



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 NOVEMBER 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 7:01 p.m. Tuesday, November 15, 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, Jr., Mayor
J. B. Collins, Mayor Pro Tem
Larry Beustring,
Stephen Gill
Laverne Patterson
Jeff Roberts*

MEMBERS ABSENT:

None

STAFF PRESENT:

*D. (Diana) Gordon Offord, City Secretary
C. J. Snipes, City Administrator
J. Grady Randle, City Attorney
Tim Kirwin, Assistant City Attorney
Catarina Cron, Assistant City Attorney
Kristina Brashear, Finance Director
Michelle Kirchner, Building Inspector
Kenny Seymour, Chief of Police
Lindsay Miller, Police officer*

OTHERS PRESENT:

*Randy Emery
Russ Cosby
Gwen Fox
John LeBourhis
And 15 others who did not sign in*

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III. **INVOCATION** - Reverend Jackie Gilmore Sr., Pastor of Zachery Baptist Church, Fulshear, Texas
Prayer was provided by Reverend Jackie Gilmore, Sr. of Zachery Baptist Church, Fulshear, Texas.

IV. **PLEDGE OF ALLEGIANCE**
The Pledge of Allegiance to the flag was led by Mayor Thomas C. Kuykendall.

V. **CITIZEN COMMENTS – NO ACTION CAN BE TAKEN**
There were no Citizens' Comments.

VI. **PUBLIC HEARINGS**
The City of Fulshear, Texas, proposes to institute annexation proceedings to enlarge and extend the boundary limits of the City to include the following described territory, to-wit:

Being a tract of land containing 1.9206 acres (83,660 square feet), being all of a tract of land conveyed unto George Hackett and Alline Hackett, by deed recorded under County Clerk's File No. 2007062405 of the Official Public Records of Fort Bend County, Texas, being situated in the Enoch Latham Survey, Abstract 50, Fort Bend County, Texas.

Notice is hereby given to all interested persons that the City Council of the City of Fulshear, Texas will conduct a First Public Hearing on Tuesday, November 15, 2011, at 7:00 p.m. in the Fulshear City Council Chambers, Fulshear City Hall, 30603 F.M. 1093, Fulshear, Texas 77441.

Notice is hereby given to all interested persons that the City Council of the City of Fulshear, Texas will conduct a Second Public Hearing on Tuesday, November 15, 2011, at 7:15 p.m. in the Fulshear City Council Chambers, Fulshear City Hall, 30603 F.M. 1093, Fulshear, Texas 77441.

The purpose of the Public Hearings is to receive input from the public on a proposal for the City of Fulshear to annex the above identified tracts of land. At said times and places 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 each hearing. All persons desiring to be heard at such public hearing are invited to attend the hearing.

*FIRST PUBLIC HEARING OPENED 7:07 P.M. THERE WERE NO COMMENTS. CLOSED 7:08 P.M.
SECOND PUBLIC HEARING OPENED 7:23 P.M. THERE WERE NO COMMENTS CLOSED 7:24 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 18, 2011 MEETINGS**

- B. CONSENT and APPROVAL on CHECKS PAID and PAYABLES from October 18, 2011 thru November 10, 2011
- C. CONSENT and APPROVAL of SIGN PERMIT APPLICATION from TRENDMAKER/CROSS CREEK RANCH, LOCATION WEST of FLEWELLEN WAY, FULSHEAR, TEXAS
- D. CONSENT and APPROVAL of FIRETHORNE SECTION 23/PRELIMINARY PLAT
- E. CONSENT and APPROVAL of FIRETHORNE SECTION 24/PRELIMINARY PLAT
- F. CONSENT and APPROVAL of TRENDMAKER/CROSS CREEK RANCH: CREEK BEND @ CROSS CREEK RANCH SECTION 6/PRELIMINARY PLAT
- G. CONSENT and APPROVAL of CHURCHILL FARMS SUBDIVISION: CHURCHILL FARMS DRAINAGE/DETENTION REVISED FINAL PLAT

Alderman Gill inquired whether the Bono Brothers had been paid. Kristina Brashear, Finance Director, stated that all the issues with Bono Brothers had been resolved. Alderman Roberts asked why the amount was different on services for the lift stations. Ms. Brashear stated that it depends on when the station comes on line; there are more requirements that must be checked.

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

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

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

A report from Southwest Water Company was presented by Jason Demel. No action taken.

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

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

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

A report from the Municipal Court was presented by Elaine Brown, contracted Court Clerk. No action was taken.

IX. BUSINESS

A. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2011-1055 an ORDINANCE REGARDING TRAFFIC CONTROL, SPECIFICALLY RESTRICTING EGRESS from FLEWELLEN WAY onto FM 1093 to RIGHT TURN ONLY STATUS

C.J. Snipes, City Administrator, stated that since the opening of this street in January'2011, there has been ten accidents; requiring some to be transported to the hospital. In regards for safety of citizens, this entrance needs to be for right turns only.

A motion was made by Alderman Gill to approve Ordinance No. 2011-1055 an ordinance regarding traffic control, specifically restricting egress from Flewellen Way onto FM 1093 to right turn only status. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

B. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2011-190 a RESOLUTION IDENTIFYING the CITY'S PREFERRED ALIGNMENT for the EXPANSION of FM 1093

Mayor Kuykendall stated that three different meetings were held to gather input from the public which included meeting with the landowners along FM 1093.

A motion was made by Alderman Gill to approve Resolution No. 2011-190 a Resolution identifying the City's preferred Alignment for the expansion of FM 1093. It was seconded by Alderman Collins. The motion was carried by the following vote:

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

Nays: None

C. CONSIDERATION and POSSIBLE ACTION to APPROVE an AGREEMENT with the TEXAS MUNICIPAL LEAGUE INTER-GOVERNMENTAL EMPLOYEE BENEFIT POOL to SERVE as the CITY'S ADMINISTRATOR for POST EMPLOYMENT CONTINUATION of COVERAGE BENEFITS (COBRA)

A motion was made by Alderman Gill to approve and agreement with the Texas Municipal League Inter-Government Employee Benefit Pool to serve as the City's Administrator for Post-Employment continuation of coverage benefits (COBRA). It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

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

Nays: None

D. CONSIDERATION and POSSIBLE ACTION to APPROVE a CONTRACT with KONICA MINOLTA BUSINESS SOLUTIONS for LEASING MULTI-FUNCTION OFFICE EQUIPMENT and AUTHORIZING EXECUTION of SAID CONTRACT

A motion was made by Alderman Roberts to approve a contract with Konica Minolta Business Solutions for leasing multi-function office equipment and authorizing execution of said contract. It was seconded by Alderman Collins. The motion was carried by the following vote:

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

Nays: None

E. CONSIDERATION and POSSIBLE ACTION to APPROVE a CONTRACT with LINEBARGER, GOGGAN, BLAIR and SAMPSON LLC for DELINQUENT ACCOUNT COLLECTIONS RELATED to COURT FINES and FEES and AUTHORIZING EXECUTION of SAID CONTRACT

A motion was made by Alderman Beustring to approve a contract with Linebarger, Goggan, Blair, and Sampson LLC for delinquent account collections related to court fines and fees and authorizing execution of said contract. It was seconded by Roberts. The motion was carried by the following vote:

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

Nays: None

F. CONSIDERATION and POSSIBLE ACTION to APPROVE VARIANCE REQUEST from DEKKER'S GRILL for SIGNAGE

Mayor Kuykendall stated this sign had already been approved but one Council member noted it did not meet sign ordinance requirement after it had already been approved.

There was some discussion among the Council Members. Mr. Dekker stated that the sign has already been made and that the dimensions are just slightly above those noted in the ordinance.

Alderman Roberts stated that the Council should not give variance to anyone as it sorts of set up a precedence for others to want the same thing. Alderman Roberts stated that River Bend Baptist church wanted a variance and was not allowed one. Mayor Kuykendall stated that they had a sign that had been different from this request.

A motion was made by Alderman Beustring to approve variance request from Dekker's Grill for signage. It was seconded by Alderman Collins. The motion was carried by the following vote:

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

Nays: Alderman Roberts

G. CONSIDERATION and POSSIBLE ACTION to APPROVE VARIANCE REQUEST from REMAX for SIGNAGE

Michelle Kirchner, Building Inspector, stated that this request is to locate a large billboard sign (property for sale) on a tract of land that is less than an acre instead on the 14 plus acre tract in order that the sign will have more visibility. The two tracts of land are being sold as one transaction even though a road separates the tracts. According to the sign ordinance the seller could locate the sign on the larger tract and place a smaller sign on the smaller tract. The seller feels the sign will have more visibility on the smaller tract so is requesting a variance.

A motion was made by Alderman Roberts to deny the variance request from Remax. It was seconded by Alderman Gill. The motion was carried by the following vote:

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

Nays: None

H. CONSIDERATION and POSSIBLE ACTION to APPROVE CHANGE of DATE for DECEMBER COUNCIL MEETING from DECEMBER 20, 2011 to DECEMBER 13, 2011

A motion was made by Alderman Collins to approve change of date for December Council meeting from December 20, 2011 to December 13, 2011. It was seconded by Alderman Gill.

The motion was carried by the following vote:

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

Nays: None

Mayor Kuykendall excused himself from handling items "I" through "K" due to possible conflict of interest as his firm had done some work on these projects. Mayor Kuykendall stated that the Mayor Pro Tem, J. B. Collins, Jr., would now take charge of the meeting.

I. CONSIDERATION and POSSIBLE ACTION to APPROVE PETITION by FULSHEAR MUNICIPAL UTILITY DISTRICT No. 1 of FORT BEND COUNTY and FULSHEAR LAND INVESTMENT PARTNERS, LTD to ANNEX ADDITIONAL LAND into the FULSHEAR MUNICIPAL UTILITY DISTRICT No. 1 of FORT BEND COUNTY

Mayor Pro Tem Collins read item "I". A motion was made by Alderman Gill to approve petition by Fulshear Municipal Utility District No. 1 of Fort Bend County and Fulshear Land Investment Partners, LTD to annex additional land into the Fulshear Municipal Utility District No. 1 of Fort Bend County. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

J. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2011-191 a RESOLUTION CONSENTING to the ANNEXATION of CERTAIN LAND into FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 1 of FORT BEND COUNTY

A motion was made by Alderman Gill to approve Resolution No. 2011-191 a Resolution consenting to the annexation of certain land into Fulshear Municipal Utility District No. 1 of Fort Bend County. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

K. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2011-192 a RESOLUTION CONSENTING to the ROAD PROJECTS KNOWN as FULSHEAR CREEK TRACE and VINEYARD WAY

A motion was made by Alderman Gill to approve Resolution No. 2011-192 a Resolution consenting to the road projects known as Fulshear Creek Trace and Vineyard Way. It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

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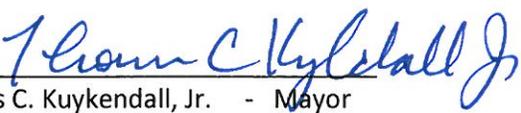
Mayor Kuykendall re-claimed his position as chairman of the meeting and called for adjournment.

X. ADJOURNMENT

A motion was made by Alderman Collins to adjourn at 8:25 p.m. It was seconded by Alderman Roberts. The motion was carried by the following vote:

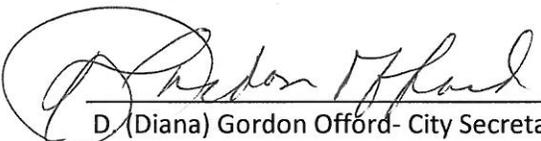
Ayes: Alderman Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None



Thomas C. Kuykendall, Jr. - Mayor

Attest:



D (Diana) Gordon Offord- City Secretary