



CITY OF FULSHEAR

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441
PHONE: 281-346-1796 FAX: 281-346-2556

CITY COUNCIL MINUTES MAY 17, 2016

I. CALL TO ORDER

A Regular Meeting of the City Council was called to order by Mayor Thomas C. Kuykendall, Jr. on Tuesday, May 17, 2016 at 7:05 p.m. in the Irene Stern Community Center located at 6920 Katy Fulshear Road, Fulshear, Texas 77441.

II. QUORUM

Mayor Kuykendall announced that a quorum was present and that Council Member Ridge is unable to be here this evening.

Council Present:

Thomas C. Kuykendall, Jr., Mayor
Tricia Krenek
Tajana Mesic
Jeff Roberts, Mayor Pro Tem
Erin Tristan

Council Absent:

Ramona Ridge

City Staff Present:

D. (Diana) Gordon Offord, City Secretary
Michelle Killebrew, Building Official
Lynn Raymer, Administrative Assistant-Police Dept.
Valerie Bryant, Municipal Court
Angela Fritz, Economic Development Director
C. J. Snipes, City Administrator
Michael Ross, Assistant City Administrator
Kristina Brasher, Finance Director
Kenny Seymour, Police Chief
Mike McCoy, Captain-Police Dept.

Others Present:

Viola Randle

**CITY COUNCIL MINUTES
MAY 17, 2016
PAGE 2**

Continue-Others Present:

Mary L. Smith
Alena Heede
Bill Heede
Toni Velie
Randy Stacey
Martha Roberts
Lorraine Henderson
Laurie Szantay
Melisa Roberts
Mark Yentzen
Todd Hamilton
Tracy Youngblood
Trey DeVillier
Lynn Raymer
Shannon Purcell
Kim Stacy
CJ McDaniel
Karen O'Neill
Sheryl Dupree
Kelly Crow
Alyssa Kuykendall
Marcia Simmons
Lori Dunaway
Suzanne Stubbfield
William Conlan
And approximately 165 others who did not sign in

III. INVOCATION- REV. DALE OLSON, FAMILY WORSHIP, FULSHEAR, TEXAS

Reverend Dale Olson provided the prayer.

IV. PLEDGE OF ALLEGIANCE

Mayor Kuykendall led the audience in the Pledge of Allegiance to the flag.

V. CITIZEN COMMENTS – NO ACTION CAN BE TAKEN

Citizens who desire to address the City Council will be limited to three (3) minutes

Suzanne Stubbfield stated she lives on Red Bird Lane and she would like for an item to be placed on the agenda regarding "flooding". Ms. Stubbfield stated that several elderly who have medical conditions and it is a dangerous risk. (for all the comments, request a copy of the tape recording)

Marcia Simmons of Arts Fulshear thanked the city for its support. (for all comments, request a copy of tape recording.

Alyssa Kuykendall commend Mayor Kuykendall (her father) for a job well done and teaching family bonding. (for all the specific comments, request a copy of the tape recording)

VI. **ORGANIZATIONAL MATTERS**

A. **Conduct Official Canvass of May 7, 2016 City of Fulshear General Election and consider acceptance of Election Results**

Mayor Kuykendall shared the results from the May 7, 2016 General Election Canvass Report from the Fort Bend County Election Administrator, John Oldham. He announced that Tommy Kuykendall received 399 votes and Jeff Roberts received 408 votes. Jeff Roberts has the Mayor position. Mayor Kuykendall read off the votes of those running for Council Members. He stated based on the plurality vote, we have the following new Council Members: Tricia Krenek, Stephen Gill, and James Murdoch.

Mayor Kuykendall announced that there were 460 votes for the Home Rule Charter and 326 against. He stated that the Home Rule Charter passes.

B. **Consideration and possible action to approve Ordinance 2016-1215 an Ordinance of the City of Fulshear canvassing the returns and declaring the results of the General Election held on May 7, 2016 for the purposes of electing a Mayor and three (3) Council Members and also for adopting a Home Rule Charter**

Motion to approve Ordinance 2016-1215: Council Member Krenek
Second: Council Member Tristan

The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Roberts, and Tristan

Nays: None

Absent: Council Member Ridge

Mayor Kuykendall announced motion passes

C. **Consideration of presentation and appreciation for outgoing Council Members and Mayor**

C. J. Snipes, City Administrator, presented Council Member Mesic with a plaque for her service. The audience applauded.

C.J. Snipes, City Administrator, presented Mayor Thomas C. Kuykendall, Jr. with a plaque for his service. The audience applauded.

D. **Comments from outgoing Council Members**

Council Member Mesic expressed her appreciation and welcomed the new members of Council. (for all comments, request copy of tape recording)

E. Comments from outgoing Mayor

Mayor Kuykendall provided a 30 minute departing speech and stated his motto was that "Fulshear deserves the best." (for all the comments, request a copy of the tape recording).

F. Conduct the Oath of Office for Elected City Council Members and Mayor

Judge Crow administered the oath to the Mayor Elect, Jeff W. Roberts and Council Member elect, Stephen Gill, James Murdoch, and Tricia Krenek. Appropriate paperwork was signed by each.

G. Comments from incoming Council Members

Council Member Murdoch thanked everyone who came out and voted. (for all the comments, request copy of tape recording).

Council Member Krenek thanked everyone for their support. (for all the comments, request a copy of tape recording).

Council Member Gill thanked everyone for voting and voting for the home rule charter. (for all comments, request a copy of tape recording).

H. Comments from incoming Mayor

Mayor Roberts stated that he was very humble and he knows he did not get here alone and thanked everyone for their support. (for all the comments, request a copy of the tape recording).

Next a reorganizing of the Council took place with the newly elected members taking their position on the Council. The reorganizing of the Council as follows:

Jeff W. Roberts, Mayor

Stephen Gill, Council Member

Tricia Krenek, Council Member

James Murdoch, Council Member

Erin Tristan, Council Member

Ramona Ridge, Council Member, absent from this meeting.

A quorum was present. Mayor Roberts took charge of the meeting. He read Item "I".

I. Consideration and possible action to accept and adopt Ordinance No. 2016-1216 making the City of Fulshear a "Home Rule" and governed by rules outlined in the Charter adopted by voters in a General Election held on May 7, 2016 and as canvassed under Ordinance No. 2016-1215

Motion to accept and adopt Ordinance No. 2016-1216 by Council Member Krenek.

Second: Council Member Gill

The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan

Nays: None

Absent: Council Member Ridge

**CITY COUNCIL MINUTES
MAY 17, 2016
PAGE 5**

Mayor Roberts announced that the motion passes and we are now a home rule city. The audience applauded.

J. Consideration and possible action to elect a Mayor Pro-Tempore

Mayor Roberts suggested that Council Member Tristan as Mayor Pro-Tem elect.

A motion was made by Council Member Murdoch to elect Council Member Tristan as Mayor Pro Tem. It was seconded by Council Member Tristan.

Mayor Roberts asked if there are any discussion.

Council Member Gill stated about a year ago was a similar situation and Ms. Mesic stated that role should be filled by someone with the most experience. Council Member Gill stated he would like to amend that motion and make a motion to have Council Member Krenek as Mayor Pro Tem. It was seconded by Council Member Krenek. Mayor Roberts stated we will handled the amended motion first. The amended motion was carried by the following vote:

Ayes: Council Member Krenek and Gill

Nays: Council Member Murdoch and Tristan

Mayor Roberts stated to break the tie vote; his vote is nay. Motion to elect Council Member Krenek as Mayor Pro Tem fails.

Motion was made by Council Member Murdoch to elect Council Member Tristan as Mayor Pro Tem. Mayor Roberts stated this motion is already on the floor and called for a vote:

Ayes: Council Member Murdoch and Tristan

Nays: Council Member Gill and Krenek

Mayor Roberts stated to break the tie vote; his vote is "aye" for Council Member Tristan to be Mayor Pro Tem.

Motion Passes: Mayor Roberts announced that Council Member Tristan is the Mayor Pro Tem.

K. Recess to Honor Elected Officials

Mayor Roberts announces that we will now take 15 minute break.

Mayor Roberts announced that Council is reconvening back into Regular Session at 8:35 p.m. and all Council Members are present.

VII. CONSENT AGENDA

Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this is rule is that a Council Members may request one or more items to be removed from the consent agenda for a separate discussion and action.

A. Consent and approval of Fulshear Trace Crossing Final Plat

**CITY COUNCIL MINUTES
MAY 17, 2016
PAGE 6**

- B. Consent and Approval of Foster Crossing Partial Replat No. 1/ Preliminary Plat**
- C. Consent and Approval of Creek Falls at Cross Creek Ranch Section 9/ Preliminary Plat**
- D. Consent and Approval of Cross Creek Bend Lane Ext. 10/Street Dedication/ Preliminary Plat**
- E. Consent and Approval of Platinum Estates/ Preliminary Plat**
- F. Consent and Approval of Minutes from the March 1, March 15, and April 19, 2016 meetings**
- G. Consent and Approval of Quarterly Investment Report**

Council Member Krenek requested that items B, F, and G be considered separately. D. Offord, City Secretary, stated that the April 19, 2016 was not included in the packet and needs to be removed.

A motion was made by Council Member Krenek to approve Consent Agenda items, A, C,D, and E. It was seconded by Council Member Gill. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan
Nays: None
Absent: Council Member Ridge

Motion Passes

Council Member Krenek questioned whether item B regarding a recommendation for the north line of Reserve "B" be extended to meet FM 359 on Foster Crossing Partial Replat No. 1/Preliminary Plat. Building Official, Michelle Killebrew, stated this issue would be resolved before final platting. A motion was made by Council Member Krenek to approve Consent Agenda item B. It was seconded by Council Member Gill. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan
Nays: None
Absent: Council Member Ridge

Motion Passes

Council Member Krenek stated that her vote was recorded incorrectly and the she wants to ensure the correct Minutes for March 15, 2016 are recorded and not the ones included in Council Packet. City Secretary, D. Offord, stated the corrections were made late and did not make it into the Council Packet but was sent separately to each Council Member.

A motion was made by Council Member Krenek to approve March 1 and March 15, 2016 minutes. It was seconded by Council Member Gill. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan
Nays: None
Absent: Council Member Ridge

**CITY COUNCIL MINUTES
MAY 17, 2016
PAGE 7**

Motion Passes

Council Member Krenek asked if these Investment Reports are in line with the goals. Ms. Brashear, Finance Director, responded to questions from Council Member Krenek. Council Member Krenek was satisfied with the responses received.

A motion was made by Council Member Krenek to approve Consent Agenda Item G. It was seconded by Council Member Gill. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan

Nays: None

Absent: Council Member Ridge

Motion Passes

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 Severn Trent Water Company (Repairs, New Installations, and reports to TCEQ)

Mark Yentzen provided the report from Severn Trent Water Company. He stated that this will be his last quality report regarding the water (from TCEQ) as these will be done by the City staff. Mr. Snipes, City Administrator, states these reports will be posted to our website. No action was taken.

B. Report from the Police Department (Traffic Citations, arrests, incidents, calls for service)

Chief Seymour provided the report from the Police Department to Council. No action was taken.

C. Report from the Municipal Court Clerk (Fees and Fines)

Valerie Bryant provided the report from the Municipal Court to the Council. No action was taken.

D. Report from the Building Service Department (Permits issued, inspections)

Michelle Killebrew provided the report from Building Service Department to the Council. No action was taken.

IX. BUSINESS

A. Presentation of Proclamation for Older Americans Month

Mayor Roberts presented the Older American Proclamation to Fort Bend Seniors and was received by Lori Dunaway the Director of Development and Public Relations and Lorraine Henderson, Site Manager for the Fulshear Fort Bend Seniors. The audience applauded.

Ms. Dunaway greeted the audience and provided an overview regarding the Fort Bend Seniors Program.

B. Consideration and possible action to approve checks paid and payables from April 15, 2016 through May 13, 2016

CITY COUNCIL MINUTES
May 17, 2016
PAGE 8

Council Member Krenek asked if she could ask a question, before getting to this item whether two readings are required according to the constitution of the Home Rule Charter regarding the Ordinance 2016 or 1215. City Attorney, J. Grady Randle, stated that under the local government code, it is only one.

Mayor Roberts re-read item B.

Council Member Krenek had several questions. After review and discussion, Council Member Krenek made a motion to approve checks paid and payables from April 15, 2016 through May 13, 2016. It was seconded by Council Member Gill. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan

Nays: None

Absent: Council Member Ridge

Motion Passes.

C. Consideration and possible action to approve 2016 Tax Year Interlocal Renewal for Tax collection Services with Fort Bend County

A motion was made by Council Member Krenek to approve 2016 Tax Year Interlocal Renewal for Tax collection Services with Fort Bend County. It was seconded by Council Member Gill. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan

Nays: None

Absent: Council Member Ridge

Motion Passes.

D. Consideration and possible action to approve and adopt Resolution No. 2016-307: A resolution of the City of Fulshear, Texas that CenterPoint Energy Houston Electric, LLC's application for approval to amend its distribution cost recovery factor pursuant to 16 Tex. Admin. Code 25.243 and to reconcile docket No. 44572 revenues to increase distribution rates within the city should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the Public as required by law; requiring notice of this resolution to the company and legal counsel

A motion was made by Council Member Tristan to approve and adopt Resolution No. 2016-307: A resolution of the City of Fulshear, Texas that CenterPoint Energy Houston Electric, LLC's application for approval to amend its distribution cost recovery factor pursuant to 16 Tex. Admin. Code 25.243 and to reconcile docket No. 44572 revenues to increase distribution rates within the city should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the Public as required by law; requiring notice of this resolution to the company and legal counsel. It was seconded by Council Member Murdoch.

**CITY COUNCIL MINUTES
MAY 17, 2016
PAGE 9**

Council Member Krenek asked if we need to reference we have engaged the GCCC (Gulf Coast Coalition of Cities) to act as our representative as we are a part of the coalition. Council Member Krenek stated this usually refer to the GCCC making recommendations on behalf of the cities and not sure why the paragraph was left out this time. C. J. Snipes, City Administrator, stated he did not draft this document and not sure why it was left out either. Council Member Krenek and city attorney debated this issue for about five minutes. Attorney J. Grady Randle provided an explanation. Mayor Roberts called for a vote.

The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan

Nays: None

Absent: Council Member Ridge

Motion Passes

E. Consideration and possible action to approve Memorandum of Understanding with Arts Fulshear

Michael Ross, Assistant City Administrator, provided an overview to the Council. He stated this memorandum allows Arts Fulshear to use the Irene Stern Facility starting June'2016. He staff recommends approval. Council Member Krenek asked if this was the revised agreement and Mr. Ross stated "yes".

Marcia Simmons representative for Arts Fulshear stated they have 12 camps scheduled. She also stated starting once a month an art activity will be provided for the seniors. (For all comments, request a copy of tape recording)

A motion was made by Council Member Krenek to approve Memorandum of Understanding with Arts Fulshear. It was seconded by Council Member Murdoch.

Council Member Tristan asked if the group is a nonprofit and how did we arrive a \$12.00 rate. C. J. Snipes, City Administrator, explained to Council how we arrived at that rate. Council was satisfied with response.

Mayor Roberts called for a vote. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan

Nays: None

Absent: Council Member Ridge

Motion Passes

F. Consideration and possible action to approve Ordinance No. 2016-1217 an Ordinance of the City of Fulshear implementing Parking Restrictions in the vicinity of Randolph Elementary School during school hours on school days

**CITY COUNCIL MINUTES
MAY 17, 2016
PAGE 10**

Michael Ross, City Administrator, gave an overview to the Council. He stated that a request from homeowners that live in the Randolph Elementary School area came to create "No Parking" zones during active school hours on streets within walking distance from the school for safety and unwanted drivers blocking driveways.

Council Member Tristan asked when would the signs go into effect. Mr. Snipes stated at the beginning of the next school term (August, 2016). (for all the comments, request a copy of the tape)

Council Member Krenek requested that Council be given an idea of where the signs will be placed. Michael Ross, City Administrator, provided a response.

A motion was made by Council Member Krenek to approve Ordinance No. 2016-1217 an Ordinance of the City of Fulshear implementing Parking Restrictions in the vicinity of Randolph Elementary School during school hours on school days. It was seconded by Council Member Tristan. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan

Nays: None

Absent: Council Member Ridge

Motion Passes

G. Consideration and possible action to authorize changes to the provision of professional services related to Information Technology

Mayor Roberts states that staff has requested that this item be postponed.

A motion was made by Council Member Krenek to postpone Item G (professional services related to Information Technology). It was seconded by Council Member Tristan.

Council Member Krenek made some suggestions to consider when negotiating the contract.

The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan

Nays: None

Absent: Council Member Ridge

Motion to postpone passes.

H. Consideration and possible interest to grant amendment request on masonry requirements listed in the Development Agreement between Johnson Development and the City for Fulshear Polo Ranch

Michael Cox, representative for Polo Ranch and Lou Waters, presented to the Council. He asked Council to modify the agreement to allow for only 51% basis standard on masonry instead of the 75%. Mr. Cox presented the pros and cons regarding his request.

**CITY COUNCIL MINUTES
MAY 17, 2016
PAGE 11**

There was a short discussion among the Council Members. Council Member Krenek states she understands his request to be amended to the agreement and he needs to come back with the revised language. City Attorney Randle agreed.

Council agreed that Mr. Cox needs to bring the revised language regarding the agreement so Council will be able to review.

A motion was made by Council Member Krenek to postpone item H. It was seconded by Council Member Tristan. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan

Nays: None

Absent: Council Member Ridge

Motion to postpone passes.

I. Consideration and possible action to approve appeal of Texas Attorney General Opinion pertaining to Open Records Request findings

Mayor Roberts stated that if no objections, he would like to take Item J first. Council was silent.

J. Consideration and possible action to approve Resolution No. 2016-308 a Resolution of the City of Fulshear removing previous Mayor as signatory from all bank accounts

A motion was made by Council Member Krenek to approve Resolution No. 2016-308 a resolution of the City of Fulshear removing previous Mayor as signatory from all bank accounts. It was seconded by Council Member Tristan. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan

Nays: None

Absent: Council Member Ridge

Motion Passes

Mayor Roberts read Item I and then announced that Council will move into Executive Session at 9:37 p.m. A quorum was present.

A motion was made by Council Member Tristan enter Executive Session. It was seconded by Council Member Gill. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan

Nays: None

Absent: Council Member Ridge

X. EXECUTIVE SESSION – CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE SECTION 551.071, CONSULTATION WITH ATTORNEY; SPECIFICALLY SUB-SECTIONS:

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

POTENTIAL APPEAL OF ATTORNEY GENERAL OPINION ON OPEN RECORDS REQUESTS

See information above.

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

Mayor Roberts announced that Council would reconvene back into Regular Session at 9:58 p.m. A quorum was present.

Mayor Roberts asked if any action need to be taken from Executive Session.

A motion was made by Council Member Krenek not to appeal the Texas Attorney General Opinion pertaining to Open Records Request findings and that we comply with the pending agreement. It was seconded by Council Member Gill. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan

Nays: None

Absent: Council Member Ridge

Motion Passes.

XII. ADJOURNMENT

A motion was made by Council Member Murdoch to adjourn. It was seconded by Council Member Krenek. The motion was carried by the following vote:

Ayes: Council Member Gill, Krenek, Murdoch, and Tristan

Nays: None


Absent: Council Member Ridge

Motion Passes.



Jeff W. Roberts, Mayor

Attest:



D. (Diana) Gordon Offord, City Secretary