

CITY OF FULSHEAR



FULSHEAR CITY COUNCIL MINUTES March 8, 2010

ITEM 1. CALL TO ORDER

A workshop meeting of the Fulshear City Council was called to order by Mayor, James W. Roberts at 6:01 p.m. Monday, March 8, 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
Stephen Gill

STAFF PRESENT

Chris Nichols, Asst. City Attorney
Kristina Brashear, City Treasurer
D. Gordon Offord, City Secretary
Cheryl Stalinsky, Comm. Development

MEMBERS ABSENT

None

OTHERS PRESENT

Larry Beustring
Shannon Purcell
James Becker
Tommy Kuykendall
Carl Utley
And 9-10 others who did not sign in

ITEM 2. Discussion and possibly taking action to revise the City of Fulshear Sign Ordinance

Caption: Reviewing requirements with regard to Political Signs

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There was a lengthy discussion between Council and the audience regarding placement of political signs within the City of Fulshear.

Alderman Einkauf stated that some complaints were addressed to him from Jeff Roberts' wife regarding the removal of political signs. Alderman Einkauf stated he had talked to both Ms. Roberts and the Chief of Police, Scott Head and there were some discrepancies as to whether these signs were in the right of way.

He stated that at the last meeting the City Attorney provided information to the Council regarding the sign ordinance and there are some problems that need to be addressed. Also, the Council does have the right to make rules regarding what goes in the City's right of way. Alderman Einkauf stated that in speaking to Kenny and the Chief that they actually moved signs from the right of way and place them back. According to Melissa and Jeff Roberts he stated they said signs were removed from private property too. Alderman Einkauf stated that the only question is whether the signs were in the right of way. There has been a huge push from Council over the last six months is to get all signs of right of way. Alderman Einkauf stated that historically signs had been allowed in the right of way. He stated according to the information from the City Attorney signs can be removed from the right of way.

Mayor James Roberts stated that political signs were removed from private property by the Fulshear Police Department. Alderman Einkauf stated that the Police only removed signs that were placed in the City's right of way and they have the authority to do so according to the ordinance. The discussion continued and Jeff Roberts stated signs were removed that was not in the City's right of way and there are signs in the right of way that has not been removed. Jeff Roberts states this gives the appearance that the Police Department is selective in whose signs they remove and we do not need this type of thing going on as it makes for hard feelings.

Jeff Roberts stated that his signs were placed up against the fences or behind the stops signs. Mr. Roberts stated he does not think this was in the City's right of way but legally he does not know where the property line begins. This City has gone to knick-picking little things which are not necessary.

Alderman Einkauf stated that if the signs are up against a fence or behind the utility poles, we are not going to pull it.

Mr. Utley stated the rub comes in when signs are picked up from the ones you don't like and leaving the ones who you do like. A matter of selective enforcement. If you pick one pick all. Alderman Einkauf stated you are absolute correct; it should be consistent.

Alderman Gill stated it comes down to how we can identify the right of way or if there was a problem with the sign ordinance itself.

Chris Nichols from the City Attorney office stated the sign ordinance is confusing because it says in Section 6 the ordinance does not apply but then it applies regulations to a noncommercial sign in section L. The Government Code which addresses the regulation of political signs by municipalities' states that signs on private property which are consent of the property owner may not prohibit the sign from being placed or restrict the size of the sign.

Another lengthy discussion occurred regarding the city's right of way and determining where it starts and stops. Alderman Clack suggested that illegal signs be picked up by maintenance department and then if problems arises ask the police department to intervene. Alderman Einkauf stated no signs can be placed on public right of way. Signs are okay to be placed on private property.

Tommy Kuykendall suggested that the next election, candidate packets should include where political signs can be placed.

A motion was made by Alderman Gill that the sign ordinance should be amended regarding placement of political signs to include that right of way includes any right way of way that the public has access to (whether state, county or city) and no sign can be placed in the right of way and it is okay to place political signs on private property with the land owner' permission. It was seconded by Alderman Einkauf. The motion was carried by the following vote:

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

ITEM 3. Discussion and possibly taking action to approve the black-topping and paving of Katy Fulshear Road

A motion was made by Alderman Einkauf to approve the black-topping and paving of Katy Fulshear Road. It was seconded by Alderman Collins.

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

ITEM 4. Discussion and possibly taking action to approve budget adjustments for 2009/2010 budget

Kristina Brashear, City Treasurer, makes reference to the budget adjustments and have included in each Council packet a copy. These budget adjustment sheets should have been something that the City should have been doing all along but was not. The new auditing firm suggested that we do these budget adjustment sheets to be in compliance with governmental standards.

A motion was made by Alderman Einkauf to approve budget adjustments for 2009/2010 budget. It was seconded by Alderman Gill.

Ms. Brashear stated that SWWC (Southwest Water Company) does not inform the City of repairs until they are requesting a payment. Also, the amount included in the budget for SWWC services for 2009/2010 budget has already been spent and the year is only half over. It was requested that Ms. Brashear write SWWC a letter (along with the city attorney' assistance) and inquire about the budgeting figure of \$35,000 for the year and we have already spent \$37,000 plus and the year is only half gone. It was also requested that Ms. Brashear set up a meeting with SWWC (Southwest Water Company) within the next two weeks.

The motion was carried by the following vote:

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

ITEM 5. Consider and take action to accept updated list of recurring direct payables dated 2-16-2010

A motion made by Alderman Einkauf to accept updated list of recurring direct payables dated 2-16-2010. It was seconded by Alderman Gill. The motion was carried by following vote:

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

6. Review and discuss 2009/2010 first quarter investment summary/and 2009/2010 budget update

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Kristina Brashear, City Treasurer, presented the Council with the first quarter investment summary report. Alderman Einkauf stated he would like for the report to include the available cash on hand.

7. Adjourn

Alderman Einkauf made a motion to adjourn. Mayor Roberts announced that it is now 7:32 p.m. and we are now adjourned.

James W. Roberts - Mayor

ATTEST:

D. (Diana) Gordon Offord - City Secretary