

MINUTES OF REGULAR CITY COUNCIL MEETING

Call To Order

The City Council of the City of Katy, Texas, convened in regular session Monday, October 25, 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

The following City Official was absent:

David Leyendecker, City Engineer

Proclamation Declaring November 2010 as “Pancreatic Cancer Awareness Month” in Katy, Mary Campbell, Pancreatic Cancer Survivor to Receive Proclamation

The Mayor read and presented a Proclamation declaring November 2010 as “Pancreatic Cancer Awareness Month” in Katy to Mary Campbell, 86 years old, a pancreatic cancer survivor of eight years. Ms. Campbell explained she had been diagnosed at an early stage, unlike Bobby Jones who was not as lucky to receive an early stage diagnosis and who is currently going through treatments. Myra Jones, Bobby’s wife, was present to represent him. Ms. Campbell spoke of being a volunteer and giving hope to other pancreatic cancer victims. She is trying to make people across the country more aware and encourage additional funding. She explained she would be presenting a pancreatic cancer bracelet to Angela Jordan, an Administrative Secretary for the City, because Angela’s grandfather had passed away with pancreatic cancer. The Mayor asked all present to keep Bobby Jones and Ms. Campbell in their prayers.

Proclamation Declaring November 1-5, 2010 as “Municipal Court Week”

The Mayor read and presented a Proclamation declaring November 1-5, 2010 as “Municipal Court Week” to Katy Municipal Judge Jeffrey Brashear and Court Clerk Elaine Brown.

Public Hearing for Proposed Special Use Permit Allowing Use of Property for Religious Nature in a “C-2” General Business District, at 5811 Highway Boulevard, 3520 Square Feet, within Midway Shopping Center, Abstract 155, Tract 9B, Record Owner Herman Meyer Family LTD, Applicants Pastors Tim Barker, Katy Fellowship and Jim Leggett, Grace Fellowship United Methodist Church

The Mayor opened a Public Hearing at 6:44 p.m. for proposed Special Use Permit allowing use of property for religious nature in a “C-2” General Business District, at 5811 Highway Boulevard, 3520 square feet, within Midway Shopping Center, Abstract 155, Tract 9B, Record Owner Herman Meyer Family LTD, Applicants - Pastors Tim Barker, Katy Fellowship and Jim Leggett, Grace Fellowship United Methodist Church. All were given an opportunity to be heard and there were no public comments. The Public Hearing was closed at 6:45 p.m.

Ordinance No. 2484 Establishing by Special Use Permit for a Prayer Room, 3520 Square Feet at 5811 Highway Boulevard, within The Midway Shopping Center

Motion was made by Councilmember Schmidt, seconded by Councilmember Gore, approving as printed and read (*caption*) an Ordinance (*No. 2484*) establishing by Special use Permit for a Prayer Room, being 3520 square feet located at 5811 Highway Boulevard, within the Midway Shopping Center. Councilmember Adams commented the ordinance referred to a term of three years and also two years. City Attorney Pertile explained the two year term was an error and he would correct both terms to read three years. All voted Aye, and the motion carried

Public Hearing for Proposed Special Use Permit Allowing Institution of Religious Nature (Cornerstone Baptist Church) in a "C-2" General Business District, Located at 121 F.M. 1463, 2000 Square Feet of Commercial Office Space, Abstract 155, Tract 2, Record Owner Lewis Butch Baumann, Applicant Pastor Alan R. Hatfield, Cornerstone Baptist Church

The Mayor opened a Public Hearing at 6:48 p.m. for proposed Special Use Permit allowing an institution of religious nature (Cornerstone Baptist Church) in a "C-2" General Business District, located at 121 F.M. 1463, 2000 square feet of commercial office space, Abstract 155, Tract 2, Record Owner Lewis Butch Baumann, Applicant Pastor Alan R. Hatfield, Cornerstone Baptist Church. All were given an opportunity to be heard and there were no public comments. The Public Hearing was closed 6:49 p.m.

Ordinance No. 2485 Establishing by Special Use Permit for Cornerstone Baptist Church, 2000 Square Feet at 121 F.M. 1463

Motion was made by Councilmember Gore, seconded by Councilmember Hughes, approving as printed and read (*caption*) an Ordinance (*No. 2485*) establishing by Special Use Permit for Cornerstone Baptist Church being 2000 square feet located at 121 F.M. 1463. City Attorney Pertile explained the normal term for a Special Use Permit is one year. Councilmember Berger noted an error on Page 3 that should be one year. City Attorney Pertile will make the correction. Councilmember Gore asked why this Special Use Permit is limited to one year. City Attorney Pertile believes the City should limit the first permit to one year because of the type of facility and the possibility of changes within the next year. Whereas the Prayer Room at Midway Shopping Center has had previous permits. Councilmember Adams commented a church had been at this location for thirteen years. City Attorney Pertile explained the church having been in this location, it would be considered a non-conforming use and staff was unaware of the non-conforming use. The Mayor understood Cornerstone Baptist Church could return next year for an extension of their permit. All vote Aye, and the motion carried.

Comments from the Audience

Comments from the audience included the following: 1) Tom Flores, 2840 Elder, President of Katy Business Association (*KBA*), spoke of *KBA* having put together an advantageous event for Katy. He announced *KBA* was preparing for the Katy Heritage Festival to be held on October 30, 2010. The event consists of a vintage 1860's baseball game being held at Katy City Park baseball field, vintage music provided by a barbershop quartet, kid games and prizes for ages 5-10. Flores spoke of the two vintage baseball teams traveling from Boerne, Texas and Houston, Texas, who will be dressed in vintage uniforms and use authentic equipment to re-enact the original game played by the 1860 rulebook. He looks forward to everyone attending and announced the admission is free. He believes this type of event is catching on in the State of Texas and expects to see more events such as this in the near future.

FY 2009-2010 Fourth Quarter Operating Statement and Fourth Quarter Investment Report; Bank Statement and Check Register for 09-30-2010 (information items only)

City Treasurer Byron Hebert presented Councilmembers with copies of the FY 2009-2010 Fourth Quarter Operating Statement and Fourth Quarter Investment Report as required by the Local Government Code Chapter 2256.

Consent Agenda

Motion was made by Councilmember Berger, seconded by Councilmember Schmidt, approving as presented.

- 7) Approve 10-11-2010 Regular Meeting Minutes
- 8) Approve Greater Fort Bend Economic Development 2010-2011 Membership Dues in the Amount of \$2,000.00
- 9) Approve 2011 Puddle for the Ducks Bike Ride, Saturday, February 5, 2011, Start/Finish Sun & Ski Sports, Katy Mills Mall

All voted Aye, and the motion carried.

Authorize the Use of Reserve Funds to Purchase New Ford F250 Extended Cab Truck for Animal Control from Philpott Motors through Houston-Galveston Area Council in the Amount of \$37,172.00

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, authorizing the use of Reserve Funds to purchase a new Ford F250 extended cab truck for the Animal Control Department from Philpott Motors through Houston-Galveston Area Council in the amount of \$37,172.00. All voted Aye, and the motion carried.

Request for City to Pay Monthly Operating Costs for Street Lights in Fawnlake Subdivision, Section 3A - 12 Lights (27 of 35 lots built on as of 2010 Tax Roll)

Motion was made by Councilmember Hughes, seconded by Councilmember Berger, approving the request for the City to pay monthly operating costs for street lights in Fawnlake Subdivision, Section 3A, for 12 lights (27 of 35 lots built on as of 2010 Tax Roll). All voted Aye, and the motion carried.

Resolution No. 441 Authorizing the Mayor to Sign a Mutual Aid Agreement with Fort Bend County for Police Services - Term 10-01-2010 with Annual Automatic Renewal on Each Anniversary

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving as printed and presented a Resolution (No. 441) authorizing the Mayor to sign a Mutual Aid Agreement with Fort Bend County for Police Services with the term beginning 10-01-2010 with annual automatic renewal on each anniversary. City Attorney Pertile explained the agreement would allow the City of Katy Police to assist the County, it would allow the County to assist the City of Katy Police, provides liability to both and provides for cancellation with a 30 day notice, if either decides not to participate. All voted Aye, and the motion carried.

Councilmembers' Reports


Councilmember Adams complimented Tom Flores on his vintage baseball uniform and was proud to have the event brought to Katy. She thanked the Fire Department for the excellent job with their annual fajita dinner, she had a great time. She was glad the Humane Department was purchasing a new truck. Councilmember Berger commented he was glad to see Mayor Pro Schmidt back at the Council table since his illness.

Mayor's Reports

The Mayor also expressed he was glad to have Mayor Pro Tem Schmidt back and thanked the Fire Department for their Annual Fajita Dinner.

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 7:04 p.m.



Mayor

ATTEST:



City Secretary