



CITY OF FULSHEAR

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441
PHONE: 281-346-1796 FAX: 281-346-2556

FULSHEAR CITY COUNCIL MINUTES September 21, 2010

I. CALL TO ORDER

A regular meeting of the Fulshear City Council was called to order by Mayor, Thomas C. Kuykendall, Jr. at 7:04 p.m. Tuesday, September 21, 2010 in the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas and all citizens were welcomed. A quorum was present.

MEMBERS PRESENT

Thomas C. Kuykendall, Mayor
Stephen Gill
Larry Beustring
J. B. Collins, Mayor- Pro Tem
Laverne Patterson
Jeff Roberts

STAFF PRESENT

J. Grady Randle, City Attorney
Kristina Brashear, City Treasurer
D. Gordon Offord, City Secretary
C. J. Snipes, City Administrator
Scott Head, Police Chief
Cheryl Stalinsky, Economic Development Director

MEMBERS ABSENT

None

OTHERS PRESENT

Carl G. Utley
Lee Hardisty
Rick Warman
Shannon Purcell
Maria Locascio
L. W. Roberts
Jamie Roberts
Gene Walton
Sean Canning
Eva Irizarry
Ched Preston
Krystal Preston
Gwen Fox
Erma Ridge
John Lebourhis
And 12- 15 others who did not sign in

ITEM 2. INVOCATION

A prayer was given by Reverend John Crowe, Pastor of River Bend Baptist Church, Fulshear, Texas.



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IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Kuykendall.

V. CITIZEN COMMENTS- NO ACTION CAN BE TAKEN

James Roberts stated that the City should not be giving away property (referring to the 80 acres /item number XO on the agenda) that could bring revenue into the City. He stated that all properties in the ETJ pay all building permit fees, etc with the exception of property taxes. The Council needs to take a look at what they are giving away.

Carl Utley stated he wished to speak on items XK and XO.

Mr. Utley stated that he would like to speak and "K" first. He stated that the Council was dealing with dangerous language. That means that you as an elected official has nothing to say about the bank accounts or where the money goes or how it is handle, please read it before you vote or it might come back to haunt you. Three of you sitting on Council now voted to limit a Mayor to \$5,000.00 and now were in trouble with the Simms.

Item O. Gentlemen, if you own an asset, it is worth something. If the developer wants the property out of the ETJ, let him pay for it. We fought for years to get the City where it is at, now you want to give it away, no thank you.

VI. PUBLIC HEARING

A. PUBLIC HEARING on the CITY of FULSHEAR FISCAL YEAR 2010-2011 BUDGET

Notice: The City Council of the City of Fulshear will hold a public hearing on a proposed city budget for Fiscal Year 2011 in a meeting beginning at 7:00 p.m. on September 21, 2010 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 budget is on filed with the City Secretary at the address shown and on the Fulshear website (www.fulsheartx.com).

Mayor Kuykendall opened the Public Hearing regarding City of Fulshear 2010-2011 budget at 7:15p.m. There were no comments. Public Hearing closed at 7:16 p.m.

B. PUBLIC HEARING on the CITY of FULSHEAR FISCAL YEAR 2010-2011 AD VALOREM TAX RATE

Notice: The City Council of the City of Fulshear will hold a public hearing on a proposed city Ad Valorem Tax Rate for Fiscal Year 2011 in a meeting beginning at 7:00 p.m. on September 21, 2010 at Fulshear City Hall, 30603 FM 1093, Fulshear, Texas 77441.

Mayor Kuykendall opened the Public Hearing regarding City of Fulshear proposed city Ad Valorem Tax Rate for Fiscal Year 2011 at 7:16 ½ p.m. The proposed rate is .205921. Public Hearing closed at 7:17 p.m.



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VII. 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 JULY 20th, JULY 29th, AUGUST 10th and AUGUST 18th, 2010 MEETINGS**
- B. CONSENT and APPROVAL on CHECKS PAID and PAYABLES from AUGUST 18, 2010 thru SEPTEMBER 21, 2010**

A motion was made by Alderman Gill to approve the minutes of July 20, July 29, August 10, and August 18, 2010 and approval on checks paid and payables from August 18, 2010 through September 21, 2010 as presented. 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

VIII. CITIZEN REQUESTS

- A. PRESENTATION: LAMAR CONSOLIDATED I.S.D. regarding PROJECT on FM 1093 by MR. REY DELA-REZA and Mr. KEVIN MCKEEVER**

Mr. Tim Rhashod and Dan Bankhead presented an overview to the Council regarding the L.C.I.S.D. (Lamar Consolidated Independent School District) transportation center. It will consist of two phases. They provided each Council member with a booklet outlining the master plan, site screening, office building plan, building evaluations, and views from FM 1093 and Bois D'Arc. Mr. Bankhead stated that green screen along south edge of the site would be to cover the visual of the buses. It would include wire fences with greenery.

There was much discussion between Council Members and L. C.I.S. D. (Lamar Consolidated Independent School District) representatives.

No action was required.

I. 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, etc.)**
- B. REPORT from the POLICE DEPARTMENT (Traffic Citations, arrests, incidents, calls for service)**
- C. REPORT from the MUNICIPAL COURT CLERK (Fees and Fines)**



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- A. Report from Southwest Water Company was presented by Brian Bare. There were no comments from the Council.
- B. Report from the Police Department was presented by Police Chief Scott Head for the month of August' 2010. There were no comments from the Council.
- C. Report from the Municipal Court was presented by Elaine Brown, municipal court clerk, for the month of August' 2010. There were no comments from the Council.

X. Business

- A. **CONSIDER and TAKE ACTION to APPROVE and ADOPT ORDINANCE NO. 2010-1006 an ORDINANCE of the CITY of FULSHEAR AMENDING the FISCAL YEAR 2009-2010 WITHOUT INCREASING the OVERALL BUDGET EXPENDITURES; PROVIDING for SEVERABILITY and an EFFECTIVE DATE**

A motion was made by Alderman Gill to approve Ordinance No. 2010-1006. 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

- B. **CONSIDER and TAKE ACTION to APPROVE and ADOPT ORDINANCE No. 2010-1007 an ORDINANCE APPROVING and ADOPTING the CITY of FULSHEAR, TEXAS BUDGET for the FISCAL YEAR 2010/2011; MAKING APPROPRIATIONS for the CITY for SUCH YEAR as REFLECTED in SAID BUDGET; and CONTAINING OTHER PROVISIONS RELATING to the SUBJECT**

Alderman Roberts stated that some clarification is needed as it is hard to identify salaries for each department when 10 percent is being allocated to the water budget and another portion being allocated elsewhere. Mayor Kuykendall stated that a line item can be placed on the form to show full salaries and also to note where the ten or 15 percent is being allocated.

A motion was made by Alderman Gill to approve and adopt Ordinance No. 2010-1007 as scheduled with TMRS (Texas Municipal Retirement System) benefits attached. 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

- C. **CONSIDER and TAKE ACTION to APPROVE and ADOPT ORDINANCE NO. 2010-1008 an ORDINANCE of the CITY of FULSHEAR, TEXAS ADOPTING the FISCAL YEAR 2010-2011 BUDGET for the FULSHEAR ECONOMIC DEVELOPMENT 4B CORPORATION**

A motion was made by Alderman Beustring to approve and adopt Ordinance No. 2010-1008. 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



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D. CONSIDER and TAKE ACTION to APPROVE CREEKSIDE @CROSS CREEK RANCH, SECTION 11/FINAL PLAT

A motion was made by Alderman Roberts to approve Creekside @Cross Creek Ranch, Section 11 Final Plat. 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

Alderman Gill suggested taking item E-G to be voted on all together since the Planning Commission is reviewing this information before it gets to Council. There were no objections.

E. CONSIDER and TAKE ACTION on CREEK BEND @ CROSS CREEK RANCH, SECTION 1/ PRELIMINARY PLAT

F. CONSIDER and TAKE ACTION on CROSS CREEK RANCH BEND LANE EXTENSION NO. 3/ PRELIMINARY PLAT

G. CONSIDER and TAKE ACTION on FIRETHORNE COMPETITIVE SWIM CENTER- PRELIMINARY PLAT

A motion was made by Alderman Beustring to approve item E through G. It was seconded by Alderman Gill. The motion was carried by the following vote:

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

Nays: None

H. CONSIDER and TAKE ACTION on FIRETHORNE SEC.19 and FIRETHORNE SECTION 20 PARTIAL REPLAT NO. 1/(REPLAT)

A motion was made by Alderman Roberts to approve Firethorne Section 19 and Firethorne Section 20 Partial Replat No. 1. 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

I. CONSIDER and TAKE ACTION on FIRETHORNE WEST RESERVE A/PRELIMINARY PLAT

A motion was made by Alderman Gill to approve Firethorne West Reserve A Preliminary Plat. 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

J. CONSIDER and TAKE ACTION on WEST FIRETHORNE ROAD/SECTION 3 STREET EDUCATION/ PRELIMINARY PLAT



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A motion was made by Alderman Roberts to approve West Firethorne Road Section 3 Street Dedication Preliminary Plat. 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

- K. CONSIDER and TAKE ACTION on RESOLUTION 10-159 a RESOLUTION including CJ SNIPES, CITY ADMINISTRATOR as an AUTHORIZED AGENT EXERCISING COMPLETE AUTHORITY of ALL FINANCIAL APPLICATIONS ASSOCIATED with the CITY OF FULSHEAR'S BANK DEPOSITORIES including but not limited to: COMMERCIAL STATE BANK, WALLIS STATE BANK, TRADITIONS BANK, ICON BANK, MBIA TEXAS CLASS, and TEXSTAR**

A motion was made by Alderman Collins to approve Resolution 10-159. The motion dies for lack of second.

A motion was made by Alderwoman Patterson to table this item. 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

- L. CONSIDER and TAKE ACTION on RESOLUTION 10-160 a RESOLUTION DESIGNATING the FT. BEND HERALD as the OFFICIAL NEWSPAPER of the CITY of FULSHEAR**

A motion was made by Alderman Collins to approve Resolution 10-160 a resolution designating the Fort Bend Herald as the official newspaper of the City of Fulshear. 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

- M. CONSIDER and TAKE ACTION on RESOLUTION 10-161 a RESOLUTION APPOINTING and /or RE-APPOINTING a MEMBER and ALTERNATE to H-GAC's (HOUSTON- GALVESTON AREA COUNCIL) 2011 GENERAL ASSEMBLY**

A motion was made by Alderman Gill to appoint Tommy Kuykendall as the designated member of the Houston- Galveston Area Council 2011 General Assembly and Jeff Roberts as the alternate. 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



- N. CONSIDER and TAKE ACTION to ACCEPT the SUMMARY of the 10/20 WRITE OFF per TEXAS PROPERTY TAX CODE SECTION 33.05 "LIMITATION ON COLLECTION OF TAXES" as SPECIFIED in LETTER from PATSY SCHULTZ, COUNTY TAX ASSESSOR COLLECTOR and AUTHORIZE MAYOR to SIGN LETTER**

A motion was made by Alderman Gill to accept the summary of the 10/20 write off per Texas Property Tax Code Section 33.05 "limitation on collection of taxes" as specified in letter from Patsy Schultz, County Tax Assessor Collector and authorize Mayor to sign letter. It was seconded by Alderman Collins. Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None

- O. CONSIDER and TAKE ACTION on ORDINANCE 2010-1009 an ORDINANCE APPROVING REQUEST from NEWLAND COMMUNITIES represented by KERRY R. GILBERT & ASSOCIATES, INC. to RELEASE APPROXIMATELY 80 ACRES in the SOUTHWEST CORNER of the SUBJECT PROPERTY LOCATED within the CITY of FULSHEAR'S ETJ. NEWLAND intends to DEVELOP the PROPERTY as an EXTENSION of CINCO RANCH with SINGLE -FAMILY RESIDENTIAL as the PREDOMINANT LAND USE. CAPTION: IN ORDER to SIMPLIFY the DEVELOPMENT of the PROPERTY, and ELIMINATE the MULTI-JURISDICTIONAL ISSUES, WE REQUEST that the CITY of FULSHEAR RELEASE its PORTION of EXTRATERRITORIAL JURISDICTION AFFECTING the SUBJECT PROPERTY to the CITY of HOUSTON. THE BALANCE of the PROPERTY within CINCO RANCH (+7500 ACRES) is already within the CITY of HOUSTON'S ETJ**

Alderman Roberts stated we should not do away with 80 acres. Kerry Gilbert, representative for Newland Communities, stated that the City of Houston released 370 acres to the City of Fulshear when a similar scenario occurred and that the City of Fulshear should show themselves as a good neighbor.

Alderman Roberts made a motion to not approve Ordinance No. 2010- 1009. The motion dies for a lack of a second.

A motion was made by Alderman Gill to approve Ordinance No. 2010-1009. It was seconded by Alderman Collins. The motion was carried by the following vote:
Ayes: Aldermen Beustring, Collins, Gill, and Alderwoman Patterson
Nays: Alderman Roberts

- P. CONSIDER and TAKE ACTION to APPROVE and ADOPT ORDINANCE NO. 2010-1010 an ORDINANCE PROVIDING for the ADOPTION of the AD VALOREM TAX RATE (PROPERTY TAX RATE .205921); ASSESSMENT, LEVY, and COLLECTION of AD VALOREM TAXES of the CITY of FULSHEAR, TEXAS, for the YEAR 2011 and for EACH YEAR THEREAFTER until OTHERWISE PROVIDED; PROVIDING the DATE on which SUCH TAXES SHALL BE DUE and PAYABLE;**



PROVIDING for PENALTY and INTEREST on ALL TAXES NOT TIMELY PAID, PROVIDING for SEVERABILITY; and REPEALING ALL ORDINANCES in CONFLICT HEREWITH

A motion was made by Alderman Gill to approve Ordinance No. 2010-1010. 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

Q. CONSIDER and TAKE ACTION to APPROVE and ADOPT ORDINANCE NO. 2010-1011 an ORDINANCE of the CITY of FULSHEAR, TEXAS, REPEALING the LOCAL SALES and USE of TAX EXEMPTION on TELECOMMUNICATIONS SERVICES within the MUNICIPAL LIMITS of the CITY of FULSHEAR, TEXAS; PROVIDING for NOTICE to the COMPTROLLER of PUBLIC ACCOUNTS for the STATE of TEXAS; and PROVIDING for an EFFECTIVE DATE

A motion was made by Alderwoman Patterson to approve Ordinance No. 2010-1011. 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

R. CONSIDER and TAKE ACTION to APPROVE and ADOPT ORDINANCE NO. 2010-1012 an ORDINANCE of the CITY of FULSHEAR, TEXAS RESTRUCTURING the RATES CHARGED for WATER and WASTE WATER SERVICES to ENCOURAGE CONSERVATION EFFORTS and ENSURE FISCAL RESPONSIBILITY for the ENTERPRISE FUND; REVISING the TIER STRUCTURE for CHARGES and CREATING RESIDENTIAL and COMMERCIAL RATES POSSIBLY INCREASING RATES; and SETTING an EFFECTIVE DATE

Alderman Roberts stated to put off increasing the water rates for a year. Mayor Kuykendall stated that we are receiving increased fees due to converting surface water and compared to other cities and MUDs, we have the lowest rates. Also, the City continues to subsidize the Enterprise fund by using the City's property taxes.

A motion was made by Alderman Gill to approve and adopt Ordinance No. 2010-1012. It was seconded by Alderman Beustring. The motion was carried by the following vote:
Ayes: Alderman Beustring, Collins, Gill, and Alderwoman Patterson
Nays: Alderman Roberts

S. CONSIDER and TAKE ACTION to APPROVE and ADOPT ORDINANCE NO. 2010-1013 an ORDINANCE of the CITY of FULSHEAR, TEXAS RESTRUCTURING the FEE SCHEDULE for TAPPING into the WATER and SEWER SYSTEM; INCREASING FEES for TAPS and SETTING an EFFECTIVE DATE



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A motion was made by Alderman Beustring to approve and adopt Ordinance No. 2010-1013. It was seconded by Alderman Collins. The motion was carried by the following vote:

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

Nays: None

T. CONSIDER and TAKE ACTION to APPROVE and ADOPT ORDINANCE NO. 2010-1014 an ORDINANCE of the CITY of FULSHEAR, TEXAS AFFIRMING and ADOPTING the FEE SCHEDULE DELINEATED by the CITY in RESOLUTION 02-104 REGARDING PLAN REVIEW and BUILDING PERMIT FEES; and SETTING an EFFECTIVE DATE

A motion was made by Alderman Gill to approve and adopt Ordinance No. 2010-1014. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None

U. CONSIDER and TAKE ACTION to APPROVE and ADOPT ORDINANCE NO. 2010-1015 an ORDINANCE of the CITY of FULSHEAR, TEXAS REVISING FEES CHARGED for INSPECTION SERVICES; INCREASING FEES for INSPECTIONS; SETTING a UNIFORM FEE for RE-INSPECTIONS and SETTING an EFFECTIVE DATE

A motion was made by Alderman Beustring to approve and adopt Ordinance No. 2010-1015. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None

V. CONSIDER AND TAKE ACTION TO APPROVE INTERLOCAL AGREEMENT REGARDING AGREEMENT FOR THE INSPECTION OF NEWLY CONSTRUCTED ON-SITE SEWAGE DISPOSAL SYSTEMS AND OSSF NUISANCE COMPLIANCE BETWEEN FORT BEND COUNTY AND CITY OF FULSHEAR

A motion was made by Alderman Roberts to approve InterLocal Agreement regarding agreement for the inspection of newly constructed on-site sewage disposal systems and OSSF nuisance compliance between Fort Bend County and City of Fulshear. It was seconded by Alderman Gill. The motion was carried by the following vote:

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

Nays: None

W. CONSIDER AND TAKE ACTION TO APPROVE INTERLOCAL AGREEMENT REGARDING AGREEMENT BETWEEN FORT BEND COUNTY AND THE CITY OF FULSHEAR, TEXAS FOR THE INSPECTION OF FOOD SERVICE ESTABLISHMENTS



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A motion was made by Alderman Gill to approve InterLocal Agreement regarding agreement between Fort Bend County and City of Fulshear for the inspection of Food Service Establishments. It was seconded by Alderman Roberts. The motion was carried by the following vote:

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

Nays: None

XI. EXECUTIVE SESSION-CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE SECTION 551.072 FOR the PURPOSE of DISCUSSING the PURCHASE, EXCHANGE, LEASE, or VALUE of REAL PROPERTY

SECTION 551.074, PERSONNEL MATTERS, to DELIBERATE on the APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, or DISMISSAL of a PUBLIC OFFICER.

CONSIDER HIRING and/ or ACCEPTING RESIGNATIONS of PROFESSIONAL and NON-PROFESSIONAL PERSONNEL

Mayor Kuykendall announced that Council would recess into Executive Session at 9:23p.m. and a quorum was present.

XII. RECONVENE AND TAKE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION IF DEEMED APPROPRIATE

Mayor Kuykendall announced that Council have reconvened into regular session at 9:54 p.m. and had nothing to report.

XIII. ADJOURNMENT

A motion was made by Alderwoman Patterson to adjourn. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

Approved: _____
Mayor, Thomas C. Kuykendall, Jr.

Attest: _____
City Secretary, D. Gordon Offord