

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, August 27, 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
 Fabol R. Hughes, Mayor Pro Tem
 Carol Adams, Councilmember
 Larry Gore, Councilmember
 Bill Lawton, Councilmember
 Steve Pierson, Councilmember
 Art Pertile, III, City Attorney
 Missy Bunch, City Secretary
 Johnny Nelson, City Administrator
 David Leyendecker, City Engineer

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 07-31-2012 (information items only)

There were no or comments on the bank statement and check register thru 07-31-2012.

Consent Agenda

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

- 6) Consider Approval of 08-13-2012 Regular Meeting Minutes
- 7) Consider Approval of Events
 - A) Katy Area Chamber of Commerce Annual Katy Rice Harvest Festival Parade to be held Saturday, 10-06-2012 (*start Katy Church of Christ, finish at Adorable Reception Hall*)
 - B) Katy Rotary Club Triathlon, to be held Sunday, 10-28-2012, Approve Portion of 16 Mile Bike Event Inside City Limits Only (*start/finish Firethorne Club House*)

All voted Aye, and the motion carried.

Acceptance of Public Improvements (Water System, Sanitary Sewer System, Paving And Drainage) for WoodCreek Reserve, Section 9A Fort Bend County

Motion was made by Councilmember Lawton, seconded by Councilmember Adams, accepting public improvements (*Water System, Sanitary Sewer System, Paving and Drainage*) for WoodCreek Reserve, Section 9A, in Fort Bend County. All voted Aye, and the motion carried.

Acceptance of Public Improvements (Water and Sanitary Sewer) for Storit at Woodcreek Reserve

Motion was made by Councilmember Adams, seconded by Councilmember Lawton, accepting public improvements (water and sanitary sewer) for Storit at Woodcreek Reserve. All voted Aye, and the motion carried.

Resolution No. 495 Authorizing Mayor to Accept a Sanitary Sewer and Waterline Easement from Cook Realty Group, L.L.C., 0.68 Acres, Fort Bend County (Storit at Woodcreek Reserve)

Motion was made by Councilmember Pierson, seconded by Councilmember Gore, approving as printed and presented a Resolution (No. 495) Authorizing Mayor to Accept a Sanitary Sewer and Waterline Easement from Cook Realty Group, L.L.C., 0.68 Acres, Fort Bend County (Storit at Woodcreek Reserve). All voted Aye, and the motion carried.

Acceptance of Public Improvements (Sanitary Sewer) for Sundance-Memory Care At WoodCreek Reserve

Motion was made by Councilmember Lawton, seconded by Councilmember Adams, accepting public improvements (sanitary sewer) for Sundance-Memory Care at WoodCreek Reserve. All voted Aye, and the motion carried.

Resolution No. 496 Authorizing Mayor to Accept a Storm and Sanitary Sewer Easement from I-10 Poorman Investments, Inc., 0.3613 Acres, Fort Bend County (Sundance-Memory Care At WoodCreek Reserve)

Motion was made by Councilmember Adams, seconded by Councilmember Lawton, approving as printed and presented a Resolution (No. 496) Authorizing Mayor to Accept a Storm and Sanitary Sewer Easement from I-10 Poorman Investments, Inc., 0.3613 Acres, Fort Bend County (Sundance-Memory Care At WoodCreek Reserve). All voted Aye, and the motion carried.

Revised Final Plat, Construction and Street Light Layout Plans for Avalon at Spring Green, Section One, 42,2340 Acre, 66 Lots 9 Reserves, 4 Blocks, Fort Bend County, Record Owner is Taylor Morrison of Texas, Inc. and 2012 Spring Green LLC, Applicant is Costello, Inc.

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, approving as printed and presented a Revised Final Plat, Construction and Street Light Layout Plans for Avalon at Spring Green, Section One, 42.2340 Acres, 66 Lots, 9 Reserves, 4 Blocks, Fort Bend County, Record Owner is Taylor Morrison of Texas, Inc. and 2012 Spring Green LLC, Applicant is Costello, Inc., Engineering and Surveying. All voted Aye, and the motion carried.

Award Bid for Installation of Concrete Lining for North Village Green West Ditch to Complete Concrete, Katy, Texas, in the Amount of \$119,900.00, for Total Project Cost of \$148,249.00 (total project cost includes construction, contingencies, engineering, surveying and inspection) (bids received 8-21-2012)

Motion was made by Councilmember Lawton, seconded by Councilmember Hughes, awarding bid for installation of concrete lining for north Village Green West ditch to Complete Concrete, Katy, Texas, in the Amount of \$119,900.00, for a Total Project Cost of \$148,249.00 (total project cost includes construction, contingencies, engineering, surveying and inspection). All voted Aye, and the motion carried.

Award Bid of Installation of New Second Stage Inlet Tops for Existing Inlets in Katy Heights Area to N & Z Contracting, Katy, Texas, in the Amount of \$28,800.00, for Total Project Cost of \$35,802.00 (total project cost includes construction, contingencies, engineering, surveying and inspection) (bids received 8-21-2012)

Motion was made by Councilmember Pierson, seconded by Councilmember Adams, awarding bid for installation of new second stage inlet tops for existing inlets in the Katy Heights area to N & Z Contracting, Katy, Texas, in the Amount of \$28,800.00, for a Total Project Cost of \$35,802.00 (total project cost includes construction, contingencies, engineering, surveying and inspection). All voted Aye, and the motion carried.

Award Bid for Demolition and Cleanup of Old Social Services Building located at 905 Avenue C, to J.T.B. Services, Inc., Houston, Texas, in the Amount of \$19,900.00, for a Total Project Cost of \$24,900.00 (total project cost includes demolition and asbestos abatement, contingencies, bid document preparation asbestos air monitoring and report) (bids received 8-21-2012)

Motion was made by Councilmember Lawton, seconded by Councilmember Pierson, awarding the bid for demolition and cleanup of old Social Services building located at 905 Avenue C, to J.T.B. Services, Inc., Houston, Texas, in the Amount of \$19,900.00, for a Total Project Cost of \$24,900.00 (total project cost includes demolition and asbestos abatement, contingencies, bid document preparation asbestos air monitoring and report). Councilmember Adams suggested contacting organizations such as Habitat for Humanity and allow them to remove various items. City Attorney Pertile commented that the City would have to make the items available to all similar organizations. He explained the building would have to be declared as surplus and notice published, with retrieval of the items after the Rice Harvest Festival. He explained it would be impossible to locate all non-profit organizations and those organizations interested would have to prove that the items would be used for public purpose. Councilmember Hughes asked about the shrubbery. It was explained Keep Katy Beautiful would be relocating the landscaping. City Engineer David Leyendecker explained the project is scheduled to be completed by the third week of September; however, demolition could be postponed until after the October 14th, with the State Permit for removal of the asbestos being rescheduled and requesting the contractor hold his bid for sixty days. The City Attorney suggested a notice be published after the Rice Harvest Festival and items to be removed in accordance with the law and the same time as the demolition. Councilmember Gore asked why the building was being considered for demolition. The Mayor explained for future development of a new City Hall; since, the existing City Hall has become inadequate to house the increasing number of employees. He commented the current City Hall is in excess of 37 years old. Councilmember Gore expressed concern with moving forward with a new City Hall, since most of the building projects have been put up to the voters. Motion was made by Councilmember Adams, seconded by Councilmember Pierson; to amend the main motion by adding, if this project cannot be completed prior to the Rice Harvest Festival, then the project not be started and by allowing time to give whoever wants to get materials out of the building for public use and by placing notice in the newspaper for these organizations. Votes were cast as follows; Ayes – Hughes, Adams, Lawton, Pierson; Noes – Gore.

Award Bid for Sanitary Sewer Lift Station Renovation at 1440 Katy-Flewellen Road to Peltier Brothers Construction, Houston, Texas, in the Amount of \$128,726.00, for a Total Project Cost of \$155,759.00 (total project cost includes construction, contingencies, engineering, surveying and inspection) (bids received 8-23-2012)

Motion was made by Councilmember Hughes, seconded by Councilmember Pierson, awarding the bid for sanitary sewer lift station renovation at 1440 Katy-Flewellen Road to Peltier Brothers Construction, Houston, Texas, in the Amount of \$128,726.00, for a Total Project Cost of \$155,759.00 (total project cost includes construction, contingencies, engineering, surveying and inspection) (bids received 8-23-2012), and utilizing Reserve monies to make up the difference in the budget line item shortfall. All voted Aye, and the motion carried.

Convention and Tourism Bureau Application for Rotary Club of Katy – 20th Katy Triathlon @ Firethorne, Sunday, 10-28-2012, Amount Requested is \$22,023.00 (Tourism-Related Advertising and Promotion ; Sporting Event in Which Majority of participants are Tourists in Cities Located in County with Population of One Million or Less) (approved by CTB 8-22-2012)

Motion was made by Councilmember Adams, seconded by Councilmember Lawton, approving as printed and presented the Convention and Tourism Bureau Application for Rotary Club of

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Katy – 20th Katy Triathlon @ Firethorne, Sunday, 10-28-2012, Amount Requested is \$22,023.00 (Tourism-Related Advertising and Promotion; Sporting Event in Which Majority of participants are Tourists in Cities Located in County with Population of One Million or Less). All voted Aye, and the motion carried.

Convention and Tourism Bureau Application for City of Katy – Maintenance and Operations of Visitor Information Center/Depot FY 2012-2013, Contractual, Advertising, Amount Requested is \$43,565.00 (Funding the Establishment, Improvement or Maintenance of Convention Center or Visitor Information Center) (approved by CTB 08-22-2012)

Motion was made by Councilmember Pierson, seconded by Councilmember Hughes, approving as printed and presented the Convention and Tourism Bureau Application for City of Katy – Maintenance and Operations of Visitor Information Center/Depot FY 2012-2013, Contractual, Advertising, Amount Requested is \$43,565.00 (Funding the Establishment, Improvement or Maintenance of Convention Center or Visitor Information Center). All voted Aye, and the motion carried.

Resolution No. 497 Authorizing the Mayor to Sign an Interlocal Agreement with Waller County for a Watershed Study of the Upper Barker Reservoir

Wes Birdwell, Halff & Associates, gave a brief PowerPoint presentation on the benefits of the City signing an Interlocal Agreement with Waller County for a Watershed Study of the Upper Barker Reservoir. City Engineer David Leyendecker explained that in 2009 a Report had been prepared, which incorporated Waller County along with Harris and Fort Bend Counties for LIDAR of the City of Katy and can be used by developers along with updated Federal Emergency Management Agency Maps that are available for free. Councilmembers agreed the proposed study would be a valuable study and a beneficial impact on the citizens of Katy. Also agreeing the 2009 report could be obsolete. Motion was made by Councilmember Adams, seconded by Councilmember Pierson, approving as printed and presented a Resolution (No. 497) authorizing the Mayor to sign an Interlocal Agreement with Waller County for a Watershed Study of the Upper Barker Reservoir. All voted Aye, and the motion carried.

Authorize Preparation of Bid Specifications and Proceed with Bid Process for Cane Island Parkway Water and Sanitary Sewer Extension

Motion was made by Councilmember Lawton, seconded by Councilmember Hughes, authorizing preparation of bid specifications and to proceed with the bid process for Cane Island Parkway water and sanitary sewer extension. All voted Aye, and the motion carried.

Authorize Use of Enterprise Reserve Funds for Water and Sanitary Sewer Extension for Cane Island Parkway

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, authorizing the use of Enterprise Reserve Funds for Water and Sanitary Sewer Extension for Cane Island Parkway. All voted Aye, and the motion carried.

Ordinance No. 2541 Appointing Members to the Landscape Appeal Board

City Attorney Art Pertile explained the appointing of the Landscape Appeal Board, gives the developer the opportunity to appeal City landscaping requirements. He commented the Board

Ordinance No. 2541 Appointing Members to the Landscape Appeal Board (cont'd)

will to consist of one City Councilmember, one Keep Katy Beautiful Board Member and three citizens. Motion was made by Councilmember Adams, seconded by Councilmember Pierson, approving as printed and read (*caption*) an Ordinance (No. 2541) appointing members to the Landscape Appeal Board. All voted Aye, and the motion carried.

Ordinance No. 2542 Amending Article 1.1600 "Tax Abatements" of Chapter 1 of Katy Code of Ordinances, Adopting Article 1.1600 as the City of Katy's Tax Abatement Guidelines

Motion was made by Councilmember Adams, seconded by Councilmember Hughes, approving as printed and read (*caption*) an Ordinance (No. 2542) Amending Article 1.1600 "Tax Abatements" of Chapter 1 of Katy Code of Ordinances, Adopting Article 1.1600 as the City of Katy's Tax Abatement Guidelines. All voted Aye, and the motion carried

Announce Proposed 2012-2013 Budget was Filed on 08-13-2012 (for the record, the proposed 2012-2013 Budget was based on a proposed \$0.59372 Tax Rate)

The Mayor announced the Proposed 2012-2013 Budget was filed on 08-13-2012 (*for the record, the proposed 2012-2013 Budget was based on a proposed \$0.59372 Tax Rate*).

Councilmembers' Report

Councilmember Pierson thanked all involved with the Interlocal Agreement with Waller County and believes it will be a benefit for current and future residents. He reported he had met with all Department Heads and sees why Katy is such a great place to live. Councilmember Adams thanked Public Works Director Elaine Lutringer for her quick response in resolving an issue, immediately, over the weekend. Councilmember Adams calculated that at the current meeting City Council had spent approximately \$463,556.00 from various funds for numerous projects. She commented that we should all be grateful that we are able to do such. Councilmember Gore added onto Councilmember Adams comments about CTB and commented the City being in such good shape, that other may want to take the funds and thinks the City has been blessed and should be mindful of their monies.

Mayor's Reports

The Mayor reminded all of the Budget Workshop to be held on Wednesday, August 29, 2012, at 4:00 p.m., and the meeting was open to the public. He thanked all for their service at these meetings.

Adjourn

Motion was made by Councilmember Pierson, seconded by Councilmember Adams, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:39 p.m.



Mayor

ATTEST:



City Secretary