

CITY OF FULSHEAR



FULSHEAR CITY COUNCIL MINUTES August 18, 2009

ITEM 1. CALL TO ORDER

A City Council meeting of the Fulshear City Council was called to order by Mayor, James W. Roberts at 7:02 p.m. Tuesday, August 18, 2009 in the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas and all citizens were welcomed. A quorum was present.

MEMBERS PRESENT

James W. Roberts, Mayor
Dennis Clack
Stephen Gill
Laverne Patterson
Derek Einkauf

STAFF PRESENT

David Frishman, City Attorney
Kristina Brashear, City Treasurer
D. Gordon Offord, City Secretary

MEMBERS ABSENT

J. B. Collins

OTHERS PRESENT

Shannon Purcell
Bill Woodham
Collin Pier
Clayton Black
And 4-5 others who did not sign in

ITEM 2. INVOCATION

A prayer was given by Pastor Alicia Coltzer, First United Methodist Church, Fulshear, Texas

ITEM 3. PUBLIC COMMENT(s)

There were no public comments.

4. Approval of Minutes

Special Meeting, July 2, 2009

Regular Meeting, July 21, 2009

A motion was made by Alderman Gill to approve the minutes with the corrections by Attorney David Frishman. It was seconded by Alderwoman Patterson. The motion was carried by the following vote: Alderman Clack stated he voted nay on both sign permits.
Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson
Nays: None
Absent: Alderman Collins

5. Consider and take action on checks paid and list of payables

A motion was made by Alderman Einkauf to approve checks paid and list of payables except for disputed charge regarding Southwest Water Services. It was seconded by Alderman Gill. The motion was carried by the following vote:

Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson
Nays: None
Absent: Alderman Collins

6. Consider and take action on setting an adoption date for the 2010 property tax rate

A motion was made by Alderman Einkauf to set the adoption date for the 2010 property tax rate for September 15, 2009. It was seconded by Alderman Gill. The motion was carried by the following vote:

Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson
Nays: None
Absent: Alderman Collins

7. Consider and take action to continue the 2009 property tax rate the same for year 2010 (rate is .02592) Correction Tax Rate: .205921

A motion was made by Alderman Gill to approve a proposed 2009 property tax rate at .205921 (same as previous year) for Year 2010. It was seconded by Alderman Einkauf. The motion was carried by the following vote:

Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson
Nays: None
Absent: Alderman Collins

Mayor Roberts asked if agenda items 8-12 could be done all at one time. Alderman Einkauf stated he preferred to take them one at a time.

8. Consider and take action on Firethorne: General Street Pattern only Plan/ (Firethorne and Firethorne West)

A motion was made by Alderman Einkauf to approve Firethorne: General Street Pattern only Plan/ Firethorne and Firethorne West subject to recommendation(s) by City Engineer, David Leyendecker.

Alderman Einkauf stated he wished to amend his motion. He re-stated the motion as follows: Alderman Einkauf made a motion to approve Firethorne: General Street Pattern only Plan/Firethorne and Firethorne West to include stipulation (s) by City Engineer, David Leyendecker. It was seconded by Alderman Gill. The motion was carried by the following vote:

Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson
Nays: None
Absent: Alderman Collins

9. Consider and take action on Firethorne Section 19 – Preliminary Plat

A motion was made by Alderman Einkauf to approve Firethorne Section 19 – Preliminary Plat to include stipulation(s) by City Engineer, David Leyendecker. It was seconded by Alderman Gill. The motion was carried by the following vote:

Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson
Nays: None
Absent: Alderman Collins

10. Consider and take action on Firethorne Section 20 – Preliminary Plat

A motion was made by Alderman Einkauf to approve Firethorne Section 20- Preliminary Plat. It was seconded by Alderman Clack. The motion was carried by the following vote:

Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson
Nays: None
Absent: Alderman Collins

11. Consider and take action on Firethorne West Section 3 – Preliminary Plat

A motion was made by Alderman Einkauf to approve Firethorne West Section 3- Preliminary Plat with stipulation(s) by City Engineer, David Leyendecker that access to South Firethorne road is denied to Lot 1-13 Block 1 and at the time of final platting a flood plain certification be required. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson
Nays: None
Absent: Alderman Collins

12. Consider and take action on Firethorne West Section 4 – Preliminary Plat

A motion was made by Alderman Einkauf to approve Firethorne West Section 4- Preliminary Plat subject to the requirements by by City Engineer, David Leyendecker until resolution is resolved before comes

back for final platting. It was seconded by Alderman Gill. The motion was carried by the following vote:

Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson
Nays: None
Absent: Alderman Collins

13. Consider and take action on Sign Permit: Doggy Styles Pet Spa/29802 FM 1093

A motion was made by Alderman Gill to table due to questions regarding the size of the sign and no one available to respond. It was seconded by Alderman Clack. The motion was carried by the following vote:

Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson
Nays: None
Absent: Alderman Collins

14. Consider and take action on Sign Permit: LoneStar Liquor/29615 FM 1093/Suite 2

A motion was made by Alderman Einkauf to approve Sign Permit: LoneStar Liquor/29605 FM 1093/Suite 2. It was seconded by Alderman Gill. The motion was carried by the following vote:

Ayes: Aldermen Gill, Einkauf, and Alderwoman Patterson
Nays: Alderman Clack
Absent: Alderman Collins

15. Consider and take action to allocate additional funds from the Park Fund for Phase III not to exceed \$20,000.00

A motion was made by Alderman Gill to approve to allocate additional funds from the Park Fund for Phase III not to exceed \$20,000.00. It was seconded by Alderman Einkauf. The motion was carried by the following vote:

Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson
Nays: None
Absent: Alderman Collins

16. Consider and take action on Sign Permit: The Exotic URN/ 30422 2nd Street

A motion was made by Alderman Einkauf to approve Sign Permit: The Exotic URN/30422 2nd Street. It was seconded by Alderman Gill. The motion was carried by the following vote:

Ayes: Aldermen Gill, Einkauf, and Alderwoman Patterson
Nays: Alderman Clack
Absent: Alderman Collins

17. Report from the Court Clerk

The Court Clerk report was given by Kristina Brashear

18. Report from the Police Department

The Police Report was given by Officer Kenny Seymour

19. Report from the City Attorney

-Discussion: City of Fulshear Personnel Handbook

-Discussion: FM 1093 Water and Sewer Project

City Attorney, David Frishman, gave an overview of the proposed revised Personnel Handbook for the City of Fulshear. He asked if Council wish to continue with the Mayor as the Chief Executive Officer. Alderman Gill stated that the Mayor should continue to be the Chief Executive Officer. All Council Members were in agreement.

Other areas of discussion as follows:

- Reviewing Insurance and health benefits/suggested getting quote from TML (Texas Municipal League)
- providing an employee handbook for all staff which include benefits, vacation, credit cards, etc.
- uniformity enforcement of rules
- prohibit tobacco use on city property and/or vehicles
- require drug testing for certain positions (provision for false/positive readings)
- Mayors' decision final but an employee can appeal to the Council (in regards to Department Heads, decision may be reverse)
- Provision which addresses complaints against Police Officers
- There was a lot of discussion regarding termination of department heads
- Alderman Einkauf suggested that Chief Executive Officer ruled as final but the employees should be able to appeal to the Council.

All Landowners and acreage need to be identified regarding the FM 1093 Water and Sewer Project. Attorney Frishman stated he has drawn up a proposed agreement between landowners and City of Fulshear. He has sent a copy to the Lamar School District for review.

City Attorney, David Frishman, informed the Council that a workshop is needed to complete the Personnel handbook and FM 1093 project.

20. Executive Session

551.071 For the purpose of a private consultation with the City's attorney on any or all subjects matters authorized by law.

1. Update on litigation, claims against the City.

551.072 For the purpose of discussing the purchase, exchange, lease, or value of real property.

551.074 For the purpose of considering the appointment, employment, evaluation,

reassignment duties, discipline, or dismissal of a public officer or employee.

1. Consider hiring and accepting resignations of professional and non-professional personnel.

Mayor Roberts announced that Council would recess into Executive Session at 8:47 p.m. and a quorum was present.

21. Reconvene into regular session

Mayor Roberts asked if any action needed to be taken.

A motion was made by Alderman Einkauf to remove David Frishman as City Attorney. It was seconded by Alderman Gill. The motion was carried by the following vote:

Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson

Nays: None

Absent: Alderman Collins

A motion was made by Alderman Clack to start the process to hire a City Attorney and City Inspector. It was seconded by Alderman Gill. The motion was carried by the following vote:

Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson

Nays: None

Absent: Alderman Collins

22. Adjourn

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

Ayes: Aldermen Clack, Gill, Einkauf, and Alderwoman Patterson

Nays: None

Absent: Alderman Collins

Mayor – Jamie W. Roberts

ATTEST:

City Secretary- D. (Diana) Gordon Offord