



CITY OF FULSHEAR

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441
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CITY COUNCIL MINUTES

October 22, 2013

I. CALL TO ORDER

A Regular City Council Meeting was called to order by Mayor Thomas C. Kuykendall, Jr. in the Irene Stern Community Center located at 6920 Katy Fulshear Road, Fulshear, Texas on Tuesday, October 22, 2013 at 7:03 p.m. Mayor Kuykendall announced that Council Gill was running late due to traffic.

Present:

*Thomas C. Kuykendall, Jr., Mayor
Stephen Gill, Mayor Pro Tem, came at 7:25p.m.
Larry Beustring
J. B. Collins, Jr.
Laverne Patterson
Jeff Roberts*

City Staff Present:

*D. (Diana) Gordon Offord, City Secretary
C. J. Snipes, City Administrator
Kristina Brashear, Finance Director
Elaine Brown, Court Administrator
Michelle Morris, Building Inspector
Kenny Seymour, Chief of Police
Catarina Gonzales, Assistant City Attorney*

Others Present:

*J.D. McCann
Jeanne Wallace
Andi Wallis
Gwen Fox
Bill Hogan
Russ Cosbey
Ramona Ridge
Ralph Wissel
And five others who did not sign in*

II. QUORUM

Mayor Kuykendall announced that a quorum was present.

- III. **INVOCATION - Reverend Nolan Donald, Pastor of Word Serve United Methodist Church, Fulshear, Texas Bill Hogan (Associate Minister) from the Word Serve United Methodist Church provided 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**
Ms. Ramona Ridge stated she would appreciate a blackboard alert being added regarding traffic as one morning she was rushing her daughter to the emergency room only to find the blockage of traffic with cyclists and motor vehicles on FM 1093.
- 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 SEPTEMBER 3rd, SEPTEMBER 10th, SEPTEMBER 24th MEETINGS**
- B. **CONSENT and APPROVAL of VALERO STORE NO. 1481/FINAL PLAT**
- C. **CONSENT and APPROVAL of FULBROOK on FULSHEAR CREEK SECTION 3 FINAL PLAT**
- D. **CONSENT and APPROVAL of FIRETHORNE WEST SECTION 11/ PRELIMINARY PLAT**
A motion was made by Alderman Beustring to approve the Consent Agenda as presented. It was second by Alderwoman Patterson. The motion was carried by the following vote:
Ayes: Aldermen Beustring, Collins, Roberts, and Alderwoman Patterson
Nays: None
Absent: Alderman Gill
- VII. **PRESENTATION**
- A. **PRESENTATION: PRESENTING PROCLAMATION RECOGNIZING the TEXANA CENTER for "DISABILITY EMPLOYMENT AWARENESS MONTH"**
Mayor Kuykendall presented the proclamation to Andi Wallis and Kevin Barker. Mayor Kuykendall read the proclamation aloud to the audience. Mr. Barker gave an overview of the Texana Center and its role in the community.
- 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.)**
Severn Trent Water Company report was provided by Mark Yantzen.
- B. **REPORT from the POLICE DEPARTMENT (Traffic Citations, arrests, incidents, calls for service)**
Police Report was provided by Chief Seymour.

- C. REPORT from the MUNICIPAL COURT CLERK (Fees and Fines)
Municipal Court Report was provided Elaine Brown.
- D. REPORT from the BUILDING PERMIT OFFICE (permits, fees, etc.)
Building Permit Office Report was provided by Michelle Morris.

IX. BUSINESS

- A. CONSIDERATION and POSSIBLE ACTION to APPROVE CHECKS PAID and LIST of PAYABLES from SEPTEMBER 12, 2013 through OCTOBER 16, 2013

Alderman Roberts questioned the use of Park monies to sponsor a stump carving. He stated other residents have similar projects done on their property and would like to submit their bill to the City. Mayor Kuykendall stated that the City does not pay for projects on private property. This carving is located on the City's ride away and not private property.

A motion was made by Alderman Beustring to approve checks paid and list of payables from September 12, 2013 through October 16, 2013. It was seconded by Alderman Collins. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Gill

- B. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1116 an ORDINANCE of the CITY of FULSHEAR DISANNEXING CERTAIN ACREAGE of LAND from its MUNICIPAL LIMITS and RETAINING SAID TRACT within the BOUNDARIES of its EXTRA TERRITORIAL JURISDICTION

C. J. Snipes, City Administrator, stated this goes back to the agreement between the City and DR Horton group. He stated that originally there was about 30 acres swamped and this portion was within the City limits. It was agreed during the negotiations that this piece of property would be disannex and come back to the City at a later date when all of DR Horton Development asked to be annex into the City. Mr. Snipes stated that MUD 182 would provide water and sewer for this area.

A motion was made by Alderman Beustring to approve Ordinance No. 2013-1116 an ordinance of the City of Fulshear disannexing certain acreage of land from its municipal limits and retaining said tract within the boundaries of its extra territorial jurisdiction. It was seconded by Alderwoman Patterson.

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

Nays: None

Absent: Alderman Gill

- C. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1117 an ORDINANCE of the CITY of FULSHEAR SETTING A PUBLIC HEARING DATE FOR ZONING CHANGE REQUEST BY THE MCCANN PROPERTY OWNERS TO REZONE 20.943 ACRE TRACT OF LAND FROM RESIDENTIAL ACREAGE TO COMMERCIAL (PROPOSED DATE: NOVEMBER 19,2013)

A motion was made by Alderman Roberts to approve Ordinance No. 2013-1117 an ordinance of the City of Fulshear setting a public hearing date for zoning change request by the McCann property owners to rezone 20.943 acre tract of land from residential acreage to commercial (proposed date: November 19,2013). It was seconded by Alderman Beustring. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Roberts, and Alderwoman Patterson
Nays: None
(Alderman Gill arrived at 7:25p.m.)*

D. CONSIDERATION and POSSIBLE ACTION to APPROVE and ADOPT INTERLOCAL AGREEMENT BETWEEN FORT BEND COUNTY AND CITY OF FULSHEAR for DISPATCH SERVICES

C. J. Snipes, City Administrator, stated that we usually approve these types of agreements annually and that Section 11.01 needs to be deleted. Section 11 deals with "Indemnification". The County has to be reminded each year to remove this portion.

A motion was made by Alderman Gill to approve and adopt Interlocal Agreement between Fort Bend County and the City of Fulshear for Dispatch Services with the exception of Section 11.01. 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*

E. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1118 an ORDINANCE of the CITY of FULSHEAR PROVIDING RULES and REGULATIONS for ANIMALS

C. J. Snipes, City Administrator, stated we have had several incidents involving dogs and currently we have no ordinances to address these issues. Mr. Snipes stated the latest incident involved a pregnant woman in Cross Creek who was attacked by a dog and nearly lost her arm. We had to fall back on State Law to codify our role. There was approximately a fifteen minute discussion among the Council Members and the assistant City Attorney, Catarina Gonzales. Alderman Collins asked if a dog attack someone and police goes out and we cannot act. Mr. Snipes said that under state law the animal could be held for ten days but there is nothing to hold the owner of the animal accountable. Alderman Roberts asked for clarification of the proposed ordinance. Mr. Snipes referred him to section 8 of the ordinance. Attorney Gonzales makes reference to Section two of the ordinance and she stated there is procedure that is followed in seizure and disposition of animal at large. Mayor Kuykendall stated as our City grows, we will probably incur more of these type of issues and will need to be addressed.

A motion was made by Alderman Collins to approve Ordinance No. 2013-1118 and ordinance of the City of Fulshear providing rules and regulations of animals. 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*

F. CONSIDERATION and POSSIBLE ACTION to APPROVE AGREEMENT with Lone Star Animal Recovery for the PROVISION of ANIMAL CONTROL SERVICES

C. J. Snipes, City Administrator, states that the County not available to provide services at all times and this agreement is necessary so the City can be a quick responder in cases of emergency. Residents will have to call the City to get this services and it would not be for any problem. Chief Seymour stated that the County will come and get strays but not come to get an attack animal. County has been involved in several lawsuits involving this issue which may be a reason why they do not like to pick up attack animals.

A motion was made by Alderman Beustring to approve agreement with Lone Star Animal Recovery for the Provision of Animal Control Services. 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 APPROVE APPLICATION for an ITINERANT VENDOR'S PERMIT for JAMES RACKOVAN DBA JT MARKETING to MARKET and DISTRIBUTE COUPON BOOKS

A motion was made by Alderman Gill to approve application for an itinerant vendor's permit for James Rackovan DBA JT Marketing to market and distribute coupon books. 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 ORDINANCE NO. 2013-1119 an ORDINANCE of the CITY of FULSHEAR CALLING for PUBLIC HEARINGS on PROPOSED AMENDMENTS to the City's ZONING ORDINANCE INCLUDING PROVISIONS for an ADDITION of a DEFINITION for "TATTOO PARLORS"; CHANGE in DENSITY REQUIREMENTS for MULTIFAMILY HOUSING; ADDING PROVISIONS to PROVIDE for MINIMUM LOT SIZES for COMMERCIAL PROPERTY; a CHANGE in the PARKING REQUIREMENTS for MULTIFAMILY HOUSING; CHANGES to the USES PERMITTED by RIGHT and SPECIAL USE PERMITS in the COMMERCIAL DISTRICT; and REGULATIONS for ALTERNATIVE FINANCIAL SERVICES BUSINESSES

A motion was made by Alderman Gill to approve Ordinance no. 2013-1119 an ordinance of the City of Fulshear calling for public hearings on proposed amendments to the city's zoning ordinance including provisions for an addition of a definition for "tattoo parlors"; change in density requirements for multifamily housing; adding provisions to provide for minimum lot sizes for commercial property; a change in the parking requirements for multifamily housing; changes to the uses permitted by right and special use permits in the commercial district; and regulations for alternative financial services businesses. 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*

I. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2013-235 an ORDINANCE of the CITY of FULSHEAR approving PETITION for CONSENT to ANNEX CERTAIN ACREAGE of LAND into the FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 182

A motion was made by Alderman Beustring to approve Resolution No. 2013-235 an ordinance of the City of Fulshear approving petition for consent to annex certain acreage of land into the Fort Bend County Municipal Utility District No. 182. It was seconded by Alderman Roberts. The motion was carried by the following vote:

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

J. CONSIDERATION and POSSIBLE ACTION to APPROVE REVISED AGREEMENT with BLACKBOARD CONNECT INFORMATION SERVICES to INCLUDE WEATHER ALERTS

A motion was made by Alderman Collins to approve revised agreement with Blackboard Connect information services to include weather alerts. 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

K. CONSIDERATION and POSSIBLE ACTION to APPROVE STREET and UTILITY CONVEYANCE from FORT BEND COUNTY MUD 172 to the CITY for LEGACY SECTION 3 in CROSS CREEK RANCH

A motion was made by Alderman Gill to approve Street and Utility Conveyance from Fort Bend County MUD 172 to the City for Legacy Section 3 in Cross Creek Ranch. 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

X. ADJOURNMENT

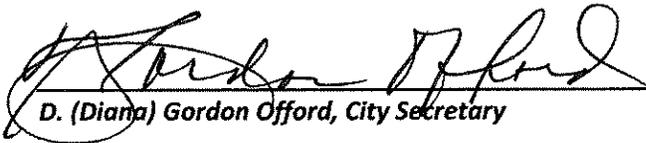
A motion was made by Alderman Collins to adjourn at 8:03 p.m. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None


Thomas C. Kuykendall, Jr. Mayor

Attest:


D. (Diana) Gordon Offord, City Secretary