



# *CITY OF FULSHEAR*

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

---

## **CITY COUNCIL MINUTES MARCH 15, 2016**

### **I. CALL TO ORDER**

A Regular Meeting of the Fulshear City Council was called to order by Thomas C. Kuykendall, Jr., Mayor at 7:01 p.m. Mayor Kuykendall announced that Council Member Ridge is out of town.

#### Members Present:

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

#### Members Absent:

Ramona Ridge

#### City Staff Present:

D. (Diana) Gordon Offord, City Secretary  
Kenny Seymour, Chief of Police  
Valerie Bryant, Court Administrator  
Michelle Killebrew, Building Official  
Toni Velie, Utility Bill Clerk  
Kristina Brashear, Finance Director  
C.J. Snipes, City Administrator  
Tim Kirwin, Assistant City Attorney  
Angela Fritz, Economic Development Director

#### Others Present:

Rhonda Kuykendall  
Shannon Purcell  
Derek Einkauf  
Viola Randle  
Marle E. Glover  
Sonya Simmons  
Danny Curtis

**FULSHEAR CITY COUNCIL MINUTES  
MARCH 15, 2016  
PAGE 2**

Continue- Others Present:

Marcia Simmons

William Conlan

Tim & Karen O'Neill

C. J. McDaniel

Cherryl Finney

Nolan Donald

Rob Johnson

And 20 others who did not sign in

**II. QUORUM**

Mayor Kuykendall announced that a quorum was present.

**III. INVOCATION- REV. NOLAN DONALD, WORDSERVE METHODIST CHURCH, FULSHEAR, TEXAS**

Reverend Nolan Donald led the audience in prayer.

**IV. PLEDGE OF ALLEGIANCE**

Mayor Kuykendall led the audience in 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**

Mayor Kuykendall provided an explanation regarding the difference between the Citizens Comments and the Public Hearing Comment. He stated that the citizen comments would be limited to three minutes.

Mayor Kuykendall did a roll call for those individuals that had signed up to speak. Many of the individuals chose to wait to give their comments during the discussion of the agenda item.

Marcia Simmons stated she would like to get an agreement from the City of Fulshear to use the Irene Stern Community Center as a meeting place for Arts Fulshear at a reduced rate. (request a copy of tape recording all comments)

William Conlan – lives near Randolph Elementary in Cross Creek Ranch –needs some assistance with parking along the cul sac. During the drop off and pick up time for the school many vehicles cut through his section and cause a problem for the residents who live on that street such as getting blocked in their own driveways and street blocked. The residents of the cul sac has approached the developer but issues not resolved. (request tape recording for all comments). Mr. Conlan is requesting posting of “no parking” signs.

C. J. McDaniel stated he has heard several rumors regarding the home rule charter from residents and that certain members of the City are miss representing the proposed charter. Mr. McDaniel wants to provide the public with the facts regarding the proposed charter. (request copy of tape recording for all of the comments)

Cherryl Finney- a resident of Bois D’Arc. Ms. Finney is requesting an apology from Council Member Ridge because she called me (referring to herself) a liar. Ms. Finney is requesting that Jeff Roberts, Tajana Mesic, and Ramona Ridge resign their seats on all committees while serving on Council. Ms. Finney states these

**FULSHEAR CITY COUNCIL MINUTES  
MARCH 15, 2016  
PAGE 3**

committees should be made of residents and not Council Members. (request copy of tape recording for all of the comments). Ms. Finney asked for quick action to be taken.

Mayor Kuykendall asked if anyone else wished to speak now. The audience was silent.

**VI. PUBLIC HEARING – SPECIAL USE PERMIT**

Notice is hereby given that a Public Hearing shall be held by the CITY COUNCIL of the City Fulshear at its meeting MARCH 15, 2016 at 7:00 P.M., in the Fulshear City Hall, Council Chambers located at 30603 FM 1093 West, Fulshear, Texas 77441.

The purpose of the hearing is to receive comments from interested individuals regarding request for Special Use Permit in the downtown area.

The property owner has requested for a Special Use to allow vacant land within the downtown district to build commercial buildings for use of: Business, Retail, & Restaurant.

Property Address: 8411 FM 359

Zoning: Downtown District

Legal Description: 1.550 ac- lots 1-9, Block 7, Fulshear, Texas

Current use: Vacant Land

Represented by Property Owner: Rob Johnson Interests

A copy of the Special Use Permit Request is available for review. Please contact the office of the City Secretary, D. (Diana) Gordon Offord, City Hall, 30603 FM 1093 West, Fulshear, Texas 77441 for more information or telephone 281-346-1796 X204.

Posted: February 9, 2016

Mayor Kuykendall announced that the Public Hearing was opened at 7:17 p.m. Ms. O'Neill announced that it is not just vacant land as it consist of two houses and a pool.

Tim O'Neill states this proposed development is closer to residents and that he submitted a letter to the city in February with 13 bullets of concerned for him. He stated he wanted to know how the city will address these, through ordinances. He stated he has received some information regarding from some other city officials and he recommends the city take more time to look at all the aspects of this project. (requested a copy of the tape recording for all the comments).

Council Member Krenek wanted to see a copy of the letter.

Michelle Killebrew stated she received a copy of Mr.Oneil's letter and most of it concerned "drainage" and height of the building. Ms. Killebrew stated she is reviewing the concerns and most in regards when construction has begun.

Daniel Curtis requesting the developer to remove the 16 back parking spaces and put in landscaping to provide a barrier between resident and commercial. He stated that would give them privacy so they do not have to look at a parking lot when walking onto their front porch. (request a copy of tape recording for all the comments).

Sonya Simmons reiterated that she and other neighbors also do not want to see a parking lot and wanted the 16 spaces shielded. (request a copy of tape recording for all the comments).

**CITY COUNCIL MINUTES  
MARCH 15, 2016  
PAGE 4**

Derek Einkauf- Planning and Zoning Chairman of the City of Fulshear

He stated that he is a resident of the City and a business owner in this town. He stated that this development has spent nine (9) months prior to bring this development to town. He provided an overview regarding this project. He stated prior to this meeting there was no opposition. He stated we should not be asking more of one developer versus another. He stated this developer should not be put through any more delays. (request a copy of tape recording for all the comments.)

Karen O'Neill stated that Ms. Einkauf does not live in the neighborhood. We do not have any response from the city. Ms. O'Neill states her yard backs up to the parking lot of this proposed business. I do not want someone driving into my back yard. Ms. O'Neill got in a hot debate with Mr. Einkauf. Mayor Kuykendall interrupted and asked that responses be addressed to the City Council.

Michelle Killebrew stated that a lot of questions that the residents wanted answers too happens after the platting phase and that the city had not ignored any of the concerns.

There was a heated debate among the audience and speakers. It continued for another 20-30 minutes.

Mayor Kuykendall asked the Assistant City Attorney, Tim Kirwin, to provide a perspective regarding the Special Use Permit.

Tim Kirwin, Assistant City Attorney, provided an overview of the requirements regarding the Special Use Permit. Currently this location is only dealing with the appropriate use of the property and platting.

Owen BeMent stated he thinks Derek and the attorney has answered his question but reiterated the question again. Mr. BeMent stated this is not approving any plans for structure or building or design and that only to let the purchaser know the land is suitable for a business. (request a copy of tape recording for all the comments).

Tim Kirwin responded to Mr. BeMent question. Also, Derek Einkauf provided input.

Sherri BeMent asked if Council moved forward on this issue, could they require the developer to remove the 15 parking spots and replace with s buffer of some kind.

Tim Kirwin responded. This particular issue continued to spark remarks from various members of the audience.

Tim O'Neill stated that it appears the City of Fulshear does not have a lot of ordinances pertaining to the concerns stated in his letter to the City. Mr. O'Neill fears that the developer can do what it wants because the city has no ordinances. Will the developer be pouring concrete at 2AM or on Sunday? The City needs to address the needs of the citizens. (request a copy of tape recording for all the comments).

Bijay Aryal stated he wants the City Council look at what the residents are requesting. (request a copy of tape recording for all the comments).

The discussion continued among the audience, members of Council, and the City Attorney. Mayor Kuykendall stated that Zoning was adopted in 2012 and thanked everyone for their comment. The Public Hearing was closed at 7:56 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 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 Fulbrook on Fulshear Creek Section 9/Final Plat
- B. Consent and Approval of Fulshear Bend Dr. Extension No. 2/Cross Creek Ranch/ Preliminary Plat
- C. Consent and Approval of Creek Cove at Cross Creek Ranch Section 9/Cross Creek Ranch/ Preliminary Plat
- D. Consent and Approval of Willows at Cross Creek/Cross Creek Ranch Section 1/ Preliminary Plat
- E. Consent and Approval of The Market at Cross Creek Ranch SWC,LLC/Final Plat
- F. Consent and Approval of The Brooks at Cross Creek Ranch Section 1/Partial Replat 1/Final Plat
- G. Consent and Approval of Tamarron Section 1/Partial Replat/Final Plat
- H. Consent and Approval of Sugar Creek Montessori Fulshear/Preliminary Plat
- I. Consent and Approval of ALDI Cross Creek Ranch/ Final Plat
- J. Consent and Approval of Master Signage Plan for Jordan Ranch
- K. Consent and Approval of West Cross Bend Lane Extension No. 3/Cross Creek Ranch/Preliminary Plat
- L. Consent and Approval of Minutes from the February 11 and February 16, 2016 meetings

Council Member Krenek requested L be removed from the Consent Agenda. Council Member Mesic requested that item "I " be removed from the Consent Agenda.

A motion was made by Council Member Krenek to removed Items I and L from the consent agenda. It was seconded by Council Member Mesic. The motion was carried by the following vote:

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

Nays: None

Absent: Council Member Ridge

A motion was made by Council Member Roberts to approve items A through K with the exception of " I ". It was seconded by Council Member Krenek. The motion was carried by the following vote:

Mayor Kuykendall announced that we are now ready for item I to be discussed as separate item. Council Member Mesic wanted to know what the plan is for buffering concerning the "AIDI Store".

A representative named Mike responded to Council Member Mesic question. He stated that they only have one truck delivery per day. Council Member Tristan asked about the deliveries again. He also stated there will be landscaping along the fence to use as a buffer. Council Member Krenek shared comments with the developer (request tape recording for all comments).

**CITY COUNCIL MINUTES  
MARCH 15, 2016  
PAGE 6**

A motion was made by Council Member Mesic to approve item I (consent and approval of ALDI Cross Creek Ranch /Final Plat). It was seconded by Council Member Krenek. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Roberts, and Tristan  
Nays: None  
Absent: Council Member Ridge

Mayor Kuykendall stated we now have discussion on item L, the minutes.  
Council Member Krenek stated that the last day to register to vote in May 7, 2016 should reflect that April 7 is the last day to register to vote and not the earliest.

Council Member Mesic also stated in February 16, 2016 minutes references regarding public comments would be handout to the Council and Council Member Mesic did not get her copies. Mayor asked if Council received copies- only Council Member Krenek responded.

Council Member Krenek made a motion that item L (February 11 and February 16, 2016 minutes) be approved subject to the amendments stated. It was seconded by Mayor Pro Tem Roberts. The motion was carried by the following vote:

Ayes: Council Member Krenek, Mesic, Roberts, and Tristan  
Nays: None  
Absent: Council Member Ridge

Council Member Mesic stepped out of the chamber at 8:06 p.m. and returned at 8:08 p.m.

**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

Mayor Kuykendall introduced the new Economic Development Director, Angela Fritz.

**A. Report from Severn Trent Water Company (Repairs, New Installations, and reports to TCEQ)**

Jason Demel provided a report from Severn Trent Water Company to the Council. No action taken.

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

Kenny Seymour provided a report from the Police Department to the Council. No action taken.

Council Member Krenek stepped out of the chamber at 8:08 p.m. and returned at 8:10 p.m.

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

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

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

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

VIII. **BUSINESS**

**A. Consideration and possible action to approve checks paid and payables from February 27, 2016 through March 11, 2016**

Council Member Krenek and Council Member Mesic had questions for the Finance Director, Kristina Brashear. Ms. Brasher responses were satisfactory.

A motion was made by Council Member Tristan to approve checks paid and payables from February 27, 2016 through March 11, 2016. It was seconded by Council Member Krenek. The motion was carried by the following vote:

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

Nays: None

Absent: Council Member Ridge

**B. Consideration and possible action to approve contract between the City of Fulshear and Siemens for the conversion of the City's water meters from manual read installation of Automated Meter system including the creation of a customer web portal**

C. J. Snipes, City Administrator, provided an overview to Council regarding this proposed contract agreement. The Council, Finance Director, Kristina Brashear, C. J. Snipes, City Administrator, and a representative from Siemens had a discussion regarding the cost for the project. Mayor Kuykendall stated we have gone through a couple of presentations and think this will be better for the City. Mayor Kuykendall expressed his gratitude to Siemens for all their hard work.

A motion was made by Council Member Krenek to approve contract between the City of Fulshear and Siemens for the conversion of the City's water meters from manual read installation of automated meter system including the creation of a customer web portal with a cost of \$1, 998, 100.00 dollars. It was seconded by 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

**C. Consideration and possible action to approve Ordinance No. 2016-1211 an Ordinance of the City of Fulshear approving 2016 Local option property tax exemptions**

A motion was made by Council Member Mesic to approve Ordinance No. 2016-1211 and ordinance of the City of Fulshear approving 2016 Local option property tax exemptions. It was seconded by Council Member Krenek. The motion was carried by the following vote:

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

Nays: None

Absent: Council Member Ridge

**D. Consideration and possible action to approve Ordinance No. 2016-1212 an Ordinance of the City of Fulshear approving a Special Use Permit to allow vacant land within the Downtown District to build**

**commercial buildings for the following uses: business, retail, and restaurant on application of the owner Robb Johnson Interests**

Derek Einkauf stated the purpose of this hearing were there any objections and there were none. Mr. Einkauf stated that Mr. Johnson has addressed all the issues that were given to him. Mr. Einkauf stated that we do not need to use the City's lack of ordinance regarding this project. He stated all the conditions for this SUP (Special Use Permit) has been met.

Council and audience began to mumble among themselves.

Mr. Johnson provided a copy of his plan for the site to the Council. Mayor Kuykendall opened the floor to Mr. Johnson to address the Council.

Mayor Pro Tem Roberts stated that if the special use is approved (which mean changing the property from residential to commercial), this developer still will have to come back to building services and present his lay-out for the building and all city ordinances must be met. Attorney Kirwin stated "yes" and went on to address/clarify the procedure.

Council Member Krenek asked if we are changing residential to commercial but limiting it to business retail, restaurant?

City Administrator, C. J. Snipes, responded. This started another 45 minutes debate with the Council Members, audience, developer, and the Assistant City Attorney, Tim Kirwin. They could not agree how the parking would be handled. The concern was for safety, residents having a sea of cars in their front door or back door, satisfy parking for the developer. (for all comments, request a copy of the tape recording)

Council Member Krenek asked for a recess.

Mayor Kuykendall announced that Council enter into recess (Executive Session) at 9:10 p.m.

Mayor Kuykendall announced that Council would re-enter into Regular Session at 9:37 p.m. A quorum was present.

Mayor Kuykendall stated there has been a lot of discussion on the Special Use Permit and he would open the discussion back to the Council.

Council Member Krenek address the Council and audience. She reiterated various points that had been made during the prior discussion. (request tape recording for individual comments).

A motion was made by Council Member Krenek to approve Ordinance No. 2016-2012 an ordinance of the City of Fulshear approving a Special Use Permit to allow for business, retail, and restaurant on the application. It was seconded by Mayor Pro Tem Roberts.

Mayor Kuykendall opened it up for discussion.



**CITY COUNCIL MINUTES  
MARCH 15, 2016  
PAGE 9**

Council Member Mesic stated that we need to consider the request of the residents also. She stated she respects Mr. Johnson position ,however, wants the Council to take a serious look as they are making a precedence either way.

Council Member Tristan stated we are very close to making both the developer and residents happy but thinks if we do a variance for the center landscaping (off Wilson Street) reducing the parking spaces from 81 to 73. ( request tape recording for all comments)

C. J. Snipes, City Administrator, stated this is just to approve for the Special Use Permit and afterward when plans are submitted, then these type of issues can be addressed.

Mayor Pro Tem Roberts asking what is being said.

Michelle Killebrew, Building Official, added a few comments.

City Attorney Tim Kirwin read the criteria for the Special Use Permit to the Council.

There was a debate among the Council Members. Again, this discussion continued for another 45 minutes. (request tape recording for all the comments)

Council Member Mesic wants to approve this ordinance with conditions.

Council Member Krenek asked about current motion on the floor.

Mayor Kuykendall stated that we have a motion on the floor to approve Ordinance No. 2016-1212 without any conditions.

Council Member Krenek re-stated that she would like to make a motion to approve Ordinance No. 2016-1212 an ordinance of the City of Fulshear approving a Special Use Permit to allow commercial buildings for the following uses: business, retail and restaurant.

Council Member Mesic stated she would like to make a motion to approve Ordinance No. 2016-1212 an ordinance of the City of Fulshear approving a Special Use Permit to allow vacant land within the Downtown District to build commercial buildings for the following uses: business, retail, and restaurant on applications of the owner Rob Johnson Interests with the condition of no off street Parking on Wilson and adding a landscape buffer which I am not sure we want to include or not.

(There was a whispering among the group for a few seconds). Council Member Tristan asked if she can do both.

Mayor Kuykendall asked Council Member Mesic whether she was making a motion to amend the current motion and seconded on the floor to include to no off street parking on Wilson, adding a landscape buffer, also allowing for internal landscaping, a parking espionage to include that can provide additional parking spaces. It was seconded by Council Member Tristan.

Mayor Kuykendall opened up for discussion again.

Council Member Tristan stated she wants a "ace hardware" here and think eight parking spaces want break it. (for all pros and cons provided by Council Member Tristan, request copy of tape recording)

Mayor Pro Tem Roberts provided his pros and cons regarding this project. (request tape recording for all the comments) He voiced being helpful to the developer yet while respecting the residents also.

Mayor Kuykendall re-stated the amendment motion on the table.

**CITY COUNCIL MINUTES  
MARCH 15, 2016  
PAGE 10**

Council Member Krenek stated she could appreciate everyone's view, however, we are treating people differently. (for all comments, request tape recording)

Council Member Mesic asked a question from City Administrator, C. J. Snipes regarding off street parking. Mr. Snipes provided a response.

Council Member Tristan asked about the parking at a pre-existing business down the street. (the hair salon). Mr. Snipes provided a response.

There was another debate among the Council Members regarding parking.

Council Member Tristan asked if there could be an amendment if it is backing up into a residence. Mayor Pro Tem stated this type of situation should be handled in an change of ordinance.

Mayor Kuykendall called for Council's attention to an amendment to main motion and seconded already on the table. He called for a vote. Mayor Kuykendall stated we have an amendment to the main motion. The motion was carried by the following vote:

Ayes: Council Members Mesic, Roberts, and Tristan

Nays: Council Member Krenek

Absent: Council Member Ridge

A motion was made by Council Member Mesic to accept Ordinance No. 2016-2012 an ordinance of the City of Fulshear approving a Special Use Permit to allow vacant land with the downtown district to building commercial buildings for the following uses: business, retail, and restaurant with the following conditions off street parking and a buffer. It was seconded by Mayor Pro Tem Roberts.

Mayor Kuykendall announced that we have a motion on the floor to approve Ordinance No. 2016-2012 with condition of no off street parking and a buffer. Mayor Kuykendall called for a vote:

Ayes: Council Members Mesic, Roberts, and Tristan

Nays: Council Member Krenek

Absent: Council Member Ridge

**E. Consideration and possible action to approve contract between the City of Fulshear and Freese and Nichols, Inc. for the provision of Professional Services related to the creation of a Water and Waste Water Master Plan**

Mayor Kuykendall read item E. Mayor Kuykendall stated that he just learned that Freeze and Nichols are doing a project with his partner down in Victoria so he is excusing himself. Mayor Kuykendall announced that he has filed a conflict of interest form with City Secretary, D. Gordon Offord. Mayor Pro Tem Roberts took charge of the meeting.

C. J. Snipes, City Administrator, gave an overview to the Council. Council Member Krenek asked a couple of questions. Mr. Snipes provided a response.

A motion was made by Council Member Mesic to approve contract between the City of Fulshear and Freese and Nichols, Inc for the provision of Professional Services related to the creation of a water and

**CITY COUNCIL MINUTES  
MARCH 15, 2016  
PAGE 11**

waste water master plan. It was seconded by Council Member Krenek. The motion was carried by the following vote:

Ayes: Council Members Krenek, Mesic, Roberts, and Tristan  
Nays: None  
Absent: Council Member Ridge

Mayor Pro Tem Roberts announced that the meeting is now back in the hands of Mayor Kuykendall.

Mayor Kuykendall stated we are up to item nine (9) and may we have a motion to adjourn.


**IX. ADJOURNMENT**

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

Ayes: Council Members Krenek, Mesic, Roberts, and Tristan  
Nays: None  
Absent: Council Member Ridge

Mayor Kuykendall announced that we are adjourned at 10:22 p.m.

**Approved:**

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

**Attest:**

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