



CITY OF FULSHEAR

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441
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FULSHEAR CITY COUNCIL MINUTES MARCH 20, 2012

I. CALL TO ORDER

A REGULAR MEETING OF THE FULSHEAR CITY COUNCIL WAS CALLED TO ORDER AS BY MAYOR, THOMAS C. KUYENDALL, JR. AT 7:05 P.M. TUESDAY, MARCH 20, 2012 IN THE FULSHEAR CITY HALL, 30603 F.M. 1093, FULSHEAR, TEXAS AND ALL CITIZENS WERE WELCOMED.

II. QUORUM

A QUORUM WAS PRESENT.

MEMBERS PRESENT:

*THOMAS C. KUYKENDALL, MAYOR
J.B. COLLINS, MAYOR PRO-TEM
LARRY BEUSTRING
STEPHEN GILL
LAVERNE PATTERSON
JEFF ROBERTS*

MEMBERS ABSENT:

NONE

STAFF PRESENT:

*D. (DIANA) GORDON OFFORD, CITY SECRETARY
C. J. SNIPES, CITY ADMINISTRATOR
MICHELLE KIRCHNER, BUILDING INSPECTOR- CAME AT 8:40P.M.
KRISTINA BRASHEAR, FINANCE DIRECTOR
J. GRADY RANDLE, CITY ATTORNEY*

OTHERS PRESENT:

*VIOLA RANDLE
IRA LEARY
PAULINE ALVARADO
FLORA BROWN
RONALDO REUTERIA
GILBERT ALVARADO
VAN NGUYEN*

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CONT.-OTHERS PRESENT:

GWEN FOX
CORINE PENRICE
DARLA FARMER
DAN FARMER
CHRISTIN GORDON
AND TEN OTHERS WHO DID NOT SIGN IN

III. **INVOCATION** – Nolan Donald, Pastor of Word Serve United Methodist Church, Fulshear, Texas
Pastor Donald of Word Serve United Methodist Church, Fulshear, Texas gave the invocation.

IV. **PLEDGE OF ALLEGIANCE**
The Pledge of Allegiance to the Flag was led by Mayor Thomas C. Kuykendall, Jr.

V. **CITIZEN COMMENTS – NO ACTION CAN BE TAKEN**
There were no Citizens' comments regarding any general concerns. Several members signed up but all want to speak on the new zoning ordinance. Mayor Kuykendall stated we will address this issue at the end of meeting after the handling of all business items. Mayor Kuykendall requested anyone wanting to speak they needed to sign up now.

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 February 21, 2012 MEETING**

B. **CONSENT AND APPROVAL OF PAYABLES FROM FEBRUARY 17, 2012 THROUGH MARCH 16, 2012**

C. **CONSENT and APPROVAL of FIRETHORNE: FIRETHORNE SQUARE –REVISED FINAL PLAT**

D. **CONSENT and APPROVAL of FIRST SECTION of LAZY J ACRES SECTION 1/ COMMERCIAL RESERVE C – FINAL PLAT**

A motion was made by Alderman Beustring to approve the consent agenda as presented. It was seconded by Alderwoman Patterson. A question was asked by Alderman Collins regarding Allgood Construction Company whether the fire hydrants would be moved on Katy-Fulshear Road. City Administrator, C.J. Snipes explained that this payment to Allgood Construction Company is not the final payment on the Water and Sewer Project down FM 1093 and that also the hydrants would be re-located at least 5ft back off Katy-Fulshear road.

Alderman Roberts asked if this was the final payment to the company. Mr. Snipes stated "no". A final inspection regarding the project would be completed before final payment is submitted to the company.

Alderman Gill stated that he was under the impression that final payment had been completed to Bono Brothers. City Administrator, C. J. Snipes, explained that the other payment issues regarding Bono Brothers had been resolved and that the company asked if they could continuing working if new services were needed with sludge

hauling and they were told "yes" they could. The charges you now see on the payables is for new sludge hauling.

Jason Demel, representative for Southwest Water Company stated that sludge hauling will be appearing on the bill once a month due to work at the water plant and that previously the work had been done by "Magna Flow" and is now being done by "Bono Brothers". Mr. Demel stated that no competitive bids was done.

Alderman Gill asked C. J. Snipes to obtain some comparison numbers. Mr. Snipes stated this would be done as soon as possible.

Mayor Kuykendall stated we have a motion and second. The motion was carried by the following vote:

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

Nays: None

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 SOUTHWEST WATER COMPANY (Repairs, New installations, and reports to TCEQ.)

A report from Southwest Water Company was presented by Jason Demel. No action required.

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

A report from the Police Department was presented by Chief Kenny Seymour. No action required.

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

A report from the Municipal Court was presented by Elaine Brown, contract Court Clerk. No action required.

VIII. BUSINESS

A. PRESENTATION of PROCLAMATION RECOGNIZED AUTISM AWARENESS MONTH

A proclamation was presented to Darla Farmer, President for Autism Advocates, by Mayor Kuykendall recognizing that the month of April'2012 will be recognized in the City of Fulshear as "Autism Awareness month". It is a non-profit group. Their purpose is to initiate communication with the public and educate communities on the evolving set of educational, health and financial constraints for families affected by autism. A picture was taken during this small ceremony and the audience applauded.

B. CONSIDERATION and POSSIBLE ACTION to ACCEPT BID and AWARD CONTRACT for REPAIR WORK on the STANDPIPE STORAGE TANK located at the CITY of FULSHEAR WATER PLANT

A motion was made by Alderman Gill to accept bid and award contract for repair work on the standpipe storage tank located at the City of Fulshear Water Plant to Williams Painting and Sandblasting subject to warranty and being satisfactory verification by City Administrator, C. J. Snipes. 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

C. CONSIDERATION and POSSIBLE ACTION to ACCEPT BID and AWARD CONTRACT for the INSTALLATION of NEW PUMP at the CITY of FULSHEAR WATER PLANT

A motion was made by Alderman Gill to accept bid and award contract for the installation of new pump at the City of Fulshear Water Plant by Electrical Mechanical Services, Inc. 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

D. CONSIDERATION and POSSIBLE ACTION to APPROVE VARIANCE REQUEST for SIGNAGE ASSOCIATED with the TIMEWISE/ MCDONALD'S LOCATED on the CORNER of FM 1093 and FM 1463

A motion was made by Alderman Beustring to approve variance request for signage associated with the Timewise/McDonald's located on the corner of FM 1093 and FM 1463. 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

E. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2012-1065 an ORDINANCE AMENDING ORDINANCE NO. 2012-1058 ALLOWING for the PLACEMENT of TEMPORARY SANDWICH BOARD SIGNAGE for BUSINESSES LOCATED within the SPECIAL DOWNTOWN SIGNAGE DISTRICT

A motion was made by Alderman Roberts to approve Ordinance No. 2012-1065 and ordinance amending ordinance no. 2012-1058 allowing for the placement of temporary sandwich board signage for businesses located within the special downtown signage district subject. It was seconded by Alderwoman Patterson.

There was approximately a ten minute discussion among the Council. Alderman Roberts stated this action would assist businesses to advertise their goods. City Administrator, C. J. Snipes, researched what other cities allowed and he set the limited liability at \$500,000 as most business carried a liability of one million or more. Alderman Roberts stated he would like the liability limit set at \$250,000 instead of \$500,000.

Alderman Roberts re-stated his motion to reflect the liability set at \$250,000 and second by Alderwoman Patterson.

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 DIRECT DEVELOPMENT of a SERVICE PLAN for a 1.901 ACRE TRACT of LAND SUBMITTED by MGJ HOLDINGS, LP in CONJUNCTION with a VOLUNTARY ANNEXATION into the CITY of FULSHEAR, TEXAS

A motion was made by Alderman Gill to direct development of a Service Plan for a 1.901 acre tract of land submitted by MGJ Holdings, LP in conjunction with a voluntary annexation into the City of Fulshear, Texas. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

G. CONSIDERATION and POSSIBLE ACTION to APPROVE LETTER AMENDING DEVELOPMENT/ UTILITY AGREEMENT REGARDING FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 171 (CROSS CREEK RANCH)

A motion was made by Alderman Gill to approve letter amending development/utility Agreement regarding Fort Bend County Municipal Utility District No. 171 (Cross Creek Ranch). It was seconded by 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 RESOLUTION 2012-194 a RESOLUTION ADOPTING AMENDMENT to the CITY'S INVESTMENT POLICY

A motion was by Alderman Gill to approve Resolution 2012-194 a resolution adopting amendment to the City's Investment Policy. 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*

MAYOR KUYKENDALL ANNOUNCED THAT WE WOULD TAKE A TEN (10) BREAK BEFORE CONTINUING THE MEETING.

I. CONSIDERATION and POSSIBLE ACTION to CALL a PUBLIC HEARING on ADOPTION of ZONING ORDINANCE to be HELD on APRIL 17, 2012

A motion was made by Alderman Gill to call a Public Hearing on Adoption of Zoning Ordinance to be held on April 17, 2012. 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*

MAYOR KUYKENDALL ANNOUNCED THAT WE WOULD TAKE A TEN (10) BREAK BEFORE CONTINUING THE MEETING. TIME: 8:02 P.M

MAYOR KUYKENDALL RESUMED THE MEETING AT 8:12 P.M. MAYOR KUYKENDALL ANNOUNCED THAT A PROPOSED ZONING ORDINANCE FOR CITY OF FULSHEAR PROVIDING RULES AND REGULATIONS OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES WITHIN THE TERRITORIAL LIMITS OF THE CITY OF FULSHEAR, TEXAS, PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY. HE STATED WE ARE NOW OPEN FOR DISCUSSION AND WE WILL HEAR FROM PAULINE ALVARADO.

IX. WORKSHOP

A. WORKSHOP AND DISCUSSION ON PROPOSED ZONING ORDINANCE

MS. PAULINE ALVARADO STATED SHE WOULD LIKE TO HEAR WHAT THE ORDINANCE ENTAILS. THERE WAS APPROXIMATELY A 45 MINUTE DISCUSSION AMONG COUNCIL MEMBERS AND THE AUDIENCE.

Some of the highlights are:

C. J. Snipes explained that once your property has been designated for a specific category (for example – a mobile home residence –it is sold then the new owner would have to come to the city to ask for re-classification it is used for a different purpose).

A question came from the audience to find out what her area has been labeled. C. J. Snipes stated he has asked for a more detailed map showing each individual lot and the specific category that has been designated for- will be available shortly and apologize that it was not available for this meeting. Mr. Snipes stated that if you feel your specific area should be designated under a different category, now is the time to make it known.

Alderman Roberts asked if a manufactured home (mobile home) could be replaced. Mr. Snipes stated that a mobile home could be up graded once only. However, if it was destroyed by natural disaster, no limits on replacement.

Mayor Kuykendall stated that we want to keep the small town atmosphere and be able to exhibit some control. Mayor Kuykendall stated, for example where Ms. Randle 's house-maybe someone wants to put in a concrete plant- as a city we cannot say "no". But with this instrument that would not allow for a concrete plant in downtown- we are trying to protect what you have.

Mayor Kuykendall encouraged any citizen of the City to come in and discuss this issue or any concern with himself or C.J. Snipes, the City Administrator.

Mayor Kuykendall stated another informational meeting will be held on April 3, 2012 at 6:30 p.m. at Irene Stern Community Center. Mayor Kuykendall welcomes everyone comments.

D. Offord asked the question if she lived in a R1 Section and she only had one acre of land whether or not another relative could place a mobile or manufactured home there six months later. The answer was "no".

Christin Gordon asked if she lived in a commercial designated area and her house burned down, would she be able to rebuilt. J. Grady Randle, City Attorney, answered "no". This sparked quite a bit of conversation among the group.

Questions from the audience ceased and Mayor Kuykendall invited interested parties to go to the website to view the proposed ordinance and the zoning map and reiterated another meeting would be held on April 3, 2012 at the Irene Stern Center.

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THE MAJORITY OF THE CONVERSATION CENTERED AROUND R1 (RESIDENTIAL WITH ACREAGE), R2 (RESIDENTIAL LOTS), AND COMMERCIAL.

IX. ADJOURNMENT

A motion was made by Alderman Collins to adjourn at 8:55 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