

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session on Monday, March 24, 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
 Bill Lawton, Councilmember
 Jimmy Mendez, Councilmember
 Steve Pierson, Councilmember
 Art Pertile, City Attorney
 Johnny Nelson, City Administrator
 Linda Vourazeris, Assistant City Secretary

The following City officials were absent:

Chuck Brawner, Councilmember
 Melissa A. "Missy" Bunch, City Secretary

Proclamation Recognizing April as "Jazz Appreciation Month" in Katy

The Mayor read and presented a Proclamation to Bob Bryant, Executive Director of Fine Arts for Katy Independent School District, recognizing April as "Jazz Appreciation Month" in Katy. Bryant announced the sixth annual Katy Jazz Festival to be held April 25-26, 2014, at the Katy High School campus.

Proclamation Recognizing "Don't Mess with Texas Trash-Off Day"

The Mayor read and presented a Proclamation to Keep Katy Beautiful board members recognizing Saturday, April 5, 2014, as "Don't Mess with Texas Trash-Off Day". Keep Katy Beautiful, in partnership with TXDOT, Keep Texas Beautiful, Antioch Baptist Church, Republic Waste, and U-Waste Recycling Solutions, will host this year's annual area Texas Trash-Off at Antioch Baptist Church.

Proclamation Recognizing the Retirement of Johnny Nelson, City Administrator

The Mayor read and presented a Proclamation to City Administrator Johnny Nelson, retiring after 20 years of service, and who served as Mayor from 1983-1987. Nelson was recognized for being instrumental in Katy Mills Mall locating in the City of Katy and for his vision and tireless efforts in establishing the Katy Heritage Museum in 2002. The Mayor thanked Nelson for his years of service to the citizens and for helping maintain the City in a healthy financial position. Nelson said it was a pleasure serving the citizens for 20 years and enjoyed managing the City through the up-and-down times. He thanked present and former employees for their hard work and dedication.

Presentation by Texas Department of Health Cardiovascular Disease and Stroke Program Council Member Ann Quinn Todd to the City of Katy for the Heart and Stroke Healthy City Program, Recognizing Katy Chamber of Commerce Health and Wellness Committee Chair Jason Hodge and Chairman of the Board Sam Schultze

Ann Quinn Todd, representing the Texas Council on Cardiovascular Disease and Stroke, a governor-appointed and Department of State Health Services council, said their mission is to educate, inform and facilitate action among Texans to reduce the human and financial toll of cardiovascular disease and stroke. The Heart and Stroke Healthy City Program recognizes cities

Presentation by Texas Department of Health Cardiovascular Disease and Stroke Program Council Member Ann Quinn Todd to the City of Katy for the Heart and Stroke Healthy City Program, Recognizing Katy Chamber of Commerce Health and Wellness Committee Chair Jason Hodge and Chairman of the Board Sam Schultze (cont'd)

for having environmental and policy infrastructure and practices in place that are public health priorities, helping reduce cardiovascular disease and stroke. Todd said the City of Katy was assessed for the first time in the Fall of 2013 and achieved the Bronze recognition level. At the completion of the assessments, Katy scored 79.5, with 2.5 bonus points out of a possible 104, just .5 points shy of achieving the Silver level.

Cities involved in the program are assessed on 10 indicators critical to reducing the burden of heart disease and stroke. The environmental indicators include providing the public with information on cardiovascular disease and strokes, physical activity areas, healthy eating options, and defibrillators and CPR classes in the community. Policy indicators include smoke-free ordinances in work sites, restaurants and day care centers; EMS system with priority response times to 911 calls for heart attacks or strokes; and recognized guidelines for the care and treatment of heart attacks and strokes in hospitals. Todd said the City scored low on the comprehensive tobacco control initiative, which includes 100% smoke-free city ordinances. She said the Council recommends the City continue to work with policymakers to pass stronger tobacco ordinances city-wide and to focus on efforts that meet the cultural and language needs of individuals from disparate population groups. The City scored 100% on three of the indicators, including attainment of prompt cardiac event response, prompt stroke event response, and achievement of healthcare improvements.

Todd introduced Health and Wellness Committee Chair Jason Hodge, Chairman of the Board Sam Schultze, and several other lead liaisons and working committee members. The original application, signed by former Mayor Don Elder Jr., was submitted to the Texas Department of Health by the Katy Area Chamber of Commerce. Todd presented Mayor Hughes with the Bronze Medal award from the Texas Council on Cardiovascular Disease and Stroke.

Public Comments

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

Public Hearing for the Proposed Abandonment of a Portion of Mae Street that was Dedicated to the Public and is Described as a 0.8197 Acre Tract in the H&TCRR Survey, Section 64, Block 2, Abstract 471 (M.J.C. Felkner Abstract No. 1520) of Harris County and Being a Part of Mae Street (60 feet wide) Recorded under Harris County Clerk File Number (HCCF No. F053343); Finding no Duty to Maintain; Retaining all Existing Utility Easements in the Abandoned Portion of Mae Street, Including Storm Drainage Utility Easements; and Authorizing Recordation in the Deed Records of Harris County

The Mayor opened a public hearing at 6:59 p.m. for the proposed abandonment of a portion of Mae Street that was dedicated to the public and described as a 0.8197 acre tract in the H&TCRR Survey, Section 64, Block 2, Abstract 471 (M.J.C. Felkner Abstract No. 1520) of Harris County and being a part of Mae Street (60 feet wide) recorded under Harris County Clerk File Number (HCCF No. F053343); finding no duty to maintain; retaining all existing utility easements in the abandoned portion of Mae Street, including storm drainage utility easements; and authorizing recordation in the Deed Records of Harris County. All were given the opportunity to be heard and there were no public comments. The public hearing closed at 7:00 p.m.

Consider an Ordinance (No. 2627) for Abandonment of a Portion of Mae Street that was Dedicated to the Public and is Described as a 0.8197 Acre Tract in the H&TCRR Survey, Section 64, Block 2, Abstract 471 (M.J.C. Felkner Abstract No. 1520) of Harris County and Being a Part of Mae Street (60 feet wide) Recorded under Harris County Clerk File Number (HCCF No. F053343); Finding no Duty to Maintain; Retaining all Existing Utility Easements in the Abandoned Portion of Mae Street, Including Storm Drainage Utility Easements; and Authorizing Recordation in the Deed Records of Harris County

Motion was made by Councilmember Pierson, seconded by Councilmember Mendez, approving as printed and read (*caption*) an Ordinance (*No. 2627*) for the abandonment of a portion of Mae Street that was dedicated to the public and described as a 0.8197 acre tract in the H&TCRR Survey, Section 64, Block 2, Abstract 471 (M.J.C. Felkner Abstract No. 1520) of Harris County and being a part of Mae Street (60 feet wide) recorded under Harris County Clerk File Number (HCCF No. F053343); finding no duty to maintain; retaining all existing utility easements in the abandoned portion of Mae Street, including storm drainage utility easements; and authorizing recordation in the Deed Records of Harris County. All voted Aye and the motion carried 4-0.

Bank Statement and Check Register thru 02-28-2014 (information items only)

There were no comments about the Bank Statement and Check Register thru 02-28-2014.

Consent Agenda

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, approving as printed and presented the Consent Agenda as follows:

- 9) Consider Approval of Minutes
 - A) 03-10-2014 Special Workshop
 - B) 03-10-2014 Regular Meeting Minutes
- 10) Consider Approval of Events
 - A) 21st Annual Jeff & Brede's Intergalactic Triathlon to be held Sunday, July 27, 2014, Houston Racing Triathlon Club (*start/finish Mary Jo Peckham Park*) (*portion inside city limits*)
 - B) BP MS 150 Bike Tour, Saturday, April 12, 2014 (*start Rhodes Stadium, finish Austin, Texas*) (*portion inside city limits only*)

All voted Aye and the motion carried 4-0.

Consider Award of Bid for 2014 Asphalt Street Improvements to AAA Asphalt Paving, Inc., Houston, Texas, in the Amount of \$187,906.00 (bids received 03-19-2014)

Motion was made by Councilmember Lawton, seconded by Councilmember Mendez, approving as printed and presented the Award of Bid for the 2014 Asphalt Street Improvements to AAA Asphalt Paving, Inc., Houston, Texas, in the amount of \$187,906.00. City Engineer Leyendecker said the contractor has performed work in the City with no problems. All voted Aye and the motion carried 4-0.

Consider a Resolution (No. 556) Authorizing the Mayor to Sign an Interlocal Agreement with Harris County for Harris County to Administer a Regional Public Education Services Program in the Amount of \$7,474.06 for a Term of One Year

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, approving as printed and presented a Resolution (*No. 557*) authorizing the Mayor to sign an Interlocal Agreement with Harris County for Harris County to administer a Regional Public Education Services Program in the amount of \$7,474.06 for a term of one year. City Attorney Pertile explained that under the Clean Water Act, the City is mandated to have a program in place to educate the public and contractors about water quality issues. Harris County leads a program

Consider a Resolution (No. 556) Authorizing the Mayor to Sign an Interlocal Agreement with Harris County for Harris County to Administer a Regional Public Education Services Program in the Amount of \$7,474.06 for a Term of One Year (cont'd)

designed to assist Municipal Separate Storm Sewer System (MS4) permittees with meeting some of the requirements. Harris County offers cities located in all counties of the Houston-Galveston Region the opportunity to participate in a cost-sharing program that allows each city to tap into offered resources, such as brochures, booklets, promotional items, etc. All voted Aye and the motion carried 4-0.

Consider a Resolution (No. 557) Amending Garbage Collection Rates and Fees

Motion was made by Councilmember Lawton, seconded by Mayor Pro Tem Gore, approving as printed and presented a Resolution (No. 557) amending the garbage collection rates and fees. Attorney Pertile explained that the current solid waste collection contract allows for a yearly increase in rates and fees based solely on the Consumer Price Index for waste collection in the Houston area, not nationwide. Councilmember Lawton said the rate increase is 1.75%, which is pretty incredible considering the services offered. Votes were as follow: Ayes – Gore, Lawton, Mendez. Noes – Pierson.

Consider an Ordinance (No. 2628) Amending the Employee Classification and Compensation Plan by Adding the Classification of Emergency Management Coordinator, Removing the Classification for Assistant Emergency Management Coordinator, by Amending the Pay Range and Wage-Hour Exemption Status Schedule and by Appointing an Emergency Management Coordinator

Motion was made by Councilmember Pierson, seconded by Councilmember Mendez, approving as printed and read (*caption*) an Ordinance (No. 2628) amending the Employee Classification and Compensation Plan by adding the classification of Emergency Management Coordinator, removing the classification for Assistant Emergency Management Coordinator, by amending the Pay Range and Wage-Hour Exemption Status Schedule and by appointing an Emergency Management Coordinator. City Attorney Pertile said the ordinance adds the classification of Emergency Management Coordinator with the duties remaining the same as for the Assistant Emergency Management Coordinator. This provides for a change in title only with no pay increase. All voted Aye and the motion carried 4-0.

Consider an Ordinance (No. 2629) Adopting Amendment No. 2 to the Original Budget for 2013-2014 Fiscal Year and Providing for Changes in the General Government Fund

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, approving as printed and read (*caption*) an Ordinance (No. 2629) adopting Amendment No. 2 to the original budget for the 2013-2014 fiscal year and providing for changes in the General Government Fund. All voted Aye and the motion carried 4-0.

Consider Termination of Bid Awarded to Alsay, Inc., Houston, Texas, for Repair and Renovation of Water Well No. 5 Located at Water Plant No. 3 (to be paid for current work completed)

Motion was made by Councilmember Pearson, seconded by Mayor Pro Tem Gore, approving the termination of the bid awarded to Alsay, Inc., Houston, Texas, for the repair and renovation of Water Well No. 5 located at Water Plant No. 3. City Engineer Leyendecker said it was known that there were problems with the 15-year-old pump, but the extent was not known and the work was originally bid with a set of bid items. When the actual work started, holes were found in the pump and major structural problems were discovered deep in the well. Leyendecker said the City only has the right to change the amount of the bid by 25% through change orders. He said the

Consider Termination of Bid Awarded to Alsay, Inc., Houston, Texas, for Repair and Renovation of Water Well No. 5 Located at Water Plant No. 3 (to be paid for current work completed) (cont'd)

amount of work involved will exceed the 25%, so the City Attorney has advised that the contract be terminated and the contractor paid for the work performed to date, and the required repairs be put out for bids. All voted Aye and the motion carried 4-0.

Consider Authorizing the Re-Bid of Repair and Renovation of Water Well No. 5 Located at Water Well No. 5 to include Additional Cost for Recently Discovered Major Structural Failure in the Water Well Screen

Motion was made by Councilmember Lawton, seconded by Mayor Pro Tem Gore, to re-bid the repair and renovation of Water Well No. 5 to include additional costs for recently discovered major structural failure in the water well screen. All voted Aye and the motion carried 4-0.

CLOSED MEETING

Executive Session as Authorized by Texas Government Code, Section 551.074, Personnel Matter to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee, Including City Administrator

The Mayor, Councilmembers, City Attorney and City Administrator convened in Executive Session at 7:14 p.m., as authorized by Texas Government Code, Section 551.074, to deliberate on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, including City Administrator.

OPEN MEETING

The Mayor reopened the meeting to the public at 7:26 p.m.

Consider an Ordinance (No. 2630) Appointing City Administrator

Motion was made by Councilmember Mendez, seconded by Councilmember Lawton, approving as printed and read (*caption*) an Ordinance (*No. 2630*) appointing Byron J. Hebert as City Administrator as recommended by Mayor Hughes. Hebert will assume the position effective April 1, 2014. The Mayor explained that the selection process took three months to complete. The position was posted for 30 days and 20 applications were received and reviewed by an advisory group. The group eliminated 12 applicants and of the remaining eight, five applicants were interviewed. The Mayor said the position was not handed to Hebert and it came down to two formidable applicants. The two were interviewed a second time and both underwent intensive testing in aptitude and personality. The Mayor said that after all the t's were crossed and the i's dotted, it was determined that Hebert was the best individual for the job. Mayor Pro Tem Gore said he was proud to vote for Hebert who earned the appointment. Councilmember Pearson said he knew the process undertaken to find a City Administrator was fair to all applicants and Hebert is the right person for the job. Councilmember Lawton stated that while it is good to promote from within, we are the City of Katy and a giant was needed to succeed retiring City Administrator Johnny Nelson. He said he is satisfied with the process and is thrilled Hebert is taking over. Nelson said professionals met with the advisory group and the top two applicants and he is confident that the right individual was selected. All voted Aye and the motion carried 4-0.

Consider a Resolution (No. 558) Approving Contract with City Administrator

Motion was made by Councilmember Pierson, seconded by Mayor Pro Tem Gore, approving as printed and presented a Resolution (*No. 558*) authorizing the Mayor to enter into a contract with Byron J. Hebert as City Administrator. All voted Aye and the motion carried 4-0.

Councilmembers' Reports

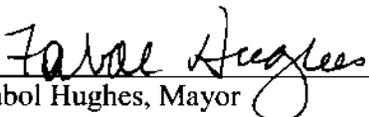
Councilmember Lawton said great things happened this evening and thanked City Administrator Nelson for tapping him on the shoulder 10-12 years ago to serve on a committee. Lawton called Nelson a "fisher of men". Mayor Pro Tem Gore congratulated Hebert on his appointment as City Administrator and thanked Nelson for his years of service as Mayor and City Administrator under several mayors. Gore described Nelson as pragmatic and a saver of money, and wished him luck in future endeavors. Councilmember Pierson thanked all who attended to receive the proclamation for "Don't Mess with Texas Trash-Off Day"; congratulated Maria Galvez on being named Emergency Management Coordinator; congratulated Hebert on his appointment as City Administrator; and thanked Nelson for his 20+ years of service to the citizens. Councilmember Mendez thanked Nelson for his guidance and advice, and congratulated Hebert and Galvez on their appointments.

Mayor's Report

Mayor Hughes said the retirement party on March 23rd for City Administrator Nelson was attended by hundreds of friends and is a tribute to the impact Nelson had on the City. The Mayor said Nelson will have input in running the Katy Heritage Museum, which he helped establish in 2002. He congratulated Hebert on "rising to the top like good cream".

Adjourn

Motion was made by Councilmember Pierson, seconded by Councilmember Mendez, to adjourn. All voted Aye and the meeting adjourned at 7:45 p.m.



Fabol Hughes, Mayor

ATTEST:



Linda Vourazeris, Assistant City Secretary