

MINUTES OF REGULAR CITY COUNCIL MEETING

Call To Order

The City Council of the City of Katy, Texas, convened in regular session Monday, July 12, 2010, at 6:30 p.m., at Katy Municipal Complex, 910 Avenue C, Katy, Texas, including a joint meeting with the City Planning and Zoning Commission. The following City Officials were present:

Don Elder Jr., Mayor
 Hank Schmidt, Mayor Pro Tem
 Carol Adams, Councilmember
 Larry Gore, Councilmember
 Fabol R. Hughes, Councilmember
 Art Pertile, City Attorney
 Missy Bunch, City Secretary
 Johnny Nelson, City Administrator

The following City Planning and Zoning Commissioners were present:

David Frishman, Chairman
 Ray Webb, Secretary
 Bob Hodge, Alternate Commissioner
 Bill Lawton, Commissioner
 Eric Paulsen, Commissioner
 Cathy Stewart, Commissioner

The following City Officials and City Planning and Zoning Commissioners were absent:

Kenneth Berger, Councilmember
 David Leyendecker, City Engineer
 Frank Tucker, Vice Chairman
 Hal Cardiff, Commissioner
 Dan Burris, Alternate CPZ Commissioner

Joint Public Hearing on an Ordinance 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; Amending Certain Restrictions and Regulations in the Katy Main Street Planned Development District to Accomplish Said Regulation; Providing a Penalty in an Amount Not to Exceed \$200 for Each Day of Violation

The Mayor opened a Joint Public Hearing at 6:34 p.m. for the purpose of an Ordinance 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; Amending Certain Restrictions and Regulations in the Katy Main Street Planned Development District to Accomplish Said Regulation; Providing a Penalty in an Amount Not to Exceed \$200 for Each Day of Violation. Kerry Gilbert, Project Engineer, gave a brief presentation of the proposed changes to the

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original Katy Main Street Planned Development District. He explained a great deal of improvements were on the ground and with specific tenants, there is a need to be more specific with the various sign requirements. Gilbert gave a brief summary of the proposed revisions and exceptions as presented. He spoke of the main change being to the signage on the H-E-B property. Gilbert commented for the most part the original signage section is as previously presented; however, H-E-B has its own signage guidelines, which differ from the originally approved P.D.D. He spoke of a specific change under the Exception Section requesting off-premise sign for H-E-B. It was explained H-E-B owns the property where the grocery store is located, where the gas station is located and adjacent property; however, this area is divided by Nelson Way, causing signage from the grocery store on the other parcels to be considered off-premise. It was explained the Planned Development District documents are to be recorded in the County. Councilmember Gore asked if there were any off-premise signs in other areas of the City that are allowed. City Attorney Pertile explained there were a few that were grandfathered in. Troy Maxwell, Katy Main Street Developer, explained that H-E-B owns the dirt where the off-premise sign is being proposed, but their property is divided by a street. Councilmember Gore asked if the new gas station was associated with H-E-B. Maxwell replied yes. Pertile explained the proposed H-E-B food and drug sign is proposed to be placed on the gas station property, which is owned by H-E-B, causing the proposed sign to be an off-premise sign. Pertile explained that signs can only advertise what is on the property where a sign would be located. Maxwell explained the original plan for Katy Main Street was to do ground leases; however, that changed and H-E-B bought acreage. He commented he had worked with H-E-B to great lengths to achieve signage that would assist with the traffic flow through Katy Main Street P.D.D. He believes the two sign requests would benefit the citizens and those who would be spending monies inside the city limits. Chairman Frishman thanked Gilbert for his presentation and for identifying the exceptions. He spoke highly of the projects previously developed by Maxwell. He asked what a projection sign was, as referred to on page eight. Maxwell explained it is a sign with lights behind the letters and not lit from the ground. Public Works Director Elaine Lutringer explained a projection sign, projects out from the building. City Attorney Pertile commented if the text changes, then the sign would be considered a spectacular sign. Maxwell spoke of proposed banners. Chairman Frishman suggested the banners be Katy Red. Chairman Frishman asked if the Development Schedule changed with the revisions. Maxwell commented he would have to look at the P.D.D. book. Maxwell explained he had been working with city staff for the various pads sites, all has been positive and all looks extremely nice. Maxwell commented originally there were to only be ground leases; however, H-E-B wanted to own their own parcel. He explained the parcel is divided by Nelson Way; however, they still own the dirt. The Planned Development District applies to the entire 86 acres. It was explained that H-E-B cannot sell parcels, unless they are platted through the City. The Mayor closed the Joint Public Hearing at 6:59 p.m.

City Planning and Zoning Commission Consideration and Action on Recommendation to City Council on an Ordinance 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; Amending Certain Restrictions and Regulations in the Katy Main Street Planned Development District to Accomplish Said Regulation

Chairman Frishman thanked Kerry Gilbert for his detailed presentation. City Attorney Pertile explained a recommendation needs to be made to City Council for or against the proposed amendment. Motion was made by Commissioner Paulsen, seconded by Commissioner Lawton, recommending approval of the proposed Ordinance 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; Amending Certain Restrictions and Regulations in the Katy Main Street Planned Development District to Accomplish Said Regulation. All voted Aye, and the motion carried.

Adjourn City Planning and Zoning Commission Portion of Joint Session

Motion was made by Commissioner Paulsen, seconded by Commissioner Lawton, to adjourn the City Planning and Zoning Commission portion of the joint meeting. All voted Aye, and the motion carried. The City Planning and Zoning Commission portion of the meeting adjourned at 7:01 p.m.

City Council Consideration and Action

Ordinance No. 2476 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; Amending Certain Restrictions and Regulations in the Katy Main Street Planned Development District to Accomplish Said Regulation; Providing a Penalty in an Amount Not to Exceed \$200.00 for Each Day of Violation of Any; and Finding and Determining that the Meeting at Which This Ordinance is Passed is Open to the Public as Required by Law

Motion was made by Councilmember Adams, seconded by Councilmember Schmidt, approving as printed and read (*caption*) an Ordinance (*No. 2476*) 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; Amending Certain Restrictions and Regulations in the Katy Main Street Planned Development District to Accomplish Said Regulation; Providing a Penalty in an Amount Not to Exceed \$200.00 for Each Day of Violation of Any; and Finding and Determining that the Meeting at Which This Ordinance is Passed is Open to the Public as Required by Law. All voted Aye, and the motion carried

Comments from the Audience

All were given an opportunity to be heard and there were none.

Nomination and Confirmation of Mayor Pro Tem as Authorized by the Home Rule Charter, Article III, Section 2

Motion was made by Councilmember Adams, seconded by Councilmember Hughes, accepting the nomination and confirming the appointment of Hank Schmidt as Mayor Pro Tem as authorized by the Home Rule Charter. All voted Aye, and the motion carried.

Consent Agenda

Motion was made by Councilmember Hughes, seconded by Councilmember Schmidt, approving the Consent Agenda as presented.

- 12) Consider Approval of 18th Annual Jeff & Brede's Intergalactic Triathlon, Sunday, September 12th, Presented by Houston Racing Triathlon Club (*start/finish Katy High School*)
- 13) Consider Approval of Revised Route for Katy Flatland Century Bike Ride, Sunday, July 18, 2010, Presented by Northwest Cycling Club (*start/finish Rhodes Stadium; bike ride approved by Council 03-22-2010, revised route approved by Katy Police Department 06-23-2010*)

All voted Aye, and the motion carried.

Ordinance No. 2477 Amending City of Katy Code of Ordinances, Section 10.304 and Section 10.305, By Adding New Stop Sign and Yield Sign Locations to the Traffic Control Inventory, Schedule III and Schedule IV – Katy Main Street PDD, Nelson Way – Katy Main Street

Motion was made by Councilmember Schmidt, seconded by Councilmember Gore, approving as printed and read (*caption*) an Ordinance (*No. 2477*) Amending City of Katy Code of Ordinances, Section 10.304 and Section 10.305, By Adding New Stop Sign and Yield Sign Locations to the Traffic Control Inventory, Schedule III and Schedule IV – Katy Main Street PDD, Nelson Way – Katy Main Street. All voted aye, and the motion carried.

Councilmembers' Reports

Councilmember Hughes commended Kerry Gilbert on his excellent presentation for the proposed amendments to Katy Main Street and thanked Troy Maxwell and Larry Boudloche for always bringing quality developments to the City. Councilmember Schmidt thanked the Mayor for his confidence in nominating him as Mayor Pro Tem and plans to assist the Mayor to the best of his ability.

Mayor's Reports

The Mayor thanked Kerry Gilbert and WoodCreek Reserve for their presentation and the time and effort put into a project such as Katy Main Street. He commented on the excellent job done by bringing such outstanding quality of growth to the City with the Katy Main Street Project. He hopes to see more developments such as this in the future.

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 7:10 p.m.



Mayor

ATTEST:



City Secretary