



# *CITY OF FULSHEAR*

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## **CITY COUNCIL MINUTES DECEMBER 15, 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, December 15, 2015 at 7:07 p.m. in the City Hall located at 30603 FM 1093 Road, Fulshear, Texas and all citizens were welcomed.

### **II. QUORUM**

Mayor Kuykendall announced that a quorum was present.

#### 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  
Valerie Bryant, Court Administrator  
Kristina Brashear, Finance Director  
Toni Velie, Utility Billing  
Lynn Raymer, Executive Secretary  
Michelle Killebrew, Building Official  
Kenny Seymour, Chief of Police  
Bryon Brown, Asst. City Attorney  
Kerry Sigler, Inspector  
Richard Valicek, Inspector  
Michael Pruett, Inspector  
J. Grady Randle, City Attorney  
Michael Ross, Asst. City Administrator

#### Others Present:

Owen BeMent  
Gene Morgan  
Ken Knapp  
Randy Stacey

**FULSHEAR CITY COUNCIL MINUTES  
DECEMBER 15, 2015  
PAGE 2**

**Continue- Others Present:**

CJ Mc Daniel  
Tegan Marroquin  
Shannon Purcell  
Kim Stacey  
Polly Royer  
Bill and Alena Heede  
Austin Weant  
Clifton Aldrich  
Viola Randle  
Ella Banks  
Shelley Elliott  
Stephen Gill  
Lynn Raymer  
Laurie Szantay  
Bill Archer  
Ed Krenek  
Sherri BeMent  
Cheryl Finney  
Todd Finney  
And 12 others who did not sign in

**III. INVOCATION- REV. JACKIE GILMORE, PASTOR of GREATER ZACHERY BAPTIST CHURCH, FULSHEAR, TX**

Rev. Gilmore had a prior engagement and not able to attend. Rev. Dale Olson provided the prayer.

**IV. PLEDGE OF ALLEGIANCE**

Mayor Kuykendall led the audience in saying the Pledge 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**

Mayor Kuykendall acknowledge that we have a large number of individuals who signed up for Public Comment. He offered them the opportunity to speak now or wait until Council reached that particular agenda item.

Owen BeMent- wait  
Ken Knapp-wait  
Randy Stacey-wait  
CJ McDaniel-wait

Alena Heede , a resident of Cross Creek Ranch shared a letter with Council from herself and her neighbors. (a copy of tape available upon request)

Bill Heede, speaking regarding the 3 proposed ordinances that gets debated, withdraw. They have been on the agenda several times. He identified them as the cell phone, tree, and fireworks ordinances. (Tape recording is available upon request for all specific comments). He also stated that Council Member Mesic objected to spending x-amount dollars for video streamlining. His concern is spending tax dollars on these type of ordinances instead of important things like infrastructure.

Austin Weant-wait

**FULSHEAR CITY COUNCIL MINUTES  
DECEMBER 15, 2015  
PAGE 3**

Ella Banks- She is disgruntle about the City wanting to tell folks what they can do and not do (wireless held hand devices) (tape recording available upon request)

Stephen Gill- states the Charter Commission has been working hard for several months. He is disturbed by the agenda item "suspending city attorney and legal review". He stated he believes this is the action of one Council Member, Ms. Mesic. (tape recording is available upon review)

Bill Archer-wait

Ed Krenek-wait

Sherri BeMent-wait

Cheryl Finney- wait

Todd Finney-wait

Council Member Mesic stated she requested agenda items 8D and E. Council Member Mesic stated she wants to commend the charter members for all of their hard work. Council Member Mesic stated her intent was to ensure that we have the process right as we are going from a General Law City to a Home Rule. Council Member Mesic stressed over and over again to have an air tight document in governing our city. (tape recording is available upon request)

Clift Aldrich addressed the Council regarding his re-appoint to the Fort Bend Subsidence District.

**VI. CONSENT AGENDA**

Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this is rule is that a Council Members may request one or more items to be removed from the consent agenda for a separate discussion and action.

- A. CONSENT and APPROVAL of ST. FAUSTINA CATHOLIC CHURCH/CCR SECTION 2/FINAL PLAT
- B. CONSENT and APPROVAL of FULBROOK ON FULSHEAR CREEK SECTION 11 /REVISED/PRELIMINARY PLAT
- C. CONSENT and APPROVAL CREEK COVE AT CROSS CREEK RANCH/SECTION 10/ FINAL PLAT
- D. CONSENT and APPROVAL of CROSS CREEK BEND LANE EXTENSION NO. 9/ FINAL PLAT
- E. CONSENT and APPROVAL of MINUTES from the NOVEMBER 17, 2015 MEETING

\_\_\_\_\_ A motion was made Council Member Mesic to approve the Consent Agenda as presented. It was seconded By Council Member Tristan.

Mayor Kuykendall asked for any discussion. Council Member Krenek had a question about the fees on item B. (Fulbrook on Fulshear Creek Section 11). C. J. Snipes, City Administrator, responded to Council Krenek. Mayor Kuykendall called for a vote.

The motion was carried by the following vote:

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

Nays: None

**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.

**C. REPORT from the MUNICIPAL COURT CLERK (Fees and Fines)**

Valerie Bryant, Court Administrator, presented the report to Council from the Municipal Court.

**D. REPORT from the BUILDING SERVICE DEPARTMENT ( Permits issued, inspections)**

Michelle Killebrew, Building Official, presented the report to Council from the Building Service Department.

**VIII. BUSINESS**

**A. DISCUSSION and PRESENTATION of PROPOSED TREE PRESERVATION PLAN for POTENTIAL MASTER PLANNED COMMUNITY by JOHNSON DEVELOPMENT SERVICES**

C.J. Snipes, City Administrator, presented an overview regarding proposed Tree Preservation Plan for the City and introduced Michael Cox, representative for Johnson Development Services. Mr. Cox introduced the land owner, Lou Waters. Mr. Waters gave his view regarding tree preservation regarding his master planned development community. Mr. Cox presented to the Council his view on tree preservation for the planned master development community his company is planning. ( a copy of the tape recording is available for all comments). Mr. Cox promised to do a good job in planting of trees and that the community would be proud of the look twenty years from now. There were several comments from the Council Members.

No action was taken.

**B. CONSIDERATION and POSSIBLE ACTION on the CHANGES to the MINUTES of OCTOBER 20, 2015 REQUESTED by COUNCIL MEMBER MESIC**

Mayor Kuykendall requested that City Secretary check to see if specific modification requested by Council Member Mesic was stated during the meeting and review of the tape recording modification was not stated during the meeting, Council Member Mesic withdrew her requested, stated it was written on her notes, and apology to the Council.

A motion was made by Council Member Krenek to accept October 20, 2015 minutes as written and received at the November 17, 2015 meeting. 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

**C. CONSIDERATION and POSSIBLE ACTION to APPROVE CHECKS PAID and PAYABLES from NOVEMBER 14, 2015 to DECEMBER 11, 2015**

There were a couple of questions regarding the payables. City Attorney responded . (tape recording available for specific details)

**CITY COUNCIL MINUTES  
DECEMBER 15, 2015  
PAGE 5**

A motion was made by Council Member Krenek to approve checks paid and payables from November 14, 2015 to December 11, 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

Mayor Kuykendall stated he would like to take Item D and E together if there are no objection. Council was silent.

**D. CONSIDERATION and POSSIBLE ACTION to APPROVE PROFESSIONAL SERVICES AGREEMENT between the CITY of FULSHEAR and DENTON, NAVARRO and ROCHA, LLC for the CONDUCT of a SYSTEMIC LEGAL REVIEW of the CITY'S HOME RULE CHARTER PROCESS and PRODUCTS**

**E. CONSIDERATION and POSSIBLE ACTION to SUSPEND CITY ATTORNEY ACTIVITY ON THE CHARTER COMMISSION UNTIL INDEPENDENT LEGAL REVIEW OF THE CHARTER PROCESS AND PRODUCTS IS COMPLETE.**

Council Member Mesic stated she would like to make a motion. Mayor Kuykendall stated he would like to give some background information regarding these two items and he would like to recap for the public benefit how we have reached this point. Mayor Kuykendall started off by saying he and C.J. Snipes, City Administrator, met with Dr. James Berman, Public Administration Program at University of Houston, approximately two and half or 3 years ago concerning home rules processes and procedure. Mayor Kuykendall presented an overview of how the charter process was started, member selected, process halted, and new selection process for members on March 17, 2015. (tape recording available for all the comments). He also stated that Randle Law firm provided legal consultation to the charter. Mayor Kuykendall presentation was approximately fifteen minutes. Mayor Kuykendall praised the charter members for their work and commitment. In summation, Mayor Kuykendall expressed that the voters will get the final say on the charter to vote to approve as a home rule city or remain a General Law city. Mayor Kuykendall stated three things are going on -1)accusations of a flawed process are unfounded 2) accusations are delaying the process and 3) accusations will cost the citizens of Fulshear a lot of money. Mayor Kuykendall stated that the City has reached out to independent firm (Denton, Navarro, Rocha, LLC.) to dis-spell these notions.

Mayor Kuykendall opened the discussion for Public Comments.

CJ McDaniel - He directed his comments to Council Member Mesic. He outlined that charter spent over 300 man hours working on the charter and they use the democratic process. He stated that Randle Law firm was available to provide guidance. He said it was a slap in the face calling for an outside review of their work. (for all of the comments, request copy of tape recording). He stated to spend an additional \$12,000.00 is a waste of tax payers' money. He stated he doesn't like the politics. He also praised the entire commission for their work.

Ken Knapp- He read his comments to the Council. He stated that it is the people's charter and they use the democratic process in accomplishing their goals. (for all the comments, request a copy of the tape). He indicated that he would like this charter to go to the voters in May.

**CITY COUNCIL MINUTES  
DECEMBER 15, 2015  
PAGE 6**

Randy Stacey- He stated that charter commission has taken its responsibility seriously. He stated he is concerned about the suspension of City Attorney and another firm being asked to do a review of the charter's work. He had multiple questions such as who is asking for the review, etc. (for all comments, request copy of tape recording).

Cheryl Finney- She indicated she wants the City to go forth. She supports the charter. She asked the City Attorney how many charters has he done. Attorney Randle responded by saying he has done a second opinion on a charter at the City of Mt. Belleview. There was a question and answer between the two. (for all comments, request copy of tape recording). Attorney Randle voiced his opinion for a second opinion.

Mayor Kuykendall stated that he is allowing charter members more latitude in speaking but will go back to the three minute requirement and no exchange between Council or others.

Bill Archer- He stated he originally signed up to speak about the suspension of the City Attorney but now that item has been suspended or dropped so that is alleviated. Mr. Archer stated he does not see the reason for getting a second review of the charter. Mr. Archer stated he takes offense to the personal attack on Ms. Mesic. He stated he knows she is hard to handle and sometimes he does not agree with her but he knows she has the best interest of the City. He also stated she is not trying to torpedo anything. He stated that going home rule is an important step. (for all comments, request tape recording).

Todd Finney- He stated many of the things he was going to say has been stated by others, starting with Mr. Gill. He talked about transparency and members of Council being responsible to citizens. (for all comments, request copy of tape recording)

Sherri BeMent- Two items of concern were replacing legal counsel and possible you are going to cost tax payers a lot of money for a second review. (for all comments, request copy of tape recording) She charged each member of Council to tell whether they are for or against the proposed charter.

Owen BeMent- He thanked the commission for all of their hard work and sees no problem with a second set of eyes review the document. He made a comparison using the proposed tree ordinance document. Mr. BeMent stated no reason to shame the City Attorney. (all comments, request copy of tape recording).

Mayor Kuykendall asked if there were any others who wanted to make comments. Audience was silent. Mayor opened up for Council Comments.

A motion was made by Council Member Krenek not to suspend City Attorney activity on the charter commission. 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

A motion was made by Council Member Mesic to approve Professional Services Agreement between the City of Fulshear and Denton, Navarro and Rocha, LLC for the conduct of a systemic legal review of the City's Home Rule Charter Process and Products. It was seconded by Council Member Roberts.

**CITY COUNCIL MINUTES  
DECEMBER 15, 2015  
PAGE 7**

Mayor Kuykendall stated this will be to hire the law firm and representative, Mr. Zech to review the charter at a cost of no more than \$12,000 and a rate of \$250 an hour plus travel. Mayor called for a vote:

The motion was carried by the following vote:

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

Nays: None

Council Member Tristan started off the conversation by saying when reviewing the agenda, she did not see this backlash. Council Members debated among themselves for approximately an hour. Items D and E under the business section was a controversial issue among the Council Members. The concerns were cost of the review, ensuring the charter document was legal and free of errors, change of government for the city, and best interest for the citizens of Fulshear. Four Council Members (Mayor Pro Tem Roberts, Council Member Tristan, Council Member Ridge, and Council Member Mesic) agreed that the charter review was a good idea along with the City Attorney. (for all of the individual comments, request a copy of the tape recording). Four Council Members did not see the review as a way of delaying the process for a home rule city and did not agree this was a way to criticize the charter commission members. Council Member Mesic stated that she is taking the biggest bashing for asking for the review but stated that was not her intent to delay the process only to be sure that the citizens received the best product.

Mayor Kuykendall and Council Member Krenek saw the process in a different light and that it was to delay or slow down moving forward with a charter, unnecessary, and cost for the review (for all individual comments, request a copy of the tape recording).

All of the Council was in agreement that the charter commission members deserve the highest praise for their work. Other issues they remain divided and had a heated discussion among themselves.

Council Member Krenek stated that we need a cap on this review and read the letter sent from Denton, Navarro, and Rocha, LLC.

Mayor Kuykendall stated in the essence of time, he is requesting that the review be completed by December 29, 2015.

A motion was made by Council Member Krenek that she amends the motion that this work be completed by December 29, 2015 at 5p.m. It was seconded by Council Member Roberts.

Michael Ross, Assistant City Administrator, stated he had contact the law firm and this was just a broad scope outlined in the letter. Concern was regarding the timeframe.

Council Member Krenek stated we need to have a timeframe.

Mayor Kuykendall stated we have an amendment to the motion that Mr. Zech complete his work by December 29, 2015.

Council Member Mesic voiced that she did not want to rush Mr. Zech in giving a review. Council Members had a back and forth discuss regarding the set deadline. Attorney Randle stated that attorneys work better under a deadline.

Mayor Kuykendall stated we will vote on a timeline and/or due date for Mr. Zech to complete his review. Mayor Kuykendall stated we will keep with the original motion for December 29, 2015 at 5 p.m. for Mr. Zech to complete the work. He called for a vote:

**CITY COUNCIL MINUTES  
DECEMBER 15, 2015  
PAGE 8**

The motion was carried by the following vote:

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

Nays: None

Mayor Kuykendall stated we now have a motion to approve Professional Services Agreement between the City of Fulshear and Denton, Navarro and Rocha LLC for the conduct of a systematic legal review of the City's Home Rule Charter process and product with their review being due back to the City by December 29, 2015 at 5p.m. Council Member Mesic seconded the motion. Council Member Krenek makes a motion to amend the pending motion to approve a special Professional Service Agreement between the City of Fulshear and Denton, Navarro and Rocha, LLC for the conduct of a review of the City's Home Rule Charter product.

Mayor Kuykendall called for clarification and he stated that this motion calls for a review of the charter product. Council Member Krenek agreed.

Mayor Kuykendall asked if there is a second. Council was silent. He stated that this motion fails for a lack of a second. Mayor stated we have a current motion on the table that the systemic legal review of the City's Home Rule Charter process and product review be complete by 5p.m. on December 29, 2015.

Assistant City Administrator, Michael Ross, called for clarification. Council Member Krenek stated that legal review of the document and process should not be handled by Mr. Zech.

Council Member Tristan asked for clarification as to what is being voted on. Another heated debate among the members once again.

Council Members were speaking over each other. Mayor Pro Tem Roberts asked City Attorney how he had handle the process during his review of another city.

Attorney Randle stated that the charter members complete the document. The City Administrator sent it to him for review. He made comments and returned it. Then it was sent back to the charter for revision and they rejected his suggestions. There were back and forth among the members.

(For all of the comments, request a copy of the tape recording) This debate continued for about 20 minutes.

Council Member Mesic left room at 9:40 p.m. Council Member Mesic returned to the room at 9:41 p.m.

The majority of the discussion was done by Council Member Krenek and Council Member Mesic.

The Council remain divided on the language that needed to be include in the motion.

Council Member Krenek again made a motion to approve Professional Service Agreement between the City of Fulshear and Denton, Navarro and Rocha LLC for a review of the City's Home Rule Charter to be complete by December 29, 2015 at 5 p.m. Council was silent. The amended motion dies for a lack of a second.

Council Member Roberts asked the City Attorney for what type of language should be used in regards to review of charter document.

Council Member Tristan stated she wants a second opinion but unsure what type of language that should be used.

**CITY COUNCIL MINUTES  
DECEMBER 15, 2015  
PAGE 9**

Mayor Kuykendall attempted to offer an opinion and reminded the members that the essence of time is at hand.

Council Member Krenek still disagrees with having language in the motion for a review of process.

Again, after another 35 minutes of discussion among the members, Council Member Krenek made a motion for Denton, Navarro, and Rocha LLC to conduct a review the draft charter document from a legal perspective to be completed by December 29, 2015 at 5p.m. It was seconded by Council Member Robert. The motion was carried by the following vote:

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

Nay: Council Member Mesic

Mayor Kuykendall stated that the "ayes" have it. Mayor Kuykendall announced that we will now take a fifteen break.

Mayor Kuykendall announced that the regular meeting of the City Council called back to order at 10:15 p.m. and a quorum was present. He state that Council Member Mesic would be going the group shortly.

**F. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-294 a RESOLUTION REAPPOINTING CLIFTON ALDRICH as the CITY'S NOMINEE to SERVE as a BOARD MEMBER of the FORT BEND SUBSIDENCE DISTRICT for a TWO YEAR TERM**

A motion was made by Council Member Krenek to approve Resolution No. 2015-294 a resolution reappointing Clifton Aldrich as the City's Nominee to serve as a board member of the Fort Bend Subsidence District for a two year term. It was second by Council Member Ridge. The motion was carried by the following vote:

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

Nays: None

**G. CONSIDERATION and POSSIBLE ACTION to APPROVE CREATION of a TREE ORDINANCE COMMITTEE INCLUDING MEMBERS of the CITY'S PLANNING and ZONING COMMISSION and PARKS COMMISSION; ADDITIONALLY to APPROVE PROFESSIONAL SERVICES AGREEMENT with CRAIG KOEHL for URBAN FORESTRY CONSULTATION and OTHER SERVICES**

Mayor Kuykendall stated he has had request from several others who wishes to be involved as part of the tree ordinance committee. Council Member Krenek had multiple questions regarding the cost for hiring professional consultant, members of the committee, and other stakeholders.

Mayor Kuykendall interrupted the conversation to announce that Council Member Mesic had re-joined the group at 10:19 p.m.

C.J. Snipes, City Administrator, respond to Council Member Mesic questions. Mayor Kuykendall stated that we have a motion and second on the floor and that the committee would include CenterPoint representative, Kim Stacey (resident), all Planning and Zoning Members, and the Parks Commission Members along with the consultant from, C.N. Koehl Urban Forestry, Inc.

A motion was made by Council Member Krenek to approve creation of a tree ordinance committee including members of the City's Planning and Zoning Commission and Parks Commission; additionally to approve profession services agreement with Craig Koehl for Urban Forestry Consultation and Other services subject to adding resident, Kim Stacey and CenterPoint representative. It was second by Council Member Ridge. Mayor Kuykendall stated we have a motion and second on the floor. 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 LETTING of REQUEST for PROPOSALS RELATED to INTERIM DRAINAGE REPAIRS in the LOWER BOIS D'ARC NEIGHBORHOOD**

Michael Ross, Assistant City Administrator, provide an explanation to the Council. He stated that Bois D Arc Lane consist of asphalt road with open ditches. He stated there are places where water does not drain properly and reduce the water pondering. This proposed project will regrade the ditches and replace most of the ditch culverts. He states that staff recommends bidding the project.

A motion was made by Council member Ridge to approve letting of request for proposals related to interim drainage repairs in the lower Bois D' Arc Neighborhood. It was second 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 Council Member Mesic was not feeling well and had to leave. Council Member Mesic left at 10:25 p.m. but a quorum was still available to continue the meeting.

**I. CONSIDERATION and POSSIBLE ACTION to APPROVE LETTING of REQUEST for PROPOSALS RELATED to the INSTALLATION of IMPROVEMENTS at the CITY of FULSHEAR WASTE WATER TREATMENT PLANT**

A motion was made by Council Member Roberts to approve letting of request for proposals related to the installation of improvements at the City of Fulshear Waste Water Treatment Plant. It was seconded by Council Member Krenek. The motion was carried by the following vote:

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

**J. CONSIDERATION and POSSIBLE ACTION to APPROVE LETTING of REQUEST for PROPOSALS RELATED to the INSTALLATION of EQUIPMENT and the PROVISION of DIGITAL VIDEO SERVICES to the CITY**

Kristina Brashear, Finance Director, gave an overview to the Council regarding the Video Services. She provided the Council with packet outlining the process and cost.

A motion was made by Council Member Krenek to approve letting of request for proposals related to the installation of equipment and the provision of digital video services to the City. It was seconded by Council Member Ridge. The motion was carried by the following vote:

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

**K. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1201 an ORDINANCE of the CITY of FULSHEAR SETTING PUBLIC HEARINGS for the 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 Roberts to approve ordinance no. 2015-1201 an ordinance of the City of Fulshear setting public hearings for the 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 Ridge. The motion was carried by the following vote:

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

Nays: None

**L. CONSIDERATION and POSSIBLE ACTION to DIRECT CITY STAFF TO PREPARE A SERVICE PLAN FOR THE VOLUNTARY ANNEXATION OF 270.4820 ACRES OF LAND SUBMITTED BY FULSHEAR INVESTMENTS, INC. AND FULSHEAR EQUINE, LLC.**

A motion was made by Council Member Ridge to direct city staff to prepare a service plan for the voluntary annexation of 270.4820 acres of land submitted by Fulshear Investments, Inc. and Fulshear Equine, LLC. It was second by Council Member Krenek. The motion was carried by the following vote:

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

Nays: None

**M. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-295 a RESOLUTION APPOINTING AUSTIN WEANT to the PLANNING and ZONING COMMISSION**

A motion was made by Council Member Krenek to approve resolution no. 2015-295 a resolution appointing Austin Weant to the planning and zoning commission. It was second by Council Member Ridge. The motion was carried by the following vote:

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

Nays: None

**N. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1202 an ORDINANCE of the CITY of FULSHEAR AMENDING ORDINANCE NOS. 2014-1160 and 2015-1182 ADOPTING, APPROVING and AMENDING the CITY'S OPERATING BUDGET for FISCAL YEAR 2014-2015, by APPROVING "BUDGET AMENDMENT II" to the "ORIGINAL GENERAL BUDGET of the CITY of FULSHEAR, TEXAS, for the FISCAL YEAR 2014-2015"; PROVIDING for SUPPLEMENTAL APPROPRIATION and/or TRANSFER of CERTAIN FUNDS; PROVIDING for SEVERABILITY; and PROVIDING for other MATTERS RELATED to the SUBJECT**

Kristina Brashear, Finance Director, provided an explanation to Council regarding this item.

A motion was made by Council Member Krenek to approve ordinance no. 2015-1202 an ordinance of the city of Fulshear amending ordinance nos. 2014-1160 and 2015-1182 adopting, approving and amending the city's operating budget for fiscal year 2014-2015, by approving "budget amendment ii" to the "original general budget of the city of Fulshear, Texas, for the fiscal year 2014-2015"; providing for

supplemental appropriation and/or transfer of certain funds; providing for severability; and providing for other matters related to the subject. It was second by Council Member Ridge. The motion was carried by the following vote:

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

Nays: None

**O. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1190 an Ordinance of the City of Fulshear REPEALING and REPLACING ORDINANCE NO. 82-573 REGULATING and PROHIBITING FIREWORKS; PROVIDING for DEFINITIONS; PROVIDING EXCEPTIONS; PROVIDING REQUIREMENTS for a PERMIT and BOND for PUBLIC DISPLAYS; DECLARING FIREWORKS to be a PUBLIC NUISANCE; PROVIDING for SEVERABILITY; PROVIDING for PENALTY CLAUSES; PROVIDING for an EFFECTIVE DATE**

Mayor Kuykendall opened the item up for Public Comment. Ed Krenek stated that the ordinance makes it illegal for someone to just transport fireworks through the City. He was opposed the language used in the ordinance and that the \$2000 a day a fine. He stated that the regulation is too broad. (for all comments, request a copy of the tape recording).

Council Members wanted to know which was the correct ordinance being considered. This was another hot item. Council Member Tristan wanted to change you can transport legally as long as they are properly stored in a vehicle (unopened and stored in trunk or glove box). Section 4 item 5 of the ordinance to read you can safely store and unopened fireworks in the confines of your house or garage.

Council Member Ridge asked location in the vehicle. City Attorney stated if it was an SUV behind the third seat.

A discussion among the Council and City Attorney continued for about 30 minutes. The concerned centered around transport of fireworks in vehicles, whether the package was opened or unopened, intent to designate the fireworks, police observation or non-observation, and witnesses.

At the end of the deliberation, Council agreed on the following language:

"It shall be unlawful for any person to or intend to manufacture, assemble, sell, offer any fireworks of any description within the city limits of the City of Fulshear, Texas except as otherwise provided in this ordinance."

"Further it shall be unlawful for any person to have in their possession with intent to discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks of any description within the city limits of the City of Fulshear except as otherwise provided in this ordinance"

A motion was made by Council Member Tristan to approve ordinance no. 2015-1190 an ordinance of the city of Fulshear repealing and replacing ordinance no. 82-573 regulating and prohibiting fireworks; providing for definitions; providing exceptions; providing requirements for a permit and bond for public displays; declaring fireworks to be a public nuisance; providing for severability; providing for penalty clauses; providing for an effective date subject to the changes specified by Council Members during their discussion. It was seconded by Council Member Roberts. The motion was carried by the following vote:

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

Nays: None

**P. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1203 an ORDINANCE of the CITY of FULSHEAR REGULATING the USE of WIRELESS COMMUNICATION DEVICES by OPERATORS of MOTOR VEHICLE on PUBLIC STREETS or HIGHWAYS within the CITY LIMITS of the CITY of FULSHEAR; PROVIDING for PENALTY; and PROVIDING for an EFFECTIVE DATE**

Council Member Tristan asked the City Administrator, C.J. Snipes, how the proposed ordinance was drafted. Mr. Snipes stated it is patterned after the proposed legislation by the State of Texas. Mr. Snipes stated we talked whether it could be enforceable and during the workshop it was asked for a total ban or let it go. It was drafted that you cannot use a handheld device with operating an vehicle with exceptions.

Council Member Tristan stated that when this original got started, trying to promote safety, however, a lot of constituents have contacted her and now she believes the City is not ready for this at this time. Council Member Tristan states she is not ready to give up on promoting safety but maybe we can continue by educating the public not to use the device while driving.

Council Member Krenek stated many entities are running their own campaign re: don't text while driving and partnering with other citizens to promote safety while driving.

Council Member Roberts provided his view and agreed with other member of the Council on educating the public not to text and drive.

At the end of this discussion, Council was in agreement to educate the Public regarding using handheld devices while operating a motor vehicle.

NO ACTION WAS TAKEN ON THIS ITEM.

**Q. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1204 an ORDINANCE of the CITY of FULSHEAR ADOPTING NEW GROUND WATER REDUCTION RATE of \$2.84 per 1,000 GALLONS as REQUIRED by the NORTH FORT BEND WATER**

A motion was made by Council Member Ridge to approve ordinance no. 2015-1204 an ordinance of the city of Fulshear adopting new ground water reduction rate of \$2.84 per 1,000 gallons as required by the north fort bend water. It was seconded by Council Member Krenek. The motion was carried by the following vote:

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

Nays: None

**R. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2015-1205 an ORDINANCE of the CITY of FULSHEAR ESTABLISHING a "NO PARKING – TOW AWAY ZONE" on CERTAIN PORTIONS of SYMPHONY CREEK LANE and ARBOR GLEN LANE**

**CITY COUNCIL MINUTES  
DECEMBER 15, 2015  
PAGE 14**

A motion was made by Council Member Tristan to approve Ordinance No. 2015-1205 an ordinance of the City of Fulshear establishing a “no parking – tow away zone” on certain portions of symphony creek lane and arbor glen lane. It was seconded by Council Member Ridge. The motion was carried by the following vote:

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

**S. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2015-296 a RESOLUTION of the CITY of FULSHEAR APPROVING INTERLOCAL AGREEMENT between the CITY of FULSHEAR and the REGION VIII EDUCATION SERVICE CENTER for PARTICIPATION in the INTERLOCAL PURCHASING SYSTEM (aka TIPS)**

A motion was made by Council Member Ridge to approve Resolution NO. 2015-296 a Resolution of the city of Fulshear approving interlocal agreement between the city of Fulshear and the region viii education service center for participation in the interlocal purchasing system (aka tips.). It was seconded by Council Member Krenek.

During the discussion, Council Member Krenek stated the authority should be named in the agreement and it was suggested that it be the City Administrator or his designee.

Council Member Ridge amend the motion to include: A motion was made by Council Member Ridge to approve Resolution NO. 2015-296 a Resolution of the City of Fulshear approving interlocal agreement between the city of Fulshear and the Region VIII Education Service Center for participation in the interlocal purchasing system (aka tips.) subject to naming City Administrator or his designee as the authority in the agreement . It was second by Council Member Krenek. The motion was carried by the following vote:

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

**IX. ADJOURNMENT**

A motion was made by Council Member Ridge to adjourn. It was second by Council Member Roberts. The motion was carried by the following vote:  
Mayor Kuykendall announced we are adjourned at 11:51 p.m.

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

\_\_\_\_\_  
Thomas C. Kuykendall, Jr., Mayor

Attest:

\_\_\_\_\_  
D. (Diana) Gordon Offord, City Secretary