

BUSINESS ITEMS

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS

AGENDA OF:	<i>November 15, 2016</i>	AGENDA ITEMS:	D & H
DATE SUBMITTED:	<i>November 10, 2016</i>	DEPARTMENT	Economic Development
PREPARED BY:	Angela Fritz, Economic Development Director	PRESENTER:	Same
SUBJECTS:	City of Fulshear Development Corporation (A) FY 2017 Projects Approval		
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Resolution No. 2016-326 2. CDC Public Notice of Projects 		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:			
FUNDING ACCOUNT:			
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
FUNDING ACCOUNT:			

EXECUTIVE SUMMARY

On October 3, the City of Fulshear Development Corporation (CDC) took acted to declare projects for FY2017, finding that budgeted expenditures will promote or develop new or expanded business enterprises. The CDC adopted Resolution CDC 16-03 at the same meeting, declaring the projects, directing staff to publish notice of the same, and setting a public hearing date. A copy of Resolution CDC 16-03 is included as Exhibit A to City Council Resolution No. 2016-326.

The project notice was run in the legal section of the City's paper of record, the West Fort Bend Buzz, on Saturday, October 8, beginning a 60 day period for public petition regarding the expenditures. A public hearing on the projects is scheduled for the Board's October 24 regular meeting.

In addition to the public notice and hearing requirements, the Texas Local Government Code requires the authorizing entity (City Council) to adopt a resolution authorizing the projects after giving the resolution at least two separate readings before the EDC may spend funds related to specific projects. This is due to the City's population (under 20,000) and the proposed specific project expenditure amount (\$37,500).

RECOMMENDATION

Staff recommends City Council adopt Resolution No. 2016-326 authorizing the City of Fulshear Development Corporation's projects and expenditures declared by Resolution CDC 16-03.

RESOLUTION NO. 2016-326

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS
AUTHORIZING PROJECTS OF THE
CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC),
A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION**

WHEREAS, the CITY OF FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City pursuant to Chapter 504 of the Development Corporation Act, Texas Local Government Code, as amended (the "Act"); and

WHEREAS, the City adopted Ordinance No. 2011-1046 on October 1, 2011, approving the participation of the Corporation in projects previously approved only for 4B development corporations under the auspices of HB 3302; and

WHEREAS, the Corporation adopted Resolution CDC 16-03 on October 3, 2016, attached hereto as Exhibit A, proposing a project of the Corporation, being expenditures for community events found by the Board of Directors to promote new or expanded business development; and

WHEREAS, the estimated amount of expenditures for such project in fiscal year 2016-2017, is \$37,500; and

WHEREAS, the Corporation may not undertake such project until the City adopts this Resolution after at least two separate readings;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS THAT:

Section 1. The City hereby authorizes the project proposed by Resolution CDC 16-03 and the associated expenditure of funds, being expenditures for community events found by the Board of Directors to promote new or expanded business development.

PASSED AND APPROVED this _____ DAY OF _____, 201_____.

Jeff W. Roberts, Mayor
City of Fulshear, Texas

ATTEST:

Diana Gordon Offord, City Secretary
City of Fulshear, Texas

EXHIBIT "A"

RESOLUTION NO. CDC 16-03

A RESOLUTION OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A "TYPE A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION, DECLARING THE PROJECTS TO BE UNDERTAKEN BY THE CORPORATION FOR FISCAL YEAR 2016-2017, DIRECTING STAFF TO PUBLISH NOTICE OF SAME, AND SETTING A PUBLIC HEARING.

WHEREAS, the CITY OF FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City of FULSHEAR, Texas (the "City") pursuant to Chapter 504 of the Development Corporation Act, Texas local Government Code, as amended (the "Act");

WHEREAS, the City of Fulshear adopted Ordinance No. 2011-1046 on October 1, 2011, in accordance with Section 504.171 of the Texas Local Government Code approving the participation of the Corporation in projects previously authorized only for "Type B" development corporations;

WHEREAS, the Corporation wishes to participate in a general type of projects during Fiscal Year 2016-2017, being land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the Board of Directors to promote new or expanded business development;

WHEREAS, the estimated total amount of expenditures for such types of general projects in fiscal year 2016-2017 is \$288,909; and

WHEREAS, the Corporation wishes to participate in specific projects during Fiscal Year 2016-2017, being expenditures for community events found by the Board of Directors to promote new or expanded business development;

WHEREAS, the estimated total amount of expenditures for such projects in fiscal year 2016-2017 is \$37,500;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION THAT:

Section 1. The Board hereby proposes to undertake a general type of project during Fiscal Year 2016-2017, being land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the Board of Directors to promote new or expanded business development.

Section 2. The Board hereby proposes to undertake a specific projects during Fiscal Year 2016-2017 being expenditures for community events found by the Board of Directors to promote new or expanded business development.

Section 3. The Board hereby finds that the funds expended will be used for eligible "costs" of "projects" as defined in the Act.

Section 4. The Board hereby directs staff to publish public notice as required by the Act.

Section 5. The Board hereby sets a public hearing for one or more of such projects on Monday, October 24, 2016, at 6:30 p.m. at Fulshear City Hall, 39603 FM 1093, Fulshear, Texas 77441.

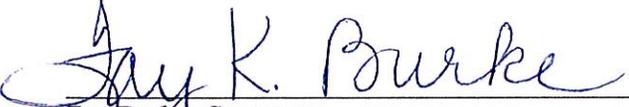
EXHIBIT "A"

PASSED AND APPROVED this 3rd DAY OF October, 2016.



Ewelina Forker, President
City of Fulshear Development Corporation

ATTEST:



Jay K. Burke, Secretary
City of Fulshear Development Corporation

Publisher's Affidavit

County of Fort Bend §
State of Texas §

BEFORE ME, the undersigned authority, on this day personally appeared Shannon Purcell, publisher of the *West Fort Bend Buzz* newspaper, who, being by me duly sworn, upon oath deposes and said the *West Fort Bend Buzz* meets Section 2051.044 of the Texas Government code, to wit:

1. Devotes not less than 25 percent of its total column lineage to general interest items and news;
2. Is published at least once a week;
3. Is entered as second-class postal matter in the county where it is published;
4. Has been published regularly and continuously since 2014; and
5. Is generally circulated within Fort Bend County

That the attached legal notice of

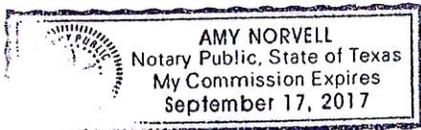
City of Fulshear Development Corporation (CDC) Public Notice of General Projects,

was published in the *West Fort Bend Buzz*, a newspaper published in English language in the following issue:
Volume: 3 Issue: 10; Date: October 8, 2016.

Signed: Shannon Purcell
Shannon Purcell
Publisher, West Fort Bend Buzz

SWORN TO AND SUBSCRIBED BEFORE ME by Shannon Purcell who
 a. is personally known to me or
 b. provided the following ID _____,

this the 12 day of October 2016



(SEAL)

Notary signature Amy Norvell
Notary Public in and for Harris County, Texas

PUBLIC NOTICE OF THE GENERAL TYPE OF PROJECTS PROPOSED TO BE UNDERTAKEN BY THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A "TYPE A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION. The CDC, a Type A Economic Development Sales Tax Corporation, hereby gives notice that the Corporation has proposed to undertake the following general type of project, as authorized under Section 504.171 of the Texas Local Government Code: As a general type of project: Land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the Board of Directors to promote new or expanded business development. The City of Fulshear Development Corporation will conduct a public hearing to solicit citizen input regarding the proposed general type of projects identified and described above. The public hearing will be held at the Fulshear City Hall, 39603 FM 1093, Fulshear, Texas, on Monday, October 24, 2016, at 6:30 p.m. Interested citizens are encouraged to attend and offer their comments. For more information, please contact: Angela Fritz, Economic Development Director City of Fulshear, Telephone: (281) 346-1796

RESOLUTION No. 2016- ~~328~~ 328

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS ADOPTING A CLASSIFICATION AND COMPENSATION PLAN FOR CITY EMPLOYEES

WHEREAS, the City Council of the City of Fulshear, recognizes the need to implement a standardized baseline classification and compensation plan for City employees, and;

WHEREAS, the City Council of the City of Fulshear, Texas also recognizes the need to establish a pay range structure and assignment of position classifications within this pay range structure as part of a standardized baseline classification and compensation plan, and;

WHEREAS, the City Council of the City of Fulshear, Texas also recognizes the need to comply with the Department of Labor's final rule updating overtime regulations under the Fair Labor Standards Act (FLSA) which goes into effect December 1, 2016, and;

WHEREAS, the City Council of the City of Fulshear, Texas also recognizes that this classification and compensation plan for City employees will assist management in meeting or exceeding these mandates;

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS that the City hereby approves and adopts the City of Fulshear Pay Range Assignments and Pay Range Structure collectively known as the City of Fulshear Classification and Compensation Plan attached as Exhibit A to this document.

This resolution duly passed this 15th day of November, 2016.

Jeff W. Roberts, Mayor

ATTEST:

D. Gordon Offord, City Secretary

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS

AGENDA OF: November 15, 2016

AGENDA ITEM:

DATE SUBMITTED: November 10, 2016

DEPARTMENT: Administration

PREPARED BY: Paula Ryan,
HR Director

PRESENTER: Paula Ryan,
HR Director

SUBJECT: Classification and Compensation Plan for City Employees

ATTACHMENTS: Classification and Compensation Plan for City Employees

EXPENDITURE REQUIRED: N/A

AMOUNT BUDGETED: N/A

FUNDING ACCOUNT:

ADDITIONAL APPROPRIATION REQUIRED: N/A

FUNDING ACCOUNT:

EXECUTIVE SUMMARY

On December 1, 2016, the Department of Labor's final rule updating overtime regulations which establish new exempt salary minimums under the Fair Labor Standards Act (FLSA) goes into effect. An internal audit of the City's classification, compensation, and organization of positions was done in anticipation of this change in law, and in a continuing effort to establish a comprehensive human resources management foundation. As a result, staff has developed a baseline classification and compensation plan. The plan establishes pay ranges and assignment of job classifications to those pay ranges based on current employees' pay rates, current and future organizational structure, and the approved FY 2016-17 City of Fulshear Budget. By establishing this plan, there will be a standardized, reliable process in place for the City Manager to utilize when appointing, classifying, promoting, and/or restructuring the organization of City employees.

RECOMMENDATION

Staff recommends that City Council take action to approve the City of Fulshear Classification and Compensation Plan for the City of Fulshear employees, as submitted.

<u>CLASS TITLE</u>	CITY OF FULSHEAR Pay Range Assignments	<u>PAY RANGE</u>
Student Intern		INTERN
Clerk I Laborer I		Temporary/ Seasonal 1
Clerk II Laborer II		Temporary/ Seasonal 2
Clerk III Laborer III		Temporary/ Seasonal 3
Maintenance Worker Permit Clerk Utility Services Representative		A
Code Inspector Deputy City Secretary Deputy Court Clerk		B
<i>(RANGE C ~ VACANT)</i>		C
Executive Assistant Plans Examiner		D
Building Inspector Maintenance Superintendent Police Officer		E
Chief Building Inspection Supervisor Court Administrator Economic Development/Communications Coordinator (EDCC) Utility Services Supervisor		F
Police Sergeant		G
City Secretary Finance Manager		H
Chief Building Official Police Captain		I
<i>(RANGE J ~ VACANT)</i>		J

CITY OF FULSHEAR
Pay Range Assignments

Community Services Director Economic Development Director Finance Director Human Resources Director	K
Police Chief	L
Assistant City Manager	M

Effective 12/1/16

2016
CITY OF FULSHEAR
PAY RANGE STRUCTURE

EFFECTIVE 12/1/16

Range	Minimum	Midpoint	Maximum	Width	% Diff
INTERN	10.00		12.49		
Temp/Seasonal 1	11.30	12.71	14.12	25%	n/a
Temp/Seasonal 2	12.42	13.97	15.51	25%	10%
Temp/Seasonal 3	13.65	15.35	17.05	25%	10%
A	15.00	16.87	18.73	25%	10%
B	16.50	18.55	20.61	25%	10%
C	18.15	20.41	22.67	25%	10%
D	19.97	22.45	24.93	25%	10%
E	21.96	24.69	27.43	25%	10%
F	24.16	27.16	30.17	25%	10%
G	26.57	29.88	33.19	25%	10%
H	29.23	32.87	36.51	25%	10%
I	32.15	36.15	40.16	25%	10%
J	35.37	39.77	44.17	25%	10%
K	38.91	43.75	48.59	25%	10%
L	42.80	48.12	53.45	25%	10%
M	47.08	52.93	58.79	25%	10%

**2017
CITY OF FULSHEAR
PAY RANGE STRUCTURE
3% COLA**

EFFECTIVE 1/1/17

Range	Minimum	Midpoint	Maximum	Width	% Diff
INTERN	10.30		12.86		
Temp/Seasonal 1	11.65	13.10	14.55	25%	n/a
Temp/Seasonal 2	12.80	14.39	15.99	25%	10%
Temp/Seasonal 3	14.06	15.81	17.56	25%	10%
A	15.45	17.37	19.29	25%	10%
B	17.00	19.11	21.22	25%	10%
C	18.69	21.02	23.35	25%	10%
D	20.56	23.12	25.68	25%	10%
E	22.62	25.44	28.25	25%	10%
F	24.88	27.98	31.07	25%	10%
G	27.37	30.78	34.18	25%	10%
H	30.11	33.85	37.60	25%	10%
I	33.12	37.24	41.36	25%	10%
J	36.43	40.96	45.50	25%	10%
K	40.07	45.06	50.05	25%	10%
L	44.08	49.57	55.05	25%	10%
M	48.49	54.52	60.56	25%	10%

ORDINANCE NO. 2016-1231

THE STATE OF TEXAS §
COUNTY OF FORT BEND §
CITY OF FULSHEAR §

AN ORDINANCE APPROVING THE CITY'S FIVE SINGLE-MEMBER COUNCIL DISTRICTS AND ESTABLISHING NEW CITY COUNCIL BOUNDARY LINES FOR FULSHEAR CITY COUNCIL ELECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this City Council for the City of Fulshear (the "City Council") in Fort Bend County, Texas has certain responsibilities for redistricting under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution; the Voting Rights Act, 52 U.S.C.A. §10301; article XI, section 5 of the Texas Constitution; and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002; and

WHEREAS, in May 2016 the eligible voters of the City of Fulshear (the "City") affirmed the implementation of a Home Rule Charter prescribing a 5-2 structure for the City Council; and

WHEREAS, Article III, Section 3.03 in the City Charter specifies that "The membership of the City Council shall be composed of seven (7) Council Members, two (2) of which shall be elected at large by majority vote, and five (5) of which shall be elected by majority vote of a single-member district in which they must reside. Council Members shall serve a two (2) year term unless sooner removed under the provisions of this Charter or other law. A person may not serve more than three (3) consecutive terms as a Council Member, provided that partial terms shall be excluded from such limitation. For only the at-large Council Member positions, the City Council may, by ordinance, establish additional qualifications for candidates or establish no more than two districts within which a candidate must reside, or both."; and

WHEREAS, the City Council and Mayor have certain responsibilities for redistricting under the City Charter; and

WHEREAS, it was determined that five City Council positions from single-member districts should be drawn within the City using 2010 Census data with reference to the City's estimated population figures and the remaining two City Council positions would be elected at-large from the entire territory of the City; and

WHEREAS, the City engaged the law firm of Bickerstaff Heath Delgado Acosta LLP to act as the City's redistricting consultant, including advising and assisting the

City Council in preparation of a new redistricting plan in compliance with applicable requirements of state and federal law; and

WHEREAS, on August 16, 2016, the City Council adopted redistricting criteria to assist the City and the public in developing redistricting plans which comply with applicable federal and state laws, and the adopted redistricting criteria were applied in the development of the City's new redistricting plan; and

WHEREAS, also on August 16, 2016, the City Council adopted redistricting guidelines regarding the submission of comments and proposed plans by the public, to ensure the ability of the City to timely receive and adequately consider them; and

WHEREAS, during the redistricting process the City provided notice to the public of its proposed discussions and development of a redistricting plan through meeting agendas posted in compliance with the Texas Open Meetings Act, notices on the City's website, and publication of newspaper notices regarding a public hearing; and

WHEREAS, the City Council designated the proposed redistricting plan at a City Council meeting on October 10, 2016, and the plan was presented at a public hearing held on November 3, 2016; and

WHEREAS, the City has not received any written comments or alternative plan from the public; and

WHEREAS, the City Council finds that the attached city council district redistricting plan is in the best interests of the citizens, complies with the adopted redistricting criteria, and is believed to comply with all state and federal requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS:

- A. That the city council district boundary lines for the City are hereby created, and the new districting plan depicted on the map attached hereto as **Exhibit A**, defining new city council districts, as such new city council districts are further described in the table attached hereto as **Exhibit B** reporting estimated populations and demographic statistics for each such new city council district, is hereby adopted and designated to define the City's five (5) city council districts from and after the Effective Date; that **Exhibits A and B** are incorporated by reference in and made a part of this Ordinance, and shall be kept on file with the City Secretary.

This ordinance shall be effective upon passage.

PASSED and **APPROVED** this, the 15th day of November, 2016.

CITY OF FULSHEAR, TEXAS

Jeff Roberts, Mayor
City of Fulshear, Texas

ATTEST:

D. Gordon Offord, City Secretary

APPROVED AS TO FORM:

J. Grady Randle, City Attorney

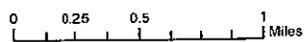
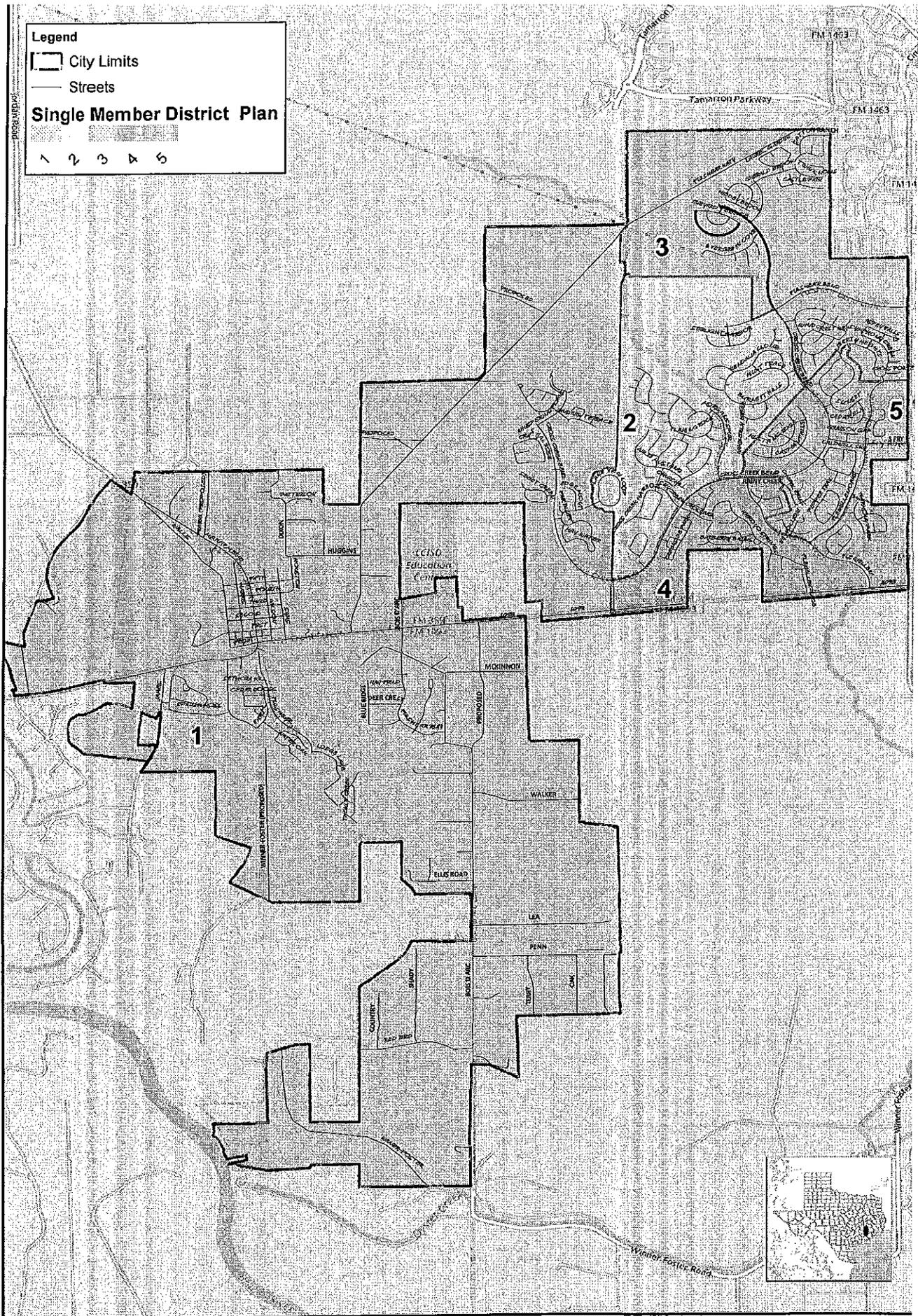
[SIGNATURE PAGE]

Legend

-  City Limits
-  Streets

Single Member District Plan

1 2 3 4 5



Coordinate System: GCS North American 1983;
 Datum: North American 1983 MOD1; As Presented
 to the Fulshear City Council on October 10, 2016.

EXHIBIT A
City of Fulshear
Single Member District Plan
Adopted November 15, 2015

Background Image: ESRI Open Street Map
 © 2016 Bickerstaff Heath Delgado Acosta LLP
 Data Source: Roads, Water and other
 features obtained Fort Bend County GIS



EXHIBIT B
City of Fulshear
Single Member District Plan - Adopted November 15, 2016
2016 Estimated Population with Derived Demographics

District	Persons	Ideal Size	Deviation	Hispanic	% of Total Hispanic Population	Anglo	% of Total Anglo Population	Black	% of Total Black Population	All Other	% of Total All Other Population
1	1,646	1,642	0.24%	242	14.71%	1,221	74.15%	114	6.91%	70	4.24%
2	1,634	1,642	-0.49%	240	14.71%	1,212	74.15%	113	6.91%	69	4.24%
3	1,596	1,642	-2.80%	235	14.71%	1,183	74.15%	110	6.91%	68	4.24%
4	1,599	1,642	-2.62%	235	14.71%	1,186	74.15%	110	6.91%	68	4.24%
5	1,732	1,642	5.48%	255	14.71%	1,284	74.15%	120	6.91%	73	4.24%
Totals	8,207			1,207	14.71%	6,085	74.15%	567	6.91%	348	4.24%

Overall Deviation = 8.28%

Ideal Size = 8,207 / 5 = 1,642 per district.

2016 Estimated Population was calculated by geocoding utility accounts and multiplying those households by 2.95 (Average Persons Per Household).

Derived Demographics for each district was computed using the average demographic percentages from block groups 481576732002 and 481576733002 that encompass all city territory. The percentages were then applied to the 2016 estimated population equally in all five districts. This demographic breakdown is derived from point data estimates and assumes an even distribution of population.



November 10, 2016

VIA EMAIL

Mr. CJ Snipes
City Manager
City of Fulshear
30603 FM 1093 West
Fulshear, Texas 77441

Re: ***City Council Ordinance Adopting Single Member Council
Districts***

Dear Mr. Snipes:

We are transmitting for consideration by the City of Fulshear City Council a proposed ordinance adopting the illustrative plan presented at the public hearing last week, as the City's formal redistricting plan for use in upcoming elections. We include with the ordinance the following additional items:

1. A proposed ordinance adopting the districting plan with attached Exhibits A and B; and
2. Posting language for the meeting adopting the plan:

Approval of ordinance adopting a map and chart establishing boundaries and depicting population for five city council districts for use in future city council elections.

At the public hearing and City Council meeting last week, the City Council received two public comments on Illustrative Plan 1. Both of those comments were directed at the transition schedule for City Council into the new single member districts. Both speakers urged the City to designate council member districts in which no incumbent council member currently resided for election at the May 2017 elections, so that voters in those portions of the City could have an opportunity to elect a representative at the first opportunity to the council.

Thank you for your attention to this matter. Should you need any further assistance or information, please do not hesitate to contact us.

Sincerely,

David Mendez

DM:sm
Enclosures

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 2015 IECC Code	
DATE SUBMITTED: November 8, 2016	DEPARTMENT: Building Services
PREPARED BY: Michelle Killebrew	PRESENTER: Michelle Killebrew
SUBJECT: 2015 IECC Energy Code	
ATTACHMENTS: YES	
EXPENDITURE REQUIRED:	\$0
AMOUNT BUDGETED:	\$0
ACCOUNT NO.:	
ADDITIONAL APPROPRIATION REQUIRED:	\$0
ACCOUNT NO.:	

EXECUTIVE SUMMARY

Request for the 2015 International Energy Conservation Code to be presented to the City Council for consideration and adoption.

On June 16, 2015, Texas Governor Greg Abbott signed HB 1736 into Texas law. This moved the state's single-family residential code from 2009 code to the 2015 International Residential Code (IRC), Chapter 11. All local jurisdictions must comply with the new code by September 1, 2016.

As published in the Jan. 1, 2016 edition of the Texas Register, SECO amended the 34 Texas Administrative Code §19.53 establishing the 2015 IECC as the energy code for commercial construction, effective Nov. 1, 2016.

Energy Codes became effective in Texas in 2001, they set the minimum efficiency requirements for new and renovated buildings, and they assure reductions in energy use and emissions over the life of the building. The U.S. Energy Information Administration states that 40% of all energy consumed comes from our residential and commercial buildings. Energy codes, govern up to 80% of the buildings energy load, increases energy efficacy, makes the buildings more comfortable and cost effective to operate, assuring economic and environmental benefits. As the authority having jurisdiction we have the responsibility to the public to reduce energy demand, through responsible energy codes.

As the City of Fulshear Building Official, I strongly support and request for this ordinance to be adopted.

ORDINANCE 2016-1232

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ADOPTING WITH AMENDMENTS THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Fulshear, Texas, ("City") desires to adopt regulations for the health, safety, and general welfare of the City; and

WHEREAS, to achieve that end, the City Council finds that the 2015 International Energy Conservation Code promotes regulations for the health, safety, and general welfare of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. That the facts found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

Section 2. The City of Fulshear, Texas, adopts the 2015 International Energy Conservation Code as published by the International Code Council with the following amendments:

(i) Subsection C101.1 is amended to read as follows: Subsection C101.1 Title. This code shall be known as the International Energy Conservation Code of the City of Fulshear, Texas, and shall be cited as such. It is referred to herein as "this code."

(ii) Subsection C103.3.3 is deleted.

(iii) Subsection C104.2.1 is deleted.

(iv) Subsection C104.4 is amended to read as follows: C104.4 Approved inspection agencies. The code official may require a permit holder to obtain an inspection under this code by a third-party inspection agency not affiliated with the building design or construction, provided such agency is registered with the City and is qualified to conduct inspections relevant to this code. If a third-party inspection agency is authorized, such agency shall submit an inspection report to the code official stating whether the permit holder has passed all inspections under this code or failed any inspection under this code. If any inspection is failed, the permit holder shall take corrective action to come into compliance with this code and

shall have such work reinspected by the third-party inspection agency or the code official, at the election of the code official. The permit holder shall pass all inspections before any certificate of occupancy is granted. Third-party inspection agencies shall, upon registration with the City, provide proof of ICC certification, Home Energy Rating System/Certified Home Energy Rater, Home Energy Rating System/Certified Field Inspector, Building Performance Institute/Certified Building Analyst, or other certification as approved by the code official. Such third-party inspection agency shall pay a registration fee as established by city council in a Schedule of Fees.

(v) Subsection C107.5 is amended to read as follows:
C107.5 Refunds. The City is authorized to establish a refund policy.

(vi) Subsection C108.4 is amended to read as follows:
C108.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code and the city's code of ordinances. The City may take any legal action necessary, including but not limited to issuing a citation or citations to the City's Municipal Court, or any other lawful action.

(vii) Section C109 is deleted and a new Section C109 is added to provide as follows: C109. Appeals. Any person aggrieved by a decision of the Building Official under this code, may file a written appeal to the City Secretary no later than ten (10) days after the date the Building Official renders a decision, which such appeal shall be heard by the City Council. The City Council shall hear an appeal no later than thirty (30) days after the date the appeal is filed with the City Secretary. The City Council may take written or oral testimony from the person filing the appeal and any city employee, officer, or official. The City Council may affirm, reverse, or modify the decision of the Building Official. The City Council's decision is final and no lawsuit shall commence until after such appeal is final.

(viii) The definition of code official in Section C202 is amended to read as follows: CODE OFFICIAL. The Chief Building Official or other designated position, as set by the City Manager, to administer and enforce this code, or any duly authorized representative of the Chief Building Official or the City Manager's designee.

(ix) Subsection R101.1 is amended to read as follows:
Subsection R101.1 Title. This code shall be known as the International Energy Conservation Code of the City of Fulshear,

Texas, and shall be cited as such. It is referred to herein as "this code."

(x) Subsection R101.2 is amended to read as follows: R101.2 Scope. This code applies to residential buildings and the building sites and associated systems and equipment, except for one-and two-family dwellings.

(xi) Subsection R103.3.3 is deleted.

(xii) Subsection C104.2.1 is deleted.

(xiii) Subsection R104.4 is amended to read as follows: R104.4 Approved inspection agencies. The code official may require a permit holder to obtain an inspection under this code by a third-party inspection agency not affiliated with the building design or construction, provided such agency is registered with the City and are qualified to conduct inspections relevant to this code. If a third-party inspection agency is authorized, such agency shall submit an inspection report to the code official stating whether the permit holder has passed all inspections under this code or failed any inspection under this code. If any inspection is failed, the permit holder shall take corrective action to come into compliance with this code and shall have such work reinspected by the third-party inspection agency or the code official, at the election of the code official. The permit holder shall pass all inspections before any certificate of occupancy is granted. Third-party inspection agencies shall, upon registration with the City, provide proof of ICC certification, Home Energy Rating System/Certified Home Energy Rater, Home Energy Rating System/Certified Filed Inspector, Building Performance Institute/Certified Building Analyst, or other certification as approved by the code official. Such third-party inspection agency shall pay a registration fee as established by city council in a Schedule of Fees.

(xiv) Subsection R107.2 is amended to read as follows: R107.2 Schedule of permit fees. A fee for each permit shall be paid as established by the City Council in a Schedule of Fees.

(xv) Subsection R107.3 amended to read as follows: R107.3. Work commencing before permit issuance. Any person who commences any work before obtaining the necessary permits shall be subject to an additional fee established by the City Council in a Schedule of Fees.

(xvi) Subsection R107.5 is amended to read as follows: R107.5 Refunds. The City is authorized to establish a refund policy.

(xvii) Subsection R108.4 is amended to read as follows:
R108.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code and the city's code of ordinances. The City may take any legal action necessary, including but not limited to issuing a citation or citations to the City's Municipal Court, or any other lawful action.

(xviii) Section R109 is deleted and a new Section R109 is added to provide as follows: R109. Appeals. Any person aggrieved by a decision of the Building Official under this code, may file a written appeal to the City Secretary no later than ten (10) days after the date the Building Official renders a decision, which such appeal shall be heard by the City Council. The City Council shall hear an appeal no later than thirty (30) days after the date the appeal is filed with the City Secretary. The City Council may take written or oral testimony from the person filing the appeal and any city employee, officer, or official. The City Council may affirm, reverse, or modify the decision of the Building Official. The City Council's decision is final and no lawsuit shall commence until after such appeal is final.

(xix) The definition of code official in Section R202 is amended to read as follows: CODE OFFICIAL. The Chief Building Official or other designated position, as set by the City Manager, to administer and enforce this code, or any duly authorized representative of the Chief Building Official or the City Manager's designee."

Section 3. A copy of the 2015 International Energy Conservation Code shall be maintained by the City. If a subsection of this section is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or any regulation adopted pursuant thereto or any other ordinance or code or regulation of the city, the provision which establishes the higher standard for the promotion of health and safety shall control.

Section 4. Penalty. Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) unless such violation implicates fire safety, zoning, or public health and sanitation including dumping of refuse in which case the fine amount shall not be more than two thousand dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 5. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. *Repeal.* All ordinances or parts thereof in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. *Effective date.* This Ordinance shall become effective immediately and enforced when published as required by law.

PASSED, APPROVED, and ADOPTED this the _____ day of _____, 2016.

Jeff W. Roberts, Mayor

ATTEST:

D. (Diana) Gordon Offord, City Secretary

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS

AGENDA OF: 2015 IRC Code	
DATE SUBMITTED: November 8, 2016	DEPARTMENT: Building Services
PREPARED BY: Michelle Killebrew	PRESENTER: Michelle Killebrew
SUBJECT: 2015 IRC Residential Code	
ATTACHMENTS: YES	
EXPENDITURE REQUIRED:	\$0
AMOUNT BUDGETED:	\$0
ACCOUNT NO.:	
ADDITIONAL APPROPRIATION REQUIRED:	\$0
ACCOUNT NO.:	

EXECUTIVE SUMMARY

Request for the 2015 International Residential Code to be presented to the City Council for consideration and adoption.

Building codes are a set of guidelines and standards for construction of new and renovated buildings. The International Residential Code was created to serve as a complete, comprehensive code regulating the construction of single family houses, two-family houses, and buildings consisting of three or more townhouse units. The IRC contains coverage of all components of a house or townhouse, including structural components, thermal insulation, mechanical systems, fuel gas systems, plumbing and electrical systems.

The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

The construction industry is always changing, in part because of technologies, materials and products we use is always changing. Over time we learn from past disasters and tragedies, the codes adjust the requirements to improve with modern times and to prevent future tragedies. Updated model codes benefit the communities that use them by producing more valuable buildings.

As the City of Fulshear Building Official, I strongly support and request for this ordinance to be adopted.

ORDINANCE 2016-1233

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ADOPTING WITH AMENDMENTS THE 2015 INTERNATIONAL RESIDENTIAL CODE; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Fulshear, Texas, ("City") desires to adopt regulations for the health, safety, and general welfare of the City; and

WHEREAS, to achieve that end, the City Council finds that adopting the 2015 International Residential Code promotes regulations for the health, safety, and general welfare of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. That the facts found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

Section 2. The City of Fulshear, Texas, adopts the 2015 International Residential Code as published by the International Code Council with the following amendments:

(i) "Subsection R101.1 is amended to read as follows:

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-family Dwellings of The City of Fulshear, Texas, and shall be cited as such and will be referred to herein as "this code."

(ii) Subsection R101.2 is amended to read as follows: R101.2 Scope.

The provisions of the International Residential Code for One- and two-family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height. All structures three or more stories in height shall be equipped with a city approved automatic fire extinguisher system.

Exceptions:

1. Live/work units located in townhouses and complying with the requirements of Section 419 of the International Building Code shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings. Fire suppression required by Section 419.5 of the International Building

Code where constructed under the International Residential Code for One- and Two-family Dwellings shall conform to Section P2904.

2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One-and Two-family Dwellings where equipped with a fire sprinkler system in accordance Section P2904.

(iii) Section R103 is deleted and a new Section R103 is added to read as follows: R103.1 Building Official. Whenever a reference in this code is made to the Building Official, such term shall mean the Chief Building Official of the City or their designee or any other designated person as set by the City Manager, to administer and enforce this code. Whenever an act in this code references the City, the Building Official or any City authorized representative may perform such act on behalf of the City.

(iv) Subsection R104.2 is amended to read as follows: R104.2 Applications and permits. The City shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

(v) Subsection R104.6 is amended to read as follows: R104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official shall attempt to gain entry to a structure or premise by consent of the owner. If the owner does not consent to entry, the Building Official may seek an inspection warrant from the City's Municipal Court. Nothing herein shall limit the Building Official from gaining entry to a structure or premise as allowed by law.

(vi) Subsection R104.7 is amended to read as follows: R104.7 Department records. The City shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of such public records.

(vii) Subsection R104.8 is amended as follows: R108 Liability. The Building Official, member of any board, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

(viii) Subsection R104.10.1 is amended as follows: R104.10.1 Flood hazard areas. The Building Official shall not grant modifications to any provision related to flood hazard areas as established by Table R301.2(1).

(ix) Subsection R105.1 is amended as follows: R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the City and obtain the required permit.

(x) Subsection R105.2 is amended as follows: R105.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the City. Permits shall not be required for the following:

Building:

1. Fences not over six feet in height
2. Retaining Walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
3. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
4. Swings and other playground equipment.
5. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.

Electrical:

1. Listed cord and plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grip.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The repairing of leaks.
2. The clearing of stoppages in pipes or fixtures, provided such repairs do not involve or require the replacement or rearrangement of pipes or fixtures.
3. The replacement of lavatory or kitchen faucets.
4. The replacement of garbage disposals.
5. The replacement of water closets.

(xi) Subsection R105.2.1 is amended as follows: R105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the City.

(xii) Subsection R105.3 is amended as follows: R105.3 Application for permit. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the City. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section R106.1.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the City.

(xiii) Subsection R105.3.1 is amended as follows: R105.3.1 Action on application. The City shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the City shall reject such application in writing stating the reasons therefor. If the City is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the City shall issue a permit therefor as soon as practicable.

(xiv) Subsection R105.3.1.1 is amended as follows: R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition, alteration, repair or other improvement of existing buildings or structures located in a flood hazard area as established by Table R301.2(1), the City shall examine or cause to be examined the construction documents and shall make a determination with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the City finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the proposed work is a substantial improvement or restoration of substantial damage and the City shall require existing portions of the entire building or structure to meet the requirements of Section R322.

For the purpose of this determination, a substantial improvement shall mean any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. Where the building or structure has sustained

substantial damage, repairs necessary to restore the building or structure to its predamaged condition shall be considered substantial improvements regardless of the actual repair work performed. The term shall not include either of the following:

1. Improvements to a building or structure that are required to correct existing health, sanitary or safety code violations identified by the City and that are the minimum necessary to ensure safe living conditions.
2. Any alteration of a historic building or structure, provided that the alteration will not preclude the continued designation as a historic building or structure. For the purpose of this exclusion, a historic building shall be any of the following:
 - 2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.
 - 2.2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.
 - 2.3. Designated as historic under state or local historic preservation program that is approved by the Department of Interior.

(xv) Subsection R105.3.2 is amended as follows: R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the City is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(xvi) Subsection R105.4 is amended as follows: R105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the City from requiring the correction of errors in the construction documents and other data. The City is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

(xvii) Subsection R105.5 is amended as follows: R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The City is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(xviii) Subsection R105.6 is amended as follows: R105.6 Suspension or revocation. The City is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

(xix) Subsection R105.9 is amended as follows: R105.9 Preliminary inspection. Before issuing a permit, the City is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

(xix) Subsection R106.1 is amended as follows: R106.1 Submittal documents. Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the City is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The City is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

(xx) Subsection R106.1.1 is amended as follows: R106.1.1 Information on construction documents. Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the City. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the City.

(xxi) Subsection 106.1.3 is amended as follows: R106.1.3 Information on braced wall design. For buildings and structures utilizing braced wall design, and where required by the City, braced wall lines shall be identified on the construction documents. Pertinent information including, but not limited to, bracing methods, location and length of braced wall panels and foundation requirements of braced wall panels at top and bottom shall be provided.

(xxii) Subsection R106.1.4 is amended as follows: R106.1.4 Information for construction in flood hazard areas. For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1), construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate;
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone) and in Coastal A Zones where such zones are delineated on flood hazard maps identified in Table R301.2(1) or otherwise delineated by the jurisdiction; and
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the City and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

(xxiii) Subsection R106.2 is amended as follows: R106.2 Site plan or plot plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The City is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or when otherwise warranted.

(xxiv) Subsection R106.3 is amended as follows: R106.3 Examination of documents. The City shall examine or cause to be examined construction documents for code compliance.

(xxv) Subsection R106.3.1 Approval of construction documents. Where the City issues a permit, the construction documents shall be approved in writing or by a stamp which states "REVIEWED FOR CODE COMPLIANCE." One set of construction documents so reviewed shall be retained by the City. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the City.

(xxvi) Subsection R106.3.2 Previous approvals. This code shall not require change in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

(xxvii) Subsection R106.3.3 is deleted.

(xxviii) Subsection R106.5 is amended as follows: R106.5 Retention of construction documents. One set of approved construction documents shall be retained

by the City for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

(xxix) Subsection R107.1 is amended as follows: R107.1 General. The City is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The City is authorized to grant extensions for demonstrated cause.

(xxx) Subsection R107.3 is amended to read as follows: R107.3 Temporary power. The City is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

(xxxi) Subsection R107.4 is amended to read as follows: R107.4 Termination of approval. The City is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

(xxxii) Subsection R108.5 is amended to read as follows: R108.5 Refunds. The City is authorized to establish a refund policy.

(xxxiii) Subsection R109.1.3 is amended as follows: R109.1.3 Floodplain inspections. For construction in flood hazard areas as established by Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the City shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R322.

(xxxiv) Subsection R109.1.5 is amended as follows: R109.1.5 Other inspections. In addition to inspections in Subsections R109.1.1 through R109.1.4, the City shall have the authority to make or require any other inspections to ascertain compliance with this code and other laws enforced by the City.

(xxxv) Subsection R109.1.5.1. Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the City shall require an inspection of such construction after lathing or gypsum board or gypsum panel products are in place, but before any plaster is applied, or before board or panel joints and fasteners are taped and finished.

(xxxvi) Subsection R109.1.6.1 is amended as follows: R109.1.6.1 Elevation documentation. If located in a flood hazard area, the documentation of elevations required in Subsection R322.1.10 shall be submitted to the City prior to the final inspection.

(xxxvii) Subsection R109.2 is amended as follows: R109.2 Inspection agencies. The City is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

(xxxviii) Subsection R109.3 is amended as follows: R109.3 Inspection requests. It shall be the duty of the permit holder or their agent to notify the City that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

(xxxix) Subsection R109.4 is amended as follows: R109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the City. The City upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the City.

(xl) Section R110 is deleted and a new Section 110 is added to provide as follows: Section R110.1 Occupancy permit. Occupancy permits are governed by the city's code of ordinances.

(xli) Section 111 is deleted and a new Section 111 is added as follows: Section R111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the City.

R111.2 Temporary connection. The City shall have the authority to authorize and approve the temporary connection of the building or system to the utility, source of energy, fuel or power.

R111.3 Authority to disconnect service utilities. The City shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Subsection R102.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Subsections R111.1 or R111.2. The City shall notify the serving utility and where possible the owner or the owner's authorized agent or occupant and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

(xlii) Section 112 is deleted and new Section R112 is added to provide as follows: R112 Appeals. Any person aggrieved by a decision of the Building Official under this code, may file a written appeal to the City Secretary no later than ten (10) days after the

date the Building Official renders a decision, which such appeal shall be heard by the City Council. The City Council shall hear an appeal no later than thirty (30) days after the date the appeal is filed with the City Secretary. The City Council may take written or oral testimony from the person filing the appeal and any city employee, officer, or official. The City Council may affirm, reverse, or modify the decision of the Building Official. The City Council's decision is final and no lawsuit shall commence until after such appeal is final.

(xlvi) Subsection R113.3 is amended as follows: R113.3 Prosecution of violation. The Building Official or any city official is authorized to request the legal counsel of the jurisdiction, at any time, to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

(xlvii) Subsection R113.4 is amended as follows: R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the City, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law and this ordinance.

(xlviii) Subsection R114.1 is amended as follows: R114.1 Notice to owner. Upon

Ground Snow Load	Wind Speed	Seismic Design Category	Weathering	Frost Line Depth	Termite	Winter Design Temp	Ice Barrier Underlayment	Flood Hazards	Air Freezing Index	Mean Temp
0	130	A	Negligible	12 inches	Very Heavy	32F	No	FIRM 481488	50	70F

notice from the City that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

(xlix) Table R301.2(1) is amended as follows:

*Date of adoption of the ordinance for management of flood hazard areas; date of the currently effective flood hazard maps for Fort Bend County.

(l) Section R313 is deleted.

(li) Subsection R902.2 is deleted.

(lii) Subsection R905.7 is deleted. No new wood shingles shall be allowed to be installed in the City.

(i.) Subsection R905.8 is deleted. No new wood shakes shall be allowed to be installed in the City.

(ii.) Subsection N1106.5 (R406.5) is amended as follows: N1106.5 (R406.5) Verification by approved agency: The code official may require a permit holder to obtain an inspection under this code by a third-party inspection agency not affiliated with the building design or construction, provided such agency is registered with the City and are qualified to conduct inspections relevant to this code. If a third-party inspection agency is authorized, such agency shall submit an inspection report to the code official stating whether the permit holder has passed all inspections under this code or failed any inspection under this code. If any inspection is failed, the permit holder shall take corrective action to come into compliance with this code and shall have such work reinspected by the third-party inspection agency or the code official, at the election of the code official. The permit holder shall pass all inspections before any certificate of occupancy is granted. Third-party inspection agencies shall, upon registration with the City, provide proof of ICC certification, Home Energy Rating System/Certified Home Energy Rater, Home Energy Rating System/Certified Filed Inspector, Building Performance Institute/Certified Building Analyst, or other certification as approved by the code official. Such third-party inspection agency shall pay a registration fee as established by city council in a Schedule of Fees.

(iii.) Subsection P2603.5.1 is amended as follows: P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be not less than twelve (12) inches below finished grade at the point of septic tank connection. Building sewers shall be not less than twelve (12) inches below grade.

All Appendixes are adopted and incorporated herein for all purposes except for Appendix R and Appendix S."

Section 3. A copy of the 2015 International Residential Code shall be maintained by the City. If a subsection of this section is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or any regulation adopted pursuant thereto or any other ordinance or code or regulation of the city, the provision which establishes the higher standard for the promotion of health and safety shall control.

Section 4. Penalty. Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) unless such violation implicates fire safety, zoning, or public health and sanitation including dumping of refuse in which case the fine amount shall not be more than two thousand dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 5. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. *Repeal.* All ordinances or parts thereof in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. *Effective date.* This Ordinance shall become effective when published as required by law.

PASSED, APPROVED, and ADOPTED this the _____ day of _____, 2016.

Jeff W. Roberts, Mayor

ATTEST:

D. (Diana) Gordon Offord, City Secretary

ORDINANCE NO. 2016-1234

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, GRANTING A SPECIAL USE PERMIT IN ACCORDANCE WITH THE ZONING ORDINANCE, ORDINANCE NO. 2012-1069; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, the owner of that certain tract of land depicted in the survey attached hereto as Exhibit A (the "Property") has submitted a complete application for a Special Use Permit to the City of Fulshear Planning and Zoning Commission; and

WHEREAS, after holding a public hearing, the Planning and Zoning Commission has made written findings in support of its written conclusions, attached hereto as Exhibit B, that the granting of the Special Use Permit will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the Property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and wellbeing, or substantially diminish or impair property values within the neighborhood; and

WHEREAS, the Planning and Zoning Commission has recommended that the City Council of the City of Fulshear approve the Special Use Permit; and

WHEREAS, after holding a public hearing, the City Council desires to grant the Special Use Permit;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. That all of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

Section 2. That a Special Use Permit for the use of the Property for Commercial, Office, Retail and Business as specifically authorized by Section 1-193, (C) of Ordinance No. 2012-1069, as amended, is hereby granted.

Section 3. That in the event the building, premises, or land uses under the Special Use Permit is voluntarily or involuntarily vacated or if the ownership is voluntarily or involuntarily transferred, or if such buildings, premises, or land is more than fifty percent (50%) destroyed by fire or other cause, then the use of the Property shall thereafter conform to the regulations of the original Zoning District of the Property.

Section 4. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or, in the case of a violation of a provision of this Ordinance that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 5. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Repeal. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 7. Effective date. This Ordinance shall be effective and in full force when published as required by law.

PASSED, APPROVED, and ADOPTED this, the _____ day of _____, 2016.

Jeff W. Roberts, Mayor

ATTEST:

D. Gordon Offord, City Secretary

EXHIBIT A

Survey of the Property

DRAFT

EXHIBIT B

**Written Findings and Conclusions
of the
City of Fulshear Planning and Zoning Commission**

DRAFT

Special Use Permit APPROVAL/DISAPPROVAL FORM

REQUESTOR: Thrive Church

ADDRESS OF PREMISES AFFECTED: 30136 FM 1093

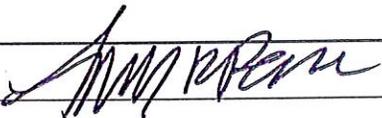
PLANNING AND ZONING COMMISSION REVIEW

GRANTED

DENIED

RETURNED FOR ADDITIONAL DATA

APPROVED AS PRESENTED.

BY:  DATE: 4 NOV 2016

CITY COUNCIL REVIEW

GRANTED

DENIED

BY: _____ DATE: _____

Kimberly Kopecky

From: Michelle Killebrew
Sent: Thursday, November 10, 2016 2:22 PM
To: Kimberly Kopecky; CJ Snipes
Subject: RE: Thrive Church

Written documentation from the Planning and Zoning Commission needs to show the following (language can be changed or altered but needs to have the below information) as a letter written to the City Council and signed by the Planning and Zoning Commission Chairperson.

The Planning and Zoning Commission held a hearing for a Special Use Permit for the property located at 30136 FM 1093 on November 4, 2016 at 8:30 am. The hearing was requested by Thrive Church to use the existing structure on the property as an office based business. The Planning and Zoning Commission found that granting the Special Use Permit will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and wellbeing, or substantially diminish or impair property values within the neighborhood.

We here by recommend approval of this property to be allowed to have Office/Business uses, with the use of the existing structure and parking that is currently provided, all other city ordinances shall apply to this property.

-----Original Message-----

From: Kimberly Kopecky
Sent: Thursday, November 10, 2016 2:09 PM
To: CJ Snipes <cjsnipes@fulsheartexas.gov>; Michelle Killebrew <mkillebrew@fulsheartexas.gov>
Subject: Thrive Church

Best Regards,

Kimberly Kopecky
Deputy City Secretary
City of Fulshear
281-346-1796 ext. 251
kkopecky@fulsheartexas.gov

-----Original Message-----

From: Scanner@Fulsheartexas.gov [mailto:Scanner@Fulsheartexas.gov]
Sent: Thursday, November 10, 2016 3:08 PM
To: Kimberly Kopecky <kkopecky@fulsheartexas.gov>
Subject: Send data from MFP11391318 11/10/2016 15:07

Scanned from MFP11391318
Date:11/10/2016 15:07
Pages:6
Resolution:200x200 DPI

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: Master Sign Plan	
DATE SUBMITTED: October 11, 2016	DEPARTMENT: Building Services
PREPARED BY: Michelle Killebrew	PRESENTER: Michelle Killebrew
SUBJECT: Thrive Church Special Use	
ATTACHMENTS: YES	
EXPENDITURE REQUIRED:	\$0
AMOUNT BUDGETED:	\$0
ACCOUNT NO.:	
ADDITIONAL APPROPRIATION REQUIRED:	\$0
ACCOUNT NO.:	

EXECUTIVE SUMMARY

Thrive Church is requesting a Special Use Permit for the property located at 30136 FM 1093.

The property is currently in the Downtown District and is used as Residential.

They are requesting to use the property for Commercial Use, primarily for their offices.

There will be 3 offices and a conference room, they will have 5 parking spaces behind the building.

There will be no modifications made to the building at this time, except for code compliance.

They will follow the regulations of the sign ordinance.



CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

Phone: 281-346-1796 ~ Fax: 281-346-2556

www.fulsheartexas.gov

ZONING SPECIAL USE APPLICATION

Date of Application: 10/6/16

Property Address: 30136 FM 1093

Legal Description of the property: 002.9 C FULSHEAR, TRACT 87-C, ACRES 2.0

Property Owner Name(s): WOODHAM FAMILY TRUST

Address: 63 BIG CHIEF TRL, BOZEMAN, MT 59718-9419

Phone Number: 406-539-7979 Email Address: FBWOODHAM@GMAIL.COM

Applicant/Agent: Thrive Church

Attach letter of authorization along with this application

Address: 9550 Spring Green Blvd Ste 408-246
Katy TX 77494

Phone Number: 832-633-4805 Email Address: admin@thrivchurch.cc

Zoning District: DOWNDOWN DISTRICT Current use of property: RESIDENTIAL

Requested use of the property: COMMERCIAL/OFFICE

Land Uses of Adjoining Property:

(Agricultural, Single Family, Industrial, Business)

North	VACANT LAND
South	VACANT LAND
East	VACANT LAND
West	VACANT LAND

Is the proposed special use allowable in the current zoning designation? _____

Application Fees:

\$150.00 for Residential Use

\$500.00 for Commercial Use

Parking Plan

30136 FM 1093

Fulshear, TX 77441

Our goal is a streamlined parking plan. Parking should be orderly and efficient.

1. When entering the property, all traffic flows to the right.
2. Parking is in the rear of the garage, facing north.
3. All cars exit under the portico.
4. Signs will be posted stating entry and exit points.
5. Cars should not block the driveway at any time.

Special Use Request

30136 FM 1093

Fulshear, TX 77441

1. Request made that property address 30136 FM 1093, Fulshear, Texas 77441 be used as commercial office space only.
2. It is an existing single story building with no major modifications at this time.
3. Typical hours of operation will be 7 am to 6 pm.
4. Number of occupants will be 10 or less.
5. It will comply with all applicable sign regulations.

Property owners surround:

Metro Right of Way
Woodham Family Trust

Parking



Exit ↓

One Way ↓



One Way

Google

30136 #1
FLOOR PLAN

