

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session on Monday, July 22, 2013, at 6:30 p.m. at Katy Municipal Complex, 910 Avenue C, Katy, Texas. The following City officials were present:

Fabol Hughes, Mayor
 Larry Gore, Mayor Pro Tem
 Chuck Brawner, Councilmember
 Bill Lawton, Councilmember
 Jimmy Mendez, Councilmember
 Paula Alexander, Acting City Attorney
 Johnny Nelson, City Administrator
 Linda Vourazeris, Assistant City Secretary

The following City officials were absent:

Steve Pierson, Councilmember
 Art Pertile, III, City Attorney
 Melissa A. "Missy" Bunch, City Secretary

Presentation to Former Mayor Don Elder Jr. by V.F.W. Post 9182

Representatives from V.F.W Post 9182 presented former Mayor Don Elder Jr. with the first issue of the Commander's Medal in recognition of his outstanding service to the veteran community from May 2007 to May 2013. Post Commander Paul Drahos noted that former Mayor Elder distinguished himself to veterans by performing duties well beyond the requirements of his position while conquering the day-to-day demands of the Mayor's office. Former Mayor Elder thanked the veterans for their service and expressed his appreciation for the veterans' commitment to community, state and nation.

Comments from the Audience

Nick Childs, salesperson for Meritage Homes in Falls at Green Meadows subdivision, introduced himself and thanked Mayor Hughes and his wife, Paula, for providing him with lunch and drink on a weekend as he sat out in the heat selling homes in the new subdivision. Childs said Katy and its residents have grown on him and he will be getting more involved in the community.

FY 2012-2013 Third Quarter Operating Statement and Third Quarter Investment Report; Bank Statement and Check Register thru 06-30-2013 (information items only)

Mayor Hughes said Finance Director Hebert was not present and asked anyone with questions about these items to contact Hebert directly.

Consent Agenda

Motion was made by Councilmember Brawner, seconded by Councilmember Mendez, approving the Consent Agenda as presented:

- 7) Minutes of 07-08-2013 Regular Meeting
- 8) Declare Surplus Property
 - A) Vehicles to be Sold at Auction (1999 Ford Crown Victoria – Police Department; and 2002 Ford Expedition – Administration)

Consent Agenda (cont'd)

B) Miscellaneous Equipment to be Sold at Auction (*bumper jack, tires, wheels, stick welder, automotive scanner, office chair, fill rite pumps, fuel counter with hose/nozzle, chain saw, weed eaters, manuals/catalogs, blower, used parts, and interior door panels*)

All voted Aye, and the motion carried.

Consider Final Plat for Falls at Green Meadows, Section III, Subdivision of 23.66 Acres, 3 Blocks, 51 Lots, 3 Reserves, Harris and Waller Counties, Owner: Lennar Homes of Texas Land and Construction, LTD; Land Planner: Kerry R. Gilbert & Associates, Inc.

Motion was made by Councilmember Lawton, seconded by Councilmember Brawner, approving as presented the Final Plat for Falls at Green Meadows, Section III, a Subdivision of 23.66 Acres, 3 Blocks, 51 Lots, 3 Reserves, Harris and Waller Counties. All voted Aye, and the motion carried.

Consider Acceptance of Public Improvements – Sanitary Sewer Lift Station in The Reserve at Katy

Motion was made by Councilmember Brawner, seconded by Councilmember Mendez, approving to accept the public improvements (*sanitary sewer lift station*) in The Reserve at Katy. All voted Aye, and the motion carried.

Consider Acceptance of Public Improvements – Paving and Drainage Facilities for Commerce Parkway Phase One in West Ten Business Park

Motion was made by Councilmember Mendez, seconded by Councilmember Lawton, approving to accept the public improvements (*paving and drainage facilities*) for Commerce Parkway Phase One in West Ten Business Park. All voted Aye, and the motion carried.

Consider Acceptance of Public Improvements – Paving, Water, Sanitary Sewer and Drainage in WoodCreek Commons

Motion was made by Councilmember Brawner, seconded by Councilmember Lawton, approving to accept the public improvements (*paving, water, sanitary sewer, and drainage*) in WoodCreek Commons. All vote Aye, and the motion carried.

Consider Award of Bid for 2013 Street and Sidewalk Project to G.W. Phillips Construction, Houston, Texas, in the Amount of \$146,490.00, for a Total Project Cost of \$178,902.00 (total project cost includes construction, contingencies, engineering, surveying and inspection) (bids received 07-17-2013)

Motion was made by Councilmember Mendez, seconded by Mayor Pro Tem Gore, to award the bid for the 2013 Street and Sidewalk Project to G.W. Phillips Construction, Houston, Texas, in the amount of \$146,490.00, for a total project cost of \$178,902.00. The total project cost includes construction, contingencies, engineering, surveying and inspection. All voted Aye, and the motion carried.

Consider Award of Bid for 2013 Ground Storage Tank Rehabilitation to M.K. Painting, Inc., Wyandotte, Michigan, in the Amount of \$61,000.00, for a Total Project Cost of \$72,000.00 (total project cost includes construction, contingencies, engineering, surveying and inspection) (bids received 07-17-2013)

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Consider Award of Bid for 2013 Ground Storage Tank Rehabilitation to M.K. Painting, Inc., Wyandotte, Michigan, in the Amount of \$61,000.00, for a Total Project Cost of \$72,000.00 (total project cost includes construction, contingencies, engineering, surveying and inspection) (bids received 07-17-2013) (cont'd)

Wyandotte, Michigan, in the amount of \$61,000.00, for a total project cost of \$72,000.00. The total project cost includes construction, contingencies, engineering, surveying and inspection. All voted Aye, and the motion carried.

Ordinance No. 2582 Granting a Variance from the Enforcement of Section 7.106 of the City of Katy Code of Ordinances to Allow AMC ITD, Inc., a Subsidiary of American Multi-Cinema, Inc., to Sell Alcoholic Beverages in the AMC Theatres Katy Mills 20 Movie Theatre Located in the Katy Mills Mall

Noel MacDonald, the AMC representative from Kansas City, Missouri, said serving alcohol in movie theatres has become prevalent throughout the country. MacDonald said the newly-opened Santikos Palladium on SH-99 has numerous bars and the Alamo Drafthouse Cinema on Mason Road has been serving alcohol to moviegoers for several years, and these venues offer intense competition for AMC Theatres. MacDonald said AMC has over 50 licensed locations in the United States, including the Sugar Land location, and has a stringent control policy for serving alcohol. He said AMC operates a completely separate bar area within the theatre located away from the concession stand, and each patron over the age of 21 is limited to one drink per purchase with mandatory ID checks each time. The alcoholic beverages are served in containers distinguishable from containers used to serve fountain drinks and identifiable in the confines of a non-illuminated auditorium as a container for alcoholic beverages. MacDonald said employees go through a rigorous training program to identify and handle problems, and the company has a zero tolerance policy for employees who do not check ID's. He said AMC has an excellent track record of compliance and has never lost a liquor license. Councilmember Mendez said he has a young daughter who goes to the mall frequently and expressed concern about the control of alcoholic beverages in a venue where minors gather. Mayor Pro Tem Gore asked Acting City Attorney Alexander whether the variance, if approved, is permanent or if it can be granted for a stated period of time and rescinded if necessary. Alexander said Council can add a time stipulation to the ordinance granting the variance and can be re-evaluated when the time period expires. Mayor Hughes asked Police Chief Bill Hastings if he had any concerns with granting the variance. Chief Hastings said he does not see a big issue with the variance and said that if minors want to drink alcohol at the mall they are going to bring it on their own. Councilmember Brawner said it is important to consider everything that has been discussed, but there is a need to recognize the fact that City of Katy businesses must remain competitive with area businesses and outside influences in order to support the growth of the city. Motion was made by Mayor Pro Tem Gore, seconded by Councilmember Lawton, approving to grant a variance for one (1) year from the Enforcement of Section 7.106 of the City of Katy Code of Ordinances to Allow AMC ITD, Inc., a Subsidiary of American Multi-Cinema, Inc., to Sell Alcoholic Beverages in the AMC Theatres Katy Mills 20 Movie Theatre Located in the Katy Mills Mall. The term of the variance, granted by Ordinance No. 2582, shall be for one (1) year from the date of approval, after which time the variance will be re-evaluated for compliance. Votes were cast as follow: Ayes – Brawner, Gore, Lawton; Noes – Mendez. Motion carried 3-1.

Councilmembers' Reports

Councilmember Mendez congratulated former Mayor Elder on the presentation from V.F.W Post 9182 and asked for prayers for Councilmember Pierson, absent from the meeting for personal reasons. Councilmember Brawner said plans for the Fire Department are moving forward and issues are being addressed. Mayor Pro Tem Gore thanked Mayor Hughes and Councilmember Brawner for developing a plan to address areas of concern at the Fire Department. Gore mentioned the joint Council/CPZ workshop scheduled for July 23, 2013, to address development issues that Councilmember Mendez has been working on, thanked Dr. Wisdom for the opening prayer, and congratulated Elder on the recognition. Councilmember Lawton also congratulated the former Mayor and thanked the V.F.W. Post members for their service and for hosting the Fourth of July celebration at the V.F.W. Hall.

Mayor's Report

Mayor Hughes congratulated former Mayor Elder, as well as Mrs. Elder, on a well-deserved recognition. The Mayor thanked Dr. Wisdom for taking time out of his busy schedule to deliver the opening prayer and Mike Mastrangelo, V.F.W. Post member, for leading the pledges to the U.S. and Texas flags. Mayor Hughes said a new fire apparatus will be ordered in the near future and plans are under way for a second fire station on Kingsland Boulevard. The Mayor mentioned the American Legion Post No. 164 ice cream social on July 24 where you can eat all the ice cream you can handle for \$3.75.

Adjourn

Motion was made by Councilmember Brawner, seconded by Councilmember Lawton, to adjourn. All voted Aye, and the meeting adjourned at 7:04 p.m.



Fabol Hughes, Mayor

ATTEST:



Linda Vourazeris, Assistant City Secretary