



# CITY OF FULSHEAR

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

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FULSHEAR CITY COUNCIL MINUTES  
FEBRUARY 15, 2011

**I. CALL TO ORDER**

*A regular meeting of the Fulshear City Council was called to order by Mayor, Thomas C. Kuykendall, Jr at 7:07 p.m. Tuesday, February 15, 2011 in the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas 77441 and all citizens were welcomed.*

**II. QUORUM**

*A quorum was present.*

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

*D. (Diana) Gordon Offord, City Secretary  
C.J. Snipes, City Administrator  
Kristina Brashear, Finance Director  
J. Grady Randle, City Attorney  
Tim Kirwin, Asst. City Attorney  
Michelle Kirchner, Building Inspector*

**MEMBER ABSENT:**

*Laverne Patterson*

**OTHERS PRESENT:**

*Russ Cosby  
Gwen Fox  
15-17 others who did not sign in*

**III. INVOCATION - Reverend John Crowe, Pastor of River Bend Baptist Church, Fulshear, Texas**

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

**IV. PLEDGE OF ALLEGIANCE**

*Pledge of Allegiance oath was lead by Mayor Thomas C. Kuykendall, Jr.*

**V. CITIZEN COMMENTS – NO ACTION CAN BE TAKEN**

*There were no Citizens comments.*

**VI. 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 January 11<sup>th</sup> and January 18, 2011 MEETINGS**
- B. **CONSENT and APPROVAL on CHECKS PAID and PAYABLES from January 18, 2011 thru February 15, 2011**
- C. **CONSENT and APPROVAL for TRENDMAKER DEVELOPMENT-CROSS CREEK RANCH/UPDATE GENERAL PLAN (S.P.O.) of CROSS CREEK RANCH**
- D. **CONSENT and APPROVAL for TRENDMAKER DEVELOPMENT-CROSS CREEK RANCH /FLEWELLEN OAKS LANE- STREET DEDICATION from LODGE BLUFF LANE to FRY ROAD/ PRELIMINARY PLAT**
- E. **CONSENT and APPROVAL for TRENDMAKER DEVELOPMENT-CROSS CREEK RANCH/FLEWELLEN OAKS LANE-STREET DEDICATION from FRY ROAD to FM 1463/PRELIMINARY PLAT**
- F. **CONSENT and APPROVAL for TRENDMAKER DEVELOPMENT-CROSS CREEK RANCH/CROSS CREEK BEND LANE and FRY BOULEVARD STREET DEDICATION- PRELIMINARY PLAT**
- G. **CONSENT and APPROVAL for TRENDMAKER DEVELOPMENT-CROSS CREEK RANCH/CREEK BEND at CROSS CREEK RANCH SECTION 2 – PRELIMINARY PLAT**

*Councilman Collins inquired when the charges regarding the sludge hauling be removed from the list of payables. C. J. Snipes, City Administrator, stated he actually had a discussion this afternoon regarding this subject and he would like to have a meeting with Southwest Water Company along with the City Engineer, David Leyendecker and bring it back in.*

*Mayor Kuykendall announced that in the last four months we have not had to support the water and sewer fund and it has been on the positive side.*

*A motion was made by Alderman Collins to approve the consent agenda with the exception of Bono Brothers regarding the sludge hauling on the list of payables. It was seconded by Alderman Roberts.*

*Alderman Beustring made an inquiry regarding the general plan. He stated he was looking at the dividing line for Lamar School District and Katy School District. Collin Pier, Project Manager for Trendmaker/Cross Creek Ranch stated that the Katy School District had already purchased a 123-acre tract in year 2006. Alderman Beustring also had questions about all the streets that intersect with FM 1463 whether it would be blinking lights or standard traffic light. Mr. Pier, project manager for Trendmaker, stated they have not submitted any permits to TxDot at this time and that Cinco Ranch has a request into TxDot and all the parties have been asked to join in with this request. The Council Members had a lengthy discussion about plat on FM 1463 regarding right of way. Mayor Kuykendall requested that develop do some research before final platting to provide adequate right of way for this section of the plat.*

*Alderman Roberts stated he wanted to bring to the Council attention that we are already over the legal fees that was outlined in the budget. Mayor Kuykendall stated that the legal fees are higher than*

*anyone anticipated during the time the budget was being considered. Mr. Snipes, City Administrator, stated we will have to do a special workshop and makes some adjustments.*

*Mayor Kuykendall called for a vote. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**VII. 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, and reports to TCEQ.)**

*Report from Southwest Water Company was presented by Jason Demel. No action required.*

**B. REPORT from the POLICE DEPARTMENT (Traffic Citations, arrests, incidents, calls for service)**

*Report from the Police Department was presented by Police Chief Scott Head. No action required.*

**C. REPORT from the MUNICIPAL COURT CLERK (Fees and Fines)**

*Report from the Municipal Court was presented by Elaine Brown, municipal court clerk. No action required.*

**VIII. BUSINESS**

**A. CONSIDER PRESENTATION and REPORT from the FULSHEAR COMMUNITY FOUNDATION**

*A presentation was given to Council by Sue River to introduce a new group of volunteers called "The Community Foundation of Fulshear, Inc. They are a non-profit organization comprised of local community volunteers. Their efforts are limited to benefit the Fulshear Community. Their motto is a "small town with a big heart". Mayor Kuykendall thanked them for their presentation. No action was required.*

**B. CONSIDER and TAKE ACTION to APPROVE SIGN PERMIT APPLICATION: TRENDMAKER DEVELOPMENT/CROSS CREEK RANCH, WEST OF FLEWELLEN WAY, FM 1093/FM 359, FULSHEAR, TX**

*A motion was made by Alderman Roberts to approve sign permit application: Trendmaker Development/Cross Creek Ranch, west of Flewellen Way, FM 1093/FM 359, Fulshear, Texas. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**C. CONSIDER and TAKE ACTION to APPROVE SIGN PERMIT APPLICATION: OAK BEND MEDICAL GROUP 30525 1<sup>ST</sup> STREET, SUITE B, FULSHEAR, TEXAS**

*A motion was made by Alderman Roberts to approve sign permit application: Oak Bend Medical Group 30525 First Street, Suite B, Fulshear, Texas. It was seconded by Alderman Collins. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**D. CONSIDER and TAKE ACTION on PROPOSAL for WATER CONSERVATION PILOT PROJECT REQUEST from NORTH FT. BEND WATER AUTHORITY**

*A motion was made by Alderman Gill to approve proposal for water conservation pilot project request from North Fort Bend Water Authority. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**E. CONSIDER and TAKE ACTION on ORDINANCE 2011-1030 an ORDINANCE REQUIRING GREASE TRAPS and OTHER FORMS of MITIGATION to ENSURE the INTEGRITY of the CITY'S WASTE WATER, STORM WATER and WATER COURSE SYSTEMS**

*Mayor Kuykendall stated this ordinance is needed as the City is experiencing great growth and this will help ensure things will not get into our water system and cause harm. He stated it is his understanding that some businesses do not have any and others that do are inadequate. He stated the C.J. Snipes, City Administrator, will discuss a couple points of this issue. Mr. Snipes stated this is a water and sewer ordinance. He stated he toured the water and sewer system and noted a lot of grease present. He stated it can work the same way as our bodies that it can cause clogs and other problems. Mr. Snipes stated this is problem the worst thing that could happen to a water system and can be very expensive to fix. He stated we are reach a volume where it will entail install a new plant and we have dodge the bullet so far from grease problems but we do have a lot of new restaurants that are coming. Mr. Snipes stated that under this ordinance existing businesses will have one year to come into compliance with this ordinance. Right now this will become part of our plumbing code.*

*Alderman Roberts stated this ordinance portrays all establishments to have a grease trap whether or not they baked. Michelle Kirchner, building inspector, stated she has a formula to determine what size of grease trap a business will require depending on how much grease they are generating. There were some discussion among Council regarding whether grease was an issue for the repairs done by Southwest Water and that the County had done inspections before regarding establishment meeting requirements.*

*After continued review and discussion, a motion was made by Alderman Gill to approve and adopt Ordinance 2011-1030 requiring grease traps and other forms of mitigation to ensure the integrity of the City's waste water, storm water and water course systems. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, and Gill*

*Nays: Alderman Roberts*

*Absent: Alderwoman Patterson*

**F. CONSIDER and TAKE ACTION on ORDINANCE 2011-1031 ORDERING ELECTION and SELECTING an ELECTION DATE of MAY 14, 2011**

**Considerar y Adoptar una decision sobre la Ordenanza ordenando y seleccionando una fecha de las elecciones de 14 de Mayo 2011**

*A motion was made by Alderman Gill to approve and adopt Ordinance 2011-1031 ordering election and selecting an election date of May 14, 2011. It was seconded by Alderman Collins. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

*Mayor Kuykendall stated that items G through J covers the election and asked if there was no objections to vote these items at the same time. Council agreed.*

**G. CONSIDER and TAKE ACTION on ENTERING an AGREEMENT with FORT BEND COUNTY to ADMINISTER FULSHEAR CITY ELECTION**

**H. CONSIDER and TAKE ACTION ADOPTING EARLY VOTING DAYS as MAY 2, 2011 through MAY 10, 2011 not a SUNDAY nor an OFFICIAL STATE HOLIDAY.**

**I. CONSIDER and TAKE ACTION to STAY OPEN TWO TWELVE (12) HOUR DAYS DURING EARLY VOTING; and DESIGNATING the DAYS as MAY 9, 2011 and MAY 10, 2011**

**J. CONSIDER and TAKE ACTION to AUTHORIZE the MAYOR to SIGN CONTRACT between the CITY of FULSHEAR and FORT BEND COUNTY ELECTION for JOINT ELECTION AGREEMENT and CONTRACT for ELECTION SERVICES**

*A motion was made by Alderman Gill to approve and adopt items G through J. It was seconded by an Alderman Collins. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**IX. EXECUTIVE SESSION-CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE**

**SECTION 551.074, PERSONNEL MATTERS, TO DELIBERATE ON THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER.**

**REVIEW of COMPLAINT against POLICE CHIEF**

**SECTION 551.071, CONSULTATION WITH ATTORNEY; SPECIFICALLY SUB-SECTIONS:**

**1) WHEN THE GOVERNMENTAL BODY SEEKS THE ADVICE OF ITS ATTORNEY ABOUT:**

**(A) PENDING OR CONTEMPLATED LITIGATION; OR**

**(B) A SETTLEMENT OFFER; OR**

**2) ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.**

**UPDATE on LITIGATION with LAMAR CONSOLIDATED I.S.D.**

*Mayor Kuykendall announced that Council would enter Executive Session at 8:11p.m. and a quorum was present.*

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

*Mayor Kuykendall announced that Council would reconvene back into Regular Session at 10:44 p.m. and a quorum was present. Mayor Kuykendall asked if there was any action that needs to be taken.*

*A motion was made by Alderman Gill to terminate Police Chief Scott Head of his duties at the City of Fulshear due to his misconduct. It was seconded by Alderman Roberts. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Collins, Gill and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

*Alderman Collins excused himself from the vote dealing with LCISD (Lamar Consolidated Independent School District) due to the fact his wife is employed by the district.*

*A motion was made by Alderman Gill to authorize the City Attorney, J. Grady Randle, to file counter-suit against LCISD. It was seconded by Alderman Beustring. The motion was carried by the following vote:*

*Ayes: Aldermen Beustring, Gill, and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

**XI. ADJOURNMENT**

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

*Ayes: Aldermen Beustring, Collins, Gill and Roberts*

*Nays: None*

*Absent: Alderwoman Patterson*

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*Thomas C. Kuykendall, Mayor*

*Attest:*

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*D. Gordon Offord- City Secretary*