

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, November 14, 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

Proclamation Declaring November 2011 as "Pancreatic Cancer Awareness Month"

The Mayor read a Proclamation Declaring November 2011 as "Pancreatic Cancer Awareness Month" in Katy. Accepting the Proclamation was the family of Bobby Jones, who had passed away July 23, 2011, from pancreatic cancer. Jennifer Jones Archer spoke of the upcoming Purple Stride Houston a 5k Family Walk/Run event intended to raise funds dedicated towards the mission of the Pancreatic Cancer Action Network, to be held December 3, 2011, in Sugarland at Oyster Creek Park. She encouraged all to attend to help make a difference. Myra Jones commented Bobby's two legacies were his two daughters.

Keep Katy Beautiful Board - Presentation of "Katy Proud Business Award" to Cloud 9 Skin Care, 1512 Avenue C

Keep Katy Beautiful Board presented the "Katy Proud Business Award" to Cloud 9 Skin Care, located at 1512.

Public Hearing for Proposed Amendment to a Special Use Permit (Ordinance No. 2485) for Continued Use of an Institution of Religious Nature (Cornerstone Baptist Church) in a "C-2" General Business District, Property is Located at 121 F.M. 1463, 2000 Square Feet of Commercial Office Space, 0.9291 Acres, Tract 2, A-155, East Side of F.M. 1463 Across from Katy High School, South of Tiger Square Retail Center, Fort Bend County

The Mayor opened a Public Hearing at 6:44 p.m. for the Proposed Amendment to a Special Use (Ordinance No. 2485) for Continued Use of an Institution of Religious Nature (Cornerstone Baptist Church) in a "C-2" General Business District, Property is Located at 121 F.M. 1463, 2000 Square Feet of Commercial Office Space, 0.9291 Acres, Tract 2, A-155, East Side of F.M. 1463 Across from Katy High School, South of Tiger Square Retail Center, Fort Bend County. The Mayor closed the Public Hearing at 6:45 p.m.

Ordinance No. 2518 Amending Katy Zoning Ordinance No. 621, Establishing by Special Use Permit, Conversion of Commercial Office Space to Cornerstone Baptist Church being a Use of a Religious Nature within 880 Square Feet of Commercial Office Space, 121 F.M. 1463, 0.9291 Acres, Tract 2, Abstract-155, East Side of F.M. 1463 Across From Katy High School and North of Tiger Square Retail Center, within a "C-2" District

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving as printed and read (caption) an Ordinance (No. 2518) Amending Katy Zoning Ordinance No. 621, Establishing by Special Use Permit, Conversion of Commercial Office Space to Cornerstone Baptist Church being a Use of a Religious Nature within 880 Square Feet of Commercial Office Space, 121 F.M. 1463, 0.9291 Acres, Tract 2, Abstract-155, East Side of F.M. 1463 Across From Katy High School and North of Tiger Square Retail Center, within a "C-2" District. All voted Aye, and the motion carried.

Public Hearing for "Goods In Transit" Taxing Tangible Personal Property in Transit

The Mayor opened a Public Hearing at 6:47 p.m. for the purpose of proposed "Goods In Transit" Taxing Tangible Personal Property in Transit. All were given an opportunity to be heard and there were no comments. The Public Hearing closed at 6:49 p.m.

Ordinance No. 2519 Amending Section 1.405 "Goods In Transit", Katy Code of Ordinances; Taxing Tangible Personal Property in Transit which would Otherwise be Exempt Pursuant to Section 11.253 of the Texas Tax Code

City Attorney Art Pertile gave a brief explanation of the proposed ordinance that would allow taxing tangible personal property in transit, which would otherwise be exempt pursuant to Section 11.253 of the Texas Tax Code. Motion was made by Councilmember Adams, seconded by Councilmember Lawton, approving as printed and read (caption) an Ordinance (No. 2519) Amending Section 1.405 "Goods In Transit", Katy Code of Ordinances; Taxing Tangible Personal Property in Transit which would Otherwise be Exempt Pursuant to Section 11.253 of the Texas Tax Code. Councilmember Hughes asked how the City would track what is coming into the City. The City Attorney explained that commercial businesses are supposed to render a list of personal property, as to when it arrived and when it left the business, to the appraisal districts. 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 asked that item 9E) be pulled from the Agenda. Motion was made by Councilmember Lawton, seconded by Councilmember Schmidt, approving the Consent Agenda as follows:

- 9) Consider Approval of Minutes
 - A) 09-01-2011 Special Workshop
 - B) 09-12-2011 Regular Meeting
 - C) 09-26-2011 Regular Meeting
 - D) 09-30-2011 Special Meeting
 - F) 10-24-2011 Regular Meeting
- 10) Consider Approval of Katy Market Days Request to Close Avenue B between Second and Third Streets for "A Katy Old Fashioned Christmas Festival", Saturday, 12-17-2011, from 11:00 a.m. to 6:00 p.m.

All voted Aye, and the motion carried.

Presentation by Katy Area Economic Development Council, Inc., of 2010-2011 City of Katy Report, Detailing the Accomplishments and Future Plans

Lance LaCour, President/CEO, Katy Area Economic Development Council, Inc., recognized attending Board Members and Frank Lombard, Vice President Katy EDC. LaCour had presented Councilmembers with copies of their Annual Report. He spoke of the newly formed membership districts. Councilmembers discussed the various levels of participation, the need for the Mayor to be on the Board of Governors and various benefits provided by the Katy EDC.

Approval of 2011-2012 Annual Membership Dues at Board of Governors Level in the Amount of \$15,000.00

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving the 2011-2012 Annual Membership Dues at Board of Governors Level in the Amount of \$15,000.00. Votes were cast as follows: Ayes – Adams, Hughes, Lawton, Schmidt; Noes – Gore. The motion carried.

Consider Convention and Tourism Bureau Application for Katy FFA Livestock Show and Rodeo Association, Inc. – 2012 Livestock Show and Rodeo, Katy ISD Billy Morgan Arena, Fort Bend County, February 23-25, 2012, Amount Requested \$15,401.00 (tourism-related advertising and promotion of the City of Katy and its vicinity) (approved by CTB 10-26-2011)

Motion was made by Councilmember Schmidt, seconded by Councilmember Gore, approving the Convention and Tourism Bureau Application for Katy FFA Livestock Show and Rodeo Association, Inc. – 2012 Livestock Show and Rodeo, Katy ISD Billy Morgan Arena, Fort Bend County, February 23-25, 2012, Amount Requested \$15,401.00 (tourism-related advertising and promotion of the City of Katy and its vicinity). All voted Aye, and the motion carried.

Consider Convention and Tourism Bureau Application for City of Katy – Standard Ad 2012 Katy Mills Coupon Book, Amount Requested \$3,500.00 (tourism-related advertising and promotion of the City of Katy and its vicinity) (approved by CTB 10-26-2011)

Motion was made by Councilmember Hughes, seconded by Councilmember Gore, approving the Convention and Tourism Bureau Application for City of Katy – Standard Ad 2012 Katy Mills Coupon Book, Amount Requested \$3,500.00 (tourism-related advertising and promotion of the City of Katy and its vicinity). All voted Aye, and the motion carried.

Request for Release of Approximately 182.856 Acres from the City of Katy's E.T.J. (Crossover Road at Katy-Flewellen Road) (removed from 09-12-2011 City Council Agenda)

City Attorney Art Pertile explained the proposed request for release of approximately 182.856 acres from the City of Katy's E.T.J. (Crossover Road at Katy Flewellen Road) (removed from 09-12-2011 City Council Agenda) should go thru a specific process, which includes consideration by the City Planning and Zoning Commission (CPZ); however; City Council can decide if consideration of this request should go before CPZ. Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, recommending the request for release of approximately 182.856 acres from the City of Katy's E.T.J. (Crossover Road at Katy-Flewellen Road) be sent to CPZ for consideration and recommendation to City Council. All voted Aye, and the motion carried.

Resolution No 467 Appointing Hazard Mitigation Committee

Motion was made by Councilmember Hughes, seconded by Councilmember Adams, approving as printed and presented a Resolution (No. 467) Appointing a Hazard Mitigation Committee.

Resolution No 467 Appointing Hazard Mitigation Committee (cont'd)

Councilmember Gore asked what the duties of the proposed committee were. Fire/EMS Administrative Director Marc Jordan explained the proposed committee would assist the City's Emergency Management Team and enable the City to receive additional funds. Councilmember Gore was glad to see two City Councilmembers on the proposed committee. All voted Aye, and the motion carried.

Ordinance No. 2520 Adopting Amendment No. 1 to Original Budget for 2010-2011 Fiscal Year; Providing for Changes in General Government and Enterprise Fund Budgets

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving as printed and read (*caption*) an Ordinance (*No. 2520*) Adopting Amendment No. 1 to Original Budget for 2010-2011 Fiscal Year; Providing for Changes in General Government and Enterprise Fund Budgets. All voted Aye, and the motion carried

Councilmembers' Reports

Councilmember Hughes was glad to see such a large crowd at the meeting, glad to see so many involved in the City and glad to see the Boy Scouts in attendance. He thanked Lance LaCour for his presentation. Councilmember Gore commented he noticed The Katy Times had a poll for recycling on their website and asked if additional information could be included on the poll for the citizens being willing or not willing to pay for recycling.

Mayor's Reports

The Mayor announced the City's Annual Tree Lighting ceremony was being held on Tuesday, November 29, 2011, at Katy Heritage Park at 5:30 p.m. He expressed appreciation to those in attendance at this meeting.

Adjourn

Motion was made by Councilmember Hughes, seconded by Councilmember Lawton, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:27 p.m.


Mayor

ATTEST:


City Secretary