



CITY OF FULSHEAR

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

FULSHEAR CITY COUNCIL MINUTES NOVEMBER 19, 2013

I. CALL TO ORDER

A Regular City Council Meeting was called to order by Mayor Thomas C. Kuykendall, Jr. in the City Hall located at 30603 FM 1093, Fulshear Texas on Tuesday, November 19, 2013 at 7:03 p.m.

II. QUORUM

Mayor Kuykendall announced that a quorum was present.

Present:

Thomas C. Kuykendall, Jr., Mayor
Stephen Gill, Mayor Pro-Tem came at 7:09 p.m.
Larry Beustring
Laverne Patterson
Jeff Roberts

Absent:

J. B. Collins, Jr.

City Staff Present:

D. (Diana) Gordon Offord, City Secretary
C. J. Snipes, City Administrator
J. Grady Randle, City Attorney
Kristina Brashear, Finance Director
Elaine Brown, Court Administrator
Michelle Morris, Building Official

Other Present:

J. D. McCann
Mark Drmy
Elizabeth Witte
Cheryl Sedivec
Steve Tennis
Jim Eiterma
Chris Stevens
Gwen Fox
Viola Randle
John LeBourhis

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Continue- Others Present:
Kevin Casey

III. INVOCATION – John Crowe, Pastor of River Bend Baptist Church, Fulshear, Texas

Pastor Crowe 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 Public Comments.

VI. PUBLIC HEARING – CITY'S ZONING ORDINANCE

Notice is hereby given that a public hearing shall be held by the City Council of the City Fulshear at its meeting Tuesday, November 19, 2013 at 7:00 PM, in the Fulshear City Hall, Council Chambers located at 30603 FM 1093 West, Fulshear, Texas 77441.

The purpose of the hearing is to receive comments from interested individuals regarding revisions to the City's Zoning Ordinance. Specifically the addition of provisions including:

- 1) The addition of a definition for the term "Tattoo Parlor";
- 2) Modification of the density requirement for Multi-Family Housing;
- 3) Clarification on the Minimum Lot Sizes for Commercial Property;
- 4) Modification of the Parking requirements for Multi-Family Housing;
- 5) Changes to the uses permitted by Right and Special Use within the Commercial District; and
- 6) Regulations for Alternative Financial Services Businesses.

A copy of the proposed Zoning Ordinance Amendments are available in the office of the City Secretary, City Hall, 30603 FM 1093 West, Fulshear, Texas 77441.

Mayor Kuykendall announced the Public Hearing on Zoning Ordinance was open at 7:08 p.m. J. Grady Randle, City Attorney, stated that a text change is being made to the City's Zoning ordinance and that the boundary change has to do with the map. He stated one Public Hearings has already been conducted by the Planning and Zoning Commission and now City Council will hold their hearings. C. J. Snipes, City Administrator, enumerated on each section of the proposed change. There were no comments from the audience. It was closed at 7:12p.m.

VII. PUBLIC HEARING – ZONING MAP CHANGE

The City Council of the City of Fulshear hereby gives notice that a Public Hearing shall be held regarding a request from Kenneth G. McCann, Gerald W. McCann, and John Douglas McCann to zone the said property (20.943 acres) from Residential to Commercial. (No Address)

A Field Note Description of 20.943 Acres of Land out of the Call Tract A.-125.55 Acre Tract (FBC 2005014002), in the Churchill Fulshear League, Abstract No. 29, Fort Bend County, Texas. For the Metes and Bounds, contact the City Secretary's office.

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Date: November 19, 2013

Time: 7:00 p.m.

Place: Fulshear City Hall

Interested Parties may appear at the Public Hearing and be heard with respect to the application.

COMMERCIAL USE:

The City Council of the City of Fulshear, Texas has received a request from Kenneth G. McCann, Gerald W. McCann, and John Douglas McCann to zone the said property (20.943 acres) to Commercial Use (retail, restaurants, office space). The property is located at southwest corner FM 1093 and James Lane. The application may be inspected by the public at Fulshear City Hall Monday through Thursday from 8:00 a.m. - 5:00 p.m. and Fridays 8:00 a.m. -3:00 p.m. For more details, contact the City Secretary, D. Gordon Offord at Fulshear City Hall, 30603 FM 1093, Fulshear, Texas 77441 (Phone number: 281-346-1796 x204)

Mayor Kuykendall stated that the Public Hearing is opened at 7:14 p.m. Mr. Eitemn from the audience asked if there has been any traffic studies regarding the intersection at James Lane. Mayor Kuykendall stated at this point only a request for change of the land use is being considered and at the point when a developer proposed project will a traffic study be initiated. C.J. Snipes, City Administrator stated that a turning lane is being considered at James Lane. There were no other comments. Mayor Kuykendall announced that the Public Hearing will close at 7:16 p.m.

VIII. 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 OCTOBER 22, 2013 MEETING**
- B. CONSENT and APPROVAL of the FISCAL YEAR 2012-2013 INVESTMENT REPORT for QUARTER 4**
- C. CONSENT and APPROVAL of FULBROOK on FULSHEAR CREEK: SECTION 4/FINAL PLAT**
- D. CONSENT and APPROVAL of FULBROOK on FULSHEAR CREEK: FULSHEAR TRACE STREET DEDICATION/FINAL PLAT**
- E. CONSENT and APPROVAL of FIRETHORNE: FIRETHORNE WEST SECTION 9/FINAL PLAT**
- F. CONSENT and APPROVAL of FIRETHORNE: FIRETHORNE WEST SECTION 10/FINAL PLAT**
- G. CONSENT and APPROVAL of FIRETHORNE: FIRETHORNE WEST SECTION 11/FINAL PLAT**
- H. CONSENT and APPROVAL of FIRETHORNE: FIRETHORNE WEST SECTION 16/FINAL PLAT**
- I. CONSENT and APPROVAL of CCC RANCH REPLAT/5.0067 ACRES being LOT 23 of NORTH FULSHEAR ESTATES/PRELIMINARY PLAT**
- J. CONSENT and APPROVAL of TAMARRON SECTION 1/FINAL PLAT**
- K. CONSENT and APPROVAL of TAMARRON SECTION 2/FINAL PLAT**
- L. CONSENT and APPROVAL of TAMARRON SECTION 3/FINAL PLAT**

M. CONSENT and APPROVAL of TAMARRON SECTION 4/FINAL PLAT

N. CONSENT and APPROVAL of TAMARRON ACCESS ROAD and RESERVES/FINAL PLAT

O. CONSENT and APPROVAL of AROUND the BEND PLAZA/FINAL PLAT

A motion was made by Alderman Beustring to approve the Consent Agenda as presented. It was seconded by Alderwoman Patterson. Alderman Roberts asked how can final plat be approved for Fulbrook with no second entrance. C. J. Snipes, City Administrator, stated that this issue has been discussed and due to several re-configuration on FM 1093 unable to construct the second entrance. However, we do have an agreement with them regarding completion of the second entrance.

The motion was carried by the following vote.

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

Nays: None

Absent: Alderman Collins

IX. 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 by Elaine Brown.

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

Building Permit Office Report was provided by Michelle Morris.

X. BUSINESS

A. CONSIDERATION and POSSIBLE ACTION to APPROVE PAYABLES from OCTOBER 14, 2013 through NOVEMBER 14, 2013

A motion was made by Alderman Beustring to approve payables from October 14, 2013 through November 14, 2013 as presented. 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

B. CONSIDERATION and DISCUSSION of PRESENTATION on POSSIBLE MODIFICATIONS to the CITY'S EMPLOYEE RETIREMENT PROGRAM administered by the TEXAS MUNICIPAL RETIREMENT SYSTEM by ANTHONY MILLS

A presentation was presented to Council by Anthony Mills, representative of the Texas Municipal Retirement System. He gave a snapshot view of cities who offer a 2-1 plan versus the 1-1 plan (retirement match for employees). The 2-1 match would improve the benefit for the employees upon retirement and also keep the City competitive in obtaining and retaining quality employees. He identified the pros and cons of both the plans. Mr. Mills stated that in order to retire from the City you must be a vested member with at least 5 years of service and age 60 or 20 plus years of service credit and retire at any age. Mr. Mills stated that most of the cities in Fort Bend County have the updated service provision. He provided the Council with a handout. Mr. Mills stated he would take questions at this time. There was approximately a five-minute question and answer period. No action was taken on this item.

C. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1120 an ORDINANCE of the CITY of FULSHEAR AMENDING ORDINANCE NO. 2010-1019 an ORDINANCE APPROVING the CITY'S PARTICIPATION in the TEXAS MUNICIPAL RETIREMENT SYSTEM; AMENDING said ORDINANCE to EXTEND the PERIOD of SERVICE CREDIT for EMPLOYEES with the CITY PRIOR to the ADOPTION of ORDINANCE NO. 2010-1019 allowing them to RECEIVE CREDIT WITHIN the SYSTEM for PRIOR SERVICE and AMENDING SAID ORDINANCE to INCREASE the MATCH from a 1:1 RATIO to a 2:1 RATIO for EMPLOYEES BEGINNING in FISCAL YEAR 2013-2014 as PREVIOUSLY BUDGETED

A motion was made by Alderman Gill to approve Ordinance No. 2013-1120 an Ordinance of the City of Fulshear amending Ordinance No. 2010-1019 and Ordinance approving the City's participation in the Texas Municipal Retirement System; amending said ordinance to extend the period of service credit for employees with the City prior to the adoption of Ordinance No. 2010-1019 allowing them to receive credit within the system for prior service and amending said Ordinance to increase the match from a 1:1 ratio to a 2:1 ratio for employees beginning in Fiscal Year 2013-2014 as previously budgeted. 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

D. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1121 an ORDINANCE of the CITY of FULSHEAR AMENDING the TEXT of ORDINANCE NO. 2012-1069 also known as the CITY'S ZONING ORDINANCE INCLUDING AMENDMENTS to include the FOLLOWING ITEMS: DEFINITION for the TERM "TATTOO PALOR"; MODIFICATION of the DENSITY REQUIREMENT for MULTI-FAMILY HOUSING; DEFINITION of MINIMUM LOT SIZES for COMMERCIAL PROPERTY; MODIFICATION of PARKING REQUIREMENTS for MULTI-FAMILY HOUSING; CHANGES to the USES PERMITTED by RIGHT and SPECIAL USE within the COMMERCIAL DISTRICT; and IMPLEMENTING REGULATIONS for ALTERNATIVE FINANCIAL SERVICES BUSINESSES.

A motion was made by Alderman Gill to approve Ordinance No. 2013-1121 an ordinance of the city of fulshear amending the text of Ordinance No. 2012-1069 also known as the city's zoning ordinance including amendments to include the following items: definition for the term "tattoo parlor"; modification of the density requirement for multi-family housing; definition of minimum lot sizes for

commercial property; modification of parking requirements for multi-family housing; changes to the uses permitted by right and special use within the commercial district; and implementing regulations for alternative financial services businesses. 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

E. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1122 an ORDINANCE of the CITY of FULSHEAR APPROVING AMENDMENT to the OFFICIAL ZONING MAP REQUESTED by PROPERTY OWNERS (KENNETH MCCANN, GERALD MCCANN, and JOHN DOUGLAS MCCANN) to REZONE the PROPERTY is DESCRIBED as: 20.943 ACRES of LAND out of the CALL TRACT A.-125.55 ACRE TRACT (FBC 2005014002), in the CHURCHILL FULSHEAR LEAGUE, ABSTRACT NO. 29, FORT BEND COUNTY, TEXAS from RESIDENTIAL R-1 to COMMERCIAL C-1

A motion was made by Alderman Gill to approve Ordinance No. 2013-1122 an ordinance of the city of fulshear approving amendment to the official zoning map requested by property owners (Kenneth McCann, Gerald McCann, and John Douglas McCann) to rezone the property is described as: 20.943 acres of land out of the call tract a.-125.55 acre tract (fbc 2005014002), in the Churchill Fulshear League, abstract no. 29, Fort Bend County, Texas from Residential r-1 to Commercial c-1. 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

F. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2013-1123 an ORDINANCE of the CITY of FULSHEAR APPROVING AMENDMENT of ORDINANCE NO. 2103-1108 an ORDINANCE ADOPTING CONVENIENCE FEES for the ACCEPTANCE of ONLINE PAYMENTS REVISING SAID FEE from \$3.00 to 3%

A motion was made by Alderman Beustring to approve Ordinance No. 2013-1123 an Ordinance of the City of Fulshear approving amendment of Ordinance No. 2103-1108 an Ordinance adopting convenience fees for the acceptance of online payments revising said fee from \$3.00 to 3%. It was seconded by Alderwoman Patterson.

Kristina Brashear explained to the Council regarding our first encounter with online payment. The first online payment came to the City and the amount was \$524.00. However, the \$3.00 charge did not cover the fees as it was \$12.90 charge and this makes it necessary for to revised the ordinance. We want the user to be responsible for all fees associated with collection of payment. Ms. Brasher stated we will review the online payment later and make a report to Council regarding this new change if approved. 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 TRANSFER of POLICE VEHICLE PREVIOUSLY DESIGNATED SURPLUS/ SALVAGE by the CITY to SPRING ISD for USE in an EDUCATIONAL ENVIRONMENT

C. J. Snipes, City Administrator, stated we have been able to sell the vehicle. It is suggested that the vehicle be transferred to Spring ISD law enforcement training program.

A motion was made by Alderman Beustring to approve transfer of Police Vehicle (Crown –Victoria) previously designated surplus/salvage by the City to Spring ISD for use in an educational environment. 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

XI. ADJOURNMENT

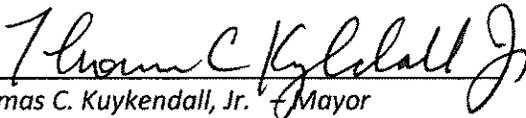
A motion was made by Alderwoman Patterson to adjourn. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

Mayor Kuykendall announced that we have a motion to adjourn at 8:12 p.m. and we are now adjourned.


Thomas C. Kuykendall, Jr. Mayor

Attest:


D. (Diana) Gordon Offord City Secretary