



# CITY OF FULSHEAR

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441  
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## FULSHEAR CITY COUNCIL MINUTES September 20, 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, September 20, 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  
Stephen Gill  
Laverne Patterson  
Jeff Roberts*

#### MEMBERS ABSENT:

*Larry Beustring*

#### STAFF PRESENT:

*D. (Diana) Gordon Offord, City Secretary  
C. J. Snipes, City Administrator  
Kristina Brasher, Finance Director  
Grady Randle, City Attorney  
Tim Kirwin, Asst. City Attorney  
Chris Nichols, Asst. City Attorney  
Michelle Kirchner, Building Inspector*

#### OTHERS PRESENT:

*T. J.  
Randy Emery  
Viola Randle  
John Cannon  
Gwen Fox  
And 9 others who did not sign in*

### III. INVOCATION – Rev. Nolan Donald, Word Serve United Methodist Church, Fulshear, Texas

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*Prayer was provided by Reverend Nolan Donald, Pastor of Word Serve United Methodist Church, Fulshear, Texas.*

**IV. PLEDGE OF ALLEGIANCE**

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

**V. CITIZEN COMMENTS – NO ACTION CAN BE TAKEN**

*There were no Citizens' Comments.*

**VI. PUBLIC HEARING**

**A. PUBLIC HEARING on the CITY of FULSHEAR FISCAL YEAR 2011-2012 BUDGET**

Notice: The City Council of the City of Fulshear will hold a public hearing on a proposed city budget for Fiscal Year 2011-2012 in a meeting beginning at 7:00 p.m. on September 20, 2011 at Fulshear City Hall, 30603 FM 1093, Fulshear, Texas 77441. Any person may attend and may participate in the hearing. A copy of the proposed budget is on filed with the City Secretary at the address shown and on the Fulshear website ([www.fulsheartx.com](http://www.fulsheartx.com)).

*Public Hearing was opened at 7:05p.m. There were no comments from the public. Public Hearing closed at 7:06 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 August 1<sup>st</sup> and August 23<sup>rd</sup>, 2011 MEETINGS**

**B. CONSENT and APPROVAL of PAYABLES from AUGUST 24, 2011 thru SEPTEMBER 13, 2011**

**C. CONSENT and APPROVAL of BUDGET REPORT for the PERIOD ENDING AUGUST 31, 2011**

**D. CONSENT and APPROVAL of FIRETHORNE/FIRETHORNE SQUARE (RESTRICTED RESERVE A/ COMMERCIAL) LOCATED at S.W. CORNER of FM 1463 and SOUTH FIRETHORNE RD. –PRELIMINARY PLAT**

**E. CONSENT and APPROVAL of CHURCHILL FARMS SUBDIVISION/CHURCHILL FARM SECTION 1-FINAL PLAT**

**F. CONSENT and APPROVAL of CHURCHILL FARMS SUBDIVISION/CHURCHILL FARM SECTION 3-FINAL PLAT**

**G. CONSENT and APPROVAL of CHURCHILL FARMS SUBDIVISION/ CHURCHILL FARM SECTION 4- PRELIMINARY PLAT**

**H. CONSENT and APPROVAL of CHURCHILL FARMS BLVD and DOZIER DOWN LANE STREET DEDICATION and RECREATION CENTER/ FINAL PLAT**

**I. CONSENT and APPROVAL of CROSS CREEK RANCH/CREEK BEND at CROSS CREEK RANCH- SECTION 8- PRELIMINARY PLAT**

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**J. CONSIDER AND TAKE ACTION ON SIGN PERMIT APPLICATION FOR DEKKER'S GRILL, 8506 SYMS STREET, FULSHEAR, TEXAS 77441 A) BUILDING SIGN B) MONUMENT SIGN**

*A motion was made by Alderman Gill to approve the consent agenda as presented. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:*

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

*Nays: None*

*Absent: Alderman Beustring*

**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, etc.)**

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

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

*Council Members review the report that was submitted by Chief Seymour. Chief Seymour was not present for the meeting.*

**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.*

*Mayor Kuykendall announced that if there are no objections items on the agenda would not be taken in the order listed as we had a presentation from Blackboard and it was scheduled for a certain time to come on line. Please note that during this meeting several items were taken out of sequence but all items were covered during the meeting.*

**IX. BUSINESS**

**A. CONSIDERATION and POSSIBLE ACTION on ORDINANCE 2011-1047 an ORDINANCE of the CITY of FULSHEAR, TEXAS, AMENDING ORDINANCE NOS. 2010-1007 and 2010-1032, the 2010-2011 FISCAL YEAR BUDGET, by APPROVING "BUDGET AMENDMENT II" to the "ORIGINAL GENERAL BUDGET of the CITY of FULSHEAR, TEXAS, for the FISCAL YEAR 2010-2011"; PROVIDING for SUPPLEMENTAL APPROPRIATION and/ or TRANSFER of CERTAIN FUNDS; PROVIDING for SEVERABILITY; and PROVIDING for OTHER MATTERS RELATED to the SUBJECT**

*A motion was made by Alderman Gill to approve and adopt Ordinance 2011-1047 an ordinance of the City of Fulshear, Texas, amending ordinance nos. 2010-1007 and 2010-1032, the 2010-2011 fiscal year budget, by approving "budget amendment ii" to the "original general budget of the city of fulshear, texas, for the fiscal year 2010-2011"; providing for supplemental appropriation and/ or transfer of certain funds; providing for severability; and providing for other matters related to the subject. It was seconded by Alderman Roberts. The motion was carried by the following vote:*

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

**B. CONSIDERATION AND POSSIBLE ACTION to APPROVE and ADOPT ORDINANCE No. 2011-1048 an ORDINANCE APPROVING and ADOPTING the CITY of FULSHEAR, TEXAS BUDGET for the FISCAL YEAR 2011-2012; MAKING APPROPRIATIONS for the CITY for SUCH YEAR as REFLECTED in SAID BUDGET; and CONTAINING OTHER PROVISIONS RELATING to the SUBJECT**

*A motion was made by Alderman Gill to approve and adopt ordinance no. 2011-1048 an ordinance approving and adopting the city of Fulshear, Texas budget for the fiscal year 2011-2012; making appropriations for the city for such year as reflected in said budget; and containing other provisions relating to the subject. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:*

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

**C. CONSIDERATION and POSSIBLE ACTION to ADOPT ORDINANCE NO. 2011-1049 an ORDINANCE of the CITY of FULSHEAR, TEXAS REGULATING the USE of GOLF CARTS and OTHER UNAUTHORIZED VEHICLES on STATE HIGHWAYS and PUBLIC ROADWAYS and ADJOINING RIGHTS of WAY**

*A motion was made by Alderman Gill to put item "C" back on the table (it was tabled from a previous meeting). It was seconded by Alderwoman Patterson and unanimously by the Council.*

*A motion was made by Alderman Gill to adopt ordinance no. 2011-1049 an ordinance of the city of Fulshear, Texas regulating the use of golf carts and other unauthorized vehicles on state highways and public roadways and adjoining rights of way. There was a ten minute discussion regarding this item.*

*The motion was carried by the following vote:  
Ayes: Aldermen Collins, Gill, and Alderwoman Patterson  
Nays: Alderman Roberts  
Absent: Alderman Beustring*

*Council entered into Executive Session at 8:40 p.m. to discuss MUD 1. Council returned from Executive Session and resume resumed to regular meeting starting with item "D".*

**D. CONSIDERATION and POSSIBLE ACTION to ADOPT ORDINANCE NO. 2011-1050 an ORDINANCE CLARIFYING ANNEXATION TERMS for MUD 1**

*A motion was made by Alderman Gill to adopt Ordinance No. 2011-1050 an Ordinance clarifying annexation terms for MUD 1. It was seconded by Alderman Roberts. The motion was carried by the following vote:*

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

**E. CONSIDERATION AND POSSIBLE ACTION on RESOLUTION 2011-182 a RESOLUTION DESIGNATING the FT. BEND HERALD as the OFFICIAL NEWSPAPER of the CITY of FULSHEAR**

*A motion was made by Alderman Roberts to approve Resolution 2011-182 a Resolution designating the Fort Bend Herald as the official newspaper of the City of Fulshear. It was seconded by Alderman Gill. The motion was carried by the following vote:*

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

*Nays: None*

*Absent: Alderman Beustring*

**F. CONSIDERATION and POSSIBLE ACTION on RESOLUTION 2011-183 a RESOLUTION DESIGNATING the CITY'S OFFICIAL HOLIDAY SCHEDULE for the FISCAL YEAR 2011-2012**

*A motion was made by Alderman Roberts to approve Resolution 2011-183 a Resolution designating the City's official Holiday Schedule for the Fiscal year 2011-2012. It was seconded by Alderman Collins. The motion was carried by the following vote:*

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

*Nays: None*

*Absent: Alderman Beustring*

**G. CONSIDERATION AND POSSIBLE ACTION on RESOLUTION 2011-184 a RESOLUTION APPOINTING and /or RE-APPOINTING a MEMBER and ALTERNATE to H-GAC's (HOUSTON- GALVESTON AREA COUNCIL) 2012 GENERAL ASSEMBLY**

*Alderman Collins suggested that the current members succeed themselves for another term (Thomas C. Kuykendall, Jr. –designated member and Jeff Roberts- alternate member for H-GAC).*

*A motion was made by Alderman Collins to re-appoint the current designated member and alternate to succeed themselves for another term and approve Resolution 2011-184 for the 2012 General Assembly.*

*It was seconded by Alderman Gill. The motion was carried by the following vote:*

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

*Nays: None*

*Absent: Alderman Beustring*

**H. CONSIDERATION and POSSIBLE ACTION on RESOLUTION 2011-185 a RESOLUTION APPROVING REVISIONS to the CITY'S PUBLIC FUNDS INVESTMENT POLICY**

*A motion was made by Alderman Roberts to approve Resolution 2011-185 a resolution approving revisions to the city's public funds investment policy. It was seconded by Alderman Collins.*

*C. J. Snipes, City Administrator, stated that this Resolution clarifies how City investments are processed and the procedure that is followed.*

*The motion was carried by the following vote.*

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

*Nays: None*

*Absent: Alderman Beustring*

I. **CONSIDERATION and POSSIBLE ACTION on RESOLUTION 2011-186 a RESOLUTION ADOPTING the CITY'S FRAUD PREVENTION and DETECTION POLICY**

*C. J. Snipes, City Administrator, stated this policy is being presented because of a recommendation by the City's auditors.*

*A motion was made by Alderman Roberts to approve Resolution 2011-186 a resolution adopting the city's fraud prevention and detection policy. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:*

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

*Nays: None*

*Absent: Alderman Beustring*

J. **CONSIDERATION and POSSIBLE ACTION on RESOLUTION 2011-187 a RESOLUTION ADOPTING the City's FUND BALANCE POLICY**

*C. J. Snipes, City Administrator, stated this policy is being presented because of a recommendation by the City's auditors.*

*A motion was made by Alderman Collins to approve Resolution 2011-187 a Resolution adopting the City's Fund Balance Policy. It was seconded by Alderman Roberts. The motion was carried by the following vote:*

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

*Nays: None*

*Absent: Alderman Beustring*

K. **CONSIDERATION and POSSIBLE ACTION on RESOLUTION 2011-188 a RESOLUTION APPROVING the ENCUMBRANCE of \$225,000 from the FISCAL YEAR 2010-2011 FUND BALANCE to be ALLOCATED to the CAPITAL IMPROVEMENT FUND for REPAIRS to the STANDPIPE in FISCAL YEAR 2011-2012**

*A motion was made by Alderman Gill to approve Resolution 2011-188 a Resolution approving the encumbrance of \$225,000 from the fiscal year 2010-2011 fund balance to be allocated to the capital improvement fund for repairs to the standpipe in fiscal year 2011-2012. It was seconded by Alderman Roberts. The motion was carried by the following vote:*

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

*Nays: None*

*Absent: Alderman Beustring*

L. **PRESENTATION by BLACKBOARD CONNECT on COMMUNITY INFORMATION SERVICES SYSTEM**

*Blackboard Connect is an information service system that gives Cities or any municipalities the capability of reaching their constituents (citizens) within minutes during hurricane season or any type of emergency. Blackboard Connect is capable of reaching tens of thousands in minutes via voice, e-mail, and text messages with little training or set-up required.*

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*David Martin provided an overview of the services offered by Blackboard Connect. He describe Blackboard Connect as a lifeline in times of hurricanes which is used to communicate to constiytuents about pre-storm preparation, response and school closings, cleanup and restoration, etc. Blackboard Connect has been used by several cities in this area (Baytown, Galveston, Freeport, La Porte, and Sugarland). He gave approximately a 45 minute presentation describing how the system works. Council was active in asking question. City Administrator, C. J. Snipes, also provided some insight of its use as he had used it in a previous city employment. The initial cost would be \$1.91 per recipient with annual support fee of \$957.13. Council has the opportunity to lock in this price for three years. Other options are available, but the above offer gives you a better advantage for your dollars.*

*Mr. Martin concluded the presentation and C.J. Snipes thanked him for his time.*

**M. CONSIDERATION and POSSIBLE ACTION to APPROVE CONTRACT for COMMUNITY INFORMATION SERVICES PROVISION with BLACKBOARD CONNECT and AUTHORIZE EXECUTION of SALES AGREEMENT**

*Alderman Gill made a motion to approve three year contract for community information service provision with Blackboard Connect and authorize execution of Sales Agreement. After some discussion among Council Members, it was agreed that they would like a shorter period with Blackboard Connect (one year instead of three years). Alderman Gill amended his motion and made a motion to approve a one year contract for community information service provision with Blackboard Connect and authorize execution of Sales Agreement. It was seconded by Alderman Collins. The motion was carried by the following vote:*

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

*Nays: None*

*Absent: Alderman Beustring*

**N. CONSIDERATION and POSSIBLE ACTION to APPROVE EXTENSION of PLAT for WEST FIRETHORNE ROAD, SECTION 3 STREET DEDICATION PLAT which RECEIVED FINAL PLAT APPROVAL on October 19, 2010**

*A motion was made by Alderman Gill to approve extension of plat for West Firethorne Road, Section 3 Street Dedication plat which received final plat approval on October 19, 2010. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:*

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

*Nays: None*

*Absent: Alderman Beustring*

**O. CONSIDERATION and POSSIBLE ACTION to ACCEPT PETITION for VOLUNTARY ANNEXATION into the CITY of FULSHEAR, TEXAS, a 1.9206-ACRE TRACT of LAND SUBMITTED by MGJ HOLDINGS, LP**

*A motion was made by Alderman Roberts to approve and accept petition for voluntary annexation into the city of Fulshear, Texas, a 1.9206-acre tract of land submitted by MGJ Holdings, LP. It was seconded by Alderman Collins. The motion was carried by the following vote:*

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

*Nays: None*

*Absent: Alderman Beustring*

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.

REGARDING MUD 1

*Council recessed into Executive Session at 8:40 p.m. and a quorum was present to discuss MUD 1.*

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

*Council reconvened into regular session at 9:43 p.m. and a quorum was present. Council voted unanimously to approve item 9D. See details above.*

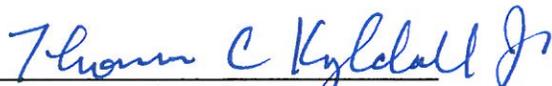
XII. ADJOURNMENT

*A motion was made by Alderman Collins to adjourn at 9:44 p.m. It was seconded by Alderman Roberts. The motion was carried by the following vote:*

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

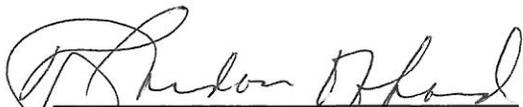
*Nays: None*

*Absent: Alderman Beustring*



*Thomas C. Kuykendall, Jr. – Mayor*

Attest:



*D. (Diana) Gordon Offord – City Secretary*