



# *CITY OF FULSHEAR*

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

---

## **CITY COUNCIL MINUTES FEBRUARY 18, 2014**

### **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 F. M. 1093, Fulshear Texas on Tuesday, February 18, 2014 at 7:05 a.m.*

*Present:*

*Thomas C. Kuykendall, Jr., Mayor  
Stephen Gill, Mayor Pro Tem  
Larry Beustring  
J. B. Collins, Jr.  
Jeff Roberts*

*Absent:*

*Laverne Patterson*

*Others Present:*

*Steve Sams  
Ramona Ridge  
Les Roussel  
Eric Kubera  
Gwen Fox  
Erma Ridge  
Michell Bradshaw  
Mark Welshimer  
Julie Dowdall  
Michael Rusk  
Ella Banks  
Jerry Scott  
John LeBourhis  
Fred Dixon, Jr.  
Todd Finney  
Cheryl Finney*

*Staff Present:*

*D. (Diana) Gordon Offord, City Secretary  
C. J. Snipes, City Administrator  
Mary Meier*

**FULSHEAR CITY COUNCIL MINUTES  
FEBRUARY 18, 2014  
PAGE 2**

*Continue of Staff Present:*

*Cheryl Stalinsky, Economic Development Director*

*Bobbi Martin, Utility Clerk*

*Kristina Brashear, Finance Director*

*Elaine Brown, Court Administrator*

*J. Grady Randle, City Attorney*

*Michelle Morris, Building Official*

*Kenny Seymour, Chief of Police*

**II. QUORUM**

*Mayor Kuykendall stated that a quorum was present. He stated that Alderwoman Patterson is unable to be here this evening.*

**III. INVOCATION – PASTOR MARK WELSHIMER, FIRST UNITED METHODIST CHURCH, FULSHEAR, TEXAS**

*Pastor Welshimer 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 had concerns regarding citizen's being able to opt out of recycling. She is willing to volunteer to give training regarding the advantages of recycling.*

*Mr. Eric Kubera (stated he is a Cross Creek resident) asked to get on the agenda for next time consideration to amend the golf cart ordinance (currently this ordinance prevents this type of vehicle from being driven on City streets). He stated people are in favor for having them for various reasons. We accept there are safety concerns. Others in the community would like for Council to allow us to use our golf carts. He stated he realizes there will be some restrictions and will to work with the City to make sure that happens. Cross Creek Ranch is unique in what it has to offer as far as nature is concerned and think that is why the neighborhood itself is the way it is.....lends itself to that type of community and would like the City to consider us to use our golf carts within the neighborhood.*

*Mayor Kuykendall thanked the citizens for their comments and states that this City wants to foster an atmosphere where residents feel comfortable in coming and giving their comments.*

**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 JANUARY 21, 2014 MEETING**

**B. CONSENT and APPROVAL of the POND at CROSS CREEK RANCH SECTION 2/ PRELIMINARY PLAT**

- C. CONSENT and APPROVAL of CROSS CREEK RANCH/W. CROSS CREEK BEND LANE NORTH of PONDS FALLS BLVD/PRELIMINARY PLAT
- D. CONSENT and APPROVAL of FIRETHORNE WEST SECTION 12/ PRELIMINARY PLAT
- E. CONSENT and APPROVAL of CREEK COVE at CROSS CREEK RANCH (REVISED DRAWING) SECTION 6/FINAL PLAT
- F. CONSENT and APPROVAL of FIRETHORNE WEST SECTION 15/PRELIMINARY PLAT
- G. CONSENT and APPROVAL of FIRETHORNE WEST SECTION 17/PRELIMINARY PLAT
- H. CONSENT and APPROVAL of FIRETHORNE WEST SECTION 18/PRELIMINARY PLAT
- I. CONSENT and APPROVAL of FIRETHORNE WEST SECTION 19/PRELIMINARY PLAT
- J. CONSENT and APPROVAL of TAMARRON SECTION 1 REPLAT/FINAL PLAT
- K. CONSENT and APPROVAL of TAMARRON SECTION 2 REPLAT/FINAL PLAT
- L. CONSENT and APPROVAL of TAMARRON SECTION 3 REPLAT/FINAL PLAT
- M. CONSENT and APPROVAL of TAMARRON SECTION 4 REPLAT/FINAL PLAT
- N. CONSENT and APPROVAL of TAMARRON SECTION 5 PRELIMINARY PLAT
- O. CONSENT and APPROVAL of CVS FULSHEAR/PRELIMINARY PLAT

*A motion was made by Alderman Gill to approve the Consent Agenda as presented. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill, and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

## VII. 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 Yentzen.*

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

*Police Report was provided by Chief Kenny Seymour.*

### C. REPORT from the MUNICIPAL COURT CLERK (Fees and Fines)

*Municipal Court was provided by Elaine Brown, Court Administrator.*

### D. REPORT from the BUILDING PERMIT OFFICIAL (permits, fees, fines, etc.)

*Building Permit Office Report was provided by Michelle Morris, Building Inspector.*

VIII. **BUSINESS**

A. **PRESENTATION: FULSHEAR DOWNTOWN DEVELOPMENT GROUP/CITY CENTER MAIN STREET PROJECT by GEORGE LANE**

*Mayor Kuykendall introduced George Lane to the Council. He stated that Mr. Lane lives on Penn Lane here in Fulshear and has taken an interest in doing some development here in the City. He has presented this information to the Planning and Zoning Commission.*

*Mr. Lane brought in some exhibits to share with the Council and started off by passing out the materials to the Council. He stated he came out here as a home owner and noticed there was not much to do in downtown area for families. He did a study which has taken about nine (9) months. They have identified developing the downtown with stores, restaurants, green space etc. that cater toward families.*

*The area being looked at is a vacant lot across from Dozier's (belongs to Terry Murphee) and that whole block is vacant. He stated this is where they would like to start. He stated that it would be a two phase project and cost approximately 20 million dollars to construct. He stated it would take about 1 ½ years to complete. He stated he had about 60 interested tenants such as Star Bucks, Jack & Jill, chocolate factory, ice cream parlor, etc. He shared with Council and audience of how the building would be constructed and it would be two levels. He also stated that he sees City Hall being located in this facility. He talked for approximately 25 minutes. There was exchange of dialogue between Council and Mr. Lane.*

*No action was taken.*

B. **CONSIDERATION and POSSIBLE ACTION to APPROVE CHECKS PAID and LIST of PAYABLES from JANUARY 16, 2014 to FEBRUARY 13, 2014**

*A motion was made by Alderman Roberts to approve checks paid and list of payables from January 16, 2014 to February 13, 2014. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill, and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

C. **CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2014-1129 an ORDINANCE of the CITY of FULSHEAR an ORDINANCE of the CITY of FULSHEAR PROVIDING for the HOLDING of a GENERAL ELECTION on MAY 10, 2014, for the PURPOSE of ELECTING MAYOR and (3) ALDERMEN; to PROVIDE for APPOINTMENT of a NEW EARLY VOTING CLERK, the POLLING PLACE for EARLY VOTING, the TIME for EARLY VOTING, and the DATES for EARLY VOTING; AUTHORIZING the MAYOR or the CITY SECRETARY to EXECUTE and ATTEST, RESPECTIVELY, to the CONTRACT BETWEEN the CITY and FORT BEND COUNTY for the CONDUCT of a JOINT ELECTION.**

*A motion was made by Alderman Collins to approve Ordinance No. 2014-1129 an ordinance of the CITY of FULSHEAR an ordinance of the City of Fulshear providing for the holding of a General Election on May 10, 2014, for the purpose of electing Mayor and (3) Aldermen; to provide for appointment of a new early voting clerk, the polling place for early voting, the time for early voting, and the dates for early*

*voting; authorizing the Mayor or the City Secretary to execute and attest, respectively, to the contract between the CITY and FORT BEND COUNTY for the conduct of a Joint Election. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill, and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**D. CONSIDERATION and POSSIBLE ACTION to APPROVE PARTIAL ASSIGNMENT of LEASE AGREEMENT BETWEEN FORT BEND COUNTY MUNICIPAL DISTRICT NO. 169 and the CITY of FULSHEAR**

*A motion was made by Alderman Gill to approve Partial Assignment of Lease Agreement between Fort Bend County Municipal District No. 169 and the City of Fulshear. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill, and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**E. CONSIDERATION and POSSIBLE ACTION to REMOVE RESOLUTION NO. 2014-240 from the TABLE and APPROVE the RESOLUTION of the CITY of FULSHEAR APPROVING PROCEDURES for the REVIEW of ENGINEERING SERVICE PROPOSALS by the CITY COUNCIL and the ENGINEERING PROJECT REVIEW COMMITTEE**

*A motion was made by Alderman Gill to remove Resolution No. 2014-240 from the table and approve the resolution of the City of Fulshear approving procedures for the review of engineering service proposals by the City Council and the Engineering Project Review Committee. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill, and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**F. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2014-1130 an ORDINANCE of the CITY of FULSHEAR AMENDING ORDINANCE NO. 2013-1127 INCLUDING PROVISIONS for DELINQUENCIES on SOLID WASTE ACCOUNTS and DETAILING TIMELINES for PAYMENT PLAN OPTIONS**

*A motion was made by Alderman Gill to approve Ordinance no. 2014-1130 an ordinance of the City of Fulshear amending Ordinance No. 2013-1127 including provisions for delinquencies on solid waste accounts and detailing timelines for payment plan options. It was seconded by Alderman Roberts. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill, and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**G. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2014-1131 an ORDINANCE of the CITY of FULSHEAR AMENDING ORDINANCE NO. 2014-1128 an ORDINANCE AMENDING**

**ORDINANCE NO. 2014-1128, SECTION 2.0, PARAGRAPH (A) CLARIFYING RATES for SOLID WASTE ACCOUNTS to DEFINE OPTIONAL RECYCLING SERVICE**

*There was approximately a 15 minute discussion among the Council Members. Alderman Roberts states that the cost for collection is above the amount originally quoted. Mr. Snipes referred to Section "a1" under Section 1 of the ordinance.*

*Mr. Snipes explained that this ordinance allows one to opt out of the recycling if desired. Alderman Gill asked if anyone had a number for those who want to opt out. Mr. Snipes stated he estimates the figure around 200 and hope it is not any more than that. Mr. Snipes stated that the automated system is more cost effective.*

*Alderman Roberts stated the there was a lack of communication and older people say they cannot manage to move these cans without difficulty. Alderman Roberts states he has a long driveway and when the can is full, it is very heavy. He wanted to know if there was any solution for moving the cans. Mr. Snipes stated that the seniors should contact this office and we may need to revisit this issue if there are a significant number with this complaint. Also, he has had complaints from Cross Creek residents regarding too large for their garage. Mayor Kuykendall asked that all issues be sent to Mr. Snipes and the City may need to revisit these issues with Royal Disposal. Mayor Kuykendall states there are a lot of variables that we are trying to balance and makes the best decision for the City. Mr. Snipes stated that the automated system is more cost effective.*

*A motion was made by Alderman Gill to approve Ordinance No. 2014-1131 an Ordinance an Ordinance of the City of Fulshear amending Ordinance No. 2014-1128 an Ordinance amending Ordinance No. 2014-1128, Section 2.0, paragraph (A) clarifying rates for Solid Waste accounts to define optional Recycling Service. It was seconded by Alderman Collins. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill, and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**H. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2014-1132 an ORDINANCE of the City of Fulshear AMENDING ORDINANCE NO. 2013-1110 an ORDINANCE APPROVING and ADOPTING the CITY'S GENERAL BUDGET for FISCAL YEAR 2012-2013, by APPROVING "BUDGET AMENDMENT I"**

*A motion was made by Alderman Gill to approve Ordinance No. 2014- 1132 an Ordinance of the City of Fulshear amending Ordinance No. 2013-1110 and Ordinance approving and adopting the City's General Budget for Fiscal Year 2012-2013, by approving and adopting the City's General Budget for Fiscal Year 2012-2013, by approving "Budget Amendment I". It was seconded by Alderman Roberts.*

*Kristina Brashear, Finance Director, provided an overview to Council regarding the changes in the General Budget for the first Budget Amendment for Fiscal Year 2013-2014.*

*Mayor Kuykendall stated we have a motion and seconded and has called for a vote.*

**FULSHEAR CITY COUNCIL MINUTES  
FEBRUARY 18, 2014  
PAGE 7**

*The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill, and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**I. CONSIDERATION and POSSIBLE ACTION to APPROVE INTERLOCAL AGREEMENT BETWEEN the CITY of FULSHEAR and FORT BEND COUNTY for PROVISION of FIRE MARSHAL SERVICES**

*A motion was made by Alderman Gill to approve InterLocal Agreement between the City of Fulshear and Fort Bend County for provision of Fire Marshall Services. It was seconded by Alderman Collins. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill, and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**J. CONSIDERATION and POSSIBLE ACTION to CONSENT and AGREE to DOW HYDROCARBONS & RESOURCES LLC LETTER of NO OBJECTION REGARDING FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 1'S WATER, SEWER, DRAINAGE and PAVING IMPROVEMENTS for FULBROOK on FULSHEAR CREEK, SECTION 4.**

*Mr. Snipes explained the provision of the ordinance to the Council. Attorney J. Grady Randle, City Attorney, gave more explanation to the Council from a legal point of view.*

*A motion was made by Alderman Beustring to approve consent and agree to DOW Hydrocarbons and Resources LLC letter of no objection regarding Fulshear Municipal Utility District No. 1's water, sewer, drainage and paving improvements for Fulbrook on Fulshear Creek Section 4. It was seconded by Alderman Roberts. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill, and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**K. CONSIDERATION and POSSIBLE ACTION TO APPROVE ENCROACHMENT AGREEMENT BETWEEN SOUTHTEX 66 PIPELINE COMPANY, LTD., FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 1 and the CITY of FULSHEAR REGARDING WATER, SEWER, DRAINAGE and PAVING IMPROVEMENTS for FULBROOK on FULSHEAR CREEK SECTION 4**

*A motion was made by Alderman Roberts to approve Encroachment Agreement between Southtex 66 Pipeline Company, Ltd., Fulshear Municipal Utility District No. 1 and the City of Fulshear regarding water, sewer, drainage and paving improvements for Fulbrook on Fulshear Creek Section 4. It was seconded by Alderman Gill. The motion was carried by the following vote:*

**FULSHEAR CITY COUNCIL MINUTES  
FEBRUARY 18, 2014  
PAGE 8**

*Ayes: Aldermen Beustring, Collins, Gill, and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**L. CONSIDERATION and POSSIBLE ACTION to APPROVE a MEMORANDUM of UNDERSTANDING BETWEEN the CITY of FULSHEAR and JOHNSON DEVELOPMENT REGARDING DEVELOPMENT STANDARDS and the DEVELOPMENT AGREEMENT**

*Mr. C. J. Snipes provided an explanation to the Council regarding the Memorandum of Understanding between the City of Fulshear and Johnson Development Company. No action is needed on this item.*

*Mayor Kuykendall asked for a motion to adjourn.*

**IX. ADJOURNMENT**

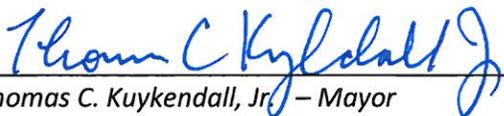
*A motion to adjourn was made by Alderman Collins at 8:18 p.m. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill, and Roberts*

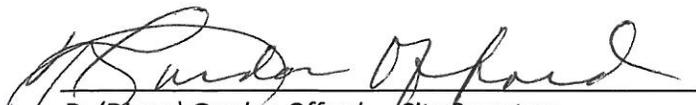
*Nays: None*

*Absent: Alderwoman Patterson*

*Mayor Kuykendall announced that we are now adjourn.*

  
\_\_\_\_\_  
Thomas C. Kuykendall, Jr. – Mayor

**Attest:**

  
\_\_\_\_\_  
D. (Diana) Gordon Offord - City Secretary