



CITY OF FULSHEAR

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441
PHONE: 281-346-1796 FAX: 281-346-2556

CITY COUNCIL MINUTES

JANUARY 20, 2015

I. CALL TO ORDER

A Regular City Council Meeting was called to order on Tuesday, January 20, 2015 by Mayor Pro Tem, Stephen Gill, at 7:09 p.m. in the Fulshear City Hall located at 30603 FM 1093 Rd., Fulshear, Texas 77441.

Members Present:

Stephen Gill, Mayor Pro Tem

J. B. Collins

Tricia Krenek

Tajana Mesic

Jeff Roberts

Members Absent:

Thomas C. Kuykendall, Jr., Mayor

City Staff Present:

C. J. Snipes, City Administrator

Cheryl Stalinsky, Economic Development Director

Kenny Seymour, Chief of Police

J. Grady Randle, City Attorney

Kristina Brashear, Finance Director

Valerie Bryant, Municipal Court Clerk

Others Present:

S. Purcell

J. McJunkin

Laurie Szantay

Brian Begle

Jeanae Davidson

Chris Davidson

Dariel Garza

Norma Garza

Kaye Kahlich

Willie Mae Newsome

Noel Keeley

II. QUORUM

A quorum was present.

III. INVOCATION – Mark Welshimer, Pastor of First United Methodist Church, Fulshear, Texas

The Prayer was provided by Pastor Welshimer of the First United Methodist Church, Fulshear, Texas.

IV. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Gill led the audience in the Pledge of Allegiance to the flag.

V. CITIZEN COMMENTS – NO ACTION CAN BE TAKEN

There were no Citizens Comments.

VI. PUBLIC HEARING

Notice is hereby given that a Public Hearing shall be held by the City Council of the City of Fulshear at its meeting January 20, 2015 at 7:00 P.M. in the Fulshear City Hall, Council Chambers located at 30603 FM 1093 West, Fulshear, Texas 77441.

The Purpose of the hearing is to receive comments from interested individuals regarding requested Variance for Temporary Flag Pole Heights and larger flags for the following locations:

- 1)28688 ABILENE PARK CT. 4/1/1
- 2)28630 ABILENE PARK CT. 6/1/1
- 3)28626 ABILENE PARK CT. 7/1/1
- 4)28618 ABILENE PARK CT. 9/1/1
- 5)28607 ABILENE PARK CT. 11/1/1

A total of 5 houses (1-35' Pole each) model home park- Abilene Park-intersection of Abilene Park and Abilene Park Court (2-60' Pole). Applicant, Noel Keely, is requesting a variance for temporary flag heights and larger flags.

Model Home flag pole height (5-35; poles with 96 sq. ft. flag size) Model Home Park Pole Height (2-60' poles with 216 sq. ft. flag size)

A copy of the proposed Variance Request and attachments are available in the office of the City Secretary, City Hall, 30603 FM 1093 West, Fulshear, Texas 77441.

D.(Diana) Gordon Offord, City Secretary Posted: 1-6-2015

Mayor Pro Tem Gill opened the Public Hearing at 7:13 p.m. The audience was silent. Mayor Pro Tem Gill closed the Public Hearing at 7:14 p.m.

VII. CONSENT AGENDA

Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this rule is that a Council Member may request one or more items to be removed from the consent agenda for a separate discussion and action.

- A. CONSENT and APPROVAL of MINUTES from the DECEMBER 16 and DECEMBER 22, 2014 MEETINGS
- B. CONSENT and APPROVAL of INVESTMENT REPORT for the FIRST QUARTER for FISCAL YEAR 2014-2015
- C. CONSENT and APPROVAL of STREET ACCEPTANCE for CREEK FALLS at CROSS CREEK RANCH, SECTION TWO
- D. CONSENT and APPROVAL of STREET ACCEPTANCE for CREEK FALLS at CROSS CREEK RANCH, SECTION THREE
- E. CONSENT and APPROVAL of STREET ACCEPTANCE for CREEK COVE at CROSS CREEK RANCH, SECTION FIVE
- F. CONSENT and APPROVAL of STREET ACCEPTANCE for CREEK COVE at CROSS CREEK RANCH, SECTION SIX
- G. CONSENT and APPROVAL of UTILITY CONVEYANCE and SECURITY AGREEMENT for CREEK FALLS at CROSS CREEK RANCH, SECTION TWO
- H. CONSENT and APPROVAL of UTILITY CONVEYANCE and SECURITY AGREEMENT for CREEK FALLS at CROSS CREEK RANCH, SECTION THREE
- I. CONSENT and APPROVAL on UTILITY CONVEYANCE and SECURITY AGREEMENT for CREEK COVE at CROSS CREEK RANCH, SECTION FIVE
- J. CONSENT and APPROVAL on UTILITY CONVEYANCE and SECURITY AGREEMENT for CREEK COVE at CROSS CREEK RANCH, SECTION SIX

A motion was made by Council Member Roberts to approve the Consent Agenda. It was seconded by Council Member Krenek. The motion was carried by the following vote:

Ayes: Council Members Collins, Gill, Krenek, Mesic, Roberts

Nays: None

VIII. REPORTS

Reports are presented to Council for informational purposes only and no action may be taken on any item contained in a report with a specific actionable item listed under Business Items.

- A. REPORT from SEVERN TRENT WATER COMPANY (Repairs, New installations, and reports to TCEQ.)
Jason Demel presented the Severn Trent Water Company report to the Council. No action taken.
- B. REPORT from the POLICE DEPARTMENT (Traffic Citations, arrests, incidents, calls for service)
Kenny Seymour presented the Police Report to the Council. No action taken.
- C. REPORT from the MUNICIPAL COURT CLERK (Fees and Fines)
Valerie Bryant presented the Municipal Court Report to the Council. No action taken.
- D. REPORT from the BUILDING SERVICE DEPARTMENT (Permits issued, inspections)
C. J. Snipes presented the Building Service Report to the Council. No action taken.

IX. BUSINESS

**A. DISCUSSION OF PRESENTATION ANNOUNCING HGAC PARKS RECOGNITION FOR IRENE STERN
POLLINATOR GARDEN**

Mayor Pro Tem Gill announced the following: Special Recognition from Houston-Galveston Area Council /2014 Parks and Natural Areas Awards presented to the City of Fulshear for the Irene Stern Butterfly Garden.

Council Member Mesic announced that she and Mayor Kuykendall accepted the award on behalf of the City and gave a short overview of the project. The audience applauded.

**B. CONSIDERATION and POSSIBLE ACTION to APPROVE PAYABLES from DECEMBER 13, 2014 through
JANUARY 16, 2015**

A motion was made by Council Member Krenek to approve payables from December 13, 2014 through January 16, 2015. It was seconded by Council Member Collins. The motion was carried by the following vote:

*Ayes: Council Members Collins, Gill, Krenek, Mesic, and Roberts
Nays: None*

**C. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1173 REVISING the CITY'S
MAJOR THOROUGHFARE PLAN**

C.J. Snipes, City Administrator, gave an overview of the newly revised City's thoroughfare plan to include the new developing areas, Bois D' Arc Street and the collector streets. He shared the new map with the Council Members. There was a five minute discussion among the Council.

A motion was made by Council Member Krenek to approve Ordinance No. 2015-1173 revising the City's Major Thoroughfare Plan. It was seconded by Council Member Mesic. The motion was carried by the following vote:

*Ayes: Council Members Collins, Gill, Krenek, Mesic, and Roberts
Nays: None*

**D. CONSIDERATION and POSSIBLE ACTION to APPROVE REQUEST for VARIANCE for TEMPORARY FLAG
POLE HEIGHTS and LARGER FLAGS for the FOLLOWING LOCATIONS in the TAMARRON DEVELOPMENT:**

- 1) 28688 ABILENE PARK CT. 4/1/1
- 2) 28630 ABILENE PARK CT. 6/1/1
- 3) 28626 ABILENE PARK CT. 7/1/1
- 4) 28618 ABILENE PARK CT. 9/1/1
- 5) 28607 ABILENE PARK CT. 11/1/1

C. J. Snipes, City Administrator, stated that each time you grant a variance other doors are opened up.

There was approximately a ten minute discussion among Council and Mr. Neely regarding the height and purpose for the flags. Mr. Neely states the purpose for the flags are for marketing....to bring in the customers. It is for exposure so we can sell as many homes as we can. Mayor Pro Tem Gill asked for a motion. A motion was made by Council Member Roberts to approve request for variance for temporary flag poles heights and larger flags for the above noted locations.

Mayor Pro Tem Gill asked if there is a seconded. Council Member Mesic stated she has more questions. There was an exchange of question and answer between Mr. Neely and Council Member Mesic.

No Council Member seconded the motion.

Mayor Pro Tem Gill announced that the motion dies for lack of a seconded.

Mayor Kuykendall made his arrival at 7:54 p.m. and took charge of the meeting.

E. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1174 an ORDINANCE APPROVING PETITIONS for CONSENT to CREATION and SUPPORT of LEGISLATION for FULSHEAR MUNICIPAL UTILITY DISTRICT NOS. 4, 5, and 6 (THE DISTRICTS)

C. J. Snipes, City Administrator, gave an overview of the creation for MUD's 4,5, and 6 to the Council. Mr. Snipes stated that 4 and 5 are within the City limits and 6 is outside of the city limits. Normally the city would have a development agreement but developer is hoping to get approval from the legislators.

A motion was made by Council Member Krenek to postpone. It was seconded by Council Member Gill. Mayor Kuykendall asked if there were any other questions. Council Member Mesic had several questions. C.J. Snipes responded to her questions satisfactorily along with the Mayor and City Attorney.

Mayor Kuykendall asked for a vote regarding the postponing of Item E. The motion and second was carried by the following vote:

Ayes: Council Members Collins, Gill, Krenek, Mesic, and Roberts

Nays: None

F. CONSIDERATION and POSSIBLE ACTION to APPROVE RENEWAL of WATER and WASTE WATER SERVICES CONTRACT between the CITY and SEVERN TRENT

C.J. Snipes, City Administrator, suggested that item "F" be postponed due to we have more questions regarding the operation aspect and the finance portion.

A motion was made by Council Member Mesic to postpone Item F per request from City Administrator, C. J. Snipes. It was seconded by Council Member Krenek. The motion was carried by the following vote:

Ayes: Council Members Collins, Gill, Krenek, Mesic, and Roberts

Nays: None

X. EXECUTIVE SESSION – CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.

A GOVERNMENTAL BODY MAY CONDUCT A CLOSED MEETING TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.

SECTION 551.071, CONSULTATION with ATTORNEY; SPECIFICALLY SUB-SECTIONS:

- 1) WHEN the GOVERNMENTAL BODY SEEKS the ADVICE of its ATTORNEY ABOUT:
 - (A) PENDING or CONTEMPLATED LITIGATION; or
 - (B) A SETTLEMENT OFFER; or
- 2) ON a MATTER in which the DUTY of the ATTORNEY to the GOVERNMENTAL BODY under the TEXAS DISCIPLINARY RULES of PROFESSIONAL CONDUCT of the STATE BAR of TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.

Integrity Collision v. City of Fulshear

Mayor Kuykendall announced that Council would enter Executive Session at 8:00 p.m.

XI. RECONVENE AND TAKE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION IF DEEMED APPROPRIATE

Mayor Kuykendall reconvened back into Regular Session at 8:47 p.m. There were no items from Executive Session that required action to be taken.

XII. ADJOURNMENT

A motion was made by Council Member Mesic to adjourn. It was seconded by Council Member Collins. The motion was carried by the following vote:

Ayes: Council Members Collins, Gill, Krenek, Mesic, and Roberts

Nays: None


Thomas C. Kuykendall, Jr. –Mayor

Attest:


D. (Diana) Gordon Offord, TRMC/City Secretary