

MINUTES OF REGULAR CITY COUNCIL MEETING

Call To Order

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

Keep Katy Beautiful Board Presentation of H-E-B Green Bag Grant to Golbow Elementary, a Partnership with Keep Katy Beautiful Board

Jamie Wolman, Keep Katy Beautiful Board (KKB) Member, explained the HEB Green Bag Grant is a grant that a Keep Texas Beautiful affiliate can apply for and/or also can help a school apply for as well, because H-E-B is so interested and involved in the education of children in their grant process. KKB worked with Wendy Stares, the Environmental and Beautification Chairperson of the Golbow Elementary PTA to apply for this grant. This will be the actual recipients of the money awarded by H-E-B. They are interested in becoming a Green Ribbon School. They researched the 4 Cornerstones of this process and want to become an environmentally friendly campus. Their plans are to buy recycling bins for their school and compost bins for the school. They plan to recycle paper, cardboard, plastic, and possibly glass. They also want to compost to enrich the plants around the school. This grant will give them the opportunity to begin the recycling program on their campus, as well as teach composting to their students and enrich the trees and plants around the school. A check was presented in the amount of \$1,500.00.

Keep Katy Beautiful Board Announcement of 2010 President's Circle Award from Keep America Beautiful

Jamie Wolman, Keep Katy Beautiful Board Member, announced the Keep Katy Beautiful Board has received the 2010 President's Circle Award from Keep America Beautiful and congratulated the Board for their efforts.

Keep Katy Beautiful Board Recognition by USDA and Keep America Beautiful for having a People's Garden

Jamie Wolman, Keep Katy Beautiful Board Member, announced the Keep Katy Beautiful Board had received recognition by USDA and Keep America Beautiful for having a People's Garden that is community based and incorporates native species.

Public Hearing for Plat Amendment to Planned Development District for WoodCreek Reserve, Section Eight, 18.71 Acres, 42 Lots, 2 Blocks 4 Reserves, in Abstracts 157, 385 and 448, Located South of WoodCreek Reserve Section Six and East of WoodCreek Bend Lane, Fort Bend County, Record Owner Friendswood Development

The Mayor opened a Public Hearing at 6:40 p.m. for the purpose of a proposed Plat Amendment to Planned Development District for WoodCreek Reserve, Section Eight, 18.71 Acres, 42 Lots, 2 Blocks 4 Reserves, in Abstracts 157, 385 and 448, Located South of WoodCreek Reserve Section Six and East of WoodCreek Bend Lane, Fort Bend County, Record Owner Friendswood Development. All were given an opportunity to be heard and there were no comments. The Mayor closed the Public Hearing at 6:41 p.m.

Consider Final Plat, Construction Plans and Street Light Plan for Plat Amendment to Planned Development District for WoodCreek Reserve, Section Eight, 18.71 Acres, 42 Lots, 2 Blocks 4 Reserves, in Abstracts 157, 385 and 448, Located South of WoodCreek Reserve Section Six and East of WoodCreek Bend Lane, Fort Bend County, Record Owner Friendswood Development

Motion was made by Councilmember Schmidt, seconded by Councilmember Berger, to approve the Final Plat, Construction Plans and Street Light Plan for Plat Amendment to Planned Development District for WoodCreek Reserve, Section Eight, 18.71 Acres, 42 Lots, 2 Blocks 4 Reserves, in Abstracts 157, 385 and 448, Located South of WoodCreek Reserve Section Six and East of WoodCreek Bend Lane, Fort Bend County, Record Owner Friendswood Development. All voted Aye, and the motion carried.

Ordinance No. 2487 Approving Plat Amendment to Planned Development District for WoodCreek Reserve, Section Eight, 18.71 Acres, 42 Lots, 2 Blocks 4 Reserves, in Abstracts 157, 385 and 448, Located South of WoodCreek Reserve Section Six and East of WoodCreek Bend Lane, Fort Bend County, Record Owner Friendswood Development

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving as printed and read (*caption*) an Ordinance (*No. 2487*) Approving Plat Amendment to Planned Development District for WoodCreek Reserve, Section Eight, 18.71 Acres, 42 Lots, 2 Blocks 4 Reserves, in Abstracts 157, 385 and 448, Located South of WoodCreek Reserve Section Six and East of WoodCreek Bend Lane, Fort Bend County, Record Owner Friendswood Development. City Engineer David Leyendecker suggested the Engineering Review dated November 5, 2010, be made a part of the approval. All vote aye and the motion carried

Public Hearing for Proposed Amendment to Zoning Map for Change in Classification from "R-1" Single-Family Residential District to "C-1" Commercial District, 16.65 Acres of Vacant Land out of a 25 Acres Tract (Tracts 2 and 3), in Abstract 471, the Property is east of Powerhouse Christian Center and West of Katy—Fort Bend County Road, in Harris County, Record Owner Powerhouse Christian Center

The Mayor opened a Public Hearing at 6:45 p.m. All were given an opportunity to be heard and the following spoke: 1) Peter McElwain, Katy Independent School District, District Architect/Planner, spoke on behalf of the School Board. He expressed concern that the proposed rezone to commercial would introduce variables and a negative impact on their facility and for the usage of the District's recently purchased 42 acres of property north of Powerhouse. It was stated the School District's new property is currently zoned "R-1" Single Family Residential. 2) Mike Bruno, Powerhouse Representative, spoke on behalf of Pastor

Public Hearing for Proposed Amendment to Zoning Map for Change in Classification from “R-1” Single-Family Residential District to “C-1” Commercial District, 16.65 Acres of Vacant Land out of a 25 Acres Tract (Tracts 2 and 3), in Abstract 471, the Property is east of Powerhouse Christian Center and West of Katy—Fort Bend County Road, in Harris County, Record Owner Powerhouse Christian Center (cont’d)

G.F. Watkins. Bruno explained their property is located between the stadium and the School District’s recently purchased property cornering on Franz and Katy-Fort Bend County Roads. He spoke of there being three equal eight acre tracts owned by Powerhouse between Katyland Road and Katy-Fort Bend County Road, which has been owned by the church since 1998. Bruno does not believe the property is conducive to a single-family residential use, since apartments are not allowed. He reported their appraiser believes the best use of the property is commercial. He understood there was a Special Use Permit for Walgreens and not a rezoning of the property. Councilmember asked about the planned use for the property, about the ditch along the south side. It was reported there is no specific use proposed at this time. Councilmember Schmidt asked City Attorney Pertile if there were any legal issues since the request had gone before the City Planning and Zoning Commission. City Attorney Pertile commented it is a City Council call at this time, since all legal criteria had been met. Councilmember Gore understood the church was looking for the best use of the property, which a point to consider is the property is not taxable as the church’s property, but if sold for commercial, it could possibly be taxable. Motion was made by Councilmember Gore, seconded by Councilmember Adams, tabling consideration of the Proposed Amendment to Zoning Map for Change in Classification from “R-1” Single-Family Residential District to “C-1” Commercial District, 16.65 Acres of Vacant Land out of a 25 Acres Tract (Tracts 2 and 3), in Abstract 471, the Property is east of Powerhouse Christian Center and West of Katy—Fort Bend County Road, in Harris County, Record Owner Powerhouse Christian Center, until the next regular City Council meeting. Councilmember Schmidt was concerned the plat met the criteria required and they have the right to request the change. Votes were cast as follows: Ayes – Adams, Berger, Gore; Noes – Hughes, Schmidt. The motion to table carried.

Consider Ordinance Approving Amendment to Zoning Map from “R-1” to “C-1” for Powerhouse Christian Center

Consideration of an Ordinance approving an amendment to the Zoning Map from “R-1” Single Family to “C-1” Commercial District for Powerhouse Christian Center was not considered, since the Public Hearing for the request had been tabled.

Comments from the Audience

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

Presentation from Katy Area Chamber of Commerce for 2010 Katy Rice Harvest Festival Gate Proceeds to the City of Katy Fireworks Funds in the Amount of \$18,479.00 - Ann Hodge, President/CEO

The Mayor removed the Presentation from Katy Area Chamber of Commerce for 2010 Katy Rice Harvest Festival Gate Proceeds to the City of Katy Fireworks Funds in the Amount of \$18,479.00 - Ann Hodge, President/CEO, from the Agenda.

Consent Agenda

The Mayor announced consideration of 2011 Membership Dues for the Katy Area Chamber of Commerce in the Amount of \$3,850.00 had been removed from the Agenda. Motion was made

Consent Agenda (cont'd)

by Councilmember Schmidt, seconded by Councilmember Berger, approving the Consent Agenda as follows and only approving the portions of the events inside the city limits:

- 7) Approve Events
 - A) Conoco Phillips Bike Club Training Ride, Saturday, January 22, 2011 (start/finish at Sun & Ski Sports)
 - B) 2011 National Senior Games Cycling Events,
 - i) Saturday, June 18, 2011 (start/finish at Sun & Ski Sports)
 - ii) Sunday, June 19, 2011 (start/finish at Sun & Ski Sports)
 - iii) Rain Date - Monday, June 20, 2011 (start/finish at Sun & Ski Sports)
- 8) Consider Approval of 2011 Annual Membership Dues
 - A) Houston-Galveston Area Council (H-GAC) in the Amount of \$471.00

Councilmember Gore spoke of the numerous areas of benefits the City received by participating in H-GAC, such as purchasing vehicles at a lesser cost. All voted Aye and the motion carried.

Convention and Tourism Bureau Application - City of Katy – Depot Visitor Information Center, Grounds Landscaping for Fiscal Year 2010-2011, Amount Requested \$4,885.00 (Maintenance & Operating of Visitor Information Center) (Approved by Convention & Tourism Bureau 11-29-2010)

Motion was made by Councilmember Schmidt, seconded by Councilmember Berger, approving the Convention and Tourism Bureau Application from the City of Katy for the Depot Visitor Information Center, Grounds Landscaping for Fiscal Year 2010-2011, with the Amount Requested being \$4,885.00 (*Maintenance & Operating of Visitor Information Center*) (*Approved by Convention & Tourism Bureau 11-29-2010*) All voted Aye, and the motion carried.

Convention and Tourism Bureau Application - Lakes of Katy Ski Club – Katy Ski Jam, Lakes of Katy, Waller County, June 26, 2010, Amount Requested \$2,699.65 (Tourism-Related Advertising & Promotion of City; Sporting Event in which Majority of Participants are Tourists in Cities located in a County with a Population of one million or less) (Approved by Convention & Tourism Bureau 11-29-2010)

Motion was made by Councilmember Hughes, seconded by Councilmember Adams, approving the Convention and Tourism Bureau Application from the Lakes of Katy Ski Club – Katy Ski Jam, Lakes of Katy, Waller County, June 26, 2010, with the Amount Requested being \$2,699.65 (*Tourism-Related Advertising & Promotion of City; Sporting Event in which Majority of Participants are Tourists in Cities located in a County with a Population of one million or less*) (*Approved by Convention & Tourism Bureau 11-29-2010*). All voted Aye, and the motion carried.

Convention and Tourism Bureau Application - Katy ISD FFA Livestock Show & Rodeo Association, Inc. – 2011 Livestock Show & Rodeo, Katy ISD Billy Morgan Arena, Fort Bend County, February 24-26, 2011,; Amount Approved \$9,111.00, Amount Requested \$20,000.00 (Tourism-Related Advertising & Promotion of City) (Approved by Convention & Tourism Bureau 11-29-2010)

Motion was made by Councilmember Berger, seconded by Councilmember Gore, approving the Convention and Tourism Bureau Application for the Katy ISD FFA Livestock Show & Rodeo Association, Inc., 2011 Livestock Show & Rodeo, Katy ISD Billy Morgan Arena, Fort Bend County, on February 24-26, 2011, Amount Approved being \$9,111.00, the Amount Requested had been \$20,000.00 (*Tourism-Related Advertising & Promotion of City*) (*Approved by Convention & Tourism Bureau 11-29-2010*). All voted Aye, and the motion carried.

Consider Award Bid for 2010 Asphalt Overlay to Forde Construction, Houston, Texas, in the Amount of \$85,306.50 (Base Bid \$74,206.50 plus Alternate Bid \$11,100.00)

Motion was made by Councilmember Adams, seconded by Councilmember Berger, awarding the bid for the 2010 Asphalt Overlay to Forde Construction, Houston, Texas, in the Amount of \$85,306.50 (Base Bid \$74,206.50 plus Alternate Bid \$11,100.00). All voted Aye, and the motion carried.

Resolution No. 443 Declaring Twenty (20) Remington Model 870 12 Gauge Shotguns as Surplus and Approving the use of the Shotguns as Partial Payment for the Purchase of Guns by the Police Department (to be traded to Tactical Firearms, Katy, Texas)

Motion was made by Councilmember Schmidt, seconded by Councilmember Gore, approving as presented a Resolution (No. 443) Declaring Twenty (20) Remington Model 870 12 Gauge Shotguns as Surplus and Approving the use of the Shotguns as Partial Payment for the Purchase of Guns by the Police Department (to be traded to Tactical Firearms, Katy, Texas). Councilmember Schmidt asked Police Chief Bill Hastings what the Police Department would be trading the 12 gauge shotguns for new guns. Chief Hasting replied yes. All voted Aye, and the motion carried.

Resolution No. 444 Authorizing the Mayor to Sign an Interlocal Agreement with Harris County for a Regional Public Education Services Program Related to Storm Water Quality

Motion was made by Councilmember Hughes, seconded by Councilmember Schmidt, approving as printed and presented a Resolution (No. 444) Authorizing the Mayor to Sign an Interlocal Agreement with Harris County for a Regional Public Education Services Program Related to Storm Water Quality. All voted Aye, and the motion carried

Ordinance No. 2488 Adopting an Emergency Management Plan

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving as printed and read (caption) an Ordinance (No. 2488) Adopting an Emergency Management Plan. All voted Aye, and the motion carried

Consider an Ordinance Amending Section 7.106 "Sale Of Alcoholic Beverages Near Church Or School" Of Chapter 7 "Offenses And Nuisances" Of The City Of Katy Code Of Ordinances; Providing A Penalty In An Amount Not To Exceed \$200.00 For Each Day Of Violation

The Mayor removed consideration of an Ordinance Amending Section 7.106 "Sale Of Alcoholic Beverages Near Church Or School" Of Chapter 7 "Offenses And Nuisances" Of The City Of Katy Code Of Ordinances; Providing A Penalty In An Amount Not To Exceed \$200.00 For Each Day Of Violation.

Councilmembers' Reports

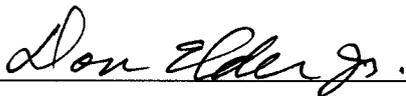
Councilmember Berger wished all a Merry Christmas and a Happy New Year. Councilmember Gore echoed Berger's wishes and congratulated the Katy High School Varsity Tiger Football Team on their great season and commended them. Councilmember Adams thanked Boy Scout Troop 230 for attending the meeting and leading the pledges. She thanked the Police and EMS/Fire Department for the invitation to their Christmas parties. She congratulated Keep Katy Beautiful on their amazing year and thanked those involved in preparing for the awards. Councilmember Hughes wished everyone a Merry Christmas and encouraged all to drive safely. Councilmember Schmidt also wished all Happy Holidays and thanked staff for their efforts in working with the economic challenges and is looking forward to 2011.

Mayor's Reports

The Mayor congratulated Katy High School Future Farmers of America Public Relations Team for their recent 2010 State FFA Leadership Development Public Relations Award and congratulated the Tigers Varsity Football Team with their season. He thanked the Police and Fire Departments for their holiday gatherings. He expressed appreciation to all City employees for all their excellent work. He thanked Keep Katy Beautiful and Jamie Wolman for all done in the City. He thanked City Councilmembers and City Administrative Staff for always looking out for the City's best interests. He wished all a Merry Christmas and a Happy New Year.

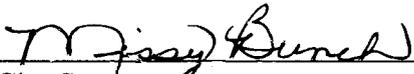
Adjourn

Motion was made by Councilmember Hughes, seconded by Councilmember Adams, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:12 p.m.



Mayor

ATTEST:



City Secretary