



CITY OF FULSHEAR

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441
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FULSHEAR CITY COUNCIL MINUTES JULY 29, 2014

I. CALL TO ORDER

A Special City Council Meeting was called to order by Thomas C. Kuykendall, Jr., Mayor City of Fulshear at 6:36 p.m. in the Fulshear City Hall located at 30603 FM 1093 Road, Fulshear, Texas 77441.

Council Members Present:

*Thomas C. Kuykendall, Jr.- Mayor
Stephen Gill, Mayor Pro Tem
J. B. Collins, Jr. came at 6:42 p.m.
Tricia Krenek
Tajana Mesic
Jeff Roberts*

Staff Present:

*D. (Diana) Gordon Offord, City Secretary
C. J. Snipes, City Administrator
Michelle Killebrew, Building Official
Kristina Brashear, Finance Director
Lynn Raymer, Police Secretary
Bobbi Martin
Kenny Seymour, Chief of Police
Cheryl Stalinsky, Economic Development Director
Mary Meier, Communication Specialist
Tim Kirwin, City Attorney*

Others Present:

*Shannon Purcell
Viola Randle
J. D. McCann
Tara Payne
And one other who did not sign in*

II. QUORUM

Mayor Kuykendall announced that a quorum was present and welcomed everyone.

III. **BUSINESS**

A. **CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2014-1154 an ORDINANCE of the CITY of FULSHEAR DIS-ANNEXING a CERTAIN SPARSELY POPULATED 10.737 ACRE TRACT of LAND LOCATED in FORT BEND COUNTY on PETITION by LANDOWNER JD MCCANN**

Mayor Kuykendall announced that this tract of land was annex into the City about four or five months ago and this is a portion that was not purchased by the current developer. Mr. McCann like to have this portion de-annex.

C. J. Snipes, City Administrator, asked Council to review information enclosed in their packet and that there is no commercial located on this property.

Mr. McCann stated three different buyers interested in the property and only reason annexation was requested as it was part of purchasing agreement. The contracts went south and due to this development Mr. McCann himself acquired the 10 of the acres that he is asking for de-annexation. He stated he has the front 10 acres where this property is located and it is not in the City and now he has purchased this 10 acres (in the rear) contiguous to his non-city property. He stated he plans to raise horses on the property and there will be no commercial located on it.

Several of the Council Members stated that they do not want to set up a precedence. People are watching to see if Mr. McCann will be allowed to de-annex his property. Council Member Mesic asked what would be the effect if the property was not de-annex.

City Attorney Kirwin was asked his opinion on setting up a "precedence". He stated de-annexation is really rare - only time when it is an advantage for the City. Mr. Kirwin stated if someone else had at least ten acres they also could asked to be de-annex. Of course each case is different. He stated that de-annexations are very rare.

Council Member Mesic stated that if sometime in the future if Mr. McCann decided to sell this property, what would be the advantage to the City. Mr. Kirwin stated that once it is outside of City no sales taxes could be collected.

Council Member Krenek asked if this request met all of the city ordinances or if there is any petition required. Ms. Snipes stated that the request meets all of the ordinances and no petition is required in regards to de-annexation.

A motion was made by Council Member Roberts to approve Ordinance No. 2014-1154 an ordinance of the City of Fulshear Dis-annexing a certain sparsely populated 10.737 acre tract of land located in Fort Bend County on petition by landowner JD McCann. Council was silent.

The motion dies for lack of second. Mayor Kuykendall announced that the motion dies for lack of second. He asked if there was any other discussion. Council Member Collins asked for an

update since he was late coming in. C.J. Snipes, City Administrator, reiterate what had transpired in the discussion.

Mayor Kuykendall explained that if Council allowed this to happen, we may get approached by someone who has 1200 acres and wishes to be de-annex and if the City say no. Then that individual decides to take it to a legal process, we don't know how it would work out.

Council Member Mesic stated she has received some calls and other realtors are watching this to see what happens (they may be approaching Council).

There was another five minutes of discussion among the Council and the City Attorney.

Council Member Mesic asked Mr. McCann if this was denied would it significantly impact his operation. Mr. McCann stated "no".

Council Member Roberts had a comment that this request was based on resulting from the original purchaser dropping out.

Council Member Gill also had a comment.

Mayor Kuykendall announced that this motion has died due to a lack of second. No further action will be taken.

B. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2014-1155 an ORDINANCE of the CITY of FULSHEAR ESTABLISHING a "NO PARKING TOW AWAY ZONE" along a CERTAIN PORTION of FLEWELLEN OAKS LANE from SOUTH FRY ROAD to FM 1463

A motion was made by Council Member Mesic to approve Ordinance No. 2014-1155 an ordinance of the City of Fulshear establishing a "NO PARKING TOW AWAY ZONE" along a certain portion of Flewellen Oaks Lane from South Fry Road to FM 1463. It was seconded by Council Member Krenek. The motion was carried by the following vote:

Ayes: Council Members Collins, Gill, Krenek, Mesic, and Roberts

Nays: None

C. CONSIDERATION and POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2014-1156 an ORDINANCE of the CITY of FULSHEAR ESTABLISHING a SCHOOL ZONE on FLEWELLEN OAKS LANE for a CERTAIN DISTANCE NORTH and SOUTH of its INTERSECTION with SOUTH FRY ROAD and on SOUTH FRY ROAD for a CERTAIN DISTANCE EAST and WEST of its INTERSECTION with FLEWELLEN OAKS LANE

A motion was made by Council Member Krenek to table Ordinance No. 2014-1156 an ordinance of the City of Fulshear establishing a school zone on Flewellen Oaks Lane for a certain distance north to south of its intersection with South Fry Road and on South Fry Road for a certain distance east and west of its intersection with Flewellen Oaks Lane. It was seconded by Council Member Collins.

*The motion was carried forward by the following vote:
Ayes: Council Members Collins, Gill, Krenek, Mesic, and Roberts
Nays: None*

D. CONSIDERATION and POSSIBLE ACTION to APPROVE RE-RATE AGREEMENT between the CITY and TEXAS MUNICIPAL LEAGUE EMPLOYEE BENEFIT POOL for HEALTH, DENTAL and VISION BENEFITS to EMPLOYEES

A motion was made by Council Member Gill to approve Re-rate Agreement between the City and Texas Municipal League Employee Benefit Pool for Health, Dental, and Vision Benefit to Employees. It was seconded by Council Member Mesic. The motion was carried by the following vote:

*Ayes: Council Members Collins, Gill, Krenek, Mesic, and Roberts
Nays: None*

IV. BUDGET WORKSHOP

A. DISCUSSION and CONSIDERATION of CAPITAL PROJECTS, INFRASTRUCTURE and FACILITIES for the FISCAL YEAR 2014-2015 BUDGET

Kristina Brashear, Finance Director, shared with each Council Member a proposed budget packet. She provided an overview to Council of funds available.

C. J. Snipes, City Administrator, stated that the challenges facing the City are: Water and Sewer services due to the increase in homes being built and new schools coming to the area, acquiring land to house city services as well as providing for a regional park, and infrastructure. Mr. Snipes outlined four different version to the Council. Mr. Snipes identified some Band-Aid approaches until a more permanent solution can be obtained. Council spent about 45 minutes discussing the various versions.

No action was taken.

V. 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

PENDING and POTENTIAL LITIGATION

Mayor Kuykendall announced that Council would enter into Executive Session at 8:21 p.m. and a quorum is present. Mayor Kuykendall announced that the first executive Session ends at 8:57 p.m. Mayor Kuykendall announced that the second executive session opens at 8:58 p.m.

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

Mayor Kuykendall announced that Council would reconvened back into Regular Session at 9:19 p.m.

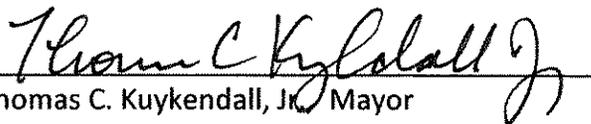
Mayor Kuykendall asked if any action needed to be taken from the Executive Sessions. Council Member Krenek stated no.

VII. ADJOURNMENT

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

Ayes: Council Members Collins, Gill, Krenek, Mesic, and Roberts

Nays: None


Thomas C. Kuykendall, Jr., Mayor

Attest:


D. (Diana) Gordon Offord, City Secretary, TRMC