



# *CITY OF FULSHEAR*

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

PHONE: 281-346-1796 FAX: 281-346-2556

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## **CITY COUNCIL MINUTES**

**JUNE 17, 2014**

### **I. CALL TO ORDER**

A Regular Meeting of the City Council of the City of Fulshear was called to order on June 17, 2014 at 7:07 p.m. in the City Hall located at 30603 FM 1093 Rd., Fulshear, Texas 77441 by Mayor Thomas C. Kuykendall, Jr.

**Members Present:**

Thomas C. Kuykendall, Jr., Mayor

Jeff Roberts

Tricia Thompson Krenek

J. B. Collins, Jr.

Tijana Surlan Mesic

**Members Absent:**

Stephen Gill, Mayor Pro Tem

**City Staff Present:**

D. (Diana) Gordon Offord, City Secretary

C. J. Snipes, City Administrator

Bobbi Martin, Utility Billing Clerk

Mary Meier, Communication Coordinator

Kristina Brashear, Finance Director

Michelle Killebrew, Building Official

J. Grady Randle, City Attorney

Elaine Brown, Municipal Court Administrator

Lynn Raymer, Administrative/Police Secretary

Valerie Bryant, Municipal Court Clerk

### **II. QUORUM**

Mayor Kuykendall announced that a quorum was present and that Mayor Pro Tem Gill unable to be here due to his flight was late from coming back from overseas.

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

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\_\_\_Pastor Crowe unable to attend and Minister Russ Wajle from River Bend 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**

Ramona Ridge urges the Council to establish a tree ordinances. There are so many developers coming to the area and it would be a shame to lose all these beautiful old trees.

Julie Dowdall states she agrees with Ramona and would also like Council to establish a tree ordinance.

Erin Tristan stated she is speaking on behalf of Cross Creek residents regarding the solicitation ordinance as it is out of control and seek assistance from the Police Department for more aggressive control of this ordinance and may re-consider the solicitation permit. Also, she states that she and her two daughters almost got ran over the over day as operators of vehicles are racing in the area, and running the stop signs. She is requesting more police visibility especially at the main streets (fry road and cross creek bend).

**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 MEETINGS MAY 6, MAY 19, AND MAY 20, 2014**
- B. CONSENT and approval of TAMARRON SECTION 6/FINAL PLAT**
- C. CONSENT and APPROVAL of TAMARRON SECTION 7/PRELIMINARY PLAT**
- D. CONSENT and APPROVAL of TAMARRON SECTION 8/ PRELIMINARY PLAT**
- E. CONSENT and APPROVAL of TAMARRON SECTION 9/ FINAL PLAT**
- F. CONSENT and APPROVAL of FULBROOK ON FULSHEAR CREEK SECTION 4/REVISED FINAL PLAT**
- G. CONSENT and APPROVAL of CROSS CREEK VENTURE/ FINAL PLAT**
- H. CONSENT and APPROVAL of FULSHEAR TRACE STREET DEDICATION/FIRST EXTENSION/FINAL PLAT**
- I. CONSENT and APPROVAL of REQUEST of a 1 YEAR EXTENSION of CROSS CREEK RANCH DETENTION and WATER BASINS PLAT**

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A motion was made by Alderwoman Krenek to approve the Consent Agenda as presented. It was seconded by Alderman Collins. The motion was carried by the following vote:

Ayes: Aldermen Collins, Krenek, Mesic, and Roberts  
Nays: None  
Absent: Alderman Gill

**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.)**

Jason Demel presented the Severn Trent Report to the Council. No action required.

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

Chief Kenny Seymour presented the Police Department report to the Council. No action required.

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

Valerie Bryant presented the Municipal Court Clerk report to the Council. No action required.

**D. REPORT from the BUILDER SERVICES DEPARTMENT (Permits Issued, Inspections)**

Michelle Killebrew presented the Building Service Department report to the Council. No action required.

**VIII. BUSINESS**

**A. CONSIDERATION and POSSIBLE ACTION to APPROVE CHECKS PAID and PAYABLES from MAY 15, 2014 to JUNE 13, 2014**

A motion was made by Alderman Roberts to approve checks paid and payables as presented. It was seconded by Alderman Collins. The motion was carried by the following vote:

Ayes: Aldermen Collins, Krenek, Mesic, and Roberts  
Nays: None  
Absent: Alderman Gill

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**B. CONSIDERATION and POSSIBLE ACTION to APPROVE CONTRACT for UTILITY BILL PREPARATION and DELIVERY VIA MAIL**

C.J Snipes, City Administrator, stated that we just learned about 4'o clock this afternoon that the bank who handles the City accounts may have a cheaper rating for the outsourcing we are looking at for our utilities than Data Prose. We find that more research is required regarding this item. He asked that it be tabled.

A motion was made by Alderwoman Krenek to table contract for Utility Bill Preparation and Delivery via mail. It was seconded by Alderman Collins. The motion was carried by the following vote:

Ayes: Aldermen Collins, Krenek, Mesic, and Roberts

Nays: None

Absent: Alderman Gill

**C. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2014-246 a RESOLUTION of the CITY of FULSHEAR APPOINTING CITIZEN MEMBERS to the PARKS and RECREATION COMMISSION and DEFINING TERMS for EACH**

A motion was made by Aldermen Collins to approve Resolution No. 2014-246 a resolution of the City of Fulshear appointing Citizen members to the parks and recreation commission and defining terms for each. It was seconded by Alderwoman Krenek. The motion was carried by the following vote:

Ayes: Aldermen Collins, Krenek, Mesic, and Roberts

Nays: None

Absent: Alderman Gill

**D. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2014-247 a RESOLUTION of the CITY of FULSHEAR APPOINTING MEMBERS to the CITY'S PLANNING and ZONING COMMISSION**

A motion was made by Alderman Roberts to approve Resolution 2014-247 a resolution of the City of Fulshear appointing members to the City's Planning and Zoning Commission. It was seconded by Alderman Collins.

Alderwoman Mesic stated she has notice that some of the boards having multiple family members serving on them.

Mayor Kuykendall acknowledges that on some boards are standing where they will continue on and other boards as it will only serve a few months and that will be done.

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Alderwoman Mesic stated she has noticed that on several of the boards are multiple family members (husbands and wives) and several people appointed to the commission indicating maybe we do not have enough qualified candidates to participate in individual commission. Just wanted to make this comment known.

Mayor Kuykendall stated we have had some individuals that have been interested in serving on boards for years now since they moved into Fulshear. He stated for instance the city charter board there is some overlapping but that board is probably going to serve a few months. There needs to be some individuals on there that has some history of the city that has functioned with boards and commissions, developing corporations and planning commission and zoning commission but I do not see it as a conflict. We have two or three other boards where we need to appoint members such as “building standards commission”; “adjustments”; and “ the exploratory committee for a new city hall” but we have had options for city hall and we need a group of citizens to analyze and determine what the need is there.

Mayor Kuykendall called for a vote. The motion was carried by the following vote:

Ayes: Aldermen Collins, Krenek, and Roberts

Nays: Alderman Mesic

Absent: Alderman Gill

**E. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2014-248 a RESOLUTION of the CITY of FULSHEAR APPOINTING MEMBERS to the FULSHEAR DEVELOPMENT (4A) CORPORATION**

A motion was made by Alderwoman Mesic to approve Resolution No. 2014-248 a resolution of the City of Fulshear appointing members to the Fulshear Development (4A) Corporation. It was seconded by Alderwoman Krenek. The motion was carried by the following vote:

Ayes: Aldermen Collins, Krenek, Mesic, and Roberts

Nays: None

Absent: Alderman Gill

**F. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2014-249 a RESOLUTION of the CITY of FULSHEAR APPOINTING MEMBERS to the FULSHEAR DEVELOPMENT (4B) CORPORATION**

A motion was made by Alderwoman Krenek to approve Resolution No. 2014-249 a resolution of the City of Fulshear appointing members to the Fulshear Development (4B) Corporation. It was seconded by Alderman Collins.

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Alderwoman Mesic stated that one individual is on the Management District board and she is opposed to this individual serving on all those boards. Mayor Kuykendall stated the board has been set up but they have never functioned. There was a short discussion between the Mayor and Alderwoman Mesic regarding qualification regarding these boards.

Mayor Kuykendall asked if there were any other comments if not, call for a vote. The motion was carried by the following vote:

Ayes: Aldermen Collins, Krenek, and Roberts  
Nays: Alderman Mesic  
Absent: Alderman Gill

**G. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2014-250 a RESOLUTION of the CITY of FULSHEAR APPOINTING MEMBERS to the CITY'S CHARTER COMMISSION**

Mayor Kuykendall stated that about 25 individuals applied for this board. Currently we have requested for 15 members to be on the board but if you want to add an individual maybe we can increase by one or two more individuals.

Alderwoman Mesic stated that some of the same people on 4B board is recommended for this one and also that individual on management board. Alderwoman Mesic stated that she has issues with this.

Alderwoman Mesic stated she does not recommend adding people but feels this is too important decision.

Alderman Roberts thanked all the individuals who applied for the boards and that in the future would like to have a "bio" background and this way we would have a better idea who we are approving.

Mayor Kuykendall stated that he and C. J. reviewed all the applications and these are the recommendations.

Alderwoman Mesic stated that she would like more time in order to review the applicant's application.

Alderman Collins asked about the time for these individuals would serve on this particular board. The discussion continued for another ten minutes among the Council Members.

City Attorney, J. Grady Randle, stated the charter board commission could meet for a lengthy time depending on route the commission chooses.

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A motion was made by Alderwoman Mesic to table this decision until next meeting regarding Resolution No. 2014-250 a resolution of the City of Fulshear appointing member to the City's Charter Commission. It was seconded by Alderwoman Krenek. The motion was carried by the following vote:

Ayes: Aldermen Collins, Krenek, Mesic, and Roberts  
Nays: None  
Absent: Alderman Gill

Mayor Kuykendall read item H. Alderwoman Mesic asked that if she understands the resolution that the city is supporting TCEQ process without being affected. C.J. Snipes, City Administrator, stated that this is what you will determine in the Executive Session. Mayor Kuykendall stated item H would be revisited after Executive Session.

**H. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2014-251 a RESOLUTION of the CITY of FULSHEAR DECLARING the CITY'S SUPPORT for the TCEQ ADMINISTRATIVE HEARING PROCESS**

A motion was made by Alderman Roberts to approve Resolution No. 2014-251 a resolution of the City of Fulshear declaring the City's Support for the TCEQ Administrative Hearing Process. It was seconded by Alderman Collins.

Mayor Kuykendall open it up for discussion. Alderwoman Mesic stated we are not acting on it....just support. Mayor Kuykendall stated that the City supports the County and the MUD Districts moving forward with their issues but the City is not willing to hire a legal team to support this issue.

Alderwoman Krenek states that she understands that there is no discharge into Flewellen Creek and that as the permit stands there is no articulate public permit going for it.

Mayor Kuykendall called for a vote by show of hands. The motion was carried by the following vote:

Ayes: Aldermen Collins, Krenek, Mesic, and Roberts  
Nays: None  
Absent: Alderman Gill

**I. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2014-252 a RESOLUTION of the CITY of FULSHEAR APPROVING MILITARY LEAVE POLICY for CITY PERSONNEL**

A motion was made by Alderman Roberts to approve Resolution No. 2014-252 a resolution of the City of Fulshear approving Military Leave Policy for City Personnel. It was seconded by Alderman Collins. The motion was carried by the following vote:

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Ayes: Aldermen Collins, Krenek, Mesic, and Roberts  
Nays: None  
Absent: Alderman Gill

**IX. EXECUTIVE SESSION-CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE SECTION 551.071, CONSULTATION WITH ATTORNEY; SPECIFICALLY SUB-SECTIONS:**

**1) WHEN THE GOVERNMENTAL BODY SEEKS THE ADVICE OF ITS ATTORNEY ABOUT:**

**(A) PENDING OR CONTEMPLATED LITIGATION; OR**

**(B) A SETTLEMENT OFFER; OR**

**2) ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER**

**A. POTENTIAL PARTY STATUS/ ALIGNMENT IN LITIGATION AND TCEQ ADMINISTRATIVE HEARING PROCESS FOR PROTEST OF TDPEs PERMT APPLICATION NO. WQ0015091001**

**B. MEDIATION/ POTENTIAL LITIGATION WITH SOUTHWEST WATER CORPORATION (SWWC)**

\_\_\_\_\_ Mayor Kuykendall stated that Council was enter into Executive Session at 8:26 p.m. and a quorum was present.

**X. RECONVENE AND TAKE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION IF DEEMED APPROPRIATE**

Mayor Kuykendall announced that Council would reconvene back into Regular Session at 8:53 p.m. Mayor Kuykendall we have one item left number "H" ....let's cover that first. (Look under item "H" above for details of this action.)

Mayor Kuykendall asked if any other action needs to be taken.

A motion was made by Alderwoman Krenek to approve the settlement agreement between the City and Southwest Water Company. It was seconded by Alderman Collins. The motion was carried by the following vote:

Ayes: Aldermen Collins, Krenek, Mesic, and Roberts  
Nays: None  
Absent: Alderman Gill

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**XI. ADJOURNMENT**

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

Ayes: Aldermen Collins, Krenek, Mesic, and Roberts

Nays: None

Absent: Alderman Gill

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Thomas C. Kuykendall, Jr. – Mayor

Attest:

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D. (Diana ) Gordon Offord, City Secretary