



# ***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 October 19, 2010**

### **ITEM I. CALL TO ORDER**

A regular meeting of the Fulshear City Council was called to order by Mayor, Thomas C. Kuykendall, Jr. at 7:00 p.m. Tuesday, October 19, 2010 in the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas and all citizens were welcomed.

### **ITEM II. QUORUM**

A quorum was present.

### **MEMBERS PRESENT**

Thomas C. Kuykendall, Mayor  
Stephen Gill  
Jeff Roberts  
J. B. Collins  
Laverne Patterson

### **STAFF PRESENT**

J. Grady Randle, City Attorney/Chris Nichols, Asst. Attorney  
Kristina Brashear, City Treasurer  
D. Gordon Offord, City Secretary  
Edward Turner, New Police Officer  
Scott Head, Police Chief

### **MEMBERS ABSENT**

Larry Beustring

### **OTHERS PRESENT**

Gwen Fox  
Jason Demel  
Sherri BeMent  
Ramona Ridge  
And 12-15 others who did not sign in

### **ITEM III. INVOCATION**

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

### **ITEM IV. PLEDGE OF ALLEGIANCE**

Mayor Kuykendall led the Council and audience in the Pledge of Allegiance oath.

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

Gwen Fox stated she was concerned about the new transportation center to be constructed here in Fulshear. She stated it will probably impact the traffic flow on FM 1093 that is already has an excess of



**Fulshear City Council Minutes**  
**October 19, 2010**  
**Page 2**

traffic. Ms. Fox had several questions regarding the widening of FM 1093 and the validity of the traffic study completed by the school district. Sherri BeMent stated she agreed with comments from Gwen Fox and added that timely pressure be placed on the school board.

Ramon Ridge questioned what is the Planning Commission doing about the transportation center as she heard that the Planning Commission approved the plat already.

C. J. Snipes, City Administrator, stated that really there is nothing that neither the Planning Commission nor the Council can tell landowners how their property will be used. They can only define whether the plat meets the requirements of the Subdivision Ordinance.

D. Gordon Offord, City Secretary, stated that the chairman of the Planning Commission gave directives to his group that they could only determine whether the technical requirements were being applied to the plat and not involve themselves in the usage of the property. The Planning Commission agreed that before submitting a final plat Lamar C. I. S. D must incorporate the City of Fulshear Major Thoroughfare plan, meet all requirements of the Subdivision Ordinance which includes drainage plan, impact of their project on the current city's lift station, identify egress and access, and complete traffic study for entire project.

Mayor Kuykendall thanked everyone for their comments.

**ITEM VI. PUBLIC HEARING**

**A. PUBLIC HEARING on CITY of FULSHEAR ORDINANCE 2010-1020 and UTILITY RATES proposed by CENTERPOINT ENERGY**

**Notice: The City Council of the City of Fulshear will hold a public hearing on a proposed Ordinance seeking to reduce electric rates and the proposed rates issued by CenterPoint Electric in a meeting beginning at 7:00 p.m. on October 19, 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 Ordinance is on file with the City Secretary at the address listed.**

Mayor Kuykendall announced that the hearing was open at 7:09p.m. Chris Oliver, representative of CenterPoint Energy stated that the company usually requests a rate increase every four years and the last rate increase occurred in year 2006. No other comments received. Mayor Kuykendall announced that the hearing closed at 7:12p.m.

**II. 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 SEPTEMBER 9<sup>th</sup>, and SEPTEMBER 21<sup>ST</sup>, 2010 MEETINGS
- B. CONSENT and APPROVAL on CHECKS PAID and PAYABLES from SEPTEMBER 19, 2010 thru OCTOBER 19, 2010
- C. CONSENT and APPROVAL on FIRETHORNE /FIRETHORNE and FIRETHORNE WEST GENERAL PLAN (STREET PLAN ONLY)
- D. CONSENT and APPROVAL on WEST FIRETHORNE ROAD SECTION 3 STREET DEDICATION FINAL PLAT
- E. CONSENT and APPROVAL on FIRETHORNE COMPETITIVE SWIM CENTER FINAL PLAT
- F. CONSENT and APPROVAL on FIRETHORNE WEST RESERVE "A" FINAL PLAT
- G. CONSENT and APPROVAL on FIRETHORNE WEST SECTION 7 PRELIMINARY PLAT
- H. CONSENT and APPROVAL on FIRETHORNE WEST MEETING CENTER PRELIMINARY PLAT

A motion was made by Alderman Gill to approve the consent agenda items as presented with the exception of payment to Bono Brothers for sludge hauling. It was seconded by Alderman Roberts. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Beustring

#### ITEM VIII. 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, compliance issues)
- B. REPORT from the POLICE DEPARTMENT (Traffic Citations, arrests, incidents, calls for service)
- C. REPORT from the MUNICIPAL COURT CLERK (Fees and Fines)
  - A. Report from Southwest Water Company was presented by Brian Bare.
  - B. Report from the Police Department was presented by Police Chief Scott Head. He introduced his new officer, Edward Turner, to Council.
  - C. Report from the Municipal Court was presented by Elaine Brown, Municipal Court Clerk.



**Fulshear City Council Minutes**

**October 19, 2010**

**Page 4**

**ITEM X. BUSINESS**

**A. CONSIDER and TAKE ACTION on LAMAR CISD SCHOOL NO. 5 COMPLEX/ PRELIMINARY PLAT**

A motion was made by Alderman Gill to approve Lamar CISD School NO. 5 Complex/ Preliminary Plat. It was seconded by Alderman Collins.

There was some discussion around the Lamar Transportation Satellite being placed on FM 1093 in Fulshear and concern regarding the impact on traffic on an already congested highway.

The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Beustring

**B. CONSIDER and TAKE ACTION to APPROVE AGREEMENT with TML-IEBP for CONTINUATION of COVERAGE (COBRA) ADMINISTRATION**

A motion was made by Alderman Collins to approve agreement with TML (Texas Municipal League)-IEBP for continuation of Coverage (Cobra) Administration. It was seconded by Alderman Gill.

The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Beustring

**C. CONSIDER and TAKE ACTION on SIGN PERMIT: SHELL/ 30430 FM 1093**

A motion was made Alderman Roberts to approve sign permit/ Shell/ 30430 FM 1093. It was seconded by Alderman Collins. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Beustring

**D. CONSIDER and TAKE ACTION on PROPOSED CHANGES to FINANCIAL ADVISORY SERVICES PROVIDED to the CITY**

A motion was made by Alderman Gill to terminate current advisor and seek to hire a new Financial Advisory Service for the City. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:



**Fulshear City Council Minutes  
October 19, 2010  
Page 5**

Ayes: Aldermen Collins, Gill, Roberts, and Alderwoman Patterson  
Nays: None  
Absent: Alderman Beustring

**E. CONSIDER and TAKE ACTION on ORDINANCE NO. 2010-1016 an ORDINANCE of the CITY of FULSHEAR, TEXAS AMENDING ORDINANCE NO. 2010-1013 RESTRUCTURING the FEES CHARGED by the CITY for WATER and SEWER TAPS; REVISING FEES CHARGED for TAPS of 5/8 and 3/4 INCHES; INCLUDING CHARGES for WASTE WATER TAPS to ALIGN with PREVAILING DEVELOPMENT AGREEMENTS; PROVIDING for SEVERABILITY and SETTING an EFFECTIVE DATE**

A motion was made by Alderman Roberts to approve Ordinance No. 2010-1016. It was seconded by Alderman Collins. The motion was carried by the following vote:  
Ayes: Aldermen Collins, Gill, Roberts, and Alderwoman Patterson  
Nays: None  
Absent: Alderman Beustring

**F. CONSIDER and TAKE ACTION on ORDINANCE NO. 2010-1017 an ORDINANCE AMENDING ORDINANCE NO. 2010-1012 CLARIFYING that the FEES AFFIRMED in SAID ORDINANCE APPLY to COMMERCIAL BUILDING PERMITS; PROVIDING for SEVERABILITY and SETTING an EFFECTIVE DATE**

A motion was made by Alderman Collins to approve Ordinance No. 2010-1017. It was seconded by Alderman Gill. The motion was carried by the following vote:  
Ayes: Aldermen Collins, Gill, Roberts, and Alderwoman Patterson  
Nays: None  
Absent: Alderman Beustring

**G. CONSIDER and TAKE ACTION on ORDINANCE NO. 2010-1018 an ORDINANCE of the CITY of FULSHEAR ADOPTING FEE STRUCTURE for PERMITS and PLAN REVIEW for RESIDENTIAL BUILDING PERMITS; TYING PERMIT FEES to a SCALE BASED on VALUATIONS and SETTING a PLAN REVIEW FEE at ½ of the TOTAL PERMIT COST; PROVIDING for SEVERABILITY and SETTING an EFFECTIVE DATE**

A motion was made by Alderman Roberts to approve Ordinance No. 2010-1018. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:  
Ayes: Aldermen Collins, Gill, Roberts, and Alderwoman Patterson  
Nays: None  
Absent: Alderman Beustring



Fulshear City Council Minutes  
October 19, 2010  
Page 6

**H. CONSIDER and TAKE ACTION on ORDINANCE NO. 2010-1019 an ORDINANCE PROVIDING for the PARTICIPATION in the TEXAS MUNICIPAL RETIREMENT SYSTEM and the SUPPLEMENTAL DEATH BENEFITS FUND by the CITY OF FULSHEAR, TEXAS; and to MAKE CURRENT SERVICE and PRIOR SERVICE CONTRIBUTIONS to the CITY'S ACCOUNT in the MUNICIPAL ACCUMULATION FUND of the TEXAS MUNICIPAL RETIREMENT SYSTEM at the ACTUARIALLY DETERMINED RATE of TOTAL EMPLOYEE COMPENSATION**

A motion was made by Alderman Collins to approve Ordinance No. 2010-1019 and seconded by Alderman Gill. Alderman Roberts inquired about the rate. Alderman Collins amended his motion to include a fixed rate of 5 percent of the full earnings of each employee of said departments and the city will contribute to the current service annuity reserve of each such member at the time of his or her retirement a sum that is 100 percent of such member's accumulated deposits for such month of employment (match 1 to 1 ratio). It was seconded by Alderman Gill. The motion was carried by the following vote:

Ayes: Aldermen Collins, Gill, Roberts, and Alderwoman Patterson  
Nays: None  
Absent: Alderman Beustring

**I. CONSIDER and TAKE ACTION on ORDINANCE NO. 2010-1020 an ORDINANCE FINDING that the EXISTING ELECTRIC DISTRIBUTION RATES of CENTER POINT ENERGY HOUSTON ELECTRIC LLC ("CENTERPOINT" or "COMPANY") are UNREASONABLE and SHOULD be REDUCED; ORDERING CENTERPOINT to REDUCE its EXISTING RATES within the CITY; ORDERING CENTERPOINT to SUBMIT TARIFFS CONSISTENT with the RECOMMENDATION of the GULF COAST COALITION of CITIES' CONSULTANTS in PUBLIC UTILITY COMMISSION of TEXAS DOCKET NO. 38339; ORDERING CENTERPOINT to REIMBURSE the CITY for its REASONABLE**

A motion was made by Alderman Gill to approve Ordinance No. 2010-1020. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

Ayes: Aldermen Collins, Gill, Roberts, and Alderwoman Patterson  
Nays: None  
Absent: Alderman Beustring

**J. CONSIDER and TAKE ACTION on ORDINANCE NO. 2010-1021 an ORDINANCE of the CITY of FULSHEAR, TEXAS, AMENDING ORDINANCE NO. 2009-993, the 2009-2010 FISCAL YEAR BUDGET, by REALLOCATING FUNDS within the BUDGET; PROVIDING that EXPENDITURES for SAID FISCAL YEAR be MADE ACCORDANCE with SAID AMENDED BUDGET; PROVIDING for a SEVERABILITY CLAUSE; PROVIDING an EFFECTIVE DATE**



**Fulshear City Council Minutes**

**October 19, 2010**

**Page 7**

A motion was made by Alderman Gill to approve Ordinance No. 2010-1020. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Beustring

**K. CONSIDER and TAKE ACTION on ORDINANCE NO. 2010-1022 an ORDINANCE of the CITY of FULSHEAR, TEXAS AMENDING ORDINANCE NO. 2010-1012 SECTION 3.0 PARAGRAPH (c) to ENSURE that the RATES DESCRIBED THEREIN are APPLICABLE to RESIDENTIAL CUSTOMERS**

A motion was made by Alderman Collins to approve Ordinance No. 2010-1022. It was seconded by Alderman Gill. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Beustring

Mayor Kuykendall announced that items L through P of the agenda deals with annexation of property owned by Landmark and at this time that no action be taken due to information not received timely. Mayor Kuykendall stated that the landowners would like to discuss some variances from the City's subdivision ordinance and a meeting has been set for next week. Mayor Kuykendall stated he is hopeful that we will be able to take this property into the City before the end of the year.

**X. ADJOURNMENT**

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

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

Nays: None

Absent: Alderman Beustring

Approved: \_\_\_\_\_

Mayor, Thomas C. Kuykendall, Jr.

Attest: \_\_\_\_\_

City Secretary, D. Gordon Offord