# CITY OF FULSHEAR

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

**CITY COUNCIL MINUTES**
**MAY 16, 2013**

## I. CALL TO ORDER

*A Regular City Council Meeting was called to order by Mayor Thomas C. Kuykendall, Jr. at 7:08 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, Council Member*
*J. B. Collins, Jr., Council Member*
*Laverne Patterson, Council Member*

***Members Absent:***
*Jeff Roberts, Council Member*

***City Staff:***
*D. (Diana) Gordon Offord, City Secretary*
*C. J. Snipes, City Administrator*
*Tim Kirwin, Assistant City Attorney*
*Kristina Brashear, Finance Director*
*Michelle Morris, Building Inspector*

***Others:***
*Gerald Grisson*
*Steve Littlefield*
*Viola Randle*
*Mike James*
*Julie Dowdall*
*Ramona Ridge*
*Gwen Fox*
*Ralph Wissel*
*U. Edwards*
*And 12 others who did not sign in*

## II. QUORUM

*A quorum was present. Mayor Kuykendall requested that I note Council Member Roberts is absent.*

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

*Reverend Littlefield gave the prayer.*

**IV. PLEDGE OF ALLEGIANCE**

*Mayor Kuykendall acknowledged that we have the Boy Scouts in the audience and requested that Lance leads us in the pledge.*

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

*Ramona Ridge stated that since so much development has come to the City, she is requesting that the City come up with a tree ordinance to protect our beautiful environment ( we need to preserve our trees).*

**VI. ORGANIZATIONAL MATTERS**

**A. SWEARING IN ELECTED OFFICIALS AND SIGNING OF OFFICER STATEMENT**

*Mayor Kuykendall announced that no one ran against the two incumbents so the election was cancelled. Tim Kirwin, Assistant City Attorney, sworn in the incumbent Council Members, J.B. Collins, Jr. and Stephen Gill. Signatures were obtained on the "Statement of Officer" form.*

**B. CONSIDERATION AND POSSIBLE ACTION TO ELECT A MAYOR PRO-TEM**

*Mayor Kuykendall requested that Alderman Gill be re-appointed as Mayor Pro-tem.*
*A motion was made by Alderwoman Patterson to re-appoint Stephen Gill as Mayor Pro-Tem. It was seconded by Alderman Beustring. The motion was carried by the following vote:*
*Ayes: Aldermen Beustring, Collins, Gill, and Alderwoman Patterson*
*Nays: None*
*Absent: Alderman Roberts*

**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 APRIL 16, 2013 MEETING**

**B. CONSENT and APPROVAL of QUARTERLY INVESTMENT REPORT**

**C. CONSENT and APPROVAL on CROSS CREEK RANCH FLEWELLEN CREEK/SECTION 1/REVISED FINAL PLAT**

**D. CONSENT and APPROVAL on LAKES of CROSS CREEK RANCH SECTION 1/FINAL PLAT**

**E. CONSENT and APPROVAL on CREEK BEND at CROSS CREEK RANCH SECTION 9/REVISED FINAL PLAT**

**F. CONSENT and APPROVAL on LAZY J REPLAT NO. 1/SECTION 1/FINAL PLAT**

**G. CONSENT and APPROVAL on FULBROOK on FULSHEAR CREEK /SECTION 4/PRELIMINARY PLAT**

**H. CONSENT and APPROVAL on cross creek ranch detention and Water quality basins/revised final plat**

**I. CONSENT and APPROVAL for the POND at CROSS CREEK RANCH /PRELIMINARY PLAT**

**J. CONSENT and APPROVAL on W. CROSS CREEK BEND LANE NORTH of HEAVENLY LAKE LANE/ PRELIMINARY PLAT**

**K. CONSENT and APPROVAL on CREEK BEND at CROSS CREEK RANCH/ SECTION 4/ PRELIMINARY PLAT**

**L. CONSENT and APPROVAL on AROUND the BEND PLAZA /COMMERCIAL /PRELIMINARY PLAT**

*Mayor Kuykendall stated that item F "Lazy J Section 1 Final Plat" will be voted on separately. A motion was made by Alderman Beustring to approve the Consent Agenda as presented with the exception of item F. It was seconded by Alderman Collins. The motion was carried by the following vote:*

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

***Item F. Consent and Approval on Lazy J Replat No. 1./Section 1/ Final Plat***
*C. J. Snipes, City Administrator, stated that Planning and Zoning Commission approved Lazy J plat contingent on that the street dedication be made to the City by school district before final approval. Mr. James already has a permanent entry to his property and has no way to make Lamar C.I.S. D. consent to the street dedication. However, representatives from L.C.I.S.D stated that the street dedication is in the works.*
*There was some discussion concern the dedication of the road to the City. The developer does not have full authority over the road and it is actually the school district. Through the discussion, it was agreed that the developer should not be accountable.*

*A motion was made by Alderman Beustring to approve Lazy J Replat No. 1/Section 1/ Final Plat with no condition attached. It was seconded by Alderman Gill. The motion was carried by the following vote:*

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

**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.)**
**- INCLUDING REPORT on RED FLAG COMPLIANCE**
*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)**
*A report from the Municipal Court was provided by Elaine Brown, Court Administrator. No action was taken.*

**D. REPORT from the BUILDING PERMIT OFFICE (permits, fees, etc.)**
*A report from the Building Permit Office was provided by Michelle Morris, Building Inspector. No action was taken.*

**IX. BUSINESS**

**A. PRESENTATION of PROCLAMATION ACKNOWLEDGING "MANAGEMENT WEEK in AMERICA"**
*Mayor Kuykendall acknowledged that Management Week in America will be recognized June 2-8, 2013.*

**B. CONSIDERATION and POSSIBLE ACTION to APPROVE LIST of PAYABLES and CHECKS PAID from APRIL 11, 2013 through MAY 14, 2013**
*C. J. Snipes announced that we are under budget and was able to do so additional work on the roads.*
*A motion was made by Alderman Gill to approve list of payables and checks paid from April 11, 2013 through May 14, 2013 as presented. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

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

C. **CONSIDERATION and POSSIBLE ACTION to APPROVE AMENDMENT to INTERLOCAL COOPERATION AGREEMENT for the COLLECTION of TAXES between the CITY of FULSHEAR and FORT BEND COUNTY**
*A motion was made by Alderman Gill to approve amendment to Interlocal Cooperation Agreement for the collection of taxes between the City of Fulshear and Fort Bend County. It was seconded by Alderman Collins. The motion was carried by the following vote:*

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

D. **CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1097 an ORDINANCE of the CITY of FULSHEAR AMENDING ORDINANCE NO. 2012-1084 to ADD DEFINITION and FEE STRUCTURE for IRRIGATION TAPS**
*A motion was made by Alderman Gill to approve Ordinance No. 2013-1097 an Ordinance of the City of Fulshear amending Ordinance No. 2012-1084 to add definition and fee structure for irrigation taps. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

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

E. **CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1098 an ORDINANCE of the CITY of FULSHEAR AMENDING ORDINANCE NO. 2012-1091 to ADD DEFINITION and SPECIFICATIONS for "STREET TURN RADIUS KNUCKLES"**

*There was a 15 minute discussion among Council Members and the building inspector regarding definition for "street turn radius knuckles". Ms. Morris, Building Inspector, stated it would make those places with several drivers coming out at the same time a lot safer. This new term would be identified in all new development agreements to allow in situations where "street turn radius knuckles" required. Two diagrams were presented to Council to identify the difference.*

*A motion was made by Alderman Gill to approve Ordinance No. 2013-1098 and Ordinance of the City of Fulshear amending Ordinance No. 2012-1091 to add definition and specifications for "street turn radius knuckles". It was seconded by Alderwoman Patterson. The motion was carried by the following vote:*

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

F. **CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1099 an ORDINANCE of the CITY of FULSHEAR ADOPTING a TAX on HOTEL and MOTEL OCCUPANCY and PROVIDING for the RULES and REGULATION of its COLLECTION and USE**

*A motion was made by Alderman Collins to approve Ordinance No. 2013-1099 an Ordinance of the City of Fulshear adopting a tax on hotel and motel occupancy and providing for the rules and regulation of its collection and use. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

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

**G. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-2000 an ORDINANCE of the CITY of FULSHEAR DESIGNATING a MAP and DESCRIPTION for the CITY'S MAJOR THOROUGHFARE/ MOBILITY PLAN**

*Gary Mitchell of Kendig Keast gave an overview of the major thoroughfare mobility plan to Council. There was approximately a 20-minute discussion among the members.*

*A motion was made by Alderman Gill to table Ordinance No. 2013-2000 and Ordinance of the City of Fulshear designating a map and description for the City's major thoroughfare/mobility plan. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

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

**H. CONSIDERATION and POSSIBLE ACTION to AWARD BID for RESTROOM INSTALLATION PROJECT at IRENE STERN PARK**

*C. J. Snipes, City Administrator, stated that this is the second time that this project has gone out for bids. Four packets were requested but only two submitted bids. One bid was not responsive due to some technical failures but the other bid is good. However, that bid is more than what was budgeted for the project but the contractor has agreed for us to the bid for a 120 days to allows us to make a budget adjustment or to plan in next year's budget. Mr. Snipes stated that actually this bid is $18,000.00 less from the first time. He stated we went with a design that would be extremely low maintenance and durability.*

*A motion was made by Alderman Beustring to accept recommendation made by City Engineer, David Leyendecker, (award bid to Wallis Concrete for restroom installation project at Irene Stern Park). It was seconded by Alderman Collins. The motion was carried by the following vote:*

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

**I. CONSIDERATION and POSSIBLE ACTION to APPROVE PETITION for ANNEXATION of a 1.3085 ACRE TRACT into FULSHEAR MUD 1**

*A motion was made by Alderman Beustring to approve petition for Annexation of a 1.3085 acre tract into Fulshear MUD 1. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:*

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

**J. CONSIDERATION and POSSIBLE ACTION to ACCEPT UTILITY CONVEYANCE for LIFT STATION in FULBROOK on FULSHEAR CREEK**

*A motion was made by Alderman Gill to accept Utility Conveyance for Lift Station in Fulbrook on Fulshear Creek. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

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

**K. CONSIDERATION and POSSIBLE ACTION to APPROVE CVS #10177 FM 1463 and S. FIRETHORNE RD./FINAL PLAT**

*Mayor Kuykendall expressed that this particular plat has been a thorn in his side. This is an entity that came in and there were a tremendous amount of issues with the platting process. He stated that Michelle has bent over backwards to accommodate and now the plat is meeting requirements. However, they City has reviewed hundreds of plats and found it rather insulting as I (Mayor Kuykendall) got calls from the County Commissioner and State Representative with what 's wrong with the plat. I had to explain our platting system. We actually visited with Firethorne and they also had a number of issues with this plat. Mayor Kuykendall stated to the representative for CVS plat that he know he has been sent to bare the ,,,,,,,, of the comments but he wished the gentlemen who kept sending e-mails was present but he guess he has gone back to Louisiana. The firm that is doing this project is from Louisiana and maybe this is part of the problem. Mayor Kuykendall expressed that maybe next time there will be competent people available.*

*Attorney Tim Kirwin stated that a letter was sent to the company asking them to be available for the meeting tonight to express any concerns that they might have had.*

*A motion was made by Alderman Gill to approve CVS #10177 FM 1463 and S. Firethorne Rd/ Final Plat. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

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

**X. ADJOURNMENT**

*A motion was made by Alderman Collins to adjourn at 8:17 p.m. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:*

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

*Thomas C. Kuykendall, Jr. – Mayor*

*Attest:*

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