



# *CITY OF FULSHEAR*

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441  
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## **SPECIAL CITY COUNCIL WORKSHOP MEETING/MINUTES DECEMBER 1, 2015**

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

A Special Workshop Meeting of the Fulshear City Council was called to order by Mayor Thomas C. Kuykendall, Jr., on Tuesday, December 1, 2015 at 6:34 p.m. in City Hall located at 30603 FM 1093, Fulshear, Texas and all citizens were welcomed.

#### Members Present:

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

#### City Staff Present:

D. (Diana) Gordon Offord, City Secretary  
C. J. Snipes, City Administrator  
Michelle Killebrew, Building Official  
Michael Ross, Asst. City Administrator  
J. Grady Randle, City Attorney  
Chief Kenny Seymour, Police Chief

#### Others Present:

Shannon Purcell  
Kaye Kahlich  
C.J. McDaniel  
Sherri BeMent  
Amy Pearce  
Laurie Szantay  
And 14 others who did not sign in

### **II. QUORUM**

Mayor Kuykendall announced that a quorum was present.

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**III. CITIZEN COMMENTS – NO ACTION CAN BE TAKEN**

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

Kaye Kahlich- She stated she was in favor of an enforceable fireworks ordinance. She also was in favor of a tree ordinance. (request a copy of tape for all of the comments).

Sherri BeMent- She stated this tree ordinance will affect citizens like her who has more than 1 acre (she stated they have 9 acres) and more than 1 tree (she stated they have 90 trees) She stated that the city she focus on what they want developers to do about trees and put it in the subdivision ordinance. Ms. BeMent had many suggestions regarding trees and provided a copy to each council member. She did not finish her presentation but all comments are available per tape recording.

Mayor Kuykendall thanked everyone for their comments. He also introduced new member of staff Michael Ross, Assistant City Administrator. The audience applauded.

**IV. WORKSHOP**

**A. DISCUSSION of TREE PRESERVATION STRATEGY, POTENTIAL ORDINANCES or MODIFICATION to the SUBDIVISION ORDINANCE**

Michael Ross, Assistant City Administrator, provided an overview to the Council and audience regarding his view of the proposed Tree Preservation Ordinance. His presentation lasted about ten minutes. For all of the comments, request a copy of the tape recording.

Council Member Mesic jumped in to give her view regarding the method for assigning a group to handle this task. Also, Council Member Krenek and Council Member Ridge provided their view also. The group was concerned with who should be on this tree preservation committee and that the ordinance should be geared toward developers instead of homeowners. The discussion continued among the members for approximately 20 minutes. Council Member Roberts stated the attempt of this ordinance was not to take away rights from homeowners but to preserve the beautiful trees. Council Member Krenek also talked about a timeline.

In conclusion, Mayor Kuykendall stated that the Parks Commission along with the Planning and Zoning Members would work on this project headed by Assistant City Administrator, Michael Ross if there are no objection from the Council. Council was silent. (Tape Recording is available for the entire discussion).

No action was taken on this item.

Mayor Kuykendall stated he would like to go to item four (Architectural Design Regulations) if there are no objection as the committee is present and a consultant. Council was silent. Mayor Kuykendall announced this is a workshop and we do not have to beat every item to death if it is not warrant. Another workshop will be held in January and discussions can continue there. Mayor Kuykendall introduced several of the committee members (Jeff Roberts, Laura Szantay, and Amy Pearce in addition to Gary Mitchell, consultant. Mayor presented each Council Member with a map of the zoning ordinance and a copy of the draft proposal from the committee.

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Go to Item E for documentation.

Mayor Kuykendall announced that the meeting will reconvene at 8:22 p.m. A quorum was present.

**B. DISCUSSION on the REGULATION of FIREWORKS and POTENTIAL MODEL ORDINANCES**

Mayor Kuykendall stated if no objection he would now move back to item B (discussion on the regulation of Fireworks). He stated that two different version have been provided to the Council. Mayor Kuykendall requested that the City Attorney, J. Grady Randle to give an overview of each version.

Grady Randle, City Attorney, provided to the Council an interpretation regarding "intent" and the "possession" of fireworks and cited the penalties. Chief Seymour stated the problem they have with the current ordinance is proving the intent and they would encourage for Council to have an enforceable ordinance. Council Member Krenek stated her concern is with fireworks being discharged within the city limits. A vigorous debate continue for another for an hour among the Council Members and the City Attorney. The concern was intent, possession, location, discharge, and fines.

**C. DISCUSSION on the REGULATION of HANDHELD DIGITAL DEVICES during the OPERATION of a MOTOR VEHICLE within the CITY LIMITS**

There was approximately a 30 minute heated debate among the members. The Council had concerns about safety, enforcement of the proposed ordinance, and many comments from the public who thought their rights were being infringed upon and educating the public. (For specific comments, tape recording is available upon request).

No action was taken.

**D. DISCUSSION on COUNCIL MEETING TIMES, PUBLIC SPEAKING and RULES of PROCEDURES**

Mayor Kuykendall announced that the proposed ordinance would allow for a work shop every first Tuesday of the month starting at 6:30 p.m. and also meeting time for regular meeting would be at 6:30 p.m. in order to end the meetings a decent hour.

Mayor Kuykendall stated in his opinion, abstain on a vote should only be used when that Council Member has a conflict of interest and that person should step down off the bench and do not enter into any of the discussion. He also thought some kind of guideline stating "how agendas are set for the city" or identify how many Council Members are required in order to add an item to the agenda.

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Several members were talking over each other during this discussion. Council Member Mesic stated she would be traveling and would like to dial in remotely during a Council Meeting and participate. Each has a different opinion. (For specific comments, tape recording is available upon request).

Council Member Mesic stated she would like to call for an Executive Session. Council Member Krenek was opposed to an Executive Session as Public does not know what Council is meeting about. Council Member Mesic stated it is regarding item already listed on the agenda. Mayor Kuykendall recommends adjournment without Executive Session. Council Member Krenek made a motion to adjourn. Mayor Kuykendall seconded the motion. Council Member Roberts stated he would like to hear the attorney's response. There was a ten minute debate among the members. City Attorney, J. Grady Randle stated that an Executive Session could be called as all requirements of the law was met. Council Member Krenek withdrew her motion to adjourn.

No action was taken.

Council entered into an Executive Session at 9:20 p.m. and quorum was available.

**E. DISCUSSION of ARCHITECTURAL DESIGN REGULATIONS**

Chairman Laurie Szantay gave a short overview regarding the committee and their contributions. She stated that they visited several cities to look at their aesthetics and also their architectural design ordinance.

C.J. Snipes, City Administrator, talked about the process that would take place to approve the proposed architectural design ordinance.

Gary Mitchell, Consultant Kendig Keast, gave an overview of the proposed architectural design ordinance. Mr. Mitchell spent about 1 hour 30 minutes giving the pros and cons of the proposed ordinance. He stated they focused more on the commercial standards. He also talked about repeal the current masonry ordinance and this new standard would all be under the zoning ordinance. During the presentation, he allowed a time for questions and answers throughout.

There was another 30 minutes of discussion among the Council Members and City attorney. Council agreed that this proposed ordinance is a great step in the right direction preserving the aesthetics of the City. Council Member Tristan only concerned was concerning the colors. For example: there are various colors of pink. No consensus was agreed upon.

No action was taken. (Tape Recording is available upon request.)

Mayor Kuykendall announced that we would take a five minute break before continuing.

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Mayor Kuykendall announced that Council would resume back into regular session at 9:34 p.m. and a quorum was present.

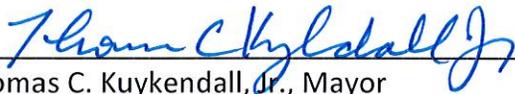
**V. ADJOURNMENT**

\_\_\_ Council Member Krenek made a motion to adjourn. It was seconded by Council Member Tristan. The motion was carried by the following vote:

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

Nays: None

Mayor Kuykendall announced that we are adjourned.

  
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Thomas C. Kuykendall, Jr., Mayor

Attest:

  
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D. (Diana) Gordon Offord, City Secretary