



# *CITY OF FULSHEAR*

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441  
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## **SPECIAL CITY COUNCIL WORKSHOP MINUTES JANUARY 5, 2016**

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

A Special Workshop Meeting of the Fulshear City Council was called to order by Mayor Thomas C. Kuykendall, Jr., on Tuesday, January 5, 2016 at 6:37 p.m. in the City Hall located at 30603 FM 1093 Road, Fulshear, Texas 77441 and all citizens were welcomed.

#### Members Present:

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

#### City Staff Present:

D. (Diana) Gordon Offord, City Secretary  
C. J. Snipes, City Administrator  
J. Grady Randle, City Attorney  
Byron Brown, Asst. City Attorney  
Tim Kirwin, Asst. City Attorney  
Michael Ross, Asst. City Administrator  
Kenny Seymour, Chief of Police, came at 6.55 p.m.

#### Others:

Shannon Purcell  
Laurie Szantay  
Owen BeMent  
Heede  
And 23 others who did not sign in

### **II. QUORUM**

Mayor Kuykendall announced that all Council Members are present.

### **III. PUBLIC HEARING**

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“6:30 p.m. Open Public Hearing to receive input from the public on a proposal for the City of Fulshear, Texas, to annex the following land into the corporate limits of the City by voluntary petition of landowner(s):

Being 270.4820 acres of land located in the Churchill Fulshear League, Abstract 29, and in the John Randon League, Abstract 76, Fort Bend County, Texas being a portion of that certain called 131.863 acre tract conveyed to Fulshear Equine, LLC. by an instrument of record in File Number 2012149212 of the Official Public Records of said Fort Bend County, Texas (F.B.C.O.P.R), said 131.863 acres described in File Number 2006025582, F.B.C.O.P.R., a portion of that certain called 27.806 acre tract conveyed to Fulshear Equine, LLC. by an instrument of record in File Number 2008115118, F.B.C.O.P.R., a portion of that certain called 50.0 acre tract conveyed to Fulshear Equine, LLC. by an instrument of record in File Number 2012149212, F.B.C.O.P.R., a portion of that certain called 125.380 acre tract conveyed to Fulshear Investments by an instrument of record in Volume 2519, Page 212, Official Records of Fort Bend County, Texas (F.B.C.O.R), and a portion of that certain 41.2 acre tract conveyed to Fulshear Investments by an instrument of record in File Number 9573103, F.B.C.O.R.,

Mayor Kuykendall announced the First Public Hearing opened at 6:37 p.m. There were no comments from the audience.

Close Public Hearing”

Mayor Kuykendall announced the Public Hearing is closed at 6:38 p.m.

Mayor Kuykendall announced that Council would move on to other Business and he would like to take items A-F since the attorneys and representatives are here from Fulshear Investments, Inc., Fulshear Equine, LLC. And Mason Equest Investment, Inc. and they are inter-related if there is no objection from Council. The Council was silent.

Mayor Kuykendall read Business items A through F aloud.

See Business Section A-F for written documentation.

“6:45 p.m. Open Public Hearing to receive input from the public on a proposal for the City of Fulshear, Texas, to annex the following land into the corporate limits of the City by voluntary petition of landowner(s):

Being 270.4820 acres of land located in the Churchill Fulshear League, Abstract 29, and in the John Randon League, Abstract 76, Fort Bend County, Texas being a portion of that certain called 131.863 acre tract conveyed to Fulshear Equine, LLC. by an instrument of record in File Number 2012149212 of the Official Public Records of said Fort Bend County, Texas (F.B.C.O.P.R), said 131.863 acres described in File Number 2006025582, F.B.C.O.P.R., a portion of that certain called 27.806 acre tract conveyed to Fulshear Equine, LLC. by an instrument of record in File Number 2008115118, F.B.C.O.P.R., a portion of that certain called 50.0 acre tract conveyed to Fulshear Equine, LLC. by an instrument of record in File Number 2012149212, F.B.C.O.P.R., a portion of

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that certain called 125.380 acre tract conveyed to Fulshear Investments by an instrument of record in Volume 2519, Page 212, Official Records of Fort Bend County, Texas (F.B.C.O.R), and a portion of that certain 41.2 acre tract conveyed to Fulshear Investments by an instrument of record in File Number 9573103, F.B.C.O.R.

Mayor Kuykendall announced that the Second Public Hearing opened at 7:05 p.m. There were no comments from the audience.

Close Public Hearing”

Mayor Kuykendall announced that the Second Public Hearing closes at 7:06 p.m.

Mayor Kuykendall announced that we would go back to the workshop.

**IV. WORKSHOP**

**A. DISCUSSION of LEGAL REVIEW of FULSHEAR HOME RULE CHARTER**

Mayor Kuykendall gave an overview of the charter process. He stated that Council approved a review to be done by Denton, Navarro, Rocha, Bernal, Hyde, & Zech. P.C. and it was completed by December 28, 2015. The cost was \$4,000.00 Mayor Kuykendall then turned it over to City Attorney to address items of concerns from Mr. Zech.

Attorney Randle address the items of concerns which included language of a candidate for office could not be subject to delinquent in taxes or indebted to the City (which he thought might be shot down since there is no clear cut requirement outlined in State Law or elsewhere); at large positons; bribery (any elected or appointed who is convicted of an offense shall be permanently ineligible for election or appointment). The proposed charter could be subject to a legal challenge since the standard exceeds requirement set by state stature. Also, the proposed charter does not outline a hearing process for an accused person to appeal their case. He also identified Forms and practical issues. (For detail specifics, request a copy of the tape recording. There was question and answer by the Council Members throughout the attorney’s presentation. Attorney Randle spent approximately two hours for his overview.

He stated the charter calls moving from 5 members to 7 members (two which are chosen from districts. Districts will need to be identified. He stated that meetings held by the charter are on the website. One portion of the charter could push out an un popular candidate.

Any revisions to the proposed charter will be left up to members of the charter commission to makes changes if so desired. Attorney Randle provided a written copy of the proposed charter to all members of the Council.

No action was taken.

**V. BUSINESS**

**A. Consider and take action to approve a Development Agreement between the City and Fulshear Investments, Inc., Fulshear Equine, LLC, and Johnson Development Services, LLC.**

**B. Consider and take action to approve a Development Agreement between the City and Fulshear Investments, Inc., Fulshear Equine, LLC, Mason Equest Investment, Inc., and Louis A. Waters.**

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**C. Consider and take action to approve a Utility Agreement between the City and Fulshear Investments, Inc. Fulshear Equine, LLC, and Johnson Development Services, LLC on behalf of proposed Fort Bend County Municipal Utility District No. 174.**

**D. Consider and take action to approve a Utility Agreement between the City and Fulshear Investments, Inc., Fulshear Equine, LLC., Mason Equest Investment, Inc., and Louis A. Waters on behalf of proposed Fort Bend County Municipal Utility District No. 174.**

**E. Consider and take action to accept Petition for Consent of the creation of Fort Bend County Municipal Utility District No. 174.**

**F. Consider and take action to adopt an ordinance consenting to the creation, with conditions, of Fort Bend County Municipal Utility District No. 174.**

C.J. Snipes, City Administrator stated this process started over four years ago. He gave Council an overview regarding this proposed development. He then turned it over to Assistant City Attorney, Tim Kirwin, to discuss the development agreement. Mr. Kirwin spent about 30 minutes describing the project. For detail specific, request a copy of tape recording. There was question and answer during the discussion. Mr. Kirwin outlined where the residential and commercial development will occur. Also a portion may have multifamily houses- estimated at approximately 15 percent of the development.

Mayor Kuykendall asked the developers if they had any comments.

Council Member Roberts started to make a motion. Mayor interrupted stated someone had a signed up to comment.

Owen BeMent stated what it is Council position on the tree ordinance since this was an important item a few months ago and wanted to know about whether this development compliance regarding a proposed tree ordinance. Several comments were made from staff and different Council Members. (Tape recording is available upon request.)

A motion was made by Council Member Roberts to approve items A through F. It was seconded by Council Member Ridge.

Mayor Kuykendall thanked everyone for their participation in this process and called for a vote. The motion was carried by the following vote:

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

Mayor Kuykendall announced we would go back to our Second Public Hearing. See Second Public Hearing for documentation.

**VI. ADJOURNMENT**

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

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

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Mayor Kuykendall announced that we are adjourned.

  
Thomas C. Kuykendall, Jr., Mayor

Attest: \_\_\_\_\_

  
D. (Diana) Gordon Offord, City Secretary