



# *CITY OF FULSHEAR*

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441  
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## **FULSHEAR CITY COUNCIL MEETING FEBRUARY 17, 2015**

### **I. CALL TO ORDER**

*A Regular City Council Meeting was called to order on Tuesday, February 17, 2015 by Mayor Thomas C. Kuykendall, Jr., at 7:00 p.m. in the Fulshear City Hall located at 30603 FM 1093 Rd., Fulshear, Texas 77441.*

**Members Present:**

*Thomas C. Kuykendall, Jr., Mayor  
Stephen Gill, Mayor Pro Tem  
J. B. Collins, Jr.  
Tricia Krenek  
Tajana Mesic  
Jeff Roberts*

**Members Absent:**

*None*

**City Staff:**

*D. (Diana) Gordon Offord, City Secretary  
C. J. Snipes, City Administrator  
Kristina Brasher  
Toni Velie  
Cheryl Stalinsky  
J. Grady Randle  
Jim Bjacek  
Valerie Bryant  
Jim Brown  
Kenny Seymour*

**Others Present:**

*Pastor Dale Olson  
Don McCoy  
And two others who did not sign in*

### **II. QUORUM**

*A quorum was present.*

### **III. INVOCATION –Pastor Dale Olson, New Creation Lutheran Church, Fulshear, Texas**

*The Prayer was provided by Pastor Dale Olson of the New Creation Lutheran Church, Fulshear, Texas.*

IV. PLEDGE OF ALLEGIANCE

*Mayor Kuykendall led the audience in the Pledge of Allegiance to the flag.*

V. CITIZEN COMMENTS – NO ACTION CAN BE TAKEN

*Pastor Olson stated that “family hope” is a new organization in town which offers assistance with food, shelter, counseling, and tutoring. He stated they are the only organization in town doing such a thing. He stated that their first fund raiser will be March 27, 2014 called “Family Hope Spring Gala”. He stated that we have 102 families in this area that need additional food on weekends. He hopes that you all (referring to the council) support that.*

*Don McCoy, Executive Director of Fulshear Area Chamber stated that he has a car available for each of them to ride in the St. Patrick’s Parade (March 14). The grand marshal will be Senator Lois Kolhorst. He stated the main purpose is to introduce new chamber assistant, Amy ?. She was confirmed today by our board and they will be able to take the chamber to new heights.*

VI. PUBLIC HEARING

Notice is hereby given that a public hearing shall be held by the Fulshear City Council at its meeting Tuesday, February 17, 2015 at 7:00 PM, 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 revisions to the City’s Zoning Ordinance. Specifically the addition of provisions including:

- 1) The addition of a definition for “gaming establishment”
- 2) Changes to the uses permitted by right in the commercial district and industrial district
- 3) Regulations for gaming establishments

A copy of the proposed Zoning Ordinance Amendments are available in the office of the City Secretary, City Hall, 30603 FM 1093 West, Fulshear, Texas 77441.

*Mayor Kuykendall opened the Public Hearing at 7:06 p.m. C. J. Snipes, City Administrator, stated this will restrict the use of used car lots and gaming industry both in the Commercial and Industrial Districts.*

*Mayor Kuykendall asked if there are any Public Comments. The audience was silent. Mayor Kuykendall closed the Public Hearing at 7:07 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 JANUARY 20 and JANUARY 29, 2014 MEETINGS
- B. CONSENT and APPROVAL of TAMARRON SECTION 11/FINAL PLAT
- C. CONSENT and APPROVAL of TAMARRON SECTION 13/FINAL PLAT

- D. CONSENT and APPROVAL of TAMARRON SECTION 25/FINAL PLAT
- E. CONSENT and APPROVAL of TAMARRON SECTION 30/FINAL PLAT
- F. CONSENT and APPROVAL of TAMARRON SECTION 33/FINAL PLAT
- G. CONSENT AND APPROVAL OF TAMARRON SECTION 16/PRELIMINARY PLAT
- H. CONSENT AND APPROVAL of FULSHEAR BEND DRIVE EXTENSION NO. 1/FINAL PLAT
- I. CONSENT AND APPROVAL of CREEK FALLS at CROSS CREEK RANCH/SECTION ONE/FINAL PLAT
- J. CONSENT AND APPROVAL of CREEK COVE at CROSS CREEK RANCH/SECTION SEVEN/FINAL PLAT
- K. CONSENT AND APPROVAL of CREEK COVE at CROSS CREEK RANCH/SECTION EIGHT/FINAL PLAT
- L. CONSENT AND APPROVAL of WEST CROSS CREEK BEND LANE EXTENSION NO. 2/FINAL PLAT

*Mayor Kuykendall asked if there was any discussion. (Note: Item G referencing Tamarron Section 16/Preliminary Plat should have been removed from the agenda) caught by Secretary when typing the minutes.*

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

*Ayes: Council Member Collins, Gill, Krenek, Mesic, and Roberts  
Nay: 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)  
*John Brown, Interim Building Official, presented the Building Service Department to the Council. No action taken.*

IX. BUSINESS

- A. CONSIDERATION and POSSIBLE ACTION to APPROVE PAYABLES from JANUARY 17, 2015 through FEBRUARY 13, 2015

*Council Member Mesic asked about the Wells Fargo Account...appears a lot of things are bunched under that account. Kristina Brashear, Finance Director, explained that the credit card is used by*

*different individuals. Ms. Brashear explained the process to Council Member Mesic. Mayor Kuykendall explained that there is a reconciliation process each month on each card (Ms. Brashear agreed) and stated that each account user/holder has to reconcile each month and then signed off by City Administrator, C. J. Snipes and then they come to Finance Department for approval. The conversation continued between Council Members and the Finance Director. Ms. Brashear, for approximately five minutes.*

*Council Member Mesic asked about budget item for \$1623.00 to Washington D.C. Mayor Kuykendall stated that Council approved a budget trip for Council to meet with our legislative body. The department of Justice has grants for our Police Department and if you voted on the budget that's what that expense is. Mayor Kuykendall stated some of the senators (such Senator Cruz) are hard to get a hold of and soon as we can, we will be finalizing the trip.*

*Council Member Krenek asked about the expense from the attorneys' office regarding an open record. J. Grady Randle, Attorney for the City, explained that some request has to get opinions from State Attorney General's office. Currently Mr. Snipes stated there are two request being worked on.*

*Ms. Mesic stated that accounts payable was low this month. Ms. Brashear stated one item added this afternoon which was tax rebate to the MUDs. Mayor Kuykendall stated these are for MUDs for 170, 171, and Fulshear Creek Crossings. Ms. Brashear stated these need to be paid by February 28. Mayor Kuykendall thanked Ms. Brashear for being present to give explanation regarding the payables.*

*A motion was made by Council Member Gill to approve payables from January 17, 2015 through February 15, 2015. It was seconded by Council Member Krenek. Mayor Kuykendall asked if there are any other questions. C.J. Snipes stated we need to include the tax rebate. Council Member Gill amended his motion to include the Tax Rebate on the payables to be approved. It was seconded by Council Member Krenek.*

*Council Member Mesic stated she would like to know more about the trip to Washington D. C. as she had not heard about it. Mayor Kuykendall stated there was a line item for travel and C. J. Snipes stated that this was for travel approved by Council for travel \$2000 per member for the ICS trip or this one. Mr. Snipes stated this was the allotted budget for those projects. We discussed this in October for our members to visit elected officials but there no direct Council action; it was part of the budget process.*

*Council Member Krenek stated we need to get back to our Agenda. Mayor Kuykendall stated we can have this as a budget item another time and called for a vote.*

*The motion was carried by the following vote:*

*Ayes: Council Member Collins, Gill, Krenek, and Roberts*

*Nays: Council Member Mesic*

*Mayor Kuykendall announced that motion pass.*

**B. CONSIDERATION of REPORT on STATUS of SOLID WASTE BILLING PROJECT**

*Kristina Brashear stated that the first billing this month from the City for Solid Waste was sent out this month. Recipients have been going on line to make payment and as the close of business today...(15) fifteen has been complete this day.*

*Mayor Kuykendall stated he wanted to thank Kristi, C.J., and Toni for the first mass billing from this office. He really appreciate all their effort. No action was taken.*

**C. CONSIDERATION of REPORT of ANNUAL POLICE RACIAL PROFILING REPORT**

*Kenny Seymour presented his Racially Profiling Report to the Council. He provided the City Secretary, D. (Diana) Gordon Offord with a copy of the report and stated it has already been filed with the State. Chief Seymour presents this report to Council each year. No action was taken.*

**D. CONSIDERATION of POLICE END of YEAR PRESENTATION**

*Chief Kenny Seymour presented a video to the Council. He explained to the Council the project called "Coffee with a Cop" has been a success. He stated that they also have a program which introduces teenagers to local enforcement and he feels it might help to mold some of the young people who may become interested in law enforcement, and also National Night Out event. Chief Seymour stated that his department has also participated with various other law enforcement groups such as swat team in Rosenberg. No action taken.*

*Mayor Kuykendall stated if there are no objections, he would like to take Items E and F together since they are closely related. Council was silent.*

**E. CONSIDERATION and POSSIBLE ACTION to APPROVE CALLING an ELECTION FOR MAY 9, 2015**

**F. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1175 an ORDINANCE of the CITY of FULSHEAR an ORDINANCE of the CITY of FULSHEAR PROVIDING for the HOLDING of a GENERAL ELECTION on MAY 9, 2015, for the PURPOSE of ELECTING TWO (2) ALDERMEN; to PROVIDE for APPOINTMENT of a NEW EARLY VOTING CLERK, the POLLING PLACE for EARLY VOTING, the TIME for EARLY VOTING, and the DATES for EARLY VOTING; AUTHORIZING the MAYOR or the CITY SECRETARY to EXECUTE and ATTEST, RESPECTIVELY, to the CONTRACT BETWEEN the CITY and FORT BEND COUNTY for the CONDUCT of a JOINT ELECTION**

*A motion was made by Council Member Krenek to approve Ordinance No. 2015-1175 an ordinance of the City of Fulshear for holding of a Joint election with County on May 9, 2015 for the purpose of electing two (2) alderman. It was seconded by Council Member Gill. The motion was carried by the following vote:*

*Ayes: Council Member Collins, Gill, Krenek, Mesic, and Roberts*

*Nays: None*

**G. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1176 an ORDINANCE of the CITY of FULSHEAR AMENDING ORDINANCE NO. 2012-1069 providing RULES and REGULATION of LAND USE, STRUCTURES, BUSINESSES and RELATED ACTIVITIES within the MUNICIPAL LIMITS of the CITY of FULSHEAR; PROVIDING for NEW DEFINITIONS of TERMS; REVISIONS to USES PERMITTED by RIGHT in the COMMERCIAL and INDUSTRIAL ZONES and RESTRICTIONS for GAMING ESTABLISHMENTS**

*A motion was made by Council Member Gill to approve Ordinance No. 2015-1176. It was seconded by Council Member Collins. The motion was carried by the following vote:*

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

H. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1177 an ORDINANCE of the CITY of FULSHEAR AMENDING ORDINANCE NO. 2012-1061 an ORDINANCE of the CITY of FULSHEAR REGARDING POLICE POSITION CLASSIFICATIONS and WORK PERIODS REVISING CERTAIN CLASSIFICATIONS and OVERTIME WORK PERIOD DESIGNATION

*C.J. Snipes, City Administrator, stated in 2012 elected to revise the shifts to twelve hours which created an 84 hour pay period for Police department and confusion as when the overtime would kick in. This ordinance clarifies that overtime will occur after 84 hours and two employees are in exempt status (Captain and Chief of Police).*

*A motion was made by Council Member Gill to approve Ordinance No. 2015-1177. It was seconded by Council Member Krenek. The motion was carried by the following vote:*

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

I. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1178 an ORDINANCE of the CITY of FULSHEAR AMENDING ORDINANCE NO. 2013-1123 REGARDING CONVENIENCE FEES for CREDIT CARD TRANSACTIONS PROVIDING for CLARIFICATION on POINT of SALE ISSUES and CERTAIN OTHER PROVISIONS

*A motion was made by Council Member Gill to approve Ordinance No. 2015-1178 with the amended date. It was seconded by Council Member Collins. The motion was carried by the following vote:*

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

J. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-266 a RESOLUTION of the CITY of FULSHEAR to APPROVE COLLATERALIZATION AGREEMENT BETWEEN the FULSHEAR 4A ECONOMIC DEVELOPMENT CORPORATION and COMMUNITY STATE BANK

*Kristina Brasher, Finance Director, stated both Economic Development Groups (4A &4B) were using Commercial State Bank. There was a problem with monies on deposit with the bank may not be covered. 4B group on last night decided to move their monies to a bank used by the City of Fulshear and the 4A group wishes to continue using a local bank within the City and signing a collateralization agreement with the bank so all monies are protected. Council continued to discuss for another five minutes.*

*A motion was made by Council Member Krenek to approve Resolution No. 2015-266 as amended. It was seconded by Council Member Collins. The motion was carried by the following vote:*

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

**K. CONSIDERATION and POSSIBLE ACTION to APPROVE ENHANCED ENERGY SERVICES to BEGIN NEGOTIATIONS TOWARDS the DEVELOPMENT of a NEW TWO (2) YEAR ENERGY CONTRACT on BEHALF of the CITY with POTENTIAL PROVIDERS**

*Bill Black, representative of Enhanced Energy Services, shared information with the Council regarding his company. There was an exchange of information between the Council and Mr. Black for approximately five minutes. Mr. Black explained that his company offer services to a lot of cities and assisted them with saving money on energy related services such as electric, gas, etc.*

*A motion was made by Council Member Mesic to approve enhanced energy services to begin negotiations towards the development of a new two (2) year energy contract on behalf of the City with potential providers. It was seconded by Council Member Krenek. The motion was carried by the following vote:*

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

**L. CONSIDERATION and POSSIBLE ACTION to APPROVE DEVELOPMENT AGREEMENT BETWEEN the CITY of FULSHEAR and FORT BEND JORDAN RANCH, L.P. for the DEVELOPMENT of a MASTER PLANNED COMMUNITY on a 1,352 ACRE TRACT**

*C. J. Snipes, City Administrator, recommends Council take no action on this item.*

*No action was taken by Council.*

**CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2015-267 A RESOLUTION OF THE CITY OF FULSHEAR TO OPPOSE TEXAS SENTATE BILL 182 PERTAINING TO CITY REVENUE CAPS.**

*Mayor Kuykendall stated this is a bill at the Texas State Legislator's office that has been introduced by Paul Betancourt to limit cities abilities to raise revenue. Currently under the law we are allowed to grow our budget about eight percent without it being contested through an election process. They want to reduced that down to four percent so as we have grown through the Police Department....we have exceeded that four percent. However, along with increasing our budget, we still reduced our property taxes from 20 percent to 17.8 percent. Council has been very responsible with handling the budget. The State Legislature is putting their hands where it should not be. Mayor Kuykendall stated that they should allow us to govern ourselves as City. Mayor Kuykendall pointed out that the Texas State Comptroller office takes two percent of our sales taxes which was about 90 million dollars to the State; Municipal Court sends a ton of money (refer to the pie chart) yet were the ones paying for staff and collecting all the fees. Mayor Kuykendall also pointed out the same helps with TCEQ and TxDot (Texas Department of Transportation). Mayor Kuykendall stated he plans to write a letter regarding this issue and meet with our State representatives. He stated they already know his position regarding this bill. Finally, he stated cities should be allowed to grow as City government sees fit to do so.*

*A motion was made by Council Member Gill to approve Resolution No. 2015-267 a Resolution of the City of Fulshear to oppose Texas Senate Bill 182 pertaining to the City Revenue Caps. It was seconded by Council Member Krenek. The motion was carried by the following vote:*

*Ayes: Council Member Collins, Gill, Krenek, and Roberts*

*Abstain: Council Member Mesic  
Mayor Kuykendall stated that the motion passes.*

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.

*Mayor Kuykendall stated that Council will enter into Executive Session at 9:10 p.m. A quorum was present.*

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

*Mayor Kuykendall stated that Council would reconvene into Regular Services at 9:44 p.m. A quorum was present.*

*Mayor Kuykendall asked if any action needs to be taken from Executive Session.*

*A motion was made by Council Member Krenek to authorize the Mayor to enter into a contract as discussed in Executive Session. It was seconded by Council Member Gill. The motion was carried forward by the following vote:*

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

XII. ADJOURNMENT

*A motion was made by Council Member Collins to adjourn at 9:47 p.m. It was seconded by Council Member Krenek. The motion was carried by the following vote:*

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

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

Attest:

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