



# *CITY OF FULSHEAR*

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

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

A Regular Meeting of the Fulshear City Council was called to order by Mayor Thomas C. Kuykendall, Jr., on Tuesday, November 17, 2015 at 7:07 p.m. in the Irene Stern Community Center located at 30603 FM 1093 Road, 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

#### City Staff Present:

D. (Diana) Gordon Offord, City Secretary  
Michelle Killebrew, Building Official  
C. J. Snipes, City Administrator  
Lynn Raymer  
J. Grady Randle, City Attorney  
Bryan Brown, Asst. City Attorney  
Valerie Bryant, Municipal Court Administrator  
Kristina Brasher, Finance Director  
Kenny Seymour, Chief of Police

#### Others Present:

G.W. Archer  
Manuel Renteria  
Randy Stacy  
Owen BeMent  
Sherri BeMent  
Kim Stacy  
Lynn Raymer  
Mark Burzinski  
Sam Burzinski  
Angie Lutz  
Laurie Szantay

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**Continue – Others Present:**

Clay Stewart  
Quinton Merritt  
Jason Keeling  
Don McCoy  
Bill Heede  
Ed Krenek  
Clatesh Whited  
Todd Schuh  
Kristen McGaughy  
Kathy Ward  
Viola Randle  
Ken Knapp  
Nolan Donald  
Julie Dowdall  
Randy Katz  
Steve Bigelow  
James Molina  
Eric Johnson  
Steve Sams  
Erma Beal  
Stephen Gill  
Patricia Cornelius  
Sig Cornelius  
And 14 others who did not sign in

**II. QUORUM**

A quorum was present.

**III. INVOCATION- REV. NOLAN DONALD, PASTOR of WORDSERVE UNITED METHODIST CHURCH, FULSHEAR, TX**

Pastor Donald 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**

Don McCoy, Executive Director for the Fulshear Chamber of Commerce, invited everyone to attend the December 9<sup>th</sup> meeting which will be celebrating “City Officials Day”, tree lighting on November 27<sup>th</sup>, and Fulshear Festival of Lights on December 5<sup>th</sup>.

Ed Krenek- stated he wait until Council get to item 8B to respond.

Bill Archer-comments regarding the tree ordinance. Mr. Archer states he has not seen final draft but support such as ordinance. For all comments seek copy of tape recording.

Owen BeMent- He stated he would wait until item B comes up to make his comments.

Laurie Szantay- She stated she would wait until item B comes up to make her comments.

Clay Stewart- He also wanted to wait until item comes up to make his comments.

Quinton Merritt- shared with the Council regarding his equipment company (Pump & Power) and an incident that occurred. He is asking for consideration with the City of Fulshear in getting the matter resolved. (For all comments seek a copy of the tape recording.)

Jason Killey- shared with Council his view on the same incident. (For all the comments seek a copy of the tape recording.)

Mayor Kuykendall thanked everyone for their comments and will receive the others during the regular meeting.

**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 November 17, 2015 meeting at 7:00 p.m. in the Fulshear City Hall, Council Chambers located at 30603 FM 1093, Fulshear, Texas 77441. The purpose of the hearing is to receive comments from interested individuals regarding request for Special Use Permit.

The property owner has requested for a Special Use Permit to allow a business/Christian Brothers Automotive Repair Store. Project Site location: 6150 FM 1463 Road, Fulshear, Texas (1.077 acre tract of land out of the Southerland Survey, Abstract No. 421) Property Owner: Landmark Industries, 1111 Wilcrest Green Drive Suite 100, Houston, Texas 77042

Mayor Kuykendall opened the Public Hearing at 7:24 p.m.

C.J. Snipes, City Administrator, stated that this auto repair shop is not allowed under the city's current zoning ordinance and that is why this request is being made. The original request was for both business and signage consideration, however, the signage request was denied by Planning and Zoning Commission. The requestor is aware that only the business itself is being considered by the Council.

Mayor Kuykendall asked if there are any other comments. He closed the Public Hearing at 7:25 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 FULBROOK ON FULSHEAR CREEK SECTION 8 /FINAL PLAT
- B. CONSENT and APPROVAL of ROSEDALE-KIDDOS RANCH DAY CARE/PRELIMINARY PLAT
- C. CONSENT and APPROVAL CREEK COVE AT CROSS CREEK RANCH/SECTION 10/ PRELIMINARY PLAT

**D. CONSENT and APPROVAL of JORDAN RANCH SECTION 4/FINAL PLAT**

**E. CONSENT and APPROVAL of SHOPS at CROSS CREEK PHASE II- FINAL PLAT**

**F. CONSENT and APPROVAL of MINUTES from the OCTOBER 20, 2015 MEETING**

Council Member Mesic stated she wants changes to the minutes of October regarding item 8C.

Council Member Mesic requested change to the minutes of October 20, 2015 to add, "Council Member Mesic stated to postpone until administration received self-serve product pricing so that the City's data is not compromised."

Council Member Krenek asked C. J. Snipes, City Administrator a question regarding Item A Section 8 on Fulbrook Final Plat. Ms. Krenek stated she thought it was recommended to be increased to 60ft per subdivision ordinance. Mr. Snipes stated that they submitted two preliminary plats and that note was removed. They have a provision in their subdivision agreement which allows them to narrow their streets.

A motion was made by Council Member Mesic to approve the Consent Agenda with the amendments to 7F as requested. It was seconded by Council Member Ridge. Mayor Kuykendall stated a motion and second has been made to approve the Consent Agenda with one exception noted.

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 Company. No action was taken.

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

Chief Kenny 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 Service Department. No action was taken.

**VIII. BUSINESS**

**A. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1199 an ORDINANCE of the CITY of FULSHEAR ACCEPTING a DONATION of a CERTAIN ACRE TRACT of LAND for use as PRIMROSE PARK from SIG and PATRICIA CORNELIUS**

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A motion was made by Council Member Mesic to approve Ordinance No. 1199 and ordinance of the City of Fulshear accepting a donation of a certain acre tract of land for use as Primrose Park from Sig and Patricia Cornelius. It was seconded by Council Member Ridge.

Mayor Kuykendall gave a synopsis of how the donation of land (ten acres) for the park came about. He also asked Sig and Patricia Cornelius to stand and the audience applauded.

The motion was carried by the following vote:

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

Nays: None

**B. PRESENTATION by and DISCUSSION of PRELIMINARY REPORT from the HOME RULE CHARTER COMMISSION**

Mayor Kuykendall made a few comments. He pointed out the City's seal to the audience. He stated it had three dates on the seal. 1824 stands for land grant; 1900 platting of old town; and 1977 city's incorporation. He stated that now the City has reached the 5,000 mark (population wise). There is now an opportunity for the City to become "Home Rule". Mayor Kuykendall explained the difference between General Law and Home Rule. He provided a short overview regarding the growth the City. Mayor Kuykendall stated that the City's seal currently has three dates and with the creation of a home rule city we may be able to add a third. (A copy of the tape recording is available for all of the comments).

Mayor Kuykendall stated he would now accepts Citizens Comments from those who wanted to wait until this agenda item came up.

Randy Katz stated he disagrees with at large positions for the Council. He talked about the legal and political impact of what this charter is trying to do. He stated he deeply disagrees with what they are trying to do to master planned communities of Fulshear. (tape recording is available for all of the comments).

Ed Krenek stated he wanted to address statements and attacks on the charter committee. He stated the charter is trying to promote a democratic way of doing things yet false statements are saying otherwise. (tape recording is available for all of the comments).

C. J. McDaniel, chairman of Charter Commission, stated that the Mayor selected 13 individuals who are very interested in Fulshear and residents of this community. Mr. McDaniel stated they would continue to take their work very seriously. He stated that the commission has spent a great deal of time devoted to this project and thanked everyone for their continued support. He stated they would continue working and try to present the best document for all the citizens of Fulshear. (tape recording is available for all of the comments).

J. Grady Randle, City Attorney, gave a short overview and presented a document to the Council of what the charter commission has already done. He stated the commission is about 3 meetings of completing its work. Attorney Randle presented a light of changes from current government to the proposed government. He stated this is only a draft version and the final version will come in January. (tape recording is available for all of the comments).

Currently we have five member at large positions.

Charter proposes to change to 7 member Council which includes five members from districts and two at large positions (these would be blended in over time). Where the districts will be located is an unknown at this time.

Attorney Randle stated the charter proposes a City Manager form of government (meaning the City Manager runs the day to day operation of the city) He gave an example between Dallas (run by City Manager) and Houston (run by Mayor). He stated most home rule are City Manager government.

Mayor Kuykendall requested that send your questions to C.J. and he can get to the appropriate staff for a response. There was a short question and answer period between the attorney and Council.

Attorney Randle stated if this charter does not go on the May election then is subject for a November election which is not a city election time.

No action was taken on this item.

**C. PRESENTATION and DISCUSSION of the FULSHEAR POLICE FOUNDATION**

Clay Stewart, founder of the Fulshear Police Foundation. He presented a ten minute overview of this newly form foundation, purpose, and how the funds will be used. He stated that it is a 501-C3 non-profit organization and is funded by local businesses and individual donations. He stated this foundation will not fund any political candidate and stressed the importance of receiving proper training. (tape recording available for all of the comments).

No action was taken on this item.

**D. DISCUSSION OF POTENTIAL TREE ORDINANCE as FUTURE WORKSHOP ITEM**

Mayor Kuykendall stated a workshop is planned for December 1, 2015. Mayor Kuykendall asked for other comments from the public.

Owen BeMent stated he knows a little about trees. He stated that the draft ordinance he received on yesterday is a bad ordinance for the city and also a fine was noted but no specific amount. He stated that section 7 of the ordinance prevents him from removing an old fig tree that is non-bearing. He had many other comments (tape recording available for all of the comments.) Mr. BeMent provided a copy of his comments to each Council Member. (the timer went off before he could finish all of his comments.)

Council Member Mesic stated that the tree ordinance is not meant to harm single family home owners. It is to govern developments which destroys many trees through development and re-development. Council Member Mesic stated she is currently research other cities ordinances regarding trees and taking comments under consideration from all citizens and other stakeholders. (tape recording available for all of the comments).

Council Member Krenek asked that updates on ordinances be provided on the city's website.

Council Member Ridge stated the purpose of this ordinance is to keep with the small town charm of the city and not to harm residents who wants to build a pool in their back yard.

Mayor Kuykendall asked if there are any further comments. The audience was silent. He stated, if there are send them to the Council.

**E. CONSIDERATION and POSSIBLE ACTION to approve Ordinance No. 2015-1200 an Ordinance ACCEPTING PETITION for ANNEXATION of a CERTAIN 270.482 ACRE TRACT into the MUNICIPAL LIMITS of the CITY of FULSHEAR by PROPERTY OWNERS: FULSHEAR INVESTMENTS, INC. and FULSHEAR EQUINE, LLC**

A motion was made by Council Member Mesic to approve Ordinance No. 2015-1200 an ordinance accepting petition for annexation of a certain 270.482 acre tract into the Municipal limits of the City of Fulshear by property owners: Fulshear Investments, Inc. and Fulshear Equine, LLC. 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

**F. DECISION: ELECTION BALLOT for the 2016-2017 FORT BEND CENTRAL APPRAISAL DISTRICT BOARD of DIRECTORS ELECTION. FIVE CANDIDATES. CITY of FULSHEAR/VOTING ENTITLEMENT-4**

Council Member Krenek wanted to know if these individuals are nominated or someone who just signs up for the positions. C. J. Snipes, City Administrator, stated these individuals have served before and quite controversial. There was approximately a five minute debate among the Council Members.

No action was taken on this item.

Mayor Kuykendall called for a five minute recess.

Mayor Kuykendall called for the Regular Meeting to resume. A quorum was present.

**G. CONSIDERATION and POSSIBLE ACTION to APPROVE CHECKS PAID and PAYABLES from OCTOBER 19, 2015 to NOVEMBER 13, 2015**

A motion was made by Council Member Krenek to approve checks paid and payables from October 19, 2014 to November 13, 2015. 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 a SPECIAL USE PERMIT to ALLOW an AUTOMOTIVE REPAIR BUSINESS/CHRISTIAN BROTHERS AUTOMOTIVE REPAIR STORE to be LOCATED at 6150 FM 1463 RD, FULSHEAR, TX which lies WITHIN an AREA ZONED as C-1 COMMERCIAL**

A motion was made by Council Member Mesic to approve a Special Use Permit to allow an automotive repair business/Christian brothers automotive repair store to be located at 6150 FM 1463 rd., Fulshear, TX which lies within an area zoned as c-1 commercial. 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 BID and AWARD PROFESSIONAL SERVICES AGREEMENT for FORENSIC ENGINEERING with HVJ ASSOCIATES, INC of HOUSTON**

Mayor Kuykendall recommends that this agreement be accepted.

There were several questions from different Council Members. A short discussion continued for approximately five minutes among the Council.

A motion was made by Council Member Krenek to approve bid and award Professional Services Agreement for Forensic Engineering with HVJ Associates, Inc. of Houston. 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 AWARD PROFESSIONAL SERVICES AGREEMENT for ARCHITECTURAL and FACILITIES PLANNING SERVICES**

Mayor Kuykendall stated that the purpose of this agreement to help the City facilitate its needs for future city buildings. Council Member Mesic voiced her opinion to the Council.

A motion was made by Council Member Krenek to award Professional Service Agreement for Architectural and Facilities Planning Services to Randall Scott Architect. 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

**K. CONSIDERATION and POSSIBLE ACTION to APPROVE BID and AWARD PROFESSIONAL SERVICES AGREEMENT for the BROADCAST/ STREAMING of CITY COUNCIL MEETINGS**

C.J. Snipes, City Administrator, explained to Council that \$48,000 was set aside in the budget for this item and they have looked at a number of companies that has expertise in this area. Mr. Snipes and Ms. Brashear, Finance Director, recommends a choice between Swaggert and External Media for video streaming. (Council Member Krenek excused herself from discussion and vote due to possible conflict of interest). A representative from External Media was present and no one from the Swaggert Company.

Council Member Mesic was concerned about the cost for only one year of service. Ms. Brashear stated she was seeking the best equipment for highest level and says this was probably the lowest cost.

Mayor Kuykendall stated he wants it to be right and have the best quality if we tend to publicize. The debate continued among the members. Council Member Tristan stated she like having a local business.

A motion was made by Council Member Ridge to approve bid and award Professional Services Agreement for the Broadcast/ Streaming of City Council Meetings to External Media. Council was silent.

Mayor Kuykendall stated that the motion dies for a lack of a second.

Council Member Mesic suggested that city look for other bidders and she feels like cost is the big issue.

A motion was made by Council Member Mesic that we go out for more bids. It was seconded by Council Member Roberts. Mayor Kuykendall stated it has been motion and seconded that this item be

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resubmitted for bids and brought back at future Council Meeting The motion was carried by the following vote:

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

Nays: None

Abstain: Council Member Krenek

**L. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1198 an ORDINANCE of the CITY of FULSHEAR AMENDING ORDINANCE NO. 2015-1194 to INCLUDE a CLARIFICATION on the DEFINITION of OUTDOOR LIGHTING and for REGULATION of OUTDOOR RECREATION FACILITIES**

Mayor Kuykendall stated this was a document that was postponed from the last meeting.

A motion was made by Council Member Mesic to approve ordinance no. 2015-1198 an ordinance of the city of Fulshear amending ordinance no. 2015-1194 to include a clarification on the definition of outdoor lighting and for regulation of outdoor recreation facilities. It was seconded by Council Member Ridge.

Council Member Roberts requested that city administrator share comments from the school district.

C.J. Snipes, City Administrator, shared comments received from LCISD (Lamar Consolidated Independent School District).

Council Member Mesic shared with Council that we met with Katy Independent School District to get their input and the home owners association.

Council Member Krenek stated she would like the outdoor activity of tennis in the listing.

Council Member Mesic amended her motion. A new motion was made by Council Member Mesic to approve ordinance no. 2015-1198 an ordinance of the city of Fulshear amending ordinance no. 2015-1194 to include a clarification on the definition of outdoor lighting and for regulation of outdoor recreation facilities subject to Section 4 definitions adding "tennis". 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

**M. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-293 a RESOLUTION of the CITY of FULSHEAR CONSENTING to the CREATION of FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 21**

A motion was made by Council Member Krenek to approve Resolution no. 2015-293 a resolution of the City of Fulshear consenting to the creation of fort bend county levee improvement district no. 21. 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

**N. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-\_\_\_\_\_ an ORDINANCE of the CITY of FULSHEAR REVISING the COUNCIL MEETING SCHEDULE to INCLUDE REGULAR WORKSHOP**

SESSIONS; PROVIDING for NEW START TIMES to MEETINGS; and PROVIDING for REVISED COUNCIL VOTING PROCEDURES

Mayor Kuykendall stated he know there was a concerned about the length of meeting and in order to address this issue gave birth to this proposed ordinance. He stated a proposed ordinance which includes a workshop before regular meetings and all meetings a new start time of 6:30 p.m.

Laurie Szantay had a public comment regarding this item. She urged the City Council to vote "no" to this ordinance. Ms. Szantay states she agrees with portions of the proposed ordinance and not favorable toward section 6-9 (tape recording available for all comments).

A motion was made by Council Member Mesic to deny the ordinance as written. 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

**X. ADJOURNMENT**

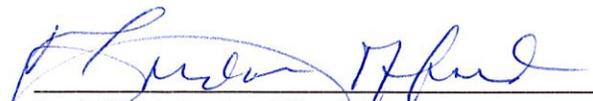
A motion was made by Council Member Krenek to adjourn. It was seconded by Council Member Mesic. The motion was carried by the following vote:

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

Mayor Kuykendall announced we are adjourned at 9:39 p.m.

  
Thomas C. Kuykendall, Jr., Mayor

Attest:

  
D. (Diana) Gordon Offord, City Secretary