



CITY OF FULSHEAR

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

CITY COUNCIL MINUTES

July 16, 2013

I. CALL TO ORDER

A Regular City Council Meeting was called to order by Mayor Thomas C. Kuykendall, Jr., at 7:03 p.m. at the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas 77441 and all citizens were welcomed.

Members Present:

Larry Beustring

J. B. Collins, Jr.

Stephen Gill, Mayor Pro Tem

Thomas C. Kuykendall, Jr., Mayor

Laverne Patterson

Jeff Roberts

Members Absent:

None

City Staff Present:

D. (Diana) Gordon Offord, City Secretary

C. J. Snipes, City Administrator

Elaine Brown, Court Administrator

Kristina Brashear, Finance Director

Kenny Seymour, Police Chief

J. Grady Randle, City Attorney

Others Present:

Pastor Dale Olson

J. D. McCann

Ralph Wissel

Steve Sams

Jenni McLunkin

Viola Randle

And ten others who did not sign in

II. **QUORUM**

A quorum was present. Mayor Kuykendall stated all Councilmembers were present.

III. **INVOCATION** - Reverend Dale Olson, Pastor of New Creation Lutheran Church, Fulshear, Texas

Revered Olson gave the prayer.

IV. **PLEDGE OF ALLEGIANCE**

Mayor Kuykendall led the audience in the Pledge of Allegiance to the flag.

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

There were no Citizens' comments.

VI. **PUBLIC HEARING**

A. **PUBLIC HEARING on SPECIAL USE APPLICATION for DOWNTOWN DISTRICT – AROUND the BEND PLAZA**

The CITY COUNCIL of the CITY of FULSHEAR, TEXAS has RECEIVED a SPECIAL USE PERMIT APPLICATION REQUEST from CASEY PROPERTY, LLC to APPROVE CREATING RETAIL SHOPPING CENTER (AROUND THE BEND PLAZA) LOCATED at the INTERSECTION of SH 359 and HARRIS STREET (1.2006 ACRE TRACT) LOCATED within the DOWNTOWN DISTRICT.

Mayor Kuykendall opened the Public Hearing at 7:06 p.m. C. J. Snipes, City Administrator, stated that this will be a small strip center. We received only one comment from the Public, Mr. Larry Ray who mailed a letter to City Hall and stated to please allow shopping center. The audience was silent.

Mayor Kuykendall closed the Public Hearing at 7:07 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 the JUNE 18, 2013 AND JUNE 24, 2013**

B. **CONSENT and APPROVAL of WEST CROSS CREEK BEND LANE/CROSS CREEK RANCH EXTENSION 1 FINAL PLAT**

C. **CONSENT and APPROVAL of the POND at CROSS CREEK RANCH FINAL PLAT**

D. **CONSENT and APPROVAL of LEGACY at CROSS CREEK RANCH SECTION 4 FINAL PLAT**

E. **CONSENT and APPROVAL of CROSS CREEK BEND LANE EXTENSION NO. 7 FINAL PLAT**

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I. CONSENT and APPROVAL of CREEK BEND at CROSS CREEK RANCH SECTION 11 FINAL PLAT

J. CONSENT and APPROVAL of CREEK BEND at CROSS CREEK RANCH SECTION 12 FINAL PLAT

K. CONSENT and APPROVAL of CREEK BEND at CROSS CREEK RANCH SECTION 13 FINAL PLAT

L. CONSENT and APPROVAL of SYMS ROAD EXTENSION: FULBROOK on FULSHEAR CREEK STREET DEDICATION PRELIMINARY PLAT

A motion was made by Alderman Beustring to remove item "I" from the consent agenda and to approve other items on the Consent Agenda as presented. 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

Mayor Kuykendall read Item "I". He stated that this item went before the Planning and Zoning Commission but was returned for additional information. He stated that the Planning and Zoning Commission had some concerns as to whether this plat would be constructed at the intersection of FM 359 here in town but the plat met all the administrative requirements but wanted to discuss this with Council and ask you approve the Preliminary Plat and that the request for additional information would be met when the final plat is submitted.

C. J. Snipes, City Administrator, also provided comments to the Council regarding this plat.

There was approximately a 10 minutes discussion between Costello Engineers, Mr. Ralph Wissel, and Council.

Mayor Kuykendall made it known that he does not usually bring an item to the Council agenda that has been previously turned down by the Planning and Zoning Commission and that this circumstance has been discussed with the Planning and Zoning body.

A motion was made by Alderman Gill to approve Syms Road Extension: Fulbrook on Fulshear Creek Street Dedication Preliminary Plat. It was seconded by Alderman Beustring. Mayor Kuykendall asked if there are any more questions. Alderman Roberts inquired if this will be a permanent access. C. J. Snipes, City Administrator, stated this would be a permanent access for future commercial development. Mayor Kuykendall called for a vote. 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 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)

A report from the Municipal Court was provided by Elaine Brown, Court Administrator. No action was taken.

D. REPORT from the BUILDING PERMIT DEPARTMENT (Fees and Fines)

Ms. Michelle Morris was not available. Mayor Kuykendall announced that a copy of the Building Permit report is included in the packet and if there are any questions. No action was taken.

IX. BUSINESS

A. CONSIDERATION and POSSIBLE ACTION to APPROVE and ADOPT ORDINANCE NO. 2013-1101 an ORDINANCE CALLING TWO PUBLIC HEARINGS BEFORE the CITY COUNCIL of the CITY of FULSHEAR, TEXAS to be HELD at CITY HALL, 30603 FM 1093, FULSHEAR, TEXAS to HEAR ANY and ALL PERSONS DESIRING to be HEARD ON or IN CONNECTION with any MATTER or QUESTION INVOLVING the PROPOSED ANNEXATION into the CITY LIMITS of FULSHEAR, TEXAS, a 63.438 ACRE TRACT of LAND on PETITION of KENNETH G. MCCANN, GERALD WAYNE MCCANN, and JOHN DOUGLAS MCCANN

A motion was made by Alderman Roberts to approve and adopt Ordinance No. 2013-1101 an ordinance calling two public hearings before the city council of the City Of Fulshear, Texas to be held at city hall, 30603 FM 1093, Fulshear, Texas to hear any and all persons desiring to be heard on or in connection with any matter or question involving the proposed annexation into the city limits of Fulshear, Texas, a 63.438 acre tract of land on petition of Kenneth G. McCann, Gerald Wayne McCann, and John Douglas McCann. 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

B. CONSIDERATION and POSSIBLE ACTION to APPROVE and ADOPT ORDINANCE NO. 2013-1102 an ORDINANCE CALLING TWO PUBLIC HEARINGS BEFORE the CITY COUNCIL of the CITY of

FULSHEAR, TEXAS to be HELD at CITY HALL, 30603 FM 1093, FULSHEAR, TEXAS to HEAR ANY and ALL PERSONS DESIRING to be HEARD ON or IN CONNECTION with ANY MATTER or QUESTION INVOLVING the PROPOSED ANNEXATION into the CITY LIMITS of FULSHEAR, TEXAS, a 16.005 ACRE TRACT of LAND on PETITION of KENNETH G. MCCANN, GERALD WAYNE MCCANN, and JOHN DOUGLAS MCCANN

A motion was made by Alderman Gill to approve and adopt Ordinance No. 2013-1102 an ordinance calling two public hearings before the city council of the City of Fulshear, Texas to be held at city hall, 30603 FM 1093, Fulshear, Texas to hear any and all persons desiring to be heard on or in connection with any matter or question involving the proposed annexation into the city limits of Fulshear, Texas, a 16.005 acre tract of land on petition of Kenneth G. McCann, Gerald Wayne McCann, and John Douglas McCann. 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 APPROVE CHECKS PAID and LIST of PAYABLES from JUNE 13, 2013 through JULY 11, 2013

A motion was made by Alderman Gill to approve checks paid and list of payables from June 13, 2013 through July 11, 2013. 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. 2013-1103 an ORDINANCE of the CITY of FULSHEAR, TEXAS, GRANTING to SEAWAY CRUDE PIPELINE COMPANY, LLC, the RIGHT, PRIVILEGE and FRANCHISE to LAY, REPLACE, MAINTAIN, and OPERATE ONE THIRTY INCH (30") PIPELINE in the CORPORATE LIMITS and the EXTRA-TERRITORIAL JURISDICTION and CONDITIONS UNDER WHICH SAID RIGHT, PRIVILEGE, and FRANCHISE is GRANTED

C. J. Snipes, City Administrator, stated that he recommends a five (5) year term and a franchise fee of \$500.00 along with adoption of this ordinance.

*A motion was made by Alderman Beustring to approve and adopt **ORDINANCE NO. 2013-1103** an ordinance of the city of fulshear, Texas, granting to seaway crude pipeline company, llc, the right, privilege and franchise to lay, replace, maintain, and operate one thirty inch (30") pipeline in the corporate limits and the extra-territorial jurisdiction and conditions under which said right, privilege, and franchise is granted subject to the recommendation by City Administrator, C. J. Snipes. It was seconded by Alderwoman Patterson. The motion was carried by the*

E. CONSIDERATION and POSSIBLE ACTION to APPROVE and ADOPT RESOLUTION NO. 2013-229 a RESOLUTION AUTHORIZING CONTINUED PARTICIPATION with the GULF COAST COALITION of CITIES; and AUTHORIZING the PAYMENT of 15 CENTS PER CAPITA to the COALITION to FUND REGULATORY and RELATED ACTIVITIES RELATED to ELECTRIC and GAS UTILITY SERVICES

A motion was made by Alderman Gill to approve and adopt Resolution No. 2013-229 a resolution authorizing continued participation with the gulf coast coalition of cities; and authorizing the payment of 15 cents per capita to the coalition to fund regulatory and related activities related to electric and gas utility services. 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

F. CONSIDERATION and POSSIBLE ACTION to APPROVE a CONTRACT for the COLLECTION of FINES AND FEES between the CITY of FULSHEAR and LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

A motion was made by Alderman Roberts to approve a contract for the collection of fines and fees between the City of Fulshear and Linebarger Goggan Blair and Sampson, LLP. 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

G. CONSIDERATION and POSSIBLE ACTION to APPROVE REQUEST from CASEY PROPERTY, LLC. to APPROVE a SPECIAL USE PERMIT for a RETAIL SHOPPING CENTER (AROUND the BEND PLAZA) LOCATED at the INTERSECTION of SH 359 and HARRIS STREET (1.2006 ACRE TRACT) WHICH LIES within the DOWNTOWN DISTRICT

A motion was made by Alderman Gill to approve request from Casey Property, LLC. to approve a special use permit for a retail shopping center (around the bend plaza) located at the intersection of SH 359 and Harris street (1.2006 acre tract) which lies within the downtown district. 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

H. CONSIDERATION and POSSIBLE ACTION to APPROVE an AGREEMENT with TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL EMPLOYEE BENEFIT POOL to RENEW CONTINUATION of

COVERAGE ADMINISTRATIVE (COBRA) AGREEMENT with the CITY of FULSHEAR EFFECTIVE 11-01-2013 through 11-01-2014

A motion was made by Alderman Roberts to approve an agreement with Texas Municipal League Inter Governmental Employee Benefit Pool to Renew Continuation of coverage Administrative (COBRA) Agreement with the City of Fulshear effective 11-01-2013 through 11-01-2014. 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

I. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1104 an ORDINANCE of the CITY of FULSHEAR ADOPTING the CITY's MAJOR THOROUGHFARE PLAN

Mayor Kuykendall stated we have had several meetings regarding the City's Major Thoroughfare Plan and just this week we received a letter from Huggins Ranch and some valid points were made. Mayor suggested meeting again to consider these concerns before a plan is adopted. He stated these concerns were just received on yesterday.

A motion was made by Alderman Roberts to table Ordinance No. 2013-1104 until consideration could be given to the new concerns received regarding the City's Major Thoroughfare Plan. 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

J. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1105 an ORDINANCE of the CITY of FULSHEAR REVISING the FEE SCHEDULE for PERMITS and INSPECTIONS

A motion was made by Alderman Roberts to approve Ordinance No. 2013-1105 an ordinance of the City of Fulshear revising the fee schedule for permits and inspections. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

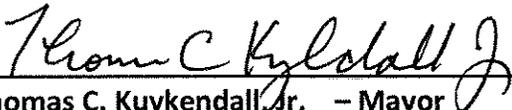
Nays: None

XI. ADJOURNMENT

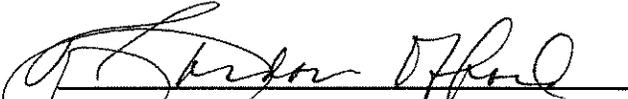
A motion was made by Alderman Collins to adjourn at 8:57p.m. (Correct time was 7:57 p.m.) It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None


Thomas C. Kuykendall, Jr. – Mayor

Attest:


D. (Diana) Gordon Offord -City Secretary