

**MINUTES OF REGULAR CITY COUNCIL MEETING**

**Call to Order**

The City Council of the City of Katy, Texas, convened in regular session Monday, January 23, 2012, 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 Petitions for Voluntary Annexation and Consent to Annex Land Into Fort Bend County Municipal Utility District No. 163 of a 127.10 Acre Tract of Land Located in the James Conner Survey, Abstract 157 in Fort Bend County, Texas, said 127.10 Acre Tract Being a Portion of a Called 133.28 Acre Tract (save and except 4.00 acres) Recorded in Fort Bend County Clerk's File Number 2008085669; Applicant is Spring Green Crossing, LLC (approved by City Planning and Zoning Commission 01-10-2012)**

The Mayor opened a Public Hearing at 6:33 p.m. for the purpose of Proposed Petitions for Voluntary Annexation and Consent to Annex Land into Fort Bend County Municipal Utility District No. 163 of a 127.10 acre tract of land located in Abstract 157 in Fort Bend County, Texas, said 127.10 acre tract being a portion of a called 133.28 acre tract (save and except 4.00 acres) recorded in Fort Bend County Clerk's File Number 2008085669; Applicant is Spring Green Crossing, LLC (approved by City Planning and Zoning Commission 01-10-2012). The following were heard: 1) Steve Robinson, Allen Boone Humphries Robinson, LLP, Houston, Texas, explained the proposal is to annex the referenced property into the Katy City Limits and into Fort Bend County M.U.D. 163. He commented the land plan is for the entire tract, with a small portion being in Houston's extra-territorial jurisdiction and he believes the request is similar to other in-city municipal utility districts. The Mayor closed the Public Hearing at 6:35 p.m.

**Ordinance No. 2525 Annexing a 127.10 Acre Tract of Land into the City Limits of Katy**

Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving as printed and read (caption) an Ordinance (No. 2525) annexing a 127.10 acre tract of land into the City Limits of Katy. All voted Aye, and the motion carried.

**Resolution No. 473 Approving a Utility Agreement with Spring Green Crossing, LLC, and Fort Bend County Municipal Utility District No. 163**

Motion was made by Councilmember Lawton, seconded by Councilmember Hughes, approving as printed presented a Resolution (No. 473) Approving a Utility Agreement with Spring Green Crossing, LLC, and Fort Bend County Municipal Utility District No. 163. City Attorney Art Pertile explained the information in the proposed agreement had been reviewed and was consistent with the previous in-city municipal utility districts; however, it has road and park powers. All voted Aye, and the motion carried.

**Ordinance No. 2526 Consenting to the Annexing of a 127.10 Acre Tract of Land into Municipal Utility District No. 163**

Motion was made by Councilmember Schmidt, seconded by Councilmember Gore, approving as printed and read (*caption*) an Ordinance (No. 2526) consenting to annexing of a 127.10 acre tract of land into Municipal Utility District No. 163. All voted Aye, and the motion carried.

**Comments from the Audience**

All were given an opportunity to be heard and there were none.

**FY 2011-2012 First Quarter Operating Statement and First Quarter Investment Report; Bank Statement and Check Register Thru 12-31-2011 (information items only)**

City Treasurer Byron Hebert announced the reports are a part of the Public Funds Investment Act, Chapter 2256 of the Texas Government Code. There were no comments or questions.

**Approval of 10-10-2011 Regular Meeting Minutes (tabled 11-14-2011)**

Councilmember Schmidt explained he had asked the City Secretary to review the tape recording of the 10-10-2011 Regular Meeting minutes, for the sake of clarity and prepare a verbatim of the wording in question. Motion was made by Councilmember Schmidt, seconded by Councilmember Lawton, approving the 10-10-2011 Regular Meeting Minutes, including the verbatim wording as presented. Councilmember Gore agreed with the verbatim wording. All voted Aye, and the motion carried.

**Final Plat for Storit at WoodCreek Reserve, 3.6043 Acres, Fort Bend County, and Property is located on East Side of F.M. 1463 across from Hoyt Lane, Record Owner is Cook Realty Group, LLC and Applicant is Costello, Inc.**

Motion was made by Councilmember Lawton, seconded by Councilmember Hughes, approving as presented Final Plat for Storit at WoodCreek Reserve, 3.6043 Acres, Fort Bend County, property located on East Side of F.M. 1463 across from Hoyt Lane, including the City Engineer's recommendations dated January 6, 2012. All voted Aye, and the motion carried.

**Final Plat for WoodCreek Commons Shopping Center, 3.4900 Acres, Fort Bend County, and Property is located at the Southeast Corner of F.M. 1463 and Interstate IH-10 Feeder Road, Record Owner is WoodCreek Retail Associates, LP, and Applicant is Levinson Alcoser Association, LP**

City Attorney Art Pertile explained there was a typo, the plat to be considered contains 21.4802 acre tract plus 3.49 acre tract. Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, approving as presented the Final Plat for WoodCreek Commons Shopping Center, 3.4900 Acres, Fort Bend County, and Property located at the Southeast Corner of F.M. 1463 and Interstate IH-10 Feeder Road. All voted Aye, and the motion carried.

**Resolution No. 474 Authorizing the Support of the Waller County, Texas Application for Flood Protection Planning Grant Assistance Filed with the Texas Water Development Board (tabled 01-09-2012)**

Orval Rhoads, Waller County Engineer, spoke briefly of the county-wide drainage study. Wes Birdwell, Engineer, Half Associates, gave a presentation on the proposed grant. He spoke of the phased plan, matching funds, floodplain mapping and various watershed areas. Birdwell explained there could be discussion in the future for matching funds, but not at this time. In Birdwell's presentation a proposed matching amount of \$15,000.00 was listed for the City of Katy. City Engineer David Leyendecker spoke of the data the City provided to Federal

**Resolution No. 474 Authorizing the Support of the Waller County, Texas Application for Flood Protection Planning Grant Assistance Filed with the Texas Water Development Board (tabled 01-09-2012) (cont'd)**

Emergency Management Act (FEMA) and suggested the County utilize that information. Birdwell spoke of discussing the details at a later date. Rhoads anticipates the study to be completed in 2014. City Attorney Pertile explained that funding could be approved at a later date and approval of the proposed ordinance does not obligate any funding. Rhoads explained there will be a proposed Interlocal Agreement in the later part of 2012. Motion was made by Councilmember Hughes, seconded by Councilmember Gore, approving as printed and presented a Resolution (No. 474) authorizing the support of the Waller County, Texas Application for Flood Protection Planning Grant Assistance filed with the Texas Water Development Board. All voted Aye, and the motion carried.

**Resolution No. 475 Authorizing the Mayor to Sign an Amendment to the Advance Funding Agreement with the Texas Department of Transportation for Construction of Turn Lanes On F.M. 1463 at IH-10 by Replacing Attachment A to the Agreement with Attachment A-1**

City Attorney Art Pertile explained the proposed resolution is an amendment to a previously approved Agreement by City Council in 2011. Motion was made by Councilmember Lawton, seconded by Councilmember Schmidt, approving as printed and presented a Resolution (No. 475) Authorizing the Mayor to sign an Amendment to the Advance Funding Agreement with the Texas Department of Transportation for Construction of Turn Lanes on F.M. 1463 at IH-10 by replacing Attachment A to the Agreement with Attachment A-1. All voted Aye, and the motion carried.

**Resolution No. 476 Authorizing the Issuance of \$2,055,000 in Series 2012 Bonds by Fort Bend County Municipal Utility District No. 199**

Motion was made by Councilmember Adams, seconded by Councilmember Schmidt, approving as printed and presented a Resolution (No. 476) Authorizing the Issuance of \$2,055,000 in Series 2012 Bonds by Fort Bend County Municipal Utility District No. 199. All voted Aye, and the motion carried.

**Ordinance No. 2527 Calling an Election for the 12th day of May, 2012, for the Purpose of Electing One Councilmember At Large, One Councilmember from Ward A, and One Councilmember from Ward B and other Matters Relating to Said Election.**

*(Ordenanza el No 2527 de Vocación de una Elección para el 12o día de mayo de 2012. para Elección de Un Councilmember en Libertad, Un Councilmember de Sala A, y Un Councilmember de Sala B y otros Asuntos Acerca de Elección Dicha.)*

*(Sắc lệnh số 2527 kêu gọi một cuộc bầu cử cho ngày 12 tháng năm, 2012, cho các mục đích của bầu một Hoãi Noàng chung, Hoãi Noàng một từ Phường A và một Hoãi Noàng từ Phường B và những vấn đề khác liên quan đến cuộc bầu cử nói.)*

*(選舉條例“第二五二七呼叫大, 一個病房的議會議員, 市議員選舉的目的, 病房B和其他事項有關的市議員選舉, 2012年5月12日, 。)*

City Attorney Art Pertile explained the portion of the City of Katy that is located in Harris County is required to provide all election materials in Vietnamese and Chinese under the Voting Rights Act. He proposed to a pre-clearance be requested from the Department of Justice for the elimination of bilingual requirement for Chinese and Vietnamese languages in election materials. He explained the City must still provide translators for each language at the polling locations. Motion was made by Mayor Pro Tem/Councilmember M. H. “Hank” Schmidt, seconded by Councilmember Larry Gore, to authorize City Attorney to seek from the Department of Justice elimination of bilingual requirement for Chinese and Vietnamese languages in election materials. All voted Aye, and the motion carried.

**Ordinance No. 2528 Increasing Ground Water Reduction User Fees Charged Each Single Family Residential, Multi-Family Residential, Commercial Structure and Unit**

Motion was made by Councilmember Schmidt, seconded by Councilmember Lawton, approving as printed and read (*caption*) an Ordinance (*No. 2528*) Increasing Ground Water Reduction User Fees Charged Each Single Family Residential, Multi-Family Residential, Commercial Structure and Unit

**Consider the Extension, Amendment or Bidding of the City's Solid Waste Collection (Garbage) Contract**

City Attorney Pertile spoke of the upcoming expiration of the City's solid waste collection contract in April. He explained City Council had three options: 1) can accept an increase for an additional three years; 2) negotiate amending the agreement; and, 3) go out for bid. He explained solid waste is not a required item to be by law; therefore, City Council needs to provide city staff with direction. Councilmembers discussed recycling, competitive bidding, remaining with the current contractor, this being one of the largest bidding contracts for the City and the need to get the best opportunities along with the best services. City Attorney Pertile explained if the City were to go out for bid, it would not be necessary to take the lowest bid; however, select in the best interest of the City. Motion was made by Councilmember Schmidt, seconded by Councilmember Lawton, recommending the City go out for bid on the Solid Waste Collection services. All voted Aye, and the motion carried

**Councilmembers' Report**

Councilmember Hughes spoke of the incident at the City's property north of Town Park Subdivision, in which a young man riding a motorcycle on the berms had to be life-flighted. He encouraged that tickets be issued, so no one else gets hurt. The Mayor explained the City had put up signs and they were torn down; however, he has staff working on correcting the problems.

**Mayor's Reports**

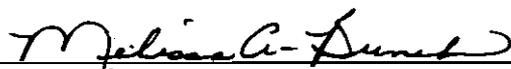
Mayor Elder had no reports.

**Adjourn**

Motion was made by Councilmember Adams, seconded by Councilmember Hughes, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:16 p.m.

  
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 Mayor

ATTEST:

  
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 City Secretary