

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, September 10, 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

Keep Katy Beautiful Board - Presentation of "Katy Proud Business Award" to Chick-fil-A at Katy Mills located at 25601 Nelson Way

Jaclyn Warner, Keep Katy Beautiful Board Member, presented the "Katy Proud Business Award" to Chick-fil-A at Katy Mills, located at 25601 Nelson Way. She spoke of the grand opening being on April 26, 2012, and the wonderful landscaping and irrigation that have been placed on the property. Cynthia Whitley, owner, was present to receive the award.

Announcement of 70th Anniversary of Katy I.S.D. Livestock Show & Rodeo Benefiting L. D. Robinson Scholarship Fund, Saturday, February 9, 2013 at the Merrell Center

Diana Robinson Elder, Advisor, L.D. Robinson Scholarship Fund, announced 70th Anniversary of the Katy Independent School District Livestock Show & Rodeo Benefiting L. D. Robinson Scholarship Fund, to be held on Saturday, February 9, 2013 at the Merrell Center. She spoke of her father coming to Katy in 1940 and having a vision for the Katy Future Farmers' Association. His dream was supported and continues on. She distributed brochures explained the various benefits of the scholarship fund. She invited all to attend.

Public Hearing for Proposed Amendment to City of Katy Comprehensive Plan from Single Family Residential to Restricted Commercial and Amending Katy's Zoning Ordinance for the Proposed Rezoning of Property from "R-1" Single Family District to "C-1" Commercial District, Property is Located at 1818 Katy-Hockley Cut-Off Road, 8.682 Acres, Harris County, Also Known as Powerhouse Church (approved by CPZ 8-28-2012)

The Mayor opened a Public Hearing at 6:43 p.m. for Proposed Amendment to City of Katy Comprehensive Plan from Single Family Residential to Restricted Commercial and Amending Katy's Zoning Ordinance for the Proposed Rezoning of Property from "R-1" Single Family District to "C-1" Commercial District, Property is Located at 1818 Katy-Hockley Cut-Off Road, 8.682 Acres, Harris County, Also Known as Powerhouse Church. All were given an opportunity to be heard and there were none. The Mayor closed the Public Hearing at 6:44 p.m.

Ordinance No. 2543 for Proposed Amendment to City of Katy Comprehensive Plan from Single Family Residential to Restricted Commercial and Amending Katy's Zoning Ordinance for the Proposed Rezoning of Property from "R-1" Single Family District to "C-1" Commercial District, Property is Located at 1818 Katy-Hockley Cut-Off Road, 8.682 Acres, Harris County, Also Known as Powerhouse Church (approved by CPZ 8-28-2012)

Motion was made by Councilmember Lawton, seconded by Councilmember Pierson, approving as printed and read (*caption*) and Ordinance (No. 2543) for an Amendment to City of Katy Comprehensive Plan from Single Family Residential to Restricted Commercial and Amending Katy's Zoning Ordinance for the Proposed Rezoning of Property from "R-1" Single Family District to "C-1" Commercial District, Property is Located at 1818 Katy-Hockley Cut-Off Road, 8.682 Acres, Harris County, Also Known as Powerhouse Church. Councilmember Gore asked for clarification of the proposed zone change request and the parameters of spot zoning. City Attorney Pertile explained that spot zoning is when a small piece of property is located in the middle of a specific district and would request to be rezoned. He believes the highest and best use for the referenced property is commercial. Councilmember Gore understood that Special Use Permits should be considered on a case by case basis. All voted Aye, and the motion carried.

Public Hearing for Proposed Special Use Permit for an Institution of a Religious Nature (Powerhouse Church) in a "C-1" Commercial District, as Allowed by Section 15.2-5 of Katy Zoning Ordinance, Property is Located at 1818 Katy-Hockley Cut-Off Road, 8.682 Acres, Harris County (approved by CPZ 8-28-2012)

The Mayor opened a Public Hearing at 6:49 p.m. for Proposed Special Use Permit for an Institution of a Religious Nature (*Powerhouse Church*) in a "C-1" Commercial District, as Allowed by Section 15.2-5 of Katy Zoning Ordinance, Property is Located at 1818 Katy-Hockley Cut-Off Road, 8.682 Acres, Harris County. All were given an opportunity to be heard and there were none. The Public Hearing was closed at 6:50 p.m.

Ordinance No. 2544 for Proposed Special Use Permit for an Institution of a Religious Nature (Powerhouse Church) in a "C-1" Commercial District, as Allowed by Section 15.2-5 of Katy Zoning Ordinance, Property is Located at 1818 Katy-Hockley Cut-Off Road, 8.682 Acres, Harris County (approved by CPZ 8-28-2012)

Motion was made by Councilmember Gore, seconded by Councilmember Hughes, approving as printed and read (*caption*) an Ordinance (No. 2544) for a Special Use Permit for an Institution of a Religious Nature (*Powerhouse Church*) in a "C-1" Commercial District, as Allowed by Section 15.2-5 of Katy Zoning Ordinance, Property is Located at 1818 Katy-Hockley Cut-Off Road, 8.682 Acres, Harris County. City Attorney Pertile explained the Special Use Permit has a term of one year; therefore, the church will have to return next year for a renewal, and they are aware of such. All voted Aye, and the motion carried.

Comments from the Audience

All were given an opportunity to speak under Comments from the Audience and the following spoke; 1) Cara Bonin, 5409 East Fourth Street, explained she had been in Katy for the better part of 30 years and is a 7th generation to live in Katy. She expressed concerns of several issues, such as pets, City Ordinances relating to animals, offenses, violations, wildlife and fowl. She read Katy City Code Section 2.222 violations and penalties relating to animals. She spoke of the City's Animal Control Officers and their authority to enter premises for an inspection. She spoke of the Constitution of the United States and the Fourth Amendment against

Comments from the Audience (cont'd)

reasonable search and seizure. She wished that when City Council adopts an ordinance that they look at the rights of citizens as is in the Constitution. She commented that three cats or dogs is too limited. She believes recycling is a good thing; however, she expressed concern about the rewards program and the inclusion of more local businesses. She spoke of going to the City's website and believes it should be more current in relation to City Council action, since recently she was only able to research up to February of this year.

Approval of Event - Pregnancy Help Center 5 K Run, to be held Saturday, 12-01-2012 (start/finish Katy V.F.W. Park)

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, approving as printed and presented the Pregnancy Help Center 5 K Run, to be held Saturday, 12-01-2012 (start/finish Katy V.F.W. Park). All voted Aye, and the motion carried.

Approval of Event - Second Annual No Label Triathlon to be held Saturday, April 27th (start at Katy High School Natatorium and finish at No Label Brewery)

Motion was made by Councilmember Adams, seconded by Councilmember Pierson, approving as printed and presented Second Annual No Label Triathlon to be held Saturday, April 27th (start-Katy High School Natatorium & finish-No Label Brewery). All voted Aye, and the motion carried.

Convention and Tourism Bureau Application for Katy Jazz Association – Katy Jazz Festival, Katy High School Campus, April 26-27, 2013, Amount Requested is \$66,000.00 (Funding Programs that Enhance the Arts, Tourism Related Advertising & Promotion for the City) (approved by CTB 8-22-2012)

Motion was made by Councilmember Lawton, seconded by Councilmember Adams, approving as printed and presented the Convention and Tourism Bureau Application for Katy Jazz Association – Katy Jazz Festival, Katy High School Campus, April 26-27, 2013, Amount Requested is \$66,000.00 (Funding Programs that Enhance the Arts, Tourism Related Advertising and Promotion for the City). Councilmember Gore asked Finance Director Byron Hebert if funds being received this year were more than received last year. Hebert estimated this year's Hotel Occupancy Tax to be \$700,000 and explained that 15% of that amount could be used towards the arts. All voted Aye, and the motion carried.

Final Plat and Street Light Layout for Falls at Green Meadows Section One, 34.2789 Acres, 66 Lots, 3 Blocks, 9 Reserves, Harris County, Record Owner Lennar Homes of Texas Land and Construction, LTD., Applicant Jacobs Engineering Group, Inc. (approved by CPZ 8-28-2012)

Motion was made by Councilmember Gore, seconded by Councilmember Pierson, approving as printed and presented the Final Plat and Street Light Layout for Falls at Green Meadows Section One, 34.2789 Acres, 66 Lots, 3 Blocks, 9 Reserves, Harris County, Record Owner is Lennar Homes of Texas Land and Construction, LTD., Applicant is Jacobs Engineering Group, Inc. All voted Aye, and the motion carried.

Final Plat for The Reserve at Katy Recreation Center, 3.5116 Acres, 1 Reserve, 1 Block, Fort Bend County, Record Owner Toll Houston TX, LLC and Applicant Costello, Inc., Engineering & Surveying (approved by CPZ 8-28-2012)

Motion was made by Councilmember Hughes, seconded by Councilmember Adams, approving as printed and presented the Final Plat for The Reserve at Katy Recreation Center, 3.5116 Acres, 1 Reserve, 1 Block, Fort Bend County, Record Owner is Toll Houston TX, LLC and Applicant is Costello, Inc., Engineering & Surveying. All voted Aye, and the motion carried.

Final Plat for Spring Green Boulevard South of Gaston Road Street Dedication in Avalon at Spring Green, 6.7941 Acres, 1 Reserve, Fort Bend County. Record Owner is Taylor Morrison of Texas, Inc., and 2012 Spring Green, LLC, Applicant is Costello, Inc., Engineering & Surveying (approved by CPZ 8-28-2012)

Motion was made by Councilmember Hughes, seconded by Councilmember Lawton, approving and printed and presented the Final Plat for Spring Green Boulevard South of Gaston Road Street Dedication in Avalon at Spring Green, 6.7941 Acres, 1 Reserve, Fort Bend County, Record Owner is Taylor Morrison of Texas, Inc., and 2012 Spring Green, LLC, Applicant is Costello, Inc., Engineering & Surveying. All voted Aye, and the motion carried.

Final Plat for Avalon at Spring Green West Pond, 5.9235 Acres, 1 Reserve, 1 Block Fort Bend County, Record Owner is Taylor Morrison of Texas, Inc., Applicant is Costello, Inc., Engineering & Surveying (approved by CPZ 8-28-2012)

Motion was made by Councilmember Pierson, seconded by Councilmember Hughes, approving as printed and presented the Final Plat for Avalon at Spring Green West Pond, 5.9235 Acres, 1 Reserve, 1 Block Fort Bend County, Record Owner is Taylor Morrison of Texas, Inc., Applicant is Costello, Inc., Engineering & Surveying. All voted Aye, and the motion carried.

Resolution No. 498 Designating the Mayor and Mayor Pro Tem as Representative and as Alternate Representative to Houston-Galveston Area Council 2013 General Assembly

Motion was made by Councilmember Gore, seconded by Councilmember Lawton, approving as printed and presented a Resolution (No. 498) Designating the Mayor and Mayor Pro Tem as Representative and as Alternate Representative to Houston-Galveston Area Council 2013 General Assembly. All voted Aye, and the motion carried.

Resolution No. 499 Authorizing the Mayor to Enter into an Agreement with Waller-Harris Emergency Services District Number 200 for the City of Katy to Provide Fire Protection, Fire Suppression and Emergency Medical Services in the Amount of \$49,500.00, for One Year Effective 01-01-2012 thru 12-31-2012

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, approving as printed and presented a Resolution (No. 499) Authorizing the Mayor to enter into an Agreement with Waller-Harris Emergency Services District Number 200 for the City of Katy to Provide Fire Protection, Fire Suppression and Emergency Medical Services in the Amount of \$49,500.00, for One Year Effective 01-01-2012 thru 12-31-2012. Councilmember Adams asked Marc Jordan, Fire/EMS Administrative Director, if the proposed amount was a fair number. Jordan believes it to be a fair number and spoke of renegotiating that amount for the 2013 Agreement to come before City Council in January, 2013. All voted Aye, and the motion carried.

Resolution No. 500 Authorizing the City Administrator to Execute a Contract with The Management Connection, Inc., Professional Facilitators for Human Resources Manager Hiring Process

Motion was made by Councilmember Pierson, seconded by Councilmember Adams, approving as printed and presented a Resolution (No. 500) Authorizing the City Administrator to Execute a Contract with The Management Connection, Inc., Professional Facilitators for Human Resources Manager Hiring Process. Councilmember Gore commented that this was the first he had heard about this person and asked what they were going to do. Finance Director Byron Hebert explained she will prepare the required information for the new Human Resource

Resolution No. 500 Authorizing the City Administrator to Execute a Contract with The Management Connection, Inc., Professional Facilitators for Human Resources Manager Hiring Process (cont'd)

Director position, such as job description, lay down groundwork, prepare the advertisement for the position and other related tasks. Councilmember Gore understood the proposal is to spend \$10,000 to do this contract and asked what the new position would do during a 40 hour work week. City Attorney Pertile explained that a Human Resource Director would help to eliminate some of the expenses paid to attorneys for various employee related functions. The Mayor spoke of laws changing, health insurance and payroll issues, to name a few. He explained the proposed director will assist in the hiring/firing process, but the final decision will be made by Administration. Hebert budgeted \$80,000 for annual salary, including benefits. Councilmember Gore expressed concerned about justifying the spending of \$10,000 for the process; however, he wants what is best for the employees. All voted Aye, and the motion carried.

Resolution No. 501 Authorizing the Mayor to Execute an Interlocal Cooperation Contract with Texas Department of Public Safety, for Failure to Appear Program

Motion was made by Councilmember Pierson, seconded by Councilmember Hughes, approving as printed and presented a Resolution (No. 501) Authorizing the Mayor to Execute an Interlocal Cooperation Contract with Texas Department of Public Safety, for Failure to Appear Program. All voted Aye, and the motion carried.

Tax Assessor-Collector - 2012 Certified Appraisal Roll (Certified Approved Taxable Value \$1,099,825,182) (for the record only, no action required)

The Mayor announced the 2012 Certified Appraisal Roll had a Certified Approved Taxable Value of \$1,099,825,182.

Tax Assessor-Collector - 2012 Certified Collection Rate (100 Percent Debt Tax Collection Rate) (for the record only, no action required)

The Mayor announced the 2012 Certified Collection Rate was based on 100 Percent Debt Tax Collection Rate.

Proposed 2012-2013 Budget - Announce Public Hearing on Proposed 2012-2013 Budget - September 24, 2012, Regular City Council Meeting

The Mayor announced the Public Hearing on the Proposed 2012-2013 Budget would be held on September 24, 2012, at the Regular City Council Meeting

Proposed 2012-2013 Budget - Discuss Proposed Tax Rate [Since the proposed 2012 Tax Rate of \$0.58672 does not exceed the 2012 Effective Tax Rate of \$0.58672, a Record Vote (Roll Call Vote) on the proposed 2012 Tax Rate and Scheduling of Two Public Hearings is not required this year]

The Mayor announced that since the proposed 2012 Tax Rate of \$0.58672 would not exceed the 2012 Effective Tax Rate of \$0.58672, a Record Vote (Roll Call Vote) on the proposed 2012 Tax Rate and scheduling of two Public Hearings would not be required this year.

Councilmembers' Reports

Councilmember Hughes commented he was glad to see Cynthia Whitley and congratulated her and her business, Chick-fil-A, on receiving their award. Councilmember Adams thanked Bob Bryant for returning with the Katy Jazz Festival next year; she thanked him for the presentation

Councilmembers' Reports (cont'd)

and for the breakdown. She commented she is looking forward to the Pregnancy Help Center 5K run in the park. Councilmember Gore commented he was very happy to see the tax rate being lower. Councilmember Lawton echoed Councilmember Adam's comments about the Katy Jazz Festival and he is very supportive of this event and looks forward to it and commented it is for this kids. He asked that everyone remember Paulette Nelson as she recovers and asked that all keep her in their prayers.

Mayor's Reports

The Mayor echoed remembering Paulette Nelson, City Administrator Johnny Nelson's wife, as she recovers. Nelson commented that she is making good progress. The Mayor asked all to keep her in their prayers and reminded Nelson that he can count on his City family. It was announced that Katy Time Reporter Tracy Dang was leaving her position and everyone thanked her for the job she has done.

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 7:19 p.m.



Mayor

ATTEST:



City Secretary