



CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

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

www.fulsheartexas.gov

CHARTER COMMISSION MINUTES

August 25, 2015

I. CALL TO ORDER

A Regular Meeting of the Fulshear Charter Commission was called to order by Chair CJ McDaniel at 6:35 p.m. on Tuesday, August 25, 2015 in Irene Stern Community Center at 6920 Katy-Fulshear Road, Fulshear Texas and all citizens were welcomed.

Members Present:

*Bill Archer
Larry Beustring
John Dowdall
Cherryl Finney
Ken Knapp
C.J. McDaniel
James Molina
D.E. (Gene) Morgan
Kent Pool
Carolyn Randle
Polly Royer
Randy Stacy*

Members Absent:

Erma Beal

City Staff Present:

*Lynn Raymer, Executive Assistant
Tommy Kuykendall, Mayor
Diana Offord, City Secretary*

Others Present:

*Ramona Ridge, City Council Member
Tricia Krenek, City Council Member
Shannon Purcell, West Fort Bend Buzz
Julie Dowdall
Alena Heede
E Burnes*



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Grady Randle

Byron Brown

Other present that did not sign in

II. QUORUM

A quorum was present.

III. APPROVE MINUTES

Member Archer motioned to approve the August 11, 2015 minutes as written.

Second by Member Pool.

Motion was carried by the following vote:

Ayes: All in favor

Nays: None opposed

IV. COMMENTS FROM THE PUBLIC (for matters not on the agenda)

There were no comments from the public.

V. APPROVE DRAFT OF CHARTER SECTION PREVIOUS MEETING

Attorney Brown indicated that decisions have not been made which affect the decisions made at the last meeting and the corresponding Charter Sections. Due to those pending decisions, Attorney Brown has not been able to draft the Charter Sections corresponding with the decisions made. This topic will be tabled for now and readdressed as the appropriate decisions are made.

VI. DISCUSSION OF AND POSSIBLE ACTION ON

A. **Report from Attorney Grady Randle on redistricting experts (Professors) and final size and composition of Council.**

Attorney Randle indicated that, due to the schedules of the redistricting experts, they are not able to attend the meetings but discussed the topic with Attorney Randle at length. Attorney Randle presented the Commission members with highlights from his discussion via telephone with the redistricting experts and answered all questions Commission members had.

Additionally, Attorney Randle reiterated the Commissions previous decision to have a council size of 7 members comprised of 5 single district members and 2 at large members.



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B. Authority of Mayor

Attorney Brown advised the Commission of an additional State requirement, effective September 1, 2015, that elected officials must be a registered voter. Attorney Brown discussed the State of the City address with regard to including it in the Charter. Currently, although not required, the State of the City address has been given in December the past 4 years. If it is not in the Charter, the City could still have an annual State of the City address, but it would not be a requirement. Commission members discussed the advantages and disadvantages of an annual State of the City address included in the Charter

Motion by Member Beustring that a State of the City Address shall be required of the Mayor annually.

Second by Member Dowdall.

Further discussion regarding requiring an annual State of the City address.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

Attorney Brown discussed boards and commissions and explained the difference between appointed positions, elected positions and hired positions. Currently, the Mayor, the City Administrator, or both submit appointments for various boards and commissions for Council's approval.

Motion by Member Archer that members of boards and commissions shall be appointed by the Mayor with Council's approval.

Second by Member Beustring.

Further discussion regarding appointment of boards and commissions.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

Attorneys Randle and Brown discussed the appointment of City officers, such as City secretary, judge, police chief, City engineer and City attorney(s). Additionally, Attorney Brown discussed the City Administrator's and Mayor's roles in preparing the annual City budget. No action was taken on these topics.



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C. Authority of Council

Attorney Randle discussed the role of the City Attorney in representing the City, including duties and responsibilities owed to the City Council in relation to other offices within the City.

Motion by Member Pool that the City Attorney shall be appointed by and responsible to the City Council.

Second by Member Molina.

Further discussion regarding retention of City attorney(s), including the advantages and disadvantages of "in-house" city attorneys and outsourced city attorneys.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

Attorney Brown discussed City Council's investigation authority with regard to identifying potential issues within a City department. Attorney Brown read aloud model language addressing a Council's investigation authority. Commission members discussed the topic and the check and balance advantages and disadvantages.

Motion by Member Molina to authorize City Council to investigate any city department, office, or agency, and to subpoena witnesses, administer oaths, take testimony, and require the production of evidence for the purpose of investigation.

Second by Member Dowdall.

Further discussion regarding Council's investigation authority.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

Attorney Brown discussed the responsibilities and current appointment process of the City's Municipal Judge.

Motion by Member Dowdall that the Municipal Judge shall be appointed by City Council.

Second by Member Molina.

Further discussion regarding Council's appointment of Municipal Judge.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed



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D. Elections

Attorney Brown discussed the recent amendment to the election code regarding a municipality changing the date of a general election from May to November. The deadline for such change is December 31, 2016, and cities will have until this date to make the change if they choose to. Attorney Brown answered Commission Member questions regarding the advantages and disadvantages of changing the date of general election.

Motion by Member Molina that the City's general election shall be held on the uniform election date in May.

Second by Member Beustring.

Further discussion regarding elections.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

Attorney Randle discussed potential vacancies in Council, Commissions or Committees. Currently a single vacancy may be filled by appointment, and two or more vacancies existing at the same time must be filled by special election.

Motion by Member Dowdall that a single vacancy may be filled by appointment, and two or more vacancies existing at the same time must be filled by special election.

Second by Member Royer.

Further discussion regarding the timing of filling a vacant position. Attorney Brown provided clarification.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

E. Council meetings

Attorney Brown discussed the frequency of City Council meetings and provided examples of neighboring cities' schedule of council meetings. Currently, City of Fulshear Council meets one time per month. Commission Members asked if Council could have a special meeting occur between regularly scheduled meetings. Attorney Brown indicated that special council meetings can occur, provided proper notice is given.

Motion by Member Beustring that City Council shall meet no less than one time per month, and may call special meetings as necessary.



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Second by Member Molina.

Further discussion regarding Council meetings.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

Attorney Brown discussed how general law relates to the vacancy of a Council seat if a Council member misses a specific number of meetings. Currently, a Council member's seat would be deemed vacant if they miss 3 consecutive regular meetings unless prior approval had been given.

Motion by Member Archer that if a member of council or the mayor is absent for three regular consecutive meetings, their office is considered vacant unless they are sick or have first obtained a leave of absence at a regular meeting.

Second by Member Stacy.

Further discussion regarding specifications of a vacated seat. Attorney Brown provided clarification regarding the quantity and timing of missed meetings with regard to illness or prior leave approval.

Motion carried with the following vote:

Ayes: Members Archer, Beustring, Dowdall, Finney, Knapp, McDaniel, Morgan, Pool, Randle, Royer, Stacy

Nays: Member Molina

Attorney Brown discussed Council's option to adopt Rules of Procedure for Council meetings. Currently, Fulshear City Council uses Robert's Rules but has not officially adopted Robert's Rules.

Motion by Member Pool that City Council shall adopt rules of procedure governing council meetings.

Second by Member Archer.

Further discussion regarding Council's adoption of a procedural plan.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

Attorney Brown discussed public comment at council meetings, including that state law does not require public comment, but that some cities' charters do. Although not



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required, Fulshear City Council regular meetings allow public comments at the beginning of the meeting. Comments are limited to 3 minutes per speaker.

Motion by Member Dowdall that City Council shall permit public comment at all regular council meetings, provided that all persons who speak must sign in with the City Secretary prior to the meeting being called to order and that no individual may speak for more than three minutes.

Second by Member Beustring.

Further discussion regarding a provision for comments by the public. Member Archer addressed past council issues when individuals speak at length as well as when others would sign up to speak and then relinquish their speaking time to another individual.

Motion failed with the following vote; however, roll was not called:

Ayes: 3 Members

Nays: 9 Members

Motion by Member Dowdall that Council shall provide for public comment at regular meetings in rules of procedure adopted by City Council, which shall permit persons to speak for at least three minutes each, provided that they sign in with the City Secretary prior to the meeting being called to order, and which may include other limitations as determined by City Council.

Second by Member Pool.

Further discussion regarding a provision for comments by the public.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

Due to the late hour, the additional agenda items will be covered at the Tuesday, September 15, 2015 meeting.

VII. ADJORNMENT

Member Dowdall motioned to adjourn at 8:53pm

Second by Member Pool.

The motion was carried by the following vote:

Ayes: All members

Nays: None



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Chairman McDaniel announced that we are now adjourned.



C.J. McDaniel – Chairman

Attest:



Lynn Raymer – Executive Assistant