



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 APRIL 19, 2011

I. CALL TO ORDER

A Regular meeting of the Fulshear City Council was called to order by Mayor, Thomas C. Kuykendall, Jr., at 7:04 p.m., Tuesday, April 19, 2011 in the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas and all citizens were welcomed.

II. QUORUM

A quorum was present.

MEMBERS PRESENT:

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

STAFF PRESENT:

*D.(Diana) Gordon Offord, City Secy.
C. J. Snipes, City Administrator
Kristina Brashear, Finance Director
J. Grady Randle, City Attorney*

GUESTS:

*Russ Cosbey
Gwen Fox
Erma Ridge
Lee Hardisty and 21 others who did not sign in*

III. INVOCATION – Associate Minister Donald Rogers, Tabernacle of Faith, Katy, Texas

A prayer was given by Reverend Donald Rogers, Associate Minister, Tabernacle of Faith, Katy, Texas

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance 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. **Approval of Minutes**
March 10, 2011 Special Meeting and March 15, 2011 Regular Meeting
- B. **CONSENT and APPROVAL on CHECKS PAID and PAYABLES from MARCH 16, 2011 thru April 19, 2011**
- C. **Consider and take action on Creek Bend at Cross Creek Ranch Section 3/Preliminary Plat**
- D. **Consider and take action on Cross Creek Bend Lane from S. Fry Road to Blanco Ridge Lane /Street Dedication/Preliminary Plat**
- E. **Consider and take action on FM 1093 at FM 1463 Reserve A (Commercial Site) Preliminary Plat**
- F. **Consider and take action Firethorne Katy Independent School District (K.I.S.D.) Site- Final Plat**
- G. **Consider and take action on Firethorne West Section 7- Final Plat**

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

There was a short discussion regarding the charges for Bono Brothers. Mayor Kuykendall stated a meeting would be taken place shortly to discuss this issue. C.J. Snipes, City Administrator, stated that the City's' phones has a roll-over problem and Comcast is working to resolve this issue.

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)**

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

VIII. BUSINESS

- A. Consider Presentation on Comprehensive Planning from Representatives of the Kendig Keast Collaborative**

Mayor Kuykendall stated that one of his goals coming into office was to hire a City Administrator and we have done this and another major goal to do a comprehensive planning for the City since we are experiencing a lot of growth. Mayor Kuykendall introduced Gary Mitchell with Kendig Keast and they come highly recommended.

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Gary Mitchell with Kendig Keast presented to the City Council a broad overview of services offered by his firm and the need for the City to have its own master plan. Mr. Mitchell discussed road improvement, infrastructure, zoning, water and waste water system, parks, planning and also a review of the city ordinances, etc. There were a lot of question and answer between the presenter and Council. Council was satisfied with the responses they received.

B. Consideration and possible action to approve the Kendig Keast Collaboratives as the service provider for Comprehensive Planning Services

A motion was made by Alderman Gill to approve the Kendig Keast Collaboratives as the service provider for Comprehensive Planning Services. 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. Consideration and possible action on Inter-local agreement with HGAC Plan Source for Comprehensive Planning Services

A motion was made by Alderman Gill to approve Inter-Local Agreement with HGAC Plan Source for Comprehensive Planning Services. 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

D. Consideration and possible action on Resolution No. 2011-173 a Resolution approving the City's participation in the Comptroller's purchasing cooperative

A motion was made by Alderman Gill to approve Resolution No. 2011-173 a Resolution approving the City's participation in the Comptroller's Purchasing Cooperative with notification that it will cost the City \$100.00 per year and allow us to purchase through them. 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

E. Consideration and possible action on Resolution No. 2011-172 a Resolution appointing the Finance Officer as the agent for the City in negotiating the Electrical Utility Rate with the City's Aggregator

A motion was made by Alderman Beustring to approve Resolution No. 2011-172 a Resolution appointing the Finance Officer as the agent for the City in negotiating the electrical Utility Rate with the City's Aggregator. 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

F. Consideration and possible action on Resolution No. 2011-174 a Resolution approving agreement on Utility services

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Kristina Brasher presented to Council a comparison of current provider versus rates offered by Green Mountain. There were questions between Council and Ms. Brashear. Council was satisfied with responses.

A motion was made by Alderman Gill to approve Resolution No. 2011-174 a Resolution approving agreement on utility services with Green Mountain for the next 24 months. 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

G. Consideration and possible action on Ordinance No. 2011-1034 an Ordinance Amending Ordinance No. 2010-1012 SECTION 3.0 ADDING PARAGRAPH (D) TO INCLUDE RATES FOR THE OPERATION OF IRRIGATION SYSTEMS ON INDEPENDENT METERS FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS; ALSO PROVIDING FOR PARAGRAPH (E) CONCERNING WATER AND SEWER RATES CHARGED FOR SERVICES DELIVERED OUTSIDE THE CITY LIMITS

A motion was made by Alderman Gill to approve and adopt Ordinance No. 2011-1034 an Ordinance amending Ordinance No. 2010-1012 Section 3.0 adding paragraph (D) to include rates for the operation of irrigation systems on independent meters for residential and commercial customers; also providing for paragraph (E) concerning water and sewer rates charges for services delivered outside the city limits. 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

H. Consideration and possible action to approve Development agreement with Beazer Homes Texas L.P.

A motion was made by Alderman Gill to approve Development agreement with Beazer Homes Texas L.P. 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

I. Consideration and possible action on Inter-local agreement with Fulshear 4B Corporation for the funding of parking improvements at the Irene Stern Community Center

A motion was made by Alderman Beustring to approve Inter-Local Agreement with Fulshear 4B Corporation for the funding of parking improvements at the Irene Stern Community Center. 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

J. Consideration and possible action to approve Inter-local Agreement with Fort Bend County for project agreement regarding construction of a parking lot for additional parking for the Irene Stern Community Center

A motion was made by Alderman Collins to approve Inter-Local Agreement with Fort Bend County for

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Project agreement regarding construction of a parking lot for additional parking for the Irene Stern Community Center. 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. Consideration and possible action to approve the waiver of tap fees for private parties committing to participate in the financing of water and waste water line extension along FM 1093

A motion was made by Alderman Gill to approve the waiver of tap fees for private parties committing to Participate in the financing of water and waste water line extension along FM 1093. 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*

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.

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.

DISCUSSION OF PENDING LITIGATION: CAUSE NO. 11-DCV-199053; JOHN P. UNKER VS. MSK ENTERPRISES MESQUITE, LLC AND CITY OF FULSHEAR, TEXAS

Mayor announced that Council would enter into Executive Session at 8:42 p.m. and that a quorum was present.

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

The Council was reconvened into regular session at 8:56 p.m. and quorum was present. Mayor asked if there was any action to be taken. There was no response.

XI. 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: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

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

*Attest: _____
City Secretary, D. (Diana) Gordon Offord*