

MINUTES OF REGULAR CITY COUNCIL MEETING

Call To Order

The City Council of the City of Katy, Texas, convened in regular session Monday, June 14, 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
 Art Pertile, City Attorney
 Missy Bunch, City Secretary
 Johnny Nelson, City Administrator
 David Leyendecker, City Engineer

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 Councilmember Hughes, seconded by Councilmember Berger, approving the Consent Agenda as presented:

- 5) Approve Minutes
 - A) 05-10-2010 Regular Meeting
 - B) 05-17-2010 Special Meeting
 - C) 05-24-2010 Regular Meeting

All voted Aye, and the motion carried.

Consider Allowing the Placement of a Memorial Sign "Drive Safely In Memory Of Taylor Contreras" on the Southeast Corner at the Intersection of Morton and Katy-Hockley Roads in the City of Katy Right-Of-Way

The Mayor read an email from Sherry Contreras, dated Monday, 6-14-2010, withdrawing her request allowing the placement of a memorial sign "Drive Safely In Memory of Taylor Contreras" in the City's right-of-way. She explained the past weekend marked six months since she lost her daughter to a reckless driver and the emotional difficulties of speaking.

Resolution No. 430 Authorizing the Mayor to Enter into a Memorandum of Understanding with the Harris County Flood Control District for the City of Katy to Provide Floodplain Map Information to the Harris County Flood Control District (removed from 05-24-2010 Agenda)

Lillie Lindner, Certified Facility Manager and Fred Garcia, Director of Communications, Harris County Flood Control District were present to answer any questions. Councilmember Berger understood this Memorandum of Understanding is for just the portion of Katy that is located in Harris County. Garcia confirmed. Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving Resolution No. 430 authorizing the Mayor to enter into a Memorandum of Understanding with the Harris County Flood Control District for the City of Katy to provide floodplain Map Information to the Harris County Flood Control District. All voted Aye, and the motion carried.

Consider Authorization of Traffic Study/Count for Possible Addition of Stop Signs at the Intersection of Katy City Park Road and Gardenia Lane

Steve Pierson, spoke of his request for the placement of an additional stop sign at the intersection of Katy Park Road and Gardenia Lane. He explained he was almost in an accident as he pulled out of Mary Jo Peckham Park (*Harris County facility*). He spoke of the numerous citizens crossing these streets and cars traveling in excess of 20 m.p.h. Assistant Police Chief Tim Tyler explained the intersection is basically a curve in the road and the City cannot enforce or place a stop sign coming out of a private drive. He understands there is a larger amount of traffic because of the Avenue D construction; however, he does not believe an additional stop sign is warranted. He is only aware of one incident which occurred in 2005. He suggested the intersection be monitored by the Police Department over the next few months. Councilmember Gore understood Tyler's comments of not placing additional stop signs on Katy City Park at the intersection with Gardenia. City Attorney Pertile explained when a stop sign/traffic control device is put in place, a study must be done to verify there is a need. He understands the increased amount of traffic and suggested if the current need warrants a stop sign, at this time a stop sign could be put in place on a temporary basis. Councilmember Schmidt expressed concern with the placement possibly being a permanent situation. Pertile suggested the Police and Public Works Department monitor the area. Councilmember Berger asked if pedestrian crossing signs should be considered. Councilmember Gore asked if a pedestrian crossing signs would need an ordinance for placement. City Attorney Pertile replied no. Police Chief Bill Hastings explained he would gladly support a pedestrian crossing sign; however, he did not recommend the placement of a stop sign. Mayor Elder suggested monitoring the current traffic situation and then after the Avenue D construction project re-monitor the traffic situation. Councilmember Schmidt agreed with monitoring the location, then determining the need after the Avenue D construction. Hastings commented the Police Department had been monitoring the intersection since the request was sent to the City and agrees people are using these streets as a cut through because of the construction and being the summer months. Motion was made by Councilmember Berger, seconded by Councilmember Hughes, amending the request to monitor the traffic and not a study at this time. All voted Aye, and the motion carried.

Consider Request for Relocation of Utility Easement Between Lots 16 and 17, Block 4, Robertson Subdivision, to Lot 15, Sierra Classic Custom Homes

Motion was made by Councilmember Adams, seconded by Councilmember Schmidt, approving the request for relocation of the utility easement between Lots 16 and 17, Block 4, Robertson Subdivision, to Lot 15, requested by Sierra Classic Custom Homes. Councilmember Gore asked what the purpose of the request was for. City Administrator Nelson explained it was to move a fire hydrant from the easement between Lots 16 and 17, to the Lot 15 easement. All voted Aye, and the motion carried.

Consider Award Bid for Repainting the Exterior of 100,000 Gallon Elevated Storage Tank, located at Water Plant No. 1 (behind Katy Municipal Complex), to Tank Pro, Inc., Northport, Alabama, in the Amount of \$76,520.00 (bids received 05-20-2010)

Motion was made by Councilmember Schmidt, seconded by Councilmember Berger, awarding the bid for Repainting the Exterior of 100,000 Gallon Elevated Storage Tank located at Water Plant No. 1 (behind Katy Municipal Complex), to Tank Pro, Inc., Northport, Alabama, in the amount of \$76,520.00. Councilmember Hughes asked about the wording for 2008 Champions, that appeared to be left off. City Administrator Nelson assured City Council there was a photo of the current tank and all the dates would be repainted. All voted Aye, and the motion carried.

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

Motion was made by Councilmember Adams, seconded by Councilmember Schmidt, approving the Easement Agreement with Consolidated Communications for placement of a remote central office on the City of Katy north well property located at 3300 Katy-Hockley Road. All voted Aye, and the motion carried.

Consider Convention and Tourism Bureau Application Requests for Decking And Handrail System for Main Porch, Rear Entrance and Side Entrance at City of Katy, Depot Visitor Center located at 5616 First Street, in the Amount of \$54,233.00 (bid awarded by City Council 04-26-2010) (request approved by Convention and Tourism Bureau 06-09-2010); and, Repainting of Exterior Mural on East Wall of the City of Katy, Katy Heritage Museum, in the Amount of \$4,000.00 (request approved by Convention and Tourism Bureau 06-09-2010)

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving the Convention and Tourism Bureau Application requests for 1) Decking and Handrail System for Main Porch, Rear Entrance and Side Entrance at City of Katy, Depot Visitor Center located at 5616 First Street, in the amount of \$54,233.00 (bid awarded by City Council 04-26-2010); and repainting of exterior mural on east wall of the City of Katy, Katy Heritage Museum, in the amount of \$4,000.00 (both requests were approved by the Convention and Tourism Bureau 06-09-2010). Councilmember Berger asked if the total amount of the request was for this year was approximately \$107,000.00. City Treasurer Byron Hebert explained the original request was approved in the amount of \$48,390.00; however, after rebidding the amount came in at \$54,233.00, for a difference of \$5,843.00, requiring additional consideration by City Council. The Mayor commented the additional amount being requested was because of the need to meet the Americans with Disabilities Act requirements. All voted Aye, and the motion carried

Ordinance No. 2475 Providing for a Joint Public Hearing of the City Planning and Zoning Commission and the City Council on an Ordinance of the City of Katy, Texas, Amending Exhibit "A" of the Zoning Ordinance of the City of Katy, Texas, Ordinance No. 621, By Amending Section 12.13, "Katy Main Street", a Planned Development District; Providing for Regulation of Signs in the Katy Main Street Planned Development District Including the Number, Location, Height and Size

Motion was made by Councilmember Berger, seconded by Councilmember Schmidt, approving as printed and read (caption) an Ordinance (No. 2475) providing for a Joint Public Hearing of the City Planning and Zoning Commission and the City Council on an Ordinance of the City of Katy, Texas, Amending Exhibit "A" of the Zoning of the City of Katy, Texas, Ordinance No. 621, by amending Section 12.13, "Katy Main Street", a Planned Development District; providing for regulations of signs in the Katy Main Street Planned Development District including the number location, height and size. City Attorney Pertile explained the proposed ordinance allows for City Council and City Planning and Zoning Commission to conduct a joint public hearing, which involves the primary tenants, H-E-B at Katy Main Street. He explained it had come to staff's attention the number and the sizes of signs did not match the original approved Planned Development District (P.D.D.) number and sizes; therefore, amending the P.D.D. would require public hearings by both the City Planning and Zoning Commission (CPZ) and City Council. In an attempt to expedite the request, a joint public hearing is proposed for Monday, July 12, 2010. Pertile explained CPZ would open their

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meeting; City Council would open their meeting and conduct the public hearing. CPZ would then deliberate and make a recommendation to City Council. City Council would then deliberate and consider approval of an ordinance amending the Planned Development District. Councilmember Gore asked if there were any signs up at this time. Public Works Director Elaine Lutringer replied no. All voted Aye, and the motion carried.

Councilmembers' Reports

Councilmembers welcomed newly appointed City Attorney Art Pertile to his first official meeting.

Mayor's Reports

The Mayor reiterated the welcome to Pertile.

Adjourn

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:00 p.m.



Mayor

ATTEST:



City Secretary