



CITY OF FULSHEAR

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

City Council Minutes March 19, 2013

I. CALL TO ORDER

A Regular City Council Meeting was called to order by Mayor Thomas C. Kuykendall, Jr. at 7:06 p.m. at the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas 77441 and all citizens were welcomed.

Members Present:

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

Members Absent:

J. B. Collins, Jr.

City Staff Present:

*D. Gordon Offord, City Secretary
C. J. Snipes, City Administrator
J. Grady Randle, City Attorney
Jeanette Jasso, Court Clerk
Elaine Brown, Contracted Court Clerk
Kristina Brasher, Finance Director
Michelle Morris, Building Inspector
Kenny Seymour, Chief of Police*

Others Present:

*Seth from Boy Scouts #941
Angie Lutz
Peter McElwain, Katy ISD/Elem. School in Cross Creek
Gwen Fox
Nolan Donald
John Cannon, Fulshear MUD NO. 2
And 14 others who did not sign in*

II. QUORUM

A quorum was present.

**FULSHEAR CITY COUNCIL MINUTES
MARCH 19, 2013
PAGE 2**

III. INVOCATION – Reverend Nolan Donald, Pastor of WordServe Methodist Church, Fulshear, Texas

Reverend Donald provided the prayer.

IV. PLEDGE OF ALLEGIANCE

Seth ? from Boy Scout Troop No. 941 led the audience in the Pledge of Allegiance.

V. CITIZEN COMMENTS – NO ACTION CAN BE TAKEN

There were no citizen comments.

VI. ORGANIZATIONAL MATTERS

A. ACKNOWLEDGEMENT of CERTIFICATION of UNOPPOSED CANDIDATES by the CITY SECRETARY

C. J. Snipes, City Administrator, announced that the two incumbents, J. B. Collins and Stephen Gill, were unopposed. There were no other persons who made a declaration to run for the office of Alderman. Also, there was a signed certification from the City Secretary, D. Gordon Offord, acknowledging that the incumbents were unopposed. No action was required.

B. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE 2013-1092 an ORDINANCE of the CITY of FULSHEAR DECLARING UNOPPOSED CANDIDATES in the MAY 11, 2013 GENERAL CITY ELECTION, ELECTED to OFFICE; CANCELING the ELECTION; PROVIDING SEVERABILITY CLAUSE; and PROVIDING an EFFECTIVE DATE.

A motion was made by Alderman Beustring to approve Ordinance 2013-1092 an Ordinance of the City of Fulshear declaring unopposed candidates in the May 11, 2013 General City Election, elected to office; canceling the election; providing severability clause; and providing an effective date. It was seconded by Alderman Roberts. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

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 FEBRUARY 19, 2013 MEETING

B. CONSENT and APPROVAL of KATY ISD ELEMENTARY SCHOOL NO. 37/PRELIMINARY PLAT

C. CONSENT and APPROVAL of STREET ACCEPTANCE for CREEK BEND at CROSS CREEK RANCH, SECTION 7

D. CONSENT and APPROVAL of STREET ACCEPTANCE for CREEK BEND at CROSS CREEK RANCH, SECTION 10

E. CONSENT and APPROVAL of UTILITY CONVEYANCE and SECURITY AGREEMENT for CREEK BEND AGREEMENT for CROSS CREEK BEND at CROSS CREEK RANCH, SECTION 7

F. CONSENT and APPROVAL of UTILITY CONVEYANCE and SECURITY AGREEMENT for CREEK BEND at CROSS CREEK RANCH, SECTION 10

A motion was made by Alderman Beustring to approve the consent agenda as presented. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

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 SEVERN TRENT WATER COMPANY (Repairs, New installations, and reports to TCEQ.)

A report from Severn Trent Water Company was provided by Mark Yentzen. No action was taken.

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

A report from the Police Department was provided by Chief Kenny Seymour. No action was taken.

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

A report from the Municipal Court was provided by Elaine Brown. Ms. Brown presented a plaque of recognition to Jeanette Jasso, Fulshear Municipal Court Clerk, for outstanding service. Ms. Brown stated that only 16 of these awards were given. Ms. Brown stated that Ms. Jasso currently is chairing the audit committee for the Texas Court Clerk Association (statewide association for municipal court clerks). The audience applauded. No action was taken.

D. REPORT from the BUILDING PERMIT OFFICE (Permits issued, fees, etc.)

A report from the Building Permit Office was provided by Michelle Morris. Ms. Morris stated the City placed third in the Governor's Community Beautiful Award with a score of 88 points. Ms. Morris stated you have to have 90 points to win. However, approval was received for the affiliate award which was a great accomplish.

Ms. Morris made a plea for help with the Fulshear Beautiful project on April 6, 2013. Ms. Morris also stated she could use assistance in planning of the event. Currently she attempts to sponsor two clean-ups per year. No action was taken.

IX. BUSINESS

A. PRESENTATION on KATY ISD ELEMENTARY NO. 37 by KATY ISD

Approximately a 30 minute video presentation was provided by Peter McElwain with the KISD (Katy Independent School District). He stated that this is the fastest residential growth in the nation. He expects that there will be 67,000 students in 2013 and this figure will jump to 93,000 by year 2017. He stated he is only referring to those in the KISD area. Their plan is to have a new elementary school ready by August, 2014 and construction needs to start by May, 2013.

Mayor Kuykendall thanked Mr. McElwain for his presentation.

B. CONSIDERATION and POSSIBLE ACTION to APPROVE PAYABLES and CHECKS PAID for the PERIOD of FEBRUARY 12, 2013 to MARCH 12, 2013

A motion was made by Alderman Gill to approve payables and checks paid for the period of February 12, 2013 to March 12, 2013. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

C. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2013-221 a RESOLUTION ADOPTING AMENDMENTS to the CITY'S INVESTMENT POLICY

A motion was made by Alderman Roberts to approve Resolution No. 20-13-221 a resolution adopting amendments to the City's Investment Policy. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

D. CONSIDERATION and POSSIBLE ACTION to APPROVE the 10/20 YEAR PROPERTY TAX WRITE OFF per the TEXAS PROPERTY CODE SECTION 33.05 "LIMITATION on COLLECTION of TAXES" per SUMMARY SUBMITTED by FORT BEND COUNTY TAX ASSESSOR-COLLECTOR

C. J. Snipes, City Administrator, states this is a kind of housekeeping task that we do every year.

A motion was made by Alderman Gill to approve the 10/20 year property tax write off per the Texas Property Code Section 33.05 "Limitation on collection of taxes: per summary submitted by Fort Bend County Tax Assessor-Collector. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

E. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2013-222 a RESOLUTION APPROVING the FORT BEND COUNTY HAZARD MITIGATION PLAN

A motion was made by Alderman Gill to approve Resolution No. 2013-222 a resolution approving the Fort Bend County Hazard Mitigation Plan. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

F. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2013-223 a RESOLUTION APPROVING SIGNATORIES for ACCOUNTS held at BBVA COMPASS BANK

A motion was made by Alderman Beustring to approve Resolution No. 2013-223 a resolution approving signatories for accounts held at BBVA Compass Bank. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

G. CONSIDERATION and POSSIBLE ACTION to APPROVE the SOLICITATION of BIDS for the IRENE STERN PARK RESTROOM PROJECT

A motion was made by Alderman Beustring to approve the solicitation of bids for the Irene Stern Park restroom Project. It was seconded by Alderman Roberts. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

H. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1093 an ORDINANCE of the CITY of FULSHEAR REGARDING the CREATION of MUNICIPAL UTILITY and OTHER SPECIAL DISTRICTS within the CITY LIMITS and EXTRATERRITORIAL JURISDICTION of the CITY

City Attorney, J. Grady Randle spent approximately 40 minutes addressing the Council regarding Ordinance No. 2013-1093. He stated that there is no formal plan and Council may opt to make changes. The intent of this ordinance to outline the potential guidelines for the creation of Municipality Utility District and required fees. Attorney Randle explained to the Council a step by step of each section of the potential ordinance. He also shared some examples from neighboring cities. Attorney Randle stated that basically the developer would bear the expense of the operating expenses for a MUD and not the City and it would require a development agreement. There was another ten minute of discussion among the Council.

A motion was made by Alderman Gill to table. It was seconded by Alderwoman Patterson.

Mayor Kuykendall stated that this will help give developers an idea of what our expectations are and it will provide a framework. He requested that Council do research and ask a lot of questions in order that we may get it right the first time. Mayor Kuykendall asked if there were any other comments or question. Council was silent.

The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

I. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2013-224 a RESOLUTION of the CITY of FULSHEAR APPROVING CONDITIONS for CONSENT to the CREATION of FULSHEAR MUD NO. 2

FULSHEAR CITY COUNCIL MINUTES
MARCH 19, 2013
PAGE 6

A motion was made by Alderman Beustring to approve Resolution No. 2013-224 a resolution of the City of Fulshear approving conditions for consent to the creation of Fulshear MUD No. 2. It was seconded by Alderman Roberts. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

J. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1094 an ORDINANCE of the CITY of FULSHEAR AMENDING and REVISING CERTAIN PORTIONS of ORDINANCE NO. 2012-1058 ESTABLISHING RULES and REGULATIONS PERTAINING to SIGNS CREATING a DEFINITION of "FINE ART" and DISALLOWING BILLBOARD SIGNAGE

A motion was made by Alderman Gill to approve Ordinance No. 2013-1094 an Ordinance of the City of Fulshear amending and revising certain portions of Ordinance No. 2012-1058 establishing rules and regulations pertaining to signs creating a definition of "Fine Art" and disallowing billboard signage. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

K. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1095 an ORDINANCE of the CITY of FULSHEAR APPROVING FEES associated with ZONING

A motion was made by Alderman Gill to approve Ordinance No. 2013-1095 and Ordinance of the City of Fulshear approving fees associated with zoning. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

X. ADJOURNMENT

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

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

Nays: None

Absent: Alderman Collins

Mayor Kuykendall announced that we are adjourned at 8:52 p.m.

Thomas C. Kuykendall, Jr. – Mayor

Attest:

D. (Diana) Gordon Offord - City Secretary