

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, December 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
 Art Pertile, III, City Attorney
 Missy Bunch, City Secretary
 Johnny Nelson, City Administrator

The following City Official was absent:

David Leyendecker, City Engineer

Announcement of Recognition Received by Keep Katy Beautiful Board for the 1st Place Affiliate Award – Keep America Beautiful Cities with a Population of Under 50,000 in the United States

Jamie Wolman, Keep Katy Beautiful Board Member, announced Keep Katy Beautiful Board was honored on November 30, 2011, at the 58th Annual Keep America Beautiful Conference for distinguishing itself as an exemplary affiliate organization. Taking First Place in the under 50,000 population category, the organization was honored for its outstanding community programs. She quoted “It is my privilege to honor Keep Katy Beautiful and celebrate its dedication in engaging volunteers to make its community flourish,” said by Matthew McKenna, President/CEO, Keep America Beautiful. “Award winning affiliates such as Katy; serve as a great inspiration in our national effort to Keep America beautifully.” The Mayor complimented Keep Katy Beautiful Board on the outstanding work they have done and how they are not only recognized locally and statewide, but also nationwide. He thanked them for all their hard work.

Announcement of Recognition Received by the Finance Department for the Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year Ending September 30, 2010

The Mayor recognized Byron Hebert, Financial Director, for receiving the Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year Ending September 30, 2010 and thanked Hebert and the Finance Department for keeping the City in such financial stability.

Announcement of Recognition Received by Melissa A. “Missy” Bunch, City Secretary, as 2011 Municipal Clerk of the Year for the Salt Grass Chapter of Texas Municipal Clerks Association, Inc.

The Mayor recognized Melissa A. “Missy” Bunch, City Secretary, for receiving the 2011 Municipal Clerk of the Year for the Salt Grass Chapter of Texas Municipal Clerks Association.

Public Hearing for Proposed Special Use Permit for an Institution of a Religious Nature (The Redeemed Christian Church of God The Kings Palace) in a "C-1" Commercial District and "C-2" General Business District. The Property is Located at 5371 E. Fifth Street.

The Mayor opened a Public Hearing at 6:40 p.m. for Proposed Special Use Permit for an Institution of a Religious Nature (*The Redeemed Christian Church of God The Kings Palace*) in a "C-1" Commercial District and "C-2" General Business District. The Property is Located at 5371 E. Fifth Street. All were given an opportunity to be heard and there were no comments. The Mayor closed the Public Hearing at 6:40 p.m.

Ordinance No. 2521 for Proposed Special Use Permit for an Institution of a Religious Nature (The Redeemed Christian Church of God The Kings Palace) in a "C-1" Commercial District and "C-2" General Business District. The Property is Located at 5371 E. Fifth Street.

Motion was made by Councilmember Hughes, seconded by Councilmember Lawton, approving as printed and read (*caption*) an Ordinance (*No. 2521*) for Proposed Special Use Permit for an Institution of a Religious Nature (*The Redeemed Christian Church of God The Kings Palace*) in a "C-1" Commercial District and "C-2" General Business District. The Property is Located at 5371 E. Fifth Street. All voted Aye, and the motion carried.

Public Hearing Proposed Special Use Permit for Construction and Use of an Area within a Proposed Private Storage Facility, Storit at WoodCreek, for the Location of One Single Family Residential Dwelling Unit for the Residence of an On-Site Manager and a Commercial Business in WoodCreek Reserve Planned Development District "PDD". The Property is Located on the East Side of F.M. 1463.

The Mayor opened a Public Hearing at 6:43 p.m. for Proposed Special Use Permit for Construction and Use of an Area within a Proposed Private Storage Facility, Storit at WoodCreek, for the Location of One Single Family Residential Dwelling Unit for the Residence of an On-Site Manager and a Commercial Business in WoodCreek Reserve Planned Development District "PDD". The Property is Located on the East Side of F.M. 1463. All were given an opportunity to be heard and there were no comments. The Mayor closed the Public Hearing at 6:43 p.m.

Ordinance No. 2522 for Proposed Special Use Permit for Construction and Use of an Area within a Proposed Private Storage Facility, Storit at WoodCreek, for the Location of One Single Family Residential Dwelling Unit for the Residence of an On-Site Manager and a Commercial Business in WoodCreek Reserve Planned Development District "PDD". The Property is Located on the East Side of F.M. 1463

Motion was made by Councilmember Schmidt, and Councilmember Gore, approving as printed and read (*caption*) an ordinance (*No. 2522*) for Proposed Special Use Permit for Construction and Use of an Area within a Proposed Private Storage Facility, Storit at WoodCreek, for the Location of One Single Family Residential Dwelling Unit for the Residence of an On-Site Manager and a Commercial Business in WoodCreek Reserve Planned Development District "PDD". The Property is Located on the East Side of F.M. 1463. All voted Aye, and the motion carried.

Public Hearing for Proposed Special Use Permit for the Construction of a Memory Care Facility in WoodCreek Reserve Planned Development District "PDD". The Property is Located on the West Side of WoodCreek Bend Lane, North of Katy-Flewellen Road and West of WoodCreek Junior High School. Providing for the Subdivision of a Tract within Woodcreek Reserve "PDD"; Amending Certain Restrictions and Regulations in Allowing for Future Subdivision of Tracts of Land Within Woodcreek Reserve "PDD" Without an Amendment to the Zoning Ordinance

The Mayor opened a Public Hearing at 6:45 p.m. for Proposed Special Use Permit for the Construction of a Memory Care Facility in WoodCreek Reserve Planned Development District "PDD". The Property is Located on the West Side of WoodCreek Bend Lane, North of Katy-Flewellen Road and West of WoodCreek Junior High School. Providing for the Subdivision of a Tract within Woodcreek Reserve "PDD"; Amending Certain Restrictions and Regulations in Allowing for Future Subdivision of Tracts of Land Within Woodcreek Reserve "PDD" Without an Amendment to the Zoning Ordinance. All were given an opportunity to be heard and there were no comments. The Mayor closed the Public Hearing at 6:45 p.m.

Action on Plat Amendment for Proposed Special Use Permit for the Construction of a Memory Care Facility in WoodCreek Reserve Planned Development District "PDD". The Property is Located on the West Side of WoodCreek Bend Lane, North of Katy-Flewellen Road and West of WoodCreek Junior High School. Providing for the Subdivision of a Tract within Woodcreek Reserve "PDD"; Amending Certain Restrictions and Regulations in Allowing for Future Subdivision of Tracts of Land Within Woodcreek Reserve "PDD" Without an Amendment to the Zoning Ordinance

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving the Plat Amendment for Proposed Special Use Permit for the Construction of a Memory Care Facility in WoodCreek Reserve Planned Development District "PDD". The Property is Located on the West Side of WoodCreek Bend Lane, North of Katy-Flewellen Road and West of WoodCreek Junior High School. Providing for the Subdivision of a Tract within Woodcreek Reserve "PDD"; Amending Certain Restrictions and Regulations in Allowing for Future Subdivision of Tracts of Land within Woodcreek Reserve "PDD" without an Amendment to the Zoning Ordinance. All voted aye, and the motion carried.

Ordinance No. 2523 for Proposed Special Use Permit for the Construction of a Memory Care Facility in WoodCreek Reserve Planned Development District "PDD". The Property is Located on the West Side of WoodCreek Bend Lane, North of Katy-Flewellen Road and West of WoodCreek Junior High School. Providing for the Subdivision of a Tract within Woodcreek Reserve "PDD"; Amending Certain Restrictions and Regulations in Allowing for Future Subdivision of Tracts of Land Within Woodcreek Reserve "PDD" Without an Amendment to the Zoning Ordinance

Motion was made by Councilmember Adams, seconded by Councilmember Schmidt, approving as printed and read (*caption*) an Ordinance (*No. 2523*) for Proposed Special Use Permit for the Construction of a Memory Care Facility in WoodCreek Reserve Planned Development District "PDD". The Property is Located on the West Side of WoodCreek Bend Lane, North of Katy-Flewellen Road and West of WoodCreek Junior High School. Providing for the Subdivision of a Tract within Woodcreek Reserve "PDD"; Amending Certain Restrictions and Regulations in Allowing for Future Subdivision of Tracts of Land Within Woodcreek Reserve "PDD" Without an Amendment to the Zoning Ordinance. 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

Motion was made by Councilmember Schmidt, seconded by Councilmember Lawton, approving the Consent Agenda as presented below:

- 9) Consider Approval of 2012 Annual Membership Dues
 - A) Houston-Galveston Area Council (H-GAC) in the Amount of \$471.00
 - B) Harris County Mayors' and Councils' Association in the Amount of \$690.00
 - C) Katy Area Chamber of Commerce Annual Membership Dues in the Amount of \$3,850.00
(Chairman's Circle Level)
- 10) Consider Approval of Conoco Phillips Bike Club Training Rides
 - A) Saturday, 01-28-2012 (start/finish at Sun & Ski Sports)(portion inside city limits of Katy)
 - B) Saturday, 04-07-2012 (start/finish at Sun & Ski Sports)(portion inside city limits of Katy)
- 11) Consider Declaring Surplus Items (to be Auctioned, sold as Scrap Metal or Discarded)

Councilmember Hughes asked if the City was receiving any benefit from Harris County Mayors' & Councils' Association. The Mayor commented that he believes this Association is very beneficial to the City of Katy. All voted Aye, and the motion carried

Final Plat for Katy Main Street Commercial Reserves No. 1 Replat, 1.94 Acres, Abstract 292, 2 Reserves in 1 Block, Being a Replat of a Portion of Reserve A, Fort Bend County, Located on the West Side of Pin Oak Road, South of Nelson Way and North of Walgreen's

Motion was made by Councilmember Lawton, seconded by Councilmember Schmidt, approving the Final Plat for Katy Main Street Commercial Reserves No. 1 Replat, 1.94 Acres, Abstract 292, 2 Reserves in 1 Block, Being a Replat of a Portion of Reserve A, Fort Bend County, Located on the West Side of Pin Oak Road, South of Nelson Way and North of Walgreen's, including the recommendation from the City Engineer dated November 23, 2011. All voted Aye, and the motion carried.

Extension of Preliminary Plat Approval for WoodCreek Reserve, Sections 9A and 9B through the Month of February 2012 (approved by City Planning and Zoning Commission 06-14-2011, preliminary plat approval to expire 12-14-2011)

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving the extension of the Preliminary Plat Approval for WoodCreek Reserve, Sections 9A and 9B through the month of February 2012 (preliminary plat was approved by City Planning and Zoning Commission 06-14-2011, preliminary plat approval to expire 12-14-2011). All voted Aye, and the motion carried.

Use of Enterprise Reserves Funds for 2011-2012 Waterline Rehabilitation Project in an Amount not to Exceed \$80,000.00 to Fund a Portion of the Project

Motion was made by Councilmember Gore, seconded by Councilmember Lawton, authorizing the use of Enterprise Reserves Funds for 2011-2012 Waterline Rehabilitation Project in an amount not to exceed \$80,000.00 to Fund a Portion of the Project. All voted Aye, and the motion carried.

Award Bid for 2011-2012 Waterline Rehabilitation Project to Matula & Matula Construction, Inc., Lake Jackson, Texas, in the Amount of \$310,475.40, for a Total Project Cost of \$374,422.94 (total project cost includes contingencies, engineering, surveying and inspection)

Motion was made by Councilmember Schmidt, seconded by Councilmember Gore, Awarding the Bid for 2011-2012 Waterline Rehabilitation Project to Matula & Matula Construction, Inc., Lake Jackson, Texas, in the Amount of \$310,475.40, for a Total Project Cost of \$374,422.94 (total project cost includes contingencies, engineering, surveying and inspection). All voted Aye, and the motion carried.

Resolution No. 468 Authorizing the Mayor to Execute a Perpetual Easement Form to CenterPoint Energy Houston Electric, LLC, for Services to Brazos Valley Schools Credit Union Located at 25525 Katy Mills Parkway, Katy Mills, Block K

Motion was made by Councilmember Gore, seconded by Councilmember Hughes, approving as printed and presented a Resolution (No. 468) Authorizing the Mayor to Execute a Perpetual Easement Form to CenterPoint Energy Houston Electric, LLC, for Services to Brazos Valley Schools Credit Union Located at 25525 Katy Mills Parkway, Katy Mills, Block K. All voted Aye, and the motion carried.

Resolution No. 469 Adopting a Donation Policy

Motion was made by Councilmember Schmidt, seconded by Councilmember Lawton, approving as printed and presented a Resolution (No. 469) Adopting a Donation Policy. All voted Aye, and the motion carried. The Mayor explained the proposed resolution would clarify donations made to the City. Councilmember Adams thanked City Attorney Pertile for researching and preparing the proposed Donation Policy and asked him to clarify the need for such a policy. City Attorney Pertile explained that under the law, only City Council can accept donations. He explained the new policy allows department heads the ability to accept donations up to \$5000.00, donations in excess of this would need to be accepted by City Council, including the donation of land.

Resolution No. 470 Appointing a Local Emergency Planning Committee to Develop a Comprehensive Emergency Plan for the City of Katy

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving as printed and presented a Resolution (No. 470) Appointing a Local Emergency Planning Committee to Develop a Comprehensive Emergency Plan for the City of Katy. All voted Aye, and the motion carried.

Resolution No. 471 Authorizing the Mayor to Sign an Interlocal Agreement with Katy Independent School District for Emergency Mutual Aid (Emergency Assistance, Governmental Functions, Police Protection and Detention Services, Public Health and Welfare, Planning, Administrative Functions and other Governmental Functions to Serve a Public Purpose during Emergency Situations)

Motion was made by Councilmember Lawton, seconded by Councilmember Hughes, approving as printed and presented a Resolution (No. 471) Authorizing the Mayor to Sign an Interlocal Agreement with Katy Independent School District for Emergency Mutual Aid (Emergency Assistance, Governmental Functions, Police Protection and Detention Services, Public Health and Welfare, Planning, Administrative Functions and other Governmental Functions to Serve a Public Purpose during Emergency Situations). All voted Aye, and the motion carried.

Resolution No. 472 Authorizing the Mayor to Sign a Contract with Linebarger Goggan Blair & Sampson, LLP, for Fines and Fees Collection Services for Katy Municipal Court

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving as printed and presented a Resolution (No. 472) Authorizing the Mayor to Sign a Contract with Linebarger Goggan Blair & Sampson, LLP, for Fines and Fees Collection Services for Katy Municipal Court. All voted Aye, and the motion carried. The term of the Contract is from December 13, 2011 to September 30, 2016.

Councilmembers' Reports

Councilmember Hughes expressed he was glad to see the large number of Boy Scouts in attendance, wished all a Merry Christmas and good health through the holidays. Councilmember Schmidt commented he was glad to have been able to attend the Keep America Beautiful Conference held in New Orleans and be a part of the acceptance of the 1st Place Affiliate Award – Keep America Beautiful Cities with a Population of Under 50,000 in the United States. He spoke of how proud he was and how well recognized the City of Katy at the event. Councilmember Adams expressed appreciation to Keep Katy Beautiful Board Members for all they do, all that the various City Departments do for the City and she is looking forward to 2012. Councilmember Gore expressed congratulations to Keep Katy Beautiful Board Members for the work they do, to Finance Director Hebert for his recent achievement and City Secretary Bunch for recent award. He wished all a Merry Christmas. Councilmember Lawton believes the citizens in Katy have a really outstanding City, because of the numerous organizations. He commented as he looked across the room expressed appreciation to all for their commitment to the City. He wished all a Merry Christmas and Happy New Year.

Mayor's Reports

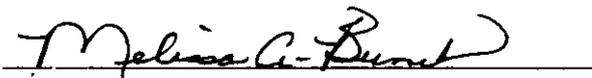
The Mayor expressed appreciation for all the work done by various organizations, boards and city employees and the pride taken in such. He read a memo to those present about the recent acquisitions of contaminated water and cautioned all to be aware of the numerous water scams out there. He wished all a Merry Christmas and happy holidays to all different religions. He encouraged all to not just think about themselves, but think of those without jobs and cannot provide for their families, he believes this is the true spirit of the holidays. The Mayor thanked all the scouts in attendance for their continued strive towards becoming an Eagle Scout.

Adjourn

Motion was made by Councilmember Lawton, seconded by Councilmember Hughes, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:10 p.m.


 Mayor

ATTEST:


 City Secretary