



CITY OF Incorporated 1977

FULSHEAR

30603 FM 1093

281-346-1796 (ph) 281-346-2556 (fax)

P.O. Box 279

Fulshear, Texas 77441

*Fulshear City Council Minutes
March 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 7:05 p.m. Tuesday, March 15, 2011 in the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas 77441 and all citizens were welcomed.

II. QUORUM

A quorum was present. (Stephen Gill-- running a little late due to traffic on FM 1093.)

MEMBERS PRESENT

*Thomas C. Kuykendall, Mayor
J.B. Collins, Jr., Mayor Pro-Tem
Larry Beustring
Stephen Gill came at 7:22 p.m.
Laverne Patterson
Jeff Roberts*

STAFF PRESENT

*C. J. Snipes, City Administrator
D.(Diana) Gordon Offord, City Secy.
Tim Kirwin, Asst. City Attorney
Kristina Brashear, Finance Director
Kenny Seymour, Acting Police Chief
Elaine Brown, Court Clerk
Michelle Kirchner, Building Inspector
Cheryl Stalinsky, Economic Dev. Dir.*

MEMBERS ABSENT

None

GUESTS

*Gwen Fox
Erma Ridge
Viola Randle
Russ Cosby
Bodie Gilbert
And 12 others who did not sign in*

**FULSHEAR CITY COUNCIL MINUTES
MARCH 15, 2011
PAGE 2**

III. INVOCATION – Bodie Gilbert, Director of Music and Worship, of the First United Methodist Church, Fulshear, Texas

A prayer was given by Bodie Gilbert, Director of Music and Worship of the First United Methodist Church, Fulshear, Texas.

IV. PLEDGE OF ALLEGIANCE

The 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. Mayor Kuykendall invited everyone to come to the St.Patricks' Street Party on tomorrow at 5:30p.m.

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 FEBRUARY 15, 2011 MEETING

B. CONSENT and APPROVAL on CHECKS PAID and PAYABLES from FEBRUARY 16, 2011 thru MARCH 15, 2011

C. CONSENT and APPROVAL on CREEKSIDE at CROSS CREEK RANCH SECTION 9/FINAL PLAT

D. CONSENT and APPROVAL for CREEKSIDE at CROSS CREEK RANCH SECTION 10/FINAL PLAT

E. CONSENT and APPROVAL on FIRETHORNE KATY ISD (INDEPENDENT SCHOOL DISTRICT) SCHOOL SITE- PRELIMINARY PLAT

A motion was made by Alderman Beustring to approve the consent agenda with the exception of the charges for Bono Brothers for sludge hauling. It was seconded by Alderman Collins.

Alderman Collins had questions regarding the payables for DPIS (DPIS Engineering, LLC who assist with inspections). Michelle Kirchner, Building Inspector, stated that she and Jeremy started this week doing all the inspections. Prior to this time they were handling only a few electrical and the plumbing inspections. After review and discussion, Mayor Kuykendall called for a vote. The motion was carried by the following vote:

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

Nays: None

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.)

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

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

**FULSHEAR CITY COUNCIL MINUTES
MARCH 15, 2011
PAGE 3**

- A. Report from Southwest Water Company was presented by Jason Demel. No action required.*
- B. Report from the Police Department was presented by Kenny Seymour, Acting Police Chief. No action required.*
- C. Report from the Municipal Court Clerk was presented by Elaine Brown. No action required.*

VIII. BUSINESS

A. CONSIDER and TAKE ACTION on Ordinance 2011-1032 an Ordinance of the CITY of FULSHEAR, TEXAS, AMENDING ORDINANCE NO. 2010-1007, the 2010-2011 FISCAL YEAR BUDGET, by APPROVING "BUDGET AMENDMENT I" to the "ORIGINAL GENERAL BUDGET of the CITY of FULSHEAR, TEXAS, for the FISCAL YEAR 2010-2011"; PROVIDING for SUPPLEMENTAL APPROPRIATION and/ or TRANSFER of CERTAIN FUNDS; PROVIDING for SEVERABILITY; and PROVIDING for OTHER MATTERS RELATED to the SUBJECT

C. J. Snipes, City Administrator, stated to start off with we were looking at about a \$200,000.00 budget shortfall. City Administrator stated now that there will be a shortfall of approximately 400,000.00 dollars due to the unexpected lawsuit with LCISD (Lamar Consolidated Independent School District). In order not to pull funds from our reserve funding and to offset this deficit, street maintenance and repairs will have to be push back in order to curtail some of this expense.

Kristina Brashear, Finance Director, presented an overview to the Council on current budget and also what budget will look like with the new budget adjustments.

Mayor Kuykendall stated to copy from Governor Perry, we will have to dip into our rainy day fund. There was approximately a twenty minute discussion and review of budget adjustment items.

A motion was made by Alderman Gill to approve Ordinance No. 2011-1032. 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

B. CONSIDER and TAKE ACTION on ORDINANCE 2011-1033 an ORDINANCE of the CITY of FULSHEAR, TEXAS repealing ORDINANCE 2009-994A PROVIDING CERTAIN HEALTH INSURANCE BENEFITS to RETIREES from the CITY

A motion was made by Alderman Gill to approve Ordinance 2011-1033 of the City of Fulshear, Texas repealing Ordinance 2009-994A providing certain health insurance benefits to retirees from the City. 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

C. CONSIDER and TAKE ACTION on RESOLUTION 2011-171 a RESOLUTION approving CONDITIONS for CONSENT to the CREATION of the TOWN CENTER MUNICIPAL MANAGEMENT DISTRICT

A motion was made by Alderman Gill to approve Resolution 2011-171 a resolution approving conditions for consent to the creation of the Town Center Municipal Management District. It was seconded by Alderman Beustring.

There was some discussion among the Council Members. Alderwoman Patterson wanted to know if it would affect a single family home that already exist in the district. C. J. Snipes, City Administrator stated it would not have any impact on any homes that already exist in the district.

The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, and Roberts

Nays: Alderwoman Patterson

D. CONSIDER and TAKE ACTION to NAME COUNCIL REPRESENTATIVES to COMMITTEES STUDYING the SIGN and SUBDIVISION ORDINANCES in ACCORDANCE with REQUEST by the PLANNING COMMISSION

Mayor Kuykendall expressed a need for volunteers to work on the Subdivision and Sign Ordinances. Alderman Collins agreed to work with the Sign Ordinance and Alderwoman Patterson agreed to work on the Subdivision Ordinance.

A motion was made by Alderman Beustring to appoint Alderman Collins to Sign Ordinance Committee and Alderwoman Patterson to the Subdivision Ordinance Committee. 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

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

CONTEMPLATED SETTLEMENT with LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

**FULSHEAR CITY COUNCIL MINUTES
MARCH 15, 2011
PAGE 5**

Mayor Kuykendall announced that there was not a need for an Executive Session. It was placed on the agenda as a provisional step.

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

Not Applicable.

XI. ADJOURNMENT

A motion was made by Alderman Collins to adjourn at 8:22 p.m. 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

Mayor Kuykendall announced that we are now adjourning.

Thomas C. Kuykendall, Jr. – Mayor

Attest:

D. (Diana) Gordon Offord - City Secretary