



# CITY OF FULSHEAR

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

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FULSHEAR CITY COUNCIL MINUTES  
AUGUST 23, 2011

**I. CALL TO ORDER**

*A regular meeting of the Fulshear City Council was called to order by Mayor, Thomas C. Kuykendall, Jr. at 7:03 p.m., Tuesday, August 23, 2011 in the Fulshear City Hall, 30603 FM 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*

**CITY STAFF:**

*D. (Diana) Gordon Offord, City Secretary  
C. J. Snipes, City Administrator  
Kristina Brashear, Finance Director  
Michelle Kirchner, Building Inspector*

**Guests**

*Russ Cosby  
Gwen Fox  
Ramona Ridge  
And 15 others who did not sign in*

**III. INVOCATION – Alicia Coltzer, Pastor of First United Methodist Church, Fulshear, Texas**

*Prayer was provided by Reverend Alicia Coltzer, Pastor of First United Methodist Church, Fulshear, Texas.*

**IV. PLEDGE OF ALLEGIANCE**

*The Pledge of Allegiance was lead by Mayor Thomas C. Kuykendall, Jr.*

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

*There were no citizens' comments*

**VI. 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 the July 7<sup>th</sup> , July 12<sup>th</sup> , July 19<sup>th</sup> 2011 MEETING**
- B. **CONSENT and APPROVAL of PAYABLES from JULY 20, 2011 thru AUGUST 23, 2011**
- C. **CONSENT and APPROVAL of BUDGET REPORT PERIOD ENDING JULY 31, 2011**

*C.J. Snipes stated that an agreement has been reached with Southwest Water concerning the payment to the Bono Brothers for sludge hauling from the listed amount on the payables of \$42, 346.80 to \$16,938.72.*

*A motion was made by Alderman Gill to approve the consent agenda and also to include a final payment to the Bono Brothers for sludge hauling in the amount of \$16, 938.72. 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*

#### 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 SOUTHWEST WATER COMPANY (Repairs, New installations, and reports to TCEQ.)**  
*A report from Southwest Water Company was presented by Jason Demel. No action was taken*
- B. **REPORT from the POLICE DEPARTMENT (Traffic Citations, arrests, incidents, calls for service)**  
*A report from the Police Department was presented by Acting Chief of Police, Kenny Seymour. No action taken.*
- C. **REPORT from the MUNICIPAL COURT CLERK (Fees and Fines)**  
*A report from the Municipal Court was presented by Elaine Brown, Contract Court Clerk. No action taken.*

#### VIII. **BUSINESS**

- A. **DISCUSSION and PRELIMINARY VOTE to SET the FISCAL YEAR 2011-2012 AD VALOREM TAX RATE AND SETTING PUBLIC HEARINGS ON SAID TAX RATE FOR SEPTEMBER 6, 2011 AND SEPTEMBER 13, 2011**

*A motion was made by Alderman Gill to set the Public Hearings dates for September 6 and September 13 to discuss the proposed fiscal year 2011-2012 Ad Valorem Tax Rate. It was seconded by Alderman Roberts. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill, Roberts and Alderwoman Patterson  
Nays: None*

- B. **CONSIDERATION and POSSIBLE ACTION TO ADOPT ORDINANCE NO. 2011-1042 an ORDINANCE of the CITY of FULSHEAR, TEXAS to ANNEX THREE TRACTS LOCATED in the EXTRA TERRITORIAL JURISDICTION of the CITY of FULSHEAR, FORT BEND COUNTY, TEXAS and SITUATED ALONG the LENGTH of FM 1093**

- (1) **An approximate 15.2 acre tract being made up entirely of the Right-of-way of Farm-to-Market Road Number 1093 and the Metropolitan Transit Authority of Harris County, Houston, Texas as located in the Enoch Latham Survey, Abstract 50, Fort Bend County, Texas.**

- (2) **An approximate 18.2 acre tract being made up entirely of the Right-of-way of Farm-to-Market Road Number 1093 and the Metropolitan Transit Authority of Harris County, Houston, Texas as located in the Enoch Latham Survey, Abstract 50 and the Morris Cummins Survey, Abstract 294; Fort Bend County, Texas.**
- (3) **An approximate 18.6 acre tract being made up entirely of the Right-of-way of Farm-to-Market Road Number 1093 and the Metropolitan Transit Authority of Harris County, Houston, Texas as located in the J. C. McDonald Survey, Abstract 290 and the R. H. Kuykendall Survey, Abstract 274; Fort Bend County, Texas.**

*A motion was made by Alderman Roberts to approve and adopt Ordinance No. 2011-1042 and ordinance of the City of Fulshear, Texas to annex three tracts located in the extra territorial jurisdiction of the City of Fulshear, Fort Bend County, Texas and situated along the length of FM 1093. 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*

**C. CONSIDERATION and POSSIBLE ACTION to ADOPT ORDINANCE NO. 2011-1043 an ORDINANCE of the CITY of FULSHEAR, TEXAS ADOPTING the NATIONAL FIRE PROTECTION ASSOCIATION 101: LIFE SAFETY CODE to AUGMENT the CITY'S CODES**

\_\_\_\_ *A motion was made by Alderman Gill to approve and adopt Ordinance No. 2011- 1043 and ordinance of the City of Fulshear, Texas adopting the National Fire Protection Association 101: Life Safety Code to augment the City's codes. It was seconded by Alderwoman Patterson. 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 adopt Ordinance No. 2011-1044 an Ordinance of the City of Fulshear, Texas revising the Groundwater Reduction Fee charged for the North Fort Bend Water Authority**

\_\_\_\_ *A motion was made by Alderman Beustring to approve and adopt Ordinance No. 2011-1044 an ordinance of the City of Fulshear, Texas revising the Groundwater Reduction Fee charged for the North Fort Bend Water Authority. It was second by Alderman Collins. 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. 2011-1045 an Ordinance of the City of Fulshear, Texas appointing a Police Chief**

*CITY COUNCIL ENTERED INTO EXECUTIVE SESSION TO DISCUSS THE APPOINT OF A POLICE CHIEF POSITION-  
SEE EXECUTIVE SESSION*

**FULSHEAR CITY COUNCIL MINUTES**  
**AUGUST 23, 2011**  
**PAGE 4**

*Mayor Kuykendall stated there was a panel of five which included Councilman Stephen Gill, Planning Commission Member Harold Collins, Chief Hastings from Katy, Texas, and City Administrator C. J. Snipes, and himself. 128 applications received and C. J. screened down to 30 applicants and the panel screened down to the top five (5). Out of those five, two withdrew and the committee recommended Kenny Seymour for the position. Mayor Kuykendall asked if anyone had any questions, the Council could enter into Executive Session.*

*Alderman Roberts stated he had a couple of questions. At this time, Mayor announced that the Council would enter into Executive Session at 7:46 p.m. Council resumed into regular session at 8:32 p.m. Mayor Kuykendall stated we would take up with item 8E.*

*A motion was made by Alderman Gill to approve and adopt Ordinance No. 2011-1045 an ordinance of the City of Fulshear, Texas appointing a Police Chief at the starting salary of \$60, 000.00 per year with benefits. It was seconded by Alderman Beustring.*

*The motion was carried by the following vote:*

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

*Nays: Alderman Roberts*

*Mayor Kuykendall announced that Kenny has been working in this position for six months already and that he has received some favorable comments regarding his performance. Mayor Kuykendall asked the Assistant City Attorney, Tim Kirwin, to administer the oath of office to Chief Kenny Seymour.*

**F. CONSIDERATION and possible action to adopt Ordinance No. 2011-1046 an Ordinance of the City of Fulshear, Texas approving the operation of the City's 4A Development Corporation as a 4B under the auspices of HB 3302**

*A motion was made by Alderman Beustring to approve and adopt Ordinance No. 2011-1046 and ordinance of the City of Fulshear, Texas approving the operation of the City's 4A Development Corporation as a 4B under the auspices of HB 3302. 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*

**G. CONSIDERATION and possible action to adopt Ordinance No. 2011-1047 an Ordinance of the City of Fulshear, Texas restricting the use of Golf Carts, ATV's and other irregular vehicles on City Streets and other public Rights of Way**

*\_\_\_\_\_There was approximately a 20 minute discussion. Council members agreed to table this item until further investigation could be conducted.*

*A motion was made by Alderman Gill to table Ordinance No. 2011-1047 and ordinance of the City of Fulshear, Texas restricting the use of Golf Cars, ATV's and other irregular vehicles on City Streets and other public rights of way. 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*

**H. CONSIDERATION and possible action to approve the purchase of approximately \$10,000 in asphalt supply for road repair**

*A motion was made by Alderman Beustring to approve the purchase of approximately \$10,000 in asphalt supply for road repair. 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*

**I. CONSIDERATION and possible action to review bids and award a contract for the construction and installation of water and sewer lines east along FM 1093**

*A motion was made by Alderman Roberts to award bid contract for the construction and installation of water and sewer lines east along FM 1093 to Allgood Construction which consisted of the lowest bid (\$778, 600.50). It was seconded by Alderwoman Patterson. The motion was carried by the following vote:*

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

*Nays: None*

**J. CONSIDERATION and possible approve street acceptance for creek side at Cross Creek Ranch Section 11, acceptance of acceptance of the conveyance of a lift station site and acceptance of partial assignment of lease agreement for Waste Water Treatment Facilities to the City from MUD 169 and MUD 171**

*A motion was made by Alderman Roberts to approve street acceptance for creek side at Cross Creek Ranch Section 11, acceptance of acceptance of the conveyance of a lift station site and acceptance of partial assignment of lease agreement for Waste Water Treatment Facilities to the City from MUD 169 and MUD 171. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:*

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

*Nays: None*

**IX. EXECUTIVE SESSION-CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE**

**SECTION 551.074, PERSONNEL MATTERS, TO DELIBERATE ON THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER.**

**DISCUSSION of APPOINTMENT of POLICE CHIEF**

**SECTION 551.071, CONSULTATION WITH ATTORNEY; SPECIFICALLY SUB-SECTIONS:**

**1)WHEN THE GOVERNMENTAL BODY SEEKS THE ADVICE OF ITS ATTORNEY ABOUT:**

**(A) PENDING OR CONTEMPLATED LITIGATION; OR**

**(B) A SETTLEMENT OFFER; OR**

**2)ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.**

**Regarding MUD 1**

**FULSHEAR CITY COUNCIL MINUTES**  
**AUGUST 23, 2011**  
**PAGE 6**

*Mayor Kuykendall announced entered into Executive Session at 7:46p.m. to discuss item 8E (appointing a Police Chief for the City of Fulshear) and a quorum was present. Council entered back into regular session at 8:32 p.m. and quorum was present. Council continued with regular business starting with item 8E.*

*Later, Mayor Kuykendall announced that there was no need for another Executive Session as they did not have the information available to discuss Mud 1.*

**X. ADJOURNMENT**

*A motion was made by Alderman Collins to adjourn at 9:03 p.m... It was seconded by Alderman Roberts. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill, Roberts and Alderwoman Patterson  
Nays: None*

*Mayor Kuykendall announced that the Council is now adjourned.*

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*Thomas C. Kuykendall, Jr. – Mayor*

*Attest:*

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*D. (Diana) Gordon Offord – City Secretary*