



# CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

Phone: 281-346-1796 ~ Fax: 281-346-2556

[www.fulsheartexas.gov](http://www.fulsheartexas.gov)

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Regular City Council Minutes

April 18, 2017

## **I. Opening**

### **A. Call to Order**

*A Regular City Council Meeting was called to order by Mayor Jeff W. Roberts, Tuesday, April 18, 2017 at 7:10 p.m. in the Fulshear City Hall located at 30603 FM 1093, Fulshear, Texas 77441 and all citizens were welcomed. Mayor Roberts thanked everyone for their attendance including city staff.*

### **B. Quorum & Roll Call**

*Mayor Roberts announced that a quorum was present and that Mr. Gill would be coming shortly.*

#### *Council Members Present:*

*Jeff W. Roberts, Mayor*

*Erin Tristan, Mayor Pro Tem*

*Lauren Ashley, Council Member*

*Stephen Gill, Council Member, came at 7:19 p.m.*

*Tricia Krenek, Council Member*

*Ramona Ridge, Council Member*

#### *City Staff:*

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

*Wes Vela, Chief Finance Officer*

*Toni Velie, Utility Services Supervisor*

*Richard Valicek, Building Inspector*

*Kerry Sigler, Chief Building Inspection Supervisor*

*Michelle Killebrew, Building Official*

*Sharon Valiante, Public Works Director*

*Brant Gary, Executive Director of Planning and Development*

*J. Grady Randle, City Attorney*

*Paula Ryan, Assistant City Manager/HR Director*

*C. J. Snipes, City Manager*

*Angela Fritz, Economic Development Director*

*David Leyendecker, City Engineer*

*Kenny Seymour, Chief of Police*

#### *Others:*

*Tommy Kuykendall*

*Owen BeMent*

*And 25 others who did not sign in*

### **C. Invocation- Rev. John Crowe, Riverbend Baptist Church**

*Reverend Dale Olson provided the prayer. (Rev. Crowe unable to attend)*

### **D. Pledge of Allegiance to the U.S. Flag**

Mayor Roberts led the audience in the Pledge of Allegiance to the U. S, Flag.

**E. Pledge of Allegiance to the Texas Flag**

Mayor Roberts led the audience in the Pledge of Allegiance to the Texas Flag.

**II. Citizens Comments**

Owen BeMent- He passed out his written notes to each Council Member and the City Manager. He did not provide a copy to the City Secretary. He talked an SUP granted for Thrive Church. He stated dates that certain businesses was formed. He stated Council Member Ridge voted for change of this property from residential to business. He stated that she (referring to Council Member Ridge) had a vested interest in the use of this property and should have removed herself from the vote. (for all the comments, request a copy of the tape recording)

Jocelyn Ryan- She thanked the Council for an opportunity to meet with city officials in order to resolve issues that exist between the MUDs and the City.

Tommy Kuykendall- He stated he wants to speak on the ethics of council regarding the Jeffrey Duke property. He stated PnZ approved only one business.. He stated it has come to his attention more businesses are operating at the property such as Fulshear Construction Company. He stated it has been one year and the Council still has no ethics policy. (for all of the comments, request a copy of the tape recording)

Suzanne Stubblefield- She stated that flooding on Red Bird Lane continues to be a problem. She is requesting an update regarding the progress and the solution to resolve this problem. (for all the comments, request a copy of the tape recording)

**III. Public Hearing**

**A. Special Use Permit Request/address:8525 FM 359 Road, Suite 100 /Commercial use for Restaurant- Bar**

Mayor Roberts opened the Public Hearing at 7:23 p.m.

The owner, Sharif Al-amin., addressed the Council regarding his new business that will be located at 8525 FM 359 Suite 100.

There were no other comments from the audience.

Mayor Roberts closed the Public Hearing at 7:24 p.m.

**IV. Consent Agenda**

**A. Consent and approval of the Utility Conveyance and Security Agreement for items located in MUD#169**

**B. Consent and approval of the Street Conveyance, Utility Conveyance and Security Agreement for items located in MUD #170**

**C. Consent and approval of the Street Conveyance, Utility Conveyance and Security Agreement for items located in MUD #173**

**D. Consent and approval of Monthly Financial Statement**

**E. Consent and approval of Minutes from March 21<sup>st</sup> and March 27<sup>th</sup> 2017 City Council Minutes**

Council Member Krenek asked for approval of items A thru H and item I be handled separately. A motion was made by Council Member Krenek to approval items A thru H and it was seconded by Mayor Pro Tem Tristan. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan

Nays: None

Council Member Krenek made a motion to approve Item I with a correction on page 4

It was brought to the Council's attention only five items are listed on the Consent Agenda. (some items had been

combined) C. J. Snipes, City Manager explained.

Council Member Krenek asked that item E be considered separately. Council Member Krenek made a motion to approve Consent Agenda items A thru D. It was seconded by Council Member Ashley.

Mayor Roberts stated we will go back to the posted original agenda. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan

Nays: None

A motion was made by Council Member Krenek to approve the minutes on March 21, 2017 subject to the sentence being corrected on page 4 and the minutes of March 27, 2017. It was seconded by Mayor Pro Tem Tristan. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan

Nays: None

#### **V. BUSINESS ITEMS**

##### **A. PRESENTATION OF A PROCLAMATION RECOGNIZING BUILDING SAFETY MONTH**

Mayor Roberts presented a certificate to Michelle Killebrew, Building Official, and her staff recognizing Building Safety Month. He read the proclamation aloud and the audience applauded.

##### **B. PRESENTATION OF A PROCLAMATION FOR AUTISM AWARENESS MONTH**

Mayor Roberts presented a certificate to representatives from the Texana Children's Center. The proclamation was read by the Mayor and the audience applauded.

##### **C. PRESENTATION OF A PROCLAMATION FOR NATIONAL SAFE DIGGING MONTH**

Mayor Roberts presented a certificate to Charles Whited with CenterPoint Energy. The proclamation was read by the Mayor and the audience applauded.

##### **D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE USE OF POLICE DONATION FUND FOR MEMORIAL COINS**

C.J. Snipes, City Manager, reviewed the request from the Fulshear Police Department to expense Symbol Arts invoice to purchase memorial coins from the Police Department donation fund.

A motion was made by Council Member Krenek to approve use of Police Donation Fund for Memorial Coins. It was seconded by Council Member Ashley. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan

Nays: None

##### **E. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2017-342 A RESOLUTION OF THE CITY OF FULSHEAR APPROVING THE CITY'S FINANCIAL PARTICIPATION IN THE TEXAS HERITAGE PARKWAY PROJECT.**

C.J. Snipes, City Manager, stated that he spoke with the County this afternoon and require more time to evaluate agreement regarding the Texas Heritage Parkway project.

A motion was made by Council Member Gill to table this item. It was seconded by Council Member Ridge. Council Member Krenek stated she is disappointed that information is coming so late and that this is an important

*project and that we need to make it a priority and get it done. The motion was carried by the following vote:*

*Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan  
Nays: None*

*Mayor Roberts announced that Item E is postpone.*

**F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A RESOLUTION IN SUPPORT OF HB 3504 A BILL CONCERNING COUNTY ASSISTANCE DISTRICTS AS REQUESTED BY FORT BEND COUNTY PRECINCT 3 COMMISSIONER ANDY MEYERS**

*C.J. Snipes, City Manager, stated that the Commissioner reached out to the city for support with HB 3504. These county assistance districts can help with the construction, maintenance, or improvement of roads, highways, etc. The proposed bill 3504 would greatly expand the applicability of resources which could also benefits cities with infrastructure projects.*

*A motion was made by Council Member Krenek to approve a resolution in support of HB 3504 a bill concerning County Assistance Districts as requested by Fort Bend County Assistance Districts as requested by Fort Bend County Precinct 3 Commissioner Andy Meyer. It was seconded by Council Member Ridge. The motion was carried by the following vote:*

*Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan  
Nays: None*

**G. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2017-343 A RESOLUTION OF THE CITY OF FULSHEAR FINDING THAT CENTERPOINT ENERGY HOUSTON, LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISRIBUTION COST RECOVER FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 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 PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL**

*C.J. Snipes, City Manager, provided an overview to the Council.*

*A motion was made by Council Member Krenek to approve Resolution no. 2017-343 a resolution of the city of Fulshear finding that CenterPoint energy Houston, llc's application for approval to amend its distribution cost recover factor pursuant to 16 tex. admin. code § 25.243 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 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 Ashley.*

*The motion was carried by the following vote:*

*Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan  
Nays: None*

**H. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2017-1246 AN ORDINANCE OF THE CITY OF FULSHEAR REPEALING ORDINANCE NO. 1986-727 REGARDING PERSONNEL HANDBOOK AND ADOPTING NEW EMPLOYEE HANDBOOK**

*Paula Ryan, Assistant City Manager, provided an overview to the Council. She stated that this handbook would*

replace the employee handbook that was adopted over 30 years ago (referring to the current employee handbook of 1986).

Council Member Krenek asked the assistant city manager to discuss the policy regarding employees holidays and the paid leave time. Ms. Ryan, Assistant City Manager, provided an explanation to Council Member Krenek. There were approximately three minutes of discussion among Council Member Krenek and Ms. Ryan.

A motion was made by Council Member Ridge to approve Ordinance No. 2017-1246 an ordinance of the City of Fulshear repealing Ordinance No. 1986-727 regarding Personnel Handbook and adopting new Employee Handbook. It was seconded by Council Member Krenek. The motion was carried by the following vote:

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

**I. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE PETITION FOR ANNEXATION AS CONTAINED IN THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT FOR THE PROPERTY DESCRIBED THERE – IN AS PHASE 2 BEING AN 89.25 ACRE TRACT OF LAND OUT OF THE RESTRICTED RESERVE A OF THE LAMAR C.I.S.D. HIGH SCHOOL NO. 5 COMPLEX; DIRECTING STAFF TO DRAFT AN ANNEXATION CALENDAR AND SERVICE PLAN FOR SAID PROPERTY**

C.J. Snipes, City Manager, presented an explanation to the Council.

A motion was made by Council Member Krenek to approve the petition for annexation as contained in the development agreement between the city and Lamar Consolidated independent school district for the property described therein as phase 2 being and 89.25 acre tract of land out of the restricted reserve A of the Lamar C.I.S.D. High School No. 5 Complex; directing staff to draft an annexation calendar and service plan for said property. It was seconded by Council Member Ridge. The motion was carried by the following vote:

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

**J. CONSIDERATION AND POSSIBLE ACTION TO APPROVE SPECIAL USE PERMIT FOR 8525, FM 359 SUITE 100 TO MODIFY USE WITHIN THE DOWNTOWN DISTRICT FROM COMMERCIAL: RETAIL TO COMMERCIAL: RESTAURANT/BAR**

C.J. Snipes, City Manager, introduced Michelle Killebrew, Building Official who provided a synopsis regarding the special use permit. A concern was parking. There were approximately a 30 minute discussion among the Council, restaurant owner, Sharif Al-amin, C.J. Snipes, City Manager and the building official, Ms. Killebrew. The discussion quickly turned to a debate. Mr. Al-amin stated his peak business would be from 6pm to 9p.m. Council Member Gill stated secure the six parking spaces in front and four spaces in the rear.

A motion was made by Council Member Krenek to approve Special Use Permit for 8525 FM 359 Suite 100 to modify use within the downtown district from commercial retail to commercial: restaurant/bar. It was seconded by Council Member Tristan.

A motion was made by Mayor Pro Tem Tristan to amend the motion and include 25 parking spaces after 7:00 p.m. It was seconded by Council Member Ashley. The motion was carried by the following vote:

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

Mayor Roberts stated we will now move back to the original motion. The motion was made by Ms. Krenek to approve the SUP with the following six conditions and seconded by Mayor Pro Tem Tristan.

1. ratio of gross revenue not to exceed 30%
2. parking lot in front of building must be striped
3. lease agreement must include shared parking arrangement
4. secure 25 spaces for parking after 7pm
5. offsite employee parking
6. one building sign (street frontage)

The original motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan

Nays: None

**K. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A TWO-YEAR CONTRACT EXTENSION WITH WCA, WASTE CORPORATION OF TEXAS, LP FOR SOLID WASTE**

Brant Gary, Executive Director of Planning and Development, presented to Council regarding renewing the solid waste contract. He stated that WCA (Waste Corporation of America) took over a previous contract that was held by Royal Disposal and Recycling, Inc. Council Members began a discussion. Council Member Krenek is concerned that residents are able to opt out of recycling and she desires for this not to happen. It was revealed that a number of residents of Cross Creek Ranch desires to have two (2) trash pick-up per week instead of one. The representative from WCA was present and also joined in the discussion. Council Member Gill inquired about the cost factor for twice a week pick-up but figures were not available. He also inquired as whether a month to month service can be continued until a further study can be conducted. Council Member Krenek reiterated the same.

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

Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan

Nays: None

Mayor Roberts announced that Item K has been postponed.

**L. CONSIDERATION AND POSSIBLE ACTION TO APPROVE DONATION DEED AND CONVEYANCE OF CERTAIN PROPERTY BY THE CITY FOR THE EXPANSION OF PHASE II OF FM 1093**

Sharon Valiante, Public Works Director, presented to Council. She stated that this donation deed outlines a piece of land (0.2382 acres) necessary to accommodate the road project and that Fort Bend County requested it. She stated that both our city attorney and city engineer have reviewed these documents and they have no objections.

A motion was made by Council Member Krenek to approve donation deed and conveyance of certain property by the City for the expansion of Phase II of FM 1093. It was seconded by Mayor Pro Tem Tristan. The motion was carried by the following vote:

Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan

Nays: None

Motion passes.

**M. CONSIDERATION AND POSSIBLE ACTION TO RECEIVE AND APPROVE THE CITY'S ANNUAL AUDIT AND FINANCIAL STATEMENT FOR THE YEAR ENDING SEPTEMBER 30, 2016 PRESENTED BY WHITLEY PENN**

*Mayor Roberts introduced Chris Breaux, representative from Whitley Penn.*

*He provided some background information. He provided two documents to the Council. One was the financial report year ending 9-30-2016 and the video presentation regarding audit for Fiscal Year 2016. The City received a rating of "clean" which is the highest level of assurance that can be given on a financial statement. He spent about 30 minutes reviewing figures regarding government activities, business activities, and cash and investment balances. He stated that this financial report is designed to provide a general overview of the City's finances. For all of his comments, request a copy of the tape recording.*

*A motion was made by Council Member Gill to approve the City's Annual Audit and Financial Statement for the year ending September 30, 2016 presented by Whitley Penn. It was seconded by Council Member Ashley. The motion was carried by the following vote:*

*Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan  
Nays: None*

*Motion passes.*

*Mayor Roberts read item N. City Manager, C.J. Snipes, requested this item be discussed in Executive Session.*

*A motion was made by Mayor Pro Tem Tristan to enter into Executive Session. It was seconded by Council Member Gill. The motion was carried by the following vote:*

*Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan  
Nays: None*

*Mayor Roberts announced that Council would enter into Executive Session at 8:57 p.m. and a quorum was present.*

*Mayor Roberts announced that Council would reconvene back into Regular Session at 10:10 p.m. and a quorum was present.*

*Mayor Roberts stated that staff has requested a postponement of Item N and Item O.*

*A motion was made by Mayor Pro Tem Tristan to postpone Item N and Item O. It was seconded by Council Member Krenek. The motion was carried by the following vote:*

*Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan  
Nays: None*

**VI. EXECUTIVE SESSION-CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE**

*Mayor Roberts read Section 6 of the agenda (Executive Session.....)*

*A motion was made by Mayor Pro Tem Tristan to enter into a second Executive Session. It was seconded by Council Member Ridge. The motion was carried by the following vote:*

*Ayes: Council Member Ashley, Gill, Krenek, Ridge, and Tristan  
Nays: None*

Mayor Roberts announced that Council was entering into Executive Session at 10:11 p.m. and a quorum was present.

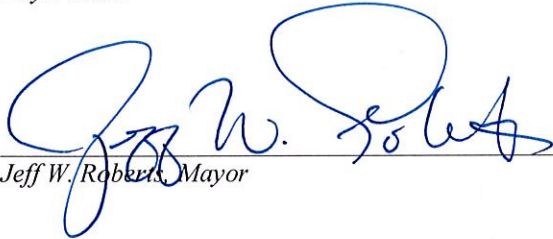
Mayor Roberts announced that Council was entering back into Regular Session at 10:46 p.m. and a quorum was present.

Mayor Roberts asked if there was any action to be taken. Council was silent.

**VII. ADJOURNMENT**

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

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

  
\_\_\_\_\_  
Jeff W. Roberts, Mayor

Attest:  
  
\_\_\_\_\_  
D. (Diana) Gordon Offord, City Secretary

