopted Ordinance No. 1978-506 providing for licenses for alcoholic beverages; and

WHEREAS, the City Council wishes to repeal said Ordinance and enact a new Ordinance to ensure compliance with current State law; and

WHEREAS, pursuant to the laws of the State of Texas, including Texas Local Government Code section 51.001, the City Council has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

WHEREAS, pursuant to Texas Alcoholic Beverage Code, the City Council has authority to permit, collect fees and regulate proximities, hours of operation and locations for consumption within the City Limits.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to repeal and replace Ordinance No. 1978-506 so that the City Council may promote the public health, safety, and general welfare within the City through the permitting and regulation of Alcoholic Beverage sales within the City Limits in accordance with the Texas Alcoholic Beverage Code.

SECTION 2.0

DEFINITIONS: The words, terms and phrases used in this chapter shall have the meanings ascribed to them in V.T.C.A., Alcoholic Beverage Code, unless the context clearly indicates a different meaning.

SECTION 3.0

LICENSES AND PERMITS: The City shall not issue any permit or license for the sale of alcoholic beverages unless the following criteria have been met.

- 1) **State Licensure, Fee Renewal and Exemptions:** All annual alcoholic beverage permits issued by the city shall expire and must be renewed annually on the same renewal date as the proprietor's state license or permit as provided by the Texas Alcoholic Beverage Commission. The permit fee to be paid by the proprietor to the city shall be one-half of the total license or permit fee paid to the state, and such fee shall be paid to the city secretary, and the city secretary shall provide suitable and proper receipts and shall keep a duplicate copy of all license or permit receipts issued as a part of the records of the city. The following shall be exempt from the fee authorized in subsection 1) of this section:

- a) Agent's, airline beverage, passenger train beverage, industrial carrier's, private carrier's, private club registration, local cartage, storage and temporary wine and beer retailer's permits; and
 - b) A wine and beer retailer's permit issued for a dining, buffet or club car.
- 2) **County License Required:** An applicant shall not be granted a license or permit under this section if such applicant has first been licensed by the county and fails to present satisfactory evidence of such county license.
 - 3) **No permit for applicants with delinquent City taxes:** A license or permit shall not be issued under this section if the applicant owes any delinquent taxes to the city. The term "applicant" includes each member and all officers of a partnership or association, the owner of the majority of the corporate stock of a corporation and the manager of the business for a corporation.
 - 4) **Location specific:** It shall be unlawful for any person licensed under this section, other than a manufacturer or distributor, to sell beer at retail; use or display a license; or exercise any privilege granted by a license, except at the place, address, premises and location for which the license is granted.
 - 5) **Forfeiture:** If an operation forfeits a license issued by the State or County the license issued by the City shall likewise be forfeited.

SECTION 4.0

LATE HOURS OPERATIONS: Late Hours operations will be permitted under the following circumstances:

- 1) **Retail Dealers:** A retail dealer's on-premises late hours license for on-premises consumption sale of beer shall authorize the holder of such license to sell beer any day between the hours of 12:00 midnight and 2:00 a.m. The state alcoholic beverage code which shall apply to the retail dealer's on-premises license shall also apply to the retail dealer's on-premises late hours license. The annual city fee for a retail dealer's on-premises late hours license shall be one-half of the state fee for a retail dealer's on-premises late hours license.
- 2) **Mixed Beverages:** A mixed beverage late hours permit shall authorize the holder of such permit to sell and serve mixed beverages on-premises on any day between the hours of 12:00 midnight and 2:00 a.m. All sections of the state alcoholic beverage code which apply to a mixed beverage permit shall also apply to the mixed beverage late hours permit. The annual city fee for a mixed beverage late hours permit shall be one-half of the state fee for a mixed beverage late hours permit.

SECTION 5.0

APPLICATION: Applicants shall provide the following information to the City when applying for a license or permit:

- 1) **Application Form:** An application form prescribed by the City including the name(s); contact information including address, phone and email and State issued Identification of the person(s) responsible for the operation desiring the license. This form shall also provide for a description of the nature of the business making application and a general operation plan including hours of operation and specific location for activities for which the license is being applied for.

- 2) **Affidavit of Proximity:** A signed, notarized Affidavit detailing the proximity to establishments as required under Section 6.0 of this Ordinance.
- 3) **Proof of Licensure by State and County:** The applicant must provide copies of the licenses issued by the State and County.

SECTION 6.0

PROXIMITY TO HOSPITALS, CHURCHES, PARKS AND SCHOOLS: The sale of alcoholic beverages by any dealer is prohibited within 300 feet of any church, public school, public hospital or city-designated park. Such measurement shall conform to the criteria set forth in V.T.C.A., Alcoholic Beverage Code § 109.33. This section shall not apply where the church, school or hospital is built within 300 feet of an existing place of business where alcoholic beverages are sold.

SECTION 7.0

VIOLATIONS: A violation of this Ordinance shall cause any room, building, structure or place of any kind where alcoholic beverages are sold, bartered, stored, possessed or consumed in violation of this chapter or the Texas Liquor Control Act, or under conditions of the circumstances contrary to the purposes of this Ordinance or the Texas Liquor Control Act, to be declared a common nuisance, and any person who maintains, assists in maintaining or permits the violation of this Ordinance or the Texas Liquor Control Act shall be guilty of a violation of this chapter, and action may be maintained by the city to abate and enjoin such nuisance. Further a violation under this Ordinance constituting such a nuisance shall result in a penalty not to exceed \$200.00 per violation.

SECTION 8.0

LIABILITY: Neither the City nor any authorized agent acting under the terms of this Ordinance shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this Ordinance.

SECTION 9.0

REPEALER: All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 10.0

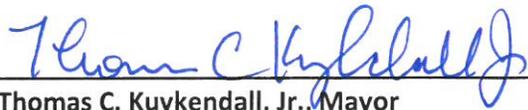
SEVERABILITY: Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

SECTION 11.0

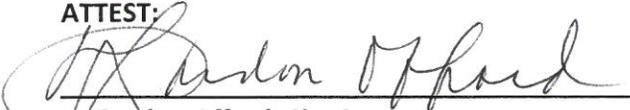
EFFECTIVE DATE: This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

SECTION 12.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law. Further they are directed to individually notify all customers outside the City Limits in keeping with State Law.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary