



CITY OF FULSHEAR

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441

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CITY OF FULSHEAR CITY COUNCIL MINUTES OCTOBER 16, 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, October 16, 2012 at 7:05 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

Larry Beustring

J. B. Collins, Jr.

Laverne Patterson

Jeff Roberts

Members Absent:

Stephen Gill, Mayor Pro Tem

City Staff Present:

D. (Diana) Gordon Offord, City Secretary

C. J. Snipes, City Administrator

J. Grady Randle, City Attorney

Michelle Kirchner, Building Inspector

Kristina Brashear, Finance Director

Others:

Ray Viada

Viola Randle

Cecil and S. Perez

Mark Yentzen

Erma Saldana

Pam Pfeifer

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*Continue of Others list
Donna and Clint Sheard
Meg Belmontes
David Walker
Gwen Fox
Randy Emery
Ella Banks
Steve Sams
And 15 others who did not sign in*

III. INVOCATION – Reverend Nolan Donald, Pastor of Word Serve United Methodist Church, Fulshear, Texas

Nolan Donald, Pastor, of Word Serve United Methodist Church 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

There were no Citizens' Comments.

VI. PUBLIC HEARING

A. Notice is hereby given that a public hearing shall be held by the Fulshear City Council at its meeting Tuesday, October 16, 2012 at 7:00 PM, in the Fulshear City Hall, Council Chambers located at 30603 FM 1093 West, Fulshear, Texas 77441.

The purpose of the hearing is to receive comments from interested individuals regarding revisions to the City's Zoning Ordinance. Specifically the addition of provisions including:

1) The Establishment of Masonry Construction Requirements for the C-1 Commercial, I-1 Industrial, R-2 Residential Districts in addition to the creation of a Masonry Requirement Overlay District for Commercial Properties fronting on FM 359 (Main Street) and FM 1093 located within the DD-Downtown District.

__Mayor Kuykendall announced that the Public Hearing was opened at 7:08p.m. Meg Belmontes strongly encouraged the Council to approve the Masonry Construction Requirements for Commercial and Residential Building along the main corridors of the City of Fulshear. The Public Hearing was closed at 7:10 p.m.

III. CONSENT AGENDA

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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 4TH, SEPTEMBER 11TH, SEPTEMBER 18TH, and SEPTEMBER 22ND, 2012 MEETINGS
- B. CONSENT and APPROVAL of the QUARTERLY INVESTMENT REPORT
- C. CONSENT and APPROVAL of CROSS CREEK RANCH WATER PLANT NO. 2 and LIFT STATION NO. 4/ FINAL PLAT
- D. CONSENT and APPROVAL of BRITISH PREP SCHOOL at FIRETHORNE LTD/ PRELIMINARY PLAT/COMMERCIAL DEVELOPMENT
- E. CONSENT and APPROVAL of CHURCHILL FARMS/ SECTION 5/PRELIMINARY PLAT
- F. CONSENT and APPROVAL of CHURCHILL FARMS/SECTION 6/ PRELIMINARY PLAT
- G. CONSENT and APPROVAL of CHURCHILL FARMS/SECTION 7/ PRELIMINARY PLAT
- H. CONSENT and APPROVAL of CHURCHILL FARMS/SECTION 8/ PRELIMINARY PLAT
- I. CONSENT and APPROVAL of LEGACY at CROSS CREEK RANCH/SECTION 4/ PRELIMINARY PLAT

A motion was made by Alderman Beustring to approve the consent agenda as submitted. It was seconded by Alderman Roberts. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Gill

IV. 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 COMPANY (Repairs, New installations, and reports to TCEQ.)

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

B. REPORT and SPECIAL PRESENTATION 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. Chief Seymour presented awards to Officer Cesar Saldana and Officer Lindsey Miller. He applauded their dedication and commitment to their positions held here at the City of Fulshear and as being an asset to the Community. Pictures were taken and there was clapping from the audience.

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

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Mayor Kuykendall read the Municipal Court Clerk Report. No action was taken. Mayor Kuykendall announced that Elaine Brown was at a training seminar.

D. REPORT from the BUILDING PERMIT OFFICE (Permits, fees, etc.)

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

V. BUSINESS

A. CONSIDERATION and POSSIBLE ACTION to APPROVE LIST of PAYABLES from SEPTEMBER 13, 2012 through OCTOBER 11, 2012

Alderman Roberts asked a question regarding the purchase of Mulch. Ms. Brasher stated that actually this was for use at the Park and that it is being paid out of the Park Fund.

Mayor Kuykendall asked for a update on Southwest Water Company. What are we planning to pay or not pay? Ms. Brasher explained that they started reviewing bills from back 2010 and forward and several discrepancies were found. Michelle Kirchner, Building Inspector along with Jeanette Jasso, Municipal Court Clerk, and herself has reviewed the majority of the discrepancies and at this point are comfortable with releasing a check to Southwest Water Company in the amount of \$110,869.38. C. J. Snipes stated that he wants to commend the staff (Michelle, Kristi, and Jeanette) as they have spent a lot of time going through to make sure the taps, size correct, the paper work match. They have done a really good job of putting this together.

City Attorney, J. Grady Randle, stated he has received a call from Southwest's lawyer and that we need to coodinating this payment process among all involved.

Ms. Brasher stated that they still have disputed charges of \$100,185.00 that has to be audited by city staff. Mayor Kuykendall stated that we are asking Council to approve list of payables including the \$110, 869.38 to Southwest Water but not the balance of disputed charges. Ms. Brashear stated that is correct.

A motion was made by Alderman Roberts to approve the List of Payables plus \$110,869.38 to Southwest Water Company subject to recommendation from the City Attorney, and withholding disputed charges of \$100, 185.00 to Southwest Water Company that yet has not been audit. It was seconded by Alderwoman Patterson.

*Alderman Collins asked a question regarding Kings Construction about cleaning of the ditches. He wanted to know if we are finished on Wallis Street. C. J. Snipes stated that it is complete with the exception of patching one lady's yard. Alderman Collins states that there is a pipe sticking out. C. J. Snipes, City Administrator, stated there is actually two pipes and he needs to call them. Alderman Collins stated he has no other questions. Mayor Kuykendall stated we have a motion and second and ask for the vote. The motion was carried by following vote:
Ayes: Aldermen Beustring, Collins, Roberts, and Alderwoman Patterson*

Nays: None

Absent: Alderman Gill

B. CONSIDERATION and POSSIBLE ACTION to APPROVE APPOINTMENT of BUILDING CODE ADVISORY COMMITTEE

There was a short discussion among the Council Members. The following individuals were recommended to be members of the Building Code Advisory Committee: Chief Herc Meier, Bill Archer, Alderwoman Laverne Patterson,

A motion was made by Alderman Roberts to appoint the above named individuals to the Building Code Advisory Committee. It was seconded by Alderman Collins. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Gill

C. CONSIDERATION and POSSIBLE ACTION to APPROVE the FAILURE to APPEAR PROGRAM CONTRACT between the TEXAS DEPARTMENT of PUBLIC SAFETY and the CITY of FULSHEAR

A motion was made by Alderman Beustring to approve the Failure to Appear Program Contract between the Texas Department of Public Safety and the City of Fulshear. It was seconded by Alderman Roberts. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Gill

D. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2012-205 a RESOLUTION APPROVING LETTER for SUPPORT for HR 6234 PERTAINING to the AFFORDABLE CARE ACT

A motion was made by Alderman Collins to approve Resolution No. 2012-205 a resolution approving letter for Support for HR 6234 pertaining to the Affordable Care Act. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Gill

E. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION No. 2012-206 a RESOLUTION ADOPTING a CREDIT CARD USE POLICY for EMPLOYEES

There was approximately a five-minute discussion regarding the use of credit card by employees, who would monitor, who would be responsible for security of the cards, purchasing, etc. All questions were satisfactory answered. Mayor Kuykendall stated we can do a two or three month trial period and make changes if necessary. A motion was made by Alderman Beustring to approve Resolution No. 2012-206 a resolution adopting a credit card use policy for

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employees. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Gill

F. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2012-1084 an ORDINANCE of the CITY FULSHEAR, TEXAS CONSOLIDATING ALL RATES and FEES CHARGED for WATER and WASTE WATER SERVICES; REVISING CHARGES for METER INSTALLATION; CREATING PENALTIES for TAMPERING; REPEALING ALL PREVIOUS ORDINANCES PERTAINING to WATER RATES and FEES, PROVIDING for SEVERABILITY and SETTING an EFFECTIVE DATE

A motion was made by Alderman Roberts to approve ordinance no. 2012-1084 an ordinance of the city fulshear, texas consolidating all rates and fees charged for water and waste water services; revising charges for meter installation; creating penalties for tampering; repealing all previous ordinances pertaining to water rates and fees, providing for severability and setting an effective date. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Gill

G. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE No. 2012-1085 an ORDINANCE of the CITY of FULSHEAR, TEXAS, AMENDING the ZONING ORDINANCE to PROVIDE for EXTERIOR CONSTRUCTION MATERIALS STANDARDS in CERTAIN DISTRICTS; PROVIDING for a PENALTY; PROVIDING for SEVERABILITY; PROVIDING for REPEAL; and PROVIDING an EFFECTIVE DATE

A motion was by Alderman Roberts to approve ordinance no. 2012-1085 an ordinance of the city of fulshear, texas, amending the zoning ordinance to provide for exterior construction materials standards in certain districts; providing for a penalty; providing for severability; providing for repeal; and providing an effective date. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Gill

H. CONSIDERATION and POSSIBLE ACTION to APPROVE an AGREEMENT BETWEEN the CITY, MUD 172 and TRANSCONTINENTAL GAS PIPE LINE COMPANY, LLC City Attorney, J. Grady Randle, explained the agreement to Council regarding the Gas Pipe Line. He stated this is an enroach agreement and it will remain a permanent easement.

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A motion was made by Alderman Beustring to approve an Agreement between the City, MUD 172 and Transcontinental Gas Pipe Line Company, LLC. It was seconded by Alderman Roberts. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Gill

X. 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.

DISCUSSION of MORENO LAWSUIT

_____ Mayor Kuykendall announced that Council would enter Executive Session at 8:17 p.m. and a quorum was present.

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

Mayor Kuykendall announced that Council would re-enter into Regular Session at 9:03 p.m. and a quorum was present.

Mayor Kuykendall asked if any action needed to be taken from the Executive Session. Council was silent. He then asked for a motion to adjourn.

XII. ADJOURN

A motion was made by Alderman Collins to adjourn at 9:04 pm. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Gill

Thomas C. Kuykendall, Jr. - Mayor

Attest:

D. (Diana) Gordon Offord - City Secretary