

MINUTES OF REGULAR CITY COUNCIL MEETING

Call To Order

The City Council of the City of Katy, Texas, convened in regular session Monday, March 22, 2010, at 6:30 p.m., at Katy Municipal Complex, 910 Avenue C, Katy, Texas. The following City Officials were present:

Don Elder Jr., Mayor
 Carol Adams, Councilmember
 Kenneth Berger, Councilmember
 Larry Gore, Councilmember
 Fabol R. Hughes, Councilmember
 Joe Hegar, City Attorney
 Missy Bunch, City Secretary
 Johnny Nelson, City Administrator
 David Leyendecker, City Engineer

The following City Councilmember was absent:

Hank Schmidt, Mayor Pro Tem

Recognize "2009 Employee of the Year" – Charles Stiles, Water Department

The Mayor recognized the "2009 Employee of the Year" Charles Stiles, Utility Technician in the Water Department. The Mayor explained Stiles had been recognized at the City Annual Employee Appreciation Banquet held on Friday, 03-05-2010. He commented Stiles had been hired by former Mayor Johnny Nelson in 1983 and spoke of how he has encouraged inspired fellow employees.

Proclamation Recognizing Motorcycle Safety and Awareness Month Presented to Sons of Texas MTA

The Mayor removed the Proclamation Recognizing Motorcycle Safety and Awareness Month as requested and to be presented at the 4-12-2010 Regular City Council meeting.

Proclamation Recognizing Don't Mess With Texas Trash Off/Great American Clean-Up to be held Saturday, March 27, 2010, at Antioch Baptist Church, 655 Danover, between the hours of 9:00 a.m. -11:00 am

Kathy Wiesner, Keep Katy Beautiful Board Member, invited the Mayor, Councilmembers and those present to participate in the Annual Clean-Up to be held on Saturday, 03-27-2010, at Antioch Baptist Church, 655 Danover Road, between the hours of 9:00 a.m. and 11:00 a.m. Wiesner thanked their event partners; Wal-Mart for drink donations and volunteers; Antioch Baptist Church for allowing use of their facility; Joyce Harris as the Church liaison; David Aguilar, Republic Waste, for donating 3-40 yard dumpsters; and, new this year Carl Schmidt, Green Arrow Recycling, for providing information and containers for recyclable items this year, including No. 1 and No. 2 plastics, aluminum cans, cardboard and some electronics.

City of Katy Parks and Recreation Department Sponsored Events Announce "Paws in the Park" to be held Thursday, March 25, 2010, at City of Katy Dog Park, 5414 Franz Road, Activities begin at 5:30 p.m.

Jennifer Jones Archer, Parks and Recreation Director, announced the upcoming City sponsored "Paws in the Park" to be held Thursday, 03-25-2010, at the City of Katy Dog Park, 5414 Franz Road, with activities beginning at 5:00 p.m.

City of Katy Parks and Recreation Department Sponsored Event - Announce "Golden EGGvent" to be held Friday, March 26, 2010, at V.F.W. Park, 6202 George Bush Drive, Park Opens at 4:30 p.m. Activities begin at 5:30 p.m.

Jennifer Jones Archer, Parks and Recreation Director, announced the upcoming City sponsored "Golden EGGvent" to be held Friday, 03-26-2010, at the V.F.W. Park, 6202 George Bush Drive, with the park opening at 4:30 p.m. and activities beginning at 5:30 p.m. She explained activities include face painting, egg hunts, petting zoo, Easter Bunny photos and over 200 gifts per age group, which will be differentiated by the color of bags distributed. She explained there will be a \$1.00 per child charge. She spoke of the numerous items donated by Wal-Mart.

Comments from the Audience

All were given an opportunity to be heard and there were no comments from the audience.

Public Hearing for Renewing and Extending Curfew for Persons Under the Age of 17 Years

The Mayor opened a Public Hearing for Renewing and Extending the Curfew for Persons under the age of 17 years at 6:41 p.m. All were given an opportunity to be heard and there were none. The Mayor closed the Public Hearing at 6:42 p.m.

Ordinance No. 2466 Renewing and Extending Ordinance No. 2331, Which Established a Curfew for Persons Under the Age of 17 Years, Between 11:00 P.M. of Any Sunday, Monday, Tuesday, Wednesday, or Thursday and 6:00 A.M. of the Following Date, Between the Hours of 12:01 A.M. and 6:00 A.M. on Any Saturday or Sunday, and Between the Hours of 9:00 A.M. and 2:30 P.M. for School-Aged Children on School Days; Extending Ordinance No. 2331

Motion was made by Councilmember Gore, seconded by Councilmember Hughes, approving as printed and read (*caption*) an Ordinance (*No. 2466*) Renewing and Extending Ordinance No. 2331, Which Established a Curfew for Persons Under the Age of 17 Years, Between 11:00 P.M. of Any Sunday, Monday, Tuesday, Wednesday, or Thursday and 6:00 A.M. of the Following Date, Between the Hours of 12:01 A.M. and 6:00 A.M. on Any Saturday or Sunday, and Between the Hours of 9:00 A.M. and 2:30 P.M. for School-Aged Children on School Days; Extending Ordinance No. 2331. Councilmember Hughes asked why this ordinance was renewed every three years. The Mayor explained it is mandated by State Laws. Councilmember Gore believes this is a well used ordinance and spoke of the concern private schools had with late school activities; however, the enforcement by the Katy Police Department has been done in a professional manner. He believes the Police have been doing a great job of handing this ordinance. The Mayor is in hopes this ordinance will assist parents to know where their children are at night and possibly keep them out of a bad situation. He believes this is a positive ordinance. All voted Aye, and the motion carried.

Bank Statement and Check Register thru 02-28-2010 (information items only)

Councilmember had no questions or comments on the Bank Statement and Check Register dated thru 02-28-2010.

Consent Agenda

Motion was made by Councilmember Berger, seconded by Councilmember Adams, to approve the Consent Agenda as presented; Councilmember Gore removed consideration of Item No. 11, Approve Northwest Cycling Club, Katy Flatland Century Bike Tour, Sunday, July 18, 2010 (*begin/end at Rhodes Stadium*, for further discussion. Motion to approve the remaining Consent Agenda Item No. 10, Approve Minutes of 03-08-2010 Regular Meeting was voted on. All voted Aye, and the motion carried.

Approve Northwest Cycling Club, Katy Flatland Century Bike Tour, Sunday, July 18, 2010

Councilmember Gore had removed consideration of the Northwest Cycling Club Flatland Century Tour scheduled for Sunday, July 18, 2010 from the consent agenda for discussion. He expressed concern because of various roads under construction. Councilmember Berger believes after looking at the map, the ride on the portion of Katy-Fort Bend County Road is north of the construction area and does not appear to be near the Avenue D construction. Police Chief Bill Hastings explained Sergeant Jack Feild had worked with the event coordinators to reconfigure the bike tour route in order to avoid the construction areas. Hastings believes with the new route and the number of officers working the event there would be no problems. The Mayor commented the Police Department is attempting to move all future bike rides to begin at Katy Mills Mall. Hastings spoke of the Katy Flatland and the BP MS 150 being the only rides departing from Rhodes Stadium. He is in hopes to reconfigure for these rides to leave from Katy Mills Mall next year, allowing for an easier exit out of the city limits. Councilmember Gore expressed concern with these rides in neighborhoods and in construction areas; however, he is glad the Police Department are on top of the issue. Motion was made by Councilmember Gore, seconded by Councilmember Hughes, approving as presented the request by Northwest Cycling Club, Katy Flatland Century Bike Tour scheduled for Sunday, July 18, 2010 (*begin/end at Rhodes Stadium*), to include the updated route map received 03-22-2010. All voted Aye, and the motion carried.

Consider Approval to Proceed with the Design Build Process for Building a New Senior Citizen Center, 5370 E. Fifth Street – Request for Qualifications of Design Build Firms

Motion was made by Councilmember Berger, seconded by Councilmember Adams, approving to proceed with the Design Build Process for Building a New Senior Citizen Center at 5370 E. Fifth Street calling for Requests for Qualifications of Design Build Firms. Councilmember Hughes asked for proposed cost. The Mayor explained the figures are not precise at this time, since there could be possible changes as the process moves forward. All voted Aye, and the motion carried.

Award Bid for New Water Well (No. 9) and Appurtenances to J & S Water Wells, Bellville, Texas, in the Amount of \$685,440.00 (bids received 03-16-2010)

Motion was made by Councilmember Adams, seconded by Councilmember Berger, awarding the bid for a New Water Well (No. 9) and appurtenances to J & S Water Wells, Bellville, Texas, in the amount of \$685,440.00, to be paid for with Reserve Funds. City Administrator Nelson explained a proposed generator would be considered at a later date. City Engineer Leyendecker believes there is \$1.3 million budgeted for the project, including the generator and inspection fees. Councilmember Gore asked if the City was familiar with this company. Leyendecker replied yes. Hebert explained there is approximately \$1.1 million in Reserve Funds to pay for this project. All voted Aye, and the motion carried.

Request of Consolidated Communications for Placement of a Remote Central Office on the City of Katy North Well Property Located at 3300 Katy-Hockley Road

David Woodham, Consolidated Communications, brief Councilmember on the proposed request of Consolidated Communications to place a remote central office on the City of Katy's north well property located at 3300 Katy-Hockley Road, which would allow better coverage. He explained a couple of examples for the proposed building included in the packet. Woodham explained it would only be lower band and no video streaming. Councilmember Adams asked if the area was zoned "R-1" Single-Family Residential. City Administrator Nelson replied yes. Councilmember Gore asked about the different colored dots on the map included in the packet. Woodham explained the red and yellow dots would benefit from the proposed new facility; the

Request of Consolidated Communications for Placement of a Remote Central Office on the City of Katy North Well Property Located at 3300 Katy-Hockley Road (cont'd)

green dots currently receive service. The actual location of the proposed building on the City's property was discussed. Councilmember Hughes understood there would be no store front at the proposed facility. Woodham explained Consolidated was willing to work with the City on the exact location building. Nelson suggested Council table the request until the next meeting for further review. Councilmember Gore asked if there would be any noise from the facility. Woodham explained the building is battery operated, with no noise; however, if the facility is down for more than two weeks a generator would be brought in. City Attorney Joe Hegar asked what amount of easement would be needed, since it was not shown on the request. Woodham does not believe more than 24 inches would be needed. Councilmember Hughes asked if the proposed building was placed on the backside of the water well, if there would be access. Nelson explained the building could not be located inside the fenced well area. Motion was made by Councilmember Adams, seconded by Councilmember Hughes, to table consideration of the request made by Consolidated Communications for placement of a remote central office on the City of Katy north well property located at 3300 Katy-Hockley Road, allowing additional review by City Staff. All voted Aye, and the motion carried.

Request for Expansion and Improvements to Katy Veterans Memorial Museum at V.F.W. Community Building - Straight Line Building Systems (quote amount \$18,017.00)

Motion was made by Councilmember Hughes, seconded by Councilmember Berger, approving the request for expansion and improvements to the Katy Veterans Memorial Museum at the V.F.W. Community Building, Straight Line Building Systems with a quote amount of \$18,017.00. Councilmember Adams asked if this was the total cost. City Administrator Nelson responded, it is only for the shell to be built. Mayor Elder explained V.F.W. Post 9182 has \$30,000.00 to assist with the costs. Councilmember Adams asked if the proposed addition would be attached to the current building. Nelson explained it is a three wall addition to the current building, with doors entering from the outside of the building as well as inside. The Mayor spoke of numerous donations being received for the museum and the need for a larger area. Councilmember Hughes asked about funding the proposed project. Councilmember Adams stated the proposed project would not qualify for Hotel Occupancy Tax funds. Nelson commented the City is looking into the use of Hotel Occupancy Tax Funds and explained the V.F.W. Post has \$30,000.00 to assist; however, if Hotel Occupancy Tax Funds cannot be used, the funding would come from General Funds. He commented the funding would be discussed at a later date; this is only a quote for a concept. All voted Aye, and the motion carried.

Authorize Preparation of Bid Specifications and Proceed with Bid Process Replace Windows at Katy Police Station with Bullet Proof Glass along Franz Road (estimated cost \$120,000.00)

Motion was made by Councilmember Hughes, seconded by Councilmember Berger, authorizing preparation of bid specifications and proceeding with the bid process to replace windows at Katy Police Station (5456 Franz Road) with bullet proof glass along Franz Road (six windows with an estimated cost of \$120,000.00) to be paid for with Reserve Funds. Councilmember Gore asked if an occurrence such as this had happened in the past, the Police Station being shot at Police Chief Bill Hastings replied no. Councilmember Gore asked if this would protect the entire side of the building. The Mayor explained the Katy Police Station is the command station for the community during major station catastrophic situations. Councilmember Hughes asked if consideration needs to be given to the new Municipal Court building. Municipal Court Clerk Elaine Brown explained there is bullet proof glass in the payment area from the floor to

Authorize Preparation of Bid Specifications and Proceed with Bid Process Replace Windows at Katy Police Station with Bullet Proof Glass along Franz Road (cont'd)

the ceiling and believes the payment windows are far enough from the front of the building, if someone were to shoot the building they would be protected. Councilmember Gore understood the proposal was for the offices along Franz Road. Hastings explained it does not include the dispatching offices, since they do not face Franz Road. All voted Aye, the motion carried.

Authorize Preparation of Bid Specifications and Proceed with Bid Process Sale of Two (2) Houses on City Property Located at 5370 E. Fifth Street (recently purchased Fussell property)

Motion was made by Councilmember Adams, seconded by Councilmember Berger, authorizing preparation of Bid Specifications and proceeding with the Bid Process for the sale of two (2) houses on City property located at 5370 E. Fifth Street. All voted Aye, and the motion carried.

Authorize Preparation of Bid Specifications and Proceed with Bid Process Katy Depot Visitor Center – Ramps, Handrails, Guardrails, Landings and Deck Area (estimated cost to exceed \$50,000.00)

Motion was made by Councilmember Adams, seconded by Councilmember Hughes, authorizing the preparation of Bid Specifications and proceeding with the bid process for Katy Depot Visitor Center – Ramps, Handrails, Guardrails, Landings and Deck Area with an estimated cost to exceed \$50,000.00. Councilmember Berger asked if the project had to be bid. The Mayor replied yes, it is expected to exceed \$50,000.00. Councilmember Adams explained Hotel Occupancy Tax Funds are being used to fund the project; however, changes were made to the previous Convention and Tourism Bureau approved proposal and because of these changes the process must start from the beginning. All voted Aye, and the motion carried.

Resolution No. 2467 in Opposition to Approval of Low Income Housing Tax Credits and Home Funds by the Texas Department of Housing and Community Affairs (TDHCA) for a Proposed 200-Unit Low Income Apartment Development at Katy-Fort Bend County Road and Grand Harbor Drive (east of Katy Mills Mall)

Motion was made by Councilmember Adams, seconded by Councilmember Hughes, approving as presented a Resolution (No. 2467) in Opposition to Approval of Low Income Housing Tax Credits and Home Funds by the Texas Department of Housing and Community Affairs for Proposed 200-Unit Low Income Apartment Development at Katy-Fort Bend County Road and Grand Harbor Drive (east of Katy Mills Mall). All voted Aye, and the motion carried.

Acknowledge Filing of Annual State Mandated Tier I Racial Profiling Data Report for 2009 by the Katy Police Department (for information only, no action required)

Police Chief Bill Hastings had presented City Council with the filed Annual State Mandated Tier I Racial Profiling Data Report for 2009 prepared by the Katy Police Department.

Ordinance No. 2467 Declaring Milton H. (Hank) Schmidt, Jr., Carol Eckels Adams, Larry Gore, Candidates For The Office Of Councilmember At Large, Councilmember Ward A and Councilmember Ward B, Respectively, Unopposed for Election to Office; the May 8, 2010, Regular City Officers' Election is Cancelled; Said Candidates are Declared Elected

Motion was made by Councilmember Hughes, seconded by Councilmember Berger, approving as printed and read (caption) an Ordinance (No. 2467) Declaring Milton H. (Hank) Schmidt, Jr., Carol Eckels Adams, Larry Gore, Candidates for the Office of Councilmember At Large, Councilmember Ward A and Councilmember Ward B, Respectively, Unopposed for Election

Ordinance No. 2467 Declaring Milton H. (Hank) Schmidt, Jr., Carol Eckels Adams, Larry Gore, Candidates For The Office Of Councilmember At Large, Councilmember Ward A and Councilmember Ward B, Respectively, Unopposed for Election to Office; the May 8, 2010, Regular City Officers' Election is Cancelled; Said Candidates are Declared Elected (cont'd)
to Office; the May 8, 2010, Regular City Officers' Election is Cancelled; Said Candidates are Declared Elected. All voted Aye, and the motion carried.

Apruebe Declaración de Ordenanza Milton H. (Hank) Schmidt, Hijo, Carol Eckels Adams, Larry Gore, Candidatos Por la Oficina de Councilmember en Libertad, Sala de Councilmember A y Sala Councilmember B, Respectivamente, sin Oposición para Elección a Oficina; el 8 de mayo de 2010, la Elección de los Oficiales de Ciudad Regular es Anulada; los Candidatos Dichos son Declarados Decidido

El movimiento fue hecho por Councilmember Hughes, seconded por Councilmember Berger, aprobando como imprimido y leído (*el título*) una Ordenanza (*el No 2467*) Declaración de Milton H. a (Hank) Schmidt, Hijo, Carol Eckels Adams, Larry Gore, Candidatos por la Oficina de Councilmember en Libertad, Sala de Councilmember A y Sala Councilmember B, Respectivamente, sin Oposición para la Elección a la Oficina; el 8 de mayo de 2010, la Elección de los Oficiales de Ciudad Regular es Anulada; los Candidatos Dichos son Declarados Decidido. Todos votado Sí, y el movimiento llevado.

Kê khai Pháp lệnh phê chuẩn Milton H. (Hank) Schmidt, Jr, Carol Eckels Adams, Larry Gore, thí sinh Đối với Văn phòng Of Hoäi Ñoàng Tại lớn, Hoäi Ñoàng Phường A và B Phường Hoäi Ñoàng, tương ứng, Unopposed cho bầu cử tới Văn phòng; các ngày 08 tháng năm 2010, cuộc bầu cử thường phố Officers 'được hủy bỏ; Said cử viên được khai báo

Chuyển động được thực hiện bởi Hoäi Ñoàng Hughes, Seconded do Hoäi Ñoàng Berger, phê duyệt như in và đọc (*chú thích*) một Pháp lệnh (*số 2467*) Kê khai Milton H. (Hank) Schmidt, Jr, Carol Eckels Adams, Larry Gore, thí sinh cho Văn phòng Tại lớn của Hoäi Ñoàng, Hoäi Ñoàng Phường A và B Phường Hoäi Ñoàng, tương ứng, Unopposed cho bầu cử tới Văn phòng; các ngày 08 Tháng 5 2010, bầu cử thành phố thường Officers 'được hủy bỏ; Said cử viên được khai báo. Tất cả các bình chọn Aye, và những chuyển động thực.

Councilmembers' Reports

Councilmember Adams expressed congratulations to Redell Scott for her 100th birthday celebration being held this weekend. She wished Ms. Scott and her family a happy celebration. Adams expressed congratulations to Roberta Rylander for her 90th birthday on March 31, 2010. Councilmember Berger congratulated Charles Stiles for being selected as the City's 2009 Employee of the Year and thanked him for the outstanding job he has done and continues to do.

Mayor's Reports

The Mayor expressed thanks to Charles for the pride he takes in his job. He reported he had the opportunity to ride in a World War II C-17 Bomber. He explained there were no seats in the plane and the veterans riding with him were 80-90 years old and they were allowed to move around the plane and view out the cockpit windshield once the plane was in the air. He spoke of it being a great experience. Councilmember Berger commented he had seen the plane fly over the City. Announcement was made for the Grand Opening of the new Municipal Court Building to be held Thursday, 03-25-2010, at 9:30 p.m. All were encouraged to attend.

Adjourn

Motion was made by Councilmember Adams, seconded by Councilmember Hughes, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:16 p.m.



Mayor

ATTEST:



City Secretary