

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, July 8, 2013, at 6:30 p.m. at Katy Municipal Complex, 910 Avenue C, Katy, Texas. The following City Officials were present:

Fabol Hughes, Mayor
Bill Lawton, Mayor Pro Tem
Chuck Brawner, Councilmember
Larry Gore, Councilmember
Jimmy Mendez, Councilmember
Art Pertile, III, City Attorney
David Leyendecker, City Engineer
Johnny Nelson, City Administrator
Byron Hebert, Finance Director
Linda Vourazeris, Assistant City Secretary

The following City Officials were absent:

Steve Pierson, Councilmember
Missy Bunch, City Secretary

Reconsider Nomination and Confirmation of Mayor Pro Tem as Authorized by the Home Rule Charter, Article III, Section 2 (not approved 06-10-2013, withdrawn 06-24-2013)

Mayor Hughes nominated Councilmember Larry Gore to serve as Mayor Pro Tem. Votes confirming the Mayor's nomination were as follow: Ayes – Brawner, Gore, Mendez; Noes: Lawton. The confirmation passed 3-1.

Public Hearing for Proposed Special Use Permit for Convalescent Home/Home for the Aged (Veranda House Senior Living) in a "C-2" General Business District, Allowed by Section 15.208, Katy Zoning Ordinance, Located at 5129 East Fifth Street, 1.897 Acres, North 300 Feet of Lots 37 and 38, Motheral Second Addition, Harris County

The Mayor opened the public hearing at 6:34 p.m. for a proposed Special Use Permit for a Convalescent Home/Home for the Aged (Veranda House Senior Living) in a "C-2" General Business District, allowed by Section 15.208, Katy Zoning Ordinance, located at 5129 East Fifth Street, 1.897 Acres, North 300 Feet of Lots 37 and 38, Motheral Second Addition, Harris County. All were given the opportunity to be heard and there were no comments. The Mayor closed the public hearing at 6:35 p.m.

Ordinance No. 2580 for Proposed Special Use Permit for Convalescent Home/Home for the Aged (Veranda House Senior Living) in a "C-2" General Business District, Allowed by Section 15.208, Katy Zoning Ordinance, Located at 5129 East Fifth Street, 1.897 Acres, North 300 Feet of Lots 37 and 38, Motheral Second Addition, Harris County

Motion was made by Councilmember Lawton, seconded by Councilmember Brawner, approving as printed and read (*caption*) an Ordinance (*No. 2580*) for a Special Use Permit for Convalescent Home/Home for the Aged (Veranda House Senior Living) in a "C-2" General Business District, allowed by Section 15.208, Katy Zoning Ordinance, located at 5129 East Fifth Street, 1.897 Acres, North 300 Feet of Lots 37 and 38, Motheral Second Addition, Harris County. All voted Aye, and the motion carried.

Comments from the Audience

Laure (*last name and address not given*) said she was shocked that the people attending Council meetings are addressed as guests on the sign-up sheet. She said Council is violating the Constitutions of Texas and the United States by referring to people as guests and said **We The People** should be referred to as ladies and gentlemen, not folks, or the public, or taxpayers.

John Buckert, representing BONA Foundation and BONA Fitness Gym located at 5007 E. Third Street, said their non-profit foundation is hosting a fundraising Texas Hold'em Poker Tournament on Saturday, July 20, 2013, at 5:00 p.m. at their location. Buckert said the tournament is open to the public over 16 years of age. Richard Armstrong, also representing BONA Foundation, said the foundation helps overweight, underprivileged children by teaching children in area elementary schools about proper nutrition and exercise. He said the foundation sponsors fundraising events such as a golf tournament, fun run, and this first-time poker tournament.

Consider Approval of 06-24-2013 Regular Meeting Minutes

Motion was made by Mayor Pro Tem Gore, seconded by Councilmember Brawner, to approve as presented the Minutes of the 06-24-2013 regular meeting. All voted Aye, and the motion carried.

Resolution No. 522 Authorizing Mayor to Sign the Auditors' Engagement Letter for Fiscal Year Ending 09-30-2013 with Whitley Penn, LLP, Certified Public Accountants

Motion was made by Councilmember Lawton, seconded by Councilmember Mendez, approving as printed and presented a Resolution (*No. 522*) authorizing the Mayor to sign the auditors' engagement letter for fiscal year ending 09-30-2013 with Whitley Penn, LLP, Certified Public Accountants. City Auditor Christopher L. Breaux, Whitley Penn, LLP, Houston, Texas, was present to answer questions. All voted Aye, and the motion carried.

Resolution No. 525 Approving the Extension of the Bank Depository Agreement with Amegy Bank N.A. for One (1) Year

Motion was made by Councilmember Lawton, seconded by Councilmember Brawner, approving as printed and presented a Resolution (*No. 525*) approving the extension of the Bank Depository Agreement with Amegy Bank N.A. for one (1) year, from September 1, 2013 through August 31, 2014. All voted Aye, and the motion carried.

Consider Final Plat for Avalon at Spring Green, Section II, 27.5177 Acres, 72 Lots, 3 Reserves, 3 Blocks, Fort Bend County (approved by City Planning & Zoning Commission 06-25-2013)

Motion was made by Councilmember Brawner, seconded by Councilmember Lawton, to approve as presented the Final Plat for Avalon at Spring Green, Section II, 27.5177 Acres, 72 Lots, 3 Reserves, 3 Blocks, Fort Bend County. All voted Aye, and the motion carried.

Consider Final Plat for Katy Bridgestone, 2.303 Acres, Replat of Reserve 1, Block 1 of Katy Shops, Abstract 1348 (approved by City Planning & Zoning Commission 06-25-2013)

Motion was made by Mayor Pro Tem Gore, seconded by Councilmember Brawner, to approve as presented the Final Plat for Katy Bridgestone, 2.303 Acres, Replat of Reserve 1, Block 1 of Katy Shops, Abstract 1348. The property is located in Harris County. All voted Aye, and the motion carried.

Consider Final Plat for West Ten Boulevard and Commerce Parkway, Phase II, 13.9728 Acres, Abstracts 385, 407 and 405, Waller County, One Reserve, One Block (approved by City Planning & Zoning Commission 06-25-2013)

Motion was made by Councilmember Mendez, seconded by Councilmember Lawton, to approve as presented the Final Plat for West Ten Boulevard and Commerce Parkway, Phase II, 13.9728 Acres, Abstracts 385, 407 and 405, Waller County, One Reserve, One Block. All voted Aye, and the motion carried.

Consider Acceptance of Public Improvements (Water, Drainage and Paving) for Spring Green Boulevard, Phase II

Motion was made by Mayor Pro Tem Gore, seconded by Councilmember Brawner, to approve the acceptance of public improvements (water, drainage and paving) for Spring Green Boulevard, Phase II. All voted Aye, and the motion carried.

Resolution No. 524 Authorizing Mayor to Sign a Consulting Agreement with Chief Rufus T. Summers for an Audit, Review and Recommendations for Improvements to the Katy Fire Department

Motion was made by Councilmember Brawner, seconded by Councilmember Lawton, approving as printed and presented a Resolution (No. 524) authorizing the Mayor to sign a Consulting Services Agreement with Chief Rufus T. Summers for an audit, review and recommendations for improvements to the Katy Fire Department. Councilmember Brawner expressed his appreciation to Council for approving the resolution. He said Chief Summers has considerable experience as a senior captain, now retired, with the Houston Fire Department and 18 years as chief with the Bellaire Fire Department. Brawner said Chief Summers will bring his abilities and background to help the City look at the Fire Department and help the Fire Department make the necessary changes to meet the City's current and future needs. Mayor Pro Tem Gore thanked Councilmember Brawner for his time and efforts, and thanked the Mayor for appointing Brawner to the advisory group to review and make recommendations for improvements to the Fire Department. All voted Aye, and the motion carried.

Resolution No. 523 Authorizing Mayor to Execute an Agreement with Consolidated Communications Telecom Services of Texas Company for Broadband Phone Services

Motion was made by Councilmember Lawton, seconded by Mayor Pro Tem Gore, approving as printed and presented a Resolution (No. 523) authorizing the Mayor to execute an agreement with Consolidated Communications Telecom Services of Texas Company for broadband phone services. All voted Aye, and the motion carried.

Ordinance No. 2579 Appointing Barbara Wilburn to Parks and Recreation Advisory Board

Motion was made by Councilmember Brawner, seconded by Councilmember Lawton, approving as printed and read (*caption*) an Ordinance (No. 2579) appointing Barbara Wilburn to the City of Katy Parks and Recreation Advisory Board. All voted Aye, and the motion carried.

Ordinance No. 2581 Abandoning Certain Easements in Westland Estates Subdivision, Waller County, and Authorizing the Mayor to Sign a Recordable Document Abandoning Such Easements

City Attorney Pertile said Council passed an ordinance in 2007 abandoning certain 16-foot utility easements in the Westland Estates Subdivision, but the ordinance was never recorded. He said the ordinance being presented to Council authorizes the Mayor to sign a recordable document abandoning these easements. Pertile said the recording of the ordinance that was approved in 2007 was overlooked and the recording procedures have since changed in Waller County. Motion was

Ordinance No. 2581 Abandoning Certain Easements in Westland Estates Subdivision, Waller County, and Authorizing the Mayor to Sign a Recordable Document Abandoning Such Easements (cont'd)

made by Councilmember Lawton, seconded by Councilmember Brawner, approving as printed and read (*caption*) an Ordinance (No. 2581) abandoning certain easements in Westland Estates Subdivision, Waller County, and authorizing the Mayor to sign a recordable document abandoning such easements. All voted Aye, and the motion carried.

Ordinance No. 2578 Adopting Amendment No. 2 to the Original Budget for 2012-2013 Fiscal Year and Providing for Changes in the General Government Fund

Motion was made by Councilmember Brawner, seconded by Councilmember Mendez, approving as printed and read (*caption*) an Ordinance (No. 2578) adopting Amendment No. 2 to the original budget for the 2012-2013 fiscal year and providing for changes in the General Government Fund. Councilmember Lawton asked Finance Director Hebert for an explanation of the changes. Hebert said Council is being asked to approve the use of Reserve funds for the hiring of a consultant and the monies, if approved, will be added to the budget. All voted Aye, and the motion carried.

Consider Convention and Tourism Bureau Hotel Occupancy Tax Grant Application – City of Katy Maintenance and Operations of Visitor Information Center, Central Air System Replacement – Amount Requested is \$7,038.00 (Funding the Establishment, Improvement or Maintenance of Visitor Information Center) (approved by CTB 06-26-2013)

Motion was made by Councilmember Lawton, seconded by Councilmember Mendez, approving as printed and presented the Convention and Tourism Bureau Hotel Occupancy Tax grant application submitted by the City of Katy in the amount of \$7,038.00 for the replacement of the central air system at the City's Visitor Information Center. All voted Aye, and the motion carried.

Consider Convention and Tourism Bureau Hotel Occupancy Tax Grant Application – Katy Area Economic Development Council, Outdoor Billboard Advertising – Amount Requested is \$3,852.00 (Tourism-Related Advertising and Promotion of the City of Katy and its Vicinity) (approved by CTB 06-26-2013)

Motion was made by Councilmember Lawton, seconded by Councilmember Brawner, approving as printed and presented the Convention and Tourism Bureau Hotel Occupancy Tax grant application submitted by the Katy Area Economic Development Council in the amount of \$3,852.00 for outdoor billboard advertising. All voted Aye, and the motion carried.

Consider Convention and Tourism Bureau Hotel Occupancy Tax Grant Application – City of Katy, Promotional Video Update 2013 – Amount Requested is \$2,000.00 (Tourism-Related Advertising and Promotion of the City of Katy and its Vicinity) (approved by CTB 06-26-2013)

Motion was made by Councilmember Lawton, seconded by Councilmember Brawner, approving as printed and presented the Convention and Tourism Bureau Hotel Occupancy Tax grant application submitted by the City of Katy in the amount of \$2,000.00 for the 2013 update of the City's promotional video. All voted Aye, and the motion carried.

Consider Revisions to Hotel Occupancy Tax Grant Application (revised Grant Application Letter and added Grant Program Event Guidelines) (approved by CTB 06-26-2013)

Motion was made by Councilmember Lawton, seconded by Councilmember Mendez, approving as printed and presented the revisions to the Hotel Occupancy Tax grant application. All voted Aye, and the motion carried.

Councilmembers' Report

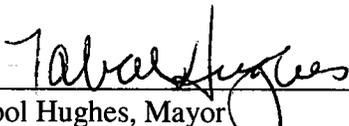
Mayor Pro Tem Gore thanked the ladies and gentlemen for attending the Council meeting, and expressed his appreciation for the Mayor's attitude that "Council is the vehicle and the people are the gas. You put in the gas, you make us go." He said the Mayor's thinking fits right in with the Constitution. Councilmember Brawner thanked City staff for the timely preparation of a very full agenda packet, which allowed Council adequate time to study the issues and make the correct decisions. He said Councilmember Pierson was absent from the meeting due to an out-of-town family friend's illness. Councilmember Brawner said he recently had the privilege of observing the Fire Department tackle a house fire and overcome a lot of odds in getting the equipment to the fire, handling the fire, and saving the homeowner's pad, while at the same time fielding numerous others calls for assistance. He thanked Chief Redding and the entire crew, and thanked the West I-10, Westlake, and Willowfork Fire Departments for providing mutual aid. Councilmember Mendez asked for prayers for Councilmember Pierson's ill friend and thanked Laure for demonstrating the courage and initiative to address important issues in front of Council.

Mayor's Reports

Mayor Hughes said he and other Councilmembers attended the V.F.W. Fundraiser on July 4th, which included an auction where he purchased a few items. He said the City's July 4th fireworks display was funded with less money this year than in the past, but the event was successful and seems to be growing each year. He commended the Police Department for excellent crowd and traffic control during the event. The Mayor said he and Mayor Pro Tem Gore and Councilmember Brawner were at a recent house fire on Canadian Street and witnessed excellent response from the Fire Department. He said they contacted the homeowners to make it known that the City of Katy was there to help them however possible. The Mayor said he will attend the BONA Fitness poker tournament on July 20, 2013, because the proceeds benefit a worthy cause.

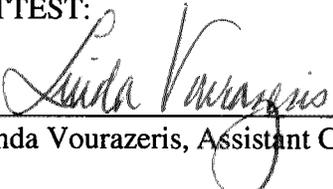
Adjourn

Motion was made by Councilmember Mendez, seconded by Mayor Pro Tem Gore, to adjourn the meeting. All voted Aye, and the meeting adjourned at 7:00 p.m.



Fabol Hughes, Mayor

ATTEST:



Linda Vourazeris, Assistant City Secretary

