

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, July 11, 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
 Larry Gore, Councilmember
 Fabol R. Hughes, Councilmember
 Bill Lawton, Councilmember
 Art Pertile, III, City Attorney
 Missy Bunch, City Secretary
 Johnny Nelson, City Administrator
 David Leyendecker, City Engineer

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

The Mayor nominated Councilmember Hank Schmidt as Mayor Pro Tem. Motion was made by Councilmember Lawton, seconded by Councilmember Adams, confirming the Mayor's nomination of Hank Schmidt as Mayor Pro Tem. Votes were cast as follows: Ayes – Adams, Lawton, Schmidt; and, Noes – Gore, Hughes. The motion carried.

Public Hearing for Plat Amendment to the Planned Development District for Katy Mills, Final Plat, Unrestricted Reserve "I-4C", 0.9110 Acres, 1 Reserve, 1 Block, being a Replat of Unrestricted Reserve "I-4A", Located at the Southwest Intersection of Market Place Drive and Katy Mills Boulevard, Harris County, Record Owner KM Commercial Realty, LP, Agent Costello, Inc., Amending Katy Mills Planned Development District to allow the Subdivision of Property within Katy Mills Planned Development District according to the Subdivision Ordinance without Amending the Zoning Ordinance

The Mayor opened a Public Hearing for proposed Plat Amendment to the Planned Development District (PDD) for Katy Mills, Final Plat, Unrestricted Reserve "I-4C", 0.9110 Acres, 1 Reserve, 1 Block, being a Replat of Unrestricted Reserve "I-4A", Located at the Southwest Intersection of Market Place Drive and Katy Mills Boulevard, Harris County, Record Owner KM Commercial Realty, LP, and Agent Costello, Inc., Amending Katy Mills PDD to allow the Subdivision of Property within Katy Mills PDD according to the Subdivision Ordinance without Amending the Zoning Ordinance. All were given an opportunity to be heard and there were no comments. The Public Hearing was closed at 6:35 p.m.

Ordinance No. 2504 Amending Ordinance Number 1199 "Katy Mills" A Planned Development District (PDD); Providing Replat of Certain Tracts within Katy Mills PDD; Amending Certain Restrictions and Regulations, Allowing for Future Subdivision of Tracts within Katy Mills PDD without an Amendment to the Zoning Ordinance; Providing a Penalty; Repealing All Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date

Motion was made by Councilmember Schmidt, seconded by Councilmember Lawton, approving as printed and read (*caption*) an Ordinance (No. 2504) Amending Ordinance

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Number 1199 "Katy Mills" A Planned Development District; Providing Replat of Certain Tracts within Katy Mills Planned Development District; Amending Certain Restrictions and Regulations, Allowing for Future Subdivision of Tracts within Katy Mills Planned Development District without an Amendment to the Zoning Ordinance; Providing a Penalty; Repealing All Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date. All voted Aye, and the motion carried.

Comments from the Audience

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

Consent Agenda

Councilmember Gore questioned Approval of Minutes for 05-09-2011 Regular Meeting and 05-23-2011 Special Workshop. Councilmember Gore questioned a statement made by City Attorney Pertile in the 05-09-2011 Regular Meeting Minutes. City Attorney Pertile confirmed the statement in the minutes was correct. Councilmember Gore questioned a statement made in the 05-23-2011 Special Workshop Minutes, being the last sentence that "It was noted". He believed the wording should be similar to the preceding statement of "Councilmembers believe". The City Secretary was instructed to listen to the tape to confirm the wording. Councilmember Hughes asked was the City received for the membership dues paid to Texas Downtown Association. The Mayor spoke of the various information which could be used for planning downtown areas. Councilmember Adams commented a monthly report of what other cities are doing in relation to downtown areas. Motion was made by Councilmember Gore, Councilmember Adams, approving the Consent Agenda as presented, with the removal of Item 7C) 05-23-2011 Special Workshop Minutes, until wording can be confirmed.

7) Approve Minutes

- A) 05-09-2011 Regular Meeting
- B) 05-19-2011 Special Meeting
- C) 05-23-2011 Special Workshop
- D) 05-23-2011 Regular Meeting
- E) 06-13-2011 Regular Meeting

8) Consider 2011 Membership Dues for Texas Downtown Association (\$95.00)

All voted Aye, and the motion carried.

Consider Awarding Bid for the Refurbishment of the Veterans of Foreign Wars Memorial Museum in the Amount of \$39,489.00, along with a Change Order Reducing the Contract by \$5,055.70 for a Final Contract Cost of \$34,433.00 (amount previously approved by Convention and Tourism Bureau, 10-27-2010)

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, Awarding Bid for the Refurbishment of the Veterans of Foreign Wars Memorial Museum in the Amount of \$39,489.00, along with a Change Order Reducing the Contract by \$5,055.70 for a Final Contract Cost of \$34,433.00. Norris Merchant thanked City Council for helping with the remodeling of the V.F.W. Museum. He anticipates the opening of the renovated museum to be in October 2011. All voted Aye, and the motion carried.

Authorize Preparation of Bid Specifications and Proceed with Bid Process for the Selling of the City's Scout Hut (building only) located at 5919 Fourth Street

Motion was made by Councilmember Adams, seconded by Councilmember Schmidt, authorizing preparation of Bid Specifications and proceeding with the bid process for the selling of the City's Scout Hut (*building only*) located at 5919 Fourth Street. The Mayor explained the building has not been used in years, was in need of a great deal of repairs and the main reason, removal of the building would allow additional parking to Thomas Park. All voted Aye, and the motion carried.

Authorize Use of Reserve Funds to Replace Defective Water Meter Remote Read Modules, Water Meters, Water Meter Boxes and Lids from Sensus Metering Systems in the Amount of \$260,000.00

Motion was made by Councilmember Hughes, seconded by Councilmember Gore authorizing the use of Reserve Funds to replace defective water meter remote read modules, water meters, water meter boxes and lids from Sensus Metering Systems in the amount of \$260,000.00. Councilmember Adams understood that roughly over 1/3 of the meters were not functioning because they were manufactured without the battery compartment being waterproof. Public Works Director Elaine Lutringer explained the meter batteries were not enclosed in a waterproof compartment, but the new units have the batteries protected. She explained the defective meters will be tested and they if fail, the City will get some investment back. Lutringer plans to send in 1000 meters and anticipates receiving credit for 700-800. It was explained the meters were installed in 2004 and are approximately eight years old. City Treasurer Byron Hebert commented the warranty runs out in 2014. Lutringer explained with the new boxes, there will be longer longevity and new warranties. Councilmember Hughes asked if while doing the replacement project, which could take 2-3 years, if the pricing was locked in for this time frame. Lutringer explained staff is working on that; however, there are no guarantees on the price at this time. All voted Aye, and the motion carried.

Ordinance No. 2505 Amending Katy Code of Ordinances Article 1.500 Elderly and Disabled Homestead Tax Exemption, Section 1.501, by Increasing the Homestead Exemption from \$40,000.00 to \$50,000.00 for Persons (i) 65 Years of Age or Older or (ii) Disabled

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving as printed and read (*caption*) an Ordinance (*No. 2505*), Amending Katy Code of Ordinances Article 1.500 Elderly and Disabled Homestead Tax Exemption, Section 1.501, by Increasing the Homestead Exemption from \$40,000.00 to \$50,000.00 for Persons (i) 65 Years of Age or Older or (ii) Disabled. Councilmember Gore thanked the Mayor for placing this item on the Agenda for consideration. All voted aye and the motion carried

Ordinance No. 2506 Appointing Various City Officers

Motion was made by Councilmember Schmidt, seconded by Councilmember Gore, approving as printed and read (*caption*) an Ordinance (*No. 2506*) Appointing Various City Officers. Councilmember Gore stated he thought the voters allowed for the Municipal Court Judges to reside outside the City Limits of Katy. City Attorney Pertile explained the voters approved the City Attorney residing outside the city limits; however, the voters did not approve the Municipal Court Judges to reside outside the city limits. Councilmember Gore asked about the proposed appointment of Joycelynn Urech. City Administrator Nelson explained she was being appointed as an Associate Judge. The Mayor explained he had met Ms. Urech and she is very interested in working for the City of Katy. He commented she would assist when Judge

Ordinance No. 2506 Appointing Various City Officers (cont'd)

Brashear and Judge Ray are unavailable or when they have conflicts with a specific case. City Attorney Pertile stated Ms. Urech lives in WoodCreek Reserve. Councilmember Adams spoke of her being well known in the community. All voted Aye, and the motion carried.

Councilmembers' Reports

Councilmember Hughes commented he enjoyed the City's fireworks display. Councilmember Schmidt expressed appreciation for the confidence of continuing as Mayor Pro Tem. Councilmember Adams commended the City for the fireworks display and thanked those who donated. She congratulated Councilmember Schmidt on his appointment as Mayor Pro Tem. Councilmember Gore also thought the fireworks display was good thanked those involved in the event, such as the Police and Fire Departments. He commented he was glad for the V.F.W. to be moving forward. Councilmember Lawton also congratulated Councilmember Schmidt and was glad the City decided to have the fireworks display, since so many local displays has been cancelled.

Mayor's Reports

The Mayor thanked City Administrator Johnny Nelson and Tax Assessor-Collector for their part in the Fourth of July Fireworks Display. He spoke of the V.F.W. event and the numerous people in attendance at both events.

Adjourn

Motion was made by Councilmember Adams, seconded by Councilmember Lawton, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:00 p.m.



Mayor

ATTEST:



City Secretary