



CITY OF FULSHEAR

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

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CITY COUNCIL MINUTES NOVEMBER 20, 2012

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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, November 20, 2012 at 7:06 p.m. at 30603 FM 1093, Fulshear, Texas 77441 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
Laverne Patterson
Jeff Roberts*

*Member Absent:
J. B. Collins, Jr.*

*City Staff Present:
D. (Diana) Gordon Offord, City Secretary
C. J. Snipes, City Administrator
Elaine Brown, Contracted Court Clerk
J. Grady Randle, City Attorney
Michelle Kirchner, Building Inspector*

*Others Present:
Chris Kalkomey
Steve Littlefield
Gwen Fox
Ralph Wissel
Victor Irasltern
Jim Sparkman
And 27 Cub Scouts and leaders who did not sign in (Cinco Ranch area)*

III. **INVOCATION – Steve Littlefield, Pastor of Simonton Community Church, Simonton, Texas**

Pastor Steve Littlefield of the Simonton Community Church, Simonton, Texas 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**

Notice of a Public Hearing regarding Special Use Permit Request/Address: 8303 Wilson Street in the City of Fulshear, Texas 77441. (Special Use Request: From Residential to Commercial Use-Office Space) Requests for Site Plans or further information can be obtained from the City's Building Official at Fulshear City Hall.

Notice is hereby given to all interested persons that the City Council of the City of Fulshear, Texas will conduct a Public Hearing on ~~Friday~~ Tuesday, November 20, 2012, at 7:00 p.m. in the Fulshear City Council Chambers, Fulshear City Hall, 30603 F.M. 1093, Fulshear, Texas. The purpose of the Public Hearing is to receive input from the public on a proposed Special Use Permit/Address: 8303 Wilson Street, Fulshear, Texas.

At said time and place all persons shall have the right to appear and be heard. All persons desiring to attend the public hearing may view the City Council's agenda to confirm the scheduling of the hearing. The agenda will be available at Fulshear City Hall, 30603 F.M. 1093, Fulshear, Texas 77441 at least 72 hours preceding the hearing and on the City's website (www.fulsheartexas.gov).

The Public Hearing was opened at 7:10 p.m. Michelle Kirchner, Building Inspector, stated that this was a request to change from residential to commercial. Ms. Kirchner stated there are no major changes other than adding a space for "handicapped". She sent out letters to residents within the radius required by law and there were no objections received. Ms. Kirchner stated that the Planning and Zoning Commission already. Mayor Kuykendall asked if there were any other comments. The Public Hearing was closed at 7:12 p.m.

VII. **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 OCTOBER 16, 2012 MEETING**

B. **CONSENT and APPROVAL on LEGACY at CROSS CREEK RANCH/SECTION 3/FINAL PLAT**

- C. CONSENT and APPROVAL on CREEK BEND at CROSS CREEK RANCH/SECTION 5/ FINAL PLAT
- D. CONSENT and APPROVAL on FIRETHORNE: BRITISH PRIVATE PREP SCHOOL at FIRETHORNE LTD/FINAL PLAT
- E. CONSENT and APPROVAL on CHURCHILL FARMS SUBDIVISION: CHURCHILL FARMS SECTION 5/ FINAL PLAT
- F. CONSENT and APPROVAL on BLUEBONNET PLAZA/ GOKI DEVELOPMENT / PRELIMINARY PLAT
- G. CONSENT and APPROVAL of STREET ACCEPTANCE for CREEK BEND at CROSS CREEK RANCH, SECTION 6
- H. CONSENT and APPROVAL of STREET ACCEPTANCE for LAKES of CROSS CREEK RANCH, SECTION 3
- I. CONSENT and APPROVAL of STREET ACCEPTANCE for FLEWELLEN OAKS LANE from SOUTH FRY ROAD to F.M. 1463 and CROSS CREEK BEND LANE and SOUTH FRY ROAD (Please note that this Street Acceptance was modified to note the flexible paving)
- J. CONSENT and APPROVAL of the UTILITY CONVEYANCE and SECURITY AGREEMENT for LAKES of CROSS CREEK RANCH, SECTION 3
- K. CONSENT and APPROVAL of UTILITY CONVEYANCE and SECURITY AGREEMENT for CREEK BEND at CROSS CREEK RANCH, SECTION 6

A motion was made by Alderman Beustring to approve the Consent Agenda as presented. It was seconded by Alderman Roberts. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

VIII. 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~~ SEVERN TRENT COMPANY-(Repairs, New installations, and reports to TCEQ.)

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

- 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)

A report from the Municipal Court was provided by Elaine Brown, Contracted Court Clerk.

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

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

IX. BUSINESS

A. CONSIDERATION and POSSIBLE ACTION to APPROVE LIST of PAYABLES from OCTOBER 11, 2012 to NOVEMBER 15, 2012

A motion was made by Alderman Gill to approve List of Payables from October 11, 2012 to November 15, 2012 with the exception of Southwest Water Company. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

B. CONSIDERATION and POSSIBLE ACTION to APPROVE QUARTERLY INVESTMENT REPORT for the FOURTH QUARTER of FISCAL YEAR 2011-2012

A motion was made by Alderman Gill to approve Quarterly Investment Report through September 30, 2012. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

C. CONSIDERATION and POSSIBLE ACTION to APPROVE INTERLOCAL AGREEMENT between FORT BEND COUNTY and the CITY of FULSHEAR for POLICE DISPATCH and COMMUNICATIONS SERVICES

A motion was made by Alderman Gill to approve Interlocal Agreement between Fort Bend County and the City of Fulshear for Police Dispatch and Communication Services. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

D. CONSIDERATION and POSSIBLE ACTION to APPROVE INTERLOCAL AGREEMENT between FORT BEND COUNTY and the CITY of FULSHEAR for RADIO SERVICES

A motion was made by Alderman Roberts to approve Interlocal Agreement between Fort Bend County and the City of Fulshear for Radio Services. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

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E. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE No. 2012-1086 an ORDINANCE of the CITY of FULSHEAR RATIFYING POLICE DEPARTMENT OPERATIONS and JURISDICTION

A motion was made by Alderman Gill to approve Ordinance No. 2012-1086 an ordinance of the City of Fulshear ratifying Police Department operations and jurisdiction. It was seconded by Alderman Roberts. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

F. CONSIDERATION and POSSIBLE ACTION to APPROVE to an INTERLOCAL AGREEMENT BETWEEN the CITY and FORT BEND COUNTY for ROAD REPAIR

A motion was made by Alderman Roberts to approve an Interlocal Agreement between the City and Fort Bend County for Road Repair and to include Bois D' Arc Phase 1. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

G. CONSIDERATION and POSSIBLE ACTION to APPROVE SPECIAL USE PERMIT for PROPERTY LOCATED within the DOWNTOWN DISTRICT to ALLOW for COMMERCIAL USE: OFFICE SPACE of PROPERTY LOCATED at 8303 WILSON STREET, FULSHEAR, TEXAS 77441

There was approximately a ten minute discussion as to whether the approving of special use permit included approval for the signage too. Mayor Kuykendall suggested having a set of guidelines for a sign on special use permit.

A motion was made by Alderman Roberts to approve special use permit for property located within the downtown district to allow for Commercial use: office space of property located at 8303 Wilson Street, Fulshear Texas 77441 but not for the monument signage. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Collins

H. CONSIDERATION and POSSIBLE ACTION to APPROVE a "NO OBJECTION LETTER" for the PROPOSED REVISED ALIGNMENT at the INTERSECTION of FM 1093 and FULSHEAR TRACE PROVIDING ACCESS to FULBROOK on FULSHEAR CREEK

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There was approximately a 30-minute discussion among Council Members and the representative from Costello, Inc. Engineering and Surveying, Ralph Wissel.

*A motion was made by Alderman Gill to approve a “No Objection Letter” for the proposed revised alignment at the intersection of FM 1093 and Fulshear Trace providing access to Fulbrook and Fulshear Creek with stipulations (write separate letters to the developer and Texas Dot asking to be included in the discussion and requiring a traffic data) Note: now calling it Fulbrook on Fulshear Creek. It was seconded by Alderman Beustring. The motion was carried by the following vote: **12-18-2012 See changes below:***

Ayes: Aldermen Beustring, Gill, Roberts, and Alderwoman Patterson (correction: Roberts voted Nay)

*Nays: **Alderman Roberts***

Absent: Alderman Collins

NOTE: CHANGE DOES NOT EFFECT THE MOTION/ STILL PASS

X. 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, Gill, Roberts, and Alderwoman Patterson

Nays: None

Absent: Alderman Collins

Mayor Kuykendall announced that we are now adjourned at 8:24 p.m.

Thomas C. Kuykendall, Jr. - Mayor

Attest:

D. (Diana) Gordon Offord - City Secretary