



CITY OF FULSHEAR

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

FULSHEAR CITY COUNCIL MINUTES APRIL 17, 2012

I. CALL TO ORDER

A regular meeting of the Fulshear City Council was called to order by Mayor Thomas C. Kuykendall, Jr. at 7:06 p.m. Tuesday, April 17, 2012 in the Fulshear City Hall, 30603 F.M. 1093, Fulshear, Texas and all citizens were welcomed.

II. QUORUM

A quorum was present.

Members Present:

*Thomas C. Kuykendall, Jr., Mayor
J. B. Collins, Jr., Mayor Pro Tem
Larry Beustring
Stephen Gill
Laverne Patterson
Jeff Roberts*

Staff Present:

*D. Gordon Offord, City Secretary
C. J. Snipes, City Administrator
J. Grady Randle, City Attorney
Kristina Brashear, Finance Director
Cheryl Stalinsky, Economic Development Director
Michelle Kirchner, Building Inspector*

OTHERS PRESENT:

*Gloria Simmons
Kendall Dodgen
Tom Northrup
Ella Banks
Corine Penrice
Patricia ?
Sergio Pernsotti
Donald Garner
Viola Randle*

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*Todd Baker
Mike Stritz
Gwen Fox
Randy Emery
Clifton Aldrich
Paul Dawlearn
Rachel Dawlearn
Jeff Tentischert
Steve Littlefield
Debbie Simmons
Pastor Ernest Simmons
Ira Leary
Pauline Alvarado
Gilbert Alvarado
Bill Archer
Russ Cosbey
Erma Ridge
Christy Smidt
Wheatonio Mckinney
Mary Smith
John LeBourhis
John D. McCann
William Casey
Robert Blackmon
John Blackmon
Tangela Walton
Rev. Jackie L. Gilmore
And approximately ten (10) others who did not sign in*

III. INVOCATION – Pastor Steve Littlefield, Pastor of Simonton Community Church, Simonton, Texas

Pastor Littlefield of Simonton Community Church, Simonton, Texas gave the invocation.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Mayor Thomas C. Kuykendall, Jr.

V. CITIZEN COMMENTS – NO ACTION CAN BE TAKEN

There was one Citizens' general comment from Corine Penrice who asked if a tornado or twister came to Fulshear- Where would we go in case of an emergency? Several attendees signed up to speak on the Zoning Ordinance.

VI. PUBLIC HEARINGS

A. PUBLIC HEARING ON MJG HOLDINGS ANNEXATION

The City of Fulshear, Texas, proposes to institute annexation proceedings to enlarge and extend the boundary limits of the City to include the following described territory, to-wit:

Being a tract of land containing 1.901 acres of land, in the Enoch Latham Survey, Abstract 50, Fort Bend County, Texas, said 1.901 acre tract being unrestricted reserve "B" of Lamar C.I.S.D. High School No.5

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Complex, according to the map or plat thereof recorded under County Clerk's File Number 20110054, Official Public Records of Fort Bend County, Texas.

Notice is hereby given to all interested persons that the City Council of the City of Fulshear, Texas, will conduct a First Public Hearing on Tuesday, April 17, 2012, at 7:00 p.m. in the Fulshear City Council Chambers, Fulshear City Hall, 30603 F.M. 1093, Fulshear, Texas 77441.

The purpose of the public hearing is to receive input from the public on a proposal for the City of Fulshear, Texas, to annex the above identified tract of land. At said times and places all persons shall have the right to appear and be heard. All persons desiring to attend the public hearings may view the City Council's agenda to confirm the scheduling of the hearings. All persons desiring to be heard at such public hearings are invited to attend the hearings.

First Public Hearing for MJG Holding was opened at 7:10 p.m. There were no comments. It was closed at 7:11 p.m.

B. PUBLIC HEARING on the CITY of FULSHEAR PROPOSED ZONING ORDINANCE

The City Council of the City of Fulshear, Texas, will conduct a Public Hearing pursuant to Texas Local Government Code Section 211.066 to consider adoption of Zoning regulations and Zoning district boundaries on Tuesday, April 17, 2012, at 7:00 pm. The Public Hearing will be held at the City of Fulshear City Hall, 30603 F.M. 1093 Fulshear, Texas 77441.

At said time and place all persons shall have the right to appear and be heard. All persons desiring to attend the Public Hearing may view the City Council's agenda to confirm the scheduling of the hearing. If you have any questions concerning this Public Hearing, please contact the City Secretary, D. Gordon Offord, at (281) 346-1796.

Public Hearing for the Proposed Zoning Ordinance was opened at 7:12 p.m. There were several comments from the audience.

Ms. Ella Banks wanted to know what's the hurry with the zoning audience and she feels like this will impact her taxes. Ms. Banks stated she does not like the fact that someone will be able to tell her what she can do on her property but I have to pay the taxes. Ms. Banks stated zoning is not going to keep businesses out as there is already a bar at the end of her street.

Pastor Simmons that he understands that the City has tremendous amount of a money and time and he wants to know whether the citizens has a choice. He would like for the citizens to vote on this issue.

Ms. Pauline Alvarado decline to speak.

Bill Archer stated that he is getting the drift there is a lot of misunderstanding about zoning. He really wants to put in everyone's mind is not to tell you what you can do with your property but mostly to protect you as a homeowner. If you want to see what no zoning looks like, go to Houston or Rosenberg. This makes it a prime market for Real Estate Speculators who buy property- hold it – sells it for high price and go back where they came from. Zoning helps us to have some control over that.

Ms. Viola Randle stated that there are pros and cons to zoning. She stated that this effects old town as

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There is residential and commercial together and it will impact our taxes. She states she realizes the City has no control over this but thinks there is something else that could be done—don't what it is—but wishes City take that into consideration as everyone was not born with silver spoon in their mouth.

J. D. McCann stated that he is against the zoning.

Mayor Kuykendall asked if anyone else would like to speak.

Rev. Jack Gilmore stated that you can tell it is a concern at looking at this packed house. Rev. Gilmore stated we need to take the time to explain what zoning is about and get everyone's input.

Mayor Kuykendall thanked everyone for their comments and closed the Public Hearing on Zoning at 7:26 p.m.

PUBLIC HEARING ON MJG HOLDINGS ANNEXATION

The City of Fulshear, Texas, proposes to institute annexation proceedings to enlarge and extend the boundary limits of the City to include the following described territory, to-wit:

Being a tract of land containing 1.901 acres of land, in the Enoch Latham Survey, Abstract 50, Fort Bend County, Texas, said 1.901 acre tract being unrestricted reserve "B" of Lamar C.I.S.D. High School No.5 Complex, according to the map or plat thereof recorded under County Clerk's File Number 20110054, Official Public Records of Fort Bend County, Texas.

Notice is hereby given to all interested persons that the City Council of the City of Fulshear, Texas, will conduct a Second Public Hearing on Tuesday, April 17, 2012, at 7: 15 p.m. in the Fulshear City Council Chambers, Fulshear City Hall, 30603 F.M. 1093, Fulshear, Texas 77441.

The purpose of the public hearing is to receive input from the public on a proposal for the City of Fulshear, Texas, to annex the above identified tract of land. At said times and places all persons shall have the right to appear and be heard. All persons desiring to attend the public hearings may view the City Council's agenda to confirm the scheduling of the hearings. All persons desiring to be heard at such public hearings are invited to attend the hearings.

Second Public Hearing for MJG Holdings was opened at 7:28p.m. There were no comments from the audience. Second Public Hearing for MJG Holdings was closed at 7:29 p.m.

VII. CONSENT AGENDA

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

A. CONSENT and APPROVAL of MINUTES from MARCH 20, 2012

B. CONSENT and APPROVAL of CHECKS PAID and PAYABLES from MARCH 17, 2012 thru APRIL 13, 2012

C. CONSENT and APPROVAL of FIRETHORNE WEST SECTION 8 PRELIMINARY PLAT

D. CONSENT and APPROVAL of CREEK BEND at CROSS CREEK RANCH SECTION TEN (10) PRELIMINARY PLAT

E. CONSENT and APPROVAL of QUARTERLY INVESTMENT REPORT

Mayor Kuykendall announced that item "D" was not passed by the Planning and Zoning Commission and should be excluded from any motion.

A motion was made by Alderman Gill to approve the consent agenda excluding item "D". It was seconded by Alderman Roberts. Mayor Kuykendall stated one correction was needed on the payables report regarding the tires for the police car should have only been one charge of \$925 instead of two different entries for the same expense. Alderman Gill restated his motion to exclude item D and the correction to the payables. Alderman Roberts seconded the motion.

Alderman Collins asked a question to the Finance Director, Kristina Brashear, regarding street light outages and repair of these. Ms. Brasher stated that Center Point should be contacted regarding street light outages and that has nothing to do with the carrier, Green Mountain who the city's electric bill comes from. C.J. Snipes, City Administrator stated it has been difficult handling issues with Center Point as he had to get a top executive to get them to connect the new lift station on Katy-Fulshear. D. Gordon Offord, City Secretary, requested that Alderman Collins get a listing of the street light outages and submit them to her for handling.

The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

VIII. REPORTS

Reports are presented to Council for informational purposes only and no action may be taken on any item contained in a report with a specific actionable item listed under Business Items.

A. REPORT from SOUTHWEST WATER COMPANY (Repairs, New installations, and reports to TCEQ.)

A report from Southwest Water Company was presented by Scott Spindle. No action required. Mr. Spindle that TCEQ inspection visit on tomorrow. He also reported a problem with water at 5926 Settlers' creek that is still being investigated-will advise you later of the outcome.

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

A report from the Police Department was presented by Chief Kenny Seymour. No action required.

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

Mayor Kuykendall announced a court report is included in the packet and if there are any questions get to Mr. Snipes. Ms. Brown, contracted court clerk, not available for the meeting today.

D. REPORT from the BUILDER SERVICES DEPARTMENT (Permits Issued, Inspections)

Michelle Kirchner gave a report regarding her building services department in order to give an account of activity in that department.

Jeff Roberts commended the Building Services department for a well put on event regarding Fulshear Beautiful Clean- up project.

IX. BUSINESS

A. PRESENTATION of PROCLAMATION RECOGNIZING MOTORCYCLE AWARENESS MONTH

Mayor Kuykendall presented a proclamation to Todd Baker and Mike Stritz recognizing May'2012 as Motorcycle Awareness Month. He read the proclamation aloud. Both Mr. Baker and Mr. Stritz thanked the Mayor.

B. PRESENTATION TO CITY COUNCIL FROM FORT BEND SUBSIDENCE DISTRICT DIRECTOR, CLIFF ALDRICH

Mayor Kuykendall introduced Cliff Aldrich as the newly elected representative for the small cities representative in the Fort Bend Subsidence District. Mr. Aldrich addressed the Council for approximately 30 minutes outlining the purpose of the district and his duties as representative. Mr. Aldrich offered to meet with Council on a smaller scale to discuss any issues that may want brought to the attention of the Fort Bend Subsidence. Mayor Kuykendall thanked Mr. Aldrich for his presentation.

C. CONSIDERATION and POSSIBLE ACTION to APPROVE BANK DEPOSITORY AGREEMENT

Kristina Brasher, Finance Director, stated it was time to renew our bank depository agreement. She stated she did a bid request and that she recommends that we choose Wells Fargo. She stated that they offered the most benefits and that the minimum balance required in the account is lower than any of the other banks.

A motion was made by Alderman Gill to approve Wells Fargo Bank as the bank to sign bank depository agreement. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

D. CONSIDERATION and POSSIBLE ACTION to APPROVE and ADOPT ORDINANCE NO. 2012-1066 an ORDINANCE AMENDING ORDINANCE NO. 2012-1062 to INCLUDE REVISIONS of EARLY VOTING POLLING PLACE CHANGES due to CANCELLATION of ELECTIONS in ROSENBERG and NEEDVILLE

A motion was made by Alderman Gill to approve and adopt Ordinance No. 2012-1066 an ordinance amending Ordinance No. 2012-1062 to include revisions of early voting polling place changes due to cancellation of elections in Rosenberg and Needville. It was seconded by Alderman Collins. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

E. CONSIDERATION and POSSIBLE ACTION to ADOPT ORDINANCE NO. 2012-1067 an ORDINANCE CREATING and APPOINTING the PARKS and RECREATION PLANNING COMMISSION for the CITY

A motion was made by Alderman Beustring to adopt Ordinance No. 2012-1067 an ordinance creating and appointing the Parks and Recreation Planning Commission for the City. It was seconded by Alderman Roberts.

Alderman Gill requested to know the amount in the Parks' fund. Someone asked what the membership would consist of. The answer was given it would consist of five members from the community and two representatives from the developers in the area.

A vote was called for.

The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

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F. CONSIDERATION and POSSIBLE ACTION to ADOPT RESOLUTION NO. 2012-195 a RESOLUTION of the CITY COUNCIL of the CITY of FULSHEAR to APPOINT RESIDENT REPRESENTATIVES to the PARKS and RECREATION COMMISSION

A motion was made by Alderman Roberts to adopt Resolution No. 2012-195 a Resolution of the City Council of the City of Fulshear to appoint resident representatives to the Parks and Recreation Commission. It was seconded by Alderman Gill.

Someone asked who are the members of the committee.

The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

G. CONSIDERATION and POSSIBLE ACTION to ADOPT ORDINANCE NO. 2012-1068 an ORDINANCE PROVIDING RULES and REGULATIONS of LAND USE, STRUCTURES, BUSINESSES, and RELATED ACTIVITIES within the TERRITORIAL LIMITS of the CITY of FULSHEAR, TEXAS

Comments from the various Council Members were heard at this time. Alderman Gill asked if we had more workshops planned. Alderwoman Patterson stated that we need to ask our citizens whether they want Zoning. Alderman Collins stated when the zoning issue was first talked about most of the meetings were in the morning and a lot of the residents were not available. Alderman Roberts states that he sees both good and bad and he thinks we do not need to rush to pass and investigate more how it will impact the future. Alderman Roberts states he does not like the idea of telling people what to do on their property.

Mayor Kuykendall stated that we have had several meetings on this issue. We have held public meetings at the Community Center and tonight the Public Hearing. Alderwoman Patterson states that a lot of citizens don't have a clear understand of the zoning ordinance and this makes her uncomfortable.

A motion was made by Alderman Beustring to table the Ordinance No. 2012-1068 an Ordinance providing rules and regulations of land use, structures, businesses, and related activities within the territorial limits of the City of Fulshear, Texas. It was seconded by Alderman Gill. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

XI. ADJOURNMENT

A motion was made by Alderman Collins to adjourn. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

Thomas C. Kuykendall, Jr. – Mayor

Attest:

D. (Diana) Gordon Offord - City Secretary