



# CITY OF FULSHEAR

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

PHONE: 281-346-1796 FAX: 281-346-2556

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## FULSHEAR CITY COUNCIL MINUTES

OCTOBER 18, 2011

### I. CALL TO ORDER

A regular meeting of the Fulshear City Council was called to order by Mayor, Thomas C. Kuykendall, Jr. at 7:02 p.m. Tuesday, October 18, 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 came at 7:16p.m.  
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  
Kenny Seymour, Chief of Police  
Lindsay Miller, Police Officer  
Michelle Kirchner, Building Inspector  
Kristina Brashear, Finance Director, came at 7:11 p.m.

#### **OTHERS PRESENT:**

Randy Emery  
Gwen Fox  
Erma Ridge  
Collin Pier

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*Continue- Other Staff*

*Sam Shelton*

*John LeBourhis*

*Russ Cosby*

*And 5-7 others who did not sign in*

- III. **INVOCATION** – John Crowe, Pastor of River Bend Baptist Church, Fulshear, Texas  
*Pastor Crowe unable to attend and he sent John Boaz to give 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. **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 16<sup>th</sup>, SEPTEMBER 6<sup>th</sup>, 13<sup>th</sup>, 20<sup>th</sup> and 28<sup>th</sup>, 2011 MEETING**
- B. **CONSENT and APPROVAL of PAYABLES from SEPTEMBER 14, 2011 thru OCTOBER 12, 2011**
- C. **CONSENT and APPROVAL of BUDGET REPORT for the PERIOD ENDING SEPTEMBER 30, 2011**
- D. **CONSENT and APPROVAL of INVESTMENT REPORT for the PERIOD ENDING SEPTEMBER 30, 2011**
- E. **CONSENT and APPROVAL of SIGN PERMIT APPLICATION from FIRST TEXAS HOME HEALTH, LOCATION: HARRIS & SECOND STREET, FULSHEAR, TEXAS**
- F. **CONSENT and APPROVAL of SIGN PERMIT APPLICATION from FULSHEAR BOUQUETS & BLOOMS, LOCATION: 8525 FM 359, SUITE 104, FULSHEAR, TEXAS**
- G. **CONSENT and APPROVAL on CROSS CREEK RANCH: CREEK BEND @ CROSS CREEK RANCH SECTION 8-FINAL PLAT**
- H. **CONSENT and APPROVAL of CROSS CREEK RANCH: CREEK COVE @ CROSS CREEK RANCH SECTION 1 – FINAL PLAT**
- I. **CONSENT and APPROVAL of CHURCHILL FARMS SUBDIVISION: CHURCHILL FARMS SECTION 2 –FINAL PLAT**
- J. **CONSENT and APPROVAL of CHURCHILL FARMS SUBDIVISION: CHURCHILL FARMS SECTION 4-FINAL PLAT**

*Mayor Kuykendall read off the list of items on the Consent Agenda and called for a motion. Alderman Collins stated he would like to discuss item B regarding the payables. Alderman Beustring also stated he had a question regarding Churchill Farms Section 2- final plat.*

*Alderman Collins wanted to know if the payment to North Fort Bend Water Authority is for one month of expenses as it is considerable more than previous months. C. J. Snipes, City Administrator, stated it was for more than one of expenses and that there was a rate increase.*

*Alderman Beustring stated that Church Farms Section 2 had only one entrance on the plat and contained 64 lots.*

Mayor Kuykendall stated that all of the plats have been reviewed by the City Engineer and he has approved them. According to the city's subdivision ordinance two entrances are required for every 150 lots. Alderman Beustring stated this answers his question.

A motion was made by Alderwoman Patterson to approve the Consent Agenda as presented and with questions noted regarding items "B" and "I". It was seconded by Alderman Beustring. The motion was carried by the following vote:

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

Nays: None

Absent: Alderman Gill (came later after the vote of this item)

**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.)**

*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 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 taken.*

**VIII. BUSINESS**

**A. PRESENTATION of PROCLAMATION RECOGNIZING the CENTRAL FORT BEND CHAMBER of COMMERCE in CONJUNCTION with TEXAS CHAMBER of COMMERCE WEEK**

*Mayor Kuykendall presented a plaque from the City of Fulshear to Central Fort Bend Chamber of Commerce acknowledging October 17-21, 2011 as Chamber of Commerce Week throughout the City of Fulshear and recognized them for their outstanding contributions to the community. Angie Sanders received the plaque for the Chamber.*

*No action was necessary.*

**B. CONSIDERATION and POSSIBLE ACTION on ORDINANCE NO. 2011-1052 an ORDINANCE of the CITY of FULSHEAR, TEXAS, APPOINTING the CITY'S ZONING COMMISSION**

*There was approximately a thirty (30) minutes of discussion regarding zoning in the City of Fulshear. C.J. Snipes, City Administrator, stated if we are serious about controlling of certain businesses coming to the City then we need to get serious. The first step regarding zoning is to appoint a zoning commission. This also comes as a recommendation from Kendig Keast who was hired by the City to help establish a long range planning goals for the City.*

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*Tim Kirwin, Assistant City Attorney, stated that the Council would have to approve and adopt to have a zoning commission and if so, the Planning Commission would take on this task and be required to hold meetings and public hearings before any zoning laws were recommend to the Council and City Council would have the final say before an ordinance is adopted. City Council also would be required to hold public hearings too. Tim Kirwin, Assistant City Attorney, stated zoning issues would come before the Planning and Zoning Commission. They would be responsible for regulation and developing a zoning map which identifies residential, commercial, industrial areas, etc. Before any zoning laws are adopted they would be required to hold public hearings.*

*Alderman Beustring asked what cities have zoning. City Attorney stated mostly all cities have zoning in Fort Bend County.*

*The question was asked if zoning would be permitted in the "ETJ" (Extraterritorial Jurisdiction). Attorney Grady Randle stated that Texas law prohibits zoning in the "ETJ".*

*Discussion on the topic of zoning continued. Alderman Collins stated a lot of residents have horses or other livestock within the City and was concern how this ordinance would impact them. Attorney Grady Randle stated that zoning would affect newly developing areas. C.J. Snipes, City Administrator, stated that certain parts of the city could be designated as agricultural.*

*A motion was made by Alderman Gill to approve Ordinance No. 2011-1052 an ordinance of the City of Fulshear, Texas appointing the City's Zoning Commission. 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*

**C. CONSIDERATION and POSSIBLE ACTION to APPROVE and ADOPT ORDINANCE NO. 2011-1053 an ORDINANCE REGULATING SEXUALLY ORIENTED BUSINESSES within the CITY LIMITS**

*A motion was made by Alderman Gill to approve and adopt Ordinance No. 2011-1053 an ordinance regulating sexually oriented businesses within 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*

**D. CONSIDERATION and POSSIBLE ACTION to ADOPT ORDINANCE NO. 2011-1054 an ORDINANCE of the CITY of FULSHEAR, TEXAS CONCERNING the REQUIREMENT for INSPECTION and CERTIFICATE of OCCUPATION FOLLOWING CHAINGE in TENANCY/ ELECTRICAL CONNECT/ DISCONNECT for COMMERCIAL PROPERTIES**

*A motion was made by Alderman Gill to approve and adopt Ordinance No. 2011-1054 an ordinance of the City of Fulshear, Texas concerning the requirement for inspection and certificate of occupation following change in Tenancy/Electrical connect/disconnect for Commercial Properties. 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*

**E. CONSIDERATION and POSSIBLE ACTION to APPROVE PURCHASE of NEW POLICE SQUAD CAR from DALLAS DODGE-CHRYSLER through HGAC in the AMOUNT of \$22,311.00**

*Chief Seymour stated that the amount quoted was only for the car itself and does not include the equipment. He stated some equipment would be transferred from the crown-vic to this new vehicle. He estimated that additional equipment would be less than \$2,000.00 to completely furnish. He stated this is the best value for the money.*

*A motion was made by Alderman Beustring to approve purchase of new police squad car from Dallas-Dodge-Chrysler through HGAC in the amount of \$22, 311.00. 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 to APPROVE RESOLUTION NO. 2011-189 a RESOLUTION APPROVING the TRANSFER of \$50,000 in FUNDS from RESERVE BALANCE to the CAPITAL IMPROVEMENTS FUND for PROJECT RELATED COSTS**

*A motion was made by Alderman Collins to approve Resolution No. 2011-189 a resolution approving the transfer of \$50, 000 in funds from reserve balance to the Capital Improvements Fund for project related costs. 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*

**G. CONSIDERATION and POSSIBLE ACTION to ACCEPT PETITION for ANNEXATION of a .1852 ACRE PARCEL of LAND by the PROPERTY OWNER FULSHEAR LAND PARTNERS, LTD.**

*C. J. Snipes, City Administrator, stated no action needed. Final paperwork is not ready.*

**H. CONSIDERATION and POSSIBLE ACTION to DIRECT STAFF to DEVELOP a SERVICE PLAN for an AREA PETITIONING for ANNEXATION SUBMITTED by FULSHEAR LAND PARTNERS, LTD.**

*C. J. Snipes, City Administrator, stated no action needed. Final paperwork is not ready.*

**I. CONSIDERATION and POSSIBLE ACTION to DIRECT STAFF to DEVELOP a SERVICE PLAN for an AREA PETITIONING for ANNEXATION SUBMITTED by MGJ HOLDINGS, L.P.**

*A motion was made by Alderman Gill to approve to direct staff to develop a service plan for an area petitioning for annexation submitted by MGJ Holdings, L.P. 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*

J. **CONSIDERATION and POSSIBLE ACTION to APPROVE the STREET ACCEPTANCES for CREEKSIDE at CROSS CREEK RANCH, SECTION 8; CROSS CREEK BEND LANE, EXTENSION NO. 3; CREEKSIDE AT CROSS CREEK RANCH, SECTION 10 AND CREEK BEND AT CROSS CREEK RANCH, SECTION 1**

*A motion was made by Alderman Gill to approve the street acceptances for Creekside at Cross Creek Ranch, Section 8; Cross Creek Bend Lane, Extension No. 3, Creekside at Cross Creek Ranch, Section 10 and Creek Bend at Cross Creek Ranch Section 1. 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 UTILITY CONVEYANCE and SECURITY AGREEMENTS for CREEKSIDE at CROSS CREEK RANCH, SECTION 8, PHASE 2, STAGE II; CROSS CREEK BEND LANE EXTENSION NO. 3; CREEKSIDE AT CROSS CREEK RANCH, SECTION 10; AND CROSS CREEK RANCH, SECTION 1**

*A motion was made by Alderman Roberts to approve the Utility Conveyance and Security Agreements for Creekside at Cross Creek Ranch, Section 8, Phase 2, Stage II; Cross Creek Bend Lane Extension No. 3; Creekside at Cross Creek Ranch, Section 10; and Cross Creek Ranch, Section 1. 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*

L. **CONSIDERATION and POSSIBLE ACTION to APPROVE MEMORANDA of UNDERSTANDING for RADIO INTER-OPERABILITY with the CITIES of BROOKSHIRE, KATY, SIMONTON, WESTON LAKES and the FORT BEND COUNTY PRECINCT 3 CONSTABLE'S OFFICE**

*A motion was made by Alderman Gill to approve Memoranda of Understanding for Radio Inter-Operability with the cities of Brookshire, Katy, Simonton, Weston Lakes, and the Fort Bend County Precinct 3 Constable's office. 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*

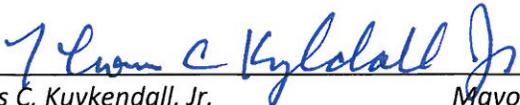
IX. **ADJOURNMENT**

*A motion was made by Alderman Collins 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*

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\_\_\_\_\_  
Thomas C. Kuykendall, Jr. Mayor

Attest:

  
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D. (Diana) Gordon Offord - City Secretary