



CITY OF FULSHEAR

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

CITY COUNCIL MINUTES SEPTEMBER 22, 2015

I. CALL TO ORDER

A Regular Meeting of the Fulshear City Council was called to order by Mayor Thomas C. Kuykendall, Jr., at 7:06 pm. On Tuesday, September 22, 2015 at Irene Stern Community Center located at 6920 Katy Fulshear Road, Fulshear, Texas 77441 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
Kenny Seymour, Chief of Police
Valerie Bryant, Municipal Court Clerk/Administrator
Michelle Killebrew, Building Official
Kristina Brashear, Finance Director

Others Present:

Mark Welshimer
Bill Heede
Shannon Purcell
Darla Bryson
Torey Sledge
Kaye Kahlich
Michael Cox

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Continue- Others Present:

Steve Sams
Tim Green
Todd Hamilton
Stephen Gill
Sean Lmoine

II. QUORUM

A quorum was present.

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

Pastor Welshimer provided the prayer.

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

There were no Citizens Comments.

VI. PUBLIC HEARINGS

PUBLIC HEARING ON FISCAL YEAR 2015-2016 BUDGET

The City Council of the City of Fulshear will hold a Public Hearing on a proposed City Budget for Fiscal Year 2015/2016 in a meeting beginning at 7:00 P.M. on September 22, 2015 at Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas 77441. Any person may attend and provide comments. A copy of the proposed budget is on file with the City Secretary office located at 30603 FM 1093 Road, Fulshear, Texas and on the Fulshear website (www.fulsheartexas.gov).

Note: In compliance with the Americans with Disabilities Act, this facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made at least 48 business hours prior to this meeting. Please contact the City Secretary's office at 281-346-1796 for additional information or to make a request.

Mayor Kuykendall announced that Public Hearing on Fiscal Year 2015-2016 Budget opened at 7:10 p.m.

Mayor Kuykendall announced that this year's budget will raise more property taxes than last year by \$197,000 plus and, of this amount, \$99,000 will be from new property being added to the tax rolls. He stated we are proposing the new tax rate which will be \$0,161631 per \$100. There were no comments from the audience. Mayor Kuykendall closed the hearing at 7:11 p.m.

PUBLIC HEARING- AMENDMENT TO THE CITY'S ZONING ORDINANCE

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Notice is hereby given that a Public Hearing shall be held by Fulshear City Council at its Regular Meeting as Follows:

Place: Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas 77441

Time: 7:00 P.M.

Date: September 22, 2015

The purpose of the hearing is to receive comments from parties in interest and citizens regarding revision the City's Zoning Ordinance. Change to the ordinance will include adoption of a zoning regulation regulating outdoor lighting for the purpose of promoting the public health, safety, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.

A copy of the proposed change to City's Zoning Ordinance is available in the office of the City Secretary City Hall, 30603 FM 1093 West, Fulshear, Texas 77441. Phone Number 1281-346-1796 X 204.

Note: In compliance with the Americans with Disabilities Act, this facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made at least 48 business hours prior to this meeting. Please contact the City Secretary's office at 281-346-1796 for additional information or to make a request.

Mayor Kuykendall announced that the Second Public Hearing is regarding a change to the Zoning Ordinance and opened at 7:12 p.m. Mayor Kuykendall stated it is regarding outdoor lighting and opened for comments. The audience was silent. Mayor Kuykendall announced that the Public Hearing is closed at 7:13 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 August 18, 2015 and August 24, 2015**
- B. CONSENT and APPROVAL of COCC/ ONE (1) COMMERCIAL RESERVE 3.36 ACRES/PRELIMINARY PLAT**
- C. CONSENT and APPROVAL of JORDAN RANCH SECTION 1/FINAL PLAT**
- D. CONSENT and APPROVAL of JORDAN RANCH SECTION 2/FINAL PLAT**
- E. CONSENT and APPROVAL of JORDAN RANCH SECTION 2A/FINAL PLAT**
- F. CONSENT and APPROVAL of JORDAN RANCH SECTION 3/FINAL PLAT**
- G. CONSENT and APPROVAL of JORDAN RANCH SECTION 5/FINAL PLAT**
- H. CONSENT and APPROVAL of JORDAN RANCH MODEL HOME PARK/ FINAL PLAT**

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Council Member Mesic had a questions regarding the plats. Ms. Killebrew responded and Council was satisfied with the response. Council Member Roberts had a question on the plats. Mr. Snipes, City Administrator, responded.

A motion was made by Council Member Mesic to approve the Consent Agenda with changing the wording on the plat to reflect commercial and not residential for item H. It was seconded by Council Member Ridge.

Mayor Kuykendall asked if there was any discussion? Council Member Krenek stated there is a correction needed on item A regarding the minutes. Attorney Randle stated that if any item is in question, it should be pulled from the Consent Agenda and handled separately.

Council Member Mesic withdrew her first motion. A motion was made by Council Member Mesic to approve C through H on the Consent Agenda. 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

A motion was made by Council Member Krenek to approve Item A with a correction on August 18, 2015 minutes. 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

A motion was made by Council Member Mesic to approve Item B with exception, a correction of wording to reflect commercial instead of residential property. 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

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.)

Mark Yentzen 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 SERVICE DEPARTMENT (Permits issued, inspections)

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

IX. BUSINESS

A. PRESENTATION of PROCLAMATION for PROSTATE CANCER AWARENESS (SEPTEMBER)

Mayor Kuykendall shared with the audience a proclamation on prostate Cancer Awareness and asked everyone to wear "blue" on Friday, September 25th.

B. PRESENTATION of PROCLAMATION for BREAST CANCER AWARENESS MONTH (OCTOBER)

Mayor Kuykendall shared with the audience a proclamation on Breast Cancer Awareness.

C. PRESENTATION on AUTOMATED WATER METER SYSTEMS by SEVERN TRENT

Mayor Kuykendall stated that Severn Trent is bring Council a presentation on automated water meters. Jason Demel, representative, introduced Tobi Sledge and Sara Burgess with Badger/Beacon AMA (automated meter reading). They presented to Council the process of automated meter reading and the pros and cons. It was approximately one hour presentation. Mr. Sledge explained that data is never lost. During the presentation there was a question and answer among the Council and Beacon representatives. The representatives offered the city to seek responses of satisfaction from customers they now serve. No action was taken.

D. CONSIDERATION and POSSIBLE ACTION to APPROVE CHECKS PAID and PAYABLES from AUGUST 18, 2015 to SEPTEMBER 11, 2015

There were several questions from the Council. Mr. Snipes, City Administrator, provided responses to the Council.

A motion was made by Council Member Roberts to approve Checks Paid and Payables from August 18, 2015 to September 11, 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

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 PROVIDING for the ENFORCEMENT of SAID ORDINANCE as an EXTENSION of the CITY'S ZONING and POLICE POWERS

C. J. Snipes, City Administrator, provided an overview regarding changes regarding the proposed outdoor lighting ordinance which includes due process and penalty adjustment.

A motion was made by Council Member Mesic to approve Ordinance No. 2015-1194 an ordinance of the City of Fulshear repealing and replacing Ordinance No. 2007-952 regulating outdoor lighting for the enforcement of said ordinance as an extension of the City's Zoning and police powers and subject to changes just stated by City Administrator, C.J. Snipes. 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

F. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1195 an ORDINANCE APPROVING and ADOPTING the CITY of FULSHEAR, TEXAS BUDGET for FISCAL YEAR 2015-2016; MAKING APPROPRIATIONS for the CITY OPERATIONS for SUCH YEAR as REFLECTED in SAID BUDGET; and CONTAINING OTHER PROVISIONS RELATING to the SUBJECT

Mayor Kuykendall thanked C. J. Snipes, Council, and department heads for all of their hard work during this budget process.

Mr. Snipes, City Administrator, outlined the final revisions of the budget to the Council. He provided figures and explanation for various areas of the budget.

A motion was made by Council Member Krenek to approve Ordinance NO. 2015-1195 and Ordinance approving and adopting the City of Fulshear, Texas budget for Fiscal Year 2015-2016; making appropriations for the City operations for such year as reflected in said budget; and containing other provisions relating to the subject. It was seconded by Council Member Tristan.

The motion was carried by the following roll call vote:

Roll Call:

Jeff Roberts- aye
Tricia Krenek- aye
Tajana Mesic- aye
Ramona Ridge- aye
Erin Tristan-aye

Mayor Kuykendall requested that we take a short break and then we will resume the meeting.

Mayor Kuykendall announced that we will now resume the meeting and start with Item G.

G. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-287 a RESOLUTION of the CITY of FULSHEAR ESTABLISHING a TIMELINE for the CONVEYANCE of PUBLIC IMPROVEMENTS to the CITY by DEVELOPERS, MUD's and OTHER ENTITIES

Mayor Kuykendall announced that there have been several discussions with C.J. and developers regarding accepting conveyances. He stated that he had a conversation with Rob Bamford who requested time to review and comment. Mayor Kuykendall stated that his recommendation is to postpone until the next city council agenda.

A motion was made by Council Member Tristan to postpone proposed Resolution No. 2015-287 a Resolution of the City of Fulshear establishing a timeline for the conveyance of Public Improvements to the City by developers, MUD's and other entities. 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

H. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-288 a RESOLUTION of the CITY of FULSHEAR DESIGNATING the WEST FORT BEND BUZZ as the OFFICIAL PAPER of RECORD for the CITY

A motion was made by Council Member Mesic to approve Resolution No. 2015-288 a Resolution of the City of Fulshear designating the West Fort Bend Buzz as the official paper of record for the City subject to correction of name on the Resolution. 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

I. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-289 a RESOLUTION of the CITY of FULSHEAR APPROVING the FISCAL YEAR 2015-2016 HOLIDAY SCHEDULE

A motion was made by Council Member Krenek to approve Resolution No. 2015-289 a Resolution of the City of Fulshear approving the Fiscal Year 2015-2016 holiday schedule. 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

J. **CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-290 a RESOLUTION of the CITY of FULSHEAR APPOINTING a DELEGATE and ALTERNATE to the HGAC GENERAL ASSEMBLY**

A motion was made by Council Member Krenek to approve Resolution No. 2015-290 a Resolution of the City of Fulshear appointing Mayor Kuykendall as the delegate and Ramona Ridge as the alternate to the H-GAC General Assembly. 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

K. **CONSIDERATION and POSSIBLE ACTION to APPROVE CONTRACT for DEPOSITORY SERVICES BETWEEN the CITY of FULSHEAR and WELLS FARGO**

A motion was made by Council Member Tristan to approve contract for Depository Services between the City of Fulshear and Wells Fargo. 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

L. **CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-291 a RESOLUTION of the CITY of FULSHEAR APPROVING CAPITAL and EQUIPMENT ITEMS PURCHASED for CERTAIN DEPARTMENTS**

A motion was made by Council Member Krenek to approve Resolution NO. 2015-291 a Resolution of the City of Fulshear approving Capital and Equipment items purchased for certain departments. 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

M. **CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-292 a RESOLUTION of the CITY of FULSHEAR APPROVING a SIXTY (60) DAY EXTENSION to the DEADLINE for the CITY and FULSHEAR MUD's 3A and 3B to FINALIZE an AMENDMENT to the UTILITY AGREEMENT as REQUIRED by SECTION 4.3 of the DEVELOPMENT AGREEMENT BETWEEN the CITY of FULSHEAR and FORT BEND JORDAN RANCH, L.P.**

Both C.J. Snipes, City Administrator, and J. Grady Randle, City Attorney, provided an explanation to the Council regarding this item. Answers provided were satisfactory to the Council.

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A motion was made by Council Member Mesic to approve Resolution No. 2015-292 a Resolution of the City of Fulshear approving a sixty (60) day extension to the deadline for the City and Fulshear MUD's 3A and 3B to finalize an amendment to the Utility Agreement as required by Section 4.3 of the Development Agreement between the City of Fulshear and Fort Bend Jordan Ranch, L.P. subject to removing the September 15, 2015 deadline. 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 NOMINATE CANDIDATE for the TML MULTI-STATE INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL BOARD of TRUSTEES from TML REGION 14

C. J. Snipes, City Administrator, provided information regarding the proposed nominee, Jay Stokes, to the Council.

A motion was made by Council Member Ridge to nominate candidate Jay Stokes for the TML Multi-State Intergovernmental Employee Benefits Pool Board of Trustees from TML Region 14. 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

O. CONSIDERATION and POSSIBLE ACTION to APPROVE LEASE AGREEMENT BETWEEN the CITY of FULSHEAR and STEFANO RATCLIFF INTERESTS, INC.

A motion was made by Council Member Ridge to approve Lease Agreement between the City of Fulshear and Stefano Ratcliff Interests, Inc. It was seconded by Council Member Tristan.

Mayor Kuykendall asked if there were any questions? Council Member Mesic had questions regarding Item 17 on the agreement. Mr. Snipes, City Administrator, provided a response.

Mayor Kuykendall called for a vote. 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 and ADOPT ORDINANCE NO. 2015-1196 an ORDINANCE PROVIDING for the ASSESSMENT, LEVY, and COLLECTION of AD VALOREM TAXES of the CITY of FULSHEAR, TEXAS for the YEAR 2016 and 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 in CONFLICT

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A motion was made by Council Member Krenek to approve and adopt Ordinance NO. 2015-1196 an ordinance providing for the Assessment, Levy, and Collection of Ad Valorem Taxes of the City of Fulshear, Texas for the year 2016 and 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 in conflict. It was seconded by Council Member Tristan.

Mayor Kuykendall stated this would set our tax rate at \$0.161631 per \$100 value. Mayor said we will now take a roll call vote. The motion was carried by the following vote:

Roll Call Vote:

Jeff Roberts- aye
Tricia Krenek-aye
Tajana Mesic-aye
Ramona Ridge-aye
Erin Tristan-aye

Mayor Kuykendall announced that we have five (5) ayes.

Q. CONSIDERATION and POSSIBLE ACTION to APPROVE INTERLOCAL AGREEMENT between the CITY of FULSHEAR and the HOUSTON-GALVESTON AREA COUNCIL for PARTICIPATION in the DWI TASK FORCE PROGRAM

C. J. Snipes, City Administrator, provided an explanation to Council regarding this item.

A motion was made by Council Member Mesic to approve Interlocal Agreement between the City of Fulshear and the Houston-Galveston Area Council for participation in the DWI Task Force Program. 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 would take item R and S together.

R. CONSIDERATION and POSSIBLE ACTION to APPROVE JORDAN RANCH BLVD and JORDAN CROSSING BLVD. STREET DEDICATION NO. 1/FINAL PLAT

S. CONSIDERATION and POSSIBLE ACTION to approve of JORDAN RANCH BLVD. WALLER COUNTY STREET DEDICATION NO. 2/ FINAL PLAT

C. J. Snipes, City Administrator, explained to Council that these two plats were denied by Planning and Zoning Commission as there had been some discussion to include "Fulshear" as part of the name. The developer chose to make an appeal to Council as they felt they had met all of the requirements. Mr. Snipes introduced Michael Cox, representative from Johnson Development and

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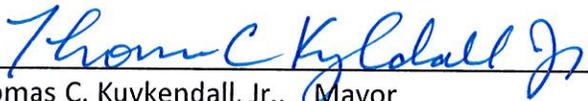
the Vice President of Fort Bend Jordan Ranch to present their side. Mr. Cox explained to the Council that he is under a very strict guide line. There was approximately a 30 minute debate regarding this issued. Mr. Cox expressed that it is their intention to get the name Fulshear included in these two names but currently do not have the opportunity to make this change with TX Dot and keep the scheduled deadline. (for all the specific details, you may request a copy of the tape)

X. ADJOURNMENT

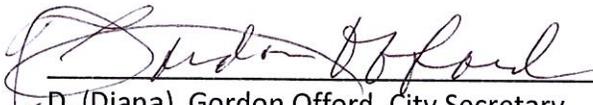
A motion was made by Council Member Tristan to adjourn. It was seconded by Council Member Mesic. The motion was carried by the following vote:

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

Nays: None


Thomas C. Kuykendall, Jr., Mayor

Attest:


D. (Diana) Gordon Offord, City Secretary