

**MINUTES OF REGULAR CITY COUNCIL MEETING**

**Call to Order**

The City Council of the City of Katy, Texas, convened in regular session Monday, September 12, 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  
 John Hightower, City Attorney  
 Missy Bunch, City Secretary  
 Johnny Nelson, City Administrator  
 David Leyendecker, City Engineer

The following City Official was absent:

Art Pertile, III, City Attorney

**Proclamation - National Rice Month in Katy – September 2011**

The Mayor read and presented a Proclamation for National Rice Month in Katy, September 2011 to the Raymond Dollins Family (Mayor's first cousin, Raymond and his family, daughter Polly and grandson Trey). Mr. Dollins thanked the Mayor.

**Proclamation - International Alpha Delta Kappa Month – October 2011**

The Mayor read and presented a Proclamation for International Alpha Delta Kappa Month during October 2011 to Alpha Delta Kappa representatives accepted the Proclamation.

**Public Hearing for Proposed Creation of "The Reserve at Katy" Planned Development District, 218 Acre Tract, Mixed Use Development, Residential and Commercial in an "R-1" Single Family District, Property is Located on F.M. 1463 approximately One Mile South of IH-10, Fort Bend County, Owners – Toll Houston TX LLC (Toll Brothers, Inc.) and Riddle Holdings, Ltd., Applicant is KGA Land Planning**

The Mayor opened a Public Hearing at 6:42 p.m., for the purpose of Proposed Creation of "The Reserve at Katy" Planned Development District, 218 Acre Tract, Mixed Use Development, Residential and Commercial in an "R-1" Single Family District, Property is Located on F.M. 1463 approximately One Mile South of IH-10, Fort Bend County, Owners – Toll Houston TX LLC (Toll Brothers, Inc.) and Riddle Holdings, Ltd., Applicant is KGA Land Planning. Kerry Gilbert, Kerry Gilbert and Associates, Engineer representing Toll Brothers, gave a brief presentation and spoke of minimal changes. Karl Mistry, Toll Brothers, Houston Division Vice President, thanked the City Administrator and City Staff for welcoming Toll Brothers to the City and for their assistance. He explained Toll Brothers has been in business since 1960, is based in Philadelphia, builds luxury homes, currently builds in 20 states, came to Austin in 1995 and to the Woodland in 2009. Toll Brothers has built in Kingwood, Friendswood, Sugar Land and Tomball. He spoke of targeting active empty nesters and second homes buyers. Mistry explained this would be the first land acquisition for Toll Brothers; therefore, the company is not focused on volume, but instead quality and recognizes Katy's beliefs are similar. Mistry showed a brief slide show of previously built homes and hopes for Toll

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Brothers and the City of Katy to have a long relationship. Gilbert believes the proposed development will be something that Katy can be proud of and a welcomed addition to Katy. He spoke of the name change from Silver Oaks to "The Reserve at Katy" and minor changes as recommended by City Staff (*see list of summary of changes*), front setbacks to keep garages back 25' and he showed examples of 20' setback for front bay windows. Gilbert explained he is modifying the time schedule. Councilmember Adams asked about the addendum page which refers to cul-de-sac front setbacks at 15 foot. Gilbert explained the City of Katy has 60 foot radius for turnaround, which eats into pie shaped lots, but in the end it is all identical. Councilmember Adams asked about the cost of the proposed homes. Mistry replied the homes will start in the mid \$300,000. Councilmember Adams asked which markets the proposed subdivision targets. Mistry explained the proposed subdivision is designed for second and third move up families, which meets the local market requirements. Councilmember Gore asked the project was anticipated to begin. Mistry explained the project is scheduled to begin by the end of the 2011 calendar year. The Public Hearing was closed at 6:58 p.m.

**Ordinance No. 2511 Amending Zoning Ordinance No. 621; Repealing Ordinance No 2405 which Created "Silver Oak" Planned Development District and any Amendments; Replacing "Silver Oak" Planned Development District with "The Reserve At Katy" Planned Development District, 218 Acre Residential and Commercial Mixed Use Development, Located on F.M. 1463 Approximately One Mile South of IH-10, Fort Bend County; Adopting Development Plan and Schedule; Allowing for Future Subdivision of Tracts Within "The Reserve At Katy" Planned Development District**

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving as printed and read (*caption*) an Ordinance (No. 2511) Amending Zoning Ordinance No. 621; Repealing Ordinance No 2405 which Created "Silver Oak" Planned Development District and any Amendments; Replacing "Silver Oak" Planned Development District with "The Reserve At Katy" Planned Development District, 218 Acre Residential and Commercial Mixed Use Development, Located on F.M. 1463 Approximately One Mile South of IH-10, Fort Bend County; Adopting Development Plan and Schedule; Allowing for Future Subdivision of Tracts within "The Reserve At Katy" Planned Development District. All voted Aye, and the motion carried.

**Comments from the Audience**

The following spoke during comments from the audience; 1) Harold McBride, 5385 Eleventh Street, expressed concern about the recent fires in Magnolia and other Texas towns, due to the severe drought. He believes citizens cannot afford to water their lawns and anything thrown out such as a cigarette could cause a fire. He believes the City of Katy should consider allowing the second 10,000 gallons of water for free, which would allow for watering lawns to help control the potential for fires.

**Accept Donation from B. C. Cardiff for the Katy Animal Control Department in the Amount of \$100.00**

Motion was made by Councilmember Gore, seconded by Councilmember Lawton, accepting the donation from B. D. Cardiff for the Katy Animal Control Department in the amount of \$100.00. Councilmember Adams asked the City Attorney what the reasoning was for this donation to have been placed on the Agenda. City Attorney John Hightower explained since the City did not have a donation policy for donation other than cash. Councilmember Adams asked about the 4<sup>th</sup> of July donations. The Mayor explained a policy need to be put in place by way of an ordinance. All voted Aye, and the motion carried

**Award Bid for Mechanical Street Sweeping Service – Sweeping Services of Texas – Operating LP, d/b/as Mr. Dirt of Texas, Houston, Texas, in the Amount of \$45,248.40 Annually, Contract Dates 10-01-2011 thru 09-30-2013**

Motion was made by Councilman Hughes, seconded by Councilmember Adams, awarding bid for Mechanical Street Sweeping Service – Sweeping Services of Texas – Operating LP, d/b/as Mr. Dirt of Texas, Houston, Texas, in the Amount of \$45,248.40 Annually, Contract Dates 10-01-2011 thru 09-30-2013. All voted Aye, and the motion carried.

**Presentation from Taylor Morrison of Texas, Inc., Regarding the Development of a 129 Acre Tract Currently in the City's E.T.J. (south of F.M. 1463)**

Steve Robinson, Attorney, Allen Boone Humphries Robinson, and Steve VonHofe, Division President, Houston Division of Taylor Morrison Homes, were present to represent the proposed development of a 129 acre tract currently in the City of Katy's E.T.J. (south of F.M. 1463). VonHofe explained Taylor Morrison Homes has been an established builder for twenty years; a Texas based company and they are looking forward to building in the City of Katy. He explained the proposed residential lots will comply with City guidelines and are not proposing for the property to be placed in a planned development district. Robinson explained the petition for annexation for the described property is anticipated to begin in the near future and is being proposed to be included in Fort Bend Municipal Utility District No. 163.

**Request for Release of Approximately 182.856 Acres from the City of Katy's E.T.J. (Crossover Road at Katy-Flewellen Road)**

The Mayor removed the request for Release of Approximately 182.856 Acres from the City of Katy's E.T.J. (Crossover Road at Katy-Flewellen Road) from the Agenda.

**Resolution No. 463 Designating the Mayor and Mayor Pro Tem as Representative and as Alternate Representative to Houston-Galveston Area Council 2012 General Assembly**

Motion was made by Councilmember Adams, seconded by Councilmember Lawton, approving as printed and presented a Resolution (No. 463) Designating the Mayor and Mayor Pro Tem as Representative and as Alternate Representative to Houston-Galveston Area Council 2012 General Assembly. All voted Aye, and the motion carried.

**Resolution No. 464 Approving the Moving of Uncollectible Water, Sewer and Garbage Accounts through 09-30-2009 to a Bad Debt Historical Account**

Motion was made by Councilmember Adams, seconded by Councilmember Schmidt, approving as printed and presented a Resolution (No. 464) Approving the Moving of Uncollectible Water, Sewer and Garbage Accounts through 09-30-2009 to a Bad Debt Historical Account. All voted Aye, and the motion carried.

**Recommendation for Conducting Future City Elections as a Result of Senate Bill 100**

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving the recommendation for conducting future City Elections as a result of Senate Bill 100. Councilmember Gore understood the City would be purchasing voting equipment for the City to conduct their own elections, instead of sending citizens outside the city limits to vote. All voted Aye, and the motion carried.

**Tax Assessor-Collector (for the record only, no action required) - 2011 Certified Appraisal Roll (Certified Approved Taxable Value \$1,098,960,735) and 2011 Certified Collection Rate (100 Percent Debt Tax Collection Rate)**

The Mayor announced the Tax Assessor-Collector had reported the 2011 Certified Appraisal Roll (Certified Approved Taxable Value is \$1,098,960,735); and, the 2011 Certified Collection Rate (100 Percent Debt Tax Collection Rate), no action was required.

**Proposed 2011-2012 Budget - Announce Public Hearing on Proposed 2011-2012 Budget - September 26, 2011, Regular City Council Meeting**

The Mayor announced the Public Hearing on the proposed 2011-2012 Budget would be held at the September 26, 2011, Regular City Council meeting.

**Proposed Tax Rate [Since the proposed 2011 Tax Rate of \$0.59372 does not exceed the 2011 Effective Tax Rate of \$0.59568, a Record Vote (Roll Call Vote) on the proposed 2011 Tax Rate and Scheduling of Two Public Hearings is not required this year]**

The Mayor announced the proposed Tax Rate [Since the proposed 2011 Tax Rate of \$0.59372 does not exceed the 2011 Effective Tax Rate of \$0.59568, a Record Vote (Roll Call Vote) on the proposed 2011 Tax Rate and Scheduling of Two Public Hearings is not required this year].

**Councilmembers' Reports**

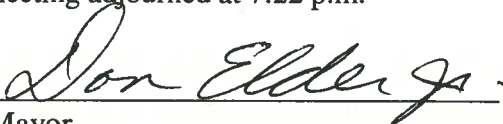
Councilmember Lawton expressed thanks to the local VFW for their 9-11 Ceremony held at LaCenterra and announced there would be a prayer session held at First Baptist Katy at 7:15 a.m., Tuesday, 09-13-2011, to pray for rain. Councilmember Adams congratulated City Engineer Leyendecker on recent wedding of his daughter. Councilmember Schmidt reported he had noticed the proliferation of bandit signs and asked staff to notify those in violation. He asked that this be taken care of prior to getting out of hand. Councilmember Hughes echoed the compliments on the VFW 9-11 Ceremony and thanked the Fire Department on keeping control of the recent grass fires.

**Mayor's Reports**

The Mayor explained the VFW's 9-11 Ceremony was probably one of the most moving remembrances and spoke of the lady sitting on the stage at the event whose brother-in-law had died in one of the towers. He spoke of the breakfast in which he met a veteran who had received a flag and had a moving Purple Heart story. The Mayor thanked the Police, Fire and EMS Departments for sending items to Waller and Bastrop as a result of their recent fire devastations. He encouraged all to abide by the speed limits on Katy-Fort Bend County Road, because Harris County Sheriff's Department is heavily patrolling this area and prosecuting those in violation.

**Adjourn**

Motion was made by Councilmember Gore, seconded by Councilmember Lawton, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:22 p.m.

  
 Mayor

ATTEST:

  
 City Secretary