

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, December 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, Certificates of Recognition for 2012 Hunt for Festivitrees Participants

Jacalyn Warner, Keep Katy Beautiful Board Member, spoke of the returning event "Hunt for Festivitrees" and gave a brief description of the event. She recognized several participating merchants and thanked them for helping to keep Katy beautiful.

Keep Katy Beautiful Board, Presentation on Right Tree Right Place by Ray Davis, Forester/Vegetation Management, CenterPoint Energy

Sandy Schmidt, Keep Katy Beautiful Board Member, introduced Ray Davis, Forester/Vegetation Management, CenterPoint Energy. Davis gave a detailed presentation on "Right Tree Right Place", which is a program that encourages people to plant trees in the right place in order to reduce hazards and future anxiety when scheduled tree trimming occurs. He explained that CenterPoint has two different trimming cycles, every three years or every five years, depending on the tree. He also explained that CenterPoint contracts with several different trimming companies and implementation of the program may vary. Davis explained they are trying to set up a regular schedule for tree trimming, which is anticipated to assist in reducing the number of electrical outages that are caused by trees. He spoke of the need for wider clearance for larger voltage lines, replacement of removed trees, business standards for new businesses and the various tree services offered by CenterPoint.

Public Hearing for Proposed Amendment to Katy Zoning Ordinance, Carriage Inn Planned Development District (PDD), Ordinance No. 1115, to Increase the Acreage and Allow for the Construction of a Proposed 44-Unit Assisted Living and Memory Care Facility, Abstract 292, Fort Bend County, Located at 1400 Katy-Flewellen Road, 12.2484 Acres, Replat of Restricted Reserve "B", Block 1, Pin Oak Storage, Abstract 292

The Mayor opened a Public Hearing for Proposed Amendment to Katy Zoning Ordinance, Carriage Inn Planned Development District (PDD); Ordinance No. 1115, to Increase the Acreage and Allow for the Construction of a Proposed 44-Unit Assisted Living and Memory Care Facility, Abstract 292, Fort Bend County, Located at 1400 Katy-Flewellen Road, 12.2484

Public Hearing for Proposed Amendment to Katy Zoning Ordinance, Carriage Inn Planned Development District (PDD), Ordinance No. 1115, to Increase the Acreage and Allow for the Construction of a Proposed 44-Unit Assisted Living and Memory Care Facility, Abstract 292, Fort Bend County, Located at 1400 Katy-Flewellen Road, 12.2484 Acres, Replat of Restricted Reserve "B", Block 1, Pin Oak Storage, Abstract 292 (cont'd)

Acres, Replat of Restricted Reserve "B", Block 1, Pin Oak Storage, Abstract 292, at 6:49 p.m. All were given an opportunity to be heard and there were no public comments. The Mayor closed the Public Hearing at 6:50 p.m.

Consider Final Plat for Amendment to Carriage Inn Planned Development District (PDD), Ordinance No. 1115, to Increase the Acreage and Allow for the Construction of a Proposed 44-Unit Assisted Living and Memory Care Facility, Abstract 292, Fort Bend County, Located at 1400 Katy-Flewellen Road, 12.2484 Acres, Replat of Restricted Reserve "B", Block 1, Pin Oak Storage, Abstract 292

Motion was made by Councilmember Pierson, seconded by Councilmember Hughes, approving as printed and presented an Amendment to the Final Plat for Carriage Inn Planned Development District (PDD), Ordinance No. 1115, to Increase the Acreage and Allow for the Construction of a Proposed 44-Unit Assisted Living and Memory Care Facility, Abstract 292, Fort Bend County, Located at 1400 Katy-Flewellen Road, 12.2484 Acres, Replat of Restricted Reserve "B", Block 1, Pin Oak Storage, Abstract 292. All voted Aye, and the motion carried.

Ordinance No. 2551 for an Amendment to Katy Zoning Ordinance, Carriage Inn Planned Development District (PDD), Ordinance No. 1115, to Increase the Acreage and Allow for the Construction of a Proposed 44-Unit Assisted Living and Memory Care Facility, Abstract 292, Fort Bend County, Located at 1400 Katy-Flewellen Road, 12.2484 Acres, Replat of Restricted Reserve "B", Block 1, Pin Oak Storage, Abstract 292

Motion was made by Councilmember Adams, seconded by Councilmember Lawton, approving as printed and read (*caption*) an Ordinance (*No. 2551*) for an Amendment to Katy Zoning Ordinance, Carriage Inn Planned Development District (PDD), Ordinance No. 1115, to Increase the Acreage and Allow for the Construction of a Proposed 44-Unit Assisted Living and Memory Care Facility, Abstract 292, Fort Bend County, Located at 1400 Katy-Flewellen Road, 12.2484 Acres, Replat of Restricted Reserve "B", Block 1, Pin Oak Storage, Abstract 292. All voted Aye, and the motion carried.

Public Hearing for Proposed Creation of City of Katy, Texas, Reinvestment Zone No. 2012-001; a 59.16 Acre Tract of Land, Located within the City of Katy, Waller County, Texas, on Commerce Parkway, North of Interstate 10 and South of Highway 90

The Mayor opened a Public Hearing at 6:51 p.m., for Proposed Creation of City of Katy, Texas, Reinvestment Zone No. 2012-001; a 59.16 Acre Tract of Land, Located within the City of Katy, Waller County, Texas, on Commerce Parkway, North of Interstate 10 and South of Highway 90. All were given an opportunity to be heard and there were no public comments. The Mayor closed the Public Hearing at 6:52 p.m.

Ordinance No. 2552 for Creation of City of Katy, Texas, Reinvestment Zone No. 2012-001; a 59.16 Acre Tract of Land, Located within the City of Katy, Waller County, Texas, on Commerce Parkway North of Interstate 10 and South of Highway 90

Motion was made by Councilmember Hughes, seconded by Councilmember Pierson, approving as printed and read (*caption*) an Ordinance (*No. 2552*) for the Creation of City of Katy, Texas,

Ordinance No. 2552 for Creation of City of Katy, Texas, Reinvestment Zone No. 2012-001; a 59.16 Acre Tract of Land, Located within the City of Katy, Waller County, Texas, on Commerce Parkway North of Interstate 10 and South of Highway 90 (cont'd)

Reinvestment Zone No. 2012-001; a 59.16 Acre Tract of Land, Located within the City of Katy, Waller County, Texas, on Commerce Parkway North of Interstate 10 and South of Highway 90. All voted Aye, and the motion carried

Resolution No. 507 Authorizing the Mayor to Sign A Seven Year Tax Abatement Agreement with Medline Industries, Inc., Medline Industries Holdings, L.P. and NSHE TX Paris, LLC

Motion was made by Councilmember Lawton, seconded by Councilmember Gore, approving as printed and presented a Resolution (No. 507) Authorizing the Mayor to Sign a Seven Year Tax Abatement Agreement with Medline Industries, Inc., Medline Industries Holdings, L.P. and NSHE TX Paris, LLC. All voted Aye, and the motion carried.

Public Hearing for Proposed Abandoning a Portion of Alabama Street, 0.6543 Acre Tract, in Abstract 393, Fort Bend County

The Mayor opened a Public Hearing for Proposed Abandoning a Portion of Alabama Street, 0.6543 Acre Tract, in Abstract 393, Fort Bend County, at 6:57 p.m. All were given an opportunity to be heard and there were no public comments. The Mayor closed the Public Hearing at 6:58 p.m.

Ordinance No. 2553 Abandoning a Portion of Alabama Street, 0.6543 Acres Tract, in Abstract 393, Fort Bend County

Motion was made by Councilmember Pierson, seconded by Councilmember Hughes, approving as printed and read (*caption*) an Ordinance (No. 2553) abandoning a portion of Alabama Street, 0.6543 Acre Tract, in Abstract 393, Fort Bend County. 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 Adams, seconded by Councilmember Lawton, approving as printed and presented the Consent Agenda as follows:

- 6) Consider Approval of 11-12-2012 Regular Meeting Minutes
- 7) Consider Declaring of Surplus Property for the Fire/EMS Departments to be Sold at Auction (*camera, hose test pump, misc. computer, utility trailer and toolbox*)

All voted Aye, and the motion carried.

Consider Recommendation for City of Katy Dog Park Pond Renovations from Parks & Recreation Board, including Proposal from City Engineer

City Engineer David Leyendecker had presented Councilmembers with a written report of possible renovations to the City of Katy Dog Park pond. He explained he had visited several different dog parks and kennels in the area, inquiring about what pond system worked best for their specific dog pond. He also asked what type of system they would recommend. Leyendecker recommended regarding the current dog pond and putting in a gunite bottom with a six foot sidewalk around the entire pond and the placement of a fountain to keep oxygen in the pond. He spoke of filtration systems, algacides, cleaning by hand and aeration systems. He believes his proposal will have lower maintenance costs and a regular maintenance program

Consider Recommendation for City of Katy Dog Park Pond Renovations from Parks & Recreation Board, including Proposal from City Engineer (cont'd)

will help. Parks and Recreation Director Jamie Wolman explained the Parks and Recreation Board Members voted to redo the pond at the Dog Park. Leyendecker believes the project should cost less than \$50,000.00, and would be 40,000 gallon pond. Councilmembers expressed concern for the health and safety of the dogs that will be utilizing the pond. Leyendecker explained that during the summer months, fresh water will have to be added daily. Jennifer Howard, Parks and Recreation Board Member, explained she had looked at a filtration system. She asked why Leyendecker had not looked at some of the Harris County Parks, such as Bill Archer Park on Highway 6 and the Zoo. She suggested going out for bid and doing it correctly by putting in a filtration system. Howard did not believe the algacide will help keep the stench away and believes the cleaning will be able to be done twice a year and not 3-4 times a year. She would like to know what Harris County has to say about the filtration system vs. aeration system and the big ponds vs. the small ponds. The Mayor asked Leyendecker to meet with Parks Director Jamie Wolman and Jennifer Howard, Parks and Recreation Board Member, to discuss his proposal and bring back to City Council at a later date. Motion was made by Councilmember Adams, seconded by Councilmember Lawton, tabling the Consideration of the Recommendation for City of Katy Dog Park Pond Renovations from the Parks & Recreation Board, including the Proposal from City Engineer, until January 2013. All voted Aye, and the motion carried.

Consider Final Plat, Construction and Street Light Layout Plans for Spring Green Boulevard, Phase II (approved by CPZ 11-13-2012)

Motion was made by Councilmember Adams, seconded by Councilmember Pierson, approving as printed and presented the Final Plat, Construction and Street Light Layout Plans for Spring Green Boulevard, Phase II. All voted Aye, and the motion carried.

Consider Convention and Tourism Bureau – Hotel Occupancy Tax Grant Application - Acadiana Group – Katy Crawfish Festival, Katy Mills Mall Parking Lot, March 22-24, 2013, Amount Requested is \$60,000.00 (Tourism-Related Advertising and Promotion; Funding Programs that Enhance the Arts) (approved by CTB 11-28-2012)

Motion was made by Councilmember Hughes, seconded by Councilmember Gore, approving as printed and presented the Convention and Tourism Bureau – Hotel Occupancy Tax Grant Application - Acadiana Group – Katy Crawfish Festival, Katy Mills Mall Parking Lot, March 22-24, 2013, Amount Requested is \$60,000.00 (Tourism-Related Advertising and Promotion; Funding Programs that Enhance the Arts). City Attorney Pertile explained at the Convention and Tourism Bureau meeting \$60,000 was requested; however, \$37,000 was approved, because a portion of their request is coming from the arts portion and there are limited funds available. Councilmembers agreed the request in premature, since the event does not have a contract in place with the landowners. The previous motion was withdrawn by Councilmember Hughes and Councilmember Gore.

Consider Convention and Tourism Bureau – Hotel Occupancy Tax Grant Application - City of Katy – Texas Independence Trail Partner Program, Co-Op Print Advertising in Texas Events Calendar Spring 2013, Amount Requested is \$275.00 (Tourism-Related Advertising and Promotion) (approved by CTB 11-28-2012)

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, approving as printed and presented Convention and Tourism Bureau – Hotel Occupancy Tax Grant

Consider Convention and Tourism Bureau – Hotel Occupancy Tax Grant Application - City of Katy – Texas Independence Trail Partner Program, Co-Op Print Advertising in Texas Events Calendar Spring 2013, Amount Requested is \$275.00 (Tourism-Related Advertising and Promotion) (approved by CTB 11-28-2012) (cont'd)

Application - City of Katy – Texas Independence Trail Partner Program, Co-Op Print Advertising in Texas Events Calendar Spring 2013, Amount Requested is \$275.00 (*Tourism-Related Advertising and Promotion*). All voted Aye, and the motion carried.

Consider Convention and Tourism Bureau – Hotel Occupancy Tax Grant Application City of Katy – Television Advertising, The KUBE Channel 57, December 31, 2012 – March 31, 2013, Amount Requested is \$6,850.00 (Tourism-Related Advertising and Promotion) (approved by CTB 11-28-2012)

Motion was made by Councilmember Lawton, seconded by Councilmember Hughes, approving as printed and presented Convention and Tourism Bureau – Hotel Occupancy Tax Grant Application City of Katy – Television Advertising, The KUBE Channel 57, December 31, 2012 – March 31, 2013, Amount Requested is \$6,850.00 (*Tourism-Related Advertising and Promotion*). All voted Aye, and the motion carried.

Resolution No. 508 Authorizing the Mayor to Execute an Agreement with Municipal Code Corporation, Inc., for Laserfiche Imaging Software and Support

Motion was made by Councilmember Pierson, seconded by Councilmember Adams, approving and printed and presented a Resolution (*No. 508*) Authorizing the Mayor to Execute an Agreement with Municipal Code Corporation, Inc., for Laserfiche Imaging Software and Support. Councilmember Lawton asked what Laserfiche was used for. Finance Director Byron Hebert explained this is the first step in moving several departments into the paperless world, Municipal Court and Permit/Inspection Departments. He commented this is a big endeavor and the next phase will be hardware. All voted Aye, and the motion carried.

Resolution No. 509 Authorizing the Mayor to Sign an Agreement with The Metropolitan Transit Authority of Harris County, Texas (“METRO”) for October 1, 2014 through December 31, 2025 for Funding of Eligible Transportation Projects

Motion was made by Councilmember Hughes, seconded by Councilmember Pierson, approving as printed and presented a Resolution (*No. 509*) Authorizing the Mayor to Sign an Agreement with The Metropolitan Transit Authority of Harris County, Texas (“METRO”) for October 1, 2014 through December 31, 2025 for Funding of Eligible Transportation Projects. The Mayor explained that Gilbert Garcia, Attorney for METRO would make a presentation at a later date. All voted Aye, and the motion carried.

Consider Use of Reserve Funds to Purchase a 2012 Ford Expedition for the Fire Department in the Amount of \$19,901.97 (total cost of vehicle is \$29,201.97, minus insurance adjustment for totaled 2001 Chevrolet Suburban in the amount of \$9,300.00)

Motion was made by Councilmember Pierson, seconded by Councilmember Adams, approving as printed and presented the use of Reserve Funds to Purchase a 2012 Ford Expedition for the Fire Department in the Amount of \$19,901.97 (*total cost of vehicle is \$29,201.97, minus insurance adjustment for totaled 2001 Chevrolet Suburban in the amount of \$9,300.00*). All voted Aye, and the motion carried.

Ordinance No. 2554 Adopting Amendment No. 1 to Original Budget for 2011-2012 Fiscal Year; Providing for Changes in General Government and Enterprise Fund Budgets

Motion was made by Councilmember Pierson, seconded by Councilmember Hughes, approving as printed and read (*caption*) an Ordinance (No. 2554) Adopting Amendment No. 1 to Original Budget for 2011-2012 Fiscal Year; Providing for Changes in General Government and Enterprise Fund Budgets. All voted Aye, and the motion carried.

Councilmembers' Report

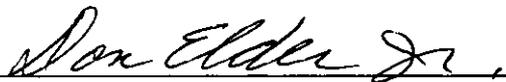
Councilmember Hughes commented on the good turnout at the Annual Tree Lighting event, the excellent weather, food vendors and Santa Claus. He was happy METRO passed; it will be more money to assist with City projects. Councilmember Pierson echoed Councilmember Hughes comments about the METRO monies, spoke of serving on the Katy Development Authority Board, utilization of these funds to build infrastructure and how he appreciated citizen's approval. Pierson spoke of the legacy tree event held at Hutsell Elementary School, Train Town event and the tree lighting event. He thanked Medline Corporation for bringing their corporation to Katy, encouraged Katy Tigers Football team on their quest for State Championship and wished staff and citizens a Merry Christmas. Councilmember Lawton agreed with previous Councilmembers' comments and congratulated Medline on their great partnership. He spoke of attending several Christmas parties, which reminded him of how appreciative we are to have the police officers and how much value the veterans are and thanks to the Fire Department. He is thankful for all they do. Councilmember Gore wished everyone a Merry Christmas, God Bless Katy Texas and Go Tigers. Councilmember Adams did not want to be redundant; therefore, she spoke of the special ceremony held by the VFW Post for Pearl Harbor and spoke of how they retired all of the flags. She spoke of attending several holiday events, she was happy that the City had received recognition as a "Train Town U.S.A.", she wished everyone a safe holiday and what a blessing it is to work with staff. She encouraged all to have a Merry Christmas and a safe New Year.

Mayor's Reports

The Mayor commended the Police, Fire Department and military for all they do. He believes a great deal that they do is taken for granted. He thanked all employees for a good year and told the Katy Tigers to keep going up the hill, since they have two games left. He spoke of Johnny Football, the Heisman Trophy and "Gig Em Aggies". He wished all a healthy Merry Christmas and a Happy New Year.

Adjourn

Motion was made by Councilmember Adams, seconded by Councilmember Lawton, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:40 p.m.



Mayor

ATTEST:



City Secretary