

ORDINANCE NO. 95-823

AN ORDINANCE AMENDING ORDINANCE NUMBER 595, ORDINANCE NUMBER 91-796, ORDINANCE NUMBER 92-807, AND ORDINANCE NUMBER 93-813, INCREASING THE NUMBER OF AUTHORIZED POSITIONS FOR RESERVE OFFICERS TO TWENTY (20) PROVIDING AN EFFECTIVE DATE: PROVIDING A REPEALER CLAUSE PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR POSTING AND PUBLISHING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

I

The First Paragraph of Section I is amended by increasing the number of authorized positions for Reserve Officers to TWENTY (20), to read:

"That there is hereby created and established, a Reserve Officers Unit, in accordance with Local Government Code as amended including Section 141.006 and 141.007 for the City of Fulshear, as a part of the City Police Department composed of up to TWENTY (20) patrolmen and officers. The personnel to fill such positions shall be appointed by the Chief of Police, and confirmed by the City Council. The terms of office, salaries of officers, or patrolmen, if any, shall be established by the City Council and all such appointees shall give bond for the faithful performance of their duties in the amount as the City Council may require and in accordance with all the laws of the State of Texas."

II

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

III

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

IV

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 18th day of JANUARY 1995.

THE CITY OF FULSHEAR, TEXAS

By: Viola Randle
VIOLA RANDLE
MAYOR

ATTEST

By: Carol H. Smith
CAROLYN H. SMITH
City Secretary-Treasurer

VOTING: LEIGH J. BENTLEY, SR. YES, SCOTT EVANS ABSENT,
SANDRA K. DEVORE YES, GLORIA SIMMONS YES.

ORDER OF ELECTION FOR MUNICIPALITIES

An election is hereby ordered to be held on MAY 06, 1995 for the purpose of:
electing three ALDERMEN (Council Members), each (date) for a two year term. Said election
shall be held at the following place in the City of Fulshear, Texas, and the following
named person is hereby appointed officer for said election:

In Election Precinct #4006 and #4052, at Fulshear City Hall, 30603 F.M. 1093, Fulshear,
Texas, with Carolyn H. Smith, as Presiding Judge. Said Presiding Judge shall appoint the
necessary Alternate Judge and clerks to assist her as prescribed by law. The hourly rate
of pay shall be \$6.00, and shall not exceed fourteen (14) hours for each election official.

Early voting by personal appearance will be conducted each weekday at
FULSHEAR CITY HALL, 30603 F.M. 1093, FULSHEAR, TEXAS, 77441.
(location)

Recommended but not required

between the hours of 9:00 a.m. and 5:00 p.m. beginning on APRIL 17, 1995
(date)
and ending on MAY 02, 1995
(date)

Applications for ballot by mail shall be mailed to:

CAROLYN H. SMITH, CITY OF FULSHEAR
(Name of Early Voting Clerk)

P.O. BOX 279
(Address)

FULSHEAR, TEXAS 77441
(City) (Zip Code)

Applications for ballot by mail must be received no later than the close of business on
APRIL 28, 1995
(date)

Issued this the 15 day of FEBRUARY, 19 95

ATTEST:

Carolyn H. Smith
CITY SECY-TREAS.

Viola Randle
Signature of Mayor

VOTING: L. Bentley _____, S. Evans _____
S. DeVore _____, G. Simmons _____

AN ORDINANCE APPROVING A STIPULATION AND AGREEMENT RELATING TO THE RATES OF HOUSTON LIGHTING AND POWER COMPANY; DETERMINING JUST AND REASONABLE RATES TO BE OBSERVED AND IN FORCE WITHIN THE CITY OF FULSHEAR; ORDERING RATE REDUCTIONS AND CREDITS TO RATE-PAYERS' BILLS; FIXING THE RATES THAT SHALL CONSTITUTE THE LEGAL RATES OF HOUSTON LIGHTING AND POWER COMPANY UNTIL CHANGED AS PROVIDED BY THE PUBLIC UTILITY REGULATORY ACT; PROVIDING FOR THE FILING OF RATE SCHEDULES AND TARIFFS AND THE APPROVAL OR MODIFICATION OF SAME; AND PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, The City of Fulshear (the "City") and various municipalities comprising the Coalition of Cities (the "Coalition") in their respective capacity as regulatory authorities of Houston Lighting and Power Company (the "HL&P"), as listed on Exhibit "A", have or will have intervened in Docket No. 12065, Complaint of Kenneth D. Williams against Houston Lighting and Power Company, and Docket No. 13126, Inquiry of the General Counsel Into the Operation and Management of the South Texas Nuclear Project, currently pending before the Public Utility Commission (the "Commission"); and

WHEREAS, the City and the Coalition have initiated or will initiate local Section 42 Rate Proceedings that are to be appealed to the Commission and consolidated with Docket No. 12065; and

WHEREAS, the City and the other members of the Coalition and HL&P desire to resolve the controversies made the basis of Docket No. 12065 and Docket No. 13126, including South Texas Nuclear Plant ("STP") outages addressed in that docket, to the extent of HL&P's involvement therein and the municipalities' respective local Section 42 proceedings in accordance with the provisions of the Stipulation and Agreement attached hereto as Exhibit "B" (the "Stipulation"); and

WHEREAS, the public interest will be served by the adoption of an ordinance approving the Stipulation because it provides for expeditious implementation of just and reasonable rates, promotes the adequate and efficient provision of service and is in accordance with applicable law; and

WHEREAS, resolution on a stipulated basis of all the matters

set forth therein would conserve resources, avoid the uncertainties inherent in further litigation and minimize rate case expenses both in these cases and in the future;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS

Section 1: The facts contained in the recitals hereto are hereby found to be true and correct. Further, the City Council finds that the existing rates of HL&P, after reasonable notice and hearing, are unreasonable and shall be decreased to reflect the reductions and credits hereinafter ordered. The rates resulting from such reductions and credits are hereby determined to be just and reasonable rates to be observed and in force within the City.

Section 2: All terms and conditions specified in the Stipulation are further hereby incorporated by reference as though set forth verbatim herein and are hereby approved and ratified, including without limitation the provisions contained and specifically set forth hereinbelow. The Mayor, or in the absence of the Mayor, the Mayor Pro Tem, is hereby authorized to execute all related documents on behalf of the City of Fulshear, and to take all actions necessary to effectuate the City's intent and objectives in approving the Stipulation in the event of changed circumstances. The City Secretary, or in the absence of the City Secretary, the Assistant City Secretary, is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents. The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under the Stipulation without further authorization from the City Council.

Section 3: It is hereby ordered that HL&P shall decrease the base rates it charges for electric power and energy sold within the City by the amount of \$62.2 Million annually, effective January 1, 1995.

Section 4: It is further ordered that HL&P is prohibited from increasing its base rates from January 1, 1995, through December 31, 1997, subject to exceptions for the occurrence of certain force majeure events as specified in the Stipulation.

Section 5: It is hereby ordered that HL&P's fuel factor be reduced by \$199.5 Million annually. It is further ordered that HL&P's power cost recovery factor be further reduced by \$173 Million annually.

Section 6: It is hereby ordered that HL&P's ratepayers within the corporate limits of the City receive a one-time bill credit of \$70 Million related to fuel reconciliation issues. It is further ordered that HL&P ratepayers receive a one-time bill credit of \$108 Million related to fuel cost over collection.

Section 7: It is hereby ordered that HL&P file with the office of the Mayor and with the City Secretary Rate Schedules and Tariffs consistent herewith within 30 days of the effective date hereof.

Section 8: All prior Ordinances of the City inconsistent with the terms and conditions hereof are hereby repealed to the extent of the inconsistency and are of no further effect.

Section 9: If any provisions, section, subsection, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 10: The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Tex. Gov't. Code Ann., Ch. 551 (Vernon, 1994); and that this meeting was open to the public as required by law at all times during which this

ordinance and the subject matter thereof was discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

PASSED AND ADOPTED this 19th day of April, 1995.

CITY OF FULSHEAR, TEXAS

By: Viola Randle
VIOLA RANDLE
Mayor

ATTEST:

By: Carolyn N. Smith
CAROLYN SMITH
City Secretary

Order Declaring Result Of City Officers' Election

THE STATE OF TEXAS

FULSHEAR

CITY OF _____

On this the 10 day of MAY, 1995, the City Council/Commissioner

of the City of FULSHEAR, Texas, convened in SPECIAL session open to the public at the regular meeting place thereof with the following members present, to-wit:

- VIOLA RANDLE, Mayor,
- SCOTT EVANS, Alderman/Commissioner¹
- GLORIA SIMMONS, Alderman/Commissioner¹
- SANDRA K. DEVORE, Alderman²
- _____, Alderman²
- _____, Alderman²
- CAROLYN H. SMITH, City Secretary/Clerk¹

and the following absent: LEIGH J. BENTLEY, SR., constituting a quorum, and among other proceedings had were the following:

Alderman/Commissioner¹ SCOTT EVANS introduced a resolution and order

and moved its adoption. The motion was seconded by Alderman/Commissioner¹ GLORIA SIMMONS, and the motion carrying with it the adoption of the resolution and order prevailed by the following vote,

AYES: ALL COUNCIL MEMBERS PRESENT

NOES: none

The resolution is as follows:

There came on to be considered the returns of an election held on the 06 day of MAY, 1995, for the purpose of electing the hereinafter named officials, and it appearing from said returns, duly and legally made, that there were cast at said election 136 valid and legal votes; that each of the candidates in said election received the following votes:

~~XXXXXXXXXXXXXXXXXXXX~~
~~FOR MAYOR~~
~~XXXXXXXXXXXXXXXXXXXX~~

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FOR ALDERMAN/COMMISSIONER¹ and ²

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED
<u>LEIGH J. BENTLEY, SR.</u>	<u>43</u>
<u>SCOTT EVANS</u>	<u>116</u>
<u>BILL ANDERSON</u>	<u>04</u>
<u>J.B. COLLINS, JR.</u>	<u>104</u>
<u>CARL G. UTLEY</u>	<u>82</u>

FOR _____ 8

NAME OF CANDIDATE

TOTAL NUMBER OF VOTES RECEIVED

FOR _____ 8

NAME OF CANDIDATE

TOTAL NUMBER OF VOTES RECEIVED

FOR _____ 8

NAME OF CANDIDATE

TOTAL NUMBER OF VOTES RECEIVED

FOR _____ 8

NAME OF CANDIDATE

TOTAL NUMBER OF VOTES RECEIVED

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL/COMMISSION OF THE CITY OF
FULSHEAR, TEXAS:

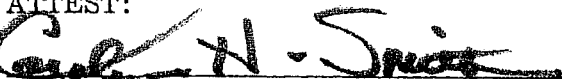
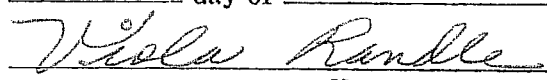
That said election was duly called; that notice of said election was given in accordance with law, and that
said election was held in accordance with law, and that _____ was duly
elected Mayor of said City at said election² and SCOTT EVANS, J.B. COLLINS JR.,
and CARL G. UTLEY

were duly elected Aldermen/Commissioners¹ of said City at said election, and that _____
_____ was duly elected _____,²

and said above named parties are hereby declared duly elected to said respective offices, subject to the
taking of their oaths and filing bond as provided by the laws of the State of Texas.

It is further found and determined that in accordance with the order of this governing body the
Secretary/_____ posted written notice of the date, place and subject of this meeting on the bulletin board
located in the City Hall, a place convenient and readily accessible to the general public, and said notice having
been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of
said meeting. A copy of the return of said posting shall be attached to the minutes of this meeting and shall
be made a part thereof for all intents and purposes.

PASSED, ADOPTED AND APPROVED this the 10 day of MAY 19 95.

ATTEST: 
CAROLYN H. SMITH Secretary/Clerk

VIOLA RANDLE Mayor

ORDINANCE 95-828

AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF FULSHEAR FOR THE YEAR 1995; PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE YEAR 1995; APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE; PROVIDING FOR PENALTIES AND INTEREST, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

SECTION 1. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Fulshear, and to provide interest and sinking fund for the year NINETEEN HUNDRED AND NINETY-FIVE, upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a tax of 0.4800 CENTS on each One Hundred Dollars (\$100.00) valuation of property, said tax being so levied and apportioned to the specific purposes herein set forth:

- (1) For the maintenance and support of the general government (General Fund), .4725 on each One Hundred Dollars (\$100.00) valuation of property.
- (2) For the interest and sinking fund, .0074 on each One Hundred Dollars (\$100.00) valuation of property to be apportioned.

SECTION 2. All monies collected under this Ordinance for the specific items therein named, be and the same are hereby appropriated and set apart for the specific purpose indicated in each item and that the Assessor and Collector of Taxes, the City Treasurer and the City Secretary shall keep these accounts so as to readily and distinctly show the amount collected, the amounts expended and the amount on hand at any time, belonging to such funds, it is hereby made the duty of the Tax Assessor and Collector of Taxes and every person collecting money for the City of Fulshear, to deliver to the City Treasurer and the City Secretary at the time of depositing any monies, a statement showing to what fund such deposit should be made and from what source received. All receipts for the City not specifically apportioned by this Ordinance are hereby made payable to the General Fund of the City.

SECTION 3. All taxes for the year 1995 hereby levied shall become due and payable at the offices of the Tax Assessor Collector for the City of Fulshear, Texas, on or after the first day of OCT., 1995, and of the taxes levied for said year are not paid on or before January 31 next after becoming due, interest shall be charged upon the gross amount of the taxes due and penalty due until paid at the rate provided by law for each month or fraction thereof thereafter. Said interest shall be in addition to such penalties, costs of collection and attorney fees as may be thereafter provided for delinquent taxes or as provided by law.

SECTION 4. That this Ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 20 day of SEPTEMBER, 1995.

By: Viola Randle
VIOLA RANDLE, MAYOR

WITNESSES:
Carolyn H. Smith
Carolyn H. Smith, City Secy - Treas.

VOTING:

SCOTT EVANS YES,

SANDRA K. DEVORE YES,

GLORIA SIMMONS YES,

J.C. COLLINS, JR. YES,

CARL G. UTLEY YES.

AN ORDINANCE AUTHORIZING THE ASSIGNMENT OF A FRANCHISE FROM BROOKSHIRE CABLE TV, LIMITED PARTNERSHIP ("BROOKSHIRE") TO NORTHLAND CABLE PROPERTIES FOUR LIMITED PARTNERSHIP, a Washington Limited Partnership, ("NORTHLAND"); PROVIDING A SEVERANCE CLAUSE AND PROVIDING AN EFFECTIVE DATE AND POSTING AND PUBLISHING OF CAPTION.

WHEREAS, the City Council agrees to the assignment of the Franchise.

WHEREAS, the City of Fulshear, Texas ("City"), acting by and through its City Council ("Council"), passed and enacted that certain Ordinance No. 583, dated September 30, 1982, granting to Star CATV Investment Corp. ("Star"), the authority to locate, construct, operate and maintain a cable television system within the City ("Franchise"); and

WHEREAS, Star assigned such Franchise to Galaxy Cablevision, L.P. ("Galaxy") on August 2, 1988, which assignment was approved by the City as evidenced by the City's Ordinance No. 88-759; and

WHEREAS, Galaxy assigned such Franchise to Brookshire Cable TV, Limited Partnership ("Brookshire") on January 31, 1989, which assignment was approved by the City as evidenced by the City's Ordinance No. 89-7623; and

WHEREAS, Brookshire intends to sell substantially all of its assets, including all of its right, title and interest in the Franchise to Northland Cable Properties Four Limited Partnership, a Washington limited partnership, or its assigns ("Northland"); and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

1. The City hereby approves and consents to the transfer and assignment of the Franchise from Brookshire to Northland.
2. The Franchise is extended for an additional TEN (10) years from the date of this Ordinance.

II

This Ordinance shall be passed and effective upon publishing of the Ordinance as required by law, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

III

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

IV

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED THIS the 27th day of October, 1995.

THE CITY OF FULSHEAR, TEXAS

By: Viola Randle
VIOLA RANDLE
Mayor

ATTEST
By: Carolyn Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

SCOTT EVANS	<u>Yes</u>
GLORIA SIMMONS	<u>Yes</u>
SANDRA KAY DUVORE	<u>Absent</u>
J. B. COLLINS, JR.	<u>Yes</u>
CARL UTLEY	<u>Yes</u>