

**MINUTES OF REGULAR CITY COUNCIL MEETING
AND
SPECIAL CITY PLANNING AND ZONING COMMISSION MEETING**

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, August 25, 2014, at 6:30 p.m., at Katy Municipal Complex, 910 Avenue C, Katy, Texas. The following City Officials were present:

City Council

Fabol Hughes, Mayor
Chuck Brawner, Mayor Pro Tem
Durrant C. Dowdle, Councilmember
Bill Lawton, Councilmember
Jimmy Mendez, Councilmember
Steve Pierson, Councilmember
Art Pertile, III, City Attorney
David Leyendecker, City Engineer
Byron Hebert, City Administrator
Missy Bunch, City Secretary

The City Planning and Zoning Commission of the City of Katy, Texas, convened in special session Monday, August 25, 2014, at 6:30 p.m. o'clock p.m. The following Commissioners were present:

City Planning and Zoning Commission

Eric Paulsen, Chairman
Frank Tucker, Vice Chairman
Ray Webb, Secretary
Angel Marlow, Assistant Secretary
Kenneth Berger, Commissioner
Dusty Thiele, Commissioner
Larry Gore, Alternate Commissioner
Paul Redmon, Alternate Commissioner

The following City Planning and Zoning Commissioner was absent:

Dan Burris, Commissioner

Presentation was made by Councilmember Pierson to Former Mayor Ward Stanberry on the celebration of his 90th birthday.

Public Hearing for Proposed Ordinance Amending Zoning Ordinance No. 621; by Granting a Special Use Permit that Allows a Charter School Use in a C-1 District Located at 5618 Eleventh Street, Tracts 7C and 7D, Katy Outlots, for the Benefit of West Houston Charter Alliance Inc. (dba Aristoi Classical Academy)

City Attorney Pertile explained the proposed amendment to the Zoning Ordinance for a Special Use Permit at 5618 Eleventh Street for West Houston Charter Alliance, Inc. (dba Aristoi Classical Academy) is being recommended for approval by City Staff. The Mayor opened a

Public Hearing for Proposed Ordinance Amending Zoning Ordinance No. 621; by Granting a Special Use Permit that Allows a Charter School Use in a C-1 District Located at 5618 Eleventh Street, Tracts 7C and 7D, Katy Outlots, for the Benefit of West Houston Charter Alliance Inc. (dba Aristoi Classical Academy) (cont'd)

Public Hearing at 6:37 p.m. for a proposed Ordinance Amending Zoning Ordinance No. 621; by Granting a Special Use Permit that allows a Charter School Use in a C-1 District Located at 5618 Eleventh Street, Tracts 7C and 7D, Katy Outlots, for the benefit of West Houston Charter Alliance Inc. (dba Aristoi Classical Academy). All were given an opportunity to be heard and there were none. The Mayor closed the Public Hearing at 6:37 p.m.

City Planning and Zoning Commission's Recommendation on Proposed Ordinance Amending Zoning Ordinance No. 621; by Granting a Special Use Permit that Allows a Charter School Use in a C-1 District Located at 5618 Eleventh Street, Tracts 7C and 7D, Katy Outlots, for the Benefit of West Houston Charter Alliance Inc. (dba Aristoi Classical Academy)

Motion was made by Commissioner Tucker, seconded by Commissioner Gore, recommending approval to City Council for the proposed Ordinance Amending Zoning Ordinance No. 621; by Granting a Special Use Permit that allows a Charter School Use in a C-1 District located at 5618 Eleventh Street, Tracts 7C and 7D, Katy Outlots, for the benefit of West Houston Charter Alliance Inc. (dba Aristoi Classical Academy). All voted Aye, and the motion carried.

City Council Consideration of an Ordinance (No. 2653) Amending Zoning Ordinance No. 621; by Granting a Special Use Permit that Allows a Charter School Use in a C-1 District Located at 5618 Eleventh Street, Tracts 7C and 7D, Katy Outlots, for the Benefit of West Houston Charter Alliance Inc. (dba Aristoi Classical Academy)

Motion was made by Councilmember Pierson, seconded by Councilmember Mendez, approving as printed and read (caption) an Ordinance (No. 2653) Amending Zoning Ordinance No. 621; by Granting a Special Use Permit that Allows a Charter School Use in a C-1 District Located at 5618 Eleventh Street, Tracts 7C and 7D, Katy Outlots, for the Benefit of West Houston Charter Alliance Inc. (dba Aristoi Classical Academy). All voted Aye, and the motion carried.

Public Hearing for Proposed Ordinance Amending Zoning Ordinance No. 621; by Granting a Special Use Permit that Allows a Charter School Use in a C-1 District Located at 906 Avenue A, in approximately 4,000 square feet of space, Lot 9, Block 5, Katy Townsite, for the Benefit of West Houston Charter Alliance Inc. (dba Aristoi Classical Academy)

City Attorney Pertile explained the proposed amendment to the Zoning Ordinance for a Special Use Permit at 906 Avenue A for West Houston Charter Alliance, Inc. (dba Aristoi Classical Academy) is being recommended for approval by City Staff. The academy will be located with Alief Baptist Church facility. The Mayor opened a Public Hearing at 6:39 p.m. for a proposed Ordinance Amending Zoning Ordinance No. 621; by Granting a Special Use Permit that allows a Charter School Use in a C-1 District Located at 906 Avenue A, in approximately 4,000 square feet of space, Lot 9, Block 5, Katy Townsite, for the benefit of West Houston Charter Alliance Inc. (dba Aristoi Classical Academy). All were given an opportunity to be heard and there were none. The Mayor closed the Public Hearing at 6:39 p.m.

City Planning and Zoning Commission Recommendation on Proposed Ordinance Amending Zoning Ordinance No. 621; by Granting a Special Use Permit that Allows a Charter School Use in a C-1 District Located at 906 Avenue A, in approximately 4,000 square feet of space, Lot 9, Block 5, Katy Townsite, for the Benefit of West Houston Charter Alliance Inc. (dba Aristoi Classical Academy)

Motion was made by Commissioner Berger, seconded by Commissioner Redmond, recommending approval to City Council for the proposed Ordinance Amending Zoning Ordinance No. 621; by Granting a Special Use Permit that Allows a Charter School Use in a C-1 District Located at 906 Avenue A, in approximately 4,000 square feet of space, Lot 9, Block 5, Katy Townsite, for the Benefit of West Houston Charter Alliance Inc. (dba Aristoi Classical Academy). All voted Aye, and the motion carried.

City Council Consideration of an Ordinance (No. 2654) Amending Zoning Ordinance No. 621; by Granting a Special Use Permit that Allows a Charter School Use in a C-1 District Located at 906 Avenue A, in approximately 4,000 square feet of space, Lot 9, Block 5, Katy Townsite, for the Benefit of West Houston Charter Alliance Inc. (dba Aristoi Classical Academy)

Motion was made by Councilmember Mendez, seconded by Councilmember Pierson, approving as printed and read (caption) an Ordinance (No. 2654) Amending Zoning Ordinance No. 621; by Granting a Special Use Permit that Allows a Charter School Use in a C-1 District Located at 906 Avenue A, in approximately 4,000 square feet of space, Lot 9, Block 5, Katy Townsite, for the Benefit of West Houston Charter Alliance Inc. (dba Aristoi Classical Academy). All voted Aye, and the motion carried.

Adjourn City Planning and Zoning Commission Session

City Planning and Zoning Commissioners adjourned their portion of the meeting at 6:41 p.m.

Public Hearing for Proposed Amendment to Zoning Ordinance No. 621; Adding a New Section 14.1-11 to Permitted Uses in a Master Planned Community District (MPC) to Allow for Restaurants Whose Service Includes the Sale of Alcohol (approved by City Planning & Zoning Commission 08-12-2014)

City Attorney Art Pertile gave a brief explanation of the proposed Ordinance amending the Zoning Ordinance by adding a new Section to permitted uses in a Master Planned Community to allow for restaurants whose service includes the sale of alcohol. The Mayor opened a Public Hearing at 6:42 p.m. for the proposed Amendment to Zoning Ordinance No. 621; Adding a New Section 14.1-11 to Permitted Uses in a Master Planned Community District (MPC) to allow Restaurants whose Service Includes the Sale of Alcohol. All were given an opportunity to be heard and there were none. The Mayor closed the Public Hearing at 6:42 p.m.

Consider an Ordinance (No. 2655) for an Amendment to Zoning Ordinance No. 621; Adding a New Section 14.1-11 to Permitted Uses in a Master Planned Community District (MPC) to Allow for Restaurants Whose Service Includes the Sale of Alcohol

Motion was made by Councilmember Brawner, seconded by Councilmember Lawton, approving as printed and read (caption) an Ordinance (No. 2655) for an Amendment to Zoning Ordinance No. 621; Adding a New Section 14.1-11 to Permitted Uses in a Master Planned Community District (MPC) to allow for Restaurants whose Service Includes the Sale of Alcohol. Votes were cast as follows: Ayes – Brawner, Dowdle, Lawton, Mendez; and, Noes – Pierson. The motion to approve the Ordinance carried.

Proclamation Recognizing Katy Municipal Court Clerk Sherri Brandt for Receiving Texas Court Clerks Association Certified Court Clerk Level III

The Mayor presented a Proclamation to Katy Municipal Court Clerk Sherri Brandt for receiving the Texas Court Clerks Association Certified Court Clerk Level III.

Proclamation Recognizing Katy Municipal Court Clerk Fabiola M. Rodriguez for Receiving Texas Court Clerks Association Certified Court Clerk Level I

The Mayor presented a Proclamation to Katy Municipal Court Clerk Fabiola M. Rodriguez for receiving Texas Court Clerks Association Certified Court Clerk Level I. Sherri Brandt commented that Ms. Rodriguez had completed and received her certification within six months of her hire date, which was a great accomplishment.

Proclamation Designating the City of Katy as a Purple Heart City in the State of Texas in Honor of the Military Order of The Purple Heart, Felix Garcia, Department of Texas Sr. Vice Commander (Purple Heart)

The Mayor presented a Proclamation Designating the City of Katy as a Purple Heart City in the State of Texas in Honor of the Military Order of The Purple Heart, Felix Garcia, Department of Texas Sr. Vice Commander (*Purple Heart*). Several Representatives of The Purple Heart were present to receive the Proclamation and presented a special recognition award to the City of Katy for their support Chapter 723, token to say thank you.

Public Comments

Beverly Buis, President, Lone Star Symphonic Band - Katy, 18102 Twin Creek, Katy, Texas, spoke on behalf on their non-profit organization. She spoke of the 75 member band, in age from 16 to 90 years old. She explained she had heard the City was in the process of building a convention center and she is asking that City Council consider a performing arts center be included in the planning of the convention center, in which numerous groups could utilize the facility. She commented the band had been formed in 1993, they are continuing to grow both in size and in number of concerts and they are running out of room at their current concert location. They are looking for the opportunity to bring more people to concert and to Katy.

Bank Statement and Check Register Thru 07-31-2014 (information items only)

There were no comments on the Bank Statement and Check Register Thru 07-31-2014.

Consider Approval of 08-11-2014 Regular Meeting Minutes

Motion was made by Councilmember Pierson, seconded by Councilmember Brawner, approving as printed and presented the 08-11-2014 Regular Meeting Minutes. All voted Aye, and the motion carried.

Consider a Resolution (No. 575) Authorizing the Mayor to Sign a Mutual Aid Interlocal Agreement with Harris County for Emergency Assistance for March 1, 2015 through February 29, 2016

Motion was made by Councilmember Pierson, seconded by Councilmember Brawner, approving as printed and presented a Resolution (*No. 575*) Authorizing the Mayor to Sign a Mutual Aid Interlocal Agreement with Harris County for Emergency Assistance for March 1, 2015 through February 29, 2016. It was explained this is a continuation of the current agreement. All voted Aye, and the motion carried.

Consider a Resolution (No. 576) Awarding the Bid for Primary Bank Depository Services Contract to Amegy Bank and Authorizing the Mayor to Sign a Contract

Motion was made by Councilmember Brawner, seconded by Councilmember Pierson, approving as printed and presented a Resolution (No. 576) Awarding the Bid for Primary Bank Depository Services Contract to Amegy Bank and Authorizing the Mayor to Sign a Contract. Representatives from Valley View Consulting, L.L.C., were present to answer questions. All voted Aye, and the motion carried.

Consider a Resolution (No. 577) Soliciting Support from Texas Municipal League for Posting Deadline for the Proposed Property Tax Rate Notice for Jurisdictions in Harris County

Motion was made by Councilmember Pierson, seconded by Councilmember Dowdle, approving as printed and presented a Resolution (No. 577) Soliciting Support from Texas Municipal League (TML) for Posting Deadline for the Proposed Property Tax Rate Notice for Jurisdictions in Harris County. All voted Aye, and the motion carried.

Consider a Resolution (No. 578) Authorizing the Mayor to Enter into Agreements with Fort Bend County, Harris County and Waller County to Conduct the November 4, 2014 City of Katy Bond Election

Motion was made by Councilmember Dowdle, seconded by Councilmember Pierson, approving as printed and presented a Resolution (No. 578) Authorizing the Mayor to Enter into Agreements with Fort Bend County, Harris County and Waller County to Conduct the November 4, 2014 City of Katy Bond Election. All voted Aye, and the motion carried.

Consider a Resolution (No. 579) Approving a Utility Agreement with Fort Bend-Waller Counties Municipal Utility District No. 3

City Attorney Pertile explained the proposed agreement is on the Young Tract that was annexed a couple of months ago and a Municipal Utility District was created. Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, approving as printed and presented a Resolution (No. 579) Approving a Utility Agreement with Fort Bend-Waller Counties Municipal Utility District No. 3. All voted Aye, and the motion carried.

Consider an Ordinance (No. 2656) Adopting and Enacting a New Code of Ordinances

Motion was made by Councilmember Brawner, seconded by Councilmember Dowdle, approving as printed and read (caption) an Ordinance (No. 2656) Adopting and Enacting a New Code of Ordinances. The City Attorney explained this is an update of the Code of Ordinances, with changes to the current numbering system. All voted Aye, and the motion carried.

Consider an Ordinance (No. 2657) Prohibiting the Use of Designated Groundwater from Beneath Certain Property Located at 802 Avenue A in Katy, Texas; Supporting Certification of a Municipal Setting Designation by the Texas Commission on Environmental Quality

The City Attorney explained there is a memo in the meeting packet that describes the background of the Municipal Setting Designation (MSD) relating to the proposed Ordinance. Motion was made by Councilmember Brawner, seconded by Councilmember Pierson, approving as printed and read (caption) an Ordinance (No. 2657) Prohibiting the Use of Designated Groundwater from Beneath Certain Property Located at 802 Avenue A in Katy, Texas; Supporting Certification of a Municipal Setting Designation by the Texas Commission on Environmental Quality. All voted Aye, and the motion carried.

Consider Enacting an Ordinance Relating to "Exterior Appearance of Future Structures" – Councilmember Bill Lawton

Councilmember Lawton explained after the last City Council meeting when two leading Keep Katy Beautiful Board (KKB) Members spoke about their concern of the exterior appearance of future structures within the City Limits of Katy. He commented that KKB has been knocking it out of the park for the City's image and hates the thought of issuing building permits to people who are not cognizant of their building appearance. He explained he had shared his thoughts with City Council in his memo, in which the City needs to better influence the appearance of future structures to assist in creating a more positive visual image for the City. He believed the construction of several new metal buildings brought this to their attention. Lawton commented the City is Zoned and he believes it is time for City Council to propose some guidelines for future structures, including enforcement. Councilmembers agreed with Councilmember Lawton's proposal to move forward. The Mayor was in agreement that the City should portray a certain image throughout the downtown area and believes a workshop would be in order.

Discuss Scavenging of Curbside Trash – Mayor Fabol Hughes

The Mayor spoke of a recent incident in his neighborhood, which left trash strung all over the place and the lady that was approached about the incident claimed she did not speak English. City Attorney Pertile explained an ordinance could be enacted that would prohibit going through trash, since legally the City owns the trash once it is set out by the curb; however, enforcement is the problem. Once spotted and the Police were called, catching them and issuing them a ticket would be the next problem.

Councilmembers' Reports

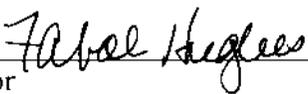
Councilmember Mendez commented he was sorry to have missed the ice bucket challenge. Councilmember Dowdle thanked all the Purple Heart recipients and spoke of how he appreciates them tremendously. He spoke of the TML Training and commented that a large amount of cities do not have it as well as Katy does. He thanked Councilmember Lawton on his thoughts and presentation about the exterior or future buildings. Dowdle complimented the Boy Scouts on their attendance and announced Katy High School Varsity Football Game was against Kingsland on Friday. Councilmember Pierson stated that sometimes things go unnoticed and he thanked all the City Board and Commission Members for their dedication and their time served to the City. He thanked CPZ for their participation in this joint meeting, thanked the Purple Heart Veterans and complimented those Councilmember who had five gallons of ice water dumped on their head, raising money for ALS. Councilmember Lawton commented on the ALS Challenge and that it was an honor to participate. He thanked those who brought it about and commented his wife had been iced the day before and they were both happy to make a donation to the cause. Lawton thanked the Purple Heart Veterans and the Boy Scouts. Councilmember Brawner commented on the ALS ice water challenge and how he believes city employees enjoyed dumping the ice water on the elected officials' heads and was proud to participate for such a good cause. He thanked KKB for bringing their concerns about the future image of Katy and referenced the painting of the City's fire hydrants in various colors to differentiate in the size of the waterline. He thanked the Boy Scouts for their attendance and encouraged them in their future goals.

Mayor's Reports

The Mayor echoed all said tonight.

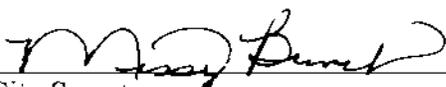
Adjourn

Motion was made by Councilmember Dowdle, seconded by Councilmember Lawton, to adjourn the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:30 p.m.



Mayor

ATTEST:



City Secretary

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