



CITY OF FULSHEAR

“FIND YOUR FUTURE IN FULSHEAR”

30603 FM 1093 WEST/ PO Box 279 ~ FULSHEAR, TEXAS 77441

PHONE: 281-346-1796 ~ FAX: 281-346-2556

www.FulshearTexas.gov

CITY COUNCIL:

MAYOR: Aaron Groff

MAYOR PRO-TEM: Kaye Kahlich

COUNCIL MEMBER: Kent Pool

COUNCIL MEMBER: Kevin White

COUNCIL MEMBER: Debra Cates

COUNCIL MEMBER: Lisa Martin

COUNCIL MEMBER: Joel

COUNCIL MEMBER: John Kelly

Patterson

STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly

CITY ATTORNEY: J. Grady Randle

Kopecky

SPECIAL CITY COUNCIL MEETING

October 24, 2019

NOTICE IS HEREBY GIVEN OF A SPECIAL CITY COUNCIL MEETING OF THE CITY OF FULSHEAR TO BE HELD ON **Thursday, October 24, 2019 AT 5:30 PM** IN IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS FOR CONSIDERING THE FOLLOWING ITEMS. THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY MATTERS LISTED ON THE AGENDA, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE, INCLUDING, BUT NOT LIMITED TO, SECTIONS 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATIONS ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), 551.087 (ECONOMIC DEVELOPMENT), 418.175.183 (DELIBERATIONS ABOUT HOMELAND SECURITY ISSUES) AND AS AUTHORIZED BY THE TEXAS TAX CODE, INCLUDING, BUT NOT LIMITED TO, SECTION 321.3022 (SALES TAX INFORMATION).

"Incidental Meeting Notice: A quorum of the City of Fulshear City Council, Planning and Zoning Commission, City of Fulshear Development Corporation (Type A), Fulshear Development Corporation (Type B), Parks and Recreation Commission, Historic Preservation and Museum Commission, Zoning Board of Adjustment, or any or all of these, may be in attendance at the meeting specified in the foregoing notice, which attendance may constitute a meeting of such governmental body or bodies as defined by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

Therefore, in addition to the foregoing notice, notice is hereby given of a meeting of each of the above-named governmental bodies, the date, hour, place, and subject of which is the same as specified in the foregoing notice."

I. CALL TO ORDER

II. QUORUM AND ROLL CALL

III. CITIZEN'S COMMENTS

THIS IS AN OPPORTUNITY FOR CITIZENS TO SPEAK TO COUNCIL RELATING TO AGENDA AND NON-AGENDA ITEMS. SPEAKERS ARE ADVISED THAT COMMENTS CANNOT BE RECEIVED ON MATTERS WHICH ARE THE SUBJECT OF A PUBLIC HEARING ONCE THE HEARING HAS BEEN CLOSED. SPEAKERS ARE REQUIRED TO REGISTER IN ADVANCE AND MUST LIMIT THEIR COMMENTS TO THREE (3) MINUTES.

IV. PUBLIC HEARING

A CONDUCT A PUBLIC HEARING FOR THE PURPOSES OF CONSIDERING AND ACTING UPON THE ADOPTION OF GENERAL PLANS, RULES, OR ORDINANCES GOVERNING DEVELOPMENT PLATS OF LAND WITHIN THE LIMITS AND IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FULSHEAR TO PROMOTE THE HEALTH, SAFETY, MORALS, OR GENERAL WELFARE OF THE CITY AND THE SAFE, ORDERLY, AND HEALTHFUL DEVELOPMENT OF THE CITY, BEING ORDINANCE NO. 2019-1312, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING CHAPTER 34 OF THE FULSHEAR CODE, REGARDING SUBDIVISION OF LAND, TO PROVIDE FOR MINOR DEVELOPMENT PLATS

V. BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION REGARDING ORDINANCE 2019-1312, AN ORDINANCE AMENDING CHAPTER 34 OF THE FULSHEAR CODE REGARDING PLAT REQUIREMENTS

B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE 2019-1311 FOR SETTING WATER AND WASTEWATER UTILITY RATES

VI. ADJOURNMENT

NOTE: IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT, THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICE MUST BE MADE AT LEAST 48 BUSINESS HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT 281-346-1796 FOR FURTHER INFORMATION.

I, KIMBERLY KOPECKY, CITY SECRETARY OF THE CITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING AND AGENDA FOR THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS WAS POSTED ON THURSDAY, OCTOBER 17, 2019 by 5:00 P.M. IN PLACE CONVENIENT AND READILY ACCESSIBLE AT ALL TIMES TO THE GENERAL PUBLIC, IN COMPLIANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

KIMBERLY KOPECKY, CITY SECRETARY

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 10/24/2019

ITEMS: IVA

DATE 10/17/2019

DEPARTMENT: Building Services

SUBMITTED:

PREPARED BY: Zach Goodlander

PRESENTER: Zach Goodlander

SUBJECT: CONDUCT A PUBLIC HEARING FOR THE PURPOSES OF CONSIDERING AND ACTING UPON THE ADOPTION OF GENERAL PLANS, RULES, OR ORDINANCES GOVERNING DEVELOPMENT PLATS OF LAND WITHIN THE LIMITS AND IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FULSHEAR TO PROMOTE THE HEALTH, SAFETY, MORALS, OR GENERAL WELFARE OF THE CITY AND THE SAFE, ORDERLY, AND HEALTHFUL DEVELOPMENT OF THE CITY, BEING ORDINANCE NO. 2019-1312, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING CHAPTER 34 OF THE FULSHEAR CODE, REGARDING SUBDIVISION OF LAND, TO PROVIDE FOR MINOR DEVELOPMENT PLATS

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

RECOMMENDATION

Staff recommends the City Council conduct the public hearing.

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 10/24/2019

ITEMS: V.A.

**DATE
SUBMITTED:** 10/16/2019

DEPARTMENT: Building Services

PREPARED BY: Zach Goodlander

PRESENTER: Zach Goodlander

SUBJECT: CONSIDERATION AND POSSIBLE ACTION REGARDING ORDINANCE 2019-1312, AN ORDINANCE AMENDING CHAPTER 34 OF THE FULSHEAR CODE REGARDING PLAT REQUIREMENTS

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

This amendment is to the City's Ordinance No. 2013-1091, Sections 34-29 and 34-115 "Plat Requirements". The need for such an amendment arose due to language in the current ordinance requiring a plat to be recorded with the County Clerk before any City permits could be issued. This meant that homeowners desiring to install a generator, pull an electric or other minor permit would have to go through the process of acquiring and recording an administrative plat and record it with Fort Bend County.

While this ordinance was originally intended to be resolved in the Coordinated Development Ordinance (CDO) process City Council directed an interim ordinance be brought forward as quickly as possible to lessen the burden on citizens for minor projects as quickly as possible. Given that the platting ordinance must take into account Texas Local Government Code (specifically Chapter 212) and other sections of the City's Code of Ordinances, a permanent solution could not be done quickly, requiring a substantial number of amendments. This is the reason for an interim ordinance solution, not permanent, which will come when the CDO process concludes. This interim approach is an attempt to capture as much as possible in a timely and legal manner the goals of City Council in alleviating the burden of platting for residents with minor projects. This ordinance amendment is not intended to be a permanent fix, but rather to provide as much relief as possible now given the restraints of time and state statutory requirements. Planning & Zoning Commission members provided input on what they would like to see in a proposed amendment at their October meeting, and Commission members have also been provided a copy of the ordinance in front of you now.

This proposed ordinance amendment would allow for City Staff to allow boundary surveys (minor development plats) to be submitted rather than administrative plats in the case of minor projects. A boundary survey being much less burdensome and costly than an administrative plat. Minor projects are defined as being less than \$25,000 in cost, as evidenced by a written quote, estimate or other reliable evidence submitted with the minor development plat.

The permanent solution coming later with the CDO will be able to contain more nuance in plat/boundary survey requirements. For instance it's possible that projects permitted for work taking place solely within a house or other existing structure, and therefore not affecting the footprint, could be exempted from plat or boundary survey requirements altogether. The proposed interim ordinance amendments for SUP's will be on the Planning & Zoning Commission and City Council agendas in November.

RECOMMENDATION

Staff recommends the City Council approve the interim ordinance amendment under consideration.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2019-1312	10/16/2019	Ordinance

ORDINANCE NO. 2019-1312

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING CHAPTER 34 OF THE FULSHEAR CODE, REGARDING SUBDIVISION OF LAND, TO PROVIDE FOR MINOR DEVELOPMENT PLATS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Fulshear, Texas (“City”), desires to reduce the burden on persons who seek permits for minor development of residential property; and

WHEREAS, the City desires to define and classify minor development of residential property and to provide for a minor development plat (i.e. boundary survey) for such development; and

WHEREAS, the City desires to delegate to one or more officers or employees of the City the ability to approve minor development plats;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. That the Code of Ordinances, City of Fulshear, Texas, is hereby amended by adding a section, to be numbered 34-116, which said section reads as follows:

“Sec. 34-116. – Minor Development Plat.

(a) Any person who proposes only the minor development of residential property and who is required to plat the property prior to obtaining any one or more permits for such development, or prior to obtaining a certificate of occupancy to occupy a building or structure pursuant to such development, may file a minor development plat in lieu of a subdivision plat, which minor development plat need not be recorded.

(b) A minor development plat must be prepared by a registered professional land surveyor as a boundary survey showing:

- (1) Each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
- (2) Each easement and right-of-way within or abutting the boundary of the surveyed property; and.

(3) The dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part.

(c) For purposes of this section, the term “minor development of residential property” shall mean any work on residential property for which a permit must be issued by the city prior to the commencement of such work and for which the total cost or value of the work, including materials and labor, is \$25,000.00 or less, as evidenced by a written quote, estimate, or other reliable evidence submitted with the minor development plat.

(d) In accordance with Section 214.907 of the Texas Local Government Code, disclosure of information related to the value of or cost of constructing or improving a residential dwelling shall not be required as a condition of obtaining a building permit, except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program, and any such disclosure shall be used by the city only to determine whether the work qualifies as minor development of residential property for purposes of filing a minor development plat in lieu of a subdivision plat.

(e) A minor development plat shall be considered a minor plat for purposes of Section 212.0065 of the Texas Local Government Code, and the ability to approve minor development plats is delegated to the city engineer in accordance with said section.”

Section 3. **Severability.** In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. **Repeal.** All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. **Effective date.** This Ordinance shall be and become effective immediately upon its adoption.

PASSED, APPROVED, and ADOPTED this, the 15th day of October, 2019.

Aaron Groff, Mayor

ATTEST:

Kimberly Kopecky, City Secretary

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 10/24/2019

ITEMS: V.B.

**DATE
SUBMITTED:** 10/17/2019

DEPARTMENT: Administration

PREPARED BY: Brant Gary, Asst. City Manager

PRESENTER: Jack Harper, City Manager

SUBJECT: CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE 2019-1311 FOR SETTING WATER AND WASTEWATER UTILITY RATES

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

In September, the results of the Utility Rate Study were presented to Council. The results of the study proposed new rates that lowered the base rates for water and wastewater and shifted the focus to consumption. City Council provided direction to City Staff to prepare an ordinance for adoption.

At the October 2019 regular meeting, Council requested different options from what was previously presented. A presentation will be provided providing additional information concerning the rate structure. A revised ordinance has been prepared and is now being presented for Council's consideration. This revised ordinance may be amended by Council to a different rate structure as shown in the options in the presentation.

RECOMMENDATION

City Staff recommends City Council approve Ordinance No. 2019-1311 as presented or approve as amended per the desire of Council.