

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

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

Proclamation Recognizing May as "Motorcycle Safety and Awareness Month", Sons of Texas MC

The Mayor read and presented a Proclamation recognizing May as "Motorcycle Safety and Awareness Month" to the Sons of Texas MC motorcyclists.

Public Hearing for Proposed Special Use Permit for "R-1" Single Family Residential Use in a "C-1" Commercial District, as Allowed by Section 19.5(b), Katy Zoning Ordinance, 1410 Avenue D, Lots 11, 12 and 13, Block 1, North Thomas Addition, Harris County, the Property is Located on the East Side of Avenue D, Across from Katy Fire Station

The Mayor opened a Public Hearing at 6:36 p.m. for Proposed Special Use Permit for "R-1" Single Family Residential Use in a "C-1" Commercial District, as Allowed by Section 19.5(b), Katy Zoning Ordinance, 1410 Avenue D, Lots 11, 12 and 13, Block 1, North Thomas Addition, Harris County, the Property is Located on the East Side of Avenue D, Across from Katy Fire Station. 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 for Proposed Special Use Permit for "R-1" Single Family Residential Use in a "C-1" Commercial District, as Allowed by Section 19.5(b), Katy Zoning Ordinance, 1410 Avenue D, Lots 11, 12 and 13, Block 1, North Thomas Addition, Harris County, the Property is Located on the East Side of Avenue D, Across from Katy Fire Station - Denied

City Attorney Art Pertile explained the proposed Special Use Permit for "R-1" Single Family Residential use in a "C-1" Commercial District, at 1410 Avenue D, is different than previously granted permits in which it has a term of one year from date of City Council approval. He explained that staff concerns included allowing a residential use in a commercial district, possible phasing out of residential in the area and the numerous times of going back and forth between these two uses. The property has had family living on the property for a year, then there is a change to the building for a commercial use and now they are requesting to go back to residential. Motion was made by Councilmember Schmidt, seconded by Councilmember Adams, to deny approval of an Ordinance for Proposed Special Use Permit for "R-1" Single

Ordinance for Proposed Special Use Permit for "R-1" Single Family Residential Use in a "C-1" Commercial District, as Allowed by Section 19.5(b), Katy Zoning Ordinance, 1410 Avenue D, Lots 11, 12 and 13, Block 1, North Thomas Addition, Harris County, the Property is Located on the East Side of Avenue D, Across from Katy Fire Station – Denied (cont'd)

Family Residential Use in a "C-1" Commercial District, as Allowed by Section 19.5(b), Katy Zoning Ordinance, 1410 Avenue D, Lots 11, 12 and 13, Block 1, North Thomas Addition, Harris County, the Property is Located on the East Side of Avenue D, Across from Katy Fire Station. Votes were cast as follows: Ayes – Adams, Hughes, Lawton, Schmidt; Noes – Gore. The motion to deny carried; therefore, the ordinance was not approved.

Public Hearing for Proposed Request to Rescind Special Use Permit Ordinance No. 876 for "R-1" Single Family Residential Use in a "C-1" Commercial District, the Property is Located at 1926 Avenue D, Lot 1, Marie Lammert Subdivision, Harris County

The Mayor opened a Public Hearing at 6:41 p.m. for Proposed Request to Rescind Special Use Permit Ordinance No. 876 for "R-1" Single Family Residential Use in a "C-1" Commercial District, the Property is Located at 1926 Avenue D, Lot 1, Marie Lammert Subdivision, Harris County. All were given an opportunity to be heard and there were no comments. The Mayor closed the Public Hearing at 6:42 p.m.

Ordinance No. 2533 for Proposed Request to Rescind Special Use Permit Ordinance No. 876 for "R-1" Single Family Residential Use in a "C-1" Commercial District, the Property is Located at 1926 Avenue D, Lot 1, Marie Lammert Subdivision, Harris County

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving a printed and read (*caption*) an Ordinance (*No. 2533*) a Request to Rescind Special Use Permit Ordinance No. 876 for "R-1" Single Family Residential Use in a "C-1" Commercial District, the Property is Located at 1926 Avenue D, Lot 1, Marie Lammert Subdivision, Harris County. Councilmember Gore understood that approval of this ordinance will put the zoning designation back to the original zoning designation of "C-1" Commercial. City Attorney Pertile confirmed. All voted Aye, and the motion carried.

Comments from the Audience

Comments from the Audience included the following: 1) Dusty Thiele, 6449 Sweetgum, commented that one must be crazy to run for city office. He thanked his great family for their support, he wished a few more citizens had voted for him, he spoke of walking the streets and having met the great citizens of Katy and commented that if the rest of the world was like Katy, it would be great. He spoke of getting sun burned while being in the sun on Saturday at the polling location. He believes it was great hands on experience and he congratulated Larry Gore. 2) Jimmy Mendez, 2114 Clemson, thanked all on the podium and thanked Steve Pierson, who ran a great campaign. He spoke of finding a new respect for all on City Council and thanked all who contributed and voted.

Consent Agenda

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

- 8) Consider Events
 - A) Northwest Cycling Club, Katy Flatland Century Bike Tour, Sunday, July 22, 2012 (start/finish at Rhodes Stadium)

Consent Agenda (cont'd)

B) WoodCreek Reserve Block Party Street Closure on a portion of Creekmist Court Cul-de-sac, in Section Six, Saturday, June 16, 2012, 5:00 p.m. to 11:00 p.m., Judy Brannon, 1235 Cottage Oak Lane

9) Consider Approval of Annual Dues for Texas Municipal League Annual Membership in the Amount of \$2,405.00 (07-01-2012 thru 06-30-2013)

All voted Aye, and the motion carried.

Award Bid for 2012 Sanitary Sewer Line Replacement Project to Horseshoe Construction, Inc., LaPorte, Texas, in the Amount of \$145,505.00, for a Total Project Cost of \$178,660.50 (total project cost includes construction, contingencies, engineering, surveying and inspection) (bids received 05-09-2012)

Motion was made by Councilmember Schmidt, seconded by Councilmember Lawton, awarding printed and presented the bid for 2012 Sanitary Sewer Line Replacement Project to Horseshoe Construction, Inc., LaPorte, Texas, in the Amount of \$145,505.00, for a Total Project Cost of \$178,660.50 (total project cost includes construction, contingencies, engineering, surveying and inspection). All voted Aye, and the motion carried.

Approval of the Final Plat for The Reserve at Katy, Spring Green Phase I Street Dedication, 4.4729 Acres, Abstracts 448 and 157, Fort Bend County (approved by City Planning and Zoning Commission on 04-24-2012)

Motion was made by Councilmember Schmidt, seconded by Councilmember Hughes, approving as printed and presented the Final Plat for The Reserve at Katy, Spring Green Phase I Street Dedication, 4.4729 Acres, Abstracts 448 and 157, Fort Bend County (approved by City Planning and Zoning Commission on 04-24-2012). All voted Aye, and the motion carried.

Approval of the Final Plat for Woodcreek Commons Shopping Center, 1 Block, 2 Reserves, 24.9702 Acres, Abstract 159, Fort Bend County (approved by City Planning and Zoning Commission on 04-24-2012)

Motion was made by Councilmember Adams, seconded by Councilmember Schmidt, approving as printed and presented the Final Plat for Woodcreek Commons Shopping Center, 1 Block, 2 Reserves, 24.9702 Acres, Abstract 159, Fort Bend County (approved by City Planning and Zoning Commission on 04-24-2012). All voted Aye, and the motion carried.

Consider a Resolution Authorizing the Mayor to sign an Interlocal Agreement with Harris County for Harris County to Administer a Regional Public Education Services Program in the Amount of \$7,474.06 for a Term of One Year

Public Works Director Elaine Lutringer asked City Council to table consideration of a Resolution Authorizing the Mayor to sign an Interlocal Agreement with Harris County for Harris County to Administer a Regional Public Education Services Program in the Amount of \$7,474.06 for a Term of One Year, until final approval by Harris County. Motion was made by Councilmember Gore, seconded by Councilmember Hughes, to table consideration of a Resolution Authorizing the Mayor to sign an Interlocal Agreement with Harris County for Harris County to Administer a Regional Public Education Services Program in the Amount of \$7,474.06 for a Term of One Year until final approval by Harris County. All voted Aye, and the motion to table carried.

Resolution No. 485 Amending Agreement with C & S Janitorial Services, Inc., for Janitorial Services by Adding - Fussell Senior Citizen Center to the Agreement and Terminating Janitorial Services - Social Services Building Located at 905 Avenue C

Motion was made by Councilmember Lawton, seconded by Councilmember Adams, approving as printed and presented a Resolution (No. 485) Amending Agreement with C & S Janitorial Services, Inc., for Janitorial Services by Adding - Fussell Senior Citizen Center to the Agreement and Terminating Janitorial Services - Social Services Building Located at 905 Avenue C. All voted Aye, and the motion carried.

Councilmembers' Report

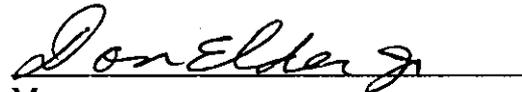
Councilmember congratulated the incoming Councilmembers, spoke of the election being the largest election without being a Mayoral election year, thanked city staff for running a good election and thanked the families who assisted in the election.

Mayor's Reports

Mayor Elder thanked Dusty Thiele and Jimmy Mendez for running for City Council and congratulated Gore, Pierson and Adams for their successful campaigns. The Mayor announced there will be a special meeting held on Monday, May 21, 2012, at 6:30 p.m. to canvass the votes, give Oaths of Office and recognize outgoing Mayor Pro Tem Schmidt.

Adjourn

Motion was made by Councilmember Gore, seconded by Councilmember Hughes, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:00 p.m.



Mayor

ATTEST:



City Secretary