

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, May 9, 2011, 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, III, City Attorney
 Missy Bunch, City Secretary
 Johnny Nelson, City Administrator
 David Leyendecker, City Engineer

Proclamation for Social Services Department – Recognizing May 2011 as “Older Americans Month” and Recognizing “2011 Senior Citizen of the Year” – Alby Cardiff

The Mayor read a Proclamation Recognizing May 2011 as “Older Americans Month” and Recognizing Alby Cardiff as the City of Katy’s “2011 Senior Citizen of the Year”.

Proclamation for “Motorcycle Safety and Awareness Month” - Sons of Texas MTA Riders

The Mayor read a Proclamation recognizing May 2011, as “Motorcycle Safety and Awareness Month” and presented it to the Sons of Texas MC Riders. Several representatives were present to receive the Proclamation.

Public Hearing for Proposed Plat Amendment to the Planned Development District (PDD), Katy Main Street, Final Plat, Commercial Reserves No. 3, 4.57 Acres, 3 Reserves, 2 Blocks, A-292, Located on the I-10 East Frontage Road, Bordered by Nelson Way and Main Street in Fort Bend County

The Mayor opened the Public hearing at 6:43 p.m., for Proposed Plat Amendment to the Planned Development District (PDD), Katy Main Street, Final Plat, Commercial Reserves No. 3, 4.57 Acres, 3 Reserves, 2 Blocks, A-292, Located on the I-10 East Frontage Road, Bordered by Nelson Way and Main Street in Fort Bend County. All were given an opportunity to be heard and there were none. The Mayor closed the Public Hearing at 6:44 p.m.

Consider Final Plat for Proposed Plat Amendment to the Planned Development District (PDD), Katy Main Street, Final Plat, Commercial Reserves No. 3, 4.57 Acres, 3 Reserves, 2 Blocks, A-292, Located on the I-10 East Frontage Road, Bordered by Nelson Way and Main Street in Fort Bend County

Motion was made by Councilmember Schmidt, seconded by Councilmember Berger, approving as presented Final Plat for Proposed Plat Amendment to the Planned Development District (PDD), Katy Main Street, Final Plat, Commercial Reserves No. 3, 4.57 Acres, 3 Reserves, 2 Blocks, A-292, Located on the I-10 East Frontage Road, Bordered by Nelson Way and Main Street in Fort Bend County. All voted Aye, and the motion carried.

Ordinance No. 2497 Amending the Zoning Ordinance, Ordinance No. 621; Amending Section 12.13 "Katy Main Street" a Planned Development District; Providing for the Subdivision of Certain Tracts of Land within Katy Main Street Planned Development District; Amending Certain Restrictions and Regulations in Allowing for Future Subdivision of Tracts of Land within Katy Main Street Planned Development District without an Amendment to the Zoning Ordinance; Providing a Penalty in an Amount Not to Exceed \$200.00 for Each Day of Violation of any; Repealing all Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Severability; Providing an Effective Date and Finding and Determining that the Meeting at which this Ordinance was Passed was Open as Required By Law

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving as printed and read (caption) an Ordinance (No. 2497) Amending the Zoning Ordinance, Ordinance No. 621; Amending Section 12.13 "Katy Main Street" a Planned Development District; Providing for the Subdivision of Certain Tracts of Land within Katy Main Street Planned Development District; Amending Certain Restrictions and Regulations in Allowing for Future Subdivision of Tracts of Land within Katy Main Street Planned Development District without an Amendment to the Zoning Ordinance; Providing a Penalty in an Amount Not to Exceed \$200.00 for Each Day of Violation of any; Repealing all Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Severability; Providing an Effective Date and Finding and Determining that the Meeting at which this Ordinance was Passed was Open as Required By Law. Councilmember Adams asked Developer Troy Maxwell to explain about the proposed request. Maxwell explained all of the area is proposed to be commercial and the proposal will not require an amendment to the City's Zoning Ordinance. Councilmember Adams asked about the plans for the future and does not believe all is as was presented previously to City Council. Maxwell explained the proposal will help speed the platting process for Katy Main Street. City Attorney Pertile explained Katy Main Street is a Planned Development District (PDD) and when the property is divided, it is basically amending the original snapshot of the PDD. He commented the property is zoned commercial and subdividing the property will not change the intended use of the property; therefore, the proposed ordinance will assist in streamlining the platting process of a PDD that has already been approved as a commercial use. Councilmember Adams commented she understood the project is great for the City; however, she is concerned for the architectural guidelines, because she does not believe it looks like what was originally presented to the City. Maxwell commented he had not changed the initial plan, but has had to focus on what developments he is able to get to the property. All voted Aye, and the motion carried.

Comments from the Audience

The following were comments from the audience: 1) Memo Granados, 796 Kendala, Houston, spoke of HR 1489 in the 112th Session of Congress, relating to "The Return to Prudent Bank Act", that is an effort to revive the separation between commercial banking and the securities business, in the manner provided in the Banking Act of 1933, the Glass-Steagall Act. Granados encouraged City Council to prepare a resolution encouraging Congress to pass HR 1489. He handed out a page with a brief description of his proposal.

Consent Agenda

Motion was made by Councilmember Berger, seconded by Councilmember Schmidt, approving the Consent Agenda as presented, with the amendment to 04-25-2011 Regular Meeting Minutes on page 2, second paragraph, line 9, remove "the pilot program for other areas,"

Consent Agenda (cont'd)

- 7) Approve Minutes 04-25-2011 Regular Meeting
- 8) Approve Ducks Unlimited Fun Run Scheduled for Saturday, August 27, 2011
(start/finish at No Label Brewery, 5373 First Street)
- 9) Approve Annual Dues for Texas Municipal League Annual Membership Dues in the Amount of \$2,405.00 (07-01-2011 thru 06-30-2012)

All voted Aye, and the motion carried.

Consider Acceptance of Public Utilities for WoodCreek Reserve, Section 8 (Water, Sanitary Sewer, Storm Sewer and Paving)

Motion was made by Councilmember Schmidt, seconded by Councilmember Gore, accepting Public Utilities for WoodCreek Reserve, Section 9, (water, sanitary sewer, storm sewer and paving).

All voted Aye, and the motion carried.

Consider Convention and Tourism Bureau Application for Navy Seal Foundation, 2nd Annual U.S. Navy Seal Danny Dietz Memorial Roping Weekend, May 20-22, 2011, at the Great Southwest Equestrian Center, 2501 South Mason Road, Katy, Harris County – Amount Requested \$5,000.00 (Sporting Events in Which Majority of Participants are Tourists in Cities Located in a County with a Population of One Million or Less) (approved by Convention and Tourism Bureau 04-30-2011)

Motion was made by Councilmember Hughes, seconded by Councilmember Gore, approving the Convention and Tourism Bureau Application for Navy Seal Foundation, 2nd Annual U.S. Navy Seal Danny Dietz Memorial Roping Weekend, May 20-22, 2011, at the Great Southwest Equestrian Center, 2501 South Mason Road, Katy, Harris County in the Amount Requested for \$5,000.00 (Sporting Events in Which Majority of Participants are Tourists in Cities Located in a County with a Population of One Million or Less) (approved by Convention and Tourism Bureau 04-30-2011). Danny Quinlan, Representative for the Navy Seal Foundation, was present to answer questions. Councilmember Adams believes the proposed event is wonderful; however, she spoke of the requirement to a previous request of the Chamber to show the hotel rooms being utilized in the City and only believes it would be fair to request this of the proposed event. Quinlan commented over 100,000 invitations had been sent out, with a large number of responses coming from all over the United States. He anticipates in excess of 1,500 teams to participate. Councilmember Gore asked City Attorney Art Pertile if approving the request would set precedence. Pertile replied yes. Councilmember Adams expressed concern about approving the request for an event that is outside the city limits and having no benefits to the City. Quinlan commented in advertising the event, the City of Katy would be proud sponsors and he understood the Equestrian Center was considered in Katy, since it has a Katy address; however it did not want to have false advertising. City Attorney Pertile explained that since the City fits into the specifics of a county with less than one million, these funds could be spent outside the city limits. Councilmember Adams believes the event is for a great and encouraged Quinlan to come back to seek reimbursements. Councilmember Schmidt also agreed the event was for a good cause and encouraged consideration of the Katy Independent School District Robinson Pavilion for future events. Quinlan spoke of the costs to reschedule the event in case of a storm, since the Robinson Pavilion was not a covered arena. The City Attorney explained that if City Council believes the event would benefit the City of Katy or the vicinity, the requested funds could be approved. The votes were cast as follows: Ayes – Gore, Hughes; Noes – Adams, Berger, and Schmidt. The motion did not pass.

Resolution No. 455 Authorizing the Mayor to Enter Into Agreements with Ceres Environmental as the Primary Contractor for Emergency Tree Debris Removal and Ashbritt, Inc., as the Secondary Contractor for Emergency Tree Debris Removal

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving as printed and presented a Resolution (No. 455) Authorizing the Mayor to Enter Into Agreements with Ceres Environmental as the Primary Contractor for Emergency Tree Debris Removal and Ashbritt, Inc., as the Secondary Contractor for Emergency Tree Debris Removal. All voted Aye, and the motion carried.

Resolution No. 456 Authorizing the Mayor to Enter Into an Agreement with Science Applications International Corporation (Formerly Known As Beck Disaster Recovery) for Professional Planning and Consulting Services for Security, Disaster Preparedness, Emergency Response and Recovery

Motion was made by Councilmember Berger, seconded by Councilmember Gore, approving as printed and presented a Resolution (No. 456) Authorizing the Mayor to Enter Into an Agreement with Science Applications International Corporation (Formerly Known As Beck Disaster Recovery) for Professional Planning and Consulting Services for Security, Disaster Preparedness, Emergency Response and Recovery. Councilmember Adams asked about if there was a set fee agreed upon to pay per hour. City Attorney Pertile explained the fee depends on the services being requested by the City, whether a plan or to monitor, at which time a proposal would be submitted with a cost to be approved by City Council. All vote aye, and the motion carried.

Councilmembers' Reports

Councilmember Gore encouraged voters to look into the State level representatives and the large amount of good they have done in support of family values and for the City of Katy.

Mayor's Reports

The Mayor thanked all for attending the meeting.

Adjourn

Motion was made by Councilmember Hughes, seconded by Councilmember Berger to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:21 p.m.



Mayor

ATTEST:



City Secretary