

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, September 26, 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

The following City Official was absent:

David Leyendecker, City Engineer

Keep Katy Beautiful Board “Katy Proud Business” Award - Multiplicity, 1306 Avenue A

Keep Katy Beautiful Board Member Jamie Wolman, presented the award to recently opened Multiplicity located at 1306 Avenue A.

Public Hearing for Proposed Amendment to a Special Use Permit (Ordinance No. 2452) for Continued Use of an Institution of Religious Nature (Northwest Believers Church), in a “C-1” Commercial District, Located in 2070 Square Feet of Office Space within the Building Known as 5423 East Fifth Street, Ray Subdivision, Block 1, Lot 2 and 3, Harris County

The Mayor opened a Public Hearing at 6:36 p.m. for the purpose of Proposed Amendment to a Special Use Permit (Ordinance No. 2452) for Continued Use of an Institution of Religious Nature (Northwest Believers Church), in a “C-1” Commercial District, Located in 2070 Square Feet of Office Space within the Building Known as 5423 East Fifth Street, Ray Subdivision, Block 1, Lot 2 and 3, Harris County. All were given an opportunity to be heard and there were no comments. The Mayor closed the Public Hearing at 6:37 p.m.

Ordinance No. 2512 Extending a Special Use Permit for for Continued Use of an Institution of Religious Nature (Northwest Believers Church), in a “C-1” Commercial District, Located in 2070 Square Feet of Office Space within the Building Known as 5423 East Fifth Street, Ray Subdivision, Block 1, Lot 2 and 3, Harris County

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving as printed and read (*caption*) an Ordinance (No. 2512) Extending a Special Use Permit for Continued Use of an Institution of Religious Nature (Northwest Believers Church), in a “C-1” Commercial District, Located in 2070 Square Feet of Office Space within the Building Known as 5423 East Fifth Street, Ray Subdivision, Block 1, Lot 2 and 3, Harris County. 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.

Bank Statement and Check Register thru 08-31-2011

There were no questions on the Bank Statement and Check Register thru 08-31-2011.

Consent Agenda (*denotes consent item)

Motion was made by Councilmember Adams, seconded by Councilmember Lawton, approving as printed and presented the Consent Agenda as follows:

- 8) Consider Approval of Minutes
 - A) 07-25-2011 Regular Meeting
 - B) 08-08-2011 Regular Meeting
 - C) 08-22-2011 Regular Meeting
- 9) Consider Approval of Annual "Tour De Donut", Benefiting Make-A-Wish Foundation, Sunday, 11-06-2011 (*start/finish at Katy Mills Mall*) (*portion within Katy City Limits only*)

All voted Aye, and the motion carried.

Resolution No. 465 Adopting a Fund Balance Policy

City Treasurer Byron Hebert explained the adopting of a Fund Balance Policy is basically a GASB 54 Ruling. Motion was made by Councilmember Schmidt, seconded by Councilmember Gore, approving a printed and presented a Resolution (*No. 465*) Adopting a Fund Balance Policy. All voted Aye, and the motion carried.

Convention and Tourism Bureau Application for West Houston Jazz Festival/Katy Guitar Festival, Katy High School Campus, April 27, 2012, Amount Requested \$59,200.00 (Tourism-Related Advertising/Promotion; Funding Programs that Enhance the Arts) (approved by CTB 09-21-2011)

Bob Bryant, Executive Director of Fine Arts, Katy Independent School District briefed City Council on his Convention and Tourism Bureau Application for West Houston Jazz Festival/Katy Guitar Festival. Hebert explained only 15% of the total annual Hotel Occupancy Tax monies, up to \$103,000.00, could be spent on the arts in a calendar year. City Attorney Art Pertile agreed that when certain types of events request monies, the statute puts a limit on these specific types of requests. Councilmember Gore understood the amount requested by Bryant would have to come from the allotted \$103,000.00. Bryant explained the proposed event is a two day event featuring local and state students, jazz bands, combos, guitar soloists, music groups, art vendors and concerts to be provided by world renowned professional jazz artists. He believes is an avenue for amateur and professional jazz musicians and fans to gather for education. He explained the event was founded three years ago in West Houston and has grown from 300 to 1600 participants with the hopes of 10,000 in the future. He spoke of the event being promoted through the Smithsonian Museum of American History as part of National Jazz Appreciation Month. He is in hopes that the event will this year find a permanent home at Katy High School Performing Art Center. Bryant explained Katy/West Houston Jazz Festival plans to update their website and other media; continuation negotiation on special hotel room rates in the city limits of Katy, hope to offer shuttle to events and a possible venue at Hilton Garden Inn on the first floor to allow a band to play for patrons. Councilmember Hughes asked the City Attorney if the City should be concerned with heads in beds for this art event. City Attorney Pertile replied yes, that is the purpose of the act. Bryant commented performers would be coming from across the United States and staying overnight. Bryant is working with local hotels in the city limits. Councilmember Gore understood if the monies were granted the event would be called the Katy Jazz Festival. Councilmember Schmidt in hopes there will be transition from West Houston Jazz Festival to Katy Jazz Festival. Councilmember Adams understood including the title of West Houston was because of the transition. Councilmember Adams asked Treasurer

Convention and Tourism Bureau Application for West Houston Jazz Festival/Katy Guitar Festival, Katy High School Campus, April 27, 2012, Amount Requested \$59,200.00 (Tourism-Related Advertising/Promotion; Funding Programs that Enhance the Arts) (approved by CTB 09-21-2011) (cont'd)

Hebert about the numbers approved at the CTB meeting. Hebert explained City Council has \$103,000.00 Hotel Occupancy Tax funds to spend for the arts and if another event were to be approved to receive funds for the arts the funds would be diminished. Bryant explained most of the budget comes from advertisements, brochures, word of mouth and ticket sales. Councilmember Adams commented both requests on this agenda were for the arts. City Attorney Pertile stated the request is for advertising for an art event not tourism, it is an art event if not an art event then the HOT monies could not fund it. Hebert compared the proposed heads in beds for the Jazz Festival is 57 and previous years of Southland Conference Basketball games have put 1,100 heads in beds. City Attorney Pertile asked Councilmember to look at funding and look at room nights. Councilmember Gore commented if future art events request monies, there may not be any funds to give. City Attorney Pertile explained it is not based on a calendar year, but 15% of current funds, there will still be monies coming in the future. Motion was made by Councilmember Adams, seconded by Councilmember Lawton, approving the Convention and Tourism Bureau Application for West Houston Jazz Festival/Katy Guitar Festival, Katy High School Campus, April 27, 2012, in the Amount of \$49,200.00 instead of the Amount Requested of \$59,200.00 (for Tourism-Related Advertising/Promotion; Funding Programs that Enhance the Arts) (approved by CTB 09-21-2011). All voted Aye, and the motion carried.

Convention and Tourism Bureau Application for Katy Area Chamber Of Commerce – 31st Annual Katy Rice Harvest Festival, October 8-9, 2011, Amount Requested is \$62,812.00 (Tourism-Related Advertising/Promotion; Funding Programs That Enhance The Arts) (approved by CTB 09-21-2011)

Ann Hodge, Greater Katy Area Chamber of Commerce, Executive Director, gave a brief description of the Annual Katy Rice Harvest Festival event to be held October 8-9, 2011. She spoke of the legacy of rice farming, cooking competition, parade, children's carnival, and various other venues to be conducted at the event. She commented on the numerous volunteers, such as the local high schools manning the entrance gates, Katy Fire Department Personnel and various other volunteers. She explained the requested funds are put towards advertising, tickets, banners, posters, radio announcements and other types of media. Hodge spoke of the participating local hotels. Councilmember Adams questioned the qualifications for the arts. Pertile commented that depending on how the event is packaged it could qualify as a tourism event and not just an arts event. Lengthy discussion was held on the various aspects of the packaging of an event and the specifics of a request for Hotel Occupancy Funds in relation to being an arts event and the numerous qualifications for such, especially since the event is designed to celebrate rice harvest. Motion was made by Councilmember Adams, seconded by Councilmember Lawton, approving the Convention and Tourism Bureau Application for Katy Area Chamber Of Commerce – 31st Annual Katy Rice Harvest Festival, October 8-9, 2011, in the amount of \$53,800.00, the amount requested was \$62,812.00 (Tourism-Related Advertising/Promotion; Funding Programs That Enhance The Arts) (approved by CTB 09-21-2011). Councilmember Gore asked if this was all the funds available at this time. Hebert replied yes, based on the previously collected revenue. Councilmember Gore understood that in three months there could be additional funds collected and there would be more monies for the arts. Hebert replied yes, 15% of the amount collected. Councilmember Hughes asked why the admission fee of \$7.00 was changed from 12 and above to 10 and above. Hodge commented

Convention and Tourism Bureau Application for Katy Area Chamber Of Commerce – 31st Annual Katy Rice Harvest Festival, October 8-9, 2011, Amount Requested is \$62,812.00 (Tourism-Related Advertising/Promotion; Funding Programs That Enhance The Arts) (approved by CTB 09-21-2011) (cont'd)

she had been asked to change the age limit. Councilmember Hughes also understood there would be no charge for military personnel. Hodge replied there was no charge for Fire or Police personnel or senior citizens. Councilmember Hughes believes the admission fee for children should remain at 12 year old and up. Councilmember Gore asked who determines these limits. Hodge replied the City had asked for that change. All vote Aye, and the motion carried

Convention and Tourism Bureau Application for City Of Katy – 2011-2012 Maintenance And Operations Of Visitor Information Center; Contractual Fees For Convention And Tourism Bureau; Advertising And Membership Dues, Amount Requested is \$44,605.00 (Funding Establishment, Improvement Or Maintenance Of Convention Center Or Visitor Information Center; Tourism-Related Advertising And Promotion) (approved by CTB 09-21-2011)

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving the Convention and Tourism Bureau Application for City of Katy – 2011-2012 Maintenance and Operations of the Visitor Information Center; Contractual Fees for Convention and Tourism Bureau; Advertising and Membership Dues, the Amount Requested was \$44,605.00 (Funding Establishment, Improvement Or Maintenance Of Convention Center Or Visitor Information Center; Tourism-Related Advertising And Promotion). All voted Aye, and the motion carried.

Discuss Guidelines for Exterior Appearance of New Home Construction and or Remodel/Addition to an Existing Home (Councilmember Bill Lawton)

Councilmember Lawton spoke of the possibility of creating guidelines for exterior appearance of new home construction and/or remodel/addition to an existing home. He commented there is a home that has been recently remodeled with an appearance of barn metal on the exterior, which has caused controversy. He spoke of numerous calls that City Councilmembers had received, explained this is the first time for this type of material and the specific subdivision has no deed restrictions. Councilmember Lawton encouraged City Council to consider a mechanism in place to guard against a similar incident happening in the future. Councilmembers had no comments.

Councilmembers' Reports

Councilmember Hughes asked that everyone keep Johanna Gamble and her husband, who had a stroke this morning in their prayers. Johanna is on the Convention and Tourism Bureau for the City. Councilmember Adams complimented the new bronze tiger that Keep Katy Beautiful Board purchased and had placed at the intersection of Highway 90 and F.M. 1463. Councilmember Gore spoke of his wife working for a business that deals with special needs children, Katy Learning Center and thanked the Fire Department for allowing the children to take a tour of the Fire Station and he thanked Sergeant Arnold for taking the children on a tour of the Police Station, it meant a great deal to the children. Councilmember Lawton thanked Ann Hodge for the great job the Chamber does for the city and spoke highly of the upcoming Chamber Annual Rice Harvest Festival. He complimented Bob Bryant on his passion for the arts and music and was glad to see him at the meeting and wished him well on his upcoming event.

Mayor's Reports

The Mayor thanked the Scouts for participating in the meeting this evening and commented he is looking forward to the upcoming Annual Rice Harvest Festival and Jazz Festival.

Adjourn

Motion was made by Councilmember Hughes, seconded by Councilmember Gore, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:40 p.m.



Mayor

ATTEST:



City Secretary

