



CITY OF Incorporated 1977

# FULSHEAR

30603 FM 1093

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Fulshear, Texas 77441

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## FULSHEAR CITY COUNCIL MINUTES

February 16, 2010

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

A regular meeting of the Fulshear City Council was called to order by Mayor, James W. Roberts at 7:03 p.m. Tuesday, February 16, 2010 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

### **STAFF PRESENT**

J. Grady Randle, City Attorney  
Kristina Brashear, City Treasurer  
D. Gordon Offord, City Secretary

### **MEMBERS ABSENT**

Stephen Gill

### **OTHERS PRESENT**

Larry Beustring  
Collins Pier  
Monty Harris  
Shannon Purcell  
Viola Randle  
Jeff Roberts  
And 9 others who did not sign in

### **ITEM 2. INVOCATION: Pastor John Crowe, River Bend Baptist Church, Fulshear, Texas**

Prayer was provided by the youth minister from River Bend Baptist Church Reverend Russ Walje.

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

Dennis Clack stated that we should get behind the bike runs that are being sponsored by the Lions Club and Bike for Mike. We wish both a successful benefit.

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Jeff Roberts introduced himself to the Council and requested the following information be addressed at the next Council Meeting:

My Name is Jeff Roberts and I have formed a Specific Purpose Committee with the State of Texas filed through Fort Bend County. My purpose is to ask about political ad signs within the City of Fulshear. The Police work for and represent the City of Fulshear; therefore their actions are governed by the City. Could you please address at the next meeting who has given the Police Department the direction *to remove political* signs for an upcoming county election and Why? Why *were* political signs removed that were placed up against a fence or at a good safe distance from the roadway that do not impede in any visual impairment of safe driving? First is it legal to remove a sign as is in accordance with the State of Texas TEC laws that govern political ads? Secondly, if this is the law of the City, then all political signs no matter what election will have to be removed for being in violation of such City Law. If all signs are not treated the same way, then the City could be found in violation of the State Laws that govern political ad signs and ones civil liberties which the City could therefore face potential lawsuits.

**ITEM 4. APPROVAL OF MINUTES**

**Regular Meeting- January 19, 2010**

The minutes of January 19, 2010 was approved as presented. The minutes were adopted by the following vote:

Ayes: Aldermen Clack, Collins, Einkauf, and Alderwoman Patterson

Nays: None

**ITEM 5. CONSIDER AND TAKE ACTION ON LIST OF PAYABLES AND CHECKS PAID**

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

Ayes: Aldermen Clack, Collins, Einkauf, and Alderwoman Patterson

Nays: None

**6A. CONSIDER AND TAKE ACTION TO ACCEPT UPDATED LIST OF RECURRING DIRECT PAYABLES DATED 2-10-2010**

Alderman Einkauf stated he would like for the recurring direct payables to have the amounts listed. He stated the ones with different amounts should have to be approved by Council.

Mayor Roberts stated that the companies we are paying listed as recurring will not change but the amounts may vary some. This is to help avoid the city getting late charges.

Alderman Einkauf identified a list of recurring payables are the lights, phone bills, etc. For examples one month Katy Printers may charge \$100 and next could be \$10,000.00 and he would like to review those bills before they are paid.

Alderman Clack stated that "Broadview" should be a part of the recurring even though they are only paid once a year.

City Treasurer, Ms. Brashear, will revised the list and present at the workshop.

No action was taken on this item.

**6B. CONSIDER AND TAKE ACTION TO APPROVE BUDGET**  
**ADJUSTMENTS TO 2009/2010 BUDGET**

Mayor Roberts suggested scheduling a workshop to discuss budget adjustments. Alderman Einkauf and other council members agreed.

No action was taken on this item.

A motion was made by Alderman Einkauf to table item 6B. It was seconded by Alderman Collins. The motion was carried by the following vote:

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

**7. REVIEW AND DISCUSS 2009/2010 FIRST QUARTER**  
**INVESTMENT SUMMARY/AND 2009/2010 BUDGET UPDATE**

Alderman Einkauf stated this item should be tabled and discussed at the workshop too.

**8. DISCUSSION/PRESENTATION: BERRY DEVELOPMENT &**  
**CONSTRUCTION, LTD.- RAE BERRY**

**Caption: Extension of Water/Sewer line FM 1093 to Lamar**

**Consolidated Schools and possibility of extending Water/Sewer north on**  
**Katy Fulshear Road**

Berry Development Construction, LTD will be developing the 8 acres of land at the corner of FM 1093 and Katy Fulshear Road. Mr. Berry stated he would like for a water and sewer line to be Extended north on Katy Fulshear Road and he would contribute financially to the building of the line but did not commit to a dollar amount. There was much discussion among the group,

David Leyendecker, City Engineer, provided information how this task could be accomplished. He stated he could put together a cost amount if requested to do so.

Alderman Einkauf stated that the Lamar School district and Berry Development are anxious for this project to begin. He stated that the City needs to take action to at least get water and sewer down FM 1093 where the schools will be located.

Mayor Roberts stated he would schedule a meeting to get all the parties together.

No action was taken.

**9. REPORT FROM THE COURT CLERK (FEES AND FINES)**

Court Clerk Report was presented to Council by Elaine Brown, Court Clerk for fees and fines for the month of January, 2010. There were no questions or comments.

**10. CONSIDER AND TAKE ACTION ON CALLING MAY 8, 2010 AS THE ELECTION DATE**

A motion was made by Alderman Collins to call May 8, 2010 as the election date. It was seconded by Alderwoman Patterson.

Alderman Einkauf stated we would be adopting May 8, 2010 as election date. Alderman Collins amended his motion. Alderman Einkauf made a motion that May 8, 2010 be adopted as the election date. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

Ayes: Aldermen Clack, Collins, Einkauf, and Alderwoman Patterson

Nays: None

**ITEM 11. CONSIDER AND TAKE ACTION TO APPROVE AND/OR ADOPT ORDINANCE NO.2010-1000 AS FOLLOWS: AN ORDINANCE OF THE CITY OF FULSHEAR PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 8, 2010 FOR THE PURPOSE OF ELECTING A MAYOR AND THREE (3) ALDERMEN; PROVIDING DETAILS TO THE HOLDING OF SUCH ELECTION.**

A motion was made by Alderman Collins to approve and adopt Ordinance No. 2010-1000; ordinance of the City of Fulshear providing for the holding of a General Election on May 8, 2010 for the purpose of electing a Mayor and three (3) Aldermen; providing details to the hold of such election. It was seconded by Alderman Einkauf. The motion was carried by the following vote:

Ayes: Aldermen Clack, Collins, Einkauf, and Alderwoman Patterson

Nays: None

**ITEM 12. CONSIDER AND TAKE ACTION ON ENTERING AGREEMENT WITH FORT BEND COUNTY TO ADMINISTER FULSHEAR CITY ELECTION**

A motion was made by Alderman Einkauf to approve entering agreement with Fort Bend County to administer Fulshear City Election. It was seconded by Alderman Collins. The motion was carried by the following vote:

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

**ITEM 13. CONSIDER AND TAKE ACTION ON ADOPTING APRIL 26, 2010 THROUGH MAY 4, 2010 AS EARLY VOTING DAYS**

A motion was made by Alderman Collins to adopt April 26, 2010 through May 4, 2010 as early voting days. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Mayor Roberts requested that items 14-17 at the same time if there were no objections.

**ITEM 14. CONSIDER AND TAKE ACTION ON CREEKSIDE AT CROSS CREEK RANCH- SECTION 5- FINAL PLAT**

**ITEM 15. CONSIDER AND TAKE ACTION ON CREEKSIDE AT CROSS CREEK RANCH- SECTION 6- FINAL PLAT**

**ITEM 16. CONSIDER AND TAKE ACTION ON CREEKSIDE AT CROSS CREEK RANCH- SECTION 7- FINAL PLAT**

**ITEM 17. CONSIDER AND TAKE ACTION ON CREEKSIDE AT CROSS CREEK RANCH- SECTION 8- FINAL PLAT**

A motion was made by Alderman Einkauf to approve final plats for Creekside at Cross Creek Ranch Section 5, Section 6, Section 7, and Section 8 that were previously approved by Planning Commission and City Engineer. It was seconded by Alderman Collins. The motion was carried by the following vote:

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

**ITEM 18. CONSIDER AND TAKE ACTION ON REQUEST FROM TRENDMAKER DEVELOPMENT/CROSS CREEK RANCH. Caption: Final Plat/Cross Creek Ranch/Creekside Section 8-97 lots Trendmaker/Cross Creek Development are requesting to phase the street paving for this section into two (2) phases. Phase 1 would create 52 lots and Phase 2 would complete the remaining 45 lots.**

A motion was made by Alderman Einkauf to approve the request from Trendmaker Development/Cross Creek Ranch Section 8 to phase the street paving for this section into two phases (Phase 1 would create 52 lots and Phase 2 creating the remaining 45 lots). It was seconded by Alderman Clack. This motion was carried by the following vote:

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

**19. CONSIDER AND TAKE ACTION TO AUTHORIZE MAYOR TO SIGN CONTRACT FOR FINANCIAL ADVISORY SERVICES WITH BILL BLITCH ASSOCIATES, INC. Caption: Blitch will serve as financial advisor to the City in connection with the sale of bonds by the City.**

A motion was made by Alderman Einkauf to authorize Mayor to sign contract for Financial Advisory Services with Bill Blitch Associates, Inc. It was seconded by Alderman Clack. The motion was carried by the following vote:

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

**20. CONSIDER AND TAKE ACTION TO AUTHORIZE THE MAYOR TO SIGN AGREEMENT PERMITTING THE CITY TO ENCROACH UPON SAID PROPERTY ABUTTING THE RIGHT(S) OF WAY FOR THE PURPOSE OF PLACING WAY FINDING SIGNS. OWNER AGREES TO THE GRANT OF A PRIVATE LICENSE TO ENCROACHMENT BY THE PLACEMENT OF A WAY FINDING SIGN SUBJECT TO CERTAIN CONDITIONS.**

A motion was made by Alderman Einkauf to approve as stated to authorize the Mayor to sign agreement permitting the City to encroach upon said property abutting the right(s) of way for the purpose placing way finding signs. It was seconded by Alderman Collins. The motion was carried by the following vote:

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

Mayor Roberts suggested taking action on items 21 and 22 at same time if there were no objections.

**21. CONSIDER AND TAKE ACTION TO AUTHORIZE THE MAYOR TO SIGN THE UTILITY AGREEMENT BETWEEN FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 172 AND THE CITY OF FULSHEAR**

**22. CONSIDER AND TAKE ACTION TO AUTHORIZE THE MAYOR TO SIGN THE UTILITY AGREEMENT BETWEEN FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 173 AND THE CITY OF FULSHEAR**

A motion was made by Alderman Einkauf to approve as stated to authorize the Mayor to sign the Utility Agreement between Fort Bend County Municipal Utility District No. 172 & Fort Bend Municipal Utility District No. 173 and the City of Fulshear. It was seconded by Alderman Clack. The motion was carried by the following vote:

Ayes: Aldermen Clack, Collins, Einkauf, and Alderwoman Patterson

Nays: None

**23. 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 January, 2010.

**24. ADJOURN**

A motion was made by Alderman Collins. It was seconded by Alderman Einkauf. Mayor Roberts announced that we are adjourning at 8:05 p.m.

Approved: \_\_\_\_\_  
Mayor, James W. Roberts

Attest: \_\_\_\_\_  
City Secretary, D. Gordon Offord