

# CITY OF FULSHEAR



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## FULSHEAR CITY COUNCIL MINUTES December 15, 2009

### **ITEM 1. CALL TO ORDER**

A regular meeting of the Fulshear City Council was called to order by Mayor, James W. Roberts at 7:00 p.m. Tuesday, December 15, 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  
Laverne Patterson  
Derek Einkauf  
Stephen Gill

#### **STAFF PRESENT**

J. Grady Randle, City Attorney  
Kristina Brashear, City Treasurer  
D. Gordon Offord, City Secretary  
Jeremy Young, Permit Officer

#### **MEMBERS ABSENT**

NONE

#### **OTHERS PRESENTS**

Larry Beustrsing  
Viola Randle  
Steve Littlefield  
Lars Monson  
Andy Perry  
John Crowe  
And 10-12 others who did not sign in

### **ITEM 2. INVOCATION**

A prayer was given by Pastor Steve Littlefield, Simonton Community Church, Simonton, Texas

### **ITEM 3. PUBLIC COMMENT(s)**

NONE

**4. PUBLIC HEARING**

**The City Council of the City of Fulshear will hold a public hearing on regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of Houston Executive Airport, Fort Bend County, Waller County, Cities of Katy, Brookshire, and Fulshear, Texas, by creating the appropriate zones and establishing the boundaries thereof; providing for restrictions of such zones and the enforcement of such restrictions; defining certain terms used herein; referring to Houston Executive Airport Hazard Zoning Map prepared by Garver Engineers, dated May 2008, which is incorporated in and made a part of these regulations; providing for a board of adjustment; and imposing penalties at 7:00 p.m. on December 15, 2009 at Fulshear City Hall, 30603 FM 1093, Fulshear, Texas 77441. Any person may attend and may participate in the hearing. A copy of the proposed ordinance is on file with the City Secretary at the address shown and on the Fulshear website ([www.fulsheartx.com](http://www.fulsheartx.com)).**

Public Hearing opened at 7:03p.m. There were no comments. Public Hearing closed at 7:04p.m.

**5. Consider and take action to adopt Ordinance No. 09-998**

**Caption: Regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of Houston Executive Airport, Fort Bend County, Waller County, Cities of Katy, Brookshire, and Fulshear, Texas, by creating the appropriate zones and establishing the boundaries thereof; providing for restrictions of such zones and the enforcement of such restrictions; defining certain terms used herein; referring to Houston Executive Airport Hazard Zoning Map prepared by Garver Engineers, dated May 2008, which is incorporated in and made a part of these regulations; providing for a board of adjustment; and imposing penalties.**

A motion was made by Alderman Einkauf to adopt Ordinance No. 09-998. It was seconded by Alderman Collins. The motion was carried by the following vote:

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

**6. Approval of Minutes**

**Special Meeting, November 10, 2009**

**Regular Meeting, November 17, 2009**

A motion was made by Alderman Collins to approve the minutes of November 10, 2009 and November 17, 2009 as presented. It was seconded by Alderman Einkauf. The motion was carried by the following vote:

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

**7. Consider and take action on checks paid and list of payables**

A motion was made by Alderman Gill to approve checks paid and list of payables as presented with the exception of Bono Brothers for sludge hauling. It was seconded by Alderman Einkauf. The motion was carried by the following vote:

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

**8. Discussion: Delinquent Ad Valorem Tax Collection Report by Linebarger Goggan Blair & Sampson, LLP**

Attorney Chip Sutton presented to the Council the Delinquent Tax Report which included law suits pending, tax sales, tax deferrals, and payment agreements. It also included the number of mailings, delinquent collections, and delinquent tax turnover. A copy was provided to each Council Member and the City Secretary.

**9. Consider and take action to authorize Mayor to sign an agreement between Linebarger Goggan Blair & Sampson, LLP and the City of Fulshear for the collection of the City's delinquent ad valorem taxes.**

**Caption: This Agreement shall be effective on January 1, 2010 and shall expire on December 31, 2012 unless extended as hereinafter provided. The parties hereto acknowledge that this Agreement creates an attorney-client relationship. The City of Fulshear hereby employs the Firm to provide the services hereinafter described for compensation hereinafter provided.**

A motion was made by Alderman Einkauf to authorize Mayor to sign agreement between Linebarger Goggan Blair & Sampson, LLP and the City of Fulshear for the collection of the City's delinquent ad valorem taxes. It was seconded by Alderman Gill. The motion was carried by the following vote:

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

**10. Report from the Court Clerk (Fees and Fines)**

Each Council Member reviewed the report. A copy was provided in their packets. No one had any comments.

**11. Consider and take action on Sign Permit Application: River Bend Baptist Church/27600 FM 1093**

A motion was made by Alderman Gill to approve the Sign Permit Application/River Bend Baptist Church/27600 FM 1093. It was seconded by Alderman Collins.

There was approximately a 30 minute discussion among Council Members. The Sign Ordinance appears to have a grey area that can be interrupted several ways. It conversation centered around Section 4 item B (Design) number 1a. and 1b.

Mayor Roberts called for a vote. He stated we have a motion by Alderman Gill and a second by Alderman Collins. The motion was carried by the following vote:

Ayes: Alderman Collins, Gill, and Alderwoman Patterson

Nays: Alderman Clack and Einkauf

**12. Discussion: Update on Water and Waste Water System - City of Fulshear/David Leyendecker (include update on water and sewer east on FM 1093)**

David Leyendecker stated that tons of money has been collected from developers. He stated that the biggest decision regarding extending water and sewer east on FM 1093 is to find out which side of the road would be best. At current time, TX Dot has not determined which side of the road they will be trying to acquire in order to extend the West Park toll lane. There is a potential plan to widened FM 1093 from two lanes to four lanes and eventually six lanes. If the city put in water and sewer lines on Metro property or in TXDot ride away, then it becomes the responsibility for the City to have the lines moved. Kerry Gilbert has stated that by the end of January'2010 the route for the road will be known. David Leyendecker suggested that the City wait for the know plans of TxDot before outlining a route for water and sewer on FM 1093. The government has allocated 30 million to expand FM 1093 of stimulus money. David Leyendecker also suggested that the current water system will need to be expanded to be able to have 300,000 capacities available due to the schools. He then offered to answer any questions.

Mayor Roberts made a suggestion to vote on item 13,14, and 15 at the same time. There were no objections.

**13. Consider and take action on Cross Creek Ranch/Flewellen Way/Final Plat**

**14. Consider and take action on Cross Creek Ranch/Cross Creek Bend Extension No. 2-Final Plat**

**15. Consider and take action on Cross Creek Ranch /Section 3/ Final Plat**

A motion was made by Alderman Einkauf to approve item 13, 14, and 15. It was seconded by Alderman Gill. The motion was carried by the following vote:

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

Nays: None

**16. Report from the Police Department (traffic citations, arrest, incidents, calls for service)**

Police Chief Head presented to the Council the Fulshear Police Report for the month of November, 2009.

**17. Consider and possibly take action to authorize Mayor to spend \$38,279.01 or \$57,418.52 to upgrade and repair Katy Fulshear Road**

A motion was made by Alderman Einkauf to authorize Mayor to spend up to \$57,418.52 to upgrade and repair Katy Fulshear Road. It was seconded by Alderman Clack. The motion was carried by the following vote:

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

Nays: None

**18. Discussion and possibly take action to change from a General Law City B to General Law City A.**

A motion was made by Alderman Einkauf to change from a General Law City B to General Law City A. It was seconded by Alderman Gill. The motion was carried by the following vote:

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

Nays: None

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19. Consider and take action to adopt Ordinance No. 09-999

Caption: Ordinance of the City of Fulshear, Texas, providing for a change of the status of the City from a Type B General Law City to Type A General Law City.

A motion was made by Alderman Einkauf to adopt Ordinance No. 09-999. It was seconded by Alderman Gill. The motion was carried by the following vote:

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

Nays: None

**20. 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.

**21. Reconvene back into regular session**

Mayor Roberts announced there is no need for an Executive Session.

**22. Adjourn**

Alderman Einkauf made a motion to adjourn. Mayor Roberts announced that we are now adjourned at 8:12 p.m.

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Mayor- Jamie W. Roberts

ATTEST:

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City Secretary – D. (Diana) Gordon Offord