



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 18, 2012

I. CALL TO ORDER

A regular City Council Meeting of the City of Fulshear was called to order by Mayor Thomas C. Kuykendall, Jr. on Tuesday, September 18, 2012 at 7:03 p.m. at 30603 FM 1093, Fulshear, Texas and all citizens were welcomed.

II. QUORUM

A quorum was present.

Members Present:

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

Members Absent:

None

City Staff Present:

*D. (Diana) Gordon Offord, City Secretary
C. J. Snipes, City Administrator
Tim Kirwin, Assistant City Attorney
David Leyendecker, Contracted City Engineer
Kristina Brasher, Finance Director
Michelle Kirchner, Building Inspector*

Others Present:

*Randy Emery
Gwen Fox
Erma Ridge
Ramona Ridge*

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Bodie Gilbert

David L. Walker

Mark Yentzen

Mary Smith

Corine Penrice

Viola Randle

And two others who did not sign in

III. INVOCATION – Bodie Gilbert, Associate Minister, First United Methodist Church, Fulshear, Texas

Bodie Gilbert gave the Invocation.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Thomas C. Kuykendall, Jr.

V. CITIZEN COMMENTS – NO ACTION CAN BE TAKEN

Ms. Gwen Fox addressed the Council regarding Item D (Proposed Ordinance No.1082) and stated that she had talked to a number of residents on Red Bird Lane and Walker Lane and the consensus was that no one saw the need for installing a stop sign at intersection of Bois D' Arc and Red Bird Lane. Another issue is that it might create a false sense of security for those who are coming out of Red Bird thinking everyone would know there is a stop sign there.

Ms. Erma Ridge addressed the Council and stated that installing a stop sign on Bois D' Arc at Red Bird Lane would interfere with the beautiful scenic view of the City. She stated it is the most beautiful street in the City. Ms. Ridge stated she would like to know what research was done, surveys, and who did it to warrant a stop sign there. She stated there is a lot of opposition to it in the area where she is located. Ms. Ridge stated she was told that there was a stop sign there years ago and that the reason it was taken down is that it caused so many accidents and she stated we may want to look that. Ms. Ridge urges the Council to consider not installing a stop sign there as the street is too pretty to mess up.

Ms. Ramona Ridge stated that she agrees with everything that has already been said. Several persons told her that having a stop sign there, they were rear-ended. Ms. Ridge stated that there is ample view on both sides. Ms. Ridge stated she has lived out here for four years and only about four times she had to wait on a car to exit.

Mayor Kuykendall thanked everyone for their 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 AUGUST 9 and AUGUST 21, 2012 MEETINGS
- B. CONSENT and APPROVAL of CREEK BEND at CROSS CREEK RANCH, SECTION 7/FINAL PLAT
- C. CONSENT and APPROVAL of LEGACY at CROSS CREEK RANCH, SECTION 3/PRELIMINARY PLAT
- D. CONSENT and APPROVAL of the STREET ACCEPTANCE for CREEK COVE at CROSS CREEK RANCH, SECTION 1
- E. CONSENT and APPROVAL of the UTILITY CONVEYANCE and SECURITY AGREEMENT for CREEK COVE at CROSS CREEK RANCH, SECTION 1
- F. CONSENT and APPROVAL of the STREET ACCEPTANCE for CREEKSIDE at CROSS CREEK RANCH, SECTION 9
- G. CONSENT and APPROVAL of the STREET ACCEPTANCE for CREEK BEND at CROSS CREEK RANCH, SECTION 2
- H. CONSENT and APPROVAL of UTILITY CONVEYANCE and SECURITY AGREEMENT for CREEKSIDE at CROSS CREEK RANCH, SECTION 9
- I. CONSENT and APPROVAL of UTILITY CONVEYANCE and SECURITY AGREEMENT for CREEK BEND at CROSS CREEK RANCH, SECTION 2
- J. CONSENT and APPROVAL of MASTER SIGNAGE PLAN APPLICATION for CROSS CREEK RANCH
A motion was made by Alderman Beustring to approve the Consent Agenda. 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

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 SEVERN TRENT (Repairs, New installations, etc.)

A report from Severn Trent Company was provided by Mark Yentzen. No action was taken.

Customers will be getting their first bill from Severn Trent Company and the city will make some allowances regarding payment due to transition to a new company. Information will be sent to customers in the water bill and placed on the City's website.

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

A report from the Police Department was provided by Chief Kenny Seymour. No action was taken.

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

Mayor Kuykendall announced that the Municipal Court report is included in your packet for review. No action was taken.

D. REPORT from the BUILDING SERVICES DEPARTMENT (Permits and Inspections)

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A report from the Building Services Department was presented by Michelle Kirchner. No action was taken

VIII. BUSINESS

A. DISCUSSION and CONSIDERATION of FISCAL YEAR 2012-2013 PROPOSED TAX RATE

C. J. Snipes, City Administrator, stated there has been no change. The current tax rate is 0.205921 and the proposed tax rate for next year will be 0.203656. A slight decrease. However, the City will receive more tax revenue but this is due to new development in the area and not an increase in taxes for residents. Mr. Snipes stated a meeting is scheduled for Saturday, September 22, 2012 to adopt the tax rate and the budget. No action was taken.

B. CONSIDERATION and POSSIBLE ACTION to APPROVE LIST of PAYABLES from AUGUST 18, 2012 through SEPTEMBER 12, 2012

Ms. Brashear, Finance Director, stated that there was a list of charges she failed to print on her report but she has them and is available to answer questions.

Alderman Beustring asked about the charges for Southwest Water Company. Ms. Brashear stated these charges are still pending as charges from the SWWC (Southwest Water Company) are still being reconciled. Ms. Brashear stated that payment to SWWC are still outstanding.

They are reviewing to check if taps were installed since the new company had a back log of taps to be installed. Also, they are looking at the maintenance charges. It is suspected that some charges have been received twice.

Mr. Snipes, City Administrator, states it is going to require checking on the revenue side as well as the actually work claimed that was done.

Ms. Brashear stated she received an e-mail from SWWC and they wanted to know when the invoice would be paid. They were told that we are having to review the charges and reconcile invoices according to the work performed.

Alderman Collins inquired about King's Construction (company hired to clean ditches here in old town). Mr. Snipes stated that the company had completed their work on Wallis Street. Alderman Collins asked where will they start next. Mr. Snipes stated that the company would not do any more for this fiscal year as their work had been completed for the funds placed in budget for this year. Alderman Collins stated he had received some complaints from some of the residents how the ditches were left untidy in some places along that street. Mr. Snipes stated that he drove it on yesterday afternoon and everything looks good and there may be one section of pipe left to do but he needs to double check. Mr. Snipes stated that one resident had their line cut twice by us and once by Center Point Energy. Michelle Kirchner, Building Inspector, stated that attempts were made to get At&t to mark lines but were unsuccessful.

Alderman Collins commented that the company had done a good job and that the street looks better and new culverts had been installed. Mr. Snipes agreed.

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A motion was made by Alderman Gill to approve the list of payables with the exception of charges from Southwest Water Company. It was seconded by Alderman Beustring. The motions was carried by the following vote:

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

Nays: None

- C. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE No. 2012-1081 an ORDINANCE of the CITY of FULSHEAR, TEXAS, ANNEXING a 33.61 ACRE TRACT of LAND OWNED by LCISD into the CITY of FULSHEAR, FORT BEND COUNTY, TEXAS, and EXTENDING the BOUNDARY LIMITS of SAID CITY so as to INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY within SAID CITY LIMITS, and GRANTING to ALL the INHABITANTS of SAID PROPERTY ALL the RIGHTS and PRIVILEGES of OTHER CITIZENS and BINDING SAID INHABITANTS and PROPERTY by ALL of the ACTS, ORDINANCES, RESOLUTUIONS and REGULATIONS of SAID CITY, WHERE APPLICABLE by LAW; and ADOPTING a SERVICE PLAN.**

A motion was made by Alderman Roberts to approve Ordinance No. 2012-1081 and ordinance of the City of Fulshear, Texas annexing a 33.61 acre tract land owned by the LCISD (Lamar Consolidated Independent School District) into the City of Fulshear, Fort Bend County, Texas, and extending the boundary limits of said city so as to include said hereinafter described property within said city limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants and property by all of the acts, ordinances, resolutions and regulations of said city, where applicable by law; and adopting a service plan. 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

- D. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2012-1082 an ORDINANCE of the CITY of FULSHEAR REQUIRING the INSTALLATION of a STOP SIGN on NORTH and SOUTH BOIS D'ARC LANE at the INTERSECTION of RED BIRD LANE**

C. J. Snipes stated that this was shot down at the last meeting and that he was asked to gather more information. He stated that he asked the City Engineer, David Leyendecker, to do a survey and investigate the line of sight of the area.

David Leyendecker stated this is the second time around as a study was done 10 or 12 years ago and the people living off Red Bird felt it was a problem and stop sign was installed then. Mr. Leyendecker stated that of all the streets down off Bois D' Arc this is one that has the least safety sight. He stated there are trees on both sides blocking line of sight and Red Bird is only 40 foot wide. Mr. Leyendecker stated that he would recommend that at least the trees be removed from both sides. Mr. Leyendecker stated that the safe solution would be to install a stop sign on Bois D' Arc both north and south.

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Alderman Collins asked if it would be any safer removing the trees. Mr. Leyendecker replied it would be a lot better.

Alderman Gill asked if the trees are sitting on the City's ride of way. Mr. Leyendecker stated part is on the City's and other on the Church's property.

Tim Kirwin, Assistant City Attorney, stated if the trees are on the owner's property (whoever it is), they have right to remove them.

Alderman Beustring stated we have two persons' here from the Church...let's ask them now. The discussion continued for about another twenty minutes among the Council, City Engineer, and the Chief of Police, Kenny Seymour. It was the consensus of the group that improved line of sight needs to occur and also control of speed on that street.

Mayor Kuykendall suggested that we placed a sign on the street that tells motorists (He stated other cities some time post like a billboard on the side of the road) how faster they are going and maybe have some "no passing zone" striped on the street. Chief Seymour stated he would check into this.

A motion was made by Alderman Roberts not to approve Ordinance No. 2012-1082 an ordinance of the City of Fulshear requiring the installation of a stop sign on north side and south side of Bois D'Arc lane at the intersection of Red Bird lane. 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

Mayor Kuykendall stated that since we are disapproving this ordinance if there is a need to approve the items discussed such as striping and line of sight (cutting of trees, etc.). Attorney Kirwin stated that we can pursue these things without having any approvals. All agreed.

E. CONSIDERATION and POSSIBLE ACTION to APPROVE CITY of FULSHEAR ADOPTING a WATER CONSERVATION POLICY for the CITY

A motion was made by Alderman Gill to approve City of Fulshear adopting a Water Conservation Policy for the City. 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

F. CONSIDERATION and POSSIBLE ACTION to APPROVE PURCHASE of MATERIALS RECOMMENDED by the PARK COMMISSION for IMPROVEMENTS at IREN STERN COMMUNITY CENTER PARK

A motion was made by Alderman Gill to approve purchase of materials recommended by the Park Commission for improvements at the Irene Stern Community Center Park. 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

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G. CONSIDERATION AND POSSIBLE ACTION on RESOLUTION 2012-200 a RESOLUTION DESIGNATING the FT. BEND HERALD as the OFFICIAL NEWSPAPER of the CITY of FULSHEAR

A motion was made by Alderman Beustring to approve Resolution 2012-200 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

H. CONSIDERATION and POSSIBLE ACTION on RESOLUTION 2012-201 a RESOLUTION DESIGNATING the CITY'S OFFICIAL HOLIDAY SCHEDULE for the FISCAL YEAR 2012-2013

A motion was made by Alderman Gill to approve Resolution 2012-201 a resolution designating the City's Official Holiday Schedule for the Fiscal Year 2012-2013. 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 RESOLUTION 2012-202 a RESOLUTION APPOINTING and /or RE-APPOINTING a MEMBER and ALTERNATE to H-GAC's (HOUSTON-GALVESTON AREA COUNCIL) 2012 GENERAL ASSEMBLY

Mayor Kuykendall stated this is a request of the H-GAC (Houston Galveston Area Council) to select representatives from each City to represent at this General Assembly. He stated he was the representative last year and does not have a problem for it to remain the same. Jeff Roberts was the alternate selected and he agrees to continue also.

A motion was made by Alderman Gill to re-appoint Thomas C. Kuykendall, Mayor as the representative to H-GAC (Houston-Galveston Area Council) 2012 General Assembly and Jeff Roberts as the alternate. 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

J. CONSIDERATION and POSSIBLE ACTION on RESOLUTION No. 2012-203 a RESOLUTION ADOPTING the FORT BEND COUNTY DEBRIS MANAGEMENT PLAN

A motion was made by Alderman Gill to approve Resolution No. 2012-203 a resolution adopting the Fort Bend County Debris Management Plan. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

K. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION No. 2012-204 a RESOLUTION ADOPTING the ADDENDUM to the FORT BEND COUNTY DEBRIS MANAGEMENT PLAN

A motion was made by Alderman Gill to approve resolution no. 2012-204 a resolution adopting the addendum to the fort bend county debris management plan. 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*

L. CONSIDERATION and POSSIBLE ACTION to APPROVE EMERGENCY FUEL PROVISION AGREEMENT with SUN COAST SERVICES

A motion was made by Alderman Beustring to approve Emergency Fuel provision agreement with Sun Coast Services. It was seconded by Alderman Collins.

Alderman Roberts asked what would be the priority as all of area maybe in state of emergency due to a national disaster (such as hurricane,etc). C. J. Snipes, City Administrator, stated that if this agreement is approved the City would be guarantee to have tank within 24 hours.

Alderman Beustring asked if this company also had "propane". Mr. Snipes stated "no." We will have to look for other resources.

*Mayor Kuykendall stated that we have a motion and second and called for a vote.
The motion was carried by the following vote:*

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

M. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION No. 2012-205 a RESOLUTION DESIGNATING CITY'S VOTE for CANDIDATE(S) on BALLOT for the TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL BOARD

C. J. Snipes stated he would recommend Jay Stokes also known as James Stokes to remain representative for the Texas Municipal League Intergovernmental employee benefits pool. Mr. Snipes stated that Mr. Stokes has been on the board for two-terms now and if you have a question, he will call you back.

Mayor Kuykendall stated that he would like to recommend we vote for James Stokes for this position.

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A motion was made by Alderman Roberts to approve Resolution No. 2012-205 a resolution designating city's vote for candidate "James Stokes" on the ballot for the Texas Municipal League Intergovernmental Employee Benefits Pool Board. 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. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION No. 2012-206 a RESOLUTION DESIGNATING CITY'S VOTE for CANDIDATES on BALLOT for the TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD

C.J. Snipes stated he does not know any of the individuals here but a letter was sent to the City by Greg Ingham asking for the city's support and vote.

A motion was made by Alderman Roberts to cast a vote for Mr. Ingham. Mayor Kuykendall asked if we had a second. City Secretary, D. (Diana) Gordon Offord, interrupted the Council to inform them that this nomination consisted of choosing four (4) persons; one each for Position 11, 12,13, and 14.

*C. J. Snipes stated Ms. Offord is correct and that we need to nominate four persons. Alderman Roberts amended his first motion. Alderman Roberts made a motion to nominate for Place 11 Greg Ingham, Place 12 Larry Gilley, Place 13 Bryon Black, and Place 14 Cynthia Kirk. 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*

IX. WORKSHOP

A. DISCUSSION of FISCAL YEAR 2012-2013 GENERAL FUND, ENTERPRISE FUND, DEVELOPMENT CORPORATIONS, PARKS and CAPITAL IMPROVEMENTS FUND BUDGETS

C.J. Snipes stated there has been very little change in the budget. He asked Council to go to page 2A. He stated a few figures changes in revenue based on revised allocations. He stated we should finish in the plus \$500,000.00. Mr. Snipes stating going to page 3 there was an increase in fixtures for administration to purchase a fire-proof filing cabinet. Going to page 4 we increased the drug screening testing to cover any new hires. On page 5 we increased the expenditures for public notifications as we anticipate there will be more annexations next year. On page 6, we increase the figure for a policy manual to \$100 previously this figure was \$0. On page 7, we had discussed compensation for Council Members but had not come to any decision. I am asking for direction on this item.....Alderman Collins had previously suggested an annual dinner and recognition for members in lieu of money.

Ms. Brashear, Finance Director, stated if Council decides on compensation please note that will have to be added as an employee and receive a Form 1099 to be include with filing of tax return.

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C. J. Snipes stated that some cities do pay Council Members for their services. He stated that in the City of Goliad they allowed for discounts on water bill and garbage services. Mr. Snipes stated that some cities pay per meeting and others have a set rate per month.

Ms. Brascher stated it would be appear clearer to the public (if they decided on compensation) to have a set rate per month instead of per meeting.

One member asked about reimbursement for travel expenses and attending meetings on behalf of the City. Ms. Brashear stated we already have a procedure in place for this when members have to pay out of pocket expenses.

Alderman Beustring stated that he does not want anything to service as a Council Member. Alderman Gill stated he feels the same way.

Alderman Collins stated that we need to transfer those funds somewhere so Council Members can stay out of trouble.

Ms. Brashear suggested transferring this line item marked to pay Council compensation to a miscellaneous column. C. J. Snipes stated that it could be placed under Council Meetings' expenses.

The outcome of this discussion is that Council Members will not receive any compensation to service as an "Alderman".

Mr. Snipes stated continuing on to page 8 stating there is a slight increase (\$200.00) for the purchase of uniforms in the event we have to hire a new employee .

Mr. Snipes states on page 11 that \$1700.00 has been added for equipment. Page 12 added in funds to allow for modifications to the Community Center. We located the expenditures for Generator grant and placed those under capital outlays.

The big increase comes on Police Department page 16 under technology to replace a new server and a desk top. Mr. Snipes stated this concludes changes to the General Fund Budget.

Mr. Snipes stated he did not have the opportunity to complete the Enterprise Budgets but will start work later today and send them to the drop box for Council review.

There was approximately a ten minute discussion regarding street repairs with the City. Mr. Snipes stated that we have put together a four year plan and each street within that time period will have overlay and rework and overlay. He thinks it is a good plan as some of the streets have not had any work in over 25 years.

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Mayor asked the Council to send any changes to Mr. Snipes so that finally budgets can be completed and ready for Saturday meeting when expected to vote on tax rate and budget for the next fiscal year.

Mr. Snipes stated that staff want direct deposit and that getting started will affect the Police Department, Maintenance Crew, and two Administrative personnel as a payroll adjustment is required (they will be one day short on the first payroll check and will catch it up on the next one). This action is needed because of banking procedure and continuing staff to be paid on Friday instead of a Monday.

Mayor Kuykendall asked when the Enterprise Budgets would be ready. Mr. Snipes stated he would put them in the drop box on tomorrow. No action was taken.

ADJOURNMENT

A motion was made by Alderman Collins to adjourn. 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

Thomas C. Kuykendall, Jr. - Mayor

Attest:

D. (Diana) Gordon Offord, City Secretary