

**MINUTES OF REGULAR CITY COUNCIL MEETING**

**Call to Order**

The City Council of the City of Katy, Texas, convened in regular session Monday, August 26, 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  
 Bill Lawton, Mayor Pro Tem  
 Chuck Brawner, Councilmember  
 Jimmy Mendez, Councilmember  
 Steve Pierson, Councilmember  
 Art Pertile, III, City Attorney  
 Missy Bunch, City Secretary  
 Johnny Nelson, City Administrator  
 David Leyendecker, City Engineer

**Presentation of Certificate of Appreciation to David Frishman**

The Mayor presented David Frishman with a Certificate of Appreciation and a gavel plaque for his 26 years of service as a City Planning and Zoning Commissioner.

**Comments from the Audience**

The following spoke during Comments from the Audience: 1) Sharon Rhoads, read a letter expressing the Keep Katy Beautiful Board's support of strong code enforcement and the same laws should apply for all; 2) Don Rao, Owner of Katy Station and R&S Classic Homes, explained he believed it was time to complain in public about the Permit Department and the amount of time taken for issuance of permits, including the lack of information given to contractors; 3) Cara Bonin, spoke about the lack of transparent government, no relationship between citizens and City Councilmembers, the lack of information on the City's website and the Constitutional Rights of The People; 4) Jim Lipka, spoke of building homes in Katy and spoke of being failed for an inspection; however, he corrected the issue and was re-inspected in a timely manner. He complemented the Inspectors for following the laws and he has no problems with the Permits Department; and, 5) Bryon Tripe, Earthfirst Landscape spoke of being the apparent low bidder for the Grounds Maintenance bid.

**Public Hearing for Proposed Special Use Permit for an Institution of Religious Nature (Grace Anglican Community) in a "C-2" General Business District, Allowed by Section 15.2-5 of Katy Zoning Ordinance, Property is Located in 1500 Square Feet of Retail Space at 1420 Katy-Flewellen Road, Part of Carriage Inn Replat and Extension, 12.2484 Acres, Fort Bend County, Applicant is Reverend Robert Henson, Owner is Matt Hughes**

The Mayor opened a Public Hearing at 6:47 p.m. for Proposed Special Use Permit for an Institution of Religious Nature (*Grace Anglican Community*) in a "C-2" General Business District, Allowed by Section 15.2-5 of Katy Zoning Ordinance, the Property is Located in 1500 square feet of retail space at 1420 Katy-Flewellen Road, part of Carriage Inn Replat and Extension, 12.2484 Acres, Fort Bend County, Applicant is Reverend Robert Henson, Owner is Matt Hughes. The Mayor closed the Public Hearing at 6:48 p.m.

**Ordinance No. 2584 Proposed Special Use Permit for an Institution of Religious Nature (Grace Anglican Community) in a "C-2" General Business District, Allowed by Section 15.2-5 of Katy Zoning Ordinance, Property is Located in 1500 Square Feet of Retail Space at 1420 Katy-Flewellen Road, Part of Carriage Inn Replat and Extension, 12.2484 Acres, Fort Bend County, Applicant is Reverend Robert Henson, Owner is Matt Hughes**

Motion was made by Councilmember Pierson, seconded by Councilmember Gore, approving as printed and read (*caption*) an Ordinance (No. 2584) for Proposed Special Use Permit for an Institution of Religious Nature (Grace Anglican Community) in a "C-2" General Business District, Allowed by Section 15.2-5 of Katy Zoning Ordinance, Property is Located in 1500 Square Feet of Retail Space at 1420 Katy-Flewellen Road, Part of Carriage Inn Replat and Extension, 12.2484 Acres, Fort Bend County, Applicant is Reverend Robert Henson, Owner is Matt Hughes. All voted Aye, and the motion carried.

**Bank Statement and Check Register Thru 07-31-2013 (information items only)**

There were no questions or comments from City Councilmembers on the Bank Statement and Check Register thru 07-31-2013. The Financial Director Byron Hebert reported the City is financially strong.

**Consent Agenda**

Motion was made by Councilmember Brawner, seconded by Councilmember Mendez, to approve the Consent Agenda as follows:

- 3) Consider Approval of Minutes for 07-22-2013 Regular Meeting
- 4) Consider American Diabetes Association Annual Tour de Cure Cycling Event to be held Saturday, 09-21-2013 (*start/finish AutoNation Nissan-Katy*)(*portion inside city limits*)
- 5) Consider Declaring Surplus Equipment to be Sold at Auction ("*Cabaret*" Upright Player Piano - *Social Services Department*)

All voted Aye, and the motion carried.

**Consider Acceptance of Public Improvements in West Ten Business Park for 12 Inch Waterline Extension along Commerce Parkway and West Ten Boulevard and Sanitary Sewer Trunkline West**

Motion was made by Councilmember Mendez, seconded by Councilmember Pierson accepting as printed and presented the public improvement in West Ten Business park for the 12 inch waterline extension along Commerce Parkway and West Ten Boulevard and sanitary sewer trunkline west. All voted Aye, and the motion carried.

**Consider Award Bid for Painting of the Bridge in the 6000 Block of First Street, Using TXDOT Specifications, to Scott Derr Painting Company, LLC, Friendswood, Texas, in the Amount of \$5,700.00 (Keep Katy Beautiful Project)**

Motion was made by Councilmember Brawner, seconded by Councilmember Pierson, awarding a bid as printed and presented for painting of the bridge in the 6000 block of First Street, using TXDOT Specifications, to Scott Derr Painting Company, LLC, Friendswood, Texas, in the Amount of \$5,700.00 (Keep Katy Beautiful Project). All voted Aye, and the motion carried.

**Consider Award Bid for Painting of the Bridge in the 6000 Block of Stockdick Road, Using TXDOT Specifications, to Scott Derr Painting Company, LLC, Friendswood, Texas, in the Amount of \$3,200.00 (Keep Katy Beautiful Project)**

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, awarding a bid as printed and presented for painting of the bridge in the 6000 block of Stockdick Road, using TXDOT Specifications, to Scott Derr Painting Company, LLC, Friendswood, Texas, in the Amount of \$3,200.00 (Keep Katy Beautiful Project). All voted Aye, and the motion carried.

**Consider Award Bid for Mechanical Street Sweeping Services to Sweeping Services of Texas, Operating LP, Houston, Texas, in the Amount of \$48,783.60 Annually (bids received 08-13-2013)**

Motion was made by Councilmember Brawner, seconded by Councilmember Pierson, awarding a bid as printed and presented for Mechanical Street Sweeping Services to Sweeping Services of Texas, Operating LP, Houston, Texas, in the Amount of \$48,783.60 Annually. All voted Aye, and the motion carried.

**Consider Award Bid for Delivery of Unleaded Gasoline and Diesel Fuel including Containment Setup to be Provided by Vendor for Emergency Purposes at No Cost to City, Susser Petroleum Partners, Houston, Texas, Contract Dates 10-01-2013 to 09-30-2015 (Bid Prices to Fluctuate during Contract Period, Daily Price Based on OPIS Pad3 Average ) (bids received 08-13-2013)**

Motion was made by Councilmember Pierson, seconded by Councilmember Brawner, awarding a bid as printed and presented for Delivery of Unleaded Gasoline and Diesel Fuel including Containment Setup to be Provided by Vendor for Emergency Purposes at No Cost to City, Susser Petroleum Partners, Houston, Texas, Contract Dates 10-01-2013 to 09-30-2015 (Bid Prices to Fluctuate during Contract Period, Daily Price Based on OPIS Pad3 Average). All voted Aye, and the motion carried.

**Consider Award Bid for Grounds Maintenance and Mowing to EarthFirst Commercial Landscaping Service, Katy, Texas for Kingsland Boulevard, Pin Oak Road, F.M. 1463 Areas, Katy Heritage Park, "The Landing" and "The Second Landing" in the Amount of \$67,724.40 Annually, Contract Dates 10-01-2013 thru 09-30-2015**

Motion was made by Councilmember Lawton, seconded by Councilmember Brawner, awarding bid as printed and presented for Grounds Maintenance and Mowing to EarthFirst Commercial Landscaping Service, Katy, Texas, for Kingsland Boulevard, Pin Oak Road, F.M. 1463 Areas, Katy Heritage Park, "The Landing" and "The Second Landing" in the Amount of \$67,724.40 Annually, Contract Dates 10-01-2013 thru 09-30-2015. Councilmember Pierson had explored the hiring of an employee for grounds maintenance and discovered it would cost approximately \$84,000 for an employee with benefits and the equipment; therefore, he believes the continuation of hiring a contractor would be a good move and better deal for the City. Councilmember Gore asked about the City having to accept the lowest bid. City Attorney Art Pertile explained the City must accept the lowest and most responsible bid if not there has to be a reason and not just because they have previously had the contract for a long time. All voted Aye, and the motion carried.

**Consider Award Bid for Grounds Maintenance and Mowing to EarthFirst Commercial Landscaping Service, Katy, Texas for Visitor Information Center – The Depot in the Amount of \$3,292.82 Annually and Seasonal Color Changeout in the Amount of \$1,102.00 Annually**

Motion was made by Councilmember Pierson, seconded by Councilmember Brawner, awarding a bid as printed and presented for Grounds Maintenance and Mowing to EarthFirst Commercial Landscaping Service, Katy, Texas for Visitor Information Center – The Depot in the Amount of \$3,292.82 Annually and Seasonal Color Changeout in the Amount of \$1,102.00 Annually. All voted Aye, and the motion carried.

**Consider Award Bid for Janitorial Services to CNS Janitorial Services, Inc., Houston, Texas, in the Amount of \$60,636.00 Annually**

Motion was made by Councilmember Brawner, seconded by Councilmember Pierson, awarding a bid as printed and presented for Janitorial Services to CNS Janitorial Services, Inc., Houston, Texas, in the Amount of \$60,636.00 Annually. All voted Aye, and the motion carried.

**Consider Addition of One New Police Officer Position (to be filled only if funding is approved in the 2013-2014 Budget)**

Motion was made by Councilmember Brawner, seconded by Councilmember Pierson, approving as printed and presented the addition of one new Police Officer Position (*to be filled only if funding is approved in the 2013-2014 Budget*). All voted Aye, and the motion carried.

**CLOSED MEETING**

The Mayor announced City Council would hold an Executive Session in Accordance with Chapter 551 of the Texas Local Government Code: Section 551. Section 551.074

**Personnel Matter to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee, Code Enforcement Officer Cindy Kuykendall**

The Mayor removed this Executive Session item from discussion.

**Personnel Matter to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee, Fire Chief**

The Mayor, City Councilmembers, the City Attorney and the City Administrator went into Executive Session at 7:05 p.m.

**OPEN MEETING**

The Mayor announced the Executive Session was closed and the City Council Meeting was reopened at 7:46 p.m.

**Consider Any Action Deemed Necessary as a Result of the Executive Session**

No related action taken.

**Consider Authorizing the Mayor to Negotiate a Temporary Employment Agreement for Fire Chief**

Motion was made by Councilmember Brawner, seconded by Councilmember Gore, authorizing the Mayor to negotiate a Temporary Employment Agreement for Fire Chief. All voted Aye, and the motion carried.

**Councilmembers' Report**

Councilmember Lawton thanked the Fire Department for the excellent job they do in very dangerous situations and thanked David Frishman for his years of volunteer service. Councilmember Gore thanked Councilmember Brawner for his work with the Fire Department and thanked the public for their comments. Councilmember Brawner complimented all the employees at the Fire Department. Councilmember Pierson thanked David Frishman for being a volunteer for 26 years and thanked all employees for their loyalty.

**Mayor's Reports**

Mayor Hughes thanked those who spoke for their comments, thanked Councilmember Brawner for his work with the Fire Department and announced there would be a Budget Workshop on Tuesday, August 27, 2013, at 4:00 p.m.

**Adjourn**

Motion was made by Councilmember Brawner, seconded by Councilmember Lawton, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:57 p.m.

  
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Mayor

ATTEST:

  
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City Secretary