

**MINUTES OF REGULAR CITY COUNCIL MEETING**

**Call To Order**

The City Council of the City of Katy, Texas, convened in regular session Monday, September 13, 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  
 Larry Gore, Councilmember  
 Fabol R. Hughes, Councilmember  
 Art Pertile, City Attorney  
 Missy Bunch, City Secretary  
 Johnny Nelson, City Administrator

The following City Officials were absent:

Kenneth Berger, Councilmember  
 David Leyendecker, City Engineer

**Certificate of Recognition Peyton Lumpkin, Outgoing V.F.W. Post 9182 Commander**

The Mayor read and presented a Certificate of Recognition to Outgoing Commander Peyton Lumpkin, of V.F.W. Post 9182. Commander Lumpkin thanked the Mayor and commented it had been a great honor to serve Katy. He spoke of the area being a great place to live.

**Certificate of Recognition Michael A. Mastrangelo, Incoming V.F.W. Post 9182 Commander**

The Mayor read and presented a Certificate of Recognition and to Incoming Commander Michael A. Mastrangelo, of V.F.W. Post 9182. Commander Mastrangelo thanked the Mayor and spoke of moving to Texas from the east coast and that the Katy community was a fine place to live. He expressed excitement to command a great group of patriots.

**Public Hearing for Plat Amendment to Planned Development District for Katy Mills – Katy Shops, Replat of Reserve “B” of Replat of Reserve “B” of Partial Replat of Unrestricted Reserve “I”, 9.977 Acres, 1 Block, 4 Reserves, Property is Located South of East I-10 Feeder Road, East of Katy Mills Boulevard and North of Market Place Drive, in Harris County. Record Owners Listed on Notice of Public Hearing attached to this Agenda.**

The Mayor opened a Public Hearing at 6:39 p.m. for a Plat Amendment to the Planned Development District for Katy Mills – Katy Shops, Replat of Reserve “B” of Replat of Reserve “B” of Partial Replat of Unrestricted Reserve “I”, 9.977 Acres, 1 Block, 4 Reserves, the property is South of East I-10 Feeder Road, East of Katy Mills Boulevard and North of Market Place Drive, in Harris County. George Collison, Terra Surveying Company, Inc., explained he prepared the plat and was available for questions. The Public Hearing was closed at 6:40 p.m.

**Consider Approval of Final Plat for Plat Amendment to Planned Development District for Katy Mills – Katy Shops, Replat of Reserve “B” of Replat of Reserve “B” of Partial Replat of Unrestricted Reserve “I”, 9.977 Acres, 1 Block, 4 Reserves, Property is Located South of East I-10 Feeder Road, East of Katy Mills Boulevard and North of Market Place Drive, in Harris County. Record Owners Listed on Notice of Public Hearing attached to this Agenda**

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving the Final Plat for the Plat Amendment to the Planned Development District for Katy Mills – Katy Shops, Replat of Reserve “B” of Replat of Reserve “B” of Partial Replat of

**Consider Approval of Final Plat for Plat Amendment to Planned Development District for Katy Mills – Katy Shops, Replat of Reserve “B” of Replat of Reserve “B” of Partial Replat of Unrestricted Reserve “I”, 9.977 Acres, 1 Block, 4 Reserves, Property is Located South of East I-10 Feeder Road, East of Katy Mills Boulevard and North of Market Place Drive, in Harris County. Record Owners Listed on Notice of Public Hearing attached to this Agenda (cont’d)**

Unrestricted Reserve “I”, 9.977 Acres, 1 Block, 4 Reserves, Property is Located South of East I-10 Feeder Road, East of Katy Mills Boulevard and North of Market Place Drive, in Harris County, subject pending the compliance with the Engineer’s recommendations and approval of the plat. All voted Aye, and the motion carried.

**Comments from the Audience**

The following were comments from the audience: 1) Pat Adams, 5618 Village Park, expressed concern that he had received a foreclosure notice on unpaid taxes. He explained the taxes had been paid by G.M.A.C.; however, an error in posting showed the taxes had already been paid; therefore, the payment for Mr. Adams’ taxes were returned to G.M.A.C. At a later date it was determined the original payment was posted in error and payment removed from Mr. Adams’ account. This caused there to be a delinquency in the tax payment. After discussion with the City’s Tax Assessor-Collector, the error was found that the taxes had been properly paid by G.M.A.C. on 12-28-2009, but the monies were returned. Mr. Adams does not want a blemish on any future accounts. He asked that the City be more responsible when sending out foreclosure notices.

**Consent Agenda**

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

- 7) Consider Approval of Pregnancy Help Center’s Strides for Life 5K Event to be held on Saturday, October 16, 2010 (start/finish Katy Heritage Park)
- 8) Declare Surplus Property to be Sold at Auction
  - A) Used 1986 Chevy 3500 (1 ton Grass Fire Truck) – VIN# 1GCHK34W9GS137790
  - B) Used 1986 Ford F800 (old pumper truck) – VIN# 1FDXK87U6GVA20410

All voted Aye, and the motion carried.

**Resolution No. 438 Designating the Mayor and Mayor Pro Tem as Representative and as Alternate Representative to Houston-Galveston Area Council 2011 General Assembly**

Motion was made by Councilmember Adams, seconded by Councilmember Gore, approving as presented as Resolution (No. 438) Designating the Mayor and Mayor Pro Tem as Representative and as Alternative Representative to Houston-Galveston Area Council for the 2011 General Assembly. All voted Aye, and the motion carried

**Resolution Approving the Ballot for Texas Municipal League Intergovernmental Employee Benefits Pool Board of Trustees – TML Region 14 (six year term) DECLINED**

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving as printed a Resolution approving the Ballot for Texas Municipal League Intergovernmental Employee Benefits Pool Board of Trustees – TML Region 14. It was explained the TML Ballot would need a name prior to approval. City Attorney Pertile suggested City Council return the ballot with no vote being cast; since there was concern from City Councilmembers they were not familiar with any of the candidates. Councilmembers Schmidt and Adams withdrew their previous motion of approval. No action was taken.

**Resolution No. 439 Authorizing the Mayor to sign an Amended Mutual Aid Interlocal Agreement with Fort Bend County for Fire/EMS Services for October 1, 2010 through September 30, 2012 (original Agreement approved 08-23-2010)**

City Attorney Pertile explained the amendment to the original Mutual Aid Interlocal Agreement with Fort Bend County for Fire/EMS Services was the addition of the funding formula on Page 3. AP the amendment what added page 3 the funding formula. Councilmember asked if Fire/EMS Administrator Marc Jordan understood the formula. Jordan responded yes. Motion was made by Councilmember Adams, seconded by Councilmember Hughes, approving as printed a Resolution (No. 439) Authorizing the Mayor to sign an Amended Mutual Aid Interlocal Agreement with Fort Bend County for Fire/EMS Services for October 1, 2010 through September 30, 2012 (original Agreement approved 08-23-2010). All voted Aye, and the motion carried.

**Resolution No. 440 Approving the Moving of Uncollectible Water, Sewer and Garbage Accounts from 10-01-2003 through 09-30-2004 and Uncollectible Water, Sewer and Garbage Accounts from 10-01-2007 through 09-30-2008 to a Bad Debt Historical Account**

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, to approve as printed a Resolution (No. 440) approving the moving of Uncollectible Water, Sewer and Garbage Accounts from 10-01-2003 through 09-30-2004 and Uncollectible Water, Sewer and Garbage Accounts from 10-01-2007 through 09-30-2008 to a Bad Debt Historical Account. Councilmember Adams asked how City staff attempted to collect these accounts. City Treasurer Byron Hebert explained that after an account is finalized three attempts are made to collect the monies and a current list of uncollectible water, sewer and garbage accounts is maintained, so that if they attempt to open a new account the old account will appear and collection can be collected. Councilmember Adams thought there were several names that looked familiar. Councilmember Schmidt understood this to be routine clean-up. Hebert responded yes. All voted Aye, and the motion carried.

**Tax Assessor-Collector - 2010 Certified Appraisal Roll (Certified Approved Taxable Value \$1,073,661,322) (for the record only, no action required)**

The Mayor noted the 2010 Certified Appraisal Roll had a Certified approved taxable value of \$1,073,661,322.

**Tax Assessor-Collector - 2010 Certified Collection Rate (100 Percent Debt Tax Collection Rate) (for the record only, no action required)**

The Mayor noted the 2010 Certified Collection Rate is based on 100 percent Debt Tax Collection Rate.

**Announce Public Hearing on Proposed 2010-2011 Budget - September 27, 2010, Regular City Council Meeting**

The Mayor announced the Public Hearing on the Proposed 2010-2011 Budget will be held on Monday, September 27, 2010, at the Regular City Council Meeting.

**Discuss Proposed Tax Rate [Since the proposed 2010 Tax Rate of \$0.59372 does not exceed the 2010 Effective Tax Rate of \$0.60648, a Record Vote (Roll Call Vote) on the proposed 2010 Tax Rate and Scheduling of Two Public Hearings is not required this year]**

The Mayor noted the proposed Tax Rate, and since the proposed 2010 Tax Rate of \$0.59372 does not exceed the 2010 Effective Tax Rate of \$0.60648, a record Vote (roll call vote) on the proposed 2010 Tax Rate and scheduling of two public hearing is not required this year.

**Discuss Proposed Tax Rate [Since the proposed 2010 Tax Rate of \$0.59372 does not exceed the 2010 Effective Tax Rate of \$0.60648, a Record Vote (Roll Call Vote) on the proposed 2010 Tax Rate and Scheduling of Two Public Hearings is not required this year] (cont'd)**

Councilmember Gore asked if this was because the City has not raised taxes. Councilmember Schmidt commented it was because of the effective tax rate. City Attorney Pertile responded that was correct.

**Consider An Ordinance No. 2481 Approving City of Katy's Investment Policy "City of Katy, Texas Investment Policy 2005"; Repealing all Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Severability; Providing an Effective Date; Finding and Determining the Meeting this Ordinance was Passed was Open as Required By Law**

Motion was made by Councilmember Hughes, seconded by Councilmember Adams, approving as printed and read (*caption*) an Ordinance (*No. 2481*) Approving City of Katy's Investment Policy "City of Katy, Texas Investment Policy 2005"; Repealing all Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Severability; Providing an Effective Date; Finding and Determining the Meeting this Ordinance was Passed was Open as Required By Law. City Treasurer Byron Hebert explained there were no changes to the City's Investment Policy; however, law provide for adoption each year. All voted Aye, and the motion carried.

**Councilmembers' Reports**

Councilmember all wished Councilmember Berger a speedy recovery, hope to see him back in at the Council table soon and all will keep him and his family in their prayers.

**Mayor's Reports**

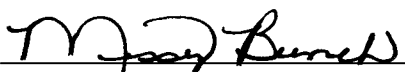
Mayor Elder also wished Councilmember Berger a speedy recovery and asked everyone to keep him and his family is their prayers.

**Adjourn**

Motion was made by Councilmember Adams, seconded by Councilmember Gore to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 6:57 p.m.

  
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Mayor

ATTEST:

  
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City Secretary