



CITY OF FULSHEAR

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441
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CITY COUNCIL MINUTES FEBRUARY 16, 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. on Tuesday, February 16, 2016 in the Fulshear City Hall located at 30603 FM 1093, Fulshear, Texas 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
Kristina Brashear, Finance Director
Tim Kirwin, Asst. City Attorney
Michelle Killebrew, Building Official
Valerie Bryant, Court Administrator
Mike McCoy, Captain/Police
Kenny Seymour, Chief of Police
Paula Ryan, Human Resource Director
Lynn Raymer, Administrative Secy.
Michael Ross, Asst. City Administrator
C. J. Snipes, City Administrator

Others Present:

Shannon Purcell
Randy Stacy
James Murdock
Azmir Mesic
Laurie Szantay
Randy Kutz(sent statement to be read by Ms. Szantay)
Amy Pearce (sent statement to be read by city secy)
Ella Banks(sent statement to be read by city secy)/ Ms. Banks came in the middle of the meeting
Jenni McJunkin
Don McCoy

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Continue-Others Present:

Karrie Johnston

Kent Johnston

Chris Kalkomey

Owen BeMent

And 24 others who did not sign in

(Mayor Kuykendall requested all statements to be read would be passed to him and he would see that Council gets a copy.)

II. QUORUM

Mayor Kuykendall announced that a quorum was present.

III. INVOCATION- REV. JOHN CROWE, RIVER BEND BAPTIST CHURCH, FULSHEAR, TEXAS

Mayor Kuykendall announced that Pastor Crowe was unable to be here. He requested the audience to stand and join him in prayer.

IV. PLEDGE OF ALLEGIANCE

Mayor Kuykendall led the audience in Pledge of Allegiance.

Mayor Kuykendall introduced a new employee, Paula Ryan, Human Resource Director. The audience applauded.

V. CITIZEN COMMENTS – NO ACTION CAN BE TAKEN

Citizens who desire to address the City Council will be limited to three (3) minutes

James Murdoch voiced praise for Council Member Tajana Mesic. He opposes the single member districts that is written in the proposed charter. He opposed negative comments made against Council Members. For all the comments, request a copy of the tape recording.

Azmir Mesic stated that Council Member Mesic uses her skills to help and these unprofessional acts should not be allowed toward council members. He stated the only loser is the "City of Fulshear". For all of the comments, request a copy of the tape recording.

Laurie Szantay stated she is tired of all the harassment toward Council Member Mesic along with the face book attacks. Ms. Szantay stated that Council Member Mesic is being singled out and she will no longer stand for this. For all the comments, request a copy of the tape recording.

Randy Kutz, Ella Banks, and Amy Pearce were not present but sent statements to be read. Mayor Kuykendall stated he would see each member of the Council receive a copy.

Don McCoy, Executive Director of the Fulshear Area Chambers of Commerce, reported that membership has grown in two years to 368 business members. Invited everyone to the St. Patrick's Day event on March 12, 2016.

Karrie Johnston stated that she is opposed to the personal attacks on Council Member Mesic and two members of Council are also involved. For all of the comments, request a copy of the tape recording.

Kent Johnston also stated he opposes the personal attacks on Council Member Mesic. For all of the comments, request a copy of the tape recording.

Owen BeMent stated he wants to commend Council for calling the election on the home rule charter. He stated that this will help to move us in the 21 century. He stated if adopted, this will make us a home rule city and therefore we can make the rules and change them. For all the comments, request a copy of the tape recording.

Mayor Kuykendall thanked everyone for their comments.

VI. 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 ALDI CROSS CREEK RANCH/PRELIMINARY PLAT**
- B. CONSENT and APPROVAL of MAIN STREET CROSSING SUBDIVISION/FINAL PLAT**
- C. CONSENT and APPROVAL of THE BROOKS AT CROSS CREEK RANCH/SECTION ONE PARTIAL REPLAT NO.1/ PRELIMINARY PLAT**
- D. CONSENT and APPROVAL of MINUTES from the January 5 and January 19, 2016 MEETINGS**

_____ Council Member Mesic requested that item A be removed for discussion. A motion was made by Council Member Mesic to approve items B through D. It was seconded by Council Member Tristan. Mayor Pro Tem Roberts had a question regarding the title on the property. City Administrator, C. J. Snipes, provided a response. He stated it had been corrected. A motion was made by Council Member Krenek to amend that main motion to remove item B. It was seconded Mayor Pro Tem Roberts. The motion was carried by the following vote:

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

Nays: None

Mayor Kuykendall stated that items A and B have been removed from the Consent Agenda and do we a motion to approve item C and D.

A motion was made by Council Member Krenek to approve items C and D. It was seconded by Mayor Pro Tem Roberts. The motion was carried by the following vote:

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

Nays: None

Mayor Kuykendall stated he would move back to discussion on Item A (ALDI Cross Creek Ranch/ Preliminary Plat).

Council Member Mesic concern was the location for delivery trucks that would be delivering goods to this establishment (might impact health and safety of residents close by).

Council Member Krenek stated she thought this issue was addressed when the plat was brought Previously. Mr. Snipes, City Administrator, provided answers.

A motion was made by Council Member Krenek to approve. It was seconded by Council

Member Tristan. Council Member Mesic again voiced her concern for safety regarding deliveries to this

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Establishments. She also voiced a need for buffers. Mayor Kuykendall stated that this action is on the plat And may be more appropriate to talk on this at the upcoming workshop.

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

Nays: None

Mayor Kuykendall stated next item for discussion is item B (Main Street Crossing Subdivision/Final Plat). Council Member Krenek asked if Mr. Leyendecker's recommendations to developer has been resolved. The Answer was "yes".

A motion was made by Council Member Krenek to approve item B. 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

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

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 was taken.

B. REPORT from the POLICE DEPARTMENT (Traffic Citations, arrests, incidents, calls for service)

Chief Seymour provided a report from the Police Department to the Council. No action was taken. Chief Seymour presented two new officers that recently joined the Fulshear Police Department.

C. REPORT from the MUNICIPAL COURT CLERK (Fees and Fines)

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

D. REPORT from the BUILDING SERVICE DEPARTMENT (Permits issued, inspections)

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

VIII. BUSINESS

A. Discussion of presentation of Report on Water Billing Audit by Whitley Penn

Chris Breaux, representative from Whitley Penn, presented to Council his report. A review and recalculation of the City of Fulshear's water and wastewater billing calculations for the period October 1, 2014 through September 30, 2015. He stated that the report does not represent known errors but the differences in the amounts billed and the amounts they were able to recalculate. A serious of issues may be possible but unable to further investigate due to the data supplied. He stated that the city is under-billing. For all the comments, request a copy of the tape recording.

There was some discussion between the Council and Mr. Breaux for approximately ten minutes. No action was taken.

B. Consideration and possible action to approve letting of Request for Qualifications for the provision of Professional Services related to Water and Waste Water Operations.

Michael Ross, Assistant Administrator, provided the following information to Council. He stated that the past three years Severn Trent has been providing utility operations and utility billing for the city and now the plan is to bring this service in house. The utility billing department will begin those services in March 2016. The first utility bill from the city will go out in April. He stated currently we do not have a contract with Severn Trent and have been operating on a month to month basis as we transition. With this change in services it is recommended that we request new qualifications from interested utility operators to provide the remaining utility operations services. He stated we are also going to an automated metering system where we can provide accurate readings for our customers and real time usage information. He states staff recommends that council approve the advertisement to request statements of qualifications from utility operators. For all comments, request a copy of tape recording.

A motion was made by Council Member Mesic to approve letting of request for qualifications for the provision of Professional Services related to Water and Waste Water Operations. It was seconded by Council Member Ridge.

Council Member Krenek asked if there are RFQs available. He stated "no".

Council Member Mesic shared concerns about water issues with Severn Trent. Council Member Mesic stated she wanted to re-visit the water issues once the new meters are in place.

Council Member Tristan excused herself from voting as maybe a conflict of interest. (Council Member Tristan stepped out at 8:14 p.m. and re-entered at 8:15 p.m.)

The motion was carried by the following vote:

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

Nays: None

Abstain: Council Member Tristan

C. Consideration and possible action to approve checks paid and payables from January 19, 2016 through February 10, 2016.

Council Member Krenek states she does not see an "AP" report (Accounts Payable Report). Ms. Brashear apologizes to Council and states she overlooked due to her busy schedule. Ms. Brasher states she will have a full report by next meeting.

Mayor Kuykendall states she is spreaded thin as she covers both the 4A and 4B groups and has moved.

Council Member Krenek stated can we do a special meeting as she would hate for vendors not to get paid. She would also recommend to postpone of this item as does have questions regarding items on this report.

A motion was made by Council Member Krenek to postpone checks paid and payables from January 19, 2016 through February 10, 2016. It was seconded by Council Member Ridge.

There was approximately a ten minute discussion among the members. Mayor stated we have a motion and a second to postpone until the next meeting and called for a vote.

The motion was carried by the following vote:

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

Nays: None

D. Consideration and possible action to approve amended and restated Agreement between the City of Fulshear MUD 3A and Fulshear MUD 3B

C. J. Snipes, City Administrator, presented to Council. The Agreement was not included in the packet. He stated the agreement stated that MUDs can purchase water and waste water services from Willows Creek Mud for a period of five years and at that time the city has the opportunity to offer water and waste water services from the City of Fulshear. Council Member Krenek is concerned with the impact this will have on the city financially. Mr. Snipes replied, "no".

There was a ten minute debate regarding the agreement. Council did not feel comfortable as they just received the agreement this afternoon and would like more time to review the document.

A motion was made by Council Member Krenek to postpone. It was seconded by Mayor Pro Tem Roberts. The motion was carried by the following vote:

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

Nays: None

E. Consideration and possible action to approve Resolution No. 2016-297 a Resolution of the City of Fulshear consenting to the addition of certain land into Fulshear MUD 3A (Note: numbering changed from 298 to 297)

A motion was made by Council Member Ridge to approve Resolution No. 2016-297 a resolution of the City of Fulshear consenting to the addition of certain land into Fulshear MUD 3A. It was seconded by Council Member Krenek. The motion was carried by the following vote:

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

Nays: None

F. Consideration and possible action to approve Resolution No. 2016-299 a Resolution of the City of Fulshear authorization for Fulshear MUD 3B to enter into agreement with another MUD to receive water and waste water services

Again, there was discussion among the Council regarding. City Administrator, C. J. Snipes, presented explanation regarding this agreement. Council was satisfied with answers received.

A motion was made by Council Member Krenek to approve Resolution No. 2016-299 a resolution of the City of Fulshear authorization for Fulshear MUD 3B to enter into agreement with another MUD to receive water and wastewater services. It was seconded by Council Member Mesic. Mr. Cannon stated there is a slight change on Section 4.

Council Member Krenek made a motion to amend Resolution No. 2016-299 to include an effective date of today. It was seconded by Council Member Mesic.

Mayor Kuykendall stated we now have a motion to amend the original motion to approve Resolution No. 2016-299 and revised it to today's date.

The motion carries by the following vote:

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

Now we have motion on the floor to approve Resolution No. 2016-299 with the correct date.

A motion was made by Council Member Krenek to approve Resolution No. 2016-299 to include an effective date of 2-16-2016. It was seconded by Council Member Mesic. The motion was carried by the following vote:

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

G. Consideration and possible action to approve Resolution NO. 2016-300 a Resolution of the City of Fulshear authorizing Michael Ross, Assistant City Administrator as a Signatory to the City Banking accounts

A motion was made by Council Member Mesic to approve Resolution No. 2016-300 a resolution of the City of Fulshear authorizing Michael Ross, Assistant City Administrator as a Signatory to the City Banking accounts. 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

H. Consideration and possible action to approve Interlocal Agreement between the City of Fulshear and Fort Bend County for the provision of joint election services for May 7, 2016 General Election

Council Member Krenek was concern as to whether this had any impact because we had to postpone on the payables. It did not. Also, Assistant City Attorney, Tim Kirwin noted several dates were incorrect in the contract but did not know if the County would change any dates. He cited the dates to Council. Mr. Kirwin would like for it to be approved with the changes but he stated the County may not approve the changes. Mr. Kirwin stated it would not make a difference.

A motion was made by Council Member Krenek to approve Interlocal Agreement between the City of Fulshear and Fort Bend County for the provision of joint election services for May 7, 2016 General Election with the changes noted by Attorney Kirwin and approved if County does not make the changes. It was seconded by Council Member Tristan. The motion was carried by the following vote:

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

I. Consideration and possible action to approve an On Call contract for Professional Engineering Services related to Drainage between the City and Costello, Inc.

Michael Ross, Assistant Administrator, explained to Council that an "on call" engineering services related to drainage issues with the City and the Extraterritorial Jurisdiction for future development projects and investigating drainage issues. The City have used their services last year on prior project. These services would be compensated on a time and materials basis only after authorization by the City. Staff recommends that city council approve the on call drainage engineering service contract with Costello.

There was a few points discussed among the Council Members. There was discussion as to the cost for being on call. It was stated that any request for services would be brought to Council for approval.

A motion was made by Council Member Krenek to approve an on call contract for Professional Engineering Services to drainage between the City and Costello, Inc. It was seconded by Mesic. The motion was carried by the following vote:

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

J. Consideration and possible action to approve an Interlocal Agreement between the City of Fulshear and the City of Pearland for the provision of ditch cleaning and other drainage improvements.

Michael Ross, Assistant City Administrator, presented to the Council. He stated it is necessary for the City to retain the services of an outside contractor for the cleaning and regrading of open ditches within the City of Fulshear. On December 15, 2015 City Council approved the advertising of bids for a contractor to perform ditch cleaning services. Later the city learned that the City of Pearland had recently gone out for competitive bids on the exact type of ditch cleaning services. Through the use of Interlocal agreement, if approved by Council, the City of Fulshear is able to utilize the City of Pearland contract for our project. The City of Pearland reports a high degree of satisfaction with Don mar's quality of work. Staff recommends that Council approve the execution of Interlocal agreement with City of Pearland. There was a five minute discussion among the Council regarding quality of work, time, cost (whether already included in the budget), and review of contractor's work.

A motion was made by Council Member Mesic to approve an Interlocal Agreement between the City of Fulshear and the City of Pearland for the provision of ditch cleaning and other drainage improvements. 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

X. ADJOURNMENT

A motion was made by Council Member Tristan 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

Mayor Kuykendall announced that we are adjourned at 9:08 p.m.



Thomas C. Kuykendall, Jr., Mayor

Attest:



D. (Diana) Gordon Offord, City Secretary