



CITY OF Incorporated 1977

FULSHEAR

30603 FM 1093

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Fulshear, Texas 77441

FULSHEAR CITY COUNCIL MINUTES

November 10, 2009

ITEM 1. CALL TO ORDER

A special meeting of the Fulshear City Council was called to order by Mayor, James W. Roberts at 7:03 p.m. Tuesday, November 10, 2009 in the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas and all citizens were welcomed. A quorum was present.

MEMBERS PRESENT

James W. Roberts, Mayor
Dennis Clack
J. B. Collins
Stephen Gill
Laverne Patterson

STAFF PRESENT

D. Gordon Offord, City Secretary
Kristina Brashear, City Treasurer

MEMBERS ABSENT

Derek Einkauf

OTHERS PRESENT

Bill Woodham
Tommy Kuykendall
7 others who did not sign in

2. CONSIDER AND TAKE ACTION TO APPROVE AMENDING THE 2008/2009 APPROVED CITY OF FULSHEAR BUDGET

Kristina Brashear, City Treasurer, reviewed the 2008/2009 budget adjustments. Council Members asked several questions. Council Members were satisfied with the responses.

A motion was made by Alderman Gill to approve amending the 2008/2009 approved City of Fulshear budget. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

Ayes: Alderman Clack, Collins, Gill, and Alderwoman Patterson

Nays: None

Absent: Alderman Einkauf

3. CONSIDER AND TAKE ACTION TO ADOPT ORDINANCE NO. 09-996 APPROVING THE AMENDING OF 2008/2009 APPROVED CITY OF FULSHEAR BUDGET

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A motion was made by Alderman Gill to adopt Ordinance No. 09-996 approving the amending of 2008/2009 approved City of Fulshear budget. It was seconded by Alderman Collins. The motion was carried by the following vote:

Ayes: Alderman Clack, Collins, Gill, and Alderwoman Patterson
Nays: None
Absent: Alderman Einkauf

4. CONSIDER AND TAKE ACTION TO ADOPT RESOLUTION NO. 09-155 APPROVING THE CITY OF FULSHEAR INTENT TO COMPLY WITH THE SECO (STATE ENERGY CONSERVATION OFFICE)

Caption: City of Fulshear is determined to support energy efficiency projects that leverage federal funds with other public and private resources, including coordinated efforts involving other Federal programs targeting community development; and intends to comply with all agreed upon contractual requirements of ARRA (American Recovery and Reinvestment Act), the EECBG (Energy Efficiency and Conservation Block Grant) program and other federal and state law.

A motion was made by Alderman Collins to adopt Resolution No. 09-155 approving the City of Fulshear intent to comply with the SECO (State Energy Conservation Office). It was seconded by Alderman Gill. The motion was carried by the following vote:

Ayes: Alderman Clack, Collins, Gill, and Alderwoman Patterson
Nays: None
Absent: Alderman Einkauf

5. DISCUSSION OF ROAD MAINTENANCE IN FULSHEAR

Alderman Gill asked what is the procedure regarding road repair with the County. Mayor Roberts stated there is an Inter Local Agreement between the City and County in order to buy materials at the County prices and that the County will provide the labor and the City will pay for the materials. Mayor Roberts stated that requests are made by telephone and letters to the Road & Bridge Department. Mayor Roberts states when the County responds they evaluate the cost of the project and expects an answer within short period of time. City Council has placed certain restrictions on the Mayor's authorization to spend City funds and this has hampered the Administration on getting necessary repairs to the roads within the City. For example: A request was made to get Syms Street widened for a safety issue and to remove the hump. The cost of the repair was over \$8,000.00. By the time authorization was obtained from the City Council, the Road and Bridge officials had move to another project in the County and the City of Fulshear is still waiting for their return.

Alderman Gill requested copies of all of the road repair requests.

No action was required.

6. DISCUSSION: TOMMY KUYKENDALL/ REALIGNMENT OF FM 1093 IN FULSHEAR

Tommy Kuykendall addressed the City Council regarding update on FM 1093 as follows:

- He attended a meeting on acquisition and acquiring right of way on the 30th
- He reminded the City Council of the original plan for revising FM 1093 and now
- West Park Toll planned to extended pass Cross Creek Ranch entrance
- To construct frontage road and the toll lanes at the same time
- Once West Park Toll passes Cross Creek Ranch it would become a boulevard
- To start four lanes and (10-15 years) later six lanes depending on the growth
- Mr. Kuykendall showed the Council a potential diagram of how it would look
- Project lack funding; the developers would be pay for surveying and engineering, TxDot would contribute a half million but still a million short. Started looking at the developers and they are hoping that the County would become a stakeholder in this project
- There are many facets for this project that has to be worked out
- Fulshear Parkway is planned to come through the City and it is desired that this route will not consist of large trucks or heavy equipment
- There is plan to straighten FM 1093 to continue on the north side of where the railroad track was located
- Mr. Kuykendall stated anyone who had more questions, feel free to contact him

7. EXECUTIVE SESSION

551.071 For the purpose of a private consultation with the City's attorney on any or all

subjects matters authorized by law.

1. Update on litigation, claims against the City.

551.072 For the purpose of discussing the purchase, exchange, lease, or value of real

property.

551.074 For the purpose of considering the appointment, employment, evaluation, reassignment duties, discipline, or dismissal of a public officer or employee.

1. Consider hiring and accepting resignations of professional and non-professional personnel.

*******DISCUSSION: HIRING OF CITY ATTORNEY**

Mayor Roberts announced that Council would recess into Executive Session at 7:55p.m. and a quorum was present.

8. RECONVENE INTO REGULAR SESSION

The Council reconvened into regular session at 8:34p.m. Mayor Roberts asked if any action needs to be taken from Executive Session.

9. CONSIDER AND TAKE ACTION TO APPOINT GRADY RANDLE OF RANDLE LAW FIRM AS CITY ATTORNEY

A motion was made by Alderman Gill to appoint Grady Randle of Randle Law Firm as City Attorney. It was seconded by Alderman Collins.

Mayor Roberts addressed the Council as follows: He vetoed the action regarding hiring of an attorney until the Council make a decision as to which type of government the City is acting under such as Council Control or Strong Mayor-ship.

Mayor Roberts stated he had no problems with the law firm as they come highly recommended. He suggested that the Council before next regular schedule meeting making their intent known.

10. CONSIDER AND TAKE ACTION TO ADOPT ORDINANCE NO. 2009-997
Caption: An ordinance appointing Randle Law Office LTD.,LLP as City Attorney for the City of Fulshear, Texas and providing for compensation and providing that said appointment shall continue for additional time thereafter unless other appointments shall be made by ordinance duly adopted by the City Council which shall be in conflict herewith and providing for the powers, duties and authority of the said City Attorney.

No action was taken due to previous action on item number 9.

ITEM 11. ADJOURN

Mayor Roberts called for a motion to adjourn. Mayor Roberts announced the meeting is now adjourn.

Approved: _____
Mayor, James W. Roberts

Attest: _____
City Secretary, D. Gordon Offord