



CITY OF FULSHEAR

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441
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CITY COUNCIL MINUTES AUGUST 18, 2015

I. CALL TO ORDER

A Regular Meeting of the Fulshear City Council was called to order by Mayor Thomas C. Kuykendall, Jr. at 7:05 p.m. on Tuesday, August 18, 2015 at 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
Byron Brown, Asst. City Attorney
J. Grady Randle, City Attorney
Valerie Bryant
Kristina Brashear
Michelle Killebrew
Toni Velie
Lynn Raymer

Others Present:

Trevor Royal
Melvin Moore
Randy Emery
Bill Heede

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Continue- Others Present:

Cliff Aldrich

Victoria Vidaurri

Pat Mollere

Laurie Ezuly

Amy Pearce

Bill Archer

Kaye Kahlich

Zach Christrenson

Doug Konopka

Viola Randle

Jon Hanley

Bobby Deden

Barbara Wiley

Shannon Purcell

And 24 others who did not sign in

II. QUORUM

Mayor Kuykendall announced that a quorum was present.

III. INVOCATION-REVEREND JOHN CROWE, RIVERBEND BAPTIST CHURCH, FULSHEAR, TEXAS

Pastor Crowe provided the prayer.

IV. PLEDGE OF ALLEGIANCE

Xander Icaza from Troop No. 424 led the audience in the Pledge of Allegiance to the Flag.

V. CITIZEN COMMENTS – NO ACTION CAN BE TAKEN

Citizens who desire to address the City Council will be limited to three (3) minutes.

Trevor Royal introduced himself and Melvin Moore to the Council and audience. He stated that they plan to be present at future meetings.

Victoria Vidaurri stated she wanted to wait until the Council reached that item under Business and it is regarding the dark sky ordinance

Amy Pearce stated she is in favor of the proposed dark sky ordinance- (City Secretary has a copy of the comments read to the audience on file).

Bill Archer stated he would wait until Council reached that item on the agenda.

Doug Konopka applauded the City for their proactive move in looking at an ordinance which promotes against light pollution, conservation, and safety issues. (tapes are available to hear all of his comments)

Jon Hanley stated he would wait.

Barbara Wiley decline to speak. Mayor Kuykendall stated that he has heard from everyone except Victoria Vidaurri, Bill Archer, and John Hanley and they will speak when we get to the ordinance on lighting. Mayor thanked everyone for their comments.

VI. 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 JULY 21 and JULY 30, 2015 MEETINGS**
- B. CONSENT and APPROVAL of the 3RD QUARTER INVESTMENT REPORT**
- C. CONSENT and APPROVAL of ST. FAUSTINA CATHOLIC CHURCH/ CROSS CREEK RANCH/ FINAL PLAT**
- D. CONSENT and APPROVAL of SHOPS AT CROSS CREEK II/COMMERCIAL /PRELIMINARY PLAT**
- E. CONSENT and APPROVAL of FULSHEAR RUN/REVISED PLAT/ SECTION 1/FINAL PLAT**
- F. CONSENT and APPROVAL of THE BROOKS AT CROSS CREEK RANCH/SECTION 1/FINAL PLAT**

Council Member Mesic had a question regarding unrestricted reserve means. C. J. Snipes responded to Council Member Mesic. Council Member Roberts asked a question regarding Fulshear Run Plat. Bobby Deden, a representative of Fulshear Run, responded to Council Member Roberts. There was a short discussion among the Council, City Attorney and representatives of Fulshear Run. Council was satisfied with the responses received.

A motion was made by Council Member Mesic to approve the Consent Agenda as presented. 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.

VII. 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 report to Council from Severn Trent Water Company. No action was taken.

B. REPORT from the POLICE DEPARTMENT (traffic, citations, arrests, incidents, calls for service)

Chief Seymour presented the report to Council from the Police Department. No action was taken.

C. REPORT from the MUNICIPAL COURT CLERK (fees and fines)

Valerie Bryant presented the report to Council from the Municipal Court. No action was taken.

D. REPORT from the BUILDING PERMIT OFFICE (permit issued, fees, etc)

Michelle Killebrew presented the report to Council from the Building Permit Office. No action was taken.

VIII. BUSINESS

Mayor Kuykendall requested that item S of the Business Part be moved up. Council was silent. Refer to Item S for the results. (Item S listed on the Addendum to the Agenda as: **S: 3 Chief of Police Commendations**)

A. DISCUSSION of PRESENTATION and REPORT from LINEBARGER, GOGGINS, SAMPSON & BLAIR, LLC on COLLECTION EFFORTS

Mayor Kuykendall announced that Chip Sutton and Karen Vannerson (representatives from Linebarger Firm) are here to provide Council a report on their collection efforts.

Mr. Sutton provided an overview to the Council. He stated his report covers from July 2014 through July 2015. He gave a ten minute presentation regarding the collection of delinquent taxes. He also provided each Council Member with a copy of the report. He stated that their collection rate is about 40-45%.

No action was taken.

B. DISCUSSION of PRESENTATION by MCKINSTRY on AUTOMATED WATER METER SYSTEMS

C.J. Snipes, City Administrator, stated the City will be looking at going to automated water meters to provide more accuracy readings. This system will allow for the homeowner to go online and pull up their individual usage of water. He stated it is a great tool, we want to educate the public, and get an intelligent meter read.

Mr. Zachary Christensen introduced himself and Quinn Tolbert to the Council. He stated they are from McKinstry. Mr. Christensen provided approximately a 30 minute presentation to the Council. Mr. Christensen had a video on hand to share with the Council. Currently the city is using analog and individuals are sent to your homes or places of businesses to read meter. Mr. Christensen stated he was here to show a better way. Mr. Christensen shared studies with Council regarding automated water system and the savings in addition to having a 95% accuracy rate. (For the entire presentation you may request a CD copy from the City Secretary's office).

No action was taken.

C. CONSIDERATION and POSSIBLE ACTION to APPROVE CHECKS PAID and PAYABLES from JULY 18, 2015 to AUGUST 17, 2015

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Mayor Kuykendall stated that questions for the attorney should be addressed to C.J. as two or more might be asking the same question and that way it would be sent to the attorney once and you cannot expect the attorney to read all e-mails and handled questions without being charged for it. Mayor asked the Council to take that under consideration.

Council Member Krenek asked the attorney specific question regarding the attorney charges. Attorney Randle responded.

Council Member Mesic asked about e-mails. Attorney Randle responded and giving an example.

Council had approximately a 15-minute discussion regarding attorney fee charges on the payables. Council was very concerned with be responsible for using tax payers dollars wisely.

A motion was made by Council Member Ridge to approve Checks Paid and Payables from July 18, 2015 to August 17, 2015. 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.

D. DISCUSSION of PRESENTATION by CINDY LUONGO CASSIDY regarding OUTDOOR LIGHTING REGULATION also known as DARK SKIES

Cindy Cassidy presented to Council a 30-minute video regarding outdoor lighting explaining the pros and cons. Ms. Cassidy stressed the benefits of safety, security, wasted money and energy regarding outdoor lighting. Questions and answers were allowed during the presentation.

There were four residents who provided "public comments" during this presentation.

Victoria Vidaurri asked the question "how do you enforce this?" Several responses were provided.

Bill Archer stated he was in favor of the proposed ordinance and presented his argument to the Council.

John Hanley presented his argument of why he was in favor of the *proposed ordinance*.

Council Member Mesic read from several residents e-mails to her why they favored the ordinance.

Mayor Kuykendall thanked the audience for their comments.

E. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1194 an ORDINANCE of the CITY of FULSHEAR REPEALING and REPLACING ORDINANCE NO. 2007-952 REGULATING OUTDOOR LIGHTING

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There was approximately a ten minute debate among the Council regarding the outdoor lighting.

A motion was made by Council Member Mesic to postpone Ordinance No. 2015-1194 an ordinance of the City of Fulshear repealing and replacing Ordinance NO. 2007-952 regulating outdoor lighting. It was seconded by Mayor Pro Tem Roberts. The motion was carried by the following vote:

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

F. CONSIDERATION and POSSIBLE ACTION to ACCEPT 2015 TAX YEAR CERTIFICATIONS and ANTICIPATED COLLECTION RATE

A motion was made by Council Member Krenek to accept 2015 Tax Certifications and Anticipated collection rate. 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 PROPOSE the AD VALOREM TAX RATE for FISCAL YEAR 2015-2016 and SET PUBLIC HEARINGS for the CONSIDERATION THEREOF

A motion was made by Council Member Krenek to approve the proposed AD Valorem tax rate (\$0.161631 per \$100) for Fiscal Year 2015-2016 and set Public Hearings for September 1 and September 8, 2015 at Irene Stern Community Center. It was seconded by Mayor Pro Tem Roberts. The motion was carried by the following vote:

A roll call vote was done:

Council Member Mesic- aye
Council Member Krenek- aye
Council Member Roberts-aye
Council Member Ridge- aye
Council Member Tristan- aye

H. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1190 an ORDINANCE of the CITY of FULSHEAR REPEALING and REPLACING ORDINANCE NO. 82-573 an ORDINANCE of the CITY REGULATING FIREWORKS

There was about a twenty minute debate regarding the proposed fireworks ordinance among the Council Members. Council Member Krenek stated that she found it to criminalized transport in its current form.

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Council Member Tristan provided the pros and cons regarding possession.

A motion was made by Mayor Pro Tem Roberts to postpone Ordinance No. 2015-1190. It was seconded by Council Member Krenek. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, and Roberts

Nays: Council Member Tristan and Ridge

I. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1191 an ORDINANCE of the CITY of FULSHEAR REGULATING the use of HANDHELD DIGITAL DEVICES for OPERATORS of MOTOR VEHICLES within the MUNICIPAL LIMITS of the CITY of FULSHEAR

A motion was made by Council Member Krenek to postpone Ordinance No. 2015-1191 and ordinance of the City of Fulshear regulating the use of handheld digital devices for operators of motor vehicles within the municipal limits of the City of Fulshear. 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

J. CONSIDERATION and POSSIBLE ACTION to AUTHORIZE CITY APPLICATION for LIVABLE CENTER'S STUDY FUNDING through HGAC as PREPARED by KENDIG KEAST COLLABORATIVE

A motion was made by Council Member Mesic to authorize City Application for Livable Center's study funding through HGAC as prepared by Kendig Keast Collaborative. It was second by Council Member Krenek. The motion was carried by the following vote:

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

Nays: None

K. CONSIDERATION and POSSIBLE ACTION to AWARD BID for the DEVELOPMENT of a DEPOSITORY SERVICES CONTRACT for the CITY of FULSHEAR ACCOUNTS

A motion was made by Council Member Krenek to award bid to Wells Fargo for depository services. It was seconded by Mayor Pro Tem Roberts. The motion was carried by the following vote:

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

Nays: None

(Council Member Mesic had exited the Chamber Room at 10:29 p.m. before reading of this agenda item)

L. CONSIDERATION and POSSIBLE ACTION to APPROVE RENEWAL of CONTRACT between the CITY of FULSHEAR and BLACKBOARD CONNECT for PUBLIC INFORMATION SERVICES

A motion was made by Mayor Pro Tem Roberts to approve renewal of Contract between the

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City of Fulshear and Blackboard Connect for Public Information Services. It was seconded by Council Member Krenek. The motion was carried by the following vote:

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

Nays: None

(Council Member Mesic had exited the Chamber Room at 10:29 p.m. before reading of this agenda item)

M. CONSIDERATION and POSSIBLE ACTION to APPROVE CONTRACT between the CITY of FULSHEAR and KYTHE LLC for SALES TAX ANALYSIS SERVICES

(Council Member Mesic returned to the chamber room at 10:31 p.m. at start of reading this agenda item)

C. J. Snipes, City Administrator explained to the Council the services that Kythe LLC Sales Tax Analysis provides. Kristina Brashear, Finance Director, also provided an overview to the Council regarding the process of how the services works. Council Member Krenek asked about what type of training would be provided to staff. Council Member Mesic asked if the vendor would provide a workshop to Council. Mayor Pro Tem Roberts was curious to know where the data came from. There were several questions Council had regarding the services.

A motion was made by Council Member Mesic to postpone until a workshop can be provided to Council. It was seconded Council Member Tristan. Mayor Kuykendall stated that we have a motion and second that the contract be postpone until we have a workshop demonstrating capability.

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. 2015-283 a RESOLUTION of the CITY of FULSHEAR APPOINTING MEMBER to the ARCHITECTURAL DESIGN COMMITTEE

Mayor Kuykendall recommends that Bill Heede and Amy Pearce be the replacements for vacant board seats on the Architectural Design Committee. A motion was made by Council Member Krenek to approve Resolution No. 2015-283 a resolution of the City of Fulshear appointing member to the Architectural Design Committee.

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Council Member Tristan asked “where is it written that two Planning and Zoning Members are required to be on the Architectural Design Committee?”

Mayor Kuykendall stated he thought that how it was laid out in the original motion during the creation of the committee. C.J. Snipes, City Administrator, provided an answer to the Council.

Mayor Kuykendall asked if there are any other comments. Mayor Pro Tem Roberts stated that he stated he has nothing against Mr. Heede but on the committee already are three from Bois D’ Arc area and two from Cross Creek and no representatives from the downtown area. Council Member Ridge and Tristan stated their views regarding the selection of the new members. There was a short debate regarding the appoint of members to this committee among the Council Members.

Mayor Kuykendall called for a vote.

The vote was as follows:

Ayes: Council Member Krenek and Ridge

Nays: Council Member Mesic, Roberts, and Tristan

Mayor Kuykendall announced that the nays have it.

O. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-284 a RESOLUTION of the CITY of FULSHEAR CREATING and APPOINTING a SIGN ORDINANCE REVIEW COMMITTEE

A motion was made by Mayor Pro Tem Roberts to approve Resolution No. 2015-284 a resolution of the City of Fulshear creating and appointing a Sign Ordinance Review Committee. 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

P. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2015-285 a RESOLUTION of the CITY of FULSHEAR APPROVING FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 3 REQUEST to SUBDIVIDE into TWO DISTRICTS—FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 3A (493.86 acres) and FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 3B (859.15 acres)

A motion was made by Council Member Krenek to approve Resolution No. 2015-285 a resolution of the City of Fulshear approving Fulshear Municipal Utility District No. 3 request to subdivide into two districts - Fulshear Municipal Utility District No. 3A (493.86 acres) and Fulshear Municipal Utility District No. 3B (859.15 acres) effective 8-19-2015. 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

Q. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2015-286 a RESOLUTION of the CITY of FULSHEAR APPROVING the ANNEXATION of LAND (209.907 acres) by FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 156

A motion was made by Council Member Mesic to approve Resolution No. 2015-286 a resolution of the City of Fulshear approving the Annexation of Land (209.907 acres) by Fort Bend County Municipal Utility District No. 156. 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

R. CONSIDERATION and POSSIBLE ACTION to APPROVE RFQ for PROFESSIONAL SERVICES RELATED to FACILITIES PLANNING NEEDS

A motion was made by Council Member Krenek to approve RFQ for Professional Services related to Facilities Planning Needs. 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

S. 3 CHIEF OF POLICE COMMENDATIONS

First commendation was presented to Officer Travis Moore for outstanding initiatives. He was very resourceful in capturing a burglary suspect and making an arrest. The audience applauded.

Second commendation was presented to Officer Charles Scott (known as Charlie) for his outstanding initiatives. He was influential in capturing a suspect who robbed a store here in Fulshear and making an arrest. The audience applauded.

Mayor Kuykendall acknowledge the great job that the Police is doing.

Third commendation was presented to Officer Kevin Zieschang for his outstanding initiatives in capturing a suspect who had robbed a Weston Lakes resident leaving for work in the early morning hours and suspect was arrested and taking to the Fort Bend County Jail. The audience applauded.

Mayor Kuykendall announced that he would move back to regular business.

IX. ADJOURNMENT

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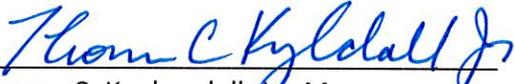
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A motion was made by Council Member Mesic to adjourn. It was seconded by Council Member Tristan. The motion was carried by the following vote:

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

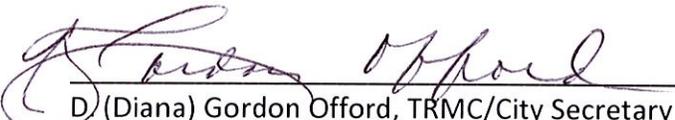
Nays: None

Mayor Kuykendall announced that we are adjourned at 10:55 p.m.



Thomas C. Kuykendall, Jr., Mayor

Attest:



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