

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, March 10, 2014, 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
 Steve Pierson, Councilmember
 Art Pertile, III, City Attorney
 Missy Bunch, City Secretary
 Johnny Nelson, City Administrator
 David Leyendecker, City Engineer

Proclamation Declaring May 2014 as "Motorcycle Safety and Awareness Month"

The Mayor presented a Proclamation Declaring May 2014 as "Motorcycle Safety and Awareness Month". Representatives from the Broken Riding Club were present to accept the Proclamation.

Public Hearing for a Petition for Annexation Filed by James D. Woodruff and Tommy Woodruff; Providing for the Extension of Certain Boundary Limits of the City Of Katy, Texas to Include a 5.055 Acre Tract of Land Being a Called 5 Acres in the Deed Recorded in Volume 1069, Page 390 of Waller County Official Public Records and being Located in the H. & T. C. Railroad Company Survey, Section 170, Abstract 170, Waller County, Texas

The Mayor opened a Public Hearing at 6:37 p.m. for a Petition for Annexation Filed by James D. Woodruff and Tommy Woodruff; Providing for the Extension of Certain Boundary Limits of the City Of Katy, Texas to Include a 5.055 Acre Tract of Land Being a Called 5 Acres in the Deed Recorded in Volume 1069, Page 390 of Waller County Official Public Records and being Located in the H. & T. C. Railroad Company Survey, Section 170, Abstract 170, Waller County, Texas. All were given an opportunity to be heard and there were no public comments. The Public Hearing was closed at 6:38 p.m.

Consider an Ordinance (No. 2618) Granting a Petition for Annexation Filed by James D. Woodruff and Tommy Woodruff; Providing for the Extension of Certain Boundary Limits of the City of Katy, Texas to Include a 5.055 Acre Tract of Land Being a Called 5 Acres in the Deed Recorded in Volume 1069, Page 390 of Waller County Official Public Records and being Located in the H. & T. C. Railroad Company Survey, Section 170, Abstract 170, Waller County, Texas

Motion was made by Councilmember Pierson, seconded by Councilmember Mendez, approving as printed and read (*caption*) an Ordinance (No. 2618) Granting a Petition for Annexation Filed by James D. Woodruff and Tommy Woodruff; Providing for the Extension of Certain Boundary Limits of the City of Katy, Texas to Include a 5.055 Acre Tract of Land Being a Called 5 Acres in the Deed Recorded in Volume 1069, Page 390 of Waller County

Consider an Ordinance (No. 2618) Granting a Petition for Annexation Filed by James D. Woodruff and Tommy Woodruff; Providing for the Extension of Certain Boundary Limits of the City of Katy, Texas to Include a 5.055 Acre Tract of Land Being a Called 5 Acres in the Deed Recorded in Volume 1069, Page 390 of Waller County Official Public Records and being Located in the H. & T. C. Railroad Company Survey, Section 170, Abstract 170, Waller County, Texas (cont'd)

Official Public Records and being Located in the H. & T. C. Railroad Company Survey, Section 170, Abstract 170, Waller County, Texas. The City Attorney explained at the previous meeting the City annexed in a portion of the property requesting annexation; however, five acres did not have the metes and bounds and could not be annexed without this description. He commented the metes and bounds for the five acres had been received and are being proposed for consideration. All voted Aye, and the motion carried.

Public Hearing for Proposed Ordinance Amending the Thoroughfare Plan of the City of Katy's Comprehensive Plan to Extend Nelson Way West throughout the City of Katy's City Limits and Extraterritorial Jurisdiction (E.T.J.)

The Mayor opened a Public Hearing at 6:40 p.m. Proposed Ordinance Amending the Thoroughfare Plan of the City of Katy's Comprehensive Plan to Extend Nelson Way West throughout the City of Katy's City Limits and Extraterritorial Jurisdiction (E.T.J.). All were given an opportunity to be heard and there were no public comments. The Public Hearing was closed at 6:41 p.m.

Consider an Ordinance (No. 2619) Amending the Thoroughfare Plan of the City of Katy's Comprehensive Plan to Extend Nelson Way West throughout the City of Katy's City Limits and Extraterritorial Jurisdiction (E.T.J.)

Motion was made by Councilmember Pierson, seconded by Councilmember Mendez, approving as printed and read (*caption*) an Ordinance (*No. 2619*) Amending the Thoroughfare Plan of the City of Katy's Comprehensive Plan to Extend Nelson Way West throughout the City of Katy's City Limits and Extraterritorial Jurisdiction (E.T.J.). All voted Aye, and the motion carried.

Public Hearing for Proposed Amendment to Section 3.104(b)(8) of the Local Amendments to the 2012 International Plumbing Code, 2012 International Residential Code, and all Other Applicable Codes Adopted by the City of Katy. The Proposed Amendment is as follows: Section 3.104(b)(8): PEX Piping with the Design Code of 5X06 or Greater Shall be Allowed for Plumbing Systems Only

The Mayor opened a Public Hearing at 6:43 p.m. for Proposed Amendment to Section 3.104(b)(8) of the Local Amendments to the 2012 International Plumbing Code, 2012 International Residential Code, and all Other Applicable Codes Adopted by the City of Katy. The Proposed Amendment is as follows: Section 3.104(b)(8): PEX Piping with the Design Code of 5X06 or Greater Shall be Allowed for Plumbing Systems Only. All were given an opportunity to be heard and the following spoke: 1) Gary Morgan, Viega, Wichita, Kansas, spoke of the City's Building and Standards Commission public hearing, referred to the specific type of PEX piping that the City had previously approved to use and commented on the proposed wording. The City Attorney explained the proposed ordinance has the correct wording that was proposed by the Building and Standards Commission. The Public Hearing was closed at 6:45 p.m.

Consider an Ordinance (No. 2620) for Proposed Amendment to Section 3.104(b)(8) of the Local Amendments to the 2012 International Plumbing Code, 2012 International Residential Code, and all Other Applicable Codes Adopted by the City of Katy. The Proposed Amendment is as follows: Section 3.104(b)(8): PEX Piping with the Design Code of 5X06 or Greater Shall be Allowed for Plumbing Systems Only

Motion was made by Councilmember Lawton, seconded by Councilmember Brawner, approving as printed and read (*caption*) an Ordinance (No. 2620) Amending Section 3.104(b)(8) of the Local Amendments to the 2012 International Plumbing Code, 2012 International Residential Code, and all Other Applicable Codes Adopted by the City of Katy. The proposed amendment is as follows: Section 3.104(b)(8): PEX Piping with the Design Code of 5X06 or greater shall be allowed for plumbing systems only. All voted Aye, and the motion carried.

Public Comments

All were given an opportunity to be heard and there were no public comments. m

Consider Approval of 02-24-2014 Regular Meeting Minutes

Motion was made by Councilmember Mendez, seconded by Councilmember Pierson, approving as printed and presented the 02-24-2014 Regular Meeting Minutes. All voted Aye, and the motion carried.

Consider Award of Bid for 2014 Waterline Extension (Optimized Process Design) to Canyon Construction, Inc., Huffman, Texas, in the Amount of \$138,698.20 (bids received 03-05-2014)

Motion was made by Councilmember Lawton, seconded by Councilmember Gore, approving as printed and presented the Award of Bid for 2014 Waterline Extension (Optimized Process Design) to Canyon Construction, Inc., Huffman, Texas, in the Amount of \$138,698.20. City Engineer Leyendecker explained the City has done business with the proposed contractor without any issues, the constructions is for fire hydrants on the south side of Clay Road, inside the city limits, and are being paid for by Optimized Process Design. Leyendecker believes this to be a winning situation for the City and Katy I.S.D., since they own adjacent property and schools are proposed in the near future. All voted Aye, and the motion carried.

Consider Approval of Request from Pine Lakes Community Association, for the City to Pay Monthly Operating Costs for Street Lights, in Pine Lakes Subdivision, Section One - for 17 Lights (112 of 115 lots built on as of 2013 Tax Roll) Wiese Properties

Motion was made by Councilmember Lawton, seconded by Councilmember Brawner, approving as printed and presented the request from Pine Lakes Community Association, for the City to Pay Monthly Operating Costs for Street Lights, in Pine Lakes Subdivision, Section One - for 17 Lights (112 of 115 lots built on as of 2013 Tax Roll) Wiese Properties. All voted Aye, and the motion carried.

Consider Approval of Request from Pine Lakes Community Association, for the City to Pay Monthly Operating Costs for Street Lights, in Pine Lakes Subdivision, Section Two - for 9 Lights (42 of 54 lots built on as of 2013 Tax Roll) Wiese Properties

Motion was made by Councilmember Pierson, seconded by Councilmember Mendez, approving as printed and presented the request from Pine Lakes Community Association, for the City to Pay Monthly Operating Costs for Street Lights, in Pine Lakes Subdivision, Section Two - for 9 Lights (42 of 54 lots built on as of 2013 Tax Roll) Wiese Properties. All voted Aye, and the motion carried.

Consider Approval of Convention and Tourism Bureau Hotel Occupancy Tax Grant Application for the The Wild West Brewfest – WWBF Pre-Party, May 9, 2014, No Label Brewery, Amount Requested: \$32,200.00 (Tourism-Related Advertising and Promotion of the City of Katy and its Vicinity; Funding Programs that Enhance the Arts) (approved by CTB 02-26-2014)

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 for the The Wild West Brewfest – WWBF Pre-Party, May 9, 2014, No Label Brewery, Amount Requested: \$32,200.00 (Tourism-Related Advertising and Promotion of the City of Katy and its Vicinity; Funding Programs that Enhance the Arts) (approved by CTB 02-26-2014). David Loesch, Katy Rotary Representative, explained this the third year for the event, it will be a two day with 60 different brewers. The event is providing transportation to and from the event to the participating hotels.. Loesch spoke of various types of advertising, media, radio, print, newspapers and electronic media. He anticipates an increase in attendees to 5,000. All voted Aye, and the motion carried.

Consider Approval of Convention and Tourism Bureau Hotel Occupancy Tax Grant Application for the Katy Market Days/Katy Merchants – Old Town Katy Shopping and Dining Guide, Amount Requested: \$2,136.40 (Tourism-Related Advertising And Promotion Of The City Of Katy And Its Vicinity) (approved by CTB 02-26-2014)

Motion was made by Councilmember Lawton, seconded by Councilmember Pierson, approving as printed and presented the Convention and Tourism Bureau Hotel Occupancy Tax Grant Application for the Katy Market Days/Katy Merchants – Old Town Katy Shopping and Dining Guide, Amount Requested: \$2,136.40 (Tourism-Related Advertising and Promotion of the City of Katy and Its Vicinity) (approved by CTB 02-26-2014). All voted Aye, and the motion carried.

Consider Approval of Convention and Tourism Bureau Hotel Occupancy Tax Grant Application for the City Of Katy – Hiring Of Tourism Marketing Specialist, Amount Requested: \$45,008.00 (Funding the Establishment, Improvement or Maintenance of Convention Center or Visitor Information Center; Tourism-Related Advertising and Promotion of the City of Katy and its Vicinity) (approved by CTB 02-26-2014)

Motion was made by Councilmember Pierson, seconded by Councilmember Mendez, approving as printed and presented the Convention and Tourism Bureau Hotel Occupancy Tax Grant Application for the City Of Katy – Hiring Of Tourism Marketing Specialist, Amount Requested: \$45,008.00 (Funding the Establishment, Improvement or Maintenance of Convention Center or Visitor Information Center; Tourism-Related Advertising and Promotion of the City of Katy and its Vicinity) (approved by CTB 02-26-2014). All voted Aye, and the motion carried.

Consider Approval of Convention and Tourism Bureau Hotel Occupancy Tax Grant Application for the City Of Katy – Waller County Welcome Guide 2014, Amount Requested: \$2,000.00 (Tourism-Related Advertising and Promotion of the City of Katy and its Vicinity) (approved by CTB 02-26-2014)

Motion was made by Councilmember Pierson, seconded by Councilmember Brawner, approving as printed and presented the Convention and Tourism Bureau Hotel Occupancy Tax Grant Application for the City Of Katy – Waller County Welcome Guide 2014, Amount Requested: \$2,000.00 (Tourism-Related Advertising and Promotion of the City of Katy and its Vicinity) (approved by CTB 02-26-2014). All voted Aye, and the motion carried.

Consider Approval of Convention and Tourism Bureau Hotel Occupancy Tax Grant Application for the City Of Katy – Legacy Sports Network, Amount Requested: \$1,150.00 (Tourism-Related Advertising and Promotion of the City of Katy and its Vicinity) (approved by CTB 02-26-2014)

Motion was made by Councilmember Brawner, seconded by Councilmember Lawton, approving as printed and presented the Convention and Tourism Bureau Hotel Occupancy Tax Grant Application for the City of Katy – Legacy Sports Network, Amount Requested: \$1,150.00 (Tourism-Related Advertising and Promotion of the City of Katy and its Vicinity) (approved by CTB 02-26-2014). All voted Aye, and the motion carried.

Consider a Resolution (No. 554) Authorizing the Mayor to Sign an Energy Management Agreement with EnerNOC, Inc., for Services to the Wastewater Treatment Plant for a Term of Five Years

Motion was made by Councilmember Lawton, seconded by Councilmember Brawner, approving as printed and presented a Resolution (No. 554) Authorizing the Mayor to Sign an Energy Management Agreement with EnerNOC, Inc., for Services to the Wastewater Treatment Plant for a Term of Five Years. All voted Aye, and the motion carried.

Consider a Resolution (No. 555) Authorizing the Encroachment of Concrete Culverts into the City of Katy's Drainage Easement in Westland Estates Located at the Rear of Lots 1 through 6, on Camillia Court

Motion was made by Councilmember Mendez, seconded by Councilmember Brawner, approving as printed and presented a Resolution (No. 555) Authorizing the Encroachment of Concrete Culverts into the City of Katy's Drainage Easement in Westland Estates Located at the Rear of Lots 1 through 6, on Camillia Court. All voted Aye, and the motion carried.

Consider an Ordinance (No. 2621) Amending the Personnel Policy by Adding new Job Descriptions for Mechanic and Tourism Marketing Specialist

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, approving as printed and read (caption) an Ordinance (No. 2621) Amending the Personnel Policy by Adding new Job Descriptions for Mechanic and Tourism Marketing Specialist. All voted Aye, and the motion carried.

Consider an Ordinance (No. 2622) Adopting Amendment No. 1 to the Original Budget for 2013-2014 Fiscal Year; Providing for Changes in the General Government Fund

Motion was made by Councilmember Brawner, seconded by Councilmember Pierson, approving as printed and read (caption) an Ordinance (No. 2622) Adopting Amendment No. 1 to the Original Budget for 2013-2014 Fiscal Year; Providing for Changes in the General Government Fund. The City Attorney explained the budget must be amended to fund the additional mechanic position. All voted Aye, and the motion carried.

Consider an Ordinance (No. 2623) Amending Katy Code of Ordinances, Chapter 2 Animal Control

Motion was made by Councilmember Pierson, seconded by Councilmember Mendez, approving as printed and read (caption) an Ordinance (No. 2623) Amending Katy Code of Ordinances, Chapter 2 Animal Control. The City Attorney explained the proposed amendments do not affect any current applications, but is designed to go forward from this date and that the current fees remain. He spoke of one of the changes being for the Animal Control

Consider an Ordinance (No. 2623) Amending Katy Code of Ordinances, Chapter 2 Animal Control (cont'd)

Officer to inspect the proposed site and the City Secretary's Office will issue the permit. Motion was made by Councilmember Gore, seconded by Councilmember Brawner, amending the main motion by changing the 300 foot distance to 100 foot. The City Attorney will make the change. All voted Aye, and the amended motion carried.

Consider an Ordinance (No. 2624) Appointing a City Officer - Sherri M. Brant, Municipal Court Clerk

Motion was made by Councilmember Brawner, seconded by Councilmember Pierson, approving as printed and read (*caption*) an Ordinance (No. 2624) Appointing a City Officer - Sherri M. Brant, Municipal Court Clerk. All voted Aye, and the motion carried. Ms. Brant thanked City Council for her appointment.

Consider an Ordinance (No. 2625) Declaring Steven R. Pierson, Charles A. Brawner, Durran C. Dowdle, Candidates for the Office of Councilmember At Large, Councilmember Ward A and Councilmember Ward B, Respectively, Unopposed for Election to Office; the May 10, 2014, Regular City Officers Election is Cancelled; and, Said Candidates are Declared Elected

Motion was made by Councilmember Lawton, seconded by Councilmember Mendez, approving as printed and read (*caption*) an Ordinance (No. 2625) Declaring Steven R. Pierson, Charles A. Brawner, Durran C. Dowdle, Candidates for the Office of Councilmember At Large, Councilmember Ward A and Councilmember Ward B, Respectively, Unopposed for Election to Office; the May 10, 2014, Regular City Officers Election is Cancelled; and, Said Candidates are Declared Elected. All voted Aye, and the motion carried.

Consider an Ordinance (No. 2626) Amending Section 3.607 of the Katy Code of Ordinances, Establishing the Areas of Special Flood Hazard in Compliance with the Applicable Federal Regulations of the National Flood Insurance Program

Motion was made by Councilmember Pierson, seconded by Councilmember Gore, approving and printed and read (*caption*) an Ordinance (No. 2626) Amending Section 3.607 of the Katy Code of Ordinances, Establishing the Areas of Special Flood Hazard in Compliance with the Applicable Federal Regulations of the National Flood Insurance Program. All voted Aye, and the motion carried.

CLOSED MEETING

Executive Session as Authorized by Texas Government Code, Section 551.072 , the Purchase, Exchange, Lease or Value of Real Property: A) Near Thomas Park; B) Near Katy Main Street; and, C) Near Katy Mills Mall

The Mayor, City Councilmembers, City Attorney, City Administrator and Finance Director, convened in Executive as Authorized by Texas Government Code, Section 551.072, the Purchase, Exchange, Lease or Value of Real Property near Katy Main Street at 7:20 p.m.

OPEN MEETING

The Mayor reopened the meeting to the Public at 7:38 p.m.

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

There was no action deemed necessary as a result of the Executive Session.

Councilmembers' Report

Councilmember Mendez thanked Katy I.S.D. Board Members Rebecca Fox, Henry Dibrell and Superintendent Alton Frailey for their attendance. He congratulated Sherri Brandt for her appointment. Councilmember Pierson also thanked Katy I.S.D. Representative for attending and also thanked Sherri Brandt for her appointment. Pierson welcomed Durran Dowdle and is looking forward to working with him. He commented on the loss of Cecil Ray, who recently passed away at the age of 105 years old and she was the oldest living graduate of Katy High School. Councilmember Lawton congratulated Councilmembers Brawner and Pierson along with Durran Dowdle for winning their position on City Council, by the lack of any opponents. Councilmember Gore thanked the Mayor for the good meeting and congratulated Brawner, Pierson and Dowdle, he stated he was glad the election had been cancelled and the City did not have to spend that money. Councilmember Brawner appreciated all that everyone had done and was happy with the way things were going on and planning for the future. He spoke of a lot of exciting things going on.

Mayor's Reports

The Mayor congratulated Brawner, Pierson and Dowdle on looked forward to welcoming Dowdle on board in a couple of months. He congratulated Sherri Brandt on her appointment.

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 7:44 p.m.



Mayor

ATTEST:



City Secretary