

MINUTES OF REGULAR CITY COUNCIL MEETING

Call To Order

The City Council of the City of Katy, Texas, convened in regular session Monday, April 26, 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
 Hank Schmidt, Mayor Pro Tem
 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

Proclamation Recognizing “Elks National Youth Week”, April 30 – May 7, 2010, Katy Elks Lodge No. 2628

The Mayor read a Proclamation recognizing “Elks National Youth Week”, April 30 – May 7, 2010, and presented it to Katy Elks Lodge No. 2628. Representatives thanked the Mayor and City Council for this recognition.

Keep Katy Beautiful Board – “Katy Proud Business” Award – Midway Barbeque located at 6025 Highway Boulevard, Herman Meyer, Owner

Kay Callender, Vice Chairman, Keep Katy Beautiful Board, presented the “Katy Proud Business” Award to Midway Barbeque located at 6025 Highway Boulevard, Herman Meyer, Owner. Callender spoke of the history behind Meyer’s success and his work ethics, which led him to opening the new Barbeque Restaurant and spoke of his numerous donations to the community. Councilmember Schmidt expressed that a portion of credit for Meyer’s accomplishments and work ethics were from Meyer’s father. The Mayor thanked Meyer for all he does for the community and congratulated him on receiving this award.

FY 2009-2010 Second Quarter Operating Statement and Second Quarter Investment Report; Bank Statement and Check Register for 03-31-2010 (information items only)

Finance Director Byron Hebert said the reports are generated quarterly for the City’s investment portfolio under the Public Funds Investment Act, Chapter 2256, Texas Government Code. Councilmember had no questions or comments.

Comments from the Audience

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

Consent Agenda

Motion was made by Council Schmidt, seconded by Councilmember Berger approving the consent Agenda as presented. Councilmember Gore asked for Item 9B Texas Municipal League Annual Membership Dues Through June 30, 2011, in the Amount of \$2,379.00, be removed from the Consent Agenda for discussion.

Consent Agenda (cont'd)

- 8) Approve Minutes of 04-12-2010 Regular Meeting
- 9) Approve Annual Dues
 - A) State of Texas CO-OP Purchasing Program Annual Membership Renewal Dues in the Amount of \$100.00
 - C) 2010 Waller County Economic Development Partnership Annual Membership Dues in the Amount of \$1,000.00
- 10) Declare Surplus Property to be Sold at Auction
 - A) Used 1999 Ford Crown Victoria – VIN# 2FAFP71W5XX209396 (Unit #995)
 - B) Used 1999 Ford Crown Victoria – VIN# 2FAFP71W8XX142776 (Unit #994)
 - C) Used 1999 Ford Crown Victoria – VIN# 2FAFP71WXXX142777 (Unit #993)
 - D) Used 1997 GMC 1500 Pickup – VIN# 1GTDC14H3RZ566466 (Unit 154)
- 11) Declare Seized Vehicles to be Sold at Auction
 - A) White 1998 Acura Coupe – VIN# 19UYA2258WL012751
 - B) Black 1993 Lexus SC400 Coupe – VIN# JT8UZ30C3P0032016
 - C) Green 1996 Chevrolet Pickup – VIN# 2GCEC19R4T1197901

All voted Aye, and the motion carried.

Texas Municipal League Annual Membership Dues Through June 30, 2011, in the Amount of \$2,379.00

Councilmember Gore had removed consideration of Texas Municipal League (TML) Annual membership Dues Through June 20, 2011, in the Amount of \$2,379.00 from the Consent Agenda for discussion. He understands the good services provided by TML; however, he is concerned that TML is not always lobbying to benefit small cities, as our State Representatives are, but they are consistently opposing the issues that could benefit small cities. He spoke of eminent domain and landowners rights issues and believes TML is not always for the conservative values. Gore stated he plans to take a personal roll in monitoring TML's lobbying. Motion was made by Councilmember Berger, seconded by Councilmember Schmidt, approving Texas Municipal League Annual Membership Dues through June 30, 2011, in the amount of \$2,379.00. 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 (tabled at 03-22-2010 City Council Meeting)

Motion was made by Councilmember Hughes, seconded by Councilmember Adams, approving 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. City Administrator Johnny Nelson explained the location of the building had been revised, including a separate driveway and commented the financial end would be discussed later. All voted Aye, and the motion carried.

Consider Convention and Tourism Bureau Application Request for Katy Heritage Society, Katy Heritage Park, Repair and Restoration of Historic Properties – Wright Museum, Featherston House and Stockdick Shed in the Amount of \$27,740.00 (request approved by Convention and Tourism Bureau 04-07-2010) (tabled at 04-12-2010 City Council Meeting)

Motion was made by Councilmember Schmidt, seconded by Councilmember Berger, approving Convention and Tourism Bureau Application Request for Katy Heritage Society, Katy Heritage Park, Repair and Restoration of Historic Properties – Wright Museum, Featherston House and

Consider Convention and Tourism Bureau Application Request for Katy Heritage Society, Katy Heritage Park, Repair and Restoration of Historic Properties – Wright Museum, Featherston House and Stockdick Shed in the Amount of \$27,740.00 (request approved by Convention and Tourism Bureau 04-07-2010) (tabled at 04-12-2010 City Council Meeting) (cont'd)

Stockdick Shed in the amount of \$27,740.00. Councilmember Hughes asked for Point of Order because of Councilmember Adams association with the Katy Heritage Society and possible Conflict of Interest. Councilmember Adams assured the Mayor and Councilmember she was no longer on the Katy Heritage Society Board and no longer working with the Katy Heritage Society under any grant. Votes were cast as follows: Ayes – Berger, Gore, Schmidt, Hughes; Abstained (*counts as a no vote*) – Adams. All voted Aye and the motion carried.

Approve Ambulance-EMS Billing Service Agreement with K & P Association, Inc., d/b/a Specialized Billing and Collection Systems of Texas

City Attorney Joe Hegar referred to Page 4, Confidentiality Section, four paragraphs, three of which referred to the confidentiality of medical information and other information regarding people to whom services had been provided. He explained this type of confidentiality would be controlled by the Health Insurance Portability and Accountability Act (HIPAA). Hegar had no problem with the HIPAA portion of the Confidentiality Section; however, the third paragraph refers to the contract being confidential. Hegar noted the contract had been distributed to Councilmembers and other officials; therefore, breaching the contract prior to approval. He recommended removal of the third paragraph under the Confidentiality Section. Hegar disagreed with Venue Section, Page 5, that refers to a filing a lawsuit in relation to the contract would have to be filed in Caldwell County, Texas. He suggested the paragraph be corrected to read Harris County. Karen Laake, Specialized Billing & Collection Systems of Texas, understood the confidentiality clause should be removed, since the City has to abide by the Open Records Act. She can correct Caldwell County to Harris County. Laake proposed emailing a corrected contract to the City. Councilmember Schmidt understood there was a percentage issue that needed to be addressed. Marc Jordan, EMS/Fire Administrative Director, explained the current rate charged per ambulance call is 11% and needs to be made of record. He explained that if the City chooses to change the per run charge at budget time, the contract rate would be change. Councilmember Adams understood the rate of 11% needed to be placed in the contract and Jordan confirmed. The Mayor recommended the proposed corrections be made to the Agreement and considered at the next regular meeting. Motion was made by Councilmember Adams, seconded by Councilmember Hughes, tabling approval of the Ambulance-EMS Billing Service Agreement with K & P Association, Inc., d/b/a Specialized Billing and Collection Systems of Texas, until recommended changes are made to the Agreement. All voted Aye, and the motion carried.

Consider Acceptance of Public Utilities for Katy Main Street, Section 2B (Water, Sanitary Sewer, Storm Sewer and Paving)

Motion was made by Councilmember Adams, seconded by Councilmember Schmidt, accepting the Public Utilities for Katy Main Street, Section 2B (*water, sanitary sewer storm sewer and paving*). All voted Aye, and the motion carried.

Award Bid for Construction and Installation of Exterior Ramps, Handrails, Guardrails, Landings and Deck Areas at Katy Depot Visitor Center, 5615 First Street (bids received 4-22-2010)

Councilmember Schmidt asked City Administrator Johnny Nelson if there was a particular option that City Staff was recommending. Jim Cook, Assistant Public Works Director/Fire

Award Bid for Construction and Installation of Exterior Ramps, Handrails, Guardrails, Landings and Deck Areas at Katy Depot Visitor Center, 5615 First Street (bids received 4-22-2010) (cont'd)

Marshal, was asked for his input from a safety perspective. Councilmember Adams explained the Katy Heritage Society had met with City Staff. Cook spoke of the various options, structural integrity and the preferred options of the Katy Heritage Society, which were Options Number 3 and 4. He recommended Option 3, steel construction vs. Option 4 aluminum construction, since aluminum can become slippery and requires more maintenance than the steel. Councilmember Schmidt expressed there is not a large cost difference. Councilmember Adams expressed the proposed steel handrails were preferred. It was asked where the funds for the project were coming from. City Treasurer Byron Hebert explained the funding request would have to return to the Convention and Tourism Bureau, since the amount previously approved had changed. Motion was made by Councilmember Gore, seconded by Councilmember Hughes, awarding the bid for Construction and Installation of Exterior Ramps, Handrails, Guardrails, Landings and Deck Areas at Katy Depot Visitor Center located at 5615 First Street, to Blue Bay Construction, Houston, Texas and accepting Bid Option No. 3, in the amount of \$54,233.00 (*ramp handrails and deck guardrails to be made of steel*). All voted Aye, and the motion carried.

Award Bid to Furnish and Install Bullet Proof Glass at the Police Station, 5454 Franz Road (bids received 4-22-2010)

The Mayor reported two bids had been received to furnish and install Bullet Proof Glass at the Police Station located at 5454 Franz Road. He explained the low bid had been disqualified because of failure to provide the required bond or cashiers' check. He recommended the bid be awarded to the second bidder, ACFS Security, LLC, Katy, Texas, in the amount of \$116,383.13. Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, awarding the Bid to Furnish and Install Bullet Proof Glass at the Police Station, 5454 Franz Road, to ACFS Security, LLC, Katy, Texas, in the amount of \$116,383.13, and the project is to be funded with Reserve Funds. Councilmember Adams asked about the time frame. Police Chief Bill Hastings believed the project is to begin within 30 days of the contract being signed and 60 days to complete the installation. All voted Aye, and the motion carried.

Award Bid for Sale and Removal of Two Residences at 5370 East Fifth Street (Fussell Property) (bids received 4-22-2010)

The Mayor reported one bid had been received for the smaller of the two residences at 5370 East Fifth Street. He recommended the bid for the smaller residence be awarded to Randy McDonald in the amount of \$301.00. Motion was made by Councilmember Berger, seconded by Councilmember Gore, awarding the Bid for Sale and Removal of one Residence (*the smaller of the two*) at 5370 East Fifth Street (Fussell Property) to Randy McDonald, 6320 Katy-Hockley Road, Katy, Texas, in the amount of \$301.00. All voted Aye, and the motion carried. Councilmember Hughes asked what would happen to the main house. City Administrator Johnny Nelson commented it would be torn down.

Authorize City Attorney to Prepare an Ordinance Approving the Parks and Recreation Department Reservation and Facility Policies and Fee Schedule

Motion was made by Councilmember Gore, seconded by Councilmember Berger, authorizing the City Attorney to prepare an Ordinance approving the Parks and Recreation Department Reservation and Facility Policies and Fee Schedule. Councilmember Gore thanked Parks and

Authorize City Attorney to Prepare an Ordinance Approving the Parks and Recreation Department Reservation and Facility Policies and Fee Schedule (cont'd)

Recreation Director Jennifer Jones Archer and the Parks and Recreation Board for the excellent job done on the proposed policies. He asked about the Katy City Park athletic fields and tennis courts being available until 12:00 midnight. Archer explained these areas are rarely made use of until midnight and believes the only time would be during a tournament. She spoke briefly of the tracking system. Councilmember Gore suggested these hours be revisited if the City receives citizen complaints. Councilmember Adams asked about Section VIII.2, requiring City of Katy Police Officers for any and all functions. Archer explained the Board had met with Katy Police Sergeant Jack Feild about vandalism and security issues. It was agreed on by the Board that security is needed in rented City owned facilities. Councilmember Adams asked how it would be clarified that the event was inside or outside. Archer explained the security would be required on rented facilities, including buildings and pavilions. Archer suggested clarification could be made for the security functions. Councilmember Berger asked what the Officers charged. Police Chief Bill Hastings stated the per hour charge was \$35.00 per officer. Archer explained the potential facility renters are informed prior to renting a facility that there is no alcohol allowed and the event would require two police officers. She believes most private facilities do require officers. Councilmember Gore understood the use of picnic tables would not require security, only the rental of the facilities. Councilmember Adams referenced Section 11 requiring the placement of community center garbage into dumpsters; she asked if there were dumpsters in all the city parks. Archer replied, yes. All voted Aye, and the motion carried.

Ordinance No. 2468 Exempting from Taxation, Twenty Percent (20%) of the Appraised Value of a Residence Homestead for the 2010 Tax Year

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving as printed and read (*caption*) an Ordinance (*No. 2468*) Exempting from Taxation, Twenty Percent (20%) of the Appraised Value of a Residence Homestead for the 2010 Tax Year. All voted Aye, and the motion carried.

Announce Receipt of Retirement Notice from City Attorney Joe Hegar

The Mayor thanked City Attorney Joe Hegar for his 30 years of service to the City and announced Hegar's retirement.

CLOSED MEETING

To Hold An Executive Session to Deliberate the Appointment and Contract of a Public Officer (City Attorney) as Authorized by V.T.C.A., Government Code, Section 551.074

The Mayor, Councilmember, City Administrator, and City Secretary, convened in Executive Session from 7:11 p.m. until 7:21 p.m., to Deliberate the Appointment and Contract of a Public Officer (*City Attorney*) as Authorized by V.T.C.A., Government Code, Section 551.074.

OPEN MEETING

Any Action Required from Executive Session - Deliberate the Appointment and Contract of a Public Officer (City Attorney) as Authorized by V.T.C.A., Government Code, Section 551.074

The Mayor recommended Olson & Olson, LLP, Art Pertile, Attorney as representation. Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving the Mayor's recommendation of Olson & Olson, LLP, Art Pertile, Attorney as representation. All voted Aye, and the motion carried.

Councilmembers' Reports

Councilmember Schmidt commented he had not been at the City during all of Joe Hegar's tenure; however, Hegar had been at the City during all of Schmidt's terms. He thanked Hegar for all the personal services, wished him well and Godspeed. Councilmember Adams reported there will be a National Day of Prayer on Thursday, May 6, 2010, at Harvest Plaza. She encouraged all to attend. Councilmember Gore thanked Hegar for his years of service and also Godspeed. Councilmember Berger thanked Hegar personally and for the City. He announced there will be an Arbor Day Event, Wednesday, April 28, 2010, at 10:00 a.m., in front of the Social Services Building. A tree will be planted and all are invited.

Mayor's Reports

The Mayor thanked Joe Hegar for all the work he has done for the City of Katy and many Katy families. He thanked him for the many contributions over the past 30 years.

Adjourn

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:25 p.m.



Mayor

ATTEST:



City Secretary