

**MINUTES OF REGULAR CITY COUNCIL MEETING**

**Call to Order**

The City Council of the City of Katy, Texas, convened in regular session Monday, August 8, 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

**Public Hearing for Proposed Special Use Permit for a Private School (The Curious Mind School) in a "C-1" District, as Allowed in Section 15.2-4, City of Katy Zoning Ordinance, Property is Located at 906 Avenue A, Katy Townsite, Northern Half of Lots 7-12, Block 5, North of Alief Baptist Church Sanctuary Building, Harris County, Record Owner First Baptist Church (Katy), Applicant April Watson, The Curious Mind School**

The Mayor opened a Public Hearing at 6:33 p.m. for the purpose of proposed Special Use Permit for a Private School (*The Curious Mind School*) in a "C-1" District, as Allowed in Section 15.2-4, City of Katy Zoning Ordinance, the property is located at 906 Avenue A, Katy Townsite, Northern Half of Lots 7-12, Block 5, North of Alief Baptist Church Sanctuary Building, Harris County, Record Owner First Baptist Church (*Katy*), Applicant April Watson, *The Curious Mind School*. All were given an opportunity to be heard and there were no public comments. The Mayor closed the Public Hearing at 6:34 p.m.

**Ordinance No. 2507 Amending the Zoning Ordinance, No. 621, by Granting a Special Use Permit that Allows a Private School Use in a "C-1" Commercial District, Located at 906 Avenue A, Northern Half of Lots 7-12, Block 5, Katy Townsite, for The Curious Mind School**

City Attorney Art Pertile explained that the City Planning and Zoning Commission has met prior to the City Council meeting and recommended approval of the proposed request, conditioned upon the recommendations in the letter dated 08-02-2011 to April Watson from Roy Frankum, City of Katy Building Inspector and for a term of two (2) years. Motion was made by Councilmember Hughes, seconded by Councilmember Adams, approving and printed and read (*caption*) an Ordinance (*No. 2507*) Amending the Zoning Ordinance, No. 621, by Granting a Special Use Permit that allows a Private School Use in a "C-1" Commercial District, Located at 906 Avenue A, Northern Half of Lots 7-12, Block 5, Katy Townsite, for *The Curious Mind School*, including the conditions presented in the letter dated 08-02-2011 to April Watson from Roy Frankum, City of Katy Building Inspector and for a term of two (2) years. All voted Aye, and the motion carried.

**Public Hearing for Proposed Special Use Permit for the Use of a Maximum of Four (4) Lots for Single Family Residential Use in a "C-1" District, as Allowed in Section 15.2-1, City Of Katy Zoning Ordinance, Property is Located at 5511A Tenth Street, Lots 1,2, 3 and 4, Block 1, Katy Outlots, in Busch Estates Subdivision, South West Intersection of Tenth Street and East Avenue, Harris County, Record Owner & Applicant Lela Kathryn Busch**

The Mayor opened a Public Hearing at 6:37 p.m. for the purpose of Public Hearing for Proposed Special Use Permit for the Use of a Maximum of Four (4) Lots for Single Family Residential Use in a "C-1" District, as Allowed in Section 15.2-1, City Of Katy Zoning Ordinance, the property is Located at 5511A Tenth Street, Lots 1,2, 3 and 4, Block 1, Katy Outlots, in Busch Estates Subdivision, South West Intersection of Tenth Street and East Avenue, Harris County, Record Owner & Applicant Lela Kathryn Busch. All were given an opportunity to be heard and there were no public comments. The Mayor closed the Public Hearing at 6:38 p.m.

**Ordinance No. 2508 Amending Zoning Ordinance No. 621 and Ordinance No. 2329 a Special Use Permit that Allows, Single Family Residential Use in a "C-1" District on 1.55 Acres, out of Katy Outlot 19 and Portion of East One-Half of Katy Outlot 20, Harris County, for the Benefit of Lela Kathryn Busch of Katy, Texas and Heirs, Assigns and Future Owners**

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving as printed and read (caption) an Ordinance (No. 2508) Amending Zoning Ordinance No. 621 and Ordinance No. 2329 a Special Use Permit that Allows, Single Family Residential Use in a "C-1" District on 1.55 Acres, out of Katy Outlot 19 and Portion of East One-Half of Katy Outlot 20, Harris County, for the Benefit of Lela Kathryn Busch of Katy, Texas and Heirs, Assigns and Future Owners, with the seven listed conditions and restriction set forth in the application, with no time period recommended. City Attorney Art Pertile explained the City Planning and Zoning Commission had met prior to the City Council meeting and recommended approval conditioned upon with the seven listed conditions and restriction set forth in the application, with no specific time period. 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.

**Presentation/Update – Waller County Recycling Center – Jim Meader, Manager**

Jim Meader, Facility Manager, Waller County Recycling Center and Waller County Commissioner Glenn Beckendorff spoke on behalf of the facility, which had opened in the Fall of 2009. Meader reported he had calculated the usage of the facility by his zip code log and determined that Katy residents were utilizing the facility in excess of all other zip codes combined. He explained there has been an increase in the amount of materials being recycled. Meader commented to do to the increased use of the facility; it has become more than a one man operation. He asked for the consideration of some assistance, by way of a person or monies. He does not want the facility to be closed because of lack of manpower. Commissioner Beckendorff spoke of having purchased four trailers, which have placed throughout the county for recycling materials. He spoke of the partnership with the City of Katy and hopes the County and the City can work together to get a closer bond. Beckendorff commented anything the City can do to assist with the center, would be greatly appreciated.

**Approval of Auditor's Engagement Letter, Fiscal Year Ending 09-30-2011, Null-Lairson, P.C., Certified Public Accountants**

City Auditor Christopher L. Breaux, Null-Lairson, Houston, Texas, was present to answer questions. Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving the Auditor's Engagement Letter for Fiscal Year Ending 09-30-2011, Null-Lairson, P.C., Certified Public Accountants. All voted Aye, and the motion carried.

**Award Bid for Delivery of Gasoline and Diesel Fuel – Colorado County Oil, Columbus, Texas, for Containment Setup Provided by Vendor and Transport Only, Contract Dates 10-01-2011 to 09-30-2013 (Bid Prices to Fluctuate during Contract Period) (bids received 8-2-2011)**

Motion was made by Councilmember Schmidt, seconded by Councilmember Gore, awarding the bid for delivery of gasoline and diesel fuel to Colorado County Oil, Columbus, Texas, for containment setup to be provided by vendor and transport only, contract dates 10-01-2011 to 09-30-2013 (bid prices to fluctuate during contract period). Councilmember Hughes asked what the term bid prices to fluctuate meant. Byron Hebert, Finance Director, explained fuel surcharges could cause the prices to fluctuate. All voted Aye, and the motion carried.

**Award Bid for Grounds Maintenance and Mowing for Kingsland Boulevard, Pin Oak Road, F.M. 1463 Areas, Katy Heritage Park and "The Landing", to Junction Landscape, Katy, Texas, in the Amount of \$70,290.00 Annually, Contract Dates 10-01-2011 thru 09-30-2013 (bids received 8-2-2011)**

Motion was made by Councilmember Gore, seconded by Councilmember Lawton, awarding the bid for grounds maintenance and mowing for Kingsland Boulevard, Pin Oak Road, F.M. 14643 areas, Katy Heritage Park and "The Landing", to Junction Landscape, Katy, Texas, in the amount of \$70,290.00 annually, Contract Dates 10-01-2011 thru 09-30-2013. All voted Aye, and the motion carried.

**Award Bid for Visitor Information Center – The Depot Grounds Maintenance and Mowing in the Amount of \$4,944.00 Annually, including Seasonal Color Changeout in the Amount of \$1,120.00 Annually (bids received 8-2-2011)**

Motion was made by Councilmember Lawton, seconded by Councilmember Schmidt, awarding the bid for Visitor Information Center – The Depot, Grounds Maintenance and Mowing in the amount of \$4,944.00 annually including seasonal color changeout in the amount of \$1,120.00 annually. All voted Aye, and the motion carried.

**Consider Request to Reject Bids for 2011-2013 Mechanical Street Sweeping Services and Authorize Staff to Rebid, Bids were received 08-2-2011**

Motion was made by Councilmember Lawton, seconded by Councilmember Hughes, rejecting bids for 2011-2013 Mechanical Street Sweeping Services and authorizing Staff to Rebid. Assistant City Secretary Linda Vourazeris explained there had been some confusion as to the wording "bi-monthly"; each bidder had a different definition. All voted aye, and the motion carried.

**Convention and Tourism Bureau Application for City of Katy – Television Advertising, The KUBE Channel 57, Amount Requested: \$5,000.00 (Tourism-Related Advertising and Promotion) (approved by CTB 07-27-2011)**

Motion was made by Councilmember Schmidt, seconded by Councilmember Lawton, approving the Convention and Tourism Bureau Application for City of Katy – Television

**Convention and Tourism Bureau Application for City of Katy – Television Advertising, The KUBE Channel 57, Amount Requested: \$5,000.00 (Tourism-Related Advertising and Promotion) (approved by CTB 07-27-2011) (cont'd)**

Advertising, The KUBE Channel 57, Amount Requested: \$5,000.00 (*Tourism-Related Advertising and Promotion*). Byron Hebert, Finance Director, explained his team is trying to find different avenues to get the City's information out in the public. He commented a new 30 second commercial had been created for airings and will give feedback to Council at a later date. All voted Aye, and the motion carried.

**Convention and Tourism Bureau Application for City of Katy – Radio Advertising, Texas Sports Radio Network (TSRN), Amount Requested: \$7,200.00 (Tourism-Related Advertising & Promotion) (approved by CTB 07-27-2011)**

Motion was made by Councilmember Hughes, seconded by Councilmember Schmidt, approving the Convention and Tourism Bureau Application for City of Katy – Radio Advertising, Texas Sports Radio Network (TSRN), Amount Requested: \$7,200.00 (*Tourism-Related Advertising & Promotion*). Byron Hebert, Finance Director, anticipates the radio advertising to be played at all Katy Independent School District sporting events. Councilmembers and those present listened to four new radio advertisements. Councilmember Schmidt thought the Houston reference might be misleading. Hebert explained 1/7 of the CTB funds must be spent on promoting hotels. All voted aye, and the motion carried.

**Convention and Tourism Bureau Application for Rotary Club of Katy – 19<sup>th</sup> Annual Katy Triathlon at Firethorne, October 30, 2011, Amount Requested: \$22,023.00 (Tourism-Related Advertising and Promotion; Sporting Events in Which Majority of Participants are Tourists in Cities Located in a County with Population of One Million or Less) (approved by CTB 07-27-2011)**

Rudy Ammer, Rotary Club of Katy Representative gave a brief presentation on the Rotary's request for their 13<sup>th</sup> Annual Triathlon to be held at Firethorne Subdivision, on Sunday, 10-30-2011. It was explained that Hilton Garden Suites is the host hotel, discounted rates are being offered by Marriott Residence Inn, Springhill Suites and a projected 85 room nights to be in local hotels. The event typically brings approximately 2000 spectators. Various items mentioned were t-shirts, media advertising, facebook, postcards, counter cards race instructions and award. It was explained that Katy Rotary gives approximately fourteen \$1,500.00 scholarships each year to Katy I.S.D. graduates and annual donations to numerous non-profit organizations. Motion was made by Councilmember Lawton, seconded by Councilmember Gore approving Convention and Tourism Bureau Application for Rotary Club of Katy – 19<sup>th</sup> Annual Katy Triathlon @ Firethorne, October 30, 2011, Amount Requested: \$22,023.00 (*Tourism-Related Advertising and Promotion; Sporting Events in Which Majority of Participants are Tourists in Cities Located in a County with Population of One Million or Less*) (approved by CTB 07-27-2011). Councilmember Adams understood the City of Katy will be noted on all the items. All voted Aye, and the motion carried.

**Ordinance No. 2509 Amending Katy Code of Ordinances, Section 8.203, "Parks and Recreation Advisory Board" Residency Requirements**

Motion was made by Councilmember Schmidt, seconded by Councilmember Lawton, approving as printed and read (*caption*) an Ordinance (*No. 2509*) Amending Katy Code of Ordinances, Section 8.203, "Parks and Recreation Advisory Board" Residency Requirements. It was explained a current Board Member resided in the City Limits at the time of his appointment and has since moved outside the City Limits (*in Pin Oak Village*) and the Board believes this Board Member is an asset to the Board and are; therefore, asking City Council to

**Ordinance No. 2509 Amending Katy Code of Ordinances, Section 8.203, "Parks and Recreation Advisory Board" Residency Requirements (cont'd)**

approve the proposed amendment. It was explained not all member of various boards or commissions resided within the city limits of Katy. City Attorney Pertile explained it is a City Council decision to allow non-residents to serve on city boards or commissions. All voted Aye, and the motion carried.

**Ordinance No. 2510 Appointing Members to Various City Boards and Commissions**

Motion was made by Councilmember Schmidt, seconded by Councilmember Lawton, appointing members to various City Boards and Commissions. All voted aye, and the motion carried.

**Councilmembers' Reports**

Councilmember Gore thanked all the people who volunteer to serve on various city boards and commissions. He also mentioned to all these boards, commissions, City Council or government people who are in authority, it is important to keep in mind that they all serve the citizens, we work for the citizens.

**Mayor's Reports**

The Mayor announced the Gary Tilton Firefighter Training Fund is hosting its Fourth Annual "Heroes, Legends and leaders" Gala on Saturday, August 20, 2011, at Safari, Texas.

**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 7:20 p.m.

  
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 Mayor

ATTEST:

  
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 City Secretary

