

**ORDINANCE NO. 2011-1029**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN.**

**WHEREAS**, Section 43.028 of the Texas Local Government Code authorizes the annexation of property by voluntary petition of landowners of a sparsely occupied area;

**WHEREAS**, on October 19, 2010, the City received Landmark Industries Development, Ltd.'s ("Landmark") voluntary petition to annex certain property consisting of a 47.748-acre tract of land and a 22.962-acre tract of land owned by Landmark into the City of Fulshear, Texas;

**WHEREAS**, on November 4, 2010, the City subsequently granted Landmark's voluntary petition to annex a 47.748-acre tract of land and a 22.962-acre tract of land into the City of Fulshear, Texas;

**WHEREAS**, Landmark executed a voluntary "Waiver of Development Agreement" on January 3, 2011;

**WHEREAS**, the procedures prescribed by the Texas Local Government Code and the laws of this state have been duly followed with respect to the territory described in the attached Exhibit "A";

**NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF**

**THE CITY OF FULSHEAR, TEXAS:**

1. That the heretofore described property is hereby annexed to the City of Fulshear, Fort Bend County, Texas, and that the boundary limits of the City of Fulshear, Texas, be and the same are hereby extended to include the above described territory within the city limits of the City of Fulshear, Texas, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Fulshear, Texas, and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

2. A service plan for the area is hereby adopted and attached as Exhibit "B."

3. The City Secretary is hereby directed to file with the County Clerk of Fort Bend County, Texas, a certified copy of this ordinance.

**PASSED** and **APPROVED** this, the 18<sup>th</sup> day of January, 2011.

  
\_\_\_\_\_  
Thomas C. Kuykendall, Mayor  
City of Fulshear, Texas

**ATTEST:**

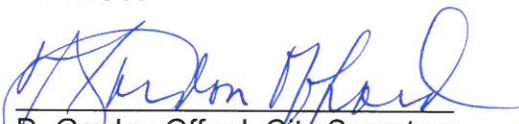
  
\_\_\_\_\_  
D. Gordon Offord, City Secretary

EXHIBIT "A"

**KELLY R. KALUZA & ASSOCIATES, INC.**

Consulting Engineers & Surveyors  
3014 Avenue I, Rosenberg, Texas 77471  
(281) 341-0808 ■ FAX (281) 341-6333

December 2, 2005

**A FIELD NOTE DESCRIPTION** of 47.748 Acres of Land being all of a 5.000 Acre Tract of Land (Fort Bend County Clerk's File No. 1999031332), being a portion of a 138.005 Acre Tract of Land (Fort Bend County Clerk's File No. 2001005402), being a portion of a 108.505 Acre Tract of Land (Fort Bend County Clerk's File No. 2002088346) and being a portion of a 14.200 Acre Tract of Land (Fort Bend County Clerk's File No. 2002116850) all being portions of a call 290.798 Acre Tract of Land (Volume 1912, Page 1944; Official Records of Fort Bend County, Texas) being in the R. H. Kuykendahl Survey, Abstract No. 274, in the J. C. McDonald Survey, Abstract No. 290 and in the T. W. Sutherland Survey, Abstract No. 421, Fort Bend County, Texas.

**BEGINNING** at a 3/4 inch inside diameter iron pipe found in the intersection of the Westerly right-of-way line of State Farm Market Highway No. 1463 (100 feet wide) with the Northerly right-of-way line of State Farm Market Highway No. 1093 (120 feet wide) for the Southeast corner of said 5.000 Acre Tract; Said corner being the Southeast corner of a call 151.00 Acre Tract (Fort Bend County Clerk's File No. 9682322) and being the Southeast corner of this 47.748 Acre Tract;

**THENCE;** South 85 Degrees, 28 Minutes, 10 Seconds West, at 425.13 feet pass a 5/8 inch diameter iron rod found for the Southwest corner of said 5.000 Acre Tract and for the most Southerly Southeast corner of a 103.005 Acre Tract, in all 1020.00 feet along the Northerly right-of-way line of said Highway No. 1093 being along the Southerly line of said call 151.00 Acre Tract to a point for the Southwest corner of this tract; Said corner being the most Southerly Southeast corner of a 160.000 Acre Tract;

**THENCE;** North 4 Degrees, 31 Minutes, 50 Seconds West - 100.00 feet to a point for corner;

**THENCE;** Northwesterly, along a tangent curve to the left with the following curve data:

|          |   |
|----------|---|
| Delta:   | 65 Degrees, 52 Minutes, 44 Seconds  |
| Radius:  | 774.00 feet   |
| Length:  | 889.95 feet   |
| Tangent: | 501.48 feet   |
| Chord:   | North 37 Degrees, 28 Minutes, 12 Seconds West -<br>841.73 feet to a point for corner; |

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A Field Note Description  
47.748 Acres of Land  
December 2, 2005  
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- THENCE;** North 70 Degrees, 24 Minutes, 34 Seconds West - 48.83 feet to a point for the most Westerly corner of this tract;
- THENCE;** North 37 Degrees, 37 Minutes, 59 Seconds East - 571.52 feet to a point for corner;
- THENCE;** North 85 Degrees, 28 Minutes, 10 Seconds East - 792.82 feet to a point for corner;
- THENCE;** North 0 Degrees, 18 Minutes, 28 Seconds East - 1145.68 feet to a point for the Northwest corner of this tract;
- THENCE;** South 89 Degrees, 43 Minutes, 51 Seconds East - 450.00 feet along the Northerly line of said 14.200 Acre Tract to a 5/8 inch diameter iron rod with plastic cap set for the Northeast corner of this tract; Said corner being the Northeast corner of said 14.200 Acre Tract;
- THENCE;** South 0 Degrees, 18 Minutes, 28 Seconds West (reference bearing), at 1302.02 feet pass a 5/8 inch diameter iron rod with plastic cap found for the Southeast corner of said 14.200 Acre Tract and for the Northeast corner of said 138.005 Acre Tract, at 1896.23 feet pass a 5/8 inch diameter iron rod with plastic cap found for the Northeast corner of said 5.000 Acre Tract, in all 2362.36 feet along the Westerly right-of-way line of said Highway No. 1463 to the **PLACE OF BEGINNING** and containing 47.748 Acres of Land.

*C. Tim Griffith*

C. Tim Griffith, R.F.L.S. No. 4349



EXHIBIT "A"

**KELLY R. KALUZA & ASSOCIATES, INC.**

Consulting Engineers & Surveyors

3014 Avenue I, Rosenberg, Texas 77471

(281) 341-0808 ■ FAX (281) 341-6333

December 2, 2005

**A FIELD NOTE DESCRIPTION** of 22.962 Acres of Land being a portion of a 138.005 Acre Tract of Land (Fort Bend County Clerk's File No. 2001005402) being a portion of a call 151.00 Acre Tract of Land (Fort Bend County Clerk's File No. 9682322 being a portion of a call 290.798 Acre Tract (Volume 1912, Page 1944; Official Records of Fort Bend County, Texas) being in the J. C. McDonald Survey, Abstract No. 290, Fort Bend County, Texas.

**FOR CONNECTION**, begin at a 3/4 inch inside diameter iron pipe found in the intersection of the Westerly right-of-way line of State Farm Market Highway No. 1463 (100 feet wide) with the Northerly right-of-way line of State Farm Market Highway No. 1093 (120 feet wide) for the Southeast corner of a 5.000 Acre Tract of Land (Fort Bend County Clerk's File No. 1999031332); Said corner being the Southeast corner of a call 151.00 Acre Tract of Land (Fort Bend County Clerk's File No. 9682322) and bears South 0 Degrees, 18 Minutes, 28 Seconds West (reference bearing) - 2362.36 feet along the Westerly right-of-way line of said Highway No. 1463 from a 5/8 inch diameter iron rod with plastic cap set for the Northeast corner of a 14.200 Acre Tract of Land (Fort Bend County Clerk's File No. 2002116850); Thence; South 85 Degrees, 28 Minutes, 10 Seconds West, at 425.13 feet pass a 5/8 inch diameter iron rod found for the Southwest corner of said 5.000 Acre Tract, at 1020.00 feet pass a point for the Southwest corner of a 47.748 Acre Tract of Land and the most Southerly Southeast corner of a 160.000 Acre Tract of Land, in all 1903.79 feet along the Northerly right-of-way line of said Highway No. 1093 being along the Southerly line of said call 151.00 Acre Tract to a point for the most Southerly Southwest corner of said 160.000 Acre Tract; Said corner being the Southeast corner of and **PLACE OF BEGINNING** for this 22.962 Acre Tract;

**THENCE;** South 85 Degrees, 28 Minutes, 10 Seconds West - 1960.00 feet continuing along the Northerly right-of-way line of said Highway No. 1093 and along the Southerly line of said call 151.00 Acre Tract to a 5/8 inch diameter iron rod with plastic cap found for the Southwest corner of this tract; Said corner being the Southeast corner of a 30.000 Acre Tract (Fort Bend County Clerk's File No. 2002036918);

**THENCE;** North 0 Degrees, 18 Minutes, 28 Seconds East - 526.88 feet along the Easterly line of said 30.000 Acre Tract to a point for the Northwest corner of this tract; Said corner being a Southwest corner of said 160.000 Acre Tract;

**THENCE;** North 85 Degrees, 28 Minutes, 10 Seconds East - 1730.56 feet along a Southerly line of said 160.000 Acre Tract to a point for the Northeast corner of this tract;

EXHIBIT "A"

A Field Note Description  
22.962 Acres of Land  
December 2, 2005  
Page Two (2)

**THENCE;** South 49 Degrees, 31 Minutes, 50 Seconds East - 261.63 feet to a point for corner;

**THENCE;** South 4 Degrees, 31 Minutes, 50 Seconds East - 340.00 feet to the **PLACE OF BEGINNING** and containing 22.962 Acres of Land.

  
C. Tim Griffith, R.P.L.S. No. 4349





## EXHIBIT "B"

### SERVICE PLAN FOR LANDMARK INDUSTRIES DEVELOPMENT, LTD.'S PROPERTY VOLUNTARY ANNEXED INTO THE CITY OF FULSHEAR, TEXAS

#### I. INTRODUCTION

This Service Plan ("PLAN") is made by the CITY OF FULSHEAR, TEXAS ("CITY") pursuant to Sec. 43.056(a) of the Local Government Code. This PLAN pertains to two tracts of land being a 47.748-acre tract and a 22.962-acre tract ("TRACTS") located in Fort Bend County, Texas, and described in Exhibit "A," which is attached to the ANNEXATION ORDINANCE and fully incorporated in this PLAN by reference as if set forth herein.

#### II. TERM AND EFFECTIVE DATE

This PLAN is proposed to be in effect for a term of ten (10) years commencing on the effective date of the annexation of the TRACTS. Renewal of this PLAN shall be at the discretion of the CITY and such discretion may be exercised by the City Council in such manner and for such time as the CITY may then direct.

#### III. SERVICE PROGRAMS

A. In General. This PLAN includes two (2) service programs: (1) the Early Action Program, described below, which must be implemented within sixty (60) days after the effective date of annexation; and (2) Capital Improvement Program more specifically described below.

B. Scope and Quality of Proposed Service. The CITY shall provide services to the area pursuant to any methods by which it extends or is authorized to extend services to any other area of the CITY. Under this PLAN, the CITY shall not provide fewer services or a lower level of services in the area annexed than were in existence in the area immediately preceding the date of annexation. However, it is not the intent of this PLAN to require that a uniform level of services be provided to all areas of the CITY, including the TRACTS, where differing characteristics of topography, land, use and population density are considered a sufficient basis for providing different levels of service

C. Definitions.

- 1.) As used in this PLAN, "providing services" includes having services provided by any method or means by which the CITY extends municipal services to any other area of the CITY. This may include causing or allowing public or private utilities, contractors, governmental entities and other public service organizations to provide such services, in whole or in part.

## EXHIBIT "B"

- 2.) As used in this PLAN, the phrase "standard policies and procedures" means those policies and procedures of the CITY applicable to a particular service which is in effect either at the time that the service is requested or at the time the service is made available or provided. The policies and procedures may require that a specific type of request be made, such as an application or petition. It may require that fees or charges be paid, in accordance with the law, and they may include eligibility requirements and similar provisions.

### IV. EARLY ACTION PROGRAM - IMPLEMENTATION WITHIN 60 DAYS

These statutorily mandated services will be provided to the TRACTS within sixty (60) days after annexation of the TRACTS:

A. Police Protection. The Police Department of the CITY will provide protection and law enforcement to the TRACTS; and these activities will include normal patrols and responses, the handling of complaints and incident reports, and other services and support provided by the Police Department of the CITY OF FULSHEAR to other portions of the CITY, all pursuant to standard policies and procedures.

B. Fire Protection. The Fire Department serving the CITY OF FULSHEAR at the time of the annexation will provide fire protection to the TRACTS in accordance with standard policies and procedures.

C. Solid Waste Collection. Business and residential solid waste collection services (garbage service) will be provided to residents and businesses in the TRACTS, all in accordance with standard policies and procedures.

D. Maintenance of Water. As water is available to the TRACTS, such facilities will be maintained in accordance with the standard policies and procedures as outlined in any applicable and binding agreement between the CITY and any Municipal Utility District.

E. Maintenance of Roads, Streets, Street Lighting and Drainage. At this time there are no roads, streets, street lighting or drainage within the TRACTS and, therefore, it is unnecessary for the PLAN to address such service items with respect to the sixty (60) day time period. There are existing roads, streets, street lighting and drainage in the municipality, and they are maintained in accordance with standard policies and procedures.

## EXHIBIT "B"

F. Maintenance of Parks, Playgrounds, and Swimming Pools. At this time there are no public parks, playgrounds, and swimming pools within the TRACTS and, therefore, it is unnecessary for the PLAN to address such service items with respect to the sixty (60) day time period. There are existing public parks, playgrounds, and swimming pools in the municipality, and they are available for use and enjoyment by residents of the TRACTS in accordance with standard policies and procedures.

G. Maintenance of Any Other Publicly Owned Facility, Building, or Service. At this time there are no other publicly owned facilities, buildings, or services within the TRACTS and, therefore, it is unnecessary for the PLAN to address such service items with respect to the sixty (60) day time period. There are existing publicly owned facilities, buildings, or services in the municipality, and they are available for use and enjoyment by residents of the TRACTS in accordance with standard policies and procedures.

H. Animal Control. Animal control provider serving the CITY OF FULSHEAR at the time of the annexation will provide animal control services to the TRACTS in accordance with standard policies and procedures.

I. Emergency Medical Service. The Emergency Medical Service provider serving the CITY OF FULSHEAR at the time of the annexation will provide emergency medical service to the TRACTS in accordance with standard policies and procedures.

J. Other CITY Services. All other available CITY services not specifically listed above shall be extended and available to residents and/or commercial entities occupying the TRACTS in accordance with standard policies and procedures.

**K. NOTHING IN THIS PLAN SHALL BE INTERPRETED TO WAIVE OR OVERRIDE ANY OBLIGATION LANDMARK INDUSTRIES DEVELOPMENT, LTD. OR OTHER SUBDIVIDER HAS UNDER THE TERMS OF THE CITY'S SUBDIVISION ORDINANCE OR TO RELIEVE LANDMARK INDUSTRIES DEVELOPMENT, LTD. OR OTHER SUBDIVIDER OF ANY RESPONSIBILITY LANDMARK INDUSTRIES DEVELOPMENT, LTD. OR OTHER SUBDIVIDER MAY HAVE UNDER THE CITY'S SUBDIVISION ORDINANCE TO CONSTRUCT PUBLIC IMPROVEMENTS AT LANDMARK INDUSTRIES DEVELOPMENT, LTD.'S OR OTHER SUBDIVIDER'S EXPENSE AND TO MAINTAIN SUCH IMPROVEMENTS AS SET FORTH IN THE SUBDIVISION ORDINANCE.**

### V. CAPITAL IMPROVEMENT PROGRAM

LANDMARK INDUSTRIES DEVELOPMENT, LTD. is not currently constructing improvements on the TRACTS. Any necessary construction or acquisition shall begin within (2) years of the annexation and shall be substantially completed within four and one-half (4-1/2) years of the date of the annexation of the particular TRACTS.

A. Police Protection. Police protection for the TRACTS can be provided by

## EXHIBIT "B"

using existing capital improvements.

B. Fire Protection. Fire protection for the TRACTS can be provided using existing capital improvements.

C. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services within the TRACTS as described in the Early Action Program. However, the TRACTS will be included with other territory in connection with planning for new, revised, or expanded solid waste facilities.

D. Water and Wastewater Facilities. LANDMARK INDUSTRIES DEVELOPMENT, LTD. is not currently constructing improvements. However, once completed and accepted by the CITY, the CITY and/or appropriate Municipal Utility District will maintain the water and wastewater system, subject to standard policies and procedures, including but not limited to the maintenance and warranty provisions set forth in the CITY'S Subdivision Ordinance.

E. Roads and Streets. LANDMARK INDUSTRIES DEVELOPMENT, LTD. is not currently constructing road and street improvements. However, upon annexation, the CITY will acquire dominion, control, and jurisdiction in, over and under public roads and streets within the TRACTS upon the completion and acceptance of the improvements by the CITY, subject to the jurisdiction of other governmental entities, including contractual obligations with Fort Bend County. Additional roads, streets, or related facilities are not necessary at this time to serve the TRACTS. Future extensions of roads or streets and future installation of related facilities such as traffic control devices or street lights will be governed by standard policies and procedures. The TRACTS will be included with other territory in connection with planning for new, revised, widened or enlarged roads, streets, or related facilities.

F. Parks, Playgrounds. There are no plans for capital improvements at this time. However, to the extent applicable, the TRACTS are obligated to participate and/or contribute to the CITY'S plan for the development of park land within the territorial limits of the CITY pursuant to any existing agreement.

**G. NOTHING IN THIS PLAN SHALL BE INTERPRETED TO WAIVE OR OVERRIDE ANY OBLIGATION LANDMARK INDUSTRIES DEVELOPMENT, LTD. OR OTHER SUBDIVIDER HAS UNDER THE TERMS OF THE CITY'S SUBDIVISION ORDINANCE OR TO RELIEVE LANDMARK INDUSTRIES DEVELOPMENT, LTD. OR OTHER SUBDIVIDER OF ANY RESPONSIBILITY LANDMARK INDUSTRIES DEVELOPMENT, LTD. OR OTHER SUBDIVIDER MAY HAVE UNDER THE CITY'S SUBDIVISION ORDINANCE TO CONSTRUCT PUBLIC IMPROVEMENTS AT LANDMARK INDUSTRIES DEVELOPMENT, LTD.'S OR OTHER SUBDIVIDER'S EXPENSE AND TO MAINTAIN SAID IMPROVEMENTS AS SET FORTH IN THE SUBDIVISION ORDINANCE.**

## VI. AMENDMENT; GOVERNING LAW

## EXHIBIT "B"

This PLAN may not be amended or repealed except as provided by the Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the CITY shall constitute amendments to this PLAN, and the CITY reserves the right to make such changes. This PLAN is subject to, and shall be interpreted in accordance with the Local Government Code, the Constitution and laws of the federal government of the United States of America and the State of Texas.

### VII. FORCE MAJEURE

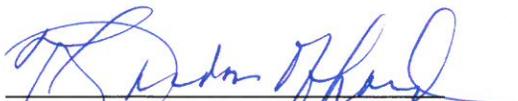
Should a *force majeure* interrupt the services described herein, the CITY shall resume services under this PLAN within a reasonable time after the cessation of the *force majeure*. The term "*force majeure*," for the purposes of this PLAN, shall include, but not be limited to, acts of God, acts of the public enemy, war, blockades, insurrection, riots, epidemics, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrests and restraints of government, explosions, collisions, and any other inability imposed upon the CITY whether similar to those enumerated or otherwise, which is not within the control of the CITY.

### VIII. ENTIRE PLAN

This document contains the entire and integrated PLAN relating to the TRACTS and supersedes all other negotiations, representations, plans and agreements, whether written or oral.

  
\_\_\_\_\_  
Thomas C. Kuykendall, Mayor

**ATTEST:**

  
\_\_\_\_\_  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1030**

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REQUIRING GREASE TRAPS AND OTHER FORMS OF MITIGATION TO ENSURE THE INTEGRITY OF THE CITY'S WASTE WATER, STORM WATER AND WATER COURSE SYSTEMS PROVIDING DEFINITIONS; INSPECTION; 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 public's property by limiting the Waste Water Treatment Facility's exposure to internal hazards; 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**, the implementation of mitigation on grease and other pollutants entering the Waste Water and Storm Water systems as well as its other water courses will protect them from future harm and reduce the likelihood of expensive repairs or violations of environmental protection standards.

**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 ensure the integrity of the City Waste Water, Storm Water and Water course systems through the implementation of mitigation standards and equipment.

**SECTION 2.0**

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

- 1) ***Cooking establishments:*** Those establishments primarily engaged in activities of preparing, serving, or otherwise making available food for consumption and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching and which discharge wastewater into the sanitary sewer collection and treatment system. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in, or on a receptacle that requires washing.
- 2) ***Fats, oils, and greases:*** Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test. All are sometimes referred to herein as "grease" or "greases".  
**Food preparation or serving facility:** Any commercial or industrial facility that prepares or serves food, including but not limited to a restaurant, café, cafeteria, snack bar, grill, deli, catering service, bakery, grocery store, butcher shop, or similar establishment that discharges wastewater into the city sanitary sewer collection and treatment system.
- 3) ***Grease trap or interceptor:*** A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering into the City of Fulshear

sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering into the city sanitary sewer collection and treatment system. Grease traps and interceptors are sometimes referred to herein as "grease interceptors."

- 4) **Minimum design capability:** The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged into the public sanitary sewer.
- 5) **Non-cooking establishments:** Those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.
- 6) **User:** Any person, business, establishment, or facility including those located outside the jurisdictional limits of the City of Fulshear, who contributes, causes, or permits the contribution or discharge of wastewater into the city sanitary sewer collection and treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.
- 7) **Vehicle maintenance facility:** Any commercial or industrial facility where automobiles, trucks, or equipment are serviced or maintained, including garages, service stations, repair shops, oil and lubrication shops, or similar establishments.

### **SECTION 3.0**

**NUISANCE DECLARED:** It shall be declared a nuisance and be deemed unlawful for any person, either as owner, tenant or employee, to commit such acts as listed below that will adversely affect the quality of water in the Waste Water, Storm Water drainage system and watercourses within the city:

- 1) Grease and sand traps from automotive centers, service stations, and vehicle wash operations must be connected to the sanitary sewer.
- 2) Aircraft washing shall be trapped and effluent placed in the sanitary sewer in accordance with the city plumbing code.
- 3) Dumping of grass clipping, leaves brush, or any debris to curb, gutter, storm inlet, storm drain, or watercourse is prohibited.
- 4) No person shall permit crankcase draining, vehicle engine wash or other oils, greases or like material to go to any area that will drain to the storm system or watercourse.
- 5) No liquid, semi-liquid, or chemical waste shall be deposited in any area that will drain to the storm system or watercourse. All such materials shall be disposed of at a site approved for the disposal of such liquids.
- 6) With the exception of clean untreated water, no cooling tower, compressor or boiler blow down water will be permitted to flow to the storm system or watercourse.
- 7) Water from commercial nurseries used to water plants is prohibited from flowing to streets or alleys to the extent that a nuisance is created by standing water, damage to streets or alleys or affecting the free passage of the foot traffic.

- 8) Filter backwash from swimming pools and fountains shall drain to the sanitary sewer.
- 9) Animal pens for kennels, animal hospitals, packing houses, poultry processing plants and dairies shall be connected to the sanitary sewer or suitable septic system in accordance with the plumbing code. Exceptions shall be made when such establishment is issued a permit by U.S. Corps of Engineers, Texas Commission on Environmental Quality, city Building Official and the county health department.
- 10) Ready mixed concrete mortar and asphalt base material delivery trucks are prohibited from dumping unused materials to any area that will drain to streams and watercourses. All residue shall be disposed of, and vehicles wash down at a site approved for that purpose.
- 11) No person may discharge into the public sewers any waste which by itself or by interaction with other wastes that may injure or interfere with wastewater treatment processes or facilities or constitute a hazard to humans or animals or water treatment plant effluent. All discharges shall conform to the requirements of this Ordinance.
- 12) No person may discharge garbage into the public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half (1/2") inch in any dimension are prohibited.
- 13) No person may discharge into the public sewers any substance that may deposit grease or oil in the sewer lines in such a manner as to clog the sewers; overload skimming and grease handling equipment; pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamenability of the substance to bacterial action; or deleteriously affect the treatment process due to excessive quantities.
- 14) No person may discharge into the public sewers any substance capable of causing obstruction to the flow in the sewers, interference with the operation of treatment processes of facilities, or excessive loading of treatment facilities.

#### **SECTION 4.0**

**GENERAL ADMINISTRATION:** This Ordinance is designed to aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of fats, oils, and greases discharged to the sanitary sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

- 1) If discharges or proposed discharges to public sewers may deleteriously affect wastewater facilities, processes, equipment, or receiving waters; create a hazard to life or health or create a public nuisance, the approving authority shall require pretreatment to an acceptable condition for discharge to the public sewers; control over the quantities and rates of discharge and payment to cover the cost of handling and treating the wastes. The approving authority is entitled to determine whether a discharge or proposed discharge is included under this Ordinance. The approving authority shall reject wastes when it determines that a discharge or proposed discharge is included under this section or the discharger does not meet the requirements of this Ordinance.
- 2) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes. The design and installation of equipment and

processes must conform to all applicable statutes, codes, ordinances, and other laws. Any person responsible for discharges requiring pretreatment, flow-equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

- 3) In order to reduce sewer blockages, commercial customers in the City of Fulshear service area that discharge wastewater that contains grease must install and properly operate and maintain a grease trap or interceptor.
- 4) Grease, oil and sand interceptors shall be required when, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not normally be required for residential users. All interception units shall be of type and capacity which is certified by a qualified professional, as meeting the city plumbing requirements.
- 5) All interceptors shall be located outside of the building in such a manner that personnel from the city can inspect the interceptors at any time.
- 6) The city shall be notified of any changes of operation or process at the permitted establishment.
- 7) The following documents shall be submitted to the city for review and approval prior to issuance of a permit for installation of an interceptor.
  - a) A site plan showing the location of the interceptor, lines, and cleanout or manhole;
  - b) Details of the interceptor, lines and cleanout or manhole;
  - c) Formula and calculations used to determine the interceptor capacity.

Any changes to the approved plan shall be approved by the city, prior to implementation.

- 8) Every interceptor shall have sufficient capacity to perform the service for which it is intended. Interceptors shall be designed to provide for a minimum hydraulic retention time of twenty-four (24) minutes at actual peak flow or twelve (12) minutes at the calculated theoretical peak flow rate, between the influent and effluent baffles with twenty (20) of the total volume of the grease interceptor being allowed for sludge to settle and accumulate.
- 9) All grease traps and interceptors must be designed using standard engineering principles for sedimentation and floatation in gravity separators. Baffles and good inlet design are required to deflect the flow across the surface areas of the units and sufficient grease and solids storage capacity is required. Grease traps and interceptors shall be rated for the designed flow-through rate of the unit in gallons/minute.
- 10) Grease interceptors shall be installed by users as required by the city. Grease interceptors shall be installed at the user's expense.
- 11) The City is empowered to sample and such sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, safety and welfare of the City. The City's duly authorized employee or designee, bearing proper credentials and identification are entitle to

enter any public or private property at any reasonable time for the purpose of enforcing this Ordinance.

#### **SECTION 5.0**

##### **PROVISIONS FOR EXISTING USERS:**

- 1) Users subject to this regulation which were in operation before the effective date of this regulation ("existing users") and do not have grease interception systems are generally required to install such a system within one year of the effective date of this regulation. Such businesses may receive approval from the public works director or his/her designee, to install a system under alternate standards taking into account the circumstances of the business's operation, production of waste grease and the practicality of installation under normal requirements.
- 2) Existing businesses with an existing grease interception system that does not meet city standards may be required to upgrade the system or may be allowed to continue use of the present system subject to the requirements of this section.

#### **SECTION 6.0**

**EXEMPTIONS:** Users on private septic systems are exempt from the provisions of this Ordinance relating to the installation and maintenance of a grease trap. Such users will be required to comply with this Ordinance prior to connection to the City's Waste Water system. A permit is required in all other instances for the installation of any grease trap or other device affecting the sanitary sewer.

#### **SECTION 7.0**

**OFFENSE:** An offense under this Ordinance is a misdemeanor punishable by a fine not to exceed \$200.00. The municipal court shall order abatement of the nuisance on conviction. Violation of this Ordinance is grounds for the city to terminate the water and wastewater disposal service from the system of the City. No person may continue discharging in violation of this Ordinance. Each day is a separate violation of this Ordinance.

#### **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**

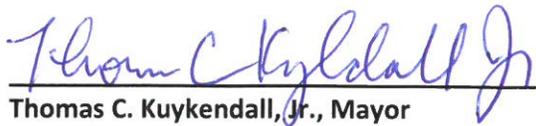
**REPEALER:** All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

#### **SECTION 10.0**

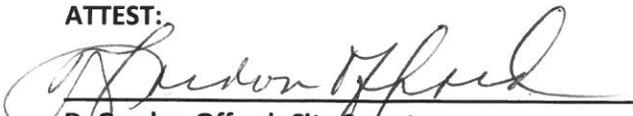
**SEVERABILITY:** Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity 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 on the 15<sup>th</sup> day of March, 2011. The City Secretary is directed to publish the caption of the Ordinance in accordance with state law.

  
Thomas C. Kuykendall, Jr., Mayor

ATTEST:

  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1031**

AN ORDINANCE OF THE CITY OF FULSHEAR, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 14, 2011, FOR THE PURPOSE OF ELECTING TWO (2) ALDERMEN; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

\* \* \* \* \*

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

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 2011, the same being the 14<sup>th</sup> day of said month, at which election all qualified voters of the City may vote for the purpose of electing two (2) Aldermen.

Section 2. No person's name shall be placed upon the official ballot as a candidate for Alderman unless such person shall have filed his or her sworn application, as provided by Section 141.031 of the TEXAS ELECTION CODE, with the City Secretary of the City at the City Offices, located at 30603 F.M. 1093, Fulshear, Texas 77441, not later than five o'clock (5:00) p.m. on the sixty-second (62nd) day before the date of such election. The City Secretary shall note of the face of each such application the date and time of its filing.

Section 3. A contract has been made by and between Fort Bend County, a body corporate and politic under the laws of the State of Texas, hereinafter referred to as "County" and the City of Fulshear, hereinafter referred to as "Political Subdivision" pursuant to Texas Election Code Sections 31.092 and 271.002 for a joint May 14, 2011 election to be administered by John Oldham, Fort Bend County Elections Administrator,

hereinafter referred to as "Elections Administrator."

**POLLING PLACE**

Irene Stern Community Center

City of Fulshear

6920 Katy Fulshear Road

Fulshear, Texas 77441

**ELECTION OFFICERS**

Fort Bend County shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code. The Elections Administrator shall make emergency appointments of election officials if necessary.

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 Elections Administrator shall notify all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that all election judges appointed for the Joint Election are eligible to serve.

The Election Administrator shall arrange for the training and compensation of all election judges and clerks. Each election judge and clerk will receive compensation at an hourly rate established by Fort Bend County pursuant to Texas Election Code Section 32.091.

Section 4. The Elections Administrator may employ other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of supplies during early voting and on Election Day, and for the efficient tabulation of ballots at the central counting station. Part-time personnel working in support of the Early Voting Ballot Board and/or central counting station on election night will be compensated at the rate set by Fort Bend County. It is agreed by all parties that at all times and for the purposes hereunder, all election judges, clerks, and all other personnel involved in this election are independent contractors and are not employees or agents of the County.

The participating authorities agree to conduct joint early voting and to appoint the Election Administrator as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. The participating authorities agree to appoint the Election Administrator's permanent county employees as deputy early voting clerks. The participating authorities further agree that the Elections Administrator may appoint other deputy early voting clerks to assist in the conduct of early voting as necessary, and that these additional deputy early voting clerks shall be compensated at an hourly rate set by Fort Bend County pursuant to Section 83.052 of the Texas Election Code.

Early Voting by personal appearance will be held at the locations, dates, and times listed in Attachment "B" of this document. Any qualified voter of the Joint Election may vote early by personal appearance at any one of the joint early voting locations. The Elections Administrator shall provide Political Subdivision a copy of the early voting report on a daily bases and a cumulative final early voting report following the election.

Section 5. Electronic voting machines shall be used for early voting and for voting on Election Day, 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 6. The City Secretary is hereby authorized and directed to assist with the arranging of Polling Place and supplies necessary for the Polling Place.

Section 7. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary, as provided by Section 52.094 of the TEXAS ELECTION CODE. The City Secretary shall post a notice in her office, at least seventy-two (72) hours prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by such candidate, shall have a right to be present and observe the drawing.

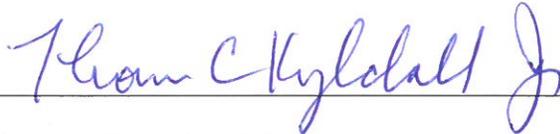
Section 8. The two (2) candidates receiving the highest number of votes for Alderman shall be declared elected.

Section 9. Notice of this election shall be given in accordance with the provisions of the TEXAS ELECTION CODE and returns of such notice shall be made as provided for in said Code. The City Secretary, in compliance with Section 23.023(c) of the Texas Local Government Code, shall post notice of said election for at least twenty (20) days preceding the date of the election in at least three (3) public places within the

municipal limits. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 10. Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

PASSED, APPROVED, AND ADOPTED the 15th day of February, 2011.



Thomas C. Kuykendall, Jr.  
Mayor

ATTEST:



D. (Diana) Gordon Offord  
City Secretary

Aldermen Voting:

Beustring-  
Collins-  
Gill-  
Patterson-  
Roberts-

## Exhibit B

### Early Voting Schedule May 14, 2011 Joint Election Lamar CISD, City of Fulshear, City of Simonton

**Schedule for:** Irene Stern Community Center  
6920 Fulshear-Katy Road  
Fulshear, TX

| <u>Day</u>      | <u>Date</u>   | <u>Hours</u>            |
|-----------------|---------------|-------------------------|
| Monday – Friday | May 2–6, 2010 | 8:00 a.m. to 5:00 P.M.. |
| Saturday        | May 7, 2010   | 8:00 a.m. to 5:00 P.M.  |
| Sunday          | May 8, 2010   | CLOSED                  |
| Monday          | May 9, 2010   | 7:00 a.m. to 7:00 p.m.  |
| Tuesday         | May 10, 2010  | 7:00 a.m. to 7:00 p.m.  |

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## ORDINANCE NO. 2011-1032

**AN ORDINANCE AMENDING CITY OF FULSHEAR, TEXAS, ORDINANCE NO. 2010-1007, BEING AN ORDINANCE APPROVING AND ADOPTING THE CITY'S GENERAL BUDGET FOR FISCAL YEAR 2010-2011, BY APPROVING "BUDGET AMENDMENT I" TO THE "ORIGINAL GENERAL BUDGET OF THE CITY OF Fulshear, TEXAS, FOR THE FISCAL YEAR 2010-2011"; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.**

**WHEREAS**, by Ordinance No. 2010-1007, the City Council of the City of Fulshear, Texas, adopted its "Original General Budget for Fiscal Year 2010-2011"; and

**WHEREAS**, the City Council has determined that revenues and/or reserves are available for supplemental appropriation, and/or that the transfer of certain funds interdepartmentally is economically feasible and in the best interest of prudent budgeting and for municipal purposes; and

**WHEREAS**, the City Council desires to amend said Original General Budget to reflect such supplemental appropriation and/or transfer in the fiscal year 2010-2011; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, STATE OF 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:** The "Original General Budget of the City of Fulshear, Texas, for the Fiscal Year 2010-2011," adopted under Ordinance No. 2010- is hereby amended for municipal purposes as shown on "Budget Amendment I" to the "Original Budget of the City of Fulshear Texas, for the Fiscal year 2010-2011" attached hereto. Said Budget Amendment I shall be attached to and made a part of such Original General Budget by the City Secretary and shall be filed as required by state law, a true and correct copy of which is attached hereto as Exhibits "A" and "B" and made a part hereof for all purposes.

### **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.

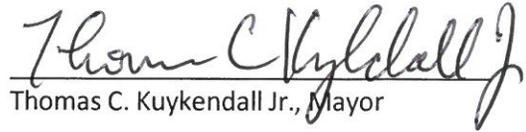
### **SECTION 5.0**

**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.

  
Thomas C. Kuykendall Jr., Mayor

ATTEST:

  
D. Gordon Offord, City Secretary

ORDINANCE NO. 2011-1033

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REPEALING ORDINANCE NO. 2009-994A CONCERNING THE PROVISION OF CERTAIN HEALTH INSURANCE BENEFITS TO RETIRED CITY EMPLOYEES PROVIDING FOR REPEALER; SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, the City Council of Fulshear previously adopted Ordinance No. 2009-994a providing for the provision of certain Health Insurance benefits to retired City employees; and

WHEREAS, the City Council wishes to repeal said Ordinance since there are currently no retired City employees eligible for said benefits; and

WHEREAS, Ordinance 2009-994a places an undue administrative and cost burden on the City with no benefit to anyone; and

WHEREAS, the City Council of the City of Fulshear retains the ability to revisit this issue and provide such benefits at its discretion at such time as there are potential beneficiaries.

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 Ordinance No. 2009-994a so that the City may remove undue administrative and cost burdens that provide no benefit to any beneficiary.

**SECTION 2.0**

**REPEALED:** Ordinance 2009-994a is hereby repealed.

**SECTION 9.0**

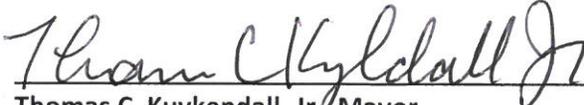
**REPEALER:** All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

**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.

  
Thomas C. Kuykendall, Jr., Mayor

ATTEST:

  
D. Gordon Offord, City Secretary

ORDINANCE NO. 2010-1034

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

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING ORDINANCE NO. 2010-1012 SECTION 3.0 ADDING PARAGRAPH (D) TO INCLUDE RATES FOR THE OPERATION OF IRRIGATION SYSTEMS ON INDEPENDENT METERS FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS; ALSO PROVIDING FOR PARAGRAPH (E) CONCERNING WATER AND SEWER RATES CHARGED OUTSIDE THE CITY LIMITS; 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 is desirous of promoting and enhancing water conservation through the use of irrigation only meters; AND

**WHEREAS**, the City has recently begun providing water and sewer services beyond the City Limits in special situations; AND

**WHEREAS**, the City Council of the City of Fulshear, Texas wishes to clarify that the rates for irrigation only customers and customers receiving water and sewer services beyond the City Limits through the addition of paragraphs (d) and (e) in Section 3.0 of the Ordinance.

**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, Section 3.0, adding paragraph (d) clarifying rates for irrigation systems and paragraph (e) clarifying rates charged for water and sewer service beyond the City Limits.

**SECTION 2.0**

**AMDENDED:** Section 3.0 is hereby amended to include:

- (d) The following charges shall be made and collected for water services used by the residential customers utilizing irrigation only accounts tied to the water system of the City.

Water Rates for Residential customers utilizing irrigation only meters:

|  |        |
|--|--------|
| 0 gallons.....   | \$0.00 |
| 1 - 1,000 gallons.....   | \$6.00 |
| 1,001 – 5,000 gallons (for each additional<br>Thousand gallons)..... | \$1.75 |

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

(e) Any customer receiving water and/ or waste water service beyond the City limits shall pay a rate equal to 1.5 times the corresponding rate as customers receiving services within the City.

**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**

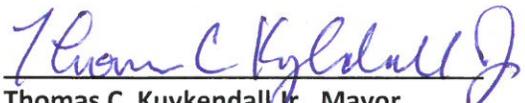
**REPEALING CLAUSE:** All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

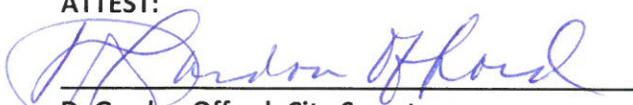
**SECTION 5.0**

**EFFECTIVE DATE:** This Ordinance shall be effective on the first day of May, 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.

  
 Thomas C. Kuykendall Jr., Mayor

**ATTEST:**  
  
 D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1035  
SETTING RATES FOR RESIDENTIAL SOLID WASTE AND RECYCLING SERVICES AND TRANSFERRING  
BILLING RESPONSIBILITIES FROM SOUTHWEST WATER TO ROYAL DISPOSAL**

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS SETTING RATES FOR RESIDENTIAL  
SOLID WASTE AND RECYCLING SERVICES; ALSO TRANSFERRING BILLING  
RESPONSIBILITIES FROM SOUTHWEST WATER TO ROYAL DISPOSAL; PROVIDING FOR  
SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, in the interests of Customer Service, Fiscal Responsibility and Environmental consciousness, the City Council of the City of Fulshear wishes to enhance recycling efforts by providing curbside recycling service; AND

**WHEREAS**, the City has previously contracted with Royal Disposal for Residential Solid Waste Collection services; with a contract expiring in February 2013; AND

**WHEREAS**, the response from customers has been for more user-friendly recycling service; AND

**WHEREAS**, the City Council of the City of Fulshear, Texas wishes enhance customer service through the provision of curb side recycling and realign the billing responsibility for such services to Royal Disposal from Southwest Water.

**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 set Solid Waste Collection and Recycling Rates.

**SECTION 2.0**

**ADOPTED:** The City's contracted Solid Waste service provider shall provide curbside recycling service and assume the billing services for Solid Waste collection throughout the City. The fee collected for said services shall be \$16.48 plus tax per account, per month. Residents not wishing to participate in the curbside recycling program may opt out of the program. For those account holders opting out of the curbside recycling program, the revised rate for service shall be \$13.48 plus tax, per account, per month.

**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.

CITY OF FULSHEAR, ORDINANCE 2011-1035

**SECTION 5.0**

**EFFECTIVE DATE:** This Ordinance shall be effective on the first day of August, 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.

  
Thomas C. Kuykendall Jr., Mayor

ATTEST:  
  
D. Gordon Offord, City Secretary



# Royal Disposal & Recycle

PO Box 160 Fulshear, Texas 77441

royaldisposal@comcast.net

www.royaldisposal.com

Office 713.526.1536

Fax 281.646.1507

May 27, 2011

City of Fulshear  
PO Box 279  
Fulshear, Texas 77441  
Attn: C.J. Snipes

Mr. Snipes,

As you requested, I am pleased to submit our proposal for recycle services and to assume the responsibility for individually billing each homeowner under the City of Fulshear trash collection contract. All prices are plus applicable taxes and fees.

We will provide once collection services on Wednesday:

|   |                          |                                   |
|---|--------------------------|-----------------------------------|
| <b>Trash Collection:</b><br>Residents provide their own trash cans  | <b>Curbside Pickup</b>   | <b>\$ 9.54 per home per month</b> |
| <b>Household recycle collection:</b><br>18 gallon recycle bins delivered to each home<br>Bins remain property of Royal Disposal<br>All residents must participate<br>Minimum of 2 year contract | <b>Curbside Pickup</b>   | <b>\$ 2.96 per home per month</b> |
| <b>Individually bill each homeowner:</b><br>3 Months in advance<br>Due 30 days from date of invoice<br>10 Day Grace period<br>Service interruption for non-payment                              | <b>Quarterly Billing</b> | <b>\$ .98 per home per month</b>  |

**TOTAL MONTHLY CHARGE, PLUS TAXES & FEES: \$ 13.48 per home per month**

If you desire to implement these additional services, we will work with you to begin service effective July 1, 2011, since this is the beginning of the quarterly billing cycle. If not, we will start at a later date.

David Hanna  
CEO Royal Disposal & Recycle



# CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

Phone: 281-346-1796 ~ Fax: 281-346-2556

www.fulsheartx.com

## Memo

**To:** City Council  
**From:** CJ Snipes  
**CC:**  
**Date:** 06/15/2011  
**Re:** Solid Waste Collection and Curbside Recycling Rates

Below I have modeled out the impact of rate changes resulting from the addition of curbside recycling from Royal Disposal. Currently Royal charges the City \$9.50 per account for Solid Waste collection; the City then adds a fee of \$3.00 for a total charge to the customer of \$12.50 before adding Sales Tax. With Sales Tax the current total paid by the customer is \$13.53.

As you can see from attached proposal from Royal, the addition of both curbside recycling and direct billing service would raise their basic rate to \$13.48 per customer. The Chart below details the impact of the change and models potential impacts to both the customer and the City. In terms of real value to the City it should be noted that the annual net revenue from Solid Waste is enough to pay almost the entire cost of a new Police Car.

| Basic Charge for Collection/ Recycling | City Fee | Total Monthly Charge to Account Holder* | Monthly Net Revenue to City | Annual Net Revenue to City |
|--|----------|---|-----------------------------|----------------------------|
| \$13.48                                | \$1.50   | \$16.22                                 | \$1,038.00                  | \$12,456.00                |
| \$13.48                                | \$2.00   | \$16.76                                 | \$1,384.00                  | \$16,608.00                |
| \$13.48                                | \$2.50   | \$17.30                                 | \$1,730.00                  | \$20,760.00                |
| \$13.48                                | \$3.00   | \$17.84                                 | \$2,076.00                  | \$24,912.00                |
| <b>Current Rates</b>                   |          |   |                             |                            |
| \$9.50                                 | \$3.00   | \$13.53                                 | \$2,076.00                  | \$24,912.00                |

\*Including Sales Tax

Our request for this proposal was driven by customer requests for curbside recycling received from around the community. Also transitioning to curb side recycling will reduce the City's burden related to the central recycling here at City Hall; which is a non-reimbursed cost to the City. Likewise, we feel that having Royal direct bill customers will reduce confusion for those customers in the Bois D'Arc community who currently receive a bill from Southwest Water; while giving both the City and Royal a means of correcting billing issues directly.

CJS

**ORDINANCE NO. 2011-1036**

**AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 14, 2011, FOR THE PURPOSE OF ELECTING TWO (2) ALDERMEN TO THE CTY COUNCIL OF THE CITY OF FULSHEAR.**

\* \* \* \* \*

WHEREAS, a general election was held in the City of Fulshear, Texas, on May 14, 2011, for the purpose of electing two (2) 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 244 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 14, 2011, reflects that the following named persons received the number of votes set opposite their name:

| <u>Candidate Name</u> | <u>Votes</u> |
|-----------------------|--------------|
| J. B. Collins, Jr.    | 133          |
| Stephen Gill          | 154          |
| Jocelyn Ryan          | 91           |

Section 3. In accordance with the official canvass of the returns of the general election held on May 14, 2011, the following persons are duly elected:

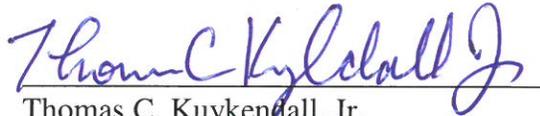
**Stephen Gill.....154**

**J. B. Collins, Jr.....133**

*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.

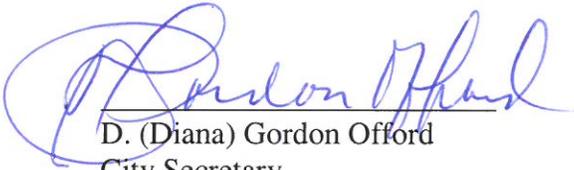
*Section 5. Exhibit A.* See Attachment.

PASSED, APPROVED AND ADOPTED this 24<sup>th</sup> day of May, 2011.



Thomas C. Kuykendall, Jr.  
Mayor

ATTEST:



D. (Diana) Gordon Offord  
City Secretary

# Exhibit "A"



Office of Elections Administration  
Fort Bend County, Texas

*John Oldham*  
Elections Administrator

(281) 341-8670  
Fax (281) 341-4418

## CANVASS

I, John Oldham, Election Administrator for Fort Bend County Texas, do certify that the following are a true and accurate statement of the votes cast in the various precincts of Fort Bend County for the General Election held on May 14, 2011 on behalf of the City of Fulshear.

Dated: May 18, 2011

A handwritten signature in cursive script, appearing to read "John Oldham", is written over a horizontal line.

John Oldham  
Election Administrator  
Fort Bend County, Texas

Fort Bend County Rosenberg Annex Building  
Physical: 4520 Reading Road, Suite A, Rosenberg, Texas 77471  
Mailing: 301 Jackson Street, Suite 101, Richmond, Texas 77469  
e-mail address: [vote@co.fort-bend.tx.us](mailto:vote@co.fort-bend.tx.us)

**City of Fulshear Canvass Report — Total Voters — Official  
Fort Bend County, Texas — General Election — May 14, 2011**

Page 1 of 1

Total Number of Voters : 16,774 of 259,703 = 6.46%

05/18/2011 09:50 AM  
Precincts Reporting 135 of 135 = 100.00%

**Alderman City of Fulshear**

| Precinct      | Early Ballots Cast | Election Ballots Cast | Total Ballots Cast | Registered Voters | Percent Turnout | Stephen Gill | J. B. Collins, Jr. | Jocelyn Ryan | Totals     |
|---------------|--------------------|-----------------------|--------------------|-------------------|-----------------|--------------|--------------------|--------------|------------|
| 3006          | 136                | 108                   | 244                | 1051              | 23.22%          | 154          | 133                | 91           | 378        |
| <b>Totals</b> | <b>136</b>         | <b>108</b>            | <b>244</b>         | <b>1051</b>       |                 | <b>154</b>   | <b>133</b>         | <b>91</b>    | <b>378</b> |

Exhibit "A"

**City of Fulshear Cumulative Report — Official  
Fort Bend County, Texas — General Election — May 14, 2011**

Total Number of Voters : 16,774 of 259,703 = 6.46%

| Party | Candidate | Early | Election | Total |
|-------|-----------|-------|----------|-------|
|-------|-----------|-------|----------|-------|

|                     |  |     |        |     |        |     |        |
|---------------------|--|-----|--------|-----|--------|-----|--------|
| Stephen Gill        |  | 65  | 33.51% | 89  | 48.37% | 154 | 40.74% |
| J. B. Collins, Jr.  |  | 61  | 31.44% | 72  | 39.13% | 133 | 35.19% |
| Jocelyn Ryan        |  | 68  | 35.05% | 23  | 12.50% | 91  | 24.07% |
| <b>Cast Votes:</b>  |  | 194 | 71.32% | 184 | 85.19% | 378 | 77.46% |
| <b>Over Votes:</b>  |  | 0   | 0.00%  | 0   | 0.00%  | 0   | 0.00%  |
| <b>Under Votes:</b> |  | 78  | 28.68% | 32  | 14.81% | 110 | 22.54% |

| Precincts |       |         | Voters  |            |         |
|-----------|-------|---------|---------|------------|---------|
| Counted   | Total | Percent | Ballots | Registered | Percent |
| 1         | 1     | 100.00% | 244     | 1,051      | 23.22%  |

Exhibit "A"

**City of Fulshear Precinct Report — Official  
Fort Bend County, Texas — General Election — May 14, 2011**

05/18/2011 09:51 AM  
Precincts Reporting 135 of 135 = 100.00%

Total Number of Voters : 16,774 of 259,703 = 6.46%

| Party | Candidate | Early | Election | Total |
|-------|-----------|-------|----------|-------|
|-------|-----------|-------|----------|-------|

**Precinct 3006 (Ballots Cast: 888)**

**Alderman City of Fulshear, Vote For 2**

Stephen Gill  
J. B. Collins, Jr.  
Jocelyn Ryan

|     |        |     |        |     |        |
|-----|--------|-----|--------|-----|--------|
| 65  | 33.51% | 89  | 48.37% | 154 | 40.74% |
| 61  | 31.44% | 72  | 39.13% | 133 | 35.19% |
| 68  | 35.05% | 23  | 12.50% | 91  | 24.07% |
| 194 | 71.32% | 184 | 85.19% | 378 | 77.46% |
| 0   | 0.00%  | 0   | 0.00%  | 0   | 0.00%  |
| 78  | 28.68% | 32  | 14.81% | 110 | 22.54% |

Cast Votes:

Over Votes:

Under Votes:

Exhibit "A"

**ORDINANCE NO. 2011-1037**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2000-863 AND ADOPTING A REVISED DROUGHT CONTINGENCY PLAN**

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REPEALING ORDINANCE NO. 2000-863 AND ADOPTING A REVISED DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, the City of Fulshear, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

**WHEREAS**, the City recognizes that natural limitations due to drought condition and other natural disasters cannot guarantee an uninterrupted water supply for all purposes;

**WHEREAS**, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to prepare a drought contingency plan; and

**WHEREAS**, as authorized under law, and in the best interests of the citizens of Fulshear, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

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

**SECTION 1.0**

**PURPOSE:** The purpose of this Ordinance is to repeal and replace Ordinance No. 2000-863 so that the City Council may promote the public health, safety, and general welfare within the City through the implementation of a revised Drought Contingency Plan.

**SECTION 2.0**

**REPEALED:** Ordinance No. 2000-863 and all other previous Ordinances adopted concerning Drought Contingency are hereby repealed and replaced.

**SECTION 3.0**

**ADOPTED:** That the revised City of Fulshear, Texas, Drought Contingency Plan attached hereto as Exhibit A and made part hereof for all purposes is the official policy of the City.

**SECTION 4.0**

**PENALTY:** 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 two thousand dollars (\$2,000.00). 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 5.0**

**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 6.0**

**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 7.0**

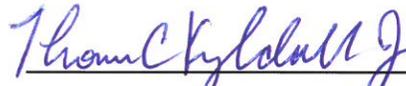
**SEVERABILITY:** Should any paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other that the part so declared to be invalid, illegal or unconstitutional.

**SECTION 8.0**

**EFFECTIVE DATE:** This Ordinance shall take effect immediately from and after its passage.

**SECTION 9.0**

**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

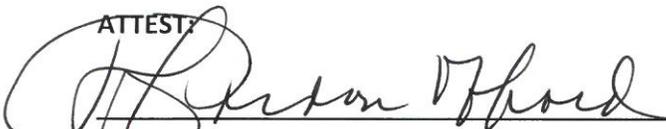
ATTEST:  
  
\_\_\_\_\_  
D. Gordon Offord, City Secretary

EXHIBIT "A"  
**CITY OF FULSHEAR**  
**DROUGHT CONTINGENCY PLAN**

**SECTION 1: Introduction and Objectives**

Water supply has always been a key issue in the development of Texas. In recent years, the increasing population and economic development in Regional Planning Group H have led to growing demands for water. At the same time, local and less expensive sources of water supply are largely developed. Additional supplies to meet higher demands will be expensive and difficult to develop. Therefore, it is important that we make efficient use of existing supplies and make them last as long as possible. This will delay the need for new supplies, minimize the environmental impacts associated with developing new supplies, and delay the high cost of additional water supply development.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of drought contingency plans for public water suppliers.

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part I, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code. For the purpose of these rules, a drought contingency plan is defined as:

*"A strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. A drought contingency plan may be a separate document identified as such or may be contained within another water management document(s)."*

The City of Fulshear has adopted this drought contingency plan pursuant to TCEQ guidelines and requirements.

The purpose of this drought contingency plan is as follows:

- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water use, sanitation, and fire protection
- To protect and preserve public health, welfare, and safety
- To minimize the adverse impacts of water supply shortages
- To minimize the adverse impacts of emergency water supply conditions

**SECTION 2: State Requirements for Drought Contingency Plans**

This drought contingency plan is consistent with Texas Commission on Environmental Quality (TCEQ) guidelines and requirements for development of drought contingency plans by public drinking water suppliers, contained in Title 30, Part I, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, and contained in Section 11.039 of the Texas Water Code.

TCEQ's minimum requirements for drought contingency plans are addressed in the following subsections of this document:

- 288.20(a)(I)(A) Provisions to Inform the Public and Provide Opportunity for Public Input  
Section 11.903
- 288.20(a)(I)(B) Provisions for Continuing Public Education and Information
- 288.20(a)(I)(C) Coordination with Regional Water Planning Group

- 288.20(a)(I)(D) Criteria for Initiation and Termination of Drought Stages
- Section 11.039 TWC - Initiation of Drought Response Stages
- 288.20(a)(1)(E) Drought and Emergency Response Stages
- 288.20( a)(1)(F) Specific, Quantified Targets for Water Use Reductions
- 288.20(a)(I)(G) Water Supply and Demand Management Measures for Each Stage
- 288.20(a)(1)(H) Procedures for Initiation and Termination of Drought Stages
- 288.20(a)(1)(1) Procedures for Granting Variances
- 288.20(a)(1)(J) Procedures for Enforcement of Mandatory Restrictions
- 288.20(a)(3) Consultation with Wholesale Supplier
- 288.20(b) Notification of Implementation of Mandatory Measures
- 288.20(c) Review and Update of Plan

**SECTION 3: Provisions to Inform the Public and Opportunity for Public Input**

Notice of the adoption of this Ordinance at a regular City Council meeting was posted, and interested members of the public were given an opportunity to express opinions and concerns regarding the plan.

**SECTION 4: Provisions for Continuing Public Education and Information**

The City of Fulshear will inform and educate the public about its drought contingency plan by the following means:

- Making the plan available to the public through the City of Fulshear's web site.
- Notifying local organizations, schools, and civic groups that City of Fulshear staff members are available to make presentations on the drought contingency plan.

At any time that the drought contingency plan is activated or the drought stage changes, the City of Fulshear will notify local media of the issues, the drought response stage, and the specific actions required of the public. The information will also be publicized on the City of Fulshear's web site. Billing inserts or mail outs will also be used as appropriate.

**SECTION 5: Initiation and Termination of Drought Response**

**a) Initiation of Drought Response Stages**

The Mayor or his/her official designee may order the implementation of a drought response stage or water emergency when one or more of the trigger conditions for that stage is met. The following actions will be taken when a drought stage is initiated:

- The public will be notified through local media.
- If any mandatory provisions of the drought contingency plan are activated, the City of Fulshear will notify the Executive Director of the TCEQ within five business days.

For other trigger conditions, the Mayor or his/her designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors that could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs.

**b) Termination of Drought Response Stages**

The Mayor or official designee may order the termination of a drought response stage or water emergency when the conditions for termination are met or at his/her discretion. The following actions will be taken when a drought stage is terminated:

- The public will be notified through local media.
- When any mandatory provisions of the drought contingency plan that have been activated are terminated, the City of Fulshear will notify the Executive Director of the TCEQ within five business days.

The Mayor or his/her designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. Factors that could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage.

## **SECTION 6: Drought and Emergency Response Stages**

### **1) Stage 1, Mild**

#### **a) Triggering and Termination Conditions for Stage 1, Mild**

- When total daily water demand equals or exceeds **60%** of total water well pumpage.
- Water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- Water demand is approaching the limit of the permitted supply.

Stage 1 can be terminated when the circumstances that caused the initiation of Stage 1 no longer prevail.

#### **b) Goal for Use Reductions and Actions Available Under Stage 1, Mild**

The goal for water use reduction under Stage 1, Mild is a **0 percent reduction** of the use that would have occurred in the absence of drought contingency measures. The purpose of actions under Stage 1, Mild is to raise public awareness of potential drought problems. The Mayor or his/her designee can order the implementation of any of the actions listed below, as deemed necessary:

- Request voluntary reductions in water use by the public.
- Increase public education efforts on ways to reduce water use.
- Review the problems that caused the initiation of Stage 1.
- Notify major water users and work with them to achieve voluntary water use reductions.
- Intensify efforts on leak detection and repair.
- Reduce non-essential city government water use, including street cleaning, vehicle washing, and operation of ornamental fountains.
- Reduce city government water used for landscape irrigation.
- Ask the public to follow voluntary landscape watering schedules

## 2) Stage 2, Moderate

### a) **Triggering and Termination Conditions for Stage 2, Moderate**

- When total daily water demand equals or exceeds **65%** of total water well pumpage.
- Water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- Water demand is approaching the limit of the permitted supply.

Stage 2 can terminate when the circumstances that caused the initiation of Stage 2 no longer prevail. Stage 1 becomes operative on termination of Stage 2.

### b) **Goal for Use Reduction and Actions Available Under Stage 2, Moderate**

The goal for water use reduction under Stage 2, Moderate is a **2 percent reduction** of the use that would have occurred in the absence of drought contingency measures. The Mayor or his/her designee can order the implementation of any of the actions listed below, as deemed necessary:

- Continue or initiate any actions available under Stage 1.
- Initiate engineering studies to evaluate alternatives should conditions worsen.
- Further accelerate public education efforts on ways to reduce water use.
- Halt non-essential city government water use, including street cleaning, vehicle washing, and operations of ornamental fountains.
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.

## 3) Stage 3, Severe

### a) **Triggering and Termination Conditions for Stage 3, Severe**

- When total daily water demand equals or exceeds **70%** total water well pumpage.
- Water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- Water demand is approaching the limit of the permitted supply

Stage 3 can terminate when the circumstances that caused the initiation of Stage 3 no longer prevail. Stage 2 becomes operative on termination of Stage 3.

### b) **Goal for Use Reduction and Actions Available Under Stage 3, Severe**

The goal for water use reduction under Stage 3, Severe, is a **reduction of 5 percent** of the use that would have occurred in the absence of drought contingency measures. If the circumstances warrant, the Mayor or his/her designee can set a goal for greater water use reduction.

The Mayor or his/her designee can order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory

requirements on retail and wholesale customers. The City of Fulshear staff must notify TCEQ within five business days if these measures are implemented.

- Continue or initiate any actions available under Stage 1 and 2.
- Implement viable alternative water supply strategies.
- Requires Notification to TCEQ - Initiate mandatory water use restrictions as follows:
  - Prohibit hosing of paved areas, buildings, or windows
  - Prohibit operation of ornamental fountains
  - Prohibit washing or rinsing of vehicles by hose
  - Prohibit using water in such a manner as to allow runoff or other waste
- Requires Notification to TCEQ - Limit landscape watering at each service address to once every five days based on the last digit of the address. (Exceptions: Foundations, new plantings {first year} of trees and shrubs may be watered for up to two hours on any day by a hand-held hose or a soaker hoses without restrictions).
- Requires Notification to TCEQ - Prohibit draining and filling of existing pools and filling of new pools. (Pools may add water to replace losses during normal use.)
- Requires Notification to TCEQ - Prohibit establishment of new landscaping
- Discontinue city government water use for landscape irrigation, except as needed to prevent foundation damage and preserve new plantings

#### 4) Stage 4, Emergency

##### a) **Triggering and Termination Conditions for Stage 4 - Emergency**

- When total daily water demand equals or exceeds **80%** of total water well pumpage.
- Water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- Supply source becomes contaminated.
- Water supply system unable to deliver water due to the failure or damage of major water system components.
- Water demand is approaching the limit of the permitted supply.

Stage 4 can terminate when the circumstances that caused the initiation of Stage 4 no longer prevail. Stage 3 becomes operative on termination of Stage 4.

##### b) **Goal for Use Reduction and Actions Available Under Stage 4, Emergency**

The goal for water use reduction under Stage 4, Emergency, is a reduction of 10 percent of the use that would have occurred in the absence of drought contingency measures. If circumstances warrant, the Mayor or his/her designee can set a goal for greater water use reduction.

The Mayor or his/her designee can order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on retail and wholesale customers. The City of Fulshear staff must notify TCEQ within five business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1, 2 and 3.
- Implement viable alternative water supply strategies.
- Requires notification to TCEQ - Prohibit washing of vehicles except as necessary for health, sanitation or safety reasons, including car washes.

- Requires notification to TCEQ - Prohibit commercial and residential landscape watering, except that foundations may be watered for 2 hours each day with a hand-held hose or soaker hose.
- Requires notification of TCEQ - Prohibit any filling of private pools. Commercial and public pools may refill to replace losses during normal use.
- Requires notification of TCEQ - Require all commercial water users to reduce water use by a percentage established by the Mayor and his/her designee

**SECTION 7: Procedure for Granting Variances to the Plan**

The Mayor and his/her designee may grant temporary variances for existing water uses otherwise prohibited under this drought contingency plan if one or more of the following conditions is met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the Mayor or his/her designee. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioner(s)
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested
- Description of relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other information as required

**SECTION 8: Procedure for Enforcement of Mandatory Restrictions**

Mandatory water use restrictions may be imposed in Stage 3 and Stage 4 drought stages. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be given a written warning that they have violated the mandatory water use restriction.
- On the second and subsequent violations, citations may be issued to customers, with fines not less than \$200 and not to exceed \$2,000 per incident.
- After two violations have occurred, the City of Fulshear may install a flow restrictor in the line to limit the amount of water that may pass through the meter in a 24-hour period.
- After three violations have occurred, the City of Fulshear may cut off water service to the customer.

**SECTION 9: Coordination with the Regional Water Planning Group**

The City of Fulshear is located within the Region H water planning area. A letter will be sent to the Chair of the Region H Water Planning Group (RCWPG) with this drought contingency plan.

**SECTION 10: Review and Update of Drought' Contingency Plan**

As required by TCEQ rules, the City of Fulshear will review this drought contingency plan every five years to coincide with RCWPG. The plan will be updated as appropriate based on new or updated information. As the plan is reviewed and subsequently updated, a copy of the revised drought contingency plan will be kept on file on the City of Fulshear's website, and submitted to the RCWPG for their records.

ORDINANCE NO. 2011-1038

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, 77441 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, OF THREE TRACTS OF LAND TOTALING APPROXIMATELY TWENTY-SIX (26) ACRES; AND DIRECTING THAT SAID NOTICE BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF FULSHEAR AND THE AREA TO BE ANNEXED; AND DIRECTING THE POSTING OF SUCH NOTICE ON THE CITY'S INTERNET WEBSITE.

\* \* \* \* \*

**WHEREAS**, the City desires to annex three tracts of land totaling twenty six (26) acres being the roadway of FM 1093 from the west side of FM 1463 to Bois D' Arc Lane and the Metropolitan Transit Authority of Harris County's right-of-way running along FM 1093 from the west side of FM 1463 to Bois D' Arc Lane into the City of Fulshear; now therefore,

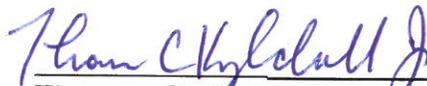
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:**

**Section 1.** That the City Council of the City of Fulshear, Texas does hereby call a first public hearing to be held on the 2<sup>nd</sup> day of August, 2011, at 7:00 p.m., and a second public hearing to be held on the 2<sup>nd</sup> day of August, 2011, at 7:15 p.m.at Fulshear City Hall, 30603 FM 1093, Fulshear, Texas, 77441 at which time all persons desiring to be heard will be heard on or in connection the proposed annexation of a three tracts of land totaling approximately 26 acres being the roadway of FM 1093 from the west side of FM 1463 to Bois D' Arc Lane and the Metropolitan Transit Authority of

Harris County's right-of-way running along FM 1093 from the west side of FM 1463 to Bois D' Arc Lane.

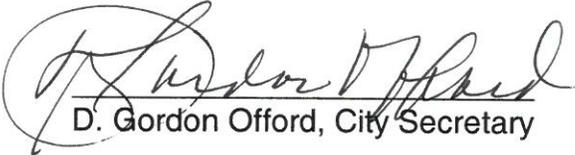
**Section 2.** The City Council directs the City Secretary to publish and post the notices of hearings pursuant to the requirements of the Open Meetings Act and Chapter 43 of the Texas Local Government Code.

**PASSED** and **APPROVED** this, the 12<sup>th</sup> day of July, 2011.



Thomas C. Kuykendall, Jr., Mayor

**ATTEST:**



D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1039  
REPEALING ORDINANCE NO. 2011-1038 AND CALLING TWO PUBLIC HEARINGS  
ON ANNEXATION**

**AN ORDINANCE REPEALING ORDINANCE NO. 2011-1038 AND 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, 77441 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, OF THREE TRACTS OF LAND TOTALING APPROXIMATELY FIFTY-TWO (52) ACRES; AND DIRECTING THAT SAID NOTICE BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF FULSHEAR AND THE AREA TO BE ANNEXED; AND DIRECTING THE POSTING OF SUCH NOTICE ON THE CITY'S INTERNET WEBSITE.**

\* \* \* \* \*

**WHEREAS**, the City desires to annex three tracts of land totaling fifty-two (52) acres being the roadway of FM 1093 from the west side of FM 1463 to Bois D' Arc Lane and the Metropolitan Transit Authority of Harris County's right-of-way running along FM 1093 from the west side of FM 1463 to Bois D' Arc Lane into the City of Fulshear; now therefore,

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

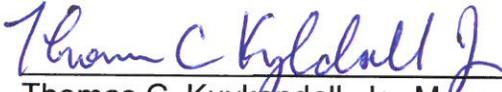
**Section 1.** That the City Council of the City of Fulshear does hereby repeal Ordinance No. 2011-1038 setting public hearings for the annexation of three tracts of land.

**Section 2.** That the City Council of the City of Fulshear, Texas does hereby call a first public hearing to be held on the 1<sup>st</sup> day of August, 2011, at 6:30 p.m., and a second public hearing to be held on the 1<sup>st</sup> day of August, 2011, at 6:45 p.m.at

Fulshear City Hall, 30603 FM 1093, Fulshear, Texas, 77441 at which time all persons desiring to be heard will be heard on or in connection the proposed annexation of a three tracts of land totaling approximately 52 acres being the roadway of FM 1093 from the west side of FM 1463 to Bois D' Arc Lane and the Metropolitan Transit Authority of Harris County's right-of-way running along FM 1093 from the west side of FM 1463 to Bois D' Arc Lane.

**Section 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 Texas Local Government Code.

**PASSED** and **APPROVED** this, the 19<sup>th</sup> day of July, 2011.

  
Thomas C. Kuykendall, Jr., Mayor

**ATTEST:**

  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1040  
AN ORDINANCE REGULATING ITINERANT VENDORS AND SOLICITATION**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS REPEALING AND REPLACING ORDINANCE NO. 82-594 TO PROVIDE RULES AND REGULATIONS OF PEDDLERS/ ITINERANT VENDORS AND SOLICITORS WITHIN THE CORPORATE LIMITS OF THE CITY OF FULSHEAR, TEXAS; REPEALING ALL ORDINANCES OR RESOLUTIONS IN CONFLICT WITH THE TERMS HEREOF; PROVIDING A PENALTY; AND PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE.**

**WHEREAS**, the City Council of the City of Fulshear, Texas (the "City") has determined that the provisions of this ordinance are necessary to prevent fraud, to prevent criminal activity and to protect the privacy of the City's residents; and

**WHEREAS**, the City of Fulshear may enforce Ordinances necessary to protect the health, life and property and to preserve the good government, order and security of the municipality and its inhabitants; and

**WHEREAS**, the City Council has also taken into account the First Amendment rights of those persons who would engage in solicitation within the City and has determined that the measures set forth in this ordinance strike an appropriate and lawful balance protecting such First Amendment rights while protecting the City's citizens from fraud, crime and invasion of privacy.

**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. 82-594 to provide rules and regulations of peddlers/ itinerant vendors and solicitors within the City.

**SECTION 2.0**

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

- 1) ***Peddler/ Itinerant Vendor:*** means all persons, firms and corporations, as well as, their agents and employees who engage in temporary or transient commercial activities within City limits by carrying goods or merchandise and selling or offering for sale for immediate delivery such goods or merchandise from house-to-house, business-to-business, from vehicles parked on City streets, private property, or vacant lots or from a location rented, leased or occupied temporarily for the exhibit and sale or for the purposes of taking orders for sale thereof.
- 2) ***Permittee:*** means any individual to whom a permit is issued pursuant to this Ordinance.
- 3) ***Temporary:*** means any such business transacted or conducted in the City for which definite arrangements have not been made for hire, rental or lease of premises for a period of at least one hundred and twenty (120) days in or upon which such business is to be operated or conducted.

- 4) **Transient:** means such business of any such peddler/ itinerant vendor as may be operated or conducted by persons, firms or corporations, or by their employees or agents who reside away from the City or who have fixed places of business in places other than the City who move stocks of goods or merchandise or samples thereof into the City with the purpose or intention of removing them or the unsold portion thereof away from the City before the expiration of one hundred twenty (120) days.
- 5) **Solicitor:** means any person who solicits or attempts to solicit, from house-to-house, business-to-business, or upon public property, funds or orders for services, commercial goods, wares, merchandise, subscriptions or publications to be delivered at a future date or time.

### **SECTION 3.0**

**PERMIT REQUIRED:** It is unlawful for any itinerant vendor/ peddler or solicitor to engage in business within the City without first obtaining a permit from the City.

### **SECTION 4.0**

**PERMIT APPLICATION REQUIRED:** Any peddler/itinerant vendor or solicitor desiring to engage in activities as a peddler or solicitor within the City must file a written application for permit with the City, which application shall provide the following information:

- 1) Applicant's name, telephone number, address, birth date, physical description, full face photograph and either:
  - a) Driver's license number and listing of the state issuing said number, or
  - b) Social Security number and an official, government issued picture identification card;  
and
- 2) If the applicant is peddling or making solicitations for any commercial, charitable or political organization, the name, telephone number, address of such organizations and contact person;  
and
- 3) Full and complete list of goods to be sold and services to be delivered; and
- 4) For each individual involved in the peddling or solicitation a campaign contribution: name, telephone number, address, birth date, physical description, full face photograph and either:
  - a) Driver's license number and listing of the state issuing said number, or
  - b) Social Security number and an official, government issued picture identification card;
- 5) Description (year, make, type) and license plate number and state of all vehicles to be used in soliciting and peddling; and
- 6) Authorization to conduct criminal background check on the applicant and all individuals involved in the peddling or solicitation campaign; and

- 7) The names of any cities where applicant has worked in the previous 180 days; and
- 8) Proof of Bonding; and
- 9) Applicant must provide original identifying documents to the City upon request.

#### **SECTION 5.0**

**BONDING REQUIRED:** Applicants for a Peddlers/Itinerant Vendor or solicitor permit seeking to sell goods and services must provide proof of a Bond in the sum of not less than two thousand five hundred dollars (\$2,500) and it shall be executed by the Peddler/ Itinerant Vendor or solicitor and surety satisfactory to the City Administrator, which bond shall be payable to the City for the use and benefit of any person entitled thereto and conditioned that the principal and surety will pay for all damages to persons caused by or arising from the wrongful, illegal or fraudulent conduct of the peddler/itinerant vendor while conducting sales or exhibits in the City. The Bond shall remain in full force and effect for one year.

#### **SECTION 6.0**

**BONDING EXEMPTED:** Any applicant or permittee exempted by Section 10.0 of this Ordinance shall be exempted from the requirement for Bonding. Further, any applicant of permittee exempted from Fees as delineated in Section 9.0, Item 1) is likewise exempted from the Bonding requirement.

#### **SECTION 7.0**

**PERMIT CONDITIONAL:** The application shall contain express provisions stating that issuance of a permit shall be conditioned upon compliance with all requirements of this Ordinance and other applicable laws.

#### **SECTION 8.0**

**FEES:** All peddlers/itinerant vendors and solicitors not exempted by Section 9.0 shall pay a permit fee to the City of \$60.00.

#### **SECTION 9.0**

**FEES EXEMPTED:** The following are exempt from the permit fee:

- 1) Any individual soliciting or peddling for a non-commercial purposes such as non-profit organizations or youth educational organizations such as Boy Scouts, Girl Scouts, Little League groups, FFA, or local school groups, as indicated through the provision of a certifying letter from such an entity; and
- 2) Any individual engaged in interstate commerce.

#### **SECTION 10.0**

**PERMIT EXEMPTIONS:** The following are excluded from the permitting provisions of this Ordinance:

- 1) Participants in events sponsored by the City; and
- 2) Religious proselytizing or distribution of religious literature; and
- 3) Political speech; and

- 4) Canvassers who attempt only to distribute handbills or to solicit political support or to determine opinions or sentiments.

Persons who are exempt from the permitting requirements shall be subject to the provisions of Sections 16 (Hours and places of solicitations) and 17 (No solicitors signs); and are encouraged to notify the City as to the approximate dates of the door-to-door activities, and the areas in which they will be working.

#### **SECTION 11.0**

##### **PERMIT DENIAL:**

- 1) A copy of the application for permit will be referred to the City Administrator and the Police Department who will undertake an investigation of the applicant's record and background, such as shall be reasonably necessary to protect the public. An application for permit under this Ordinance may be denied where:
  - a) Required application information is incomplete or incorrect;
  - b) Applicant is currently wanted on warrant for arrest;
  - c) Applicant has been convicted of any offense reportable by the City to the Texas Department of Public Safety or the Federal Bureau of Investigation under "Index Crimes" Part I or Group A of the National Incident Base Reporting System or Crime Index programs or other law enforcement reporting system (e.g. aggravated assault, burglary, forcible rape, larceny-theft, motor vehicle theft, murder, non-negligent manslaughter, and robbery).
- 2) If the City Administrator or their designee denies a permit on one or any of the aforementioned grounds, applicant may appeal this decision in writing to the City Council, which may affirm, modify or reverse the decision of the City Administrator or their designee. An appeal to the City Council may be perfected by written notice to the City Administrator or their designee delivered within ten calendar days of the date the City Administrator's or their designee's decision is delivered to the permittee. Any decision of the City Administrator or their designee which is not properly appealed shall be final.

#### **SECTION 12.0**

##### **PERMIT ISSUANCE, DURATION:**

- 1) If the City Administrator or their designee finds that the application is completed in conformance with Sections 4.0 through 10.0, the application for permit shall be placed on the next Regular Council meeting agenda for consideration and approval by the City Council. If approved, the City shall issue a Certified Permit, signed by the City Administrator or their designee and exhibiting the City Seal. Each permit will be valid for 120 days from date of issue.
- 2) The City shall retain one copy of the approved permit for official records. The permit may not be represented as an endorsement or approval by the City of the purposes of a solicitation or a product offered by the permittee.

- 3) Only those peddlers/ itinerant vendors or solicitors whose names are listed on the approved application may conduct business under the issued permit. If any new peddlers/ itinerant vendors or solicitors join the campaign after the original permit is issued, they must supply the City with the information required in Section 4.0. The permit shall list the name and other identifying information of the permittee and all persons who have been listed in accordance with Section 4.0, Item 4 above and have been approved to conduct peddling or solicitation under the permit.

### **SECTION 13.0**

#### **PERMIT OPERATIONS:**

- 1) The permittee is required to notify the City Administrator no less than 5 business days before any peddling or soliciting under the issued permit is conducted. At this time, the permittee will update any information required under Section 4 that has changed.
- 2) The permittee shall inform each individual that is involved in the peddling or solicitation campaign of all requirements of this Ordinance and applicable law and shall suspend activities by any person who fails to comply with such requirements.
- 3) The permittee shall not permit any person other than those persons listed on the permit to be engaged in peddling or solicitation.
- 4) Each peddler/itinerant vendor or solicitor will carry his or her permit or a copy thereof at all times while engaging in business in the City. Upon request or demand, the peddler/itinerant vendor or solicitor will exhibit the permit to indicate compliance with all of the relevant requirements of this Ordinance.

### **SECTION 14.0**

**PERMITS NONTRANSFERABLE:** Permits issued under the provisions of this Ordinance are not transferable in any situation and will be clearly marked "Not transferable."

### **SECTION 15.0**

#### **PERMIT SUSPENSION AND REVOCATION:**

- 1) The City Administrator or their designee may, upon documented complaint or violation of law, suspend and confiscate a permit issued under this Ordinance.
- 2) Peddlers/ itinerant vendors and solicitors whose permits are suspended have three business days during which to request an administrative review of the suspension by the City Administrator or designee. If request for administrative review is not made within three business days, the permit is revoked.
- 3) Upon permittee's request, the City Administrator or designee shall provide the permittee with written notice containing particulars of any and all complaints against him or her, and the time, date and place for an administrative review of the suspension.

- 4) The City Administrator or their designee will conduct an administrative review to determine whether the permit shall be restored or revoked.
- 5) After notice and review, the City Administrator or designee may revoke any permit issued under this Ordinance for the following reasons:
  - a) Fraudulent statements, omissions on permit application or in conduct of permitted business; or
  - b) Violation of law; and/ or
  - c) Endangerment of public welfare, health or safety.
- 6) If the City Administrator or designee revokes a permit, applicant may appeal this decision in writing to the City Council, which may affirm, modify, or reverse the decision. An appeal to the City Council may be perfected by written notice to the City Administrator delivered within ten calendar days of the date the City Administrator's or designee's decision is delivered to the permittee. Any decision of the City Administrator or designee which is not properly appealed shall be final.
- 7) Revocation of any permit shall bar the permittee from eligibility for any person under this Ordinance for a period of one year.

#### **SECTION 16.0**

##### **HOURS AND PLACES OF SOLICITATIONS:**

- 1) No peddler/ itinerant vendor or solicitor may conduct door to door activities defined in Section 1.0 except between the hours of nine (9) a.m. and seven (7) p.m.
- 2) No peddler/itinerant vendor or solicitor may in any way block, obstruct, or unduly hinder passage on public streets within the City limits.
- 3) No person regardless of exemption status defined herein; shall sell or offer for sale by auction or otherwise, any vehicle, goods, wares, merchandise, produce, other farm products or any other article on any portion of a public right-of-way adjacent to a paved sidewalk or roadway within the City.

#### **SECTION 17.0**

**NO SOLICITORS SIGNS:** Any peddler/ itinerant vendor or solicitor who conducts or attempts to conduct business at a place where a sign clearly indicates that solicitors or peddlers/ itinerant vendors are unwelcome is in violation of this Ordinance.

#### **SECTION 18.0**

**VIOLATION AND PENALTY:** Any person violating the provisions of this Ordinance is guilty of a Class "C" misdemeanor and upon conviction shall be fined not more than \$500.00 for each offense. Each day a person violates the provisions of this Ordinance shall be considered a separate offense.

**SECTION 19.0**

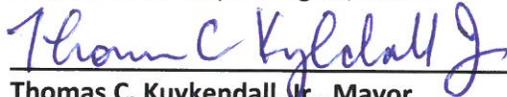
**REPEALING CLAUSE:** All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 20.0**

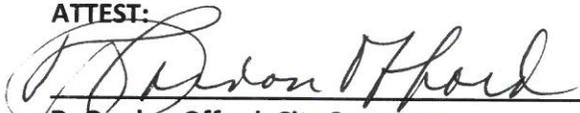
**SEVERABILITY CLAUSE:** That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of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

**SECTION 21.0**

**EFFECTIVE DATE:** This Ordinance shall be effective after the 1<sup>st</sup> day of August, 2011.

  
\_\_\_\_\_  
Thomas C. Kuykendall, Jr., Mayor

**ATTEST:**

  
\_\_\_\_\_  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1041  
AN ORDINANCE REGULATING NOISE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS PROVIDING RULES AND REGULATIONS FOR NOISE; REPEALING ALL ORDINANCES OR RESOLUTIONS IN CONFLICT WITH THE TERMS HEREOF; PROVIDING A PENALTY; AND PROVIDING FOR THE SEVERABILITY.**

**WHEREAS**, the City of Fulshear may enforce Ordinances necessary to protect the health, life and property and to preserve the good government, order and security of the municipality and its inhabitants; and

**WHEREAS**, the City Council of the City of Fulshear, Texas (the "City") has determined that the provisions of this ordinance are necessary to prevent nuisances and to protect the property values and tranquility of the City's residents;

**WHEREAS**, the City Council has also taken into account the First Amendment rights of those persons who would engage in speech within the City and has determined that the measures set forth in this ordinance strike an appropriate and lawful balance protecting such First Amendment rights while protecting the City's citizens from nuisance.

**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 reduce nuisances through the regulation of Noise within the City.

**SECTION 2.0**

**DEFINITIONS:** The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

- 1) **Daytime hours:** Shall mean the hours from 7:00 a.m. on one day and 10:00 p.m. the same day for residential properties or areas. For nonresidential properties or areas it shall mean 6:00 a.m. on one day and 10:00 p.m. on the same day Sunday through Thursday and 6:00 a.m. on one day and midnight on the same day Friday and Saturday.
- 2) **dB{A}:** Shall mean the intensity of a sound expressed in decibels.
- 3) **Emergency:** Shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.
- 4) **Emergency work:** Shall mean any work performed for the purpose of (i) preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, (ii) restoring property to a safe condition following a fire, accident, or natural disaster, (iii) protecting persons or property from exposure to danger, or (iv) restoring public utilities.

- 5) **Nighttime hours:** Shall mean the hours between 10:01 p.m. on one day and 6:59 a.m. the following day for residential properties. For nonresidential areas it shall mean between 10:01 p.m. and 5:59 a.m. the next day Sunday through Thursday and 12:01 a.m. on one day and 5:59 a.m. on the same day on Friday and Saturday.
- 6) **Non-residential property/areas:** Shall mean any real property that is not included in the definition of residential property as defined in this section. Without limitation, the term includes properties that are devoted to public purposes, such as public parks.
- 7) **Plainly audible:** Means any sound that can be detected by a person using his or her unaided hearing faculties. For example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the name of the song, specific words or the artist performing it. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.
- 8) **Property line:** Shall mean, with respect to single occupancy properties, the line along the ground surface and its vertical extension that separates the real property owned, leased, or occupied by one person from that owned, leased, or occupied by another person. With respect to shared occupancy properties the term shall mean the line that represents the legal limits of occupancy of any person who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy from that of other occupants.
- 9) **Residential property/areas:** Shall mean any real property that is legally habitable and that is inhabited for use as a single or multi-family dwelling.
- 10) **Streets:** Shall be defined as being in the same category as the surrounding area. In the case of residential properties/areas which are across the street from nonresidential properties/areas, the street shall be considered to be in a residential area.
- 11) **Permittee:** Means any individual to whom a permit is issued pursuant to this Ordinance.

### **SECTION 3.0**

#### **GENERAL PROHIBITIONS:**

- 1) It shall be unlawful for any person to make, continue, or cause to be made or continued any loud noise that disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In determining whether a noise is loud, the following factors shall be considered: time of day; proximity to residential properties/areas as defined above; whether the noise is recurrent, intermittent, or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; and whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.
- 2) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound that either exceeds the maximum

permitted sound levels specified in Section 17.0 of this Ordinance or, otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. It shall be unlawful for any person to pour a slab, demolish a building, or utilize any commercial or industrial power tools before 7:00 a.m. or after 8:00 p.m. on any day without having notified all persons residing within a radius of 200 feet from the property lines of the property on which work is being performed at least ten days prior to such activity. Such notice shall be sent via Certified Mail. No building permit shall be issued in the absence of such notice. This prohibition shall not apply to emergency work.

- 3) The acts enumerated in the following sections of this article, among others, are declared to be loud, disturbing noises in violation of this article, but such enumeration shall not be deemed to be exclusive.
- 4) This section shall not apply to any public utility or public works.

#### **SECTION 4.0**

##### **VEHICLES:**

- 1) The use of any motor vehicle so out of repair or so extra loaded, that it creates any loud and unreasonable, (that is, not standard equipment for the type vehicle, or which violates state regulations for equipment or emissions), grating, grinding, rattling, or any other loud and unreasonable sound is hereby prohibited and declared to be unlawful.
- 2) No person shall operate an engine of any motor vehicle as defined by the Texas Transportation Code so as to "brake" or slow the same through the use of gears (commonly known as "jake braking") or by any other method which produces any noise in addition to the normal operating engine noise.
- 3) No person shall operate or allow an engine of any sort of motor vehicle, except emergency equipment or vehicles then located at a permitted public event or parade, to idle for more than one hour.
- 4) It is unlawful for any person operating or controlling a motor vehicle to operate any radio, stereo receiver, compact disc player, cassette tape player, or other similar device in the motor vehicle in such a manner that, when operated, it is:
  - a) Audible in a public place or on private property other than that owned or occupied by the person at a distance of 30 feet or more from the vehicle, or
  - b) Causes vibration that can be felt at a distance of 30 feet or more from the vehicle.
  - c) It shall be a defense to prosecution under this section that a vehicle was owned and operated by a business that, in the required and normal course of business, uses sound making devices in a motor vehicle and the sound or vibration was being made between 8:00 a.m. and 8:00 p.m.

**SECTION 5.0**

**ANIMALS:**

- 1) The keeping of any animal or bird that causes or makes frequent or long and continued sound, that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of ordinary, reasonable persons of normal sensibilities and ordinary tastes, habits, and modes of living who reside in the vicinity thereof is hereby prohibited and declared to be unlawful as a sound nuisance in violation of this chapter, regardless of whether the sound so created by said animal or bird is within the permissible levels specified in Section 17.0 of this Ordinance.
- 2) In any prosecution for a violation of this section, the fact that any animal or bird has been allowed or permitted to persistently and chronically violate this section, as demonstrated by the issuance of three or more citations and/or the receipt of three or more complaints from more than one household within a sixty day (60) period shall create a rebuttable presumption that such noise was in violation of this article.

**SECTION 6.0**

**AMPLIFIED SOUND:**

- 1) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, or any other sound source, when operated:
  - a) In such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or
  - b) At any time with louder volume than is necessary for convenient hearing for persons who are in the vehicle or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto. The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of 30 feet or more from a vehicle shall be presumed to be a violation of this section. The operation of any such sound amplifier in such a manner that sounds are plainly audible at a distance of 60 feet or more from the property line of a property or premises in which the amplification is located shall be presumed to be a violation of this section.
- 2) It is an affirmative defense to prosecution under this section that the sound source is a motor vehicle and that:
  - a) The motor vehicle is a mobile sound stage or studio that is being used on a stationary basis at a location not situated upon any street for the purpose of providing sound, during daytime hours, for an event or function; and
  - b) The use is in compliance with all other provisions of this Ordinance.

**SECTION 7.0**

**SOUND AMPLIFICATION PERMIT REQUIRED:**

- 1) No person shall use or cause to be used any loudspeaker, loudspeaker system, sound amplifier, or any other machine or device that produces, reproduces, or amplifies sound outside of buildings or other enclosed structures, without first obtaining a permit to do so. No permit is required for any use not exceeding the said permissible levels. The permit shall be granted only for the amplification of music or human speech, or both.
- 2) The City Council may, in their discretion, issue such permit upon a showing of good cause for such permit, but under no condition shall such permit be granted for a period of time of more than one year. The City Council may impose any reasonable condition upon such permit, including but not limited to prohibiting the operation of the equipment during any hours between 10:00 p.m. and 7:00 a.m. daily. The city council may, in its discretion, extend any permit, such extensions to be for any time not exceeding one year.
- 3) The permit shall contain the name of the permittee, the type of equipment to be used, the dates for which it is in effect, the place where the same is to be used and the terms of any restrictions, including any restriction on the hours of operation of the equipment. The permit shall be posted in a public place on the premises at all times.

**SECTION 8.0**

**PERMIT APPLICATION REQUIRED:** Any person or organization required under Section 7.0 to obtain a permit to operate an amplifier within the City must file a written application for permit with the City, which application shall provide the following information:

- 1) Applicant's name, telephone number, address, birth date, physical description, full face photograph and Driver's license number and state; and
- 2) If the applicant is using the amplification equipment for any commercial, charitable or political organization, the name, telephone number, address of such organizations and contact person; and
- 3) The time, date and location at which such equipment is to be used; and
- 4) The type and description of the equipment to be used; and
- 5) Description (year, make, type) and license plate number and state of all vehicles to be used if the application is for the operation of a mobile system or sound truck; and
- 6) Applicant must provide original identifying documents to the City Administrator upon request.

**SECTION 9.0**

**PERMIT CONDITIONAL:** The application shall contain express provisions stating that issuance of a permit shall be conditioned upon compliance with all requirements of this Ordinance and other applicable laws.

### **SECTION 10.0**

**FEES:** All applicants shall pay a permit fee to the City of \$20.00 for the initial application and for any subsequent renewals.

### **SECTION 11.0**

#### **PERMIT DENIAL:**

- 1) A copy of the application for permit will be referred to the City Administrator and the Police Department who will undertake an investigation of the applicant's record and background, such as shall be reasonably necessary to protect the public. An application for permit under this Ordinance may be denied where:
  - a) Required application information is incomplete or incorrect;
  - b) Applicant is currently wanted on warrant for arrest;
- 2) If the City Administrator denies a permit on one or any of the aforementioned grounds, applicant may appeal this decision in writing to the City Council, which may affirm, modify or reverse the decision of the City Administrator or designee. An appeal to the City Council may be perfected by written notice to the City Administrator or designee delivered within ten calendar days of the date the City Administrator's or designee's decision is delivered to the permittee. Any decision of the City Administrator or designee which is not properly appealed shall be final.

### **SECTION 12.0**

**PERMITS NONTRANSFERABLE:** Permits issued under the provisions of this Ordinance are not transferable in any situation and will be clearly marked "Not transferable."

### **SECTION 13.0**

#### **PERMIT SUSPENSION AND REVOCATION:**

- 1) The City Administrator or designee may, upon documented complaint or violation of law, suspend and confiscate a permit issued under this Ordinance.
- 2) Persons or organizations whose permits are suspended have three business days during which to request an administrative review of the suspension by the City Administrator or designee. If request for administrative review is not made within three business days, the permit is revoked.
- 3) Upon permittee's request, the City Administrator or designee shall provide the permittee with written notice containing particulars of any and all complaints against him or her, and the time, date and place for an administrative review of the suspension.
- 4) The City Administrator or designee will conduct an administrative review to determine whether the permit shall be restored or revoked.

- 5) After notice and review, the City Administrator or designee may revoke any permit issued under this Ordinance for the following reasons:
  - a) Fraudulent statements, omissions on permit application or in conduct of permitted activities; and/or
  - b) Continuing violation of the Ordinance.
- 6) If the City Administrator or designee revokes a permit, applicant may appeal this decision in writing to the City Council, which may affirm, modify, or reverse the decision. An appeal to the City Council may be perfected by written notice to the City Administrator delivered within ten calendar days of the date the City Administrator's or designee's decision is delivered to the permittee. Any decision of the City Administrator or designee which is not properly appealed shall be final.
- 7) Revocation of any permit shall bar the permittee from eligibility for any person under this Ordinance for a period of one year.

#### **SECTION 14.0**

##### **MAXIMUM PERMISSIBLE SOUND LEVELS:**

- 1) In addition to the violations established by the preceding sections of this article, no person shall conduct, permit, or allow any activity or sound source to produce a sound discernible beyond 60 feet of the property on which the sound is being generated that when measured as provided in section 16.0 of this Ordinance exceeds 85 dB(A) during daytime hours and 70 dB(A) during nighttime hours for the respective areas described above.
- 2) Any sound that exceeds the dB(A) levels set forth in this section under the conditions and measurement criteria set forth in this article is a violation of this chapter. Evidence that an activity or sound source produces a sound that exceeds the dB(A) levels specified in this section shall be prima facie evidence of a sound nuisance that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this article.

#### **SECTION 15.0**

**METHOD OF SOUND MEASUREMENT:** Whenever portions of this article prohibit sound over a certain decibel limit, measurement shall be made with a type 1 or type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used. Traffic, aircraft, and other transportation noise shall not be considered in taking measurements except where such background noise interferes with the noise being measured and cannot reasonably be distinguished from the primary noise. Measurements of sound generated shall be taken from the curb line of the nearest public street to the property where the sound is generated and taken toward the source of the sound. In the event that there is not at least 60 feet of distance from the building in which sound is being generated and from which sound is being measured, then measurements shall be taken

from the street curb line opposite the said building of the nearest public street to the property where the sound is generated.

**SECTION 16.0**

**VIOLATION AND PENALTY:** Any person violating the provisions of this Ordinance is guilty of a Class "C" misdemeanor and upon conviction shall be fined not more than \$500.00 for each offense. Each day a person violates the provisions of this Ordinance shall be considered a separate offense.

**SECTION 17.0**

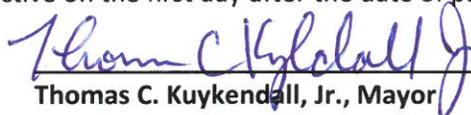
**REPEALING CLAUSE:** All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 18.0**

**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 19.0**

**EFFECTIVE DATE:** This Ordinance shall be effective on the first day after the date of passage.

  
\_\_\_\_\_  
Thomas C. Kuykendall, Jr., Mayor

ATTEST:  
  
\_\_\_\_\_  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1042**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN.**

**WHEREAS**, Section 43.103 of the Texas Local Government Code authorizes the annexation by ordinance and without the consent of any person, the part of a street, highway, alley, or other public or private way, including a railway line, spur, or roadbed that is adjacent and runs parallel to the boundaries of the municipality; and

**WHEREAS**, on July 1, 2011, the City notified the Texas Department of Transportation (“TxDOT”) and the Metropolitan Transit Authority of Harris County (“Metro”) of its intent to annex certain property as allowed by Section 43.103 of the Texas Local Government Code consisting of (1) an approximate 15.2 acre tract of land being made up entirely of the Right-of-Way of Farm-to-Market Road Number 1093 and the Right-of-Way of the Metropolitan Transit Authority, Harris County, Texas, as located in the Enoch Latham Survey, Abstract 50, Fort Bend County, Texas; (2) an approximate 18.2 acre tract being made up entirely of the Right-of-Way of Farm-to-Market Road Number 1093 and the Right-of-Way of the Metropolitan Transit Authority, Harris County, Texas, as located in the Enoch Latham Survey, Abstract 50 and the Morris Cummins Survey, Abstract 294, Fort Bend County, Texas; and (3) an approximate 18.6 acre tract being made up entirely of the Right-of-Way of Farm-to-Market Road Number 1093 and the Right-of-Way of the Metropolitan Transit Authority, Harris County, Texas,

as located in the J. C. McDonald Survey, Abstract 290 and the R.H. Kuykendall Survey, Abstract 274, Fort Bend County, Texas; and

**WHEREAS**, these tracts are more commonly known as portions of the roadway of FM 1093 from the west side of FM 1463 to Bois D' Arc Lane and the Metro right-of-way running along FM 1093 from the west side of FM 1463 to Bois D' Arc Lane; and

**WHEREAS**, the procedures prescribed by the Texas Local Government Code and the laws of this State have been duly followed with respect to the territory described in the attached Exhibit "A";

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

**Section 1.** That the facts and recitations found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

**Section 2.** That the heretofore described property is hereby annexed into the City of Fulshear, Fort Bend County, Texas, and that the boundary limits of the City of Fulshear, Texas, are hereby extended to include the above described territory within the city limits of the City of Fulshear, Texas, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Fulshear, Texas, and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.

**Section 3.** A service plan for the area is hereby adopted and attached hereto and incorporated herein for all purposes as Exhibit "B."

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**Section 4.** The City Secretary is hereby directed to file with the County Clerk of Fort Bend County, Texas, a certified copy of this Ordinance.

**PASSED** and **APPROVED** this, the 23 day of August, 2011.

  
Thomas C. Kuykendall, Mayor  
City of Fulshear, Texas

**ATTEST:**

  
D. Gordon Offord, City Secretary

# Exhibit A

## Tract No. 1

An approximate 15.2 acre tract being made up entirely of the Right-of-way of Farm-to-Market Road Number 1093 and the Metropolitan Transit Authority of Harris County, Houston, Texas as located in the Enoch Latham Survey, Abstract 50, Fort Bend County, Texas.

## Tract No. 2

An approximate 18.2 acre tract being made up entirely of the Right-of-way of Farm-to-Market Road Number 1093 and the Metropolitan Transit Authority of Harris County, Houston, Texas as located in the Enoch Latham Survey, Abstract 50 and the Morris Cummins Survey, Abstract 294; Fort Bend County, Texas.

## Tract No. 3

An approximate 18.6 acre tract being made up entirely of the Right-of-way of Farm-to-Market Road Number 1093 and the Metropolitan Transit Authority of Harris County, Houston, Texas as located in the J. C. McDonald Survey, Abstract 290 and the R. H. Kuykendall Survey, Abstract 274; Fort Bend County, Texas.

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Exhibit B

CITY OF FULSHEAR, TEXAS, PROPOSED PRELIMINARY SERVICE PLAN FOR  
THE ANNEXATION OF LAND LOCATED IN  
THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FULSHEAR  
AND SITUATED ALONG THE LENGTH OF FM 1093

I. INTRODUCTION

THIS PRELIMINARY SERVICE PLAN ("PRELIMINARY PLAN") IS MADE BY THE CITY OF FULSHEAR, TEXAS ("CITY") PURSUANT TO THE LOCAL GOVERNMENT CODE. THIS PLAN PERTAINS TO THE FOLLOWING TRACTS OF LAND:

- (1) AN APPROXIMATE 15.2 ACRE TRACT BEING MADE UP ENTIRELY OF THE RIGHT-OF-WAY OF FARM-TO-MARKET ROAD NUMBER 1093 AND THE METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, HOUSTON, TEXAS AS LOCATED IN THE ENOCH LATHAM SURVEY, ABSTRACT 50, FORT BEND COUNTY, TEXAS.
- (2) AN APPROXIMATE 18.2 ACRE TRACT BEING MADE UP ENTIRELY OF THE RIGHT-OF-WAY OF FARM-TO-MARKET ROAD NUMBER 1093 AND THE METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, HOUSTON, TEXAS AS LOCATED IN THE ENOCH LATHAM SURVEY, ABSTRACT 50 AND THE MORRIS CUMMINS SURVEY, ABSTRACT 294; FORT BEND COUNTY, TEXAS.
- (3) AN APPROXIMATE 18.6 ACRE TRACT BEING MADE UP ENTIRELY OF THE RIGHT-OF-WAY OF FARM-TO-MARKET ROAD NUMBER 1093 AND THE METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, HOUSTON, TEXAS AS LOCATED IN THE J. C. McDONALD SURVEY, ABSTRACT 290 AND THE R. H. KUYKENDALL SURVEY, ABSTRACT 274; FORT BEND COUNTY, TEXAS.

II. PROPOSED TERM AND EFFECTIVE DATE

This PRELIMINARY PLAN is proposed to be in effect for a term of ten (10) years commencing on the effective date of the annexation of the TRACTS. Renewal of this PRELIMINARY PLAN shall be at the discretion of the CITY and such discretion may be exercised by the City Council in such manner and for such time as the CITY may then direct.

III. PROPOSED SERVICE PLAN

- A. According to this PRELIMINARY PLAN, the City shall provide the same or

# Exhibit B

substantially same services including police protection, fire protection, emergency medical services, solid waste collection, maintenance of water, maintenance of roads, streets, street lighting and drainage, maintenance of Parks, Playgrounds, and Swimming Pools. maintenance of any other publicly owned facility, building, or service, animal control, emergency medical services, or any other city services to the extent that the City currently offer said services to similarly situation landowners within the area to be annexed within sixty (60) days after the effective date of annexation.

B. Scope and Quality of Proposed Service. The CITY shall provide services to the area pursuant to any methods by which it extends or is authorized to extend services to any other area of the CITY. Under this PRELIMINARY PLAN, the CITY shall not provide fewer services or a lower level of services in the area annexed than were in existence in the area immediately preceding the date of annexation. However, it is not the intent of this PLAN to require that a uniform level of services be provided to all areas of the CITY, including the TRACTS, where differing characteristics of topography, land, use and population density are considered a sufficient basis for providing different levels of service

## C. Definitions.

- 1.) As used in this PRELIMINARY PLAN, "providing services" includes having services provided by any method or means by which the CITY extends municipal services to any other area of the CITY. This may include causing or allowing public or private utilities, contractors, governmental entities and other public service organizations to provide such services, in whole or in part.
- 2.) As used in this PRELIMINARY PLAN, the phrase "standard policies and procedures" means those policies and procedures of the CITY applicable to a particular service which is in effect either at the time that the service is requested or at the time the service is made available or provided. The policies and procedures may require that a specific type of request be made, such as an application or petition. It may require that fees or charges be paid, in accordance with the law, and they may include eligibility requirements and similar provisions.

**NOTHING IN THIS PLAN SHALL BE INTERPRETED TO WAIVE OR OVERRIDE ANY PRE-EXISTING OBLIGATION THAT ANY OTHER PUBLIC AND/OR GOVERNMENTAL ENTITY CURRENTLY HAS TO CONSTRUCT AND/OR OTHERWISE MAINTAIN THE PUBLIC IMPROVEMENTS OR INFRASTRUCTURE CURRENTLY EXISTING WITHIN THE AREA TO BE ANNEXED.**

**IV. AMENDMENT; GOVERNING LAW**

This PRELIMINARY PLAN may not be amended or repealed except as provided by the Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the CITY shall constitute amendments to this PRELIMINARY PLAN, and the CITY reserves the right to make such changes. This PLAN is subject to, and shall be interpreted in accordance with the Local Government Code, the Constitution and laws of the federal government of the United States of America and the State of Texas.

**V. FORCE MAJEURE**

Should a *force majeure* interrupt the services described herein, the CITY shall resume services under this PRELIMINARY PLAN within a reasonable time after the cessation of the *force majeure*. The term "*force majeure*," for the purposes of this PRELIMINARY PLAN, shall include, but not be limited to, acts of God, acts of the public enemy, war, blockades, insurrection, riots, epidemics, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrests and restraints of government, explosions, collisions, and any other inability imposed upon the CITY whether similar to those enumerated or otherwise, which is not within the control of the CITY.

**VI. ENTIRE PRELIMINARY PLAN**

This document contains the entire and integrated PRELIMINARY PLAN relating to the TRACTS and supersedes all other negotiations, representations, plans and agreements, whether written or oral.

**ATTEST:**

  
D. Gordon Offord, City Secretary

  
Thomas C. Kuykendall, Mayor

**ORDINANCE NO. 2011-1043**  
**ADOPTING THE NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE 2009**

**AN ORDINANCE OF THE CITY OF FULSHEAR ADOPTING THE NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE ALSO KNOWN AS NFPA 101 2009 TO AUGMENT THE CITY'S EXISTING DEVELOPMENT CODES; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, in the interest of public safety, the City of Fulshear, Texas has previously adopted the International Code for Residential and Commercial Construction as well as the International Fire Code; AND

**WHEREAS**, the City has likewise previously approved an agreement with Fort Bend County for the provision of Fire Marshal services requiring the adoption of NFPA 101 2009; AND

**WHEREAS**, the City Council of the City of Fulshear, Texas believes that the adoption of NFPA 101 2009 will augment the Cities current codes and enhance the safety of the public.

**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 National Fire Protection Association Life Safety Code also known as NFPA 101 2009 to augment its currently existing development and construction codes.

**SECTION 2.0**

**ADOPTED:** The City Council of the City of Fulshear hereby adopts the National Fire Protection Association Life Safety Code also known as NFPA 101 2009 to augment its current development and construction codes.

**SECTION 3.0**

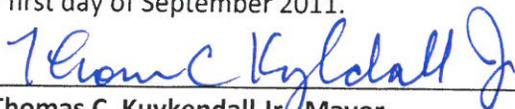
**SEVERABILITY CLAUSE:** That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional; the invalid, void or unconstitutional portion shall not affect the validity of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

**SECTION 4.0**

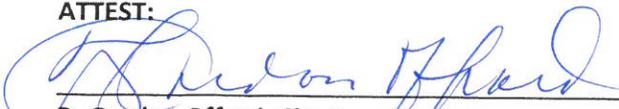
**REPEALING CLAUSE:** All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5.0**

**EFFECTIVE DATE:** This Ordinance shall be effective on the first day of September 2011.

  
\_\_\_\_\_  
Thomas C. Kuykendall Jr., Mayor

**ATTEST:**

  
\_\_\_\_\_  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1044**  
**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 \$1.59 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.

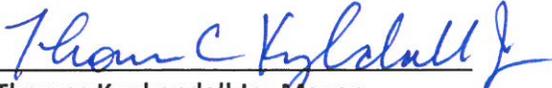
**SECTION 6.0**

**EFFECTIVE DATE:** This Ordinance shall be effective on January 1, 2012.

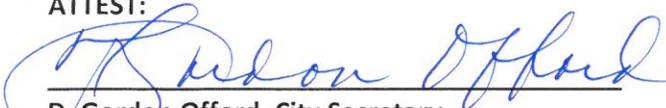
CITY OF FULSHEAR, ORDINANCE 2011-1044

**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



**NORTH FORT BEND WATER AUTHORITY**

July 27, 2011

TO: Utility Districts, the City of Fulshear, Texas, and Non-District/Non-City Well Owners Located Within the North Fort Bend Water Authority

FROM: North Fort Bend Water Authority (the "NFBWA")

RE: Notice of Proposed Amended Rate Order

The Authority has scheduled a Board of Directors meeting on August 24, 2011, at 6:00 p.m., at the Golf Club at Cinco Ranch, 23030 Cinco Ranch Boulevard, Katy, Texas 77450 for the purpose of adopting an Amended Rate Order to increase the Groundwater Reduction Plan Fee to \$1.50 per 1,000 gallons of water pumped and the Surface Water Fee to \$1.85 per 1,000 gallons of surface water received, which increase correspondingly increases the Imported Water Fee, to pay for the Authority's anticipated operating and capital costs, including obtaining a long term surface water supply from the City of Houston and implementing the Groundwater Reduction Plan ("GRP"). Upon Board approval, the Amended Rate Order would be effective immediately, but the rate increases to the \$1.50 per 1,000 gallons monthly Groundwater Reduction Plan Fee and \$1.85 per 1,000 gallons monthly Surface Water Fee would be **effective January 1, 2012**.

| <b>Authority</b> | <b>Pumpage Fees</b>        | <b>Date</b> | <b>Bond Sales</b> | <b>Date</b> |
|------------------|----------------------------|-------------|-------------------|-------------|
| NHCRWA           | \$0.12                     | 1/1/2000    |                   |             |
| NHCRWA           | \$0.25                     | 4/1/2001    |                   |             |
| NHCRWA           | \$0.34                     | 10/1/2003   | \$124,685,000     | Series 2003 |
| NHCRWA           | \$0.59                     | 4/1/2005    | \$93,875,000      | Series 2005 |
| NHCRWA           | \$0.84                     | 10/1/2006   |                   |             |
| NHCRWA           | \$0.99                     | 10/1/2007   | \$238,115,000     | Series 2008 |
| NHCRWA           | \$1.50                     | 1/1/2009    |                   |             |
| NHCRWA           | \$1.75 (GW)<br>\$2.20 (SW) | 1/1/2010    |                   |             |
|                  |                            |             |                   |             |
| WHCRWA           | \$0.35 (GW)<br>\$0.65 (SW) | 11/5/2001   |                   |             |
| WHCRWA           | \$0.50 (GW)<br>\$0.80 (SW) | 1/1/2003    | \$72,950,000      | 8/6/2003    |
| WHCRWA           | \$0.50 (GW)<br>\$0.80 (SW) | 1/1/2005    | \$71,795,000      | 4/14/2005   |
| WHCRWA           | \$0.65 (GW)<br>\$0.95 (SW) | 1/1/2006    | \$47,000,000      | 9/7/2006    |
| WHCRWA           | \$0.75 (GW)<br>\$1.05 (SW) | 1/1/2007    | \$53,855,000      | 11/15/2007  |
| WHCRWA           | \$0.85 (GW)<br>\$1.15 (SW) | 1/1/2008    |                   |             |
| WHCRWA           | \$0.95 (GW)<br>\$1.25 (SW) | 1/1/2009    | \$60,000,000      | 10/22/2009  |
| WHCRWA           | \$1.25 (GW)<br>\$1.55 (SW) | 1/1/2010    |                   |             |
| WHCRWA           | \$1.55 (GW)<br>\$1.85 (SW) | 1/1/2011    |                   |             |
|                  |                            |             |                   |             |
| NFBWA            | \$0.19                     | 10/1/2005   |                   |             |
| NFBWA            | \$0.30                     | 1/1/2008    |                   |             |
| NFBWA            | \$0.60                     | 1/1/2009    | \$142,400,000     | 6/24/2009   |
| NFBWA            | \$0.90                     | 1/1/2010    | \$60,000,000      | 10/21/10    |
| NFBWA            | \$1.20 (GW)<br>\$1.55 (SW) | 1/1/2011    |                   |             |

**ORDINANCE NO. 2011-1045**

**AN ORDINANCE APPOINTING THE CHIEF OF POLICE AND PROVIDING A SEVERANCE  
CLAUSE.**

**WHEREAS**, Certain dangerous conditions may exist within the limits of the City of Fulshear, Texas which constitute a danger to the citizens and the property within the City; and

**WHEREAS**, the City desires to make every effort to correct any of said conditions before they shall cause a loss of life or property.

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

**SECTION 1.0**

**CREATED:** In the Office of Chief of Police Kenneth Seymour is hereby appointed. The Chief shall receive an annual salary of \$60,000.00 dollars, payable in bimonthly installments in addition to all benefits as provided to a regular employee of the City as full compensation for his services.

**SECTION 2.0**

**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 3.0**

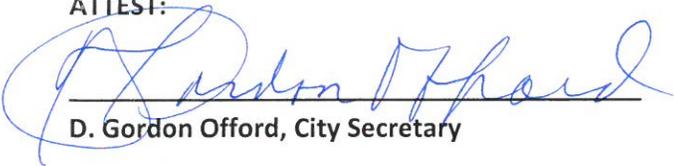
**SEVERABILITY:** Should any paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

**SECTION 4.0**

**EFFECTIVE DATE:** This ordinance shall be effective and in full force from and after its passage and approval.

  
Thomas Kuykendall Jr., Mayor

**ATTEST:**

  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1046**  
**APPROVING THE PARTICIPATION OF THE FULSHEAR 4A DEVELOPMENT CORPORATION IN PROJECTS**  
**PREVIOUSLY APPROVED ONLY FOR 4B DEVELOPMENT CORPORATIONS UNDER THE AUSPICES OF HB**  
**3302**

**AN ORDINANCE OF THE CITY OF FULSHEAR APPROVING THE PARTICIPATION OF THE**  
**FULSHEAR 4A DEVELOPMENT CORPORATION IN PROJECTS PREVIOUSLY APPROVED**  
**ONLY FOR 4B DEVELOPMENT CORPORATIONS UNDER THE AUSPICES OF HB 3302;**  
**PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, in the most recent Legislative session the Texas House of Representatives and Senate approved HB 3302 giving special dispensation to 4A Development Corporations located within communities with populations less than 7,500 persons; AND

**WHEREAS**, the Governor has signed this legislation into effect; AND

**WHEREAS**, the Board of Directors for the Fulshear 4A Development Corporation, duly appointed by the City Council passed a resolution at its Annual Meeting requesting the City approval to endeavor to participate in such project made allowable under the Act; and

**WHEREAS**, the City Council of the City of Fulshear, Texas believes that it is in the best economic interest of the City to avail itself of this special dispensation while eligible; and with the understanding that these capabilities will terminate once the City's population reaches the threshold set by this Act.

**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 approve the participation of the Fulshear 4A Development Corporation in projects previously approved only for 4B Development Corporations as allowed under the auspices of HB 3302.

**SECTION 2.0**

**APPROVED:** The City Council of the City of Fulshear hereby approves the participation of the Fulshear 4A Development Corporation in projects previously approved only for 4B Development Corporations as allowed under the auspices of HB 3302 until such time as the Council directs otherwise, or the City's population reaches the threshold defined in the Act.

**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.

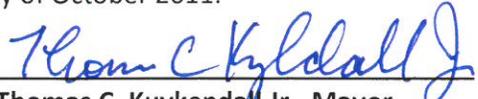
**SECTION 4.0**

**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.

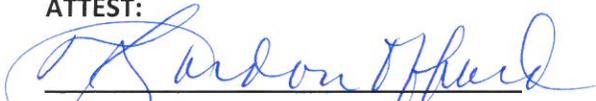
CITY OF FULSHEAR, ORDINANCE 2010-1046

**SECTION 5.0**

**EFFECTIVE DATE:** This Ordinance shall be effective on the first day of October 2011.

  
Thomas C. Kuykendall Jr., Mayor

**ATTEST:**

  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1047**

**AN ORDINANCE AMENDING CITY OF FULSHEAR, TEXAS, ORDINANCE NOS. 2010-1007 and 2010-1032, BEING AN ORDINANCE APPROVING AND ADOPTING THE CITY'S GENERAL BUDGET FOR FISCAL YEAR 2010-2011, BY APPROVING "BUDGET AMENDMENT II" TO THE "ORIGINAL GENERAL BUDGET OF THE CITY OF Fulshear, TEXAS, FOR THE FISCAL YEAR 2010-2011"; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.**

**WHEREAS**, by Ordinance No. 2010-1007, the City Council of the City of Fulshear, Texas, adopted its "Original General Budget for Fiscal Year 2010-2011"; and

**WHEREAS**, by Ordinance No. 2010-1032, the City Council of the City of Fulshear, Texas amended its "Original General Budget for Fiscal Year 2010-2011"; and

**WHEREAS**, the City Council has determined that revenues and/or reserves are available for supplemental appropriation, and/or that the transfer of certain funds interdepartmentally is economically feasible and in the best interest of prudent budgeting and for municipal purposes; and

**WHEREAS**, the City Council desires to amend said Original General Budget to reflect such supplemental appropriation and/or transfer in the fiscal year 2010-2011; now, therefore,

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

**SECTION 1.0**

**PURPOSE:** The purpose of this Ordinance is to adopt an amendment to the City of Fulshear's 2010-2011 Budget.

**SECTION 2.0**

**AMENDED:** The "Original General Budget of the City of Fulshear, Texas, for the Fiscal Year 2010-2011," adopted under Ordinance No. 2010-1007 and amended under Ordinance No. 2010-1032 is hereby amended for municipal purposes as shown on "Budget Amendment II" to the "Original Budget of the City of Fulshear Texas, for the Fiscal year 2010-2011" attached hereto. Said Budget Amendment II shall be attached to and made a part of such Original General Budget by the City Secretary and shall be filed as required by state law, a true and correct copy of which is attached hereto as Exhibits "A", "B" and "C" and made a part hereof for all purposes.

**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. 2010-1007 and Ordinance No. 2010-1032 shall remain in full force and effect.

**SECTION 5.0**

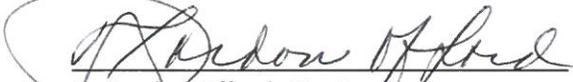
**SEVERABILITY:** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part decided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

  
Thomas C. Kuykendall Jr., Mayor

ATTEST:

  
D. Gordon Offord, City Secretary



# CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

Phone: 281-346-1796 ~ Fax: 281-346-2556

[www.fulsheartx.com](http://www.fulsheartx.com)

## MEMO

To: City Council

From: Kristi Brashear, Finance Officer

CC: Mayor Kuykendall, Mr. Snipes

Date: 9/14/2011

Re: 2010/2011 Budget Amendments

---

I have reviewed the operational budget for the 2010/2011 fiscal year and I am recommending to City Council that we make final budget amendments to the current operating budget. The 2010/2011 fiscal year has brought many changes to the City that has had a direct impact of fiscal operations. None of the changes listed in this amendment will increase overall total expenditures in this year's budget.

In early 2011 the City encountered a legal suit with LCISD. This was an unanticipated cost to City at the time of the budget process last year as the City did not budget contingency for legal costs. While we amended the budget midyear to reflect that cost, we had a few invoices for legal services that trickled in after that amendment was made.

In addition to the LCISD suit, the City also experienced growth in development; growth that has come at an additional cost to the City. Most of these costs have been from the addition of a new subdivision and issues associated with MUD agreements. Some of these costs were reimbursed by the developments.

The City also saw an overall increase to its general legal costs. Most of these costs were relative to updating our policies, ordinances and business operations of the City. See attached spreadsheet for details of all expenses outlined above as well as recommended amendments.

Streetlight costs this year exceeded budget expenditures. Although the development agreement discusses the City inheriting the costs of streetlights, we did not anticipate that the City would take over streetlights in new sections of Cross Creek Ranch this year.

Typically the Comptroller's office frowns on a city making budget amendments at year end. Primarily because in years past, cities have amended their budgets merely to make all budgeted amounts equal actual expenditures. The Comptroller's office feels that this gives a false picture to tax payers. The budget should be used as a tool for planning, control and evaluation.

I spoke with the auditor regarding the amendment process. She agrees that while the Comptroller doesn't necessarily like end of the year amendments, it is allowable under the law and accepted by the Comptroller's Office. Additionally, she stated that in the eyes of the Comptroller, they would rather see these amendments take place to illustrate how the city cares and manages its budget processes. It has been recommended that this year, we amend line items in excess of \$1000.00.

This year I am only recommending a few changes. Those changes are not to balance budgeted amount and expenditures, and make our budget misleading to the public, rather to account for oversights and additional need. Under GASB 34, governments are required to continue to provide budgetary comparison information in their annual reports. As such, the city will be providing both the original budget and all amendments in the final financial statement for the fiscal year. This information will confirm that the City is in compliance and most importantly, that our municipality is accountable for managing its resources.

KJB

CITY OF FULSHEAR  
2010/2011 BUDGET

RECOMMENDED AMENDMENTS

| EXPENSE CODE  | DESCRIPTION             | 10/11 BUDGET | YTD ACTUAL   | AMENDMENT   | FROM ACCT#      | ACCT DESCRIPTION | NOTES  | BUDGET BALANCE |
|---------------|-------------------------|--------------|--------------|-------------|-----------------|------------------|--|----------------|
| 5-120-5311-00 | ADMIN SUPPLIES          | \$3,500.00   | \$4,527.00   | \$2,000.00  | 5-510-5650-00   | CAPITAL EXP.     |  | \$973.00       |
| 5-120-5411-00 | PROF. SERVICES LEGAL    | \$78,000.00  | \$86,911.00  | \$25,000.00 | 5-530-5461-01   | DPS EXP.         |  | \$16,089.00    |
| 5-120-5411-01 | PROF. LEGAL LCISD       | \$110,000.00 | \$113,800.00 | \$3,800.00  | 5-150-5461-04   | CODIFICATION     |  | \$0.00         |
| 5-120-5411-02 | PROF. LEGAL DEVELOPMENT | \$0.00       | \$16,847.00  | \$20,000.00 | 5-210-5211-00   | PD SALARIES      | Reimbursed by developments                               | \$3,153.00     |
| 5-530-5210-00 | PERMIT- SALARIES        | \$39,500.00  | \$43,418.00  | \$6,000.00  | 5-530-5461-01 - | DPS EXP.         | date but amendment miscalculated                         | \$2,082.00     |
| 5-510-5211-00 | PUBLIC WORKS WAGES      | \$41,384.00  | \$44,987.00  | \$5,500.00  | 5-510-5650-00   | CAPITAL EXP.     | Overtime - not originally budgeted                       | \$1,897.00     |
| 5-510-5469-00 | PW - EQUIPMENT RENTAL   | \$6,500.00   | \$8,085.00   | \$1,600.00  | 5-510-5650-00   | CAPITAL EXP.     | Roll Off Dumpsters for Limbs<br>Not originally budgeted. | \$15.00        |
| 5-410-5432-01 | STREETS- ELECTRICTIV    | \$18,000.00  | \$37,943.00  | \$25,000.00 | 5-410-5311-00   | STREET REPAIR    | overtime<br>took over streetlights in ccr                | \$5,057.00     |
| 5-210-5311-05 | PD DUTY SUPPLIES        | \$4,500.00   | \$7,035.00   | \$2,535.00  | 5-210-5235-00   | EMP. BENEFITS    | purchased tasers, donations made<br>to rev. acct         | \$0.00         |
| 5-210-5363-00 | PD AUTO FUEL            | \$10,000.00  | \$12,400.00  | \$3,500.00  | 5-210-5363-01   | PD MAINTENANCE   | underestimated fuel expenses                             | \$1,100.00     |
| 5-180-5461-06 | FEN PROF. SERVICES      | \$12,500.00  | \$14,129.00  | \$2,000.00  | 5-180-5314-00   | PUBLICATIONS     | to cover movie night in Oct.                             | \$371.00       |
| 5-160-5475-03 | FIN - TAX PENALTIES     | \$0.00       | \$900.00     | \$900.00    | 5-110-5528-00   | CC TRAINING      | to cover tax penalties incurred<br>from 941 reporting    | \$0.00         |
| 5-190-5211-01 | COMM CENTER CLEANING    | \$1,500.00   | \$2,335.00   | \$900.00    | 5-110-5528-00   | CC TRAINING      | to cover new cleaning crew                               | \$65.00        |
| 5-580-5211-01 | CITY HALL CLEANING      | \$3,150.00   | \$3,650.00   | \$1,000.00  | 5-580-5432-00   | SECURITY FEES    | to cover new cleaning crew                               | \$500.00       |

**ORDINANCE NO. 2011-1048**  
**AN ORDINANCE ADOPTING THE CITY OF FULSHEAR'S FISCAL YEAR 2011-2012 BUDGET**

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF FULSHEAR FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; APPROPRIATING FUNDS FOR THE GENERAL AND ENTERPRISE OPERATIONS, CAPITAL IMPROVEMENTS AND THE OPERATIONS OF THE 4A AND 4B DEVELOPMENT CORPORATIONS; FURTHER APPROPRIATING FUNDS TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; PROVIDING FOR REPEAL; AND PROVIDING FOR SEVERABILITY AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF FULSHEAR FOR THE 2011-2012 FISCAL YEAR.**

WHEREAS, the budget appended here as Exhibit A for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012 was duly presented to the City Council and a public notice of a public hearing was caused and said notice was duly published in the Fort Bend Herald and said public hearing was held according to said notice.

**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 budget and appropriate funds for the Fiscal year 2011-2012.

**SECTION 2.0**

**APPROPRIATED:** The appropriations for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012, for the support of the General government, its Enterprise operations, Capital Improvements and the City's 4A and 4B Corporations of the City of Fulshear, Texas be fixed and determined for said terms in accordance with the expenditures shown in the City's Fiscal Year 2011-2012 Budget, a copy of which is appended hereto as Exhibit A.

**SECTION 3.0**

**ADOPTED:** The budget as shown in words and figures in Exhibit A is hereby adopted in all respects as the City's budget for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012.

**SECTION 4.0**

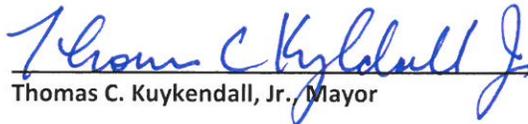
**DEBT PAYMENTS APPROPRIATED:** Any and all amounts of interest and principal due on debt held by the City and shown in the City budget is hereby appropriated toward the retirement of said debt.

**SECTION 5.0**

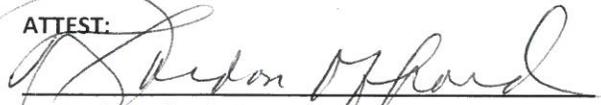
**REPEALING CLAUSE:** All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 7.0**

**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.

  
\_\_\_\_\_  
Thomas C. Kuykendall, Jr., Mayor

**ATTEST:**

  
\_\_\_\_\_  
D. Gordon Offord, City Secretary

| Revenues                    | FY 2010-2011<br>Approved Budget | YTD Actual as of<br>07/31/2011 | YTD<br>Percentage | YTD Actual<br>Variance | Projected<br>Final Actual | FY 2011-2012<br>Proposed Budget | Year v. Year<br>Percent Change | Projected Final v<br>Proposed Percentage | Notes |
|-----------------------------|---------------------------------|--------------------------------|-------------------|------------------------|---------------------------|---------------------------------|--------------------------------|--|-------|
| Tax Revenue                 | \$608,600.00                    | \$649,721.93                   | 106.76%           | (\$41,121.93)          | \$697,105.15              | \$749,980.39                    | 23.23%                         | 7.58%                                    |       |
| License & Permit Revenue    | \$504,500.00                    | \$588,911.62                   | 116.73%           | \$84,411.62            | \$703,424.94              | \$590,640.47                    | 17.07%                         | -16.03%                                  |       |
| Grant Revenue               | \$0.00                          | \$21,710.66                    | 2171006.00%       | \$21,710.66            | \$21,710.66               | \$15,000.00                     | 15000.00%                      | -30.91%                                  |       |
| Service Revenue             | \$307,129.00                    | \$221,723.92                   | 72.19%            | (\$85,405.08)          | \$266,068.70              | \$262,288.65                    | -14.60%                        | -1.42%                                   |       |
| Fines & Forfeitures Revenue | \$58,720.00                     | \$62,721.74                    | 106.81%           | \$4,001.74             | \$75,266.09               | \$57,210.00                     | -2.57%                         | -23.99%                                  |       |
| Interest Revenue            | \$13,675.00                     | \$9,354.33                     | 68.40%            | (\$4,320.67)           | \$11,225.20               | \$6,315.00                      | -53.82%                        | -43.74%                                  |       |
| Other Revenue               | \$37,765.00                     | \$48,966.44                    | 129.66%           | \$0.00                 | \$49,630.73               | \$33,660.00                     | -10.87%                        | -32.18%                                  |       |
| <b>Total Revenue</b>        | <b>\$1,530,389.00</b>           | <b>\$1,603,110.64</b>          | <b>104.75%</b>    | <b>(\$20,723.66)</b>   | <b>\$1,824,431.47</b>     | <b>\$1,715,094.52</b>           | <b>12.07%</b>                  | <b>-5.99%</b>                            |       |

| Expenditures                       | FY 2010-2011<br>Approved Budget | YTD Actual as of<br>07/31/2011 | YTD<br>Percentage | YTD Actual<br>Variance | Projected<br>Final Actual | FY 2011-2012<br>Proposed Budget | Year v. Year<br>Percent Change | Projected Final v<br>Proposed Percentage | Notes      |
|------------------------------------|---------------------------------|--------------------------------|-------------------|------------------------|---------------------------|---------------------------------|--------------------------------|--|------------|
| General Administration             | \$439,311.00                    | \$405,307.68                   | 92.26%            | \$34,003.32            | \$486,148.18              | \$399,276.63                    | -9.11%                         | -17.87%                                  |            |
| Builder Services/ Code Enforcement | \$215,190.00                    | \$164,512.98                   | 76.45%            | \$50,680.02            | \$205,316.10              | \$154,296.68                    | -28.30%                        | -24.85%                                  |            |
| Community Development              | \$98,885.00                     | \$73,247.85                    | 74.07%            | \$25,637.15            | \$84,106.99               | \$66,652.77                     | -32.60%                        | -20.75%                                  |            |
| Facilities                         | \$34,856.00                     | \$27,846.01                    | 79.89%            | \$7,009.99             | \$33,415.22               | \$59,258.00                     | 70.01%                         | 77.34%                                   |            |
| Municipal Court                    | \$62,760.00                     | \$46,324.02                    | 73.81%            | \$16,435.98            | \$57,337.10               | \$71,779.54                     | 14.37%                         | 25.19%                                   |            |
| Special Events                     | \$1,000.00                      | \$617.76                       | 61.78%            | \$382.24               | \$741.31                  | \$39,000.00                     | 3800.00%                       | 5160.94%                                 | new budget |
| Non-Departmental                   | \$154,711.00                    | \$115,316.05                   | 74.54%            | \$39,394.95            | \$143,097.85              | \$364,675.31                    | 135.71%                        | 154.84%                                  |            |
| Police Department                  | \$358,671.00                    | \$253,719.37                   | 70.74%            | \$104,951.63           | \$304,463.24              | \$452,410.22                    | 26.14%                         | 48.59%                                   |            |
| Public Works/ Maintenance          | \$136,242.00                    | \$106,514.38                   | 78.18%            | \$19,727.62            | \$127,817.26              | \$152,125.94                    | 11.66%                         | 19.02%                                   |            |
| Streets                            | \$61,500.00                     | \$42,354.89                    | 68.87%            | \$19,145.11            | \$60,825.26               | \$89,250.00                     | 45.12%                         | 46.73%                                   |            |
| Debt Service                       | \$39,300.00                     | \$38,581.00                    | 98.17%            | \$719.00               | \$39,139.57               | \$52,100.00                     | 32.57%                         | 33.11%                                   |            |
| <b>Total Expenditures</b>          | <b>\$1,602,426.00</b>           | <b>\$1,274,341.99</b>          | <b>79.53%</b>     | <b>\$338,087.01</b>    | <b>\$1,542,408.09</b>     | <b>\$1,900,825.08</b>           | <b>18.62%</b>                  | <b>23.24%</b>                            |            |
| <b>Revenue Over/ Under</b>         | <b>(\$72,037.00)</b>            | <b>\$328,768.65</b>            | <b>-356.39%</b>   | <b>(\$338,810.67)</b>  | <b>\$282,023.38</b>       | <b>(\$185,730.57)</b>           | <b>157.83%</b>                 | <b>-165.86%</b>                          |            |

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 City of Ft. Worth  
 AUG 19 2011  
 City Secretary Office

| General Fund Revenues |                          |  |                              |                             |                |                     |                        |                              |                                       |
|-----------------------|--------------------------|--|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|---------------------------------------|
| Tax Revenue           | General Ledger Account # | Description                                    | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final V Proposed Percentage |
| 100                   | 41100                    | Other Income                                   | \$10,000.00                  | \$1.00                      | 0.01%          | (\$9,999.00)        | \$1.00                 |                              |                                       |
| 100                   | 41101                    | Ad Valorem Tax Collection - Current Year       | \$334,600.00                 | \$392,020.08                | 117.16%        | \$57,420.08         | \$392,020.08           | \$427,521.83                 | 9.06%                                 |
| 100                   | 41102                    | Ad Valorem Tax Collection - Prior Years        | \$6,000.00                   | \$15,347.48                 | 255.79%        | \$9,347.48          | \$15,347.48            | \$6,000.00                   | -60.91%                               |
| 100                   | 41103                    | Ad Valorem Tax Collection - Penalty & Interest | \$3,000.00                   | \$5,437.25                  | 181.24%        | \$2,437.25          | \$5,437.25             | \$3,000.00                   | -44.83%                               |
| 100                   | 41301                    | Sales & Use Tax Collection                     | \$186,000.00                 | \$175,463.83                | 94.34%         | (\$10,536.17)       | \$210,556.60           | \$237,958.56                 | 13.01%                                |
| 100                   | 41302                    | Mixed Beverage Tax Collection                  | \$10,000.00                  | \$4,378.74                  | 43.79%         | (\$5,621.26)        | \$5,254.49             | \$5,500.00                   | 4.67%                                 |
| 100                   | 41501                    | Franchise Tax - Electric and Gas Service       | \$45,000.00                  | \$40,614.82                 | 90.26%         | (\$4,385.18)        | \$48,737.78            | \$50,000.00                  | 2.99%                                 |
| 100                   | 41503                    | Franchise Tax - Telecommunications             | \$10,000.00                  | \$6,312.22                  | 63.12%         | (\$3,687.78)        | \$9,974.66             | \$10,000.00                  | 0.25%                                 |
| 100                   | 41504                    | Franchise Tax - Cable TV                       | \$4,000.00                   | \$8,146.51                  | 203.66%        | \$4,146.51          | \$9,775.81             | \$10,000.00                  | 2.29%                                 |
|                       |                          | Sub-Total Tax Revenues                         | \$609,600.00                 | \$649,721.93                | 106.76%        | \$41,121.93         | \$697,105.15           | \$749,980.39                 | 7.58%                                 |

| License & Permit Revenue |                          |                                    |                              |                             |                |                     |                        |                              |                                       |
|--------------------------|--------------------------|------------------------------------|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|---------------------------------------|
| Fund                     | General Ledger Account # | Description                        | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final V Proposed Percentage |
| 100                      | 42001                    | Registration - Electrician         | \$4,200.00                   | \$6,670.00                  | 158.81%        | \$2,470.00          | \$6,670.00             | \$4,700.00                   | -29.54%                               |
| 100                      | 42002                    | Registration - HVAC                | \$1,000.00                   | \$1,825.00                  | 182.50%        | \$825.00            | \$1,825.00             | \$1,200.00                   | -34.25%                               |
| 100                      | 42003                    | Registration - Building Contractor | \$1,600.00                   | \$7,650.00                  | 478.13%        | \$6,050.00          | \$7,650.00             | \$3,000.00                   | -60.78%                               |
| 100                      | 42004                    | Registration - Irrigation          | \$0.00                       | \$200.00                    | 2000.00%       | \$200.00            | \$200.00               | \$1,200.00                   | 500.00%                               |
| 100                      | 42201                    | Permit - Electrical                | \$45,000.00                  | \$40,513.63                 | 90.03%         | (\$4,486.37)        | \$48,616.36            | \$43,754.72                  | -10.00%                               |
| 100                      | 42202                    | Permit - HVAC                      | \$17,000.00                  | \$17,095.00                 | 100.56%        | \$95.00             | \$20,514.00            | \$18,372.96                  | -10.44%                               |
| 100                      | 42203                    | Permit - Building Contractor       | \$229,000.00                 | \$283,974.99                | 123.67%        | \$64,974.99         | \$340,769.99           | \$306,692.99                 | -10.00%                               |
| 100                      | 42204                    | Permit - Plumbing                  | \$22,000.00                  | \$23,060.00                 | 104.82%        | \$1,060.00          | \$27,672.00            | \$24,904.80                  | -10.00%                               |
| 100                      | 42205                    | Permit - Solicitation              | \$0.00                       | \$120.00                    | 1200           | \$120.00            | \$144.00               | \$120.00                     | -16.67%                               |
| 100                      | 42206                    | Permit - Fire Suppression          | \$0.00                       | \$60.00                     | 600.00%        | \$60.00             | \$72.00                | \$60.00                      | -16.67%                               |
| 100                      | 42207                    | Permit - Moving & Demolition       | \$0.00                       | \$270.00                    | 1350.00%       | \$270.00            | \$324.00               | \$135.00                     | -58.33%                               |
| 100                      | 42208                    | Permit - Sign                      | \$1,850.00                   | \$1,410.00                  | 76.22%         | (\$440.00)          | \$1,692.00             | \$1,500.00                   | -11.35%                               |
| 100                      | 42209                    | Permit - Banner                    | \$850.00                     | \$1,235.00                  | 145.29%        | \$385.00            | \$1,482.00             | \$1,000.00                   | -32.52%                               |
| 100                      | 42300                    | Liquor License                     | \$12,000.00                  | \$2,207.50                  | 18.40%         | (\$9,792.50)        | \$2,649.00             | \$2,200.00                   | -16.95%                               |
| 100                      | 42700                    | Inspection Fees                    | \$180,000.00                 | \$202,620.50                | 112.57%        | \$22,620.50         | \$243,144.60           | \$181,800.00                 | -25.23%                               |
|                          |                          | Sub-Total Lic. & Permits Revenue   | \$504,500.00                 | \$588,911.62                | 116.73%        | \$84,411.62         | \$703,424.94           | \$590,640.47                 | -16.03%                               |

| Grant Revenue |                          |                                  |                              |                             |                |                     |                        |                              |                                       |
|---------------|--------------------------|----------------------------------|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|---------------------------------------|
| Fund          | General Ledger Account # | Description                      | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final V Proposed Percentage |
| 100           | 43100                    | Grant Revenue - Capital Projects | \$0.00                       | \$21,710.66                 | 217066.00%     | \$21,710.66         | \$21,710.66            | \$15,000.00                  | -30.91%                               |
|               |                          | Sub-Total Grant Revenues         | \$0.00                       | \$21,710.66                 | 217066.00%     | \$21,710.66         | \$21,710.66            | \$15,000.00                  | -30.91%                               |

| Service Revenue |                          |   |                              |                             |                |                     |                        |                              |                                       |
|-----------------|--------------------------|---|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|---------------------------------------|
| Fund            | General Ledger Account # | Description   | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final V Proposed Percentage |
| 100             | 44000                    | Refund Revenue  | \$3,279.00                   | \$3,837.04                  | 117.02%        | \$558.04            | \$4,604.45             | \$3,200.00                   | -30.50%                               |
| 100             | 44001                    | NSF - Return Check Fees   | \$0.00                       | \$5.00                      | 500.00%        | \$5.00              | \$6.00                 | \$5.00                       | -16.67%                               |
| 100             | 44010                    | Engineering - Plat Review                                       | \$25,200.00                  | \$5,656.75                  | 22.45%         | (\$19,543.25)       | \$6,788.10             | \$6,109.29                   | -10.00%                               |
| 100             | 44011                    | Plan Review   | \$114,500.00                 | \$132,748.87                | 76.07%         | (\$41,751.13)       | \$159,298.64           | \$143,368.78                 | -10.00%                               |
| 100             | 44100                    | Subdivision - Plat Fees   | \$27,000.00                  | \$12,147.77                 | 44.99%         | (\$14,852.23)       | \$13,119.59            | \$14,577.32                  | -10.00%                               |
| 100             | 44101                    | Subdivision - Public Improvement Dev. Fee                       | \$75,000.00                  | \$61,567.56                 | 82.09%         | (\$13,432.44)       | \$73,881.07            | \$66,492.96                  | -10.00%                               |
| 100             | 44103                    | Comm. Plat Fees   | \$0.00                       | \$950.95                    | 95095.00%      | \$950.95            | \$1,141.14             | \$1,027.03                   | -10.00%                               |
| 100             | 44500                    | Administration Fees Economic Dev. Corps.                        | \$2,000.00                   | \$4,730.11                  | 236.51%        | \$2,730.11          | \$5,676.13             | \$2,500.00                   | -55.86%                               |
| 100             | 44700                    | Administration Fee for Solid Waste Collection Recycling Revenue | \$150.00                     | \$79.87                     | 53.25%         | (\$70.13)           | \$95.84                | \$26,316.00                  | 0.00%                                 |
|                 |                          | Sub-Total Service Revenue                                       | \$307,129.00                 | \$321,723.92                | 72.19%         | (\$85,405.08)       | \$266,068.70           | \$262,288.65                 | -14.22%                               |

| Fund | Fines/Forfeiture Revenue | General Ledger Account # | Description                            | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Percentage | Projected Final v |
|------|--------------------------|--------------------------|--|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|----------------------|-------------------|
| 100  | 45001                    | 45001                    | Court Fines & Forfeitures              | \$10,000.00                  | \$11,516.72                 | 115.17%        | \$1,516.72          | \$13,820.06            | \$10,000.00                  |                      | -27.64%           |
| 100  | 45002                    | 45002                    | Court Fees                             | \$42,000.00                  | \$40,498.04                 | 96.42%         | (\$1,501.96)        | \$48,597.65            | \$45,000.00                  |                      | -7.40%            |
| 100  | 45003                    | 45003                    | Court Deferred Dispositions            | \$1,500.00                   | \$4,348.60                  | 289.91%        | \$2,848.60          | \$5,218.32             | \$2,000.00                   |                      | -61.67%           |
| 100  | 45004                    | 45004                    | Court Building Security Fund           | \$1,800.00                   | \$2,059.01                  | 114.39%        | \$259.01            | \$2,470.81             | \$0.00                       |                      | -100.00%          |
| 100  | 45005                    | 45005                    | Court Technology Fund                  | \$2,000.00                   | \$2,745.37                  | 137.27%        | \$745.37            | \$3,294.44             | \$0.00                       |                      | -100.00%          |
| 100  | 45007                    | 45007                    | Court Time Payment Fees                | \$200.00                     | \$330.86                    | 165.43%        | \$130.86            | \$397.03               | \$200.00                     |                      | -49.63%           |
| 100  | 45009                    | 45009                    | Police Department - Child Safety Fund  | \$1,200.00                   | \$1,217.42                  | 101.45%        | \$17.42             | \$1,460.90             | \$0.00                       |                      | -100.00%          |
| 100  | 45011                    | 45011                    | PD Donations for Equipment             | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       |                      | 0.00%             |
| 100  | 45011                    | 45011                    | Court - City Justice Fee               | \$20.00                      | \$5.72                      | 28.60%         | (\$14.28)           | \$6.86                 | \$10.00                      |                      | 45.69%            |
|      |                          |                          | Sub- Total Fines & Forfeitures Revenue | \$58,720.00                  | \$65,721.74                 | 106.81%        | \$4,001.74          | \$75,266.09            | \$57,210.00                  |                      | -23.99%           |

| Fund | Interest Earned Revenue | General Ledger Account # | Description                                | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Percentage | Projected Final v |
|------|-------------------------|--------------------------|--|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|----------------------|-------------------|
| 100  | 46001                   | 46001                    | Interest - Money Market Accounts           | \$300.00                     | \$2,421.75                  | 807.25%        | \$2,121.75          | \$2,906.10             | \$1,200.00                   |                      | -58.71%           |
| 100  | 46002                   | 46002                    | Interest - Sales Tax Money Market Accounts | \$30.00                      | \$10.10                     | 33.67%         | (\$19.90)           | \$12.12                | \$15.00                      |                      | 23.76%            |
| 100  | 46010                   | 46010                    | Interest - CD's                            | \$13,000.00                  | \$6,823.34                  | 52.49%         | (\$6,176.66)        | \$8,188.01             | \$5,000.00                   |                      | -38.94%           |
| 100  | 46150                   | 46150                    | Interest - MBIA General Investments        | \$20.00                      | \$4.67                      | 23.35%         | (\$15.33)           | \$5.60                 | \$5.00                       |                      | -10.78%           |
| 100  | 46151                   | 46151                    | Interest - MBIA Property Tax Fund          | \$300.00                     | \$80.32                     | 26.77%         | (\$219.68)          | \$96.38                | \$80.00                      |                      | -17.00%           |
| 100  | 46154                   | 46154                    | Interest - MBIA Court Technology Fund      | \$10.00                      | \$6.06                      | 60.60%         | (\$3.94)            | \$7.27                 | \$5.00                       |                      | -31.24%           |
| 100  | 46155                   | 46155                    | Interest - MBIA Court Building Fund        | \$10.00                      | \$5.36                      | 53.60%         | (\$4.64)            | \$6.43                 | \$5.00                       |                      | -22.26%           |
| 100  | 46156                   | 46156                    | Interest - MBIA PD Child Safety Fund       | \$5.00                       | \$2.73                      | 54.60%         | (\$2.27)            | \$3.28                 | \$5.00                       |                      | 52.63%            |
| 100  | 46157                   | 46157                    | Interest - MBIA Judicial Efficiency        | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       |                      | 0.00%             |
|      |                         |                          | Sub- Total Interest Revenue                | \$13,675.00                  | \$9,954.33                  | 68.40%         | (\$4,320.67)        | \$11,225.20            | \$6,315.00                   |                      | -43.74%           |

| Fund | Other Revenue | General Ledger Account # | Description                                   | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Percentage | Projected Final v |
|------|---------------|--------------------------|---|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|----------------------|-------------------|
| 100  | 49100         | 49100                    | Candidate Filing Fees                         | \$125.00                     | \$75.00                     | 60.00%         | (\$50.00)           | \$90.00                | \$100.00                     |                      | 11.11%            |
| 100  | 49101         | 49101                    | Legal Development Reimbursement               | \$0.00                       | \$9,379.50                  | 0.00%          | \$9,379.50          | \$11,255.40            | \$0.00                       |                      | 0.00%             |
| 100  | 49102         | 49102                    | Police Dept. Donations                        | \$0.00                       | \$4,250.00                  | 0.00%          | \$4,250.00          | \$5,100.00             | \$0.00                       |                      | 0.00%             |
| 100  | 49150         | 49150                    | Sale of Assets                                | \$3,000.00                   | \$0.00                      | 0.00%          | (\$3,000.00)        | \$0.00                 | \$1,500.00                   |                      | 1500.00%          |
| 100  | 49200         | 49200                    | Miscellaneous Income                          | \$5,000.00                   | \$1,210.18                  | 24.20%         | (\$3,789.82)        | \$1,452.22             | \$1,200.00                   |                      | -17.37%           |
| 100  | 49215         | 49215                    | Cash Long-Short                               | \$0.00                       | (\$115.04)                  | -115.04%       | (\$115.04)          | (\$138.05)             | \$100.00                     |                      | -172.44%          |
| 100  | 49250         | 49250                    | Police Department Report Revenues             | \$40.00                      | \$204.00                    | 510.00%        | \$164.00            | \$244.80               | \$60.00                      |                      | 3600.00%          |
| 100  | 49601         | 49601                    | Development Corp Reimbursements               | \$3,500.00                   | \$4,372.50                  | 124.93%        | \$872.50            | \$5,247.00             | \$2,500.00                   |                      | -52.35%           |
| 100  | 49603         | 49603                    | Community Development - Sponsor Contributions | \$20,000.00                  | \$23,745.00                 | 118.73%        | \$3,745.00          | \$19,585.00            | \$20,000.00                  |                      | 2.12%             |
| 100  | 49605         | 49605                    | Community Development - Pageant Registrations | \$1,000.00                   | \$0.00                      | 0.00%          | (\$1,000.00)        | \$0.00                 | \$1,000.00                   |                      | 1000.00%          |
| 100  | 49700         | 49700                    | Community Development - Beautifulhear         | \$0.00                       | \$1,100.00                  | 0.00%          | \$1,100.00          | \$1,100.00             | \$1,000.00                   |                      | 1000.00%          |
| 100  | 49701         | 49701                    | Community Center Income                       | \$0.00                       | \$332.29                    | 20072.00%      | \$332.29            | \$398.75               | \$150.00                     |                      | -62.38%           |
| 100  | 49702         | 49702                    | Community Center - Rental                     | \$4,000.00                   | \$3,413.01                  | 85.33%         | (\$586.99)          | \$4,095.61             | \$2,000.00                   |                      | -51.17%           |
| 100  | 49703         | 49703                    | Community Center - Security                   | \$100.00                     | \$0.00                      | 0.00%          | (\$100.00)          | \$0.00                 | \$50.00                      |                      | 500.00%           |
| 100  | 49704         | 49704                    | Community Center - Supervisor                 | \$500.00                     | \$400.00                    | 80.00%         | (\$100.00)          | \$480.00               | \$200.00                     |                      | -58.33%           |
|      |               |                          | Sub- Total Other Revenue                      | \$37,765.00                  | \$48,966.44                 | 129.66%        | \$11,201.44         | \$49,630.73            | \$33,660.00                  |                      | -32.18%           |

| Fund | General Ledger Account | Expenditures - General Admin                       | FY 2010-2011 Approved Budget | YTD Actual as of 06/30/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final % | Notes                                  |
|------|------------------------|--|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|-------------------|--|
| 100  | 5-000-5210-00          | Personnel - Wages and Salaries Regular             | \$161,843.00                 | \$130,332.04                | 80.53%         | \$31,510.96         | \$156,398.45           | \$161,843.00                 | 3.48%             |  |
| 100  | 5-000-5210-00          | Personnel - Wages and Salaries Interim             | \$3,400.00                   | \$3,045.00                  | 89.56%         | \$355.00            | \$3,654.00             | \$4,200.00                   | 14.94%            |  |
| 100  | 5-000-5210-01          | Personnel - Mayoral Compensation                   | \$2,400.00                   | \$2,000.00                  | 83.33%         | \$400.00            | \$2,400.00             | \$4,800.00                   | 100.00%           |  |
|      |                        | Sub-Total Salaries and Wages                       | \$167,643.00                 | \$135,377.04                | 80.75%         | \$32,265.96         | \$162,452.45           | \$170,843.00                 | 5.16%             |  |
| 100  | 5-000-5230-00          | Personnel - Social Security Expense                | \$11,239.00                  | \$9,591.85                  | 84.67%         | \$1,747.15          | \$11,510.22            | \$12,866.52                  | 11.78%            |  |
| 100  | 5-000-5238-00          | Personnel - Retirement                             | \$7,138.00                   | \$5,198.61                  | 72.83%         | \$1,939.39          | \$6,238.33             | \$3,289.46                   | -47.27%           | Revised % following Legislative Change |
| 100  | 5-000-5235-00          | Personnel - Health Insurance                       | \$21,663.00                  | \$16,848.72                 | 77.78%         | \$4,814.28          | \$20,218.46            | \$19,620.00                  | -2.96%            |  |
| 100  | 5-000-5236-00          | Personnel - Life Insurance                         | \$165.00                     | \$128.24                    | 77.72%         | \$36.76             | \$153.89               | \$0.00                       | -100.00%          |  |
| 100  | 5-000-5237-00          | Personnel - Dental Insurance                       | \$957.00                     | \$743.68                    | 77.11%         | \$213.32            | \$892.42               | \$0.00                       | -100.00%          |  |
| 100  |                        | Personnel - Worker's Compensation                  | \$523.00                     | \$503.50                    | 96.27%         | \$19.50             | \$609.36               | \$597.00                     | -2.03%            |  |
| 100  |                        | Personnel - Unemployment                           | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$570.00                     | 7600.00%          | New Line Item                          |
| 100  |                        | Personnel - Uniforms                               | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$200.00                     | 15000.00%         |  |
|      |                        | Sub-Total Personnel Benefits                       | \$41,775.00                  | \$33,014.60                 | 78.03%         | \$8,760.40          | \$39,632.68            | \$31,424.98                  | -62.6%            |  |
| 100  | 5-000-5270-00          | Personnel - Allocated Overhead                     | (\$19,870.00)                | (\$9,935.00)                | 50.00%         | \$9,935.00          | (\$13,246.67)          | (\$56,709.35)                | 328.10%           |  |
|      |                        | Total Personnel                                    | \$189,548.00                 | \$158,456.64                | 83.60%         | \$31,091.36         | \$188,828.46           | \$151,276.63                 | -19.85%           |  |
|      |                        | Non-Personnel                                      |                              |                             |                |                     |                        |                              |                   |  |
| 100  | 5-000-5311-00          | Supplies   | \$5,500.00                   | \$5,254.38                  | 95.53%         | \$245.62            | \$6,305.26             | \$5,700.00                   | -9.60%            |  |
| 100  | 5-000-5314-00          | Publications / Reference Material                  | \$850.00                     | \$282.40                    | 33.22%         | \$567.60            | \$338.88               | \$1,150.00                   | 239.35%           |  |
| 100  | 5-000-5315-00          | Postage  | \$750.00                     | \$604.77                    | 80.64%         | \$145.23            | \$725.72               | \$0.00                       | -100.00%          | moved to non departmental              |
| 100  | 5-000-5316-00          | Furniture & Fixtures                               | \$300.00                     | \$779.93                    | 389.97%        | (\$579.93)          | \$935.92               | \$350.00                     | -62.60%           |  |
| 100  | 5-000-5461-04          | Condition  | \$5,000.00                   | \$0.00                      | 0.00%          | \$5,000.00          | \$0.00                 | \$12,500.00                  | 125000.00%        |  |
| 100  | 5-000-5317-00          | Commemoratives                                     | \$1,000.00                   | \$39.45                     | 3.945%         | \$960.55            | \$47.34                | \$1,000.00                   | 11.24%            |  |
| 100  | 5-000-5369-00          | Auto Expense                                       | \$2,250.00                   | \$296.00                    | 13.16%         | \$1,954.00          | \$355.20               | \$1,750.00                   | 392.66%           |  |
| 100  | 5-000-5380-00          | Public Relations                                   | \$5,000.00                   | \$459.76                    | 9.20%          | \$4,540.24          | \$551.71               | \$2,000.00                   | 262.51%           |  |
| 100  | 5-000-5326-00          | Notices - Public                                   | \$1,600.00                   | \$1,235.66                  | 77.23%         | \$364.34            | \$1,482.79             | \$2,000.00                   | 34.88%            |  |
| 100  | 5-150-5526-01          | County Recording Fees                              | \$0.00                       | \$107.00                    | 1070.00%       | (\$107.00)          | \$128.40               | \$500.00                     | 289.41%           |  |
| 100  | 5-000-5526-05          | Open Records Requests Expenditure                  | \$150.00                     | \$59.00                     | 39.33%         | \$91.00             | \$70.80                | \$200.00                     | 182.49%           |  |
| 100  | 5-000-5381-00          | Meeting Expense - Accounting                       | \$4,200.00                   | \$1,555.23                  | 36.17%         | \$2,744.77          | \$1,929.11             | \$4,500.00                   | 133.27%           |  |
| 100  | 5-000-5412-00          | Professional Services - Accounting                 | \$11,750.00                  | \$11,251.65                 | 95.76%         | \$498.35            | \$13,501.98            | \$15,500.00                  | 14.80%            |  |
| 100  | 5-000-5411-00          | Professional Services - Legal                      | \$78,000.00                  | \$78,728.06                 | 100.93%        | (\$728.06)          | \$94,473.67            | \$85,000.00                  | -10.03%           |  |
| 100  | 5-000-5411-01          | Professional Services - Legal LCISD                | \$110,000.00                 | \$113,799.35                | 103.45%        | (\$3,799.35)        | \$136,559.22           | \$0.00                       | -100.00%          |  |
| 100  | 5-000-5411-02          | Professional Services - Legal Development          | \$0.00                       | \$12,302.53                 | 57870.00%      | (\$12,302.53)       | \$14,763.04            | \$10,500.00                  | -28.88%           |  |
| 100  | 5-000-5415-01          | Professional Services - Economic Development       | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%             |  |
| 100  | 5-000-5461-05          | Professional Services - Information Technology     | \$3,560.00                   | \$4,410.78                  | 123.90%        | (\$850.78)          | \$5,292.94             | \$4,700.00                   | -11.20%           |  |
| 100  | 5-000-5434-00          | Professional Services - Comprehensive Planning     | \$0.00                       | \$0.00                      | #DIV/0!        | \$0.00              | \$0.00                 | \$67,000.00                  | #DIV/0!           |  |
| 100  | 5-000-5469-00          | Telecommunications                                 | \$1,000.00                   | \$1,274.56                  | 127.46%        | (\$274.56)          | \$1,529.47             | \$1,500.00                   | -1.93%            |  |
| 100  | 5-000-5469-00          | Equipment Rental                                   | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$4,800.00                   | 48000.00%         |  |
| 100  | 5-000-5515-00          | Advertising  | \$300.00                     | \$149.70                    | 49.90%         | \$150.30            | \$179.64               | \$300.00                     | 67.00%            |  |
| 100  | 5-000-5520-00          | Printing   | \$250.00                     | \$189.70                    | 75.88%         | \$60.30             | \$227.64               | \$650.00                     | 185.54%           |  |
| 100  | 5-000-5527-00          | Dues & Memberships                                 | \$2,000.00                   | \$1,698.80                  | 84.94%         | \$361.20            | \$1,966.56             | \$2,450.00                   | 24.58%            |  |
| 100  | 5-000-5528-00          | Travel & Training                                  | \$8,000.00                   | \$4,772.72                  | 59.66%         | \$3,227.28          | \$5,750.11             | \$12,500.00                  | 117.39%           |  |
| 100  | 5-000-5475-00          | Bank Charges - Finance                             | \$10.00                      | \$136.98                    | 1369.80%       | (\$126.98)          | \$164.38               | \$250.00                     | 52.09%            |  |
| 100  | 5-000-5475-01          | Credit Card Fees - Finance                         | \$50.00                      | \$0.00                      | 0.00%          | \$50.00             | \$0.00                 | \$50.00                      | 0.00%             |  |
| 100  | 5-000-5475-02          | Credit Card Finance Charge                         | \$50.00                      | \$16.50                     | 33.00%         | \$33.50             | \$19.80                | \$50.00                      | 152.53%           |  |
| 100  | 5-160-5475-03          | Tax Penalties                                      | \$0.00                       | \$900.08                    | 90008.00%      | (\$900.08)          | \$1,080.10             | \$500.00                     | -53.71%           |  |
| 100  | 5-000-5424-00          | Elections  | \$3,000.00                   | \$2,847.05                  | 94.90%         | \$152.95            | \$2,847.05             | \$3,500.00                   | 22.93%            |  |
| 100  | 5-000-5424-00          | Application Software - Incode Maintenance Contract | \$6,095.00                   | \$3,759.00                  | 61.69%         | \$2,336.00          | \$6,093.00             | \$6,500.00                   | 6.68%             |  |
| 100  | 5-000-5560-07          | Miscellaneous                                      | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$1,500.00                   | 15000.00%         |  |
|      |                        | Sub-Total Non-Personnel                            | \$249,763.00                 | \$246,851.04                | 98.83%         | \$2,911.96          | \$237,319.72           | \$248,000.00                 | -16.59%           |  |
| 100  | 5-000-5560-00          | Capital Outlay - Bad Debt                          | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%             |  |
| 100  | 5-000-5560-00          | Capital Outlay - Furniture                         | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%             |  |
| 100  | 5-000-5560-00          | Capital Outlay - Technology                        | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%             |  |
|      |                        | Sub-Total Capital                                  | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%             |  |
|      |                        | Total General Administration                       | \$439,311.00                 | \$405,307.68                | 92.26%         | \$34,003.32         | \$486,148.18           | \$399,276.63                 | -17.87%           |  |

| Code | Fund | GL Expense Acct | Expenditures - City Council       | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final % | Notes   |
|------|------|-----------------|-----------------------------------|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|-------------------|---|
|      | 100  | 5110-5421-03    | Personnel - Worker's Compensation | \$42.00                      | \$38.72                     | 92.19%         | \$3.28              | \$51.63                | \$0.00                       | -100.00%          |   |
|      | 100  | 5110-5381-00    | Personnel - Uniforms              | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$750.00                     | 2500.00%          |   |
|      |      |                 | Sub-Total Personnel Benefits      | \$42.00                      | \$38.72                     | 92.19%         | \$3.28              | \$51.63                | \$750.00                     | 384.25%           |   |
|      |      |                 | Non-Personnel                     |                              |                             |                |                     |                        |                              |                   |   |
|      | 100  | 5110-5311-00    | Supplies                          | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%             |   |
|      | 100  | 5110-5363-00    | Auto Expenses                     | \$250.00                     | \$0.00                      | 0.00%          | \$250.00            | \$0.00                 | \$250.00                     | 2500.00%          |   |
|      | 100  | 5110-5381-00    | Meeting Expenses                  | \$300.00                     | \$471.25                    | 157.08%        | (\$171.25)          | \$628.33               | \$500.00                     | -20.42%           |   |
|      | 100  | 5110-5528-00    | Travel & Training                 | \$2,000.00                   | \$171.35                    | 8.57%          | \$1,828.65          | \$228.47               | \$3,000.00                   | 1213.10%          | Increase to allocation of \$500 for TML Annual Conference |
|      |      |                 | Sub-Total Non-Personnel           | \$2,550.00                   | \$642.60                    | 25.20%         | \$1,907.40          | \$856.80               | \$3,750.00                   | 337.68%           |   |
|      | 100  | 5110-5650-00    | Capital Outlay - Equipment        | \$0.00                       | \$0.00                      | 0.00%          | 0.00                | 0.00                   | 4,974.00                     | 49740.00%         | Ipaid 2's for Council Meetings                            |
|      | 100  | 5110-5650-06    | Capital Outlay - Technology       | \$0.00                       | \$0.00                      | 0.00%          | 0.00                | 0.00                   | 0.00                         | 0.00%             |   |
|      |      |                 | Total City Council                | \$2,592.00                   | \$681.32                    | 26.29%         | \$1,910.68          | \$908.43               | \$4,000.00                   | 340.32%           |   |

| Fund | General Ledger Account | Expenditures - Builder Services             | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final V Proposed Percentage | Notes  |
|------|------------------------|---|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|---------------------------------------|--|
| 100  | 5330-5210-00           | Personnel - Salaries                        | \$39,500.00                  | \$37,072.11                 | 93.85%         | \$2,427.89          | \$44,886.53            | \$55,000.00                  | 23.63%                                | Amended to reflect Annual Actual on new hire |
| 100  | 5330-5211-00           | Personnel - Wages                           | \$38,690.00                  | \$31,249.68                 | 80.77%         | \$7,440.32          | \$37,499.62            | \$49,600.00                  | 32.27%                                |  |
|      |                        | Personnel - Overtime                        | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$1,000.00                   | 100.00%                               | Reflects new half-time staff                 |
|      |                        | Sub-Total Salaries and Wages                | \$78,190.00                  | \$68,321.79                 | 87.38%         | \$9,868.21          | \$81,986.15            | \$104,600.00                 | 27.58%                                |  |
| 100  | 5330-5230-00           | Personnel - Payroll Tax Expense             | \$5,927.00                   | \$4,966.03                  | 83.79%         | \$960.97            | \$5,959.24             | \$8,315.70                   | 39.54%                                |  |
| 100  | 5330-5238-00           | Personnel - Retirement                      | \$4,794.00                   | \$2,881.70                  | 60.11%         | \$1,912.30          | \$3,458.04             | \$2,126.00                   | -38.52%                               |  |
| 100  | 5330-5235-00           | Personnel - Health Insurance                | \$14,442.00                  | \$9,659.90                  | 66.89%         | \$4,782.10          | \$11,591.88            | \$13,080.00                  | 12.84%                                |  |
| 100  | 5330-5236-00           | Personnel - Life Insurance                  | \$110.00                     | \$41.22                     | 37.47%         | \$68.78             | \$49.46                | \$0.00                       | -100.00%                              |  |
| 100  | 5330-5237-00           | Personnel - Dental Insurance                | \$638.00                     | \$424.96                    | 66.61%         | \$213.04            | \$509.95               | \$0.00                       | -100.00%                              |  |
| 100  | 5330-5421-03           | Personnel - Worker's Compensation           | \$239.00                     | \$313.00                    | 130.96%        | (\$74.00)           | \$375.60               | \$380.00                     | 1.17%                                 |  |
| 100  |                        | Personnel - Unemployment                    | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$570.00                     | 570.00%                               |  |
| 100  |                        | Personnel - Uniforms                        | \$0.00                       | \$0.00                      | 0.00%          | \$3.00              | \$0.00                 | \$150.00                     | 150.00%                               |  |
|      |                        | Sub-Total Personnel Benefits                | \$26,150.00                  | \$18,286.81                 | 69.93%         | \$7,863.19          | \$21,944.17            | \$24,621.70                  | 12.20%                                |  |
| 100  | 5330-5570-04           | Personnel - Allocated Overhead              | (\$10,115.00)                | (\$5,057.50)                | 0.00%          | (\$5,057.50)        | (\$5,069.00)           | (\$27,675.02)                | 356.01%                               |  |
|      |                        | Total Personnel                             | \$94,225.00                  | \$81,551.10                 | 86.55%         | \$12,673.90         | \$97,861.32            | \$101,546.68                 | 3.77%                                 |  |
|      |                        | Non-Personnel                               |                              |                             |                |                     |                        |                              |                                       |  |
| 100  | 5330-5311-00           | Supplies                                    | \$600.00                     | \$1,186.17                  | 197.70%        | (\$586.17)          | \$1,423.40             | \$1,200.00                   | -15.70%                               |  |
| 100  | 5330-5314-00           | Publications/ Reference Material            | \$1,100.00                   | \$1,128.20                  | 102.56%        | (\$28.20)           | \$1,353.84             | \$300.00                     | -77.84%                               |  |
| 100  | 5330-5315-00           | Postage                                     | \$50.00                      | \$45.03                     | 90.06%         | \$4.97              | \$54.04                | \$0.00                       | -100.00%                              |  |
| 100  | 5330-5316-00           | Furniture & Fixtures                        | \$2,500.00                   | \$659.97                    | 26.40%         | \$1,840.03          | \$791.96               | \$500.00                     | -36.87%                               |  |
| 100  | 5330-5363-01           | Auto Expense - Fuel                         | \$2,000.00                   | \$1,017.33                  | 50.87%         | \$982.67            | \$1,220.80             | \$3,000.00                   | 145.74%                               |  |
| 100  | 5330-5369-00           | Auto Expense - Maintenance                  | \$1,000.00                   | \$340.00                    | 34.00%         | \$660.00            | \$408.00               | \$2,000.00                   | 2000.00%                              |  |
| 100  | 5330-5413-00           | Equipment - Light/Repair/Supply             | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$1,500.00                   | 1500.00%                              |  |
| 100  | 5330-5434-00           | Professional Services - Engineering         | \$20,000.00                  | \$19,050.08                 | 95.25%         | \$949.92            | \$25,000.00            | \$20,000.00                  | -20.00%                               |  |
| 100  | 5330-5453-00           | Telecommunications                          | \$400.00                     | \$428.91                    | 107.23%        | (\$28.91)           | \$514.69               | \$0.00                       | -100.00%                              |  |
| 100  | 5330-5461-00           | Plan Reviews                                | \$7,300.00                   | \$7,300.00                  | 100.00%        | \$0.00              | \$8,760.00             | \$0.00                       | -100.00%                              |  |
| 100  | 5330-5461-01           | Inspection Services                         | \$14,820.00                  | \$14,820.00                 | 100.00%        | \$0.00              | \$17,784.00            | \$0.00                       | -100.00%                              |  |
| 100  | 5330-5461-02           | DPS Inspection Services                     | \$65,000.00                  | \$32,955.00                 | 50.72%         | \$32,045.00         | \$39,558.00            | \$5,000.00                   | -87.36%                               |  |
| 100  | 5330-5461-05           | Professional Services - Info Tech           | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$8,500.00                   | 8500.00%                              |  |
| 100  | 5330-5520-00           | Printing                                    | \$1,080.00                   | \$1,185.61                  | 109.78%        | (\$105.61)          | \$1,422.73             | \$1,250.00                   | -12.14%                               |  |
| 100  | 5330-5527-00           | Dues & Memberships                          | \$400.00                     | \$561.38                    | 140.35%        | (\$161.38)          | \$673.66               | \$1,500.00                   | 122.67%                               |  |
| 100  | 5330-5528-00           | Travel & Training                           | \$2,000.00                   | \$589.34                    | 29.47%         | \$1,410.66          | \$707.21               | \$1,000.00                   | 187.36%                               |  |
| 100  | 5330-5560-07           | Application Software - Maintenance Contract | \$2,415.00                   | \$1,378.65                  | 57.10%         | \$1,036.35          | \$7,415.00             | \$4,500.00                   | -39.31%                               | discuss reducing 5k and paying in 10/11      |
| 100  |                        | Miscellaneous                               | \$0.00                       | \$16.21                     | 0.00%          | (\$16.21)           | \$19.45                | \$500.00                     | 5000.00%                              |  |
|      |                        | Sub-Total Non-Personnel                     | \$120,955.00                 | \$82,961.88                 | 68.58%         | \$38,093.12         | \$107,454.78           | \$52,750.00                  | -50.91%                               |  |
| 100  | 5330-5650-00           | Capital Outlay - Equipment                  | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%                                 |  |
| 100  | 5330-5650-01           | Capital Outlay - Technology                 | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%                                 |  |
|      |                        | Sub-Total Capital                           | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%                                 |  |
|      |                        | Total Builder Services                      | \$215,190.00                 | \$164,512.98                | 76.45%         | \$50,680.02         | \$205,316.10           | \$154,296.68                 | -24.85%                               |  |

| Fund | General Ledger Account | Expenditures - Events/Cultural/Park Personnel | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final V Proposed Percentage | Notes |
|------|------------------------|---|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|---------------------------------------|-------|
| 100  | 1                      | Freedom Fest Supplies                         | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$500.00                     | 5000.00%                              |       |
| 100  | 2                      | Christmas Fuhshear Supplies                   | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$500.00                     | 5000.00%                              |       |
| 100  | 3                      | Beauti-Fuhshear Supplies                      | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$500.00                     | 5000.00%                              |       |
| 100  |                        | Spirit Awards Supplies                        | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$300.00                     | 2000.00%                              |       |
| 100  |                        | St. Patty's Day Supplies                      | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$500.00                     | 2000.00%                              |       |
| 100  |                        | Freedom Fest Advertising                      | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$1,000.00                   | 10000.00%                             |       |
| 100  |                        | Christmas Advertising                         | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$1,000.00                   | 10000.00%                             |       |
| 100  |                        | Beauti-Fuhshear Advertising                   | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$1,000.00                   | 10000.00%                             |       |
| 100  |                        | St. Patty's Day Advertising                   | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$750.00                     | 5000.00%                              |       |
| 100  |                        | Movie Night Advertising                       | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$500.00                     | 5000.00%                              |       |
| 100  |                        | Prof. Services - Freedom Fest                 | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$8,000.00                   | 80000.00%                             |       |
| 100  |                        | Prof. Services - Christmas Fuhshear           | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$3,000.00                   | 30000.00%                             |       |
| 100  |                        | Prof. Services - Beauti-Fuhshear              | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$4,000.00                   | 40000.00%                             |       |
| 100  |                        | Prof. Services - St. Patty's Day              | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$1,500.00                   | 5000.00%                              |       |
| 100  |                        | Prof. Services - Movie Night                  | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$1,000.00                   | 5000.00%                              |       |
| 100  |                        | Equip. Rental - Freedom Fest                  | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$4,000.00                   | 40000.00%                             |       |
| 100  |                        | Equip. Rental - Christmas Fuhshear            | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$3,500.00                   | 35000.00%                             |       |
| 100  |                        | Equip. Rental - Beauti-Fuhshear               | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$500.00                     | 5000.00%                              |       |
| 100  |                        | Equip. Rental - Movie Night                   | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$2,500.00                   | 20000.00%                             |       |
| 100  |                        | Freedom Fest - Printing                       | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$700.00                     | 7000.00%                              |       |
| 100  |                        | Christmas Fuhshear - Printing                 | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$250.00                     | 2500.00%                              |       |
| 100  |                        | Beauti-Fuhshear Printing                      | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$250.00                     | 2500.00%                              |       |
| 100  |                        | St. Patty's Day Printing                      | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$250.00                     | 1500.00%                              |       |
| 100  |                        | Spirit Awards Commemoratives                  | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$1,500.00                   | 15000.00%                             |       |
| 100  |                        | Miscellaneous                                 | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$500.00                     | 5000.00%                              |       |
| 100  | 5320-5350-00           | Maintenance - Parks                           | \$1,000.00                   | \$617.76                    | 61.78%         | \$382.24            | \$741.31               | \$1,000.00                   | 34.90%                                |       |
|      |                        | <b>Total Special Events</b>                   | <b>\$1,000.00</b>            | <b>\$617.76</b>             | <b>61.78%</b>  | <b>\$382.24</b>     | <b>\$741.31</b>        | <b>\$39,000.00</b>           | <b>5160.94%</b>                       |       |

| Fund | General Ledger Account | Expenditures - Community Development           | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final v Proposed Percentage | Notes                  |
|------|------------------------|--|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|---------------------------------------|------------------------|
| 100  | 5180-5210-00           | Personnel - Salaries                           | \$42,432.00                  | \$34,272.00                 | 80.77%         | \$8,160.00          | \$41,128.40            | \$42,432.00                  | 3.17%                                 |                        |
| 100  | 5180-5230-00           | Personnel - Payroll Expense                    | \$9,060.00                   | \$2,324.00                  | 25.92%         | \$6,736.00          | \$2,788.80             | \$3,373.34                   | 20.96%                                |                        |
| 100  | 5180-5238-00           | Personnel - Retirement                         | \$1,972.00                   | \$1,367.43                  | 73.05%         | \$604.57            | \$1,640.92             | \$862.43                     | -47.44%                               |                        |
| 100  | 5180-5236-00           | Personnel - Health Insurance                   | \$7,221.00                   | \$5,415.66                  | 75.00%         | \$1,805.34          | \$6,498.79             | \$6,540.00                   | 0.63%                                 |                        |
| 100  | 5180-5237-00           | Personnel - Life Insurance                     | \$55.00                      | \$41.22                     | 74.95%         | \$13.78             | \$49.46                | \$0.00                       | -100.00%                              |                        |
| 100  | 5180-5421-03           | Personnel - Dental Insurance                   | \$319.00                     | \$293.04                    | 74.93%         | \$26.96             | \$286.85               | \$0.00                       | -100.00%                              |                        |
| 100  |                        | Personnel - Worker's Compensation              | \$126.00                     | \$108.00                    | 85.71%         | \$18.00             | \$129.60               | \$185.00                     | 42.75%                                |                        |
| 100  |                        | Personnel - Unemployment                       | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$190.00                     | 190.00%                               |                        |
| 100  |                        | Personnel - Uniforms                           | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$50.00                      | 50.00%                                |                        |
|      |                        | Sub-Total Personnel Benefits                   | \$12,853.00                  | \$9,495.35                  | 75.04%         | \$3,357.65          | \$11,394.42            | \$11,200.77                  | -1.70%                                |                        |
|      |                        | Total Personnel                                | \$55,085.00                  | \$43,767.35                 | 79.45%         | \$11,317.65         | \$52,520.82            | \$53,632.77                  | 2.12%                                 |                        |
|      |                        | Non-Personnel                                  |                              |                             |                |                     |                        |                              |                                       |                        |
| 100  | 5180-5311-00           | Supplies                                       | \$150.00                     | \$44.83                     | 29.65%         | (\$105.17)          | \$53.80                | \$750.00                     | 40.50%                                |                        |
| 100  | 5180-5311-01           | Event Supplies                                 | \$1,350.00                   | \$1,509.77                  | 111.83%        | (\$159.77)          | \$1,811.72             | \$0.00                       | -100.00%                              | Moved to Events Budget |
| 100  | 5180-5314-00           | Publication/Ref Material                       | \$2,000.00                   | \$0.00                      | 0.00%          | \$2,000.00          | \$0.00                 | \$2,000.00                   | 200.00%                               |                        |
| 100  | 5180-5315-00           | Postage  | \$100.00                     | \$0.00                      | 0.00%          | \$100.00            | \$0.00                 | \$0.00                       | 0.00%                                 |                        |
| 100  | 5180-5316-00           | Furniture/Fixtures                             | \$500.00                     | \$0.00                      | 0.00%          | \$500.00            | \$0.00                 | \$500.00                     | 500.00%                               |                        |
| 100  | 5180-5317-00           | Commemoratives                                 | \$2,500.00                   | \$1,899.35                  | 75.97%         | \$600.65            | \$2,279.22             | \$0.00                       | -100.00%                              |                        |
| 100  | 5180-5350-00           | Maintenance - City Cleanup                     | \$2,000.00                   | \$0.00                      | 0.00%          | \$2,000.00          | \$0.00                 | \$0.00                       | 0.00%                                 |                        |
| 100  | 5180-5363-00           | Auto Expense                                   | \$0.00                       | \$344.34                    | 34434.00%      | (\$344.34)          | \$413.21               | \$500.00                     | 21.00%                                |                        |
| 100  | 5180-5380-00           | Public Relations                               | \$1,500.00                   | \$0.00                      | 0.00%          | \$1,500.00          | \$0.00                 | \$1,500.00                   | 150.00%                               |                        |
| 100  | 5180-5381-00           | Meeting Expenses                               | \$1,000.00                   | \$179.93                    | 17.99%         | \$820.07            | \$215.92               | \$1,000.00                   | 363.14%                               |                        |
| 100  | 5180-5434-00           | Telecommunications                             | \$1,000.00                   | \$1,000.12                  | 100.01%        | (\$0.12)            | \$1,200.14             | \$1,500.00                   | 24.99%                                |                        |
| 100  | 5180-5461-05           | Professional Services - Information Technology | \$1,480.00                   | \$395.00                    | 26.69%         | \$1,085.00          | \$474.00               | \$1,500.00                   | 216.46%                               |                        |
| 100  | 5180-5461-06           | Professional Services - Events                 | \$12,500.00                  | \$12,983.13                 | 103.71%        | (\$483.13)          | \$12,983.13            | \$0.00                       | -100.00%                              | Moved to Events Budget |
| 100  | 5180-5468-00           | Equipment Rentals - Events                     | \$9,000.00                   | \$5,989.00                  | 66.54%         | \$3,011.00          | \$5,989.00             | \$0.00                       | -100.00%                              | Moved to Events Budget |
| 100  | 5180-5475-00           | Bank Charges                                   | \$20.00                      | \$0.00                      | 0.00%          | \$20.00             | \$0.00                 | \$20.00                      | 200.00%                               |                        |
| 100  | 5180-5515-00           | Advertising                                    | \$4,000.00                   | \$1,414.50                  | 35.36%         | \$2,585.50          | \$1,697.40             | \$0.00                       | -100.00%                              | Moved to Events Budget |
| 100  | 5180-5520-00           | Printing                                       | \$2,000.00                   | \$1,591.50                  | 79.58%         | \$408.50            | \$1,909.80             | \$300.00                     | -84.29%                               |                        |
| 100  | 5180-5527-00           | Dues & Memberships                             | \$300.00                     | \$65.00                     | 0.00%          | \$235.00            | \$78.00                | \$450.00                     | 476.92%                               |                        |
| 100  | 5180-5528-00           | Travel & Training                              | \$2,400.00                   | \$1,684.03                  | 0.00%          | \$715.97            | \$2,020.84             | \$2,500.00                   | 23.71%                                |                        |
| 100  |                        | Miscellaneous                                  | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$500.00                     | 500.00%                               |                        |
| 100  |                        | Sub-Total Non-Personnel                        | \$43,800.00                  | \$29,480.50                 | 67.31%         | \$14,319.50         | \$31,586.17            | \$13,020.00                  | -58.78%                               |                        |
|      |                        | Total Community Development                    | \$98,885.00                  | \$73,247.85                 | 74.07%         | \$25,637.15         | \$84,106.99            | \$66,652.77                  | -20.75%                               |                        |

| Fund | GL Expense Act | Expenditures - General Facilities           | FY 2010-2011 Approved Budget | YTD Actual as of 06/30/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final V Proposed Percentage | Notes |
|------|----------------|---|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|---------------------------------------|-------|
| 100  | 5-190-5211-00  | Non-Personnel                               |                              |                             |                |                     |                        |                              |                                       |       |
| 100  | 5-190-5211-01  | Community Center - Supervisor               | \$700.00                     | \$280.00                    | 40.00%         | \$420.00            | \$336.00               | \$500.00                     | 48.81%                                |       |
| 100  | 5-190-5311-00  | Cleaning                                    | \$4,650.00                   | \$5,385.00                  | 115.81%        | (\$735.00)          | \$6,462.00             | \$6,700.00                   | 3.68%                                 |       |
| 100  | 5-190-5316-00  | Supplies                                    | \$200.00                     | \$579.30                    | 289.65%        | (\$379.30)          | \$695.16               | \$1,000.00                   | 43.85%                                |       |
| 100  | 5-190-5389-00  | Furniture & Fixtures                        | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%                                 |       |
| 100  | 5-190-5431-00  | Equip - Light/Repair/Supplies               | \$3,000.00                   | \$1,754.20                  | 58.47%         | \$1,245.80          | \$2,105.04             | \$5,000.00                   | 137.52%                               |       |
| 100  | 5-190-5431-01  | Electricity                                 | \$18,050.00                  | \$15,512.60                 | 85.94%         | \$2,537.40          | \$18,615.12            | \$19,200.00                  | 3.14%                                 |       |
| 100  | 5-190-5434-00  | Insurance - Real/Personal Property          | \$1,056.00                   | \$0.00                      | 0.00%          | \$1,056.00          | \$0.00                 | \$1,056.00                   | 10560.00%                             |       |
| 100  | 5-190-5434-01  | Community Center Phone                      | \$750.00                     | \$623.57                    | 83.14%         | \$126.43            | \$748.28               | \$750.00                     | 0.23%                                 |       |
| 100  | 5-190-5431-09  | Community Center Security                   | \$3,100.00                   | \$0.00                      | 0.00%          | \$3,100.00          | \$0.00                 | \$1,500.00                   | 31000.00%                             |       |
| 100  | 5-190-5469-00  | Equipment Rental                            | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$300.00                     | 3000.00%                              |       |
| 100  | 5-190-5470-01  | Maintenance                                 | \$3,350.00                   | \$3,711.34                  | 110.79%        | (\$361.34)          | \$4,453.61             | \$4,700.00                   | 5.53%                                 |       |
|      |                | Emergency Operations Center - Grant Project | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$15,052.00                  | 150520.00%                            |       |
|      |                | Emergency Operations Center - Supplies      | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$3,500.00                   | 35000.00%                             |       |
|      |                | Sub-Total Non-Personnel                     | \$34,856.00                  | \$27,846.01                 | 79.89%         | \$7,009.99          | \$33,415.22            | \$59,258.00                  | 77.54%                                |       |
| 100  | 5-190-5650-04  | Capital Outlay - Equipment                  | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%                                 |       |
|      |                | Total General Facilities                    | \$34,856.00                  | \$27,846.01                 | 79.89%         | \$7,009.99          | \$33,415.22            | \$59,258.00                  | 77.34%                                |       |

| Fund | General Ledger Account | Expenditures - General Admin - Municipal Court | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final V Proposed Percentage | Notes |
|------|------------------------|--|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|---------------------------------------|-------|
| 100  | 5-140-5211-00          | Personnel - Wages and Salaries Regular         | \$27,000.00                  | \$22,101.26                 | 81.86%         | \$4,898.74          | \$26,521.51            | \$31,200.00                  | 17.64%                                |       |
|      |                        | Personnel - Overtime                           | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$1,000.00                   | 1000.00%                              |       |
|      |                        | Sub-Total Salaries and Wages                   | \$27,000.00                  | \$22,101.26                 | 81.86%         | \$4,898.74          | \$26,521.51            | \$32,200.00                  | 21.43%                                |       |
| 100  | 5-140-5230-00          | Personnel - Payroll Expense                    | \$1,890.00                   | \$1,583.67                  | 83.79%         | \$306.33            | \$1,900.40             | \$2,480.40                   | 30.52%                                |       |
| 100  | 5-140-5238-00          | Personnel - Retirement                         | \$1,191.00                   | \$948.84                    | 79.67%         | \$242.16            | \$1,138.61             | \$634.14                     | -44.31%                               |       |
| 100  | 5-140-5235-00          | Personnel - Health Insurance                   | \$55.00                      | \$4,212.18                  | 58.33%         | \$3,008.82          | \$5,054.62             | \$6,540.00                   | 29.99%                                |       |
| 100  | 5-140-5236-00          | Personnel - Life Insurance                     | \$319.00                     | \$32.06                     | 58.29%         | \$22.94             | \$38.47                | \$0.00                       | -100.00%                              |       |
| 100  | 5-140-5237-00          | Personnel - Dental Insurance                   | \$80.00                      | \$319.92                    | 58.28%         | \$133.08            | \$223.10               | \$0.00                       | -100.00%                              |       |
| 100  |                        | Personnel - Worker's Compensation              | \$0.00                       | \$80.00                     | 100.00%        | \$0.00              | \$96.00                | \$185.00                     | 92.71%                                |       |
| 100  |                        | Personnel - Unemployment                       | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$190.00                     | 190.00%                               |       |
| 100  |                        | Personnel - Uniform                            | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$50.00                      | 500.00%                               |       |
|      |                        | Sub-Total Personnel Benefits                   | \$10,756.00                  | \$7,042.67                  | 65.48%         | \$3,713.33          | \$8,451.20             | \$10,079.54                  | 19.27%                                |       |
|      |                        | Total Personnel                                | \$37,756.00                  | \$29,143.93                 | 77.19%         | \$8,612.07          | \$34,972.72            | \$42,279.54                  | 20.89%                                |       |
|      |                        | Non-Personnel                                  |                              |                             |                |                     |                        |                              |                                       |       |
| 100  | 5-140-5311-00          | Supplies                                       | \$1,000.00                   | \$864.32                    | 86.43%         | \$135.68            | \$1,037.18             | \$1,250.00                   | 20.52%                                |       |
| 100  | 5-140-5314-00          | Publications/ Reference Material               | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$200.00                     | 200.00%                               |       |
| 100  | 5-140-5315-00          | Postage  | \$300.00                     | \$220.00                    | 73.33%         | \$80.00             | \$264.00               | \$0.00                       | -100.00%                              |       |
| 100  | 5-140-5316-00          | Furniture & Fixtures                           | \$1,005.00                   | \$1,005.00                  | 100.00%        | \$0.00              | \$1,206.00             | \$500.00                     | -58.54%                               |       |
| 100  | 5-140-5369-00          | Equip Light Repair/Supplies                    | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$500.00                     | 500.00%                               |       |
| 100  | 5-140-5411-01          | Professional Services - Judges Compensation    | \$7,500.00                   | \$4,250.00                  | 56.67%         | \$3,250.00          | \$5,100.00             | \$7,500.00                   | 47.06%                                |       |
| 100  | 5-140-5411-02          | Professional Services - Court Administrator    | \$6,000.00                   | \$5,000.00                  | 83.33%         | \$1,000.00          | \$6,000.00             | \$6,000.00                   | 0.00%                                 |       |
| 100  | 5-140-5411-03          | Professional Services - Prosecutor             | \$4,000.00                   | \$3,382.70                  | 84.57%         | \$617.30            | \$4,059.24             | \$4,000.00                   | -1.46%                                |       |
| 100  | 5-140-5411-04          | Professional Services - Interpreter            | \$500.00                     | \$0.00                      | 0.00%          | \$500.00            | \$0.00                 | \$500.00                     | 500.00%                               |       |
| 100  | 5-140-5411-05          | Juror Fees                                     | \$100.00                     | \$0.00                      | 0.00%          | \$100.00            | \$0.00                 | \$750.00                     | 750.00%                               |       |
| 100  | 5-140-5520-00          | Professional Services - Information Technology | \$1,080.00                   | \$1,002.07                  | 92.78%         | \$77.93             | \$1,202.48             | \$1,250.00                   | 3.95%                                 |       |
| 100  | 5-140-5527-00          | Printing                                       | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$200.00                     | 200.00%                               |       |
| 100  | 5-140-5528-00          | Dues & Memberships                             | \$200.00                     | \$111.00                    | 0.00%          | \$89.00             | \$133.20               | \$50.00                      | -62.46%                               |       |
| 100  | 5-140-5528-00          | Travel & Training                              | \$800.00                     | \$744.40                    | 93.05%         | \$55.60             | \$893.28               | \$1,800.00                   | 101.50%                               |       |
| 100  | 5-140-5560-07          | Application Software Maintenance               | \$2,469.00                   | \$600.60                    | 24.33%         | \$1,868.40          | \$2,469.00             | \$4,500.00                   | 82.66%                                |       |
| 100  |                        | Miscellaneous                                  | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$500.00                     | 500.00%                               |       |
|      |                        | Sub-Total Non-Personnel                        | \$25,004.00                  | \$17,180.09                 | 68.71%         | \$7,823.91          | \$22,364.39            | \$29,500.00                  | 31.91%                                |       |
| 100  | 5-140-5650-04          | Capital Outlay - Equipment                     | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%                                 |       |
| 100  | 5-140-5650-06          | Capital Outlay - Technology                    | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%                                 |       |
|      |                        | Sub-Total Capital                              | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%                                 |       |
|      |                        | Total Municipal Court                          | \$62,760.00                  | \$46,324.02                 | 73.81%         | \$16,435.98         | \$57,337.10            | \$71,779.54                  | 25.19%                                |       |

| Exp. Code     | Non-Departmental                     | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final % | Notes  |
|---------------|--------------------------------------|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|-------------------|--|
| 5-000-5311-00 | Supplies                             | \$2,000.00                   | \$1,400.33                  | 0.00%          | \$599.67            | \$1,680.40             | \$2,000.00                   | 19.02%            |  |
| 5-000-5315-00 | Postage                              | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$2,000.00                   | 20000.00%         | All City Postage   |
| 5-000-5381-00 | Other Expenses                       | \$100.00                     | \$32.93                     | 32.93%         | \$67.07             | \$39.52                | \$100.00                     | 133.06%           |  |
| 5-000-5381-50 | COF Business Enterprise Funding      | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$65,718.56                  | 6571856.00%       | Transfer to COF Enterprise Fund to cover revenue under expenses        |
| 5-000-5381-51 | CCR Business Enterprise Funding      | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%             |  |
| 5-000-5381-97 | FCC Ad Valorem Rebate                | \$13,423.00                  | \$13,242.23                 | 98.65%         | \$180.77            | \$13,242.23            | \$17,828.93                  | 33.13%            | Still waiting on finalized MUD Valuations (#'s based on preliminaries) |
| 5-000-5381-98 | CCR Ad Valorem Rebate                | \$86,447.00                  | \$81,407.23                 | 94.17%         | \$5,039.77          | \$81,407.23            | \$163,677.82                 | 101.06%           | Still waiting on finalized MUD Valuations (#'s based on preliminaries) |
| 5-000-5414-00 | Prof. Services - Consulting          | \$30,000.00                  | \$0.00                      | 0.00%          | \$30,000.00         | \$23,600.00            | \$30,000.00                  | 27.12%            |  |
| 5-000-5421-00 | Prof. Services - Info Tech           | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$2,500.00                   | 25000.00%         |  |
| 5-000-5421-01 | Insurance - Real & Personal Property | \$3,135.00                   | \$3,104.19                  | 99.02%         | \$30.81             | \$3,725.03             | \$3,500.00                   | -6.04%            |  |
| 5-000-5421-02 | Insurance - General Liability        | \$2,665.00                   | \$2,697.00                  | 0.00%          | \$28.00             | \$3,164.40             | \$3,000.00                   | -5.20%            |  |
| 5-000-5421-04 | Insurance - Auto Liability           | \$1,747.00                   | \$1,545.75                  | 88.48%         | \$201.25            | \$1,854.90             | \$2,000.00                   | 7.82%             |  |
| 5-000-5421-05 | Insurance - Errors & Commissions     | \$2,500.00                   | \$2,823.00                  | 0.00%          | (\$323.00)          | \$3,387.60             | \$3,000.00                   | -11.44%           |  |
| 5-000-5426-00 | Insurance - Bonds                    | \$500.00                     | \$342.00                    | 0.00%          | \$158.00            | \$410.40               | \$500.00                     | 21.83%            |  |
| 5-000-5430-00 | Tax Collector Assessor Fees          | \$2,079.00                   | \$1,108.00                  | 0.00%          | \$971.00            | \$1,329.60             | \$4,000.00                   | 200.84%           |  |
| 5-000-5434-00 | Telecommunications Web               | \$1,500.00                   | \$1,348.97                  | 0.00%          | \$151.03            | \$1,618.76             | \$6,400.00                   | 295.36%           | Web and Exchange Hosting / Community Emergency Comm System             |
| 5-000-5461-00 | Telecommunications                   | \$2,500.00                   | \$2,201.28                  | 88.05%         | \$298.72            | \$2,641.54             | \$2,500.00                   | -5.38%            |  |
| 5-000-5461-01 | Contract Services / Labor            | \$2,000.00                   | \$0.00                      | 0.00%          | \$2,000.00          | \$0.00                 | \$2,000.00                   | 20000.00%         |  |
| 5-000-5469-01 | Railroad Pipeline Rental             | \$415.00                     | \$423.14                    | 101.96%        | (\$8.14)            | \$507.77               | \$450.00                     | -11.38%           |  |
| 5-000-5469-02 | Rental - City Storage                | \$3,700.00                   | \$3,700.00                  | 100.00%        | \$0.00              | \$4,440.00             | \$3,700.00                   | -16.67%           |  |
| 5-000-5561-00 | Contingency                          | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$20,000.00                  | 200000.00%        |  |
| 5-000-5561-00 | Depreciation Expenses                | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%             |  |
| 5-000-5600-00 | Sub-Total Non-Personnel              | \$154,711.00                 | \$115,316.05                | 74.54%         | \$39,394.95         | \$143,049.37           | \$334,675.31                 | 133.96%           |  |
| 5-000-5600-01 | Capital Outlay - Equipment           | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$30,000.00                  | 3000000.00%       | 2 New Servers w/ Installation and software                             |
| 5-000-5600-02 | Capital Outlay - Other Improvements  | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%             |  |
| 5-000-5600-02 | Capital Outlay - Holiday Decorations | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$48.48                | \$0.00                       | 0.00%             |  |
|               | Total Non-Departmental               | \$154,711.00                 | \$115,316.05                | 74.54%         | \$39,394.95         | \$143,097.85           | \$364,675.31                 | 61781.19%         | 154.86%  |

| Fund | General Ledger/Account | Expenditures - Police Department Personnel | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final Variance | Projected Final % | Notes  |
|------|------------------------|--|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|--------------------------|-------------------|--|
| 100  | 5210-5210-00           | Personnel - Salaries                       | \$104,228.00                 | \$62,290.32                 | 59.76%         | \$41,937.68         | \$74,748.28            | \$60,000.00                  | \$14,748.28              | -19.73%           |  |
| 100  | 5210-5211-00           | Personnel - Wages                          | \$19,060.00                  | \$98,496.72                 | 82.73%         | \$20,563.88         | \$118,186.06           | \$194,945.12                 | \$118,186.06             | 64.93%            |  |
| 100  | 5210-5229-00           | Personnel - Overtime                       | \$5,000.00                   | \$0.00                      | 0.00%          | \$5,000.00          | \$0.00                 | \$5,000.00                   | \$5,000.00               | 50000.00%         | Includes Merit Increases and 1 new Part-Time Officer   |
| 100  | 5210-5230-00           | Sub-Total Salaries and Wages               | \$228,288.00                 | \$160,787.04                | 70.43%         | \$192,944.96        | \$142,934.32           | \$209,945.12                 | \$47,010.80              | 44.45%            |  |
| 100  | 5210-5238-00           | Personnel - Payroll Expense                | \$15,630.00                  | \$9,847.00                  | 62.13%         | \$3,779.14          | \$7,341.43             | \$5,181.76                   | \$2,159.67               | -29.42%           |  |
| 100  | 5210-5235-00           | Personnel - Retirement                     | \$36,105.00                  | \$2,866.12                  | 63.33%         | \$13,238.88         | \$27,439.34            | \$32,700.00                  | \$5,260.66               | 19.17%            |  |
| 100  | 5210-5236-00           | Personnel - Life Insurance                 | \$275.00                     | \$174.04                    | 63.29%         | \$100.96            | \$208.85               | \$0.00                       | \$208.85                 | -100.00%          |  |
| 100  | 5210-5237-00           | Personnel - Dental Insurance               | \$1,595.00                   | \$1,009.28                  | 63.28%         | \$585.72            | \$1,211.14             | \$0.00                       | \$1,211.14               | -100.00%          |  |
| 100  | 5210-5421-03           | Personnel - Workers' Compensation          | \$9,180.00                   | \$7,989.00                  | 87.03%         | \$1,191.00          | \$9,586.80             | \$4,545.20                   | \$5,041.60               | -52.59%           |  |
| 100  | 5210-5326-00           | Personnel - Unemployment                   | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$1,140.00                   | \$1,140.00               | 11400.00%         |  |
| 100  | 5210-5326-00           | Personnel - Unemployment                   | \$3,000.00                   | \$2,194.65                  | 73.16%         | \$805.35            | \$2,653.58             | \$8,188.00                   | \$5,534.42               | 210.91%           | to uniform 6 officers  |
|      |                        | Sub-Total Personnel Benefits               | \$75,632.00                  | \$52,043.72                 | 68.81%         | \$23,588.28         | \$62,482.48            | \$72,023.10                  | \$9,540.62               | 15.32%            |  |
|      |                        | Total Personnel                            | \$303,920.00                 | \$212,830.76                | 70.03%         | \$91,089.24         | \$255,386.91           | \$331,968.22                 | \$76,581.31              | 29.98%            |  |
|      |                        | Non-Personnel                              |                              |                             |                |                     |                        |                              |                          |                   |  |
| 100  | 5210-5311-00           | Supplies - Office                          | \$1,000.00                   | \$903.60                    | 90.36%         | \$96.40             | \$1,084.32             | \$2,000.00                   | \$915.68                 | 45.78%            |  |
| 100  | 5210-5311-05           | Supplies - Police Duty                     | \$4,500.00                   | \$7,034.68                  | 156.33%        | \$2,534.68          | \$8,441.62             | \$4,500.00                   | \$3,941.62               | -66.99%           |  |
| 100  | 5210-5314-00           | Publications/ Reference Material           | \$150.00                     | \$0.00                      | 0.00%          | \$150.00            | \$0.00                 | \$200.00                     | \$150.00                 | 2000.00%          |  |
| 100  | 5210-5315-00           | Postage                                    | \$150.00                     | \$88.00                     | 58.67%         | \$62.00             | \$105.60               | \$0.00                       | \$105.60                 | -100.00%          |  |
| 100  | 5210-5316-00           | Furniture & Fixtures                       | \$700.00                     | \$300.00                    | 42.86%         | \$400.00            | \$360.00               | \$700.00                     | \$360.00                 | 51.43%            |  |
| 100  | 5210-5363-00           | Auto - Fuel                                | \$10,000.00                  | \$12,399.38                 | 123.99%        | \$2,399.38          | \$14,879.26            | \$23,760.00                  | \$9,444.44               | 59.69%            |  |
| 100  | 5210-5363-01           | Auto - Maintenance                         | \$10,000.00                  | \$5,078.80                  | 50.79%         | \$4,921.20          | \$6,094.56             | \$7,500.00                   | \$1,405.44               | 23.06%            |  |
| 100  | 5210-5369-00           | Equipment - Light/Repair/Supply            | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$5,075.00                   | \$5,075.00               | 50750.00%         | taxer/ alarm system  |
| 100  | 5210-5380-00           | Public Relations                           | \$250.00                     | \$32.23                     | 12.89%         | \$217.77            | \$38.68                | \$250.00                     | \$11.32                  | 4.53%             |  |
| 100  | 5210-5381-00           | Contingency                                | \$8,500.00                   | \$1,665.00                  | 19.59%         | \$6,835.00          | \$1,998.00             | \$8,500.00                   | \$6,502.00               | 76.50%            |  |
| 100  | 5210-5381-02           | Child Safety Expense                       | \$160.00                     | \$157.60                    | 98.50%         | \$2.40              | \$189.12               | \$0.00                       | \$189.12                 | -100.00%          |  |
| 100  | 5210-5421-00           | Law Enforcement Liability                  | \$3,500.00                   | \$2,829.00                  | 80.83%         | \$671.00            | \$3,394.80             | \$3,500.00                   | \$164.80                 | 4.71%             |  |
| 100  | 5210-5421-02           | Auto Liability                             | \$1,801.00                   | \$1,693.00                  | 94.00%         | \$108.00            | \$2,011.60             | \$1,801.00                   | \$210.60                 | 11.75%            |  |
| 100  | 5210-5421-04           | Errors & Omissions                         | \$600.00                     | \$600.00                    | 100.00%        | \$0.00              | \$720.00               | \$600.00                     | \$120.00                 | 20.00%            |  |
| 100  | 5210-5430-00           | Telecommunications                         | \$0.00                       | \$173.91                    | 17391.00%      | -\$173.91           | \$208.69               | \$850.00                     | \$641.31                 | 75.47%            |  |
| 100  | 5210-5434-00           | Telecommunications                         | \$0.00                       | \$3,439.99                  | 89.35%         | \$410.01            | \$4,127.99             | \$4,350.00                   | \$222.01                 | 5.38%             |  |
| 100  | 5210-5461-05           | Professional Services - Info Tech          | \$2,500.00                   | \$1,386.10                  | 55.44%         | \$1,113.90          | \$1,663.32             | \$2,500.00                   | \$836.68                 | 33.47%            |  |
| 100  | 5210-5461-06           | Professional Services - Police Officers    | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | \$0.00                   | 0.00%             |  |
| 100  | 5210-5467-00           | Drug/ Psych Testing                        | \$350.00                     | \$125.00                    | 35.71%         | \$225.00            | \$150.00               | \$400.00                     | \$250.00                 | 62.50%            |  |
| 100  | 5210-5469-01           | Equipment Rental                           | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$1,440.00                   | \$1,440.00               | 18000.00%         |  |
| 100  | 5210-5469-01           | Rental - Evidence Storage                  | \$1,440.00                   | \$1,440.00                  | 100.00%        | \$0.00              | \$1,728.00             | \$1,440.00                   | \$288.00                 | 16.67%            |  |
| 100  | 5210-5520-00           | Printing                                   | \$850.00                     | \$820.50                    | 96.59%         | \$29.50             | \$984.60               | \$1,400.00                   | \$415.40                 | 29.67%            |  |
| 100  | 5210-5527-00           | Dues & Memberships                         | \$450.00                     | \$400.00                    | 88.89%         | \$50.00             | \$488.00               | \$1,700.00                   | \$1,212.00               | 71.30%            |  |
| 100  | 5210-5528-00           | Travel & Training                          | \$4,000.00                   | \$681.82                    | 17.05%         | \$3,318.18          | \$818.18               | \$5,000.00                   | \$1,818.18               | 36.36%            |  |
| 100  |                        | Sub-Total Non-Personnel                    | \$54,751.00                  | \$40,893.61                 | 74.68%         | \$13,857.39         | \$49,066.33            | \$77,386.00                  | \$28,319.67              | 36.73%            |  |
| 100  | 5210-5650-00           | Capital Outlay - Equipment                 | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$42,616.00                  | \$42,616.00              | 426160.00%        | 2 computers/ new patrol car (**ticket writers moved to debt serv.**) **discuss purchasing this fiscal year** |
| 100  | 5210-5650-06           | Capital Outlay - Technology                | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$42,616.00                  | \$42,616.00              | 426160.00%        |  |
|      |                        | Sub-Total Capital                          | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$85,232.00                  | \$85,232.00              | 852320.00%        |  |
|      |                        | Total Police Department                    | \$358,671.00                 | \$253,719.37                | 70.74%         | \$104,951.63        | \$304,463.24           | \$457,410.22                 | \$147,153.02             | 32.17%            |  |

| Fund | General Ledger Account | Expenditures - Public Works Maintenance | FY 2010-2011 Approved Budget | YTD Actual as of 07/31/2011 | YTD Percentage | YTD Actual Variance | Projected Final Actual | FY 2011-2012 Proposed Budget | Projected Final % | Notes             |
|------|------------------------|---|------------------------------|-----------------------------|----------------|---------------------|------------------------|------------------------------|-------------------|-------------------|
| 100  | 5510-5210-00           | Personnel - Salaries Regular            | \$36,800.00                  | \$29,568.00                 | 80.35%         | \$7,232.00          | \$35,481.60            | \$36,800.00                  | 3.72%             |                   |
| 100  | 5510-5211-00           | Personnel - Wages                       | \$41,384.00                  | \$39,500.50                 | 95.45%         | \$1,883.50          | \$47,400.60            | \$50,700.00                  | 6.96%             |                   |
|      |                        | Sub-Total Salaries and Wages            | \$78,184.00                  | \$69,068.50                 | 88.34%         | \$9,115.50          | \$82,882.20            | \$87,500.00                  | 5.57%             |                   |
| 100  | 5510-5230-00           | Personnel - Payroll Expense             | \$5,473.00                   | \$4,989.81                  | 91.17%         | \$483.19            | \$5,987.77             | \$6,956.25                   | 16.17%            |                   |
| 100  | 5510-5238-00           | Personnel - Retirement                  | \$3,246.00                   | \$2,065.93                  | 63.65%         | \$1,180.07          | \$2,479.12             | \$1,558.60                   | -37.13%           |                   |
| 100  | 5510-5235-00           | Personnel - Health Insurance            | \$7,221.00                   | \$5,415.66                  | 75.00%         | \$1,805.34          | \$6,498.79             | \$6,540.00                   | 0.63%             |                   |
| 100  | 5510-5236-00           | Personnel - Life Insurance              | \$55.00                      | \$41.22                     | 74.95%         | \$13.78             | \$49.46                | \$0.00                       | -100.00%          |                   |
| 100  | 5510-5237-00           | Personnel - Dental Insurance            | \$319.00                     | \$239.04                    | 74.93%         | \$79.96             | \$286.85               | \$0.00                       | -100.00%          |                   |
| 100  | 5510-5421-03           | Personnel - Worker's Compensation       | \$4,744.00                   | \$3,592.64                  | 75.73%         | \$1,151.36          | \$4,311.17             | \$2,801.80                   | -35.01%           |                   |
| 100  |                        | Personnel - Unemployment                | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$2,000.00                   | 20000.00%         |                   |
| 100  |                        | Personnel - Uniforms                    | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$760.00                     | 7600.00%          |                   |
|      |                        | Sub-Total Personnel Benefits            | \$21,058.00                  | \$16,344.30                 | 77.62%         | \$4,713.70          | \$19,613.16            | \$20,616.65                  | 5.12%             |                   |
|      |                        | Personnel - Allocated Overhead          | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | (\$13,490.71)                | 1349071.00%       |                   |
|      |                        | Total Personnel                         | \$99,242.00                  | \$85,412.80                 | 86.07%         | \$13,829.20         | \$102,495.36           | \$94,625.94                  | -7.68%            |                   |
|      |                        | Non-Personnel                           |                              |                             |                |                     |                        |                              |                   |                   |
| 100  | 5510-5311-00           | Supplies                                | \$5,000.00                   | \$2,716.96                  | 54.34%         | \$2,283.04          | \$3,260.35             | \$2,500.00                   | -23.32%           |                   |
| 100  | 5510-5314-00           | Publications/ Reference Material        | \$0.00                       | \$0.00                      | #DIV/0!        | \$0.00              | \$0.00                 | \$1,000.00                   | 10000.00%         |                   |
| 100  | 5510-5316-00           | Furniture & Fixtures                    | \$0.00                       | \$0.00                      | #DIV/0!        | \$0.00              | \$0.00                 | \$0.00                       | 0.00%             |                   |
| 100  | 5510-5363-00           | Auto/Tractor - Fuel                     | \$12,000.00                  | \$9,786.89                  | 81.56%         | \$2,213.11          | \$11,744.27            | \$16,500.00                  | 40.49%            |                   |
| 100  | 5510-5363-01           | Auto/Tractor - Maintenance              | \$3,000.00                   | \$1,532.04                  | 51.07%         | \$1,467.96          | \$1,838.45             | \$6,000.00                   | 226.36%           |                   |
| 100  | 5510-5369-00           | Equipment - Light Repair/Supplies       | \$5,000.00                   | \$315.69                    | 6.31%          | \$184.31            | \$378.83               | \$5,000.00                   | 1219.86%          | Purchase of Tools |
| 100  | 5510-5469-00           | Equipment Rental                        | \$6,500.00                   | \$6,750.00                  | 103.85%        | (\$250.00)          | \$8,100.00             | \$10,000.00                  | 23.46%            |                   |
| 100  | 5510-5527-00           | Dues & Memberships                      | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$500.00                     | 5000.00%          |                   |
| 100  | 5510-5528-00           | Travel & Training                       | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$6,000.00                   | 60000.00%         |                   |
| 100  |                        | Miscellaneous                           | \$0.00                       | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$0.00                       | 0.00%             |                   |
|      |                        | Sub-Total Non-Personnel                 | \$27,000.00                  | \$21,101.58                 | 78.15%         | \$5,898.42          | \$25,321.90            | \$47,500.00                  | 87.58%            |                   |
| 100  | 5510-5710-05           | Capital Outlay - Equipment              | \$10,000.00                  | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$10,000.00                  | 0.00%             |                   |
|      |                        | Sub-Total Capital                       | \$10,000.00                  | \$0.00                      | 0.00%          | \$0.00              | \$0.00                 | \$10,000.00                  | 0.00%             |                   |
|      |                        | Total Public Works                      | \$136,242.00                 | \$106,514.38                | 78.18%         | \$19,727.62         | \$127,817.26           | \$152,125.94                 | 19.02%            |                   |

| Exp. Code    | Expenditures - City Streets | Approved Budget    | YTD                | Percentage    | Projected          | Projected          | Proposed Budget    | Projected Final v   | Notes |
|--------------|-----------------------------|--------------------|--------------------|---------------|--------------------|--------------------|--------------------|---------------------|-------|
|              | Non-Personnel               |                    | 07/31/2011         |               | Final Variance     | Final Actual       |                    | Proposed Percentage |       |
| 5410-5311-00 | Supplies - Street Repair    | \$40,000.00        | \$3,306.62         | 8.27%         | \$36,693.38        | \$13,967.34        | \$15,000.00        | 7.39%               |       |
| 5410-5311-01 | Supplies - Signage          | \$2,000.00         | \$673.00           | 33.65%        | \$1,327.00         | \$807.60           | \$1,000.00         | 23.82%              |       |
| 5410-5350-00 | Street Maintenance          | \$1,000.00         | \$0.00             | 0.00%         | \$1,000.00         | \$0.00             | \$2,500.00         | 25000.00%           |       |
| 5410-5432-00 | Electricity - Street Lights | \$18,000.00        | \$37,937.87        | 210.77%       | (\$19,937.87)      | \$45,525.44        | \$70,000.00        | 53.76%              |       |
| 5410-5432-01 | Electricity - Swag Poles    | \$500.00           | \$437.40           | 87.48%        | \$62.60            | \$524.88           | \$750.00           | 42.89%              |       |
|              |                             | \$61,500.00        | \$42,354.89        | \$3.40        | \$19,145.11        | \$60,825.26        | \$89,250.00        | 46.73%              |       |
|              | Capital Outlay - Streets    | \$0.00             | \$0.00             | 0.00%         | \$0.00             | \$0.00             | \$0.00             | 0.00%               |       |
|              | <b>Total - City Streets</b> | <b>\$61,500.00</b> | <b>\$42,354.89</b> | <b>\$3.40</b> | <b>\$19,145.11</b> | <b>\$60,825.26</b> | <b>\$89,250.00</b> | <b>46.73%</b>       |       |

| Exp. Code    | Expenditures - Debt Service        | Approved Budget    | YTD<br>07/31/2011  | Percentage    | Variance        | Final Actual       | Proposed Budget    | Projected Final v<br>Proposed Percentage | Notes              |
|--------------|------------------------------------|--------------------|--------------------|---------------|-----------------|--------------------|--------------------|--|--------------------|
| 5700-5710-01 | Assessments                        |                    |                    |               |                 |                    |                    |  |                    |
| 5700-5710-02 | Equipment Lease/Purchase- Copiers  | \$4,100.00         | \$2,792.86         | 68.12%        | \$1,307.14      | \$3,351.43         | \$4,100.00         | 22.34%                                   |                    |
| 5700-5710-02 | Equipment Lease/Purchase - Tractor | \$35,200.00        | \$35,788.14        | 101.67%       | (\$588.14)      | \$35,788.14        | \$36,000.00        | 0.59%                                    |                    |
| 5700-5710-03 | Equipment Lease/Police Dept        | \$0.00             | \$0.00             | 0.00%         | \$0.00          | \$0.00             | \$12,000.00        | 0.00%                                    | for ticket writers |
| 5700-5710-03 | Equipment Lease - Interest         | \$0.00             | \$0.00             | 0.00%         | \$0.00          | \$0.00             | \$0.00             | 0.00%                                    |                    |
|              | <b>Total -Debt Service</b>         | <b>\$39,300.00</b> | <b>\$38,581.00</b> | <b>\$1.70</b> | <b>\$719.00</b> | <b>\$39,139.57</b> | <b>\$52,100.00</b> | <b>33.11%</b>                            |                    |

**ORDINANCE NO. 2011-1049**

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REGULATING THE USE OF GOLF CARTS AND PROHIBITING THE USE OF GOLF CARTS ON PUBLIC HIGHWAYS; PROVIDING A PENALTY, PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Fulshear, Texas, desires to regulate the use of Golf Carts to enhance the health, safety and welfare of its citizens; and

**WHEREAS**, through Chapter 542, Subchapter B § 542.201 of the Texas Transportation Code, the Legislature has authorized the City to regulate traffic within the City of Fulshear, Texas; and

**WHEREAS**, the City Council of the City of Fulshear, Texas, finds that providing minimum use and operational requirements for Golf Carts is necessary in the interest of safety will likely protect persons and property from injury and annoyance and promote the safe use of such vehicles and property under the jurisdiction and control of the City;

**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 regulate the use of Golf Carts and prohibit the use of Golf Carts on public highways .

**SECTION 2.0**

**DEFINITIONS:** The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

- 1) **Golf Cart:** is defined as motor vehicle designed by manufacturer primarily for transporting persons on a golf course. See Title 7, Subtitle A, Chapter 502, Subchapter A § 502.001(7) of the Texas Transportation Code.
- 2) **Public Highway:** includes a road, street, way, thoroughfare, or bridge:
  - a) That is within the city limits of the City of Fulshear, Texas; and
  - b) That is for the use of motor vehicles; and
  - c) Over which the city has legislative jurisdiction under its police power; and
  - d) That is not privately owned or controlled.

**SECTION 3.0**

**REQUIREMENTS AND RESTRICTIONS:** The following use, operational requirements and restrictions are adopted by the City of Fulshear, Texas, for Golf Carts.

- 1) Golf Carts shall not be operated on any public highway within the City of Fulshear, Texas.
- 2) Golf Carts may only be operated on thoroughfares or pathways specifically dedicated for Golf Cart use by persons who hold a valid driver's license.
- 3) Golf Carts shall not be operated on thoroughfares or pathways specifically dedicated for Golf Cart use in a negligent manner. For the purpose of this subsection, "to operate in a negligent manner" is defined as the operation of a Golf Cart in such a manner as to endanger any person or property, or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways, or parks.

**SECTION 4.0**

**EXEMPTIONS:** The use of Golf Carts is exempted from the restrictions of this Ordinance under the following conditions:

- 1) Their use is in conjunction with a City sponsored event; and
- 2) They are solely operated on public highways from which all regular vehicular traffic is restricted.

**SECTION 5.0**

**PENALTIES FOR VIOLATION:** 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 Two Hundred Dollars (\$200.00). 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 6.0**

**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 7.0** *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.

**SECTION 8.0**

**EFFECTIVE DATE:** This Ordinance shall be effective after publication as required by law.

  
\_\_\_\_\_  
Thomas C. Kuykendall, Jr., Mayor

ATTEST:  
  
\_\_\_\_\_  
D. Gordon Offord, City Secretary

ORDINANCE 2011-1050

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING THE EFFECTIVE DATE OF ORDINANCE NO. 07-960; REPEALING ONLY THE EFFECTIVE DATE OF ORDINANCE NO. 07-960; AND PROVIDING FOR SEVERABILITY.

**WHEREAS**, the City Council of the City of Fulshear, Texas adopted Ordinance No. 07-960 on September 18, 2007; and

**WHEREAS**, the City Council finds that such effective date of Ordinance No. 07-960 should have been August 21, 2007, at the close of the Second Public Hearing on Voluntary Annexation;

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

**Section 1.** That the facts found in the recitation are true and correct and incorporated herein for all purposes.

**Section 2.** That the effective date of Ordinance No. 07-960 shall be August 21, 2007.

**Section 3.** *Partial Repeal.* The effective date and only the effective date of Ordinance No. 07-960 is repealed. All other provisions of Ordinance No. 07-960 remain in full force and effect.

**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.

  
Thomas C. Kuykendall Jr., Mayor

ATTEST:

  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1051**

**AN ORDINANCE PROVIDING FOR THE ASSESSMENT, LEVY, AND COLLECTION OF AD VALOREM TAXES OF THE CITY OF FULSHEAR, TEXAS, FOR THE YEAR 2012 AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED; PROVIDING THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND PAYABLE; PROVIDING FOR PENALTY AND INTEREST ON ALL TAXES NOT TIMELY PAID; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

**WHEREAS**, the City Council is desirous of continuing the City's ability to provide necessary and auxiliary services; and

**WHEREAS**, the appraisal roll of the City of Fulshear, Texas has been prepared and certified by the Central Appraisal District and submitted to the City's tax assessor/collector; and

**WHEREAS**, the tax assessor/collector has submitted the appraisal roll for the City showing \$261,253,649 in total appraised, assessed and taxable value of all property and the total taxable value of new property to the City; and

**WHEREAS**, following notices and hearings in accordance with applicable legal requirements and based upon said appraisal roll, the City Council has determined a tax rate to be levied for Fiscal Year 2011-2012 sufficient to provide the tax revenues required by the City; and

**WHEREAS**, this tax rate will raise more tax revenue for maintenance and operations than the previous year;

**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 found to be true and correct and are hereby adopted, ratified, and confirmed.

**Section 2.** All property subject to ad valorem taxation by the City of Fulshear, Texas, shall be equally and uniformly assessed for such purposes at One Hundred Percent (100 %) of the fair market value of such property.

**Section 3.** There is hereby levied for general purposes and use by the City of Fulshear, Texas, for the year 2012, and for each year thereafter until otherwise provided, an ad valorem tax at the rate of Twenty and .5921 Cents (\$.205921) on each One Hundred Dollars (\$100) of assessed valuation on all property, real, personal, and mixed, within the corporate limits upon which an ad valorem tax is authorized by law to be levied by the City of Fulshear, Texas. The proceeds from such tax shall be applied to the payment of the general and current expenses of the government of the City. All such taxes shall be assessed and collected in current money of the United States of America. **THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.** Because the rate set exceeds the Effective Rate **THE TAX RATE WILL**

**EFFECTIVELY BE RAISED BY 1.8 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$13.90.**

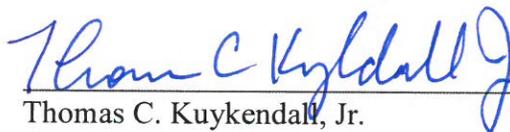
**Section 4.** All ad valorem taxes levied hereby, as reflected by Section 3 hereof, shall be due and payable on or before January 31, 2012. All ad valorem taxes due the City of Fulshear, Texas, and not paid on or before January 31 following the year for which they were levied shall bear penalty and interest as prescribed in the Property Tax Code of the State of Texas.

**Section 5.** All ordinances and parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section 6.** 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 declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**PASSED, APPROVED, AND ADOPTED this 3<sup>rd</sup> day of October, 2011.**

;



Thomas C. Kuykendall, Jr.  
Mayor

**ATTEST:**



D. (Diana) Gordon Offord  
City Secretary

**ORDINANCE NO. 2011- 1052**

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS APPOINTING A ZONING COMMISSION MADE UP OF THE CITY'S DULY APPOINTED PLANNING COMMISSION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Fulshear, Texas is desirous of exploring the potential for instituting zoning regulations, and;

**WHEREAS**, the City Council of the City of Fulshear, Texas has previously duly appointed members to the Planning Commission, and;

**WHEREAS**, the Texas Local Government Code Section 211.007(a) authorizes the City Council to appoint the Planning Commission to this role;

**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 and appoint a Zoning Commission to explore the institution and creation of zoning districts within the City of Fulshear.

**SECTION 2.0**

**CREATED and APPOINTED:** The Zoning Commission of the City of Fulshear is hereby created and appointed with its membership comprised of the City's duly appointed Planning Commission.

**SECTION 3.0**

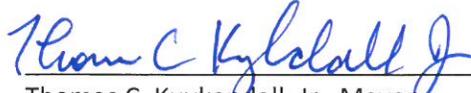
**REPEALER:** All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

**SECTION 4.0**

**SEVERABILITY:** Should any paragraph, sentence, 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 so declared to be invalid, illegal or unconstitutional.

**SECTION 5.0**

**EFFECTIVE DATE:** This ordinance shall be effective and in full force from and after its passage and approval.

  
Thomas C. Kuykendall, Jr., Mayor  
City of Fulshear, Texas

ATTEST:

  
D. Gordon Offord, City Secretary  
City of Fulshear, Texas

ORDINANCE NO. 2011-1053

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROVIDING RULES AND REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES; PROVIDING A PENALTY; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 243 of the Texas Local Government Code authorizes the City of Fulshear, Texas, to adopt rules and regulations regarding sexually oriented businesses as the municipality considers necessary to promote the public health, safety, and welfare of the citizens of the city;

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

**Section 1.** *Purpose.*

It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, and welfare of the citizens of the City of Fulshear, and to establish reasonable and uniform rules and regulations to prevent the concentration of sexually oriented businesses within the City of Fulshear. The provisions of this Ordinance have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

**Section 2.** *Definitions.*

1. Adult Arcade means any place to which the public is permitted wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
2. Adult Bookstore or Adult Video Store means a commercial establishment that as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

- (a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, CD's, DVD's, Blue-rays, or any other medium, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or
  - (b) instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."
3. Adult Cabaret means a nightclub, bar, restaurant, or similar commercial establishment that features:
- (a) persons who appear in a state of nudity or semi-nudity, including topless dancers, nude dancers or strippers, male or female; or
  - (b) live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
  - (c) films, motion pictures, video cassettes, slides, CD's, DVD's, Blue-rays, or any other medium, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities"; or "specified anatomical areas."
4. Adult Motel means a hotel, motel or similar commercial establishment that:
- (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, CD's, DVD's, Blue-rays, or any other medium, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
  - (b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - (c) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
5. Adult Motion Picture Theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, CD's, DVD's, Blue-rays, or any other medium, or similar photographic reproductions are shown

that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

6. Adult Theater means a theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
7. Child Care Facility means a facility licensed, certified, or registered by the State or agency of the State to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services. The term includes a General residential operation, Foster group home, foster home, Day-care center, Group day-care home, Family home, Agency foster group home, and Agency foster home as those terms are defined by Texas Human Resources Code.
8. Places of Worship means a building in which persons regularly assemble for worship, intended primarily for purposes connected with faith, or for propagating a particular form of belief.
9. City Administrator means the City of Fulshear’s City Manager or Administrator or their designee. If the City does not have employed a City Manager or Administrator, then the Mayor shall be deemed the City Administrator for the purposes of effectuating the rules and regulations of this Ordinance.
10. Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date ‘for another person’, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
11. Escort Agency means a person who, or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its business purposes, for a fee, tip, or other consideration.
12. Licensee means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license.

13. Nude Model Studio means any place where a person who appears in a state of nudity or semi-nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration.
14. Nudity or a State of Nudity means:
  - (a) the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or
  - (b) A state of dress that fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.
15. Operates or Causes to be Operated means to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operating a sexually oriented business whether or not that person is an owner, part owner, or Licensee of the business.
16. Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
17. Residential Area means a single family, duplex, townhouse, multiple family or mobile home or area so designated by such uses.
18. Residential Use means property used or intended for use as a dwelling.
19. School means any public or private learning center, elementary school, secondary school, junior college, community college, college, university or other center for post-secondary education.
20. Semi-Nude means a state of dress in which clothing covers no more than the genitals, pubic region, and areolas of the female breasts, as well as portions of the body covered by supporting straps or devices.
21. Sexual Encounter Center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
  - (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

- (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
22. Sexually Oriented Business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
23. Specified Anatomical Areas means human genitals.
24. Specified Sexual Activities means and includes any of the following:
- (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
  - (c) masturbation, actual or simulated; or
  - (d) excretory functions as part of or in connection with any of the activities set forth in (a) through (c), above.
25. Substantial Enlargement of a sexually oriented business means the increase in floor area occupied by the business by more than twenty (20) percent, as the floor area existed on the date of the enactment of this Ordinance.
26. Transfer or Ownership or Control of a sexually oriented business means and includes any of the following:
- (a) the sale, lease, or sublease of the business;
  - (b) the transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
  - (c) the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

**Section 3.** *Classifications of Sexually Oriented Businesses.*

1. Sexually oriented businesses are classified as follows:
  - (a) adult arcades;
  - (b) adult bookstores or adult video stores;
  - (c) adult cabarets;
  - (d) adult motels;
  - (e) adult motion picture theaters;
  - (f) adult theaters;
  - (g) escort agencies;
  - (h) nude model studios;
  - (i) sexual encounter centers; and
  - (j) any combination thereof

**Section 4.** *License required.*

1. A person commits an offense if he operates a sexually oriented business without a valid license issued by the City of Fulshear for the particular type of business. A suspended, revoked, or expired license is not a valid license.
2. An application for a license must be made on a form provided by the City Administrator.
3. The applicant must be qualified according to the provisions of this Ordinance and the premises must be inspected and found to be in compliance with the law.
4. If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a twenty percent (20%) or greater interest in the business must sign the application for a license as applicant. If no individual has a twenty percent (20%) or greater interest in the business, then all business interest holders must sign the application for a license as applicant.
5. Notice of the application for a license to own or operate a sexually oriented business under this Ordinance shall be mailed by the City of Fulshear to all known mailing addresses within the corporate limits of the city and the extraterritorial limits that lie within a one thousand foot (1000') radius of the location for the proposed sexually oriented business. The notice shall include a copy of the application for license.

**Section 5.** *Issuance of a License.*

1. The City Administrator shall approve the issuance of a license within 30 days after receipt of a complete application unless the City Administrator finds one or more of the following to be true:

- (a) an applicant is under 18 years of age.
- (b) an applicant is overdue in payment to the city of taxes, fees, fines or penalties assessed against or imposed upon the applicant.
- (c) an applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or failed to respond to a request for information by the city.
- (d) an applicant has been convicted of a violation of a provision of this Ordinance within two years immediately preceding the application.
- (e) any fee required by this chapter has not been paid.
- (f) an applicant has been employed in a sexually oriented business in a managerial capacity within the preceding 12 months and has demonstrated an inability to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.
- (g) an applicant or the proposed establishment is in violation of or is not in compliance with any provisions of this ordinance.
- (h) an applicant has been convicted of a crime involving any of the following offenses as described in the Texas Penal Code:
  - i. prostitution;
  - ii. promotion of prostitution;
  - iii. aggravated promotion of prostitution;
  - iv. compelling prostitution;;
  - v. obscenity;
  - vi. sale, distribution, display of harmful material to a minor;
  - vii. sexual performance by a child; or
  - viii. possession of child pornography
  - ix. Public lewdness;
  - x. Indecent exposure;
  - xi. Indecency with a child;
  - xii. sexual assault or aggravated sexual assault;
  - xiii. incest, solicitation of a child, or harboring a runaway child;  
or
  - xiv. criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses; for which
    - i. less than two (2) years have elapsed since the date

of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of misdemeanor offense;

- ii. less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
- iii. less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

- (i) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.
- (j) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

**Section 6.** *Fees.*

1. The annual fee for a sexually oriented business is \$2,000.00. Licensee shall pay this fee to the City annually.
2. An applicant for an initial sexually oriented business shall, at the time of making application, pay a nonrefundable fee of \$500.00 for the city to conduct an inspection to ensure that the proposed sexually oriented business is in compliance with the locational restrictions set forth in this Ordinance.

**Section 7.** *Inspection of Premises.*

1. Applicant or Licensee shall permit representatives of the City of Fulshear to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
2. A person who operates a sexually oriented business or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by

a representative of the City of Fulshear at any time it is occupied or open for business.

3. The provisions of this section do not apply to areas of an adult motel that are currently being rented by a customer for use as a permanent or temporary habitation.

**Section 8.** *Expiration of License.*

Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in section 4. Application for renewal must be made at least thirty (30) days before the expiration date.

**Section 9.** *Suspension of License.*

The City Administrator shall suspend a license for a period not to exceed thirty (30) days if he determines that a Licensee or agent or employee of a Licensee has;

1. Violated or is not in compliance with any part of this ordinance;
2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
3. Refused to allow an inspection of the sexually oriented business premises as authorized by this Ordinance;
4. Knowingly permitted gambling by any person on the sexually oriented business premises; or
5. Demonstrated inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.

**Section 10.** *Revocation of License.*

1. The City Administrator shall revoke a license if a cause of suspension in section 9 of this Ordinance occurs and the license has been previously suspended within the preceding twelve (12) months.
2. The City Administrator shall revoke a license if he determines that:
  - (a) a Licensee gave false or misleading information in the material submitted to the City Administrator during the application process.
  - (b) a Licensee, an agent or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;

- (c) a Licensee, an agent or an employee has knowingly allowed prostitution on the premises;
  - (d) a Licensee, an agent or an employee has knowingly operated the sexually oriented business during a period of time when the Licensee's license was suspended;
  - (e) a Licensee has been convicted of an offense listed in this Ordinance for which the required time period has not elapsed;
  - (f) on two (2) or more occasions in a 12-month period, a person or persons committed an offense, occurring in or on the licensed premises, or a crime listed in section 5, for which a conviction has been obtained, and the person or persons were the Licensee or agents or employees of the sexually oriented business at the time the offenses were committed;
  - (g) a Licensee or agent or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in or on the licensed premises. The term "sexual contact" shall have the same meaning as it is defined in Section 21.01 of the Texas Penal Code; or
  - (h) a Licensee is delinquent in payment to the City of Fulshear for any ad valorem taxes, sales or other taxes related to the sexually oriented business.
3. The fact that a conviction is being appealed shall have no effect on the revocation of the license.
4. When the City Administrator revokes a license, the revocation shall continue for one (1) year and the Licensee shall not be issued a sexually oriented business license for one (1) year from the date revocation became effective. If, subsequent to revocation, the City Administrator finds that the basis for the revocation has been corrected or abated, the application may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. If the license was revoked, an applicant may not be granted another license until the appropriate number of years required under this section or section 5 has elapsed.

**Section 11. Appeal.**

If the City Administrator denies the issuance of a license, or suspends or revokes a license, the City Administrator shall send to the applicant or Licensee, by certified mail, return receipt requested written notice of the action and the right to an appeal. Upon receipt of written notice of the denial, suspension, or revocation, the applicant or Licensee shall have the right to appeal to the state district court. An appeal to the state

district court must be filed within thirty (30) days after the receipt of notice of the decision of the City Administrator. An appeal to the district court shall be limited to a hearing under the substantial evidence rule.

**Section 12.** *Transfer of License.*

A Licensee shall not transfer his license to another, nor shall a Licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

**Section 13.** *Location of Sexually Oriented Businesses and hours of operation.*

1. A person commits an offense if the person operates or causes to be operated a sexually oriented business within a one thousand feet (1000') radius of:
  - (a) a place of worship;
  - (b) a school;
  - (c) a child care facility;
  - (d) a boundary of a residential area;
  - (e) a public park;
  - (f) the property line of a lot devoted to residential use;
  - (g) any building or structure in which alcoholic beverages are offered for sale;
  - (h) a hospital;
  - (i) a public library;
  - (k) a recreational center;
  - (l) a public swimming pool; or
  - (m) another sexually oriented business
2. A person commits an offense if he or she causes or permits the operation, establishment, or maintenance of more than one (1) sexually oriented business in the same building, structure, or portion thereof, or increases the floor area of any sexually oriented business.
3. For the purpose of subsection (1) of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the premises listed in a-m.
4. Any sexually oriented business lawfully operating on the effective date of this Ordinance that is in violation of subsections (1), (2) or (3) of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed twelve (12) months, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming use shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more

sexually oriented businesses are within one thousand feet (1000') radius of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business is nonconforming.

5. A sexually oriented business shall be prohibited from placing advertisement on any sign or billboard within the corporate city limits or the city's extraterritorial jurisdiction, using risqué language or words that describe or symbolize, metaphorically or otherwise, female breasts, genitalia, or buttocks, or that has sexual suggestions or connotations, or that is sexually provocative or obscene.
6. A sexually oriented business shall be prohibited from placing any screening device that would prevent any entrance from being visible from a public street or from erecting any opaque fencing around the perimeter of the property where the sexually oriented business is located.
7. A sexually oriented business shall be required to maintain adequate lighting at its parking lot and at each entrance and exit door to the building housing the sexually oriented business.
8. A sexually oriented business may only be open for business Monday through Saturday between the hours of 10:00 a.m. and 10:00 p.m.

**Section 14.** *Exemptions from locational restrictions.*

1. If the City Administrator denies the issuance of a license to an application because the location of the sexually oriented business establishment is in violation of any section of this Ordinance, then the applicant may, not later than ten (10) calendar days after receiving notice of the denial, file with the Mayor of the City of Fulshear a written request for an exemption from the locational restrictions of this Ordinance.
2. If the written request is filed with the Mayor within the ten (10) day limit, the City Council shall consider the request. The Mayor shall set a date for a public hearing within sixty (60) days from the date the written request is received.
3. A hearing by the City of Fulshear City Council may proceed if a quorum of the City Council is present. The City Council shall hear and consider evidence offered by any interested person.
4. The City Council may, in its discretion, grant an exemption from the locational restrictions of this Ordinance if it makes the following findings:
  - (a) That the location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public health, safety or welfare;

- (b) That the granting of the exemption will not violate the spirit and intent of this Ordinance;
  - (c) That the location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban or rural blight;
  - (d) That the location of an additional sexuality oriented business in the area will not be contrary to any person of neighborhood conservation nor will it interfere with any efforts or urban renewal or restoration; and
  - (e) That all other applicable provisions of this Ordinance will be observed.
5. The City Council shall grant or deny the exemption by a majority vote. Failure to reach a majority vote shall result in denial of the exemption. Disputes of fact shall be decided on the basis of a preponderance of the evidence. The decision of the City Council is final.
  6. If the City Council grants the exemption, the exemption is valid for one (1) year from the date of the City Council's action. Upon the expiration of an exemption, the sexually oriented business is in violation of the locational restrictions of this Ordinance until the applicant applies for and receives another exemption.
  7. If the City Council denies the exemption, the applicant may not reapply for an exemption until at least twelve (12) months have elapsed since the date of the City Council's action.
  8. The grant of an exemption does not exempt the applicant from any other provision of this Ordinance other than the locational restriction.

**Section 15.** *Additional regulations for adult motels.*

1. Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Ordinance.
2. A person commits an offense if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business license, rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, rents or sub-rents the same sleeping room again.
3. For purposes of subsection (2) of this section, the terms "rent" or sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

**Section 16.** *Other unlawful acts.*

- (a) A business permitted under this article must have at least one viewing station with an unobstructed view of every area of the premises to which any customer is permitted access, other than toilet facilities.
- (b) A business permitted under this article must have the viewing station(s) occupied by an owner or employee when open for business.
- (c) A business permitted under this article must not have a room, area, or space that is not visible and apparent during a walk-through of the premises.
- (d) A business permitted under this article may not be used as living quarters or residence in any capacity, temporarily or permanently, except for an adult motel.
- (e) A business permitted under this article may not install any screens, doors, curtains or other obstructions or allow unauthorized installations to remain that would cause an obstructed view of any area customers are allowed. This does not apply to toilet facilities or to prevent the use of exterior doors.
- (f) A business permitted under this article may not have any interior walls that contain apertures, holes, or other openings in an area to which customers are allowed access.
- (g) There shall be light fixtures that provide illumination no less than one-foot candle as measured at four feet above floor level.
- (h) An adult modeling studio may not be furnished with a bed, mattress, or sofa except a reception room open to the public may be furnished with a sofa.
- (i) Viewing compartments, cubicles and any type of hidden or private booth or room are prohibited.
- (j) A manager or employee of a business permitted under this article may not invite, direct or instruct a customer to a separate area to which entry or access is blocked or obscured by a door, curtain or other barrier, regardless of whether entry to the area is by invitation, admission fee, club membership fee, or other form of gratuity or consideration. This does not apply to toilet facilities or to prevent the use of exterior doors.
- (k) A manager or employee may not provide entertainment, services, or display goods for sale in a separate area to which entry or access is blocked or obscured by a door, curtain, or other barrier, regardless of whether entry to the area is by invitation, admission fee, club membership fee, or other form of gratuity or consideration.

- (l) An owner, employee, or customer shall not appear nude or in a state of nudity.
- (m) An owner or employee shall not expose his or her genitals, pubic region, pubic hair or anus at any time.
- (n) An employee may not touch an employee, customer, or the clothing of another employee or customer while appearing semi-nude.
- (o) An employee entertaining or appearing semi-nude may not perform within six feet of a customer.
- (p) An owner or manager shall not allow semi-nude adult entertainment without having clearly marked a six-foot boundary from the employee and the customer at all times the entertainer is semi-nude.
- (q) A person providing the adult entertainment in the state of semi-nudity may not be tipped, except in a designated container.
- (r) An employee providing services, other than services comprising adult entertainment, in a permitted business may not be tipped, except by placement of tip in the employee's hand or other designated container.
- (s) An owner or employee may not perform or simulate sexual intercourse, sodomy, or masturbation.

**Section 17. Penalty.**

Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a Class A misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Four Thousand Dollars (\$4,000.00). 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.

It is a defense to prosecute under section 4-1 and section 13 of this Ordinance that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:

- (a) by a proprietary school licensed by the state of Texas; a college, junior college, or university supported entirely or partly by taxation;
- (b) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

- (c) in a structure:
- i. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;
  - ii. where in order to participate in a class a student must enroll at least (3) days in advance of the class; and
  - iii. where no more than one (1) nude or semi-nude model is on the premises at one time.

It is a defense to prosecute under section 4-1 and section 13 of this Ordinance that each item of descriptive, printed film, or video material offered for sale or rental, taken as a whole, contains serious literary artistic political or scientific value.

**Section 18.** *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 19.** *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.

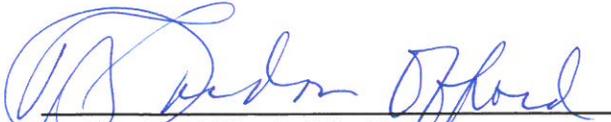
**Section 20.** *Effective date.*

This Ordinance shall be effective after being published as required by law.

PASSED, APPROVED and ADOPTED on the 18<sup>th</sup> day of October,  
2011.

  
\_\_\_\_\_  
Thomas C. Kuykendall, Jr., Mayor

ATTEST:

  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1054**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS PROVIDING RULES AND REGULATIONS FOR ELECTRICAL CONNECTIONS; PROVIDING A PENALTY; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of Fulshear, Texas ("City") may adopt and enforce ordinances necessary to protect health, life, and property and to preserve the good government, order and security of the municipality and its inhabitants; and

**WHEREAS**, the City Council has determined that the provisions of this ordinance are necessary to prevent unsafe building conditions and to protect life and property;

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

**Section 1.** The facts and recitations found in the preamble are hereby found to be true and correct.

**Section 2.** Change of occupant. The electric utility provider shall disconnect the electrical service to any commercial building or premises each time there is a change in occupancy in the building or premises. The electric utility provider shall not supply electrical power to the building or premises until authorized to do so by the city. Any new occupant shall submit a general electrical permit application to the city and pay a permit fee as set forth by city council. The building official will conduct an inspection of the building or premise. If the building or premises passes the general electrical inspection, the building official will authorize the electric provider to reconnect electrical power.

**Section 3.** Disconnection of service for 30 days or more. Any commercial building or premise that has electrical power disconnected for thirty (30) days or more, regardless of any change of occupancy, shall submit a general electrical permit application to the city and pay a permit fee as set forth by city council. The building official will conduct an inspection of the building or premise. If the building or premises passes the general electrical inspection, the building official will authorize the electric provider to reconnect electrical power.

**Section 4.** *Penalty.* 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 Two Thousand Dollars (\$2,000.00). 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.

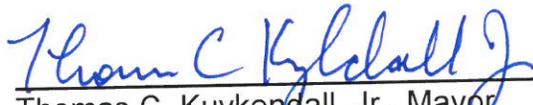
**Section 5. Repeal.** Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

**Section 6. 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.

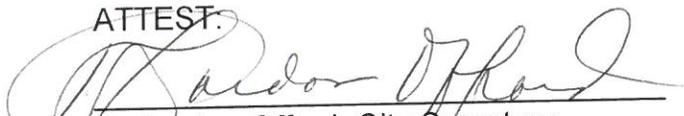
**Section 7. Effective date.** This Ordinance shall be effective after being published as required by law.

PASSED, APPROVED and ADOPTED on the 18<sup>th</sup> day of October,

2011.

  
\_\_\_\_\_  
Thomas C. Kuykendall, Jr., Mayor

ATTEST:

  
\_\_\_\_\_  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1055**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS REGARDING TRAFFIC CONTROL ON A CITY STREET; SPECIFICALLY RESTRICTING EASTERLY EGRESS FROM FLEWELLEN WAY ONTO FM 1093 AS RIGHT OUT (WESTERLY) ONLY; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR NOTICE AND SETTING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Fulshear, Texas (the "City") has determined that the current configuration of the intersection of Flewellen Way and FM 1093 poses a serious risk to drivers attempting to turn left (Easterly) onto FM 1093; and

**WHEREAS**, the City of Fulshear may enforce Ordinances necessary to protect the health, life and property and to preserve the good government, order and security of the municipality and its inhabitants.

**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 restrict Easterly egress from Flewellen Way onto FM 1093 by making it the facility a Westerly or Right Out Only access onto FM 1093.

**SECTION 2.0**

**TRAFFIC CONTROLLED:** Following the adoption and effective date of this Ordinance it shall be unlawful for drivers to access FM 1093 from Flewellen Way by turning Easterly (left). The City shall cause to be installed notice signage and traffic control devices at the intersection directing drivers to make only Westerly (right) turns onto FM 1093 from Flewellen Way.

**SECTION 3.0**

**VIOLATION AND PENALTY:** Any person violating the provisions of this Ordinance is guilty of a Class "C" misdemeanor and upon conviction shall be fined not more than \$200 for each offense.

**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**

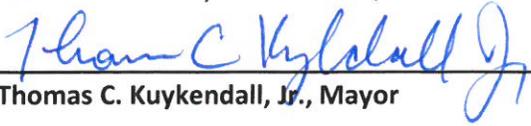
**SEVERABILITY CLAUSE:** That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of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

**SECTION 6.0**

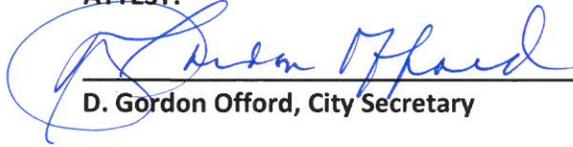
**PUBLICATION:** The City Secretary is hereby directed to publish notice of this Ordinance upon adoption in the City's publication or record and on the City's web-site.

**SECTION 7.0**

**EFFECTIVE DATE:** This Ordinance shall be effective after the 1<sup>st</sup> day of December, 2011.

  
\_\_\_\_\_  
Thomas C. Kuykendall, Jr., Mayor

**ATTEST:**

  
\_\_\_\_\_  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1056**  
**AMENDING ORDINANCE NO. 2010-1012 SETTING RATES FOR WATER AND WASTE WATER SERVICES**

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING ORDINANCE NO. 2010-1012 SECTION 3.0 PARAGRAPH (C) TO REVISE WASTE WATER CHARGES FOR 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 from time to time shall revise fees for Water and Waste Water Taps; AND

**WHEREAS**, those revisions include differentiated rates for commercial and residential customers; AND

**WHEREAS**, the City is desirous of encouraging conservation through rate augmentation; AND

**WHEREAS**, the City is desirous of providing some fiscal relief to its Residential customers; AND

**WHEREAS**, the City Council of the City of Fulshear, Texas wishes cap the chargeable usage of waste water by Residential customers through the revision of paragraphs (c) in Section 3.0 of the Ordinance.

**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, Section 3.0, revising paragraph (c) capping waste water usage rates for 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 – 30,000 gallons (for each additional  
Thousand gallons)..... \$2.00

There shall be no charge for waste water usage above 30,001 gallons for Residential Customers in recognition that most water used above that amount would not be used in normal household circumstance or to fill a pool and was most likely used in irrigation not placing a burden on the waste water system.

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 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**

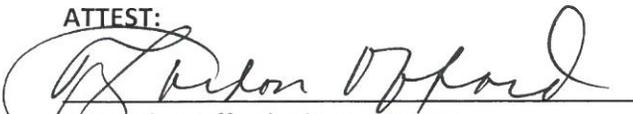
**EFFECTIVE DATE:** This Ordinance shall be effective on the first day of February, 2012.

**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

CITY OF FULSHEAR, ORDINANCE 2011-1056

**ORDINANCE NO. 2011-1057**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN.**

**WHEREAS**, on September 20, 2011, the City accepted MGJ Holdings, LLP's ("MGJ") voluntary petition to annex certain property consisting of a 1.9026 acre tract of land owned by MGJ into the City of Fulshear; and

**WHEREAS**, the property sought to be annexed meets the applicable requirements of law for annexation of property by voluntary petition of landowners of a sparsely occupied area pursuant to Sec. 43.028 of the Texas Local Government Code; and

**WHEREAS**, 1.9206 acre tract of land being made up entirely of a tract of land conveyed unto George Hackett and Alline Hackett, by deed recorded under County Clerk's File No. 2007062405 of the Official Public Records of Fort Bend County, Texas, being situated in the Enoch Latham Survey, Abstract 50, Fort Bend County, Texas; is more particularly described in Exhibit "A" ("Property"), and

**WHEREAS**, the procedures prescribed by the Texas Local Government Code and the laws of this State have been duly followed with respect to the Property described in Exhibit "A";

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

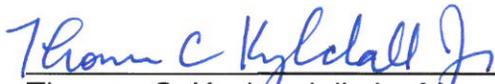
**Section 1.** That the facts and recitations found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

**Section 2.** That the Property described in Exhibit "A" is hereby annexed into the City of Fulshear, Fort Bend County, Texas, and that the boundary limits of the City of Fulshear, Texas, are hereby extended to include the above described Property within the territorial limits of the City of Fulshear, Texas, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Fulshear, Texas, and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.

**Section 3.** A service plan for the Property is hereby adopted and attached hereto and incorporated herein for all purposes as Exhibit "B".

**Section 4.** The City Secretary is hereby directed to file with the County Clerk of Fort Bend County, Texas, a certified copy of this Ordinance.

**PASSED, APPROVED, and ADOPTED** this, the 13<sup>th</sup> day of December, 2011.

  
\_\_\_\_\_  
Thomas C. Kuykendall, Jr., Mayor  
City of Fulshear, Texas

**ATTEST:**

  
\_\_\_\_\_  
D. Gordon Offord, City Secretary

## EXHIBIT "A"

Being a tract of land containing 1.9206 acres (83,660 square feet), being all of a tract of land conveyed unto George Hackett and Alline Hackett, by deed recorded under County Clerk's File No. 2007062405 of the Official Public Records of Fort Bend County, Texas, being situated in the Enoch Latham Survey, Abstract 50, Fort Bend County, Texas. Said 1.9206-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8-inch iron rod with cap marked "J.T. Jakubic & Assc." in the north right-of-way line of F.M. 1093 (100.00 feet wide) for the southwest corner of a 50.00-acre tract of land conveyed unto John Hackett, for the southeast corner of said Hackett Tract (2007062405), for a southwest corner of a tract of land conveyed unto Lamar Consolidated ISD, by deed recorded under County Clerk's File No. 2008129534 of the Official Public Records of Fort Bend County, Texas, and for the southeast corner of the said tract herein described;

THENCE South 83° 02' 35" West with the north right-of-way line of said F.M. 1093 and the south line of said Hackett Tract (2007062405), a distance of 209.51 feet to a found 5/8-inch iron rod with cap marked "J.T. Jakubic & Assc." in the north right-of-way line of said F.M. 1093, for the southwest corner of said Hackett Tract (2007062405), for a southeast corner of said Lamar Consolidated ISD Tract, and for the southwest corner of the said tract herein described;

THENCE North 02° 43' 21" West with the west line of said Hackett Tract (2007062405) and the east line of said Lamar Consolidated ISD Tract, a distance of 400.83 feet to a found 5/8-inch iron rod with cap marked "J.T. Jakubic & Assc." for the northwest corner of said Hackett Tract (2007062405), for an inner corner of said Lamar Consolidated ISD Tract, and for the northwest corner of the said tract herein described;

THENCE North 83° 16' 50" East with the north line of said Hackett Tract (2007062405) and the south line of said Lamar Consolidated ISD Tract, a distance of 209.46 feet to a found 60-D nail for the northeast corner of said Hackett Tract (2007062405), for an inner corner of said Lamar Consolidated ISD Tract, and for the northeast corner of the said tract herein described;

THENCE South 02° 43' 15" East with the east line of said Hackett Tract (2007062405) and the west line of said Lamar Consolidated ISD Tract, a distance of 399.96 feet to the POINT OF BEGINNING and containing 1.9206 acres (83,660 square feet), more or less.

## EXHIBIT "B"

### CITY OF FULSHEAR, TEXAS, PROPOSED PRELIMINARY SERVICE PLAN FOR THE ANNEXATION OF LAND LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FULSHEAR

#### I. INTRODUCTION

THIS PRELIMINARY SERVICE PLAN ("PRELIMINARY PLAN") IS MADE BY THE CITY OF FULSHEAR, TEXAS ("CITY") PURSUANT TO THE LOCAL GOVERNMENT CODE. THIS PLAN PERTAINS TO THE FOLLOWING TRACT OF LAND:

- (1) AN APPROXIMATE 1.9202 ACRE TRACT BEING MADE UP ENTIRELY OF A TRACT OF LAND CONVEYED UNTO GEORGE HACKETT AND ALLINE HACKETT, BY DEED RECORDED UNDER COUNTY CLERK'S FILE NO. 2007062405 OF THE OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY, TEXAS BEING SITUATED IN THE ENOCH LATHAM SURVEY, ABSTRACT 50, FORT BEND COUNTY, TEXAS.

#### II. PROPOSED TERM AND EFFECTIVE DATE

This PRELIMINARY PLAN is proposed to be in effect for a term of ten (10) years commencing on the effective date of the annexation of the TRACT. Renewal of this PRELIMINARY PLAN shall be at the discretion of the CITY and such discretion may be exercised by the City Council in such manner and for such time as the CITY may then direct.

#### III. PROPOSED SERVICE PLAN

A. According to this PRELIMINARY PLAN, the City shall provide the same or substantially same services including police protection, fire protection, emergency medical services, solid waste collection, maintenance of water, maintenance of roads, streets, street lighting and drainage, maintenance of Parks, Playgrounds, and Swimming Pools, maintenance of any other publicly owned facility, building, or service, animal control, emergency medical services, or any other city services to the extent that the CITY currently offer said services to similarly situation landowners within the area to be annexed within sixty (60) days after the effective date of annexation.

B. Scope and Quality of Proposed Service. The CITY shall provide services to the area pursuant to any methods by which it extends or is authorized to extend services to any other area of the CITY. Under this PRELIMINARY PLAN, the CITY shall not provide fewer services or a lower level of services in the area annexed than were in existence in the area immediately preceding the date of annexation. However, it is not the intent of this PLAN to require that a uniform level of services be provided to all areas of the CITY, including the TRACT, where differing characteristics of

## EXHIBIT "B"

topography, land, use and population density are considered a sufficient basis for providing different levels of service

### C. Definitions.

- 1.) As used in this PRELIMINARY PLAN, "providing services" includes having services provided by any method or means by which the CITY extends municipal services to any other area of the CITY. This may include causing or allowing public or private utilities, contractors, governmental entities and other public service organizations to provide such services, in whole or in part.
- 2.) As used in this PRELIMINARY PLAN, the phrase "standard policies and procedures" means those policies and procedures of the CITY applicable to a particular service which is in effect either at the time that the service is requested or at the time the service is made available or provided. The policies and procedures may require that a specific type of request be made, such as an application or petition. It may require that fees or charges be paid, in accordance with the law, and they may include eligibility requirements and similar provisions.

**NOTHING IN THIS PLAN SHALL BE INTERPRETED TO WAIVE OR OVERRIDE ANY PRE-EXISTING OBLIGATION THAT ANY OTHER PUBLIC AND/OR GOVERNMENTAL ENTITY CURRENTLY HAS TO CONSTRUCT AND/OR OTHERWISE MAINTAIN THE PUBLIC IMPROVEMENTS OR INFRASTRUCTURE CURRENTLY EXISTING WITHIN THE AREA TO BE ANNEXED.**

### IV. AMENDMENT; GOVERNING LAW

This PRELIMINARY PLAN may not be amended or repealed except as provided by the Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the CITY shall constitute amendments to this PRELIMINARY PLAN, and the CITY reserves the right to make such changes. This PLAN is subject to, and shall be interpreted in accordance with the Local Government Code, the Constitution and laws of the federal government of the United States of America and the State of Texas.

### V. FORCE MAJEURE

Should a *force majeure* interrupt the services described herein, the CITY shall

## EXHIBIT "B"

resume services under this PRELIMINARY PLAN within a reasonable time after the cessation of the *force majeure*. The term "*force majeure*," for the purposes of this PRELIMINARY PLAN, shall include, but not be limited to, acts of God, acts of the public enemy, war, blockades, insurrection, riots, epidemics, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrests and restraints of government, explosions, collisions, and any other inability imposed upon the CITY whether similar to those enumerated or otherwise, which is not within the control of the CITY.

### VI. ENTIRE PRELIMINARY PLAN

This document contains the entire and integrated PRELIMINARY PLAN relating to the TRACT and supersedes all other negotiations, representations, plans and agreements, whether written or oral.

  
Thomas C. Kuykendall, Jr., Mayor

**ATTEST:**

  
D. Gordon Offord, City Secretary

**Ordinance No. 2012- 1058**

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ESTABLISHING RULES AND REGULATIONS GOVERNING THE CONSTRUCTION, ERECTION, MAINTENANCE AND USE OF SIGNS WITHIN THE CORPORATE LIMITS OF THE CITY; APPLICATION OF RULES AND REGULATIONS TO CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION OF ANY PROVISION THEREOF; REPEALING ORDINANCE NO.06-939 A, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISION'S RELATING TO THE SUBJECT.**

**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 roadways and Right of Ways within the City and easements, and

**WHEREAS**, the City Council of the City of Fulshear 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 Council of the City of Fulshear 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:**

**SECTION 1.0**

**PURPOSE:** This Ordinance provides uniform standards for the erection and maintenance of signs within the City Limits and ETJ. All signs in this Chapter shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and in part to achieve the following:

- 1) **Safety.** To promote the safety of persons and property by providing that Signs do not:
  - a) Create a hazard due to collapse, fire, decay or abandonment;
  - b) Obstruct firefighting or police observation ability;
  - c) Create traffic hazards by confusing or distracting pedestrians or motorists; or
  - d) Become obstacles that hinder the ability of pedestrians, bicyclists or motorists to read traffic Signs.
  - e) Become obstacles that hinder free passage to pedestrians, bicyclists or motorists.
- 2) **Communications efficiency.** To promote the efficient transfer of information in Sign messages provided that:
  - a) Those Signs which provide public safety messages and information are given priorities;

- b) Businesses and services can identify themselves;
  - c) Customers and other persons can locate a business or service;
  - d) No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way for communication purposes;
  - e) Persons exposed to Signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or pay no attention to such messages, according to the observer's purpose; and
  - f) The right of free speech is preserved and exercised through the use of Signs.
- 3) **Landscape quality and preservation.** To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that Signs:
- a) Do not interfere with scenic views;
  - b) Do not create a nuisance to persons using the public rights-of-way;
  - c) Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height, or movement;
  - d) Are not detrimental to land or property values;
  - e) Do not contribute to visual blight or clutter; and
  - f) Are similar in construction materials and style as that of the structure or tract of land to which they pertain and to neighboring structures, as well as the City at large.

**SECTION 2.0**

**DEFINITIONS:** The following terms, when used in this Ordinance, shall have the meanings proscribed to them herein, except where the context clearly indicates a different meaning:

- 1) **Ancillary sign:** shall mean a sign which conveys information regarding a service, facility, or product subsidiary or ancillary to the main or principal business use of a property, such as telephone signs, restroom signs, credit card signs, open signs, or signs displaying the hours of operation for the business or entity.
- 2) **Destination signage:** shall mean all landscaping, monumental construction and actual message used to alert travelers that they have entered another distinct destination within the community such as a Master Planned Development or specially recognized District.
- 3) **Holiday Sign:** shall mean all signs, decorations, ornaments, structures or inflatable device which convey solely a Holiday message with no commercial message.
- 4) **Master Planned Community:** shall mean developments of more than two-hundred (200) acres which include more than five-hundred (500) residential units and provide for specialized amenities including sidewalks, park and recreational facilities, customized drainage and decorative landscaping and a unifying theme for the development.

- 5) **Medallion sign:** shall mean a two-sided panel bearing a decorative figure or relief or identifying emblem and shall communicate only information limited to the business, address, proprietor and date of establishment, which is affixed to a pole or post comprised of the same material from which the emblem is made and painted, coated or manufactured to be the same color as the emblem background color.
- 6) **Monument sign:** shall mean any sign mounted on the ground, but not elevated above the ground by any device that holds the sign off the ground and not attached to any building, including reader panels.
- 7) **Neighborhood Identification Sign:** shall mean all landscaping, monumental construction and actual message used to alert travelers that they have entered a specific neighborhood within a Master Planned Community.
- 8) **Non-commercial sign:** shall mean a sign that contains a non-commercial message only.
- 9) **Non-commercial message:** shall mean a civic, political, religious, seasonal, or personal message that is not displayed for a fee, for compensation, or for the promotion of a product, service or other business, and is located on property owned or lawfully occupied by the person displaying the message.
- 10) **Non-Profit Organization:** shall mean any organization recognized as a non-profit under the IRS Code. For the purpose of this Ordinance such designation shall also include religious organizations and school sponsored organizations, so long as documentation of affiliation is provided.
- 11) **Off-Premises Sign:** shall mean any sign, which directs attention to a business, person, activity, good, product, service or entertainment sold or offered on a site other than on the premises where such sign appears.
- 12) **Projecting Sign:** shall mean a sign, other than a wall sign, which is affixed to any building or wall, and whose leading edge extends more than two feet beyond such building or wall. A canopy or marquee shall be synonymous to a projecting sign.
- 13) **Portable sign:** shall mean any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder.
- 14) **Right of Way:** shall mean any street, avenue, boulevard, highway, road, thoroughfare, sidewalk, alley or any other property which is owned or controlled by a governmental entity. In the event that there is a discrepancy in the location of the Right of Way boundary the City Engineer shall be consulted to affirm said boundary.
- 15) **Sign:** shall mean any structure, part thereof, or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee, or similar appendage, or permanently affixed to the glass on the outside of the building or structure, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or

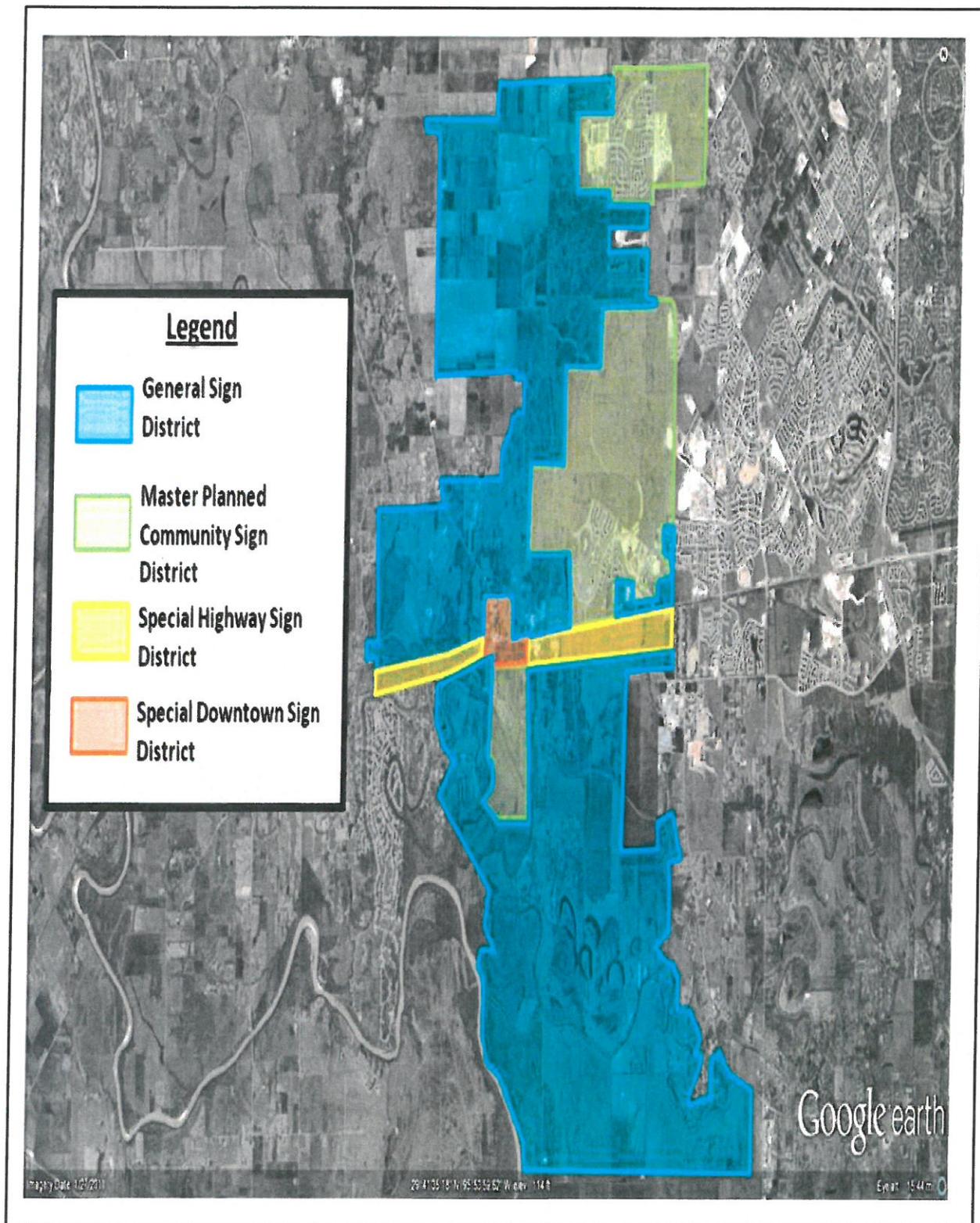
other representation used as or in the nature of an announcement, advertisement, attention arrestor, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, establishment, profession, enterprise, industry, activity, or any combination thereof; where the word sign is used herein without further modification, the same shall be understood to embrace all regulated signs and replicas. Additionally, this term shall be applied to any permanent or semi-permanent inscription or structure that installed within or behind a window which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrestor, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, establishment, profession, enterprise, industry, activity, or any combination thereof.

- 16) **Snipe sign:** shall mean a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, stake, fence, utility pole, or other like object, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.
- 17) **Special Event Announcement Sign:** shall mean a sign designed to announce a special event such as a local festival or sporting event.
- 18) **Special Event Directional Sign:** shall mean directional signage posted and removed within the time specified herein of a special event such as a local festival or sporting event.
- 19) **Temporary sign:** shall mean any sign constructed of materials with short life expectancies. A portable sign shall not necessarily be considered a temporary sign.
- 20) **Way-finding Sign:** Signage specific to directing travelers to certain locations within the City. Such signs shall be of a specific design for its type and shall be approved on a case by case basis by the Planning Commission prior to installation unless installed in conjunction with a previously approved Master Sign Plan in association with a Master Planned Community.
- 21) **Wind device sign:** shall mean any flag, pennant, banner, streamer, balloon, inflatable device or similar-type object made of cloth, canvas, nylon, plastic, or other flexible material, with or without a frame or other supporting structure, that moves, or is intended to move or blow with the wind.

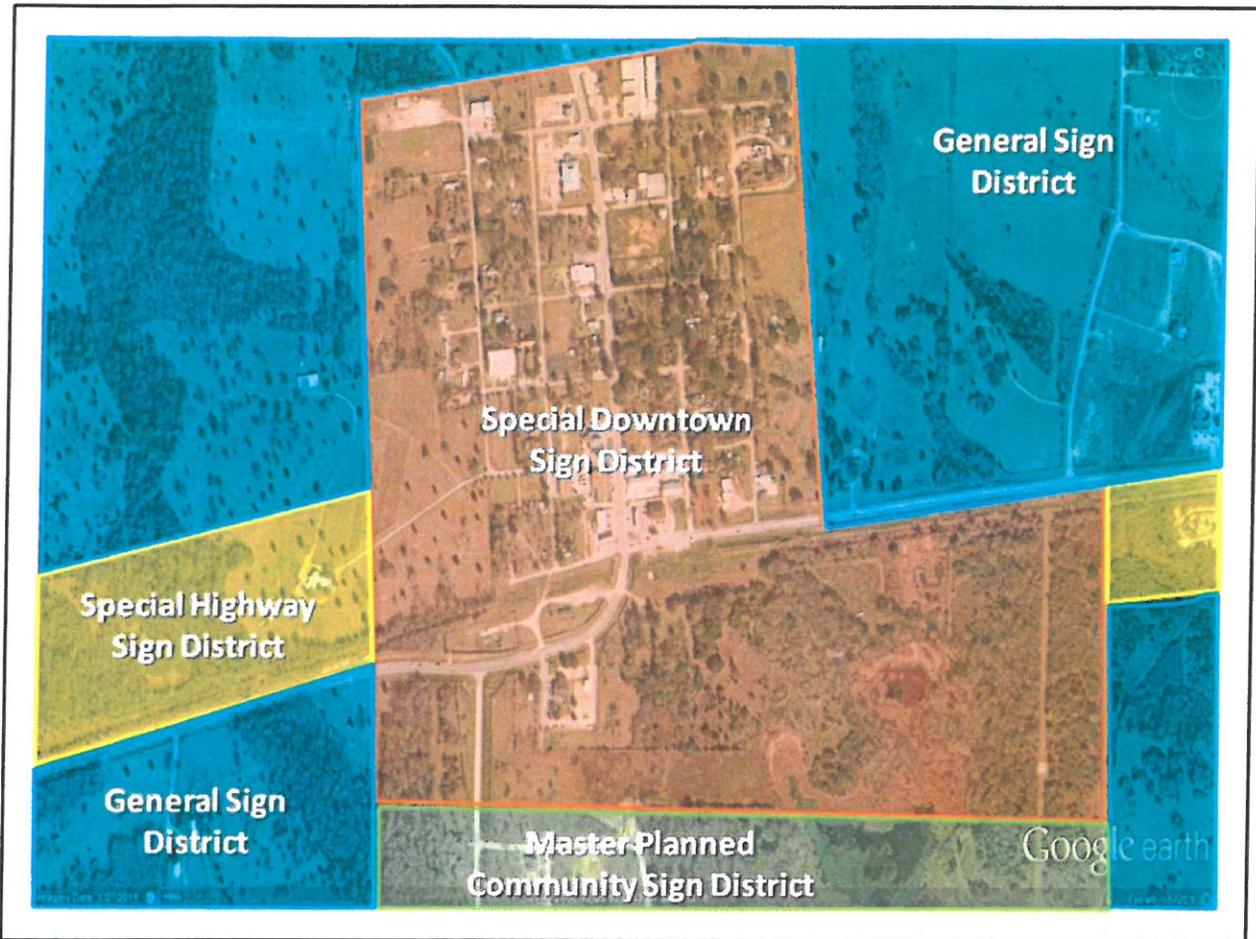
### **SECTION 3.0**

**SIGN DISTRICTS:** Recognizing that the City is an amalgam of various types of property and uses, the City has created distinct Sign Districts. The construction and design of signs may vary from District to District as allowed under this Ordinance. However, all signs within each district shall at all times be maintained to ensure compliance with all applicable federal and state statutes and regulations and with the building code, electrical code, and other applicable ordinances of the City. For the purposes of this Ordinance, the maps below detail the various Sign Districts:

City of Fulshear Sign District Map



### City of Fulshear Downtown Sign District Map



#### **SECTION 4.0**

**DESIGN, CONSTRUCTION AND MAINTENANCE OF SIGNS BY DISTRICT:** All signs erected within the City and its ETJ shall adhere to the design and construction standards described below.

- 1) **General Sign District:** As noticed in the above maps, any area of the City or its ETJ not located specifically within a Special Sign District shall be located in the General Sign District. All signs within this District shall be constructed in one of two formats.
  - a) **Monument Signs:** Monument signs shall be constructed of masonry material or shall be constructed of a material complimentary of the structure to which the sign is attributed. The bottom portion of the sign shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure. The portion of the sign containing the message shall not exceed seventy-two (72) total square feet of area. The total height of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed ten feet (10'). The total width of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed twelve feet (12'). If one commercial property contains more than ten (10) different businesses and has more than

350' of road frontage, the property shall be allowed two (2) monument signs at that location, both of which must comply in all respects with this Ordinance.

Each Monument Sign shall be permitted a decorative cap which shall not be included in the total sign height restrictions recited above. Each decorative cap shall be no more than two feet (2') in height and shall extend beyond the permitted width of each such sign by no more than one foot (1 ') on each side. Any decorative cap permitted by this subsection shall be purely ornamental, and shall be constructed of construction materials identical to or similar to the construction materials used in the construction of the sign or the construction of the building located on the premises.

It shall be prohibited for Monument Signs on separate properties to be located within fifty (50) linear feet of each other. It shall be prohibited for Monument Signs on the same property to be located within one-hundred (100) linear feet of each other.

- b) **Facade or Wall Signs:** Façade or wall signs shall be allowed provided there is no more than one (1) such sign per street frontage for each business. Facade or wall signs may be mounted or painted upon the wall, and must be maintained in good condition at all times. The sign shall contain only information identifying the business located on the site. The sign area shall not exceed ten percent (10%) of the area of the facade or wall on which it is mounted or painted. For buildings with multiple tenants, the area for a wall sign shall be limited to ten (10) percent of the total wall space attributable to their lease. A mounted wall sign shall not project more than 12 inches from the building wall to which it is attached.

- 2) **Special Highway Sign District:** As noticed on the maps above there are two Special Highway Sign Districts within the City Limits and ETJ of Fulshear. Those two Districts are located on the south side of F. M. 1093 and east of F. M. 359 and on the north side of F. M. 1093 and west of F. M. 359 outside of the Downtown Special Sign District. All signs within this District shall be constructed in one of two formats.

- a) **Monument Signs:** Monument signs shall be constructed of masonry material or shall be constructed of a material complimentary of the structure to which the sign is attributed. The bottom portion of the sign shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure. The portion of the sign containing the message shall not exceed one-hundred twenty (120) total square feet of area. The total height of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed fourteen feet (14'), subject to the decorative caps defined below. The total width of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed twelve feet (12'). If one commercial property contains more than ten (10) different businesses and has more than 350' of road frontage, the property shall be allowed two (2) monument signs at that location, both of which must comply in all respects with this Ordinance. Each Monument Sign shall be permitted a decorative cap which shall not be included in the total sign height restrictions recited above.

Each decorative cap shall be no more than two feet (2') in height and shall extend beyond the permitted width of each such sign by no more than one foot (1 ') on each side. Any decorative cap permitted by this subsection shall be purely ornamental, and shall be constructed of construction materials identical to or similar to the construction materials used in the construction of the sign or the construction of the building located on the premises.

It shall be prohibited for Monument Signs on separate properties to be located within fifty (50) linear feet of each other. It shall be prohibited for Monument Signs on the same property to be located within one-hundred (100) linear feet of each other.

- c) Facade or Wall Signs: Façade or wall signs shall be allowed provided there is no more than one (1) such sign per street frontage for each business. Facade or wall signs may be mounted or painted upon the wall, and must be maintained in good condition at all times. The sign shall contain only information identifying the business located on the site. The sign area shall not exceed ten percent (10%) of the area of the facade or wall on which it is mounted or painted. For buildings with multiple tenants, the area for a wall sign shall be limited to ten (10) percent of the total wall space attributable to their lease. A mounted wall sign shall not project more than 12 inches from the building wall to which it is attached.
- 3) **Special Downtown Sign District**: As noticed on the maps above the Special Downtown Sign District is comprised of the developed portion of the original township platting for Fulshear plus the City's Town Center Municipal Management District. All signs within this District shall be constructed in one of four formats.
- a) Monument Signs: Monument signs shall be constructed of masonry material or shall be constructed of a material complimentary of the structure to which the sign is attributed. The bottom portion of the sign shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure. The portion of the sign containing the message shall not exceed seventy-two (72) total square feet of area. The total height of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed ten feet (10'). The total width of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed twelve feet (12'). If one commercial property contains more than ten (10) different businesses and has more than 350' of road frontage, the property shall be allowed two (2) monument signs at that location, both of which must comply in all respects with this Ordinance. Each Monument Sign shall be permitted a decorative cap which shall not be included in the total sign height restrictions recited above.

Each decorative cap shall be no more than two feet (2') in height and shall extend beyond the permitted width of each such sign by no more than one foot (1 ') on each side. Any decorative cap permitted by this subsection shall be purely ornamental, and shall be constructed of construction materials identical to or similar to the construction materials used in the construction of the sign or the construction of the building located on the premises.

It shall be prohibited for Monument Signs on separate properties to be located within fifty (50) linear feet of each other. It shall be prohibited for Monument Signs on the same property to be located within one-hundred (100) linear feet of each other.

- b) Facade or Wall Signs: Façade or wall signs shall be allowed provided there is no more than one (1) such sign per street frontage for each business. Facade or wall signs may be mounted or painted upon the wall, and must be maintained in good condition at all times. The sign shall contain only information identifying the business located on the site. The sign area shall not exceed ten percent (10%) of the area of the facade or wall on which it is

mounted or painted. For buildings with multiple tenants, the area for a wall sign shall be limited to ten (10) percent of the total wall space attributable to their lease. A mounted wall sign shall not project more than 12 inches from the building wall to which it is attached.

- c) Medallion Signs: Businesses located in the District shall have the option of erecting a medallion or shield sign in lieu of a Monument sign described in above. Any such sign shall not exceed nine (9) square feet of sign area, shall be mounted no more than nine (9) feet above the ground.
  - d) Projecting signs: Businesses located in such as way that preclude the installation of a Monument or Medallion Sign due to encroachment by road or right of way may install one projecting sign per building face (wall) of a business property. A projecting sign shall not extend more than four feet from the building face (wall) to which it is attached and shall not exceed eight (8) square feet in area. The distance from the bottom of the sign to the ground or sidewalk shall be a minimum of eight (8) feet. The distance from the top of the sign to the ground or sidewalk shall be a maximum of sixteen (16) feet or the top of the roof line, whichever is lower. Projecting signs shall be pinned away from the building wall at least six inches.
- 4) **Master Planned Community Sign District**: As noticed on the maps above there are several Master Planned Sign Districts within the City Limits and ETJ of Fulshear. These Districts coincide with the boundaries of currently platted Master Planned Communities. Additional Master Planned Community Districts may be added through Council action at a later date. Generally, aside from Destination Signage designating the entrances to Master Planned Communities; all signs within this District shall be constructed in one of two formats as discussed below. However, the Developer of the Master Planned Community may submit a formal Master Signage Plan as detailed below.
- a) Monument Signs: Monument signs shall be constructed to substantially appear as a solid mass, such as cylinder, block, rectangle, or square from ground level to the highest portion of the sign, otherwise commonly known as Monument Signs. The bottom portion of the sign shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure. The portion of the sign containing the message shall not exceed seventy-two (72) total square feet of area. The total height of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed ten feet (10'). The total width of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed twelve feet (12'). If one commercial property contains more than ten (10) different businesses and has more than 350' of road frontage, the property shall be allowed two (2) monument signs at that location, both of which must comply in all respects with this Ordinance. Each Monument Sign shall be permitted a decorative cap which shall not be included in the total sign height restrictions recited above.

Each decorative cap shall be no more than two feet (2') in height and shall extend beyond the permitted width of each such sign by no more than one foot (1 ') on each side. Any decorative cap permitted by this subsection shall be purely ornamental, and shall be constructed of construction materials identical to or similar to the construction materials used in the construction of the sign or the construction of the building located on the premises.

It shall be prohibited for Monument Signs on separate properties to be located within fifty (50) linear feet of each other. It shall be prohibited for Monument Signs on the same property to be located within one-hundred (100) linear feet of each other.

- b) Facade or Wall Signs: Façade or wall signs shall be allowed provided there is no more than one (1) such sign per street frontage for each business. Facade or wall signs may be mounted or painted upon the wall, and must be maintained in good condition at all times. The sign shall contain only information identifying the business located on the site. The sign area shall not exceed ten percent (10%) of the area of the facade or wall on which it is mounted or painted. For buildings with multiple tenants, the area for a wall sign shall be limited to ten (10) percent of the total wall space attributable to their lease. A mounted wall sign shall not project more than 12 inches from the building wall to which it is attached.
- c) Master Signage Plan: The developer of a Master Planned community may install signage of varying style and construction if included as part of a Master Signage Plan that shall be reviewed and approved by the Planning Commission. Such a plan shall include the following elements:
- i. An accurate artistic representation of the proposed signage including color scheme and materials for each sign type.
  - ii. A detailed listing of the number of signs by type (temporary, permanent, way-finding, etc.).
  - iii. Inclusion of traffic control and public safety signage.
  - iv. A map indicating the proposed signage's location within the development.
  - v. A developer may divide, update and modify the plan based on phased/ sectional development so long as it provides an updated plan to the Commission for review and approval no less than sixty (60) days following the approval of a final plat for a new phase or section to be developed.
  - vi. Upon submittal of the plan, the Developer shall pay the appropriately adopted fees for the total number of signs included in the plan with the understanding that fees for temporary signage shall only be paid once based on the total number of temporary signs included in the plan. The developer will be able to place and replace temporary signage without incurring additional fees so long as the total number of temporary signs does not exceed that previously approved by the Commission. In the event that the developer does not install all permanent signs accounted for in the plan it may be reimbursed those fees by the City. Further, the developer shall not pay fees for appropriately installed and approved traffic control and public safety signage.
  - vii. Destination Signage shall be exempt from fee and permit so long as such signage is located solely at the primary entrances to the development located along the primary arterial roadways within the City or ETJ. In the event that a development does not front an existing or proposed arterial roadway, such Destination Signage

shall be exempt so long as it is located at a primary entrance along a Major Thoroughfare.

- viii. Neighborhood Identification Signage shall be exempt from fee and permit so long as such signage is accounted for in the Master Sign Plan.
- ix. Destination Signage and Neighborhood Identification Signage shall both be exempt from the Right of Way placement prohibitions so long as the actual message lies outside the Right of Way and the landscaping and monumental structures do not hinder sight lines necessary for driving safety. The City may require the removal of any structure lying within the Right of Way at anytime. The City shall not be liable for costs associated with the removal and relocation of any structure located within the Right of Way.

- 5) **Maintenance:** All signs within the City shall be erected and maintained in compliance with all applicable federal and state statutes and regulations and with the building code, electrical code, and other applicable ordinances of the City. In the event of conflict between this ordinance and other statutes, regulations or ordinances, the most restrictive standard shall apply. All signs shall be kept in good repair and neat appearance. Maintenance shall be performed on all signs at reasonable intervals, and shall include replacement of defective parts, painting, repainting, and cleaning. The owner of a sign and the owner of the property upon which the sign is located shall be jointly and severally responsible for the sign's maintenance and repair. The Building Official of the City, or his designee, shall inspect all signs on a regular basis and shall require maintenance or repair of any sign deemed in violation of this Ordinance.

#### **SECTION 5.0**

**PROHIBITED SIGNS:** It shall be unlawful for any person to construct, erect, install, construct, display, maintain, reconstruct, place, locate, relocate or make use of any of the following signs within the City:

- 1) Revolving or moving signs.
- 2) Signs that contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, flash tags, or other similar devices.
- 3) Portable signs.
- 4) Snipe signs.
- 5) Signs located on a roof or otherwise attached to or painted on a building if it projects above the highest point on the building.
- 6) Signs or any portion thereof, that are located on or project or extend over any public sidewalk, street, alley, or other public property. Provided, however, that if signs are located within the Special Downtown Sign District; they may project over the sidewalk so long as they comply with the design standards found in Section 4.0, Paragraph 3), Sub-heading d).
- 7) Signs that are deteriorated, dilapidated, or unsafe.
- 8) Signs that contain statements, words, or pictures of an obscene, indecent, or immoral character as will offend public morals or decency.

- 9) Signs located on or attached to a streetlight, utility pole, fire hydrant, bridge, traffic-control device, street sign, or other building, facility, structure or equipment owned by the City without the prior written consent of the City.
- 10) More than one ground-mounted monument sign for any lot or development site, or for any individual shopping center or strip center; provided, however, if a lot or development site, shopping center or strip center has frontage on two public streets, one ground-mounted monument sign shall be permitted for each such street frontage. Signs representing sites with more than ten (10) businesses and with more than three hundred and fifty (350) feet of frontage are allowable so long as they comply with all other applicable sections of this Ordinance.
- 11) Signs that do not comply with this Ordinance or other ordinances of the City.
- 12) Signs located or illuminated so that they obscure or interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the view of approaching, emerging or intersecting traffic, or prevent any traveler on any street from obtaining a clear view of approaching vehicles.
- 13) Illuminated signs which:
  - a) Are illuminated to such intensity or without proper shielding so as to constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property; or
  - b) Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination.
- 14) Any sign that violates any sight visibility regulations of the City.
- 15) Signs located in public rights-of-way; with the exception of Signs allowable under Section 4.0, Paragraph 3) Sub-Paragraph d) and Section 4.0, Paragraph 4) Sub-Paragraph c) Item ix.
- 16) Signs placed on private property without the consent of the owner or person in possession of the property.
- 17) Off-premise signs.
- 18) Wind Device Signs

#### **SECTION 6.0**

**EXEMPT SIGNS:** This Ordinance shall not apply to the following types of signage:

- 1) Governmental Signs. Any sign:
  - a) Erected or maintained pursuant to and in the discharge of any governmental function;
  - b) Required by law, ordinance or governmental regulation; or

- c) Located on property owned, leased, or under the control of any federal, state or local governmental entity or subdivision thereof.
- 2) Private Traffic Control Signs. Signs on private property containing no advertising that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit signs.
- 3) Railway Signs. Any sign on property owned by a railroad placed or maintained in reference to the operation of the railway.
- 4) Utility and Hazard Signs. Any sign marking utility or underground communication or transmission lines or pipes and hazards.
- 5) Plaques. Historical and commemorative plaques of recognized historical societies and organizations, provided that such signs are less than fifteen (15) square feet in total area.
- 6) Mailboxes, and Addresses. Addresses and names printed on a standard size on mailbox. Address information on the side of a residence or business shall not exceed four (4) square feet. Street markings indicating address information shall only contain address information painted on curbsides shall not exceed four (4) square feet and shall be painted only in black reflective paint.
- 7) Real Estate Signs. Real estate signs shall be permitted as follows:
  - a) For single parcels ten (10) acres in size or smaller, signs not exceeding six (6) square feet in total sign area per sign face and no taller than five feet (5') above natural grade;
  - b) For undeveloped single parcels greater than ten (10) acres in size, that have not been subdivided into separate parcels or lots, a sign not exceeding eight feet (8') in height above natural grade and not exceeding eight feet (8') in width is permitted.
  - c) All signs allowed by this subsection shall pertain to the sale or rental of the property on which they are located. Additionally, for all signs allowed by this subsection, any real estate agent posting this sign must have an exclusive listing to market the subject property, or written permission to install the sign from the landowner on which the sign is located. A property owner may post a sign in compliance with this subsection indicating that the property is for sale or lease by the owner. Only one sign per road frontage shall be permitted by this subsection.
- 8) Athletic Field Signs. Signs located on the field side of scoreboards and fences of athletic fields.
- 9) National or State Flags. A national or state flag, or both, provided that they do not exceed thirty-six (36) square feet in total area and are flown on a pole no more than twenty-five (25) feet in height.
- 10) Holiday Signs. Holiday signs as defined in this Ordinance shall be exempt from regulation provided that they are installed no more than 35 days prior to the Holiday for which they are customarily dedicated. Such signs shall be removed no later than 15 days after the Holiday for which they are customarily dedicated.

- 11) Political. Signs advertising or promoting a candidate or proposition in conjunction with an election, or otherwise containing a noncommercial message, provided that:
- a) No political sign shall be erected before ninety (90) days before the election date on which the office or proposition is to be determined;
  - b) All such political signs shall be removed within ten (10) days following the election on which the office or proposition is finally determined in accordance with the Texas Election Code;
  - c) No such political sign shall exceed thirty-six (36) square feet in total area nor exceed eight feet (8) in height above natural ground level; and
  - d) Such temporary political sign shall otherwise comply with all provisions of this Ordinance.
  - e) *It is prohibited for such temporary political signage to be illuminated or have moving parts.*
  - f) It is prohibited for such temporary political signage to be placed in the Right of Way or on Public Property. This prohibition does not apply to Public Property located a certain distance around a Polling Place at which voting is actively occurring for the duration of the early voting period and the election date.
- 14) Property Identification Signs. Any sign erected at the entrance of acreage or residential property that identifies the property by name of the property or by name of the owner, as in the case of farm or ranch identification signs.
- 15) Temporary Banners. Temporary banners shall be exempt under this Ordinance under the following provisions:
- a) One temporary sign, in the form of a banner, not to exceed five feet (5') in height or thirty-two (32) total square feet in sign area may be displayed on non-residential property by a new business for a period not to exceed ninety (90) days if it appropriately registered with the City.
  - b) One temporary sign, in the form of a banner, not to exceed five feet (5') in height or thirty-two (32) total square feet in sign area may be displayed on non-residential property for a period not to exceed *fourteen (14)* days in a calendar quarter. The *fourteen* days per calendar quarter permitted by this subsection shall not accumulate from calendar quarter to calendar quarter if such signs have been appropriately registered with the City.
  - c) Any person who registers a temporary banner allowed by this subsection shall pay to the City a non-refundable fee in the amount of fifty dollars (\$50.00).
  - d) Upon registration and receipt of fees, the City will issue tags for such banners which must be affixed to the banners for the duration of their installation. Any banner not bearing such a tag shall be deemed to be in violation of the Ordinance and prompting enforcement action.

16) Non-profit Announcement Signs. Signs announcing events or programs by a not-for-profit organization as defined in this Ordinance provided that:

- a) A non-profit may erect one on-site temporary sign and as many as four off-site announcement signs so long as the off-site signs are not placed in the right of way and are placed on private property with the permission of the owner or resident; and
- b) The non-profit appoints one person as the responsible party for the registering of such signs; and
- c) Such signs not to exceed five feet (5') in height or thirty-two (32) total square feet in sign area; and
- d) So long as the sign is erected no more than *ten (10)* days prior to the event being announced and are removed no more than *three (3)* days following the event.
- e) A permit for the placement of a non-profit announcement sign allowed by this subsection shall not be required, provided, however, that the duly appointed representative who erects a non-profit announcement sign shall register said sign with the City providing the date on which said sign was first placed on site.
- f) Any person or entity who registers non-profit announcement signs allowed by this subsection shall pay to the City a non-refundable fee in the amount of ten dollars (\$10.00) per sign.
- g) Upon registration and receipt of fees, the City will issue tags for such banners which must be affixed to the banners for the duration of their installation. Any banner not bearing such a tag shall be deemed to be in violation of the Ordinance and prompting enforcement action.

17) Temporary Construction - Announcement Signs. An office or retail business shall be permitted to construct a temporary sign announcing the prospective opening of the business at that site while the business is under the permitting process and construction. Such temporary construction signs shall be erected for a maximum of six (6) months and shall be no larger than eight feet (8') in height above natural grade by eight feet (8') in width.

18) Temporary Construction - Additional Signs. Any office or retail business which is permitted a temporary construction announcement sign authorized in Paragraph 17 above, shall be issued a permit for two (2) additional signs which may be used to announce the contractor, subcontractors, architects, engineers, or financial institutions associated with the project. The determination of which entities are permitted to use any such signs authorized by this subsection shall be at the discretion of the owner of the property. Each such sign authorized by this subsection shall be no larger than eight feet (8') in height above natural grade by four (4') in width.

19) Ancillary Signs. A business or other entity shall be allowed up to three (3) ancillary signs placed on the door or exterior wall or window of the premises. No permit will be required under this Ordinance for such ancillary signs. All ancillary signs shall be no larger than four square feet (4') in total sign area.

## **SECTION 7.0**

**SPECIAL EVENT SIGNS:** Special Event Signage, both announcement and directional as defined in this Ordinance shall be permissible so long as the Event organizer submits an Event Signage Plan that includes:

- 1) The number of Special Event Directional and Announcement Signs to be installed.
  - a) Special Event Announcement Signage. If the event is not related to a Non-profit as discussed above, the Event organizer shall be allowed one on-site and as many as four off-site Special Event Announcement Signs shall be allowed. Such signage shall be permissible so long as it is installed no earlier than *five (5)* days prior to an event and is removed no less than *one (1)* day following an event.
  - b) Special Event Directional Signage. The Event organizer may place as many as ten (10) Special Event Directional Signs throughout the community. Such signs may be installed no more than eight (8) hours prior and removed no later than four (4) hours after then event. Such signage may contain the name or logo of the event and directional information only.
- 2) A map approximating the location of such Special Event Directional Signage and indicating the location of the Special Event Announcement Signage.
- 3) A designated contact person responsible for the signs' installation and removal.
- 4) The plan shall be accompanied by a *one hundred dollar (\$100.00)* non-refundable fee.
- 5) Following approval of the Plan, the Event organizer will be provided with tags by the City for placement on the signage to indicate compliance. Any Special Event with Signage not bearing such a tag shall be found to be in violation of this Ordinance and may prompt enforcement action.

## **SECTION 8.0**

**OBSOLETE SIGNS:** Signs which have been abandoned or have become obsolete due to the closing of a business, change in the nature or name of the business establishment, or for any other reason rendering the sign non-applicable to the property upon which it is displayed, shall be removed by the owner *as provided in Chapter 216.003 of the Local Government Code.*

## **SECTION 9.0**

### **NONCONFORMING SIGNS:**

- 1) Signs lawfully in existence as of the effective date of this Ordinance and those lawfully in existence pursuant to previous City Ordinances shall be considered and deemed as lawfully existing nonconforming signs and may be continued as such.
  - 2) Notwithstanding the foregoing, the person or entity who is in ownership or control of the property on which such sign is located shall be required to register such signs with the City, at no fee, and otherwise comply with all requirements of this Ordinance relating to nonconforming signs and sign structures.
  - 3) Lawfully existing nonconforming signs shall be kept in good repair and visual appearance and no structural or message alterations shall be made thereto. In the event that more than fifty-
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percent (50%) of the area of a lawfully existing nonconforming sign is damaged or changed, the sign shall be removed, made to conform or replaced with a conforming sign.

- 4) When a nonconforming sign is replaced, the replacement sign must comply in all respects with this Ordinance. The installation of any new sign is prohibited on a site while a non-conforming sign remains in use.

#### **SECTION 10.0**

**ENFORCEMENT:** The City shall undertake the enforcement of this Ordinance using the following protocols:

- 1) The Building/ Code Enforcement Department, Police Department and City Maintenance Department shall have the authority to make inspection of signs.
- 2) The Building/ Code Enforcement Department shall make weekly inspections of signs throughout the community.
- 3) If a sign is found improperly installed in the Right of Way it shall be removed immediately.
- 4) If the sign meets the definition of a snipe sign as defined in this Ordinance it shall be immediately removed and destroyed.
- 5) If any other type of sign is removed from the Right of Way it shall be held at the City's Maintenance Facility for ten (10) days after which time it shall be destroyed. Signs shall not be released to the owner until such time as they appear at City Hall, remit a claim fee of five dollars (\$5.00) and sign a statement acknowledging that the installation of the sign was a violation of this Ordinance.
- 6) If a sign on Private Property is be found to be in violation of this Ordinance, the owner of the property shall be notified in writing of their violation and they shall be granted ten (10) days to remove the violating sign. If the sign has not been removed within that period the owner shall be cited and may be subject to the Penalty provisions of this Ordinance as defined in Section 20.0.
- 7) Repeated violations of this Ordinance on a Property shall result in immediate citation without further notification.

Any violation of the Ordinance found may result in the revocation of permits as allowed under Section 17.0 and potentially a fine as described in Section 20.0 of this Ordinance.

#### **SECTION 11.0**

**APPLICATION TO EXTRATERRITORIAL JURISDICTION:** The regulations established this Ordinance are hereby applicable to all signs located in the extraterritorial jurisdiction of the City, as established by Chapter 42 of the Texas Local Government Code.

#### **SECTION 12.0**

**PERMITS:** It is unlawful for any person to place, locate, relocate, erect, construct, replace or alter the size or shape of any sign, including the face or other integral part thereto, or to thereafter make use of a sign without having first obtained a sign permit from the City, except as otherwise provided in this Ordinance.

### **SECTION 13.0**

**PERMIT EXEMPTIONS:** A sign permit is not required:

- 1) To repaint a sign or to restore a sign to its original condition if the sign otherwise complies with this Ordinance; and/ or
- 2) To periodically change only the letters, numbers or message portion of a lawful sign specifically designed for that purpose.

### **SECTION 14.0**

**APPLICATION AND PERMITS:** The application for a sign permit, together with an application fee in the amount of seventy-five dollars (\$75.00), shall be submitted on such forms provided by the City and must be accompanied by the information, drawings and descriptive data required by the Building Official to ensure proper regulation of the sign and the ensure compliance with this Ordinance. The permit application fee required by this section shall not be required for noncommercial signs, but non-commercial signs shall comply with this Ordinance in all other respects.

### **SECTION 15.0**

**ISSUANCE OF PERMITS:** If the plans and specifications for a sign set forth in any application for a permit conform to all of the requirements of this Ordinance, and any other applicable City regulations, the Building Official shall issue the appropriate permit.

### **SECTION 16.0**

**DURATION:** Unless earlier revoked, a sign permit to construct, erect, locate, or place is valid for 180 days from the date of issuance.

### **SECTION 17.0**

**REVOCATION:** A sign permit may be revoked for violation of this Ordinance. The Building Official shall give prior written notice of a proposed revocation to the permittee and an opportunity to respond to the reasons for revocation within ten (10) days of said written notice. The permit shall not be revoked prior to the expiration of ten (10) days from the date of such written notice.

### **SECTION 18.0**

**APPEAL:** Any person aggrieved by a decision of the Building Official in the application of this Ordinance may appeal the decision to the Planning and Zoning Commission of the City by delivering, in writing, a notice of appeal stating therein the decision complained of and the reasons for appeal. The Planning Commission shall hear the appeal at its next regularly scheduled meeting; provided, however, that the appeal shall be heard within thirty (30) days of the filing of the appeal. Any decision of the Planning Commission with respect to an appeal heard under this section may be further appealed to the City Council of the City in the same manner the appeal was made to the Planning Commission. The City Council shall hear the appeal at its next regularly scheduled meeting; provided, however, that the appeal shall be heard within thirty (30) days of the rejection of the appeal by the Planning and Zoning Commission.

### **SECTION 19.0**

**VARIANCE:** In the event that a property owner wishes to install a nonconforming sign after the effective date of this Ordinance they may apply for a Variance from the Ordinance.

- 1) The application for Variance shall be made on a form provided by the City and must include any drawings, specifications and other information deemed pertinent to explain hardship or other causal factor justifying relief from this Ordinance. The application along with a seventy-five dollar (\$75.00) non-refundable Variance application fee shall be submitted to the Building Official.
- 2) The Building Official shall then submit the application for consideration by the Planning Commission at its next regularly scheduled meeting; provided, however that the Variance request shall be heard within thirty (30) days of the receipt of the application. Any decision of the Planning Commission with respect to a Variance request heard under this section may be further appealed to the City Council of the City in the same manner the appeal was made to the Planning Commission without additional fee.

**SECTION 20.0**

**PENALTY:** Any person, corporation, or entity who or which intentionally, knowingly, recklessly or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00 each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

**SECTION 21.0**

**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 22.0**

**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 23.0**

**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.

**SECTION 24.0**

**EFFECTIVE DATE:** This Ordinance shall take effect on the first (1<sup>st</sup>) day of March, 2012.

  
\_\_\_\_\_  
Thomas C. Kuykendall Jr., Mayor

**ATTEST:**

  
\_\_\_\_\_  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1059**

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING ORDINANCE NUMBER 04-913; PROVIDING RULES AND REGULATIONS FOR SETBACKS; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Fulshear, Texas ("City"), desires to provide for flexibility in development in master planned communities inside the City and in the City's extraterritorial jurisdiction; and

**WHEREAS**, allowing for alternative residential home options is one way to provide for flexibility in master planned communities; and

**WHEREAS**, amending the allowable setback line requirements are a way to provide for alternative residential home options;

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

**Section 1.** That the facts and recitations found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

**Section 2.** That Ordinance No. 04-913 is amended by deleting subsection K of section 7 and adding a new subsection K of section 7 to provide as follows:

"K. Building Setback Requirements. No plat of any subdivision shall be approved unless building setback lines are established therein in accordance with the following standards, all of which shall be measured from the property line:

Front: Twenty-five (25) feet; except cul-de-sac lots which may be twenty feet (20). Cul-de-sac lots are lots adjacent to the

actual cul-de-sac beginning at the curve of the street and do not consist of all lots on a cul-de-sac street;

Side: Five (5) feet on each side;

Corner lots: Ten (10) feet on street side; Five (5) feet on inner lot line.

Exceptions: Master planned communities consisting of a development of at least 1,500 acres which will result in the construction of more than 700 single-family residential homes may plat not more than five (5) percent of the development with side setbacks of zero feet on one side and ten (10) feet on the other side to allow for the construction of specialty housing products. Further, the front building lines for such lots allowed under this exception shall be twenty (20) feet. Such exceptions shall be allowed so long as the portion of the development in which specialty housing products are to be located is platted as a single section of development that has uniform lots sizes throughout the section.”

**Section 3.** *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.

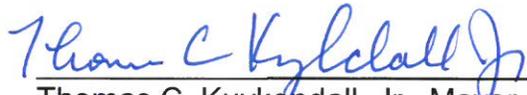
**Section 4.** *Penalty.*

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 5.** *Effective date.*

This Ordinance shall become effective when published as required by law.

**PASSED** and **APPROVED** this, the 13<sup>th</sup> day of December, 2011.

  
\_\_\_\_\_  
Thomas C. Kuykendall, Jr., Mayor

**ATTEST:**

  
\_\_\_\_\_  
D. Gordon Offord, City Secretary

**ORDINANCE NO. 2011-1060**

**AN ORDINANCE OF THE CITY OF FULSHEAR TEXAS REVISING FEES CHARGED FOR DELINQUENT WATER & SEWER UTILITY SERVICES; 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 revise the fees charged for delinquent water and sewer utility services 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 delinquent water and sewer utility services within the City limits.

**SECTION 2.0**

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

- (a) A fee of \$7.00 per delinquent letter
- (b) A fee of \$30.00 per door tag – notice of delinquency
- (c) A fee of \$77.00 per disconnect/reconnect due to delinquency during business hours
- (d) A fee of \$100.00 per reconnect due to delinquency after business hours
- (e) A fee of \$100.00 per pulled meter reinstall due to delinquency during business hours
- (f) A fee of \$125.00 per reinstall meter due to delinquency after business hours
- (g) A fee of \$25.00 per transfer
- (h) A fee of \$35.00 per returned check on non-sufficient funds/stop payment
- (i) A fee of \$30.00 per turn off

**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**

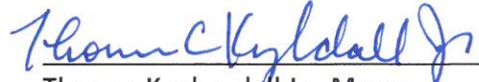
**REPEALING CLAUSE:** All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 6.0**

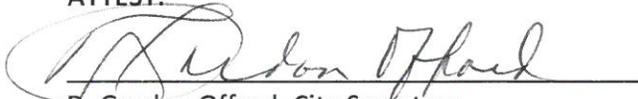
**EFFECTIVE DATE:** This Ordinance shall be effective on the first day following the date of adoption.

**SECTION 7.0**

**PUBLICATION:** The City Secretary/ Administrator 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 Kuykendall Jr., Mayor

**ATTEST:**

  
\_\_\_\_\_  
D. Gordon Offord, City Secretary



# CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

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## MEMO

To: City Council

CC: Mayor Kuykendall & Mr. Snipes

From: Kristi Brashear

Date: December 8, 2011

Re: Delinquent Water & Sewer Fees

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In review of the current fees charged to customers for delinquency, I have found that it is time to propose an increase in rates. The fees charged for delinquencies should be reviewed and adopted annually with the City budget. The last time these fees were reviewed for adoption was in 2008.

Customers in Fulshear are charged these fees in excess of their water and sewer bill as penalties when their account becomes delinquent. Under the current agreement between the City and SouthWest Water Company, the City agrees to pay SWWC specific fees for these kinds of services (See attached spreadsheet). Additionally, under this agreement the charges for service provided by SouthWest Water are based on the current CPI (Consumer Price Index) which SWWC evaluates annually to adjust our rates. As such, the rates the City has been charged for this service have increased, while the customer rates have stayed the same.

After evaluating the current rates billed to the customer versus the rates SWWC is charging the City I am recommending increases in the rate charged to the customer. The attached spreadsheet will show you what the charge is for, what the customer is being billed, and what SWWC is billing the City as well as my recommended increases.

Please note that I did not recommend increases for some of these fees, but merely ask that they be a pass through expense to the customer, while others I am recommending a substantial increase. For instance, the charge for an NSF check was increased significantly because we also incur bank charges for these types of transactions. Most businesses are charging a \$35.00 fee for any NSF check. The other proposed charges were designed to just be more uniform. There was no percentage basis for these changes. I did not use a specific method in how I calculated these fees. I met with Jason Demel last week and we discussed the proposed changes and evaluated how they compared with other districts and determined the recommended charges to be fair in comparison.

If you have any questions regarding this subject or would like to discuss with me further, please contact me.

Thank you,

  
Kristi J. Brashear

## Delinquent Billing Comparison

| Classification   | Billed to |           | New Proposed |                  |
|--|-----------|-----------|--------------|------------------|
|  | Customer  | by SWWC   | Customer     | Customer Billing |
| Turn Off   | \$ 26.18  | \$ 26.18  | \$           | 30.00            |
| Delinquent Letters   | \$ 6.60   | \$ 6.28   | \$           | 7.00             |
| Door Tag -Notice of Delinquency                              | \$ 25.00  | \$ 25.00  | \$           | 30.00            |
| Disconnect/Reconnect Due to Delinquency(during Bus. Hours)   | \$ 77.00  | \$ 38.68  | \$           | 77.00            |
| Reconnect Due to Delinquency(after Bus. Hours)               | \$ 100.00 | \$ 100.00 | \$           | 100.00           |
| Pulled Meter/Reinstall due to Delinquency(during Bus. Hours) | \$ 93.50  | \$ 89.00  | \$           | 100.00           |
| Reinstall due to Delinquency (after Bus. Hours)              | \$ 123.50 | \$ 100.00 | \$           | 125.00           |
| Transfer Fees  | \$ 22.00  | \$ 20.94  | \$           | 25.00            |
| NSF Check  | \$ 6.00   | \$ 6.28   | \$           | 35.00            |