



# *CITY OF FULSHEAR*

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

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## **FULSHEAR CITY COUNCIL MINUTES JUNE 16, 2015**

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

A Regular Meeting of the Fulshear City Council was called to order by Mayor Thomas C. Kuykendall, Jr., at 7:07 p.m. on June 16, 2015 in the Fulshear City Hall located at 30603 FM 1093, Fulshear, Texas and all citizens were welcomed.

#### Members Present:

Thomas C. Kuykendall, Jr., Mayor  
Jeff Roberts, Mayor Pro Tem  
Tricia Krenek  
Tajana Mesic  
Ramona Ridge  
Erin Tristan

#### Members Absent:

None

#### City Staff Present:

D. (Diana) Gordon Offord, City Secretary  
C. J. Snipes, City Administrator  
J. Grady Randle, City Attorney  
Valerie Bryant  
Bobbi Martin  
Kenny Seymour

#### Others Present:

Shannon Purcell  
Viola Randle  
Randy Emeril  
John Cannon  
Kaye Kahlich  
Stephen Gill  
And 11 others who did not sign in

### **II. QUORUM**

Mayor Kuykendall stated that all Council Members are present and a quorum available.

III. INVOCATION – Rev. Jackie Gilmore, Pastor of Zachery Baptist Church, Fulshear, Texas

Pastor Gilmore provided the Invocation.

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

Citizens wishing to address Council are reminded to limit their statements to three (3) minutes.

There were no Citizens' Comments.

VI. PUBLIC HEARING

The City of Fulshear, Texas proposes to institute annexation proceedings to enlarge and extend the boundary limits of said City to include the following described territory, to wit: St. Faustina Catholic Church is being developed on the north side of FM 1093 just to the west of Cross Creek Ranch entrance- See Exhibit A and B at the City Secretary's office located at 30603 FM 1093, Fulshear, Texas 77441.

Two (2) Public Hearings will be held by and before the City Council of the City of Fulshear, Texas on:

Place: Fulshear City Hall

Date: June 16, 2015

Time: 7:00 P.M.

Place: Fulshear City Hall

Date: June 16, 2015

Time: 7:15 P.M.

For all persons interested in the proposed annexation. At the said time and place all such persons shall have the right to appear and be heard. Of all said matters and things, all persons interested in the things and matters herein mentioned, will take notice.

Posted by D. Gordon Offord, City Secretary 22<sup>nd</sup> day of May, 2015

First Public Hearing opened at 7:10 p.m.

Cliff Aldridge, member of Church, stated that the campus consist of 33 acres and hope to be under construction within the next four months. There were no other comments

First Public Hearing closed at 7:11 p.m.

Second Public Hearing opened at 7:15 p.m. There were no comments.

Second Public Hearing closed at 7:16 p.m.

VII. PUBLIC HEARING

The City Council of the City of Fulshear hereby gives notice that a Public Hearing shall be held regarding a request from Fulshear Land Investment Partners, LTD to construct: Driveways/three access points along Fulshear Trace and one off FM 1093 (location: no address Southeast corner of the intersection of FM 1093 and Fulshear Trace) To view variance request and Site plan, contact City Secretary's office located at 30603 FM 1093, Fulshear, Texas 77441 and/or phone 281-346-1796 X204.

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Date: June 16, 2015

Time: 7:00 p.m.

Place: Fulshear City Hall

Interested parties may appear at the Public Hearing and be heard with respect to the variance application

Date Posted: 6-2-2015

Public Hearing regarding the driveways was opened at 7:12 p.m. C. J. Snipes, City Administrator, presented an overview to the Council regarding the location for the driveways. There were no Public Comments.

Public Hearing was closed at 7:14 p.m.

**VIII. 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 APRIL 30, 2015 and MAY 19, 2015 MEETINGS
- B. CONSENT and APPROVAL of CCR VENTURE/FINAL PLAT
- C. Consent and approval of FULBROOK on FULSHEAR CREEK/SECTION 8/PRELIMINARY PLAT
- D. Consent and approval of FULBROOK on FULSHEAR CREEK/SECTION 11/PRELIMINARY PLAT
- E. CONSENT and APPROVAL of FULBROOK on FULSHEAR CREEK/SECTION 12/PRELIMINARY PLAT
- F. CONSENT and APPROVAL of TAMARRON SECTION 57/FINAL PLAT
- G. CONSENT and APPROVAL of CROSS CREEK RANCH LIFT STATION NO. 5/PRELIMINARY PLAT
- H. CONSENT and APPROVAL of THE MARKET at CROSS CREEK RANCH SWC,LLC/FINAL PLAT
- I. CONSENT and APPROVAL of TAMARRON CROSSING SECTION 1/STREET DEDICATION SECTION 1/PRELIMINARY PLAT
- J. CONSENT and APPROVAL of TAMARRON CROSSING SECTION 2/STREET DEDICATION SECTION 2/PRELIMINARY PLAT
- K. CONSENT and APPROVAL of TAMARRON SECTION 32/PRELIMINARY PLAT
- L. CONSENT and APPROVAL of TAMARRON SECTION 33/PRELIMINARY PLAT
- M. CONSENT and APPROVAL of TAMARRON SECTION 35/PRELIMINARY PLAT
- N. CONSENT and APPROVAL of TAMARRON SECTION 36/PRELIMINARY PLAT

A motion was made by Council Member Roberts to approve items A through N on the Consent Agenda. It was seconded by Council Member Krenek.

Council Member Mesic had a question regarding the Lift Station No. 5. C.J. Snipes, City Administrator, responded. Response received was satisfactory.

Mayor Kuykendall called for a vote.

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The motion was carried by the following vote:

Ayes: Council Members Krenek, Mesic, Ridge, Roberts, and Tristan

Nays: None

**IX. 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 provided the Severn Trent Water Company report to Council. No action was taken.

**b. REPORT from the POLICE DEPARTMENT (Traffic Citations, arrests, incidents, calls for service)**

Kenny Seymour provided the Police Department Report to Council. No action was taken.

**c. REPORT from the MUNICIPAL COURT CLERK (Fees and Fines)**

Valerie Bryant provided the Municipal Court Clerk Report to Council. No action was taken.

**d. REPORT from the BUILDING SERVICE DEPARTMENT (Permits issued, inspections)**

C. J. Snipes, City Administrator, provided the Building Service Report to Council. No action was taken.

**X. BUSINESS**

**A. PRESENTATION of PROCLAMATION of HEROISM for the LIFEGUARDS, VOLUNTEERS and RESPONDERS ASSOCIATED with the JUNE 6, 2015 RESCUE of a CHILD**

**B. PRESENTATION of PROCLAMATION RECOGNIZING VOLUNTEER RESPONDERS to the BRAZOS RIVER FLOOD**

Mayor Kuykendall announced that items A and B would be postpone until the next meeting due to the weather conditions we are experiencing.

**C. CONSIDERATION and POSSIBLE ACTION to APPROVE CHECKS PAID and PAYABLES from MAY 16, 2015 to JUNE 12, 2015**

A motion was made by Council Member Krenek to approve checks paid and payables from May 16, 2015 to June 12, 2015. It was seconded by Council Member Tristan.

Council Member Mesic requested more documentation on attorney charges. Attorney Randle responded. Mayor Kuykendall stated we can provide as much documentation as need.

Mayor Kuykendall asked for a vote if there are no more questions. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan

Nays: None

**D. CONSIDERATION and POSSIBLE ACTION to APPROVE VARIANCE REQUEST from FULSHEAR LAND INVESTMENT PARTNERS, LTD to CONSTRUCT DRIVEWAYS (THREE ACCESS POINTS ALONG FULSHEAR TRACE and ONE off of FM 1093)**

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C. J. Snipes, City Administrator, explained the variance request to the Council regarding the driveways. There was a short question and answer among the Council. Council appeared satisfied with the responses.

A motion was made by Council Member Krenek to approve variance request from Fulshear Land Investment Partners, LTD to construct driveways (three access points along Fulshear Trace and one off FM 1093). It was seconded by Council Member Tristan. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan  
Nays: None

**E. CONSIDERATION and POSSIBLE ACTION to AMEND the MASTER SIGNAGE PLAN for FULBROOK on FULSHEAR CREEK CROSSING to INCLUDE INSTALLATION of ENTRY MONUMENT-SYMBOL for a CLOCK TOWER that will be located in the CENTER ESPLANADE of FULSHEAR TRACE**

C. J. Snipes, City Administrator, presented an overview to the Council regarding the monument sign.

Council Member Krenek asked about the lighting and sound of the sign. No information was provided.

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

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan  
Nays: None

Mayor Kuykendall requested the City Secretary contact the developer regarding lighting for the sign and also to include information regarding the sign. City Secretary, D. Offord, acknowledge receipt of the request.

**F. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1187 an ORDINANCE of the CITY of FULSHEAR PROVIDING for the REGULATION of PEDICAB BUSINESSES and OPERATIONS within the CORPORATE LIMITS of the CITY of FULSHEAR**

Council had a five minutes discussion regarding the operation of Pedi cab. Council Members were concerned for the safety of citizens and operators of the cab and who would be responsible for enforcement. Another issue was – would the cabs be operating in 35 mile per hour area or 55 mile per hour area?

A motion was made by Council Member Krenek to postpone Ordinance No. 2015-1187 an Ordinance of the City of Fulshear providing for the regulation of Pedi cab businesses and operations within the corporate limits of the City of Fulshear. It was seconded by Council Member Ridge. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan  
Nays: None

**G. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1188 an ORDINANCE of the CITY of FULSHEAR AMENDING ORDINANCE NO. 2012-1067 an ORDINANCE REGARDING the CITY'S**

**PARKS and RECREATION COMMISSION PROVIDING for an INCREASE in the NUMBER of CITIZEN REPRESENTATIVES from FIVE (5) to SEVEN (7)**

A motion was made by Council Member Mesic to approve Ordinance No. 2015-1188 an Ordinance of the City of Fulshear amending Ordinance No. 2012-1067 an Ordinance regarding the City's Parks and Recreation Commission providing for an increase in the number of Citizen Representatives from five (5) to seven (7). It was seconded by Council Member Ridge. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan  
Nays: None

**H. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1189 an ORDINANCE of the CITY of FULSHEAR appointing MUNICIPAL COURT JUDGES**

Council Member Krenek asked for clarification regarding how many ministrations would occur for the month. Valerie Bryant, Municipal Court Administrator, stated that some months have only two and other months seven. It just depends on what is occurring.

A motion was made by Council Member Krenek to approve Ordinance No. 2015-1189 and ordinance of the City of Fulshear appointing Municipal Court Judges. It was seconded by Council Member Ridge. The motion was carried by the following vote.

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan  
Nays: None

**I. CONSIDERATION and POSSIBLE ACTION to APPROVE REVISIONS to the CASH HANDLING POLICY for the CITY of FULSHEAR**

C. J. Snipes, City Administrator, provided a synopsis to the Council regarding change in handling cash policy.

A motion was made by Council Member Mesic to postpone to review the policy in its entirety. It was seconded by Council Member Ridge. Council Member Mesic withdrew this motion to postpone and made a new motion to postpone until the July meeting. It was seconded by Council Member Ridge. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan  
Nays: None

**J. CONSIDERATION and POSSIBLE ACTION to APPROVE AMENDMENT of the CITY'S CREDIT CARD POLICY and ALLOCATIONS**

C. J. Snipes, City Administrator, explained to the Council the change in amending the City's Credit Card Policy. Council was satisfied with the response.

A motion was made by Council Member Mesic to approve amendment of the City's Credit Card Policy and allocations. It was seconded by Council Member Tristan. The motion was carried by the following vote:

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Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan  
Nays: None

**K. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-275 a RESOLUTION of the CITY of FULSHEAR RATIFYING BANK SIGNATORIES for the CITY**

A motion was made by Council Member Mesic to approve Resolution No. 2015-275 a resolution of the City of Fulshear ratifying Bank Signatories for the City. It was seconded by Council Member Tristan. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan  
Nays: None

**L. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-276 a RESOLUTION of the CITY of FULSHEAR APPOINTING MEMBERS to the FULSHEAR 4A DEVELOPMENT CORPORATION**

A motion was made by Council Member Krenek to approve Resolution No. 2015-276 a resolution of the City of Fulshear appointing members to the Fulshear 4A Development Corporation. It was seconded by Council Member Roberts. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan  
Nays: None

**M. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-277 a RESOLUTION of the CITY of FULSHEAR APPOINTING MEMBERS to the FULSHEAR 4B DEVELOPMENT CORPORATION**

A motion was made by Council Member Ridge to approve Resolution No. 2015-277 a Resolution of the City of Fulshear appointing members to the Fulshear 4B Development Corporation. It was seconded by Council Member Krenek. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan  
Nays: None

**N. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-278 a RESOLUTION of the CITY of FULSHEAR APPOINTING MEMBERS to the FULSHEAR PARKS and RECREATION COMMISSION**

A motion was made by Council Member Krenek to approve Resolution No. 2015-278 a resolution of the City of Fulshear appointing members to the Fulshear Parks and Recreation Commission. It was seconded by Council Member Roberts.

Council Member Mesic asked how the members were chosen adding to the Parks Commission. Mayor Kuykendall responded to the question. Council was silent. Mayor Kuykendall called for a vote:

The motion was carried by the following vote:

Ayes: Council Members Krenek, Ridge, Roberts, and Tristan  
Nays: None  
Abstain: Council Member Mesic

**O. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-279 a RESOLUTION of the CITY of FULSHEAR APPOINTING MEMBERS to the FULSHEAR PLANNING and ZONING COMMISSION**

Mayor Kuykendall stated that one member of the PnZ (Planning and Zoning) Board has moved and he recommends Bill Heede as the replacement. Council discussed how he was chosen. Mayor stated he has participated in several events and had submitted an application to serve on this board. C. J. Snipes stated that Mr. Heede has been in the City for four years.

A motion was made by Council Member Krenek to approve Resolution No. 2015-279 a resolution of the City of Fulshear appointing members to the Fulshear Planning and Zoning Commission. It was seconded by Council Member Roberts. The motion was carried by the following vote:

Ayes: Council Members Krenek and Roberts

Nays: Council Members Mesic and Tristan

Abstain: Council Member Ridge

Mayor Kuykendall voted "ayes" to break the tie.

The motion carries to approve Bill Heede as new member to the PnZ Board.

**P. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-280 a RESOLUTION of the CITY of FULSHEAR APPOINTING MEMBERS to the ARCHITECTURAL DESIGN COMMITTEE**

A motion was made by Council Member Krenek to approve Resolution No. 2015-280 a resolution of the City of Fulshear appointing members to the Architectural Design Committee. It was seconded by Council Member Ridge. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan

Nays: None

**Q. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-281 a RESOLUTION of the CITY of FULSHEAR REPLACING and APPOINTING a MEMBER of the CITY'S CHARTER COMMISSION**

A motion was made by Council Member Krenek to approve Resolution No. 2015-281 a resolution of the City of Fulshear replacing and appointing a member of the City's Charter Commission. It was seconded by Council Member Ridge. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan

Nays: None

**R. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-282 a RESOLUTION of the CITY of FULSHEAR APPROVING the ANNEXATION of a CERTAIN 2.103 ACRE TRACT LAND into FORT BEND COUNTY MUD 182**

A motion was made by Council Member Roberts to approve Resolution No. 2015-282 a resolution of the City of Fulshear approving the annexation of a certain 2.103 acre tract land into Fort Bend County MUD 182. It was seconded by Council Member Krenek. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan

Nays: None

**S. CONSIDERATION and POSSIBLE ACTION TO APPROVE WHITLEY PENN TO CONDUCT CITY AUDIT FOR YEAR 2015 AND AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO SIGN THE ENGAGEMENT LETTER**

A motion was made by Council Member Mesic to approve Whitley Penn to conduct City audit for year 2015 and authorize the Mayor and City Administrator to sign the engagement letter. It was seconded by Council Member Krenek. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan  
Nays: None

**T. CONSIDERATION and POSSIBLE ACTION TO ACCEPT PETITION FOR ADDITION OF LAND FROM DHK FULSHEAR LP TO ANNEX 16.5573 ACRES OF LAND COMPRISED OF SIX TRACTS, INCLUDING: (i) a 0.7039 acre tract; (ii) a 10.010 acre tract; (iii) a 4.4841 acre tract; (iv) a 0.5857 acre tract; (v) a 0.0098 acre tract; and (vi) a 0.4069 acre tract. The total of said tracts is 16.5573 acres of land and is adjacent to the District. The 16.5573 acres of land is located within the previously approved PUD for Doug Konopka's development known as Fulshear Run.**

John Cannon, Attorney for DHK, presented an overview to Council regarding the proposed annexation. Also, Mr. Doug Konopka was present and provided input too. There was a short question and answer session between Council and DHK representatives. Council was satisfied with the Responses received.

A motion was made by Council Member Ridge to accept petition for addition of land from DHK Fulshear LP to annex 16.5573 acres of land comprised of six tracts, including: (i) a 0.7039 acre tract; (ii) a 10.010 acre tract; (iii) a 4.4841 acre tract; (iv) a 0.5857 acre tract; (v) a 0.0098 acre tract; and (vi) a 0.4069 acre tract. It was seconded by Council Member Krenek. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan  
Nays: None

**XI. 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 announced that Council would enter into Executive Session at 8:30 p.m. and a quorum was present.

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

Council reconvened into Regular Session at 8:45 p.m. and a quorum was present. Mayor Kuykendall asked if any action needed to be taken from Executive Session. Council Member Krenek stated "no".

**XIII. ADJOURNMENT**

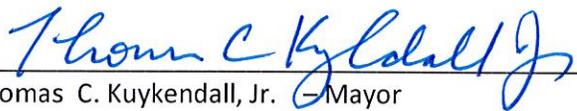
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A motion was made by Council Member Krenek to adjourn. It was seconded by Council Member Ridge. Mayor Kuykendall stated that a motion and second has been made that we adjourn at 8:46 p.m.

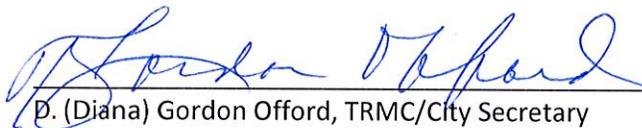
The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Ridge, Roberts, and Tristan  
Nays: None

Mayor Kuykendall announced that we are now adjourned.

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

Attest:

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