

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, April 13, 2015, at 6:30 p.m., at Katy Municipal Complex, 910 Avenue C, Katy, Texas. The following City Officials were present:

Fabol Hughes, Mayor
 Chuck Brawner, Mayor Pro Tem
 Durran Dowdle, Councilmember
 Bill Lawton, Councilmember
 Steve Pierson, Councilmember
 Art Pertile, III, City Attorney
 David Leyendecker, City Engineer
 Byron Hebert, City Administrator
 Melissa A. Bunch, City Secretary

The following City Councilmember was absent:

Jimmy Mendez, Councilmember

Public Hearing for Proposed Ordinance Amending the City of Katy Zoning Ordinance No. 621, for a Special Use Permit that Allows A Special Use of Approximately 2,500 Square Feet in a Building in a "C-2" General Business District, an Institution of a Religious Nature (The Church At Cane Island) Located at 6025 Highway Boulevard, Abstract 155, Fort Bend County, Applicant is Pastor Jon Davis and Owner is Herman Meyer Family Limited Partnership

The Mayor opened a Public Hearing at 6:33.p.m. for a Proposed Ordinance Amending the City of Katy Zoning Ordinance No. 621, for a Special Use Permit that Allows A Special Use of Approximately 2,500 Square Feet in a Building in a "C-2" General Business District, an Institution of a Religious Nature (The Church At Cane Island) Located at 6025 Highway Boulevard, Abstract 155, Fort Bend County, Applicant is Pastor Jon Davis and Owner is Herman Meyer Family Limited Partnership. All were given an opportunity to be heard and there were none. The Mayor closed the Public Hearing at 6:33 p.m.

Consider an Ordinance (No. 2688) Amending the City of Katy Zoning Ordinance No. 621, for a Special Use Permit that Allows A Special Use of Approximately 2,500 Square Feet in a Building in a "C-2" General Business District, an Institution of a Religious Nature (The Church At Cane Island) Located at 6025 Highway Boulevard, Abstract 155, Fort Bend County, Applicant is Pastor Jon Davis and Owner is Herman Meyer Family Limited Partnership

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, approving as printed and read (*caption*) an Ordinance (*No. 2688*) Amending the City of Katy Zoning Ordinance No. 621, for a Special Use Permit that Allows A Special Use of Approximately 2,500 Square Feet in a Building in a "C-2" General Business District, an Institution of a Religious Nature (The Church At Cane Island) Located at 6025 Highway Boulevard, Abstract 155, Fort Bend County, Applicant is Pastor Jon Davis and Owner is Herman Meyer Family Limited Partnership. All voted Aye, and the motion carried.

Public Comments

The Mayor recognized three Katy I.S.D. Board Members, Charles Griffin, Rebecca Fox and Henry Dibrell. All were given an opportunity to speak during Public Comments and the following spoke: 1) Albert "Doonie" Thompson, 2201 Deer Run Court, Keep Katy Beautiful Board Member, explained the Annual Keep Katy Beautiful Trash-Off had been cancelled due to bad weather and it has been rescheduled to the upcoming weekend. He encouraged all to clean out their garages and bring to Katy Junior High School parking lot. He thanked Antioch Baptist Church and Reverend Freeman for hosting the event over the past several years. 2) Wayne Thompson, explained he is running for the position of Fort Bend County Precinct Three Constable. He encouraged to vote and he looks forward to getting to put names to faces and hopes to be elected. 3) Charles Griffin, Katy I.S.D. Board Member, spoke of the recent proclamation approved by Katy I.S.D. Board about what is right and how to get the best education for the kids, without the required testing.

Consent Agenda

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

- A) Consider Approval of 03-23-2015 Regular Meeting Minutes
- B) Consider Street Closure Request from Katy Contemporary Arts Museum for Katy Jazz Festival/ART Katy 2015 Event to be held on Sunday, April 26, 2015 from 3:00 p.m. to 7:00 p.m., Avenue C B between First Street and the Railroad Tracks *(recommendation from Katy Police Department for closure between First Street and Highway Blvd.)*

All voted Aye, and the motion carried.

Consider Acceptance of Public Utilities for Cane Island Parkway, Phase I (Water, Sanitary Sewer, Storm Sewer System and Concrete Paving)

The Mayor removed from consideration the Acceptance of Public Utilities for Cane Island Parkway, Phase I *(Water, Sanitary Sewer, Storm Sewer System and Concrete Paving)*, until the necessary paperwork is provided.

Consider Acceptance of Public Utilities for Cane Island, Section 8 (Water and Sanitary Sewer)

Motion was made by Councilmember Pierson, seconded by Councilmember Brawner, approving the Acceptance of Public Utilities for Cane Island, Section 8 *(Water and Sanitary Sewer)* as recommended by the City Engineer. All voted Aye, and the motion carried.

Consider Awarding Bid for First Street Storm Sewer for the New City Hall to T. Gray Utility & Rehab Co., Cypress, Texas, in the Amount of \$268,700.00, for a Total Project Cost of \$327,967.00 (Total Project Cost includes Bid Amount, Contingencies, Engineering, Surveying and Inspection) (bids received 03-25-2015)

Motion was made by Councilmember Lawton, seconded by Councilmember Pierson, approving as printed and presented Awarding Bid for First Street Storm Sewer for the New City Hall to T. Gray Utility & Rehab Co., Cypress, Texas, in the Amount of \$268,700.00, for a Total Project Cost of \$327,967.00 *(Total Project Cost includes Bid Amount, Contingencies, Engineering, Surveying and Inspection) (bids received 03-25-2015)*. All voted Aye, and the motion carried.

Consider Awarding Bid for Drexel Storm Sewer Project to Oak Bayou Construction, Sealy, Texas, in the Amount of \$170,350.40, for a Total Project Cost of \$207,364.40 (Total Project Cost includes Bid Amount, Contingencies, Engineering, Surveying and Inspection) (bids received 04-08-2015)

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, approving as printed and presented Awarding Bid for Drexel Storm Sewer Project to Oak Bayou Construction, Sealy, Texas, in the Amount of \$170,350.40, for a Total Project Cost of \$207,364.40 (Total Project Cost includes Bid Amount, Contingencies, Engineering, Surveying and Inspection) (bids received 04-08-2015). All voted Aye, and the motion carried.

Consider Awarding Bid for 2015 Water Line Project to Scohil Construction, Houston, Texas, in the Amount of \$168,161.00, for a Total Project Cost of \$205,574.00 (Total Project Cost includes Bid Amount, Contingencies, Engineering, Surveying and Inspection) (bids received 04-08-2015)

Motion was made by Councilmember Brawner, seconded by Councilmember Lawton, approving as printed and presented Awarding Bid for 2015 Water Line Project to Scohil Construction, Houston, Texas, in the Amount of \$168,161.00, for a Total Project Cost of \$205,574.00 (Total Project Cost includes Bid Amount, Contingencies, Engineering, Surveying and Inspection) (bids received 04-08-2015). All voted Aye, and the motion carried.

Consider Convention and Tourism Bureau Hotel Occupancy Tax Grant Application for Replacement of HVAC System at Wright Museum, 5990 George Bush Drive, Katy Heritage Society, Amount Requested is \$12,950.00 (Funding Historical Restoration or Preservation Programs) (Approved by CTB Board 03-25-2015)

Motion was made by Councilmember Brawner, seconded by Councilmember Dowdle, approving as printed and presented the Convention and Tourism Bureau Hotel Occupancy Tax Grant Application for Replacement of HVAC System at Wright Museum, 5990 George Bush Drive, Katy Heritage Society, Amount Requested is \$12,950.00 (Funding Historical Restoration or Preservation Programs) (Approved by CTB Board 03-25-2015). All voted Aye, and the motion carried.

Consider an Ordinance (No. 2689) Appointing Larry Gore as Regular Member and James G. "Gary" Jones as Alternate Member to the City Planning and Zoning Commission

Motion was made by Councilmember Dowdle, seconded by Councilmember Pierson, approving as printed and read (caption) an Ordinance (No. 2689) Appointing Larry Gore as Regular Member and James G. "Gary" Jones as Alternate Member to the City Planning and Zoning Commission. All voted Aye, and the motion carried.

Consider an Ordinance (No. 2690) for the Annexation of Certain Territory Located West of the City of Katy to Igloo Road bounded on the North by Highway 90 and Bounded on the South by U.S. Interstate 10, Including the Rights-Of-Way Paved and Unpaved, of Brookline/Brooklyn Road, Igloo Road, Highway 90 and U.S. Interstate 10, but Excluding the I-10 NE Partners LP and C-2 Pederson West LLC Tracts, Waller County, Texas

Motion was made by Councilmember Pierson, seconded by Councilmember Brawner, approving as printed and read (caption) an Ordinance (No. 2690) for the Annexation of Certain Territory Located West of the City of Katy to Igloo Road bounded on the North by Highway 90

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and Bounded on the South by U.S. Interstate 10, Including the Rights-Of-Way Paved and Unpaved, of Brookline/Brooklyn Road, Igloo Road, Highway 90 and U.S. Interstate 10, but Excluding the I-10 NE Partners LP and C-2 Pederson West LLC Tracts, Waller County, Texas. All voted Aye, and the motion carried.

Consider a Resolution (No. 610) Authorizing the Issuance of Unlimited Tax Bonds, Series 2015, by WoodCreek Reserve Municipal Utility District Not to Exceed \$3,200,000

Motion was made by Councilmember Brawner, seconded by Councilmember Dowdle, approving as printed and presented a Resolution (No. 610) Authorizing the Issuance of Unlimited Tax Bonds, Series 2015, by WoodCreek Reserve Municipal Utility District Not to Exceed \$3,200,000. All voted Aye, and the motion carried.

Consider a Resolution (No. 611) Authorizing the Purchase of a 0.377 Acre Tract of Land out of a 2.260 Tract of Land located along the North Line of Franz Road, West of Avenue D, Harris County, for \$73,899.00 Plus Closing Costs (Scott Tract)

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, approving as printed and presented a Resolution (No. 611) Authorizing the Purchase of a 0.377 Acre Tract of Land out of a 2.260 Tract of Land located along the North Line of Franz Road, West of Avenue D, Harris County, for \$73,899.00 Plus Closing Costs (Scott Tract). City Administrator Hebert explained the purchase of this tract of land would be funded with METRO Funds. All voted Aye, and the motion carried.

Consider a Resolution (No. 612) Authorizing the Purchase of a 0.361 Acre Tract of Land out of a 1.119 Acre Tract of Land Located along the West Line of Avenue D at Franz Road, Harris County, for \$141,525.00 Plus Closing Costs (Logo RE, LLC Tract)

Motion was made by Councilmember Lawton, seconded by Councilmember Brawner, approving as printed and presented a Resolution (No. 612) Authorizing the Purchase of a 0.361 Acre Tract of Land out of a 1.119 Acre Tract of Land Located along the West Line of Avenue D at Franz Road, Harris County, for \$141,525.00 Plus Closing Costs (Logo RE, LLC Tract). City Administrator Hebert explained the purchase of this tract of land would be funded with METRO Funds. All voted Aye, and the motion carried.

Consider a Resolution (No. 613) Authorizing the Purchase of a 0.366 Acre Tract of Land out of a 2.337 Acre Tract of Land Located along the North Line of Franz Road, West of Avenue D, Harris County, for \$73,310.00 Plus Closing Costs (Stanberry Tract)

Motion was made by Councilmember Pierson, seconded by Councilmember Brawner, approving as printed and presented a Resolution (No. 613) Authorizing the Purchase of a 0.366 Acre Tract of Land out of a 2.337 Acre Tract of Land Located along the North Line of Franz Road, West of Avenue D, Harris County, for \$73,310.00 Plus Closing Costs (Stanberry Tract). City Administrator Hebert explained the purchase of this tract of land would be funded with METRO Funds. All voted Aye, and the motion carried.

Consider a Resolution (No. 614) Authorizing the Purchase of a 3.670 Acres Tract of Land in Abstract 1367, Tract 4C, Located along the North Line of Franz Road at Drexel Drive, Harris County, for \$320,000.00 Plus Closing Costs (Cardiff Tract)

Motion was made by Councilmember Lawton, seconded by Councilmember Pierson, approving as printed and presented a Resolution (No. 614) Authorizing the Purchase of a 3.670 Acres Tract of Land in Abstract 1367, Tract 4C, Located along the North Line of Franz Road at Drexel Drive, Harris County, for \$320,000.00 Plus Closing Costs (Cardiff Tract). City Administrator Hebert explained the purchase of this tract of land would be funded with Reserve Funds. All voted Aye, and the motion carried.

Consider Use of Bond Series 2015 Funds to Purchase a 2015 Impel 75 Foot Aluminum Aerial Quint for the Fire Department in the Amount of \$785,772.00 (total cost of vehicle is \$819,336.00, minus prepay discounts totaling \$35,564.00 and Houston-Galveston Area Council discount-fee of \$2,000.00)

Motion was made by Councilmember Brawner, seconded by Councilmember Lawton, approving and printed and presented the Use of Bond Series 2015 Funds to Purchase a 2015 Impel 75 Foot Aluminum Aerial Quint for the Fire Department in the Amount of \$785,772.00 (total cost of vehicle is \$819,336.00, minus prepay discounts totaling \$35,564.00 and Houston-Galveston Area Council discount-fee of \$2,000.00). Councilmember Brawner explained the noted H-GAC discount is really not a discount but a fee; however, it does not change the bottom line. Fire Chief Rufus Summers explained proposed apparatus is a multi-purpose piece of equipment, which does five (*quint*) different tasks. He explained the ladder portion is recommended, which would all the ability to deal with the numerous hotels and is smaller than a normal ladder truck, allowing for ease into smaller spaces. It was explained the 2015 Series Bonds would fund the purchase of the apparatus. All voted Aye, and the motion carried.

Discussion of City of Katy Sign Ordinance – Councilmember Bill Lawton

Councilmember Lawton explained he had asked for discussion of the City's Sign Ordinance be placed on the Agenda, since this topic has come before City Council at least two times in the past eighteen months. He spoke of the presentation by Katy Junior High School Students on their proposed digital marquee sign at their school. He recalled previous issues with lighted signs and believes this type of sign needs to be reconsidered for the possible allowance. He was not suggesting the signs that blind drivers at night. He believes the current guidelines are archaic and suggested that Councilmembers consider sending the Sign Ordinance to the City Planning and Zoning Commission for review and a recommendation back to City Council for consideration.

Consider Authorizing the City Planning and Zoning Commission to Review/Make a Recommendation for updates to the City of Katy Sign Ordinance

Councilmember Pierson believes the sign issues presented within the city limits are not across the board fair to all, since some are allowed to rotate their signs more often than others and he believes the review by CPZ will be beneficial for local schools and businesses. Councilmembers Brawner and Dowdle agreed with the comments made by other Councilmembers. Motion was made by Councilmember Lawton, seconded by Councilmember Dowdle, authorizing the City Planning and Zoning Commission to review/make a recommendation for updates to the City of Katy Sign Ordinance. 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 South of Nelson Way and North of Katy Main Street

The Mayor, Councilmembers, City Attorney and City Administrator convened in Executive Session at 7:00 p.m., as authorized by the Texas Government Code, Section 551.072, for the Purchase, Exchange, Lease or Value of Real Property South of Nelson Way and North of Katy Main Street.

OPEN MEETING

The Mayor reopened the meeting to the public at 7:10 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 Pierson reminded all of the Annual Katy Police Officers' Association Fish Fry to be held on Tuesday, April 14th at the Katy I.S.D. L.D. Robinson Pavilion beginning at 5:30 p.m. to 7:30 p.m. Councilmember Brawner also referred to the Fish Fry and the auction and silent auction that will be conducted.

Mayor's Reports

The Mayor had no reports.

Adjourn

Motion was made by Councilmember Pierson, seconded by Councilmember Lawton, adjourning the meeting. All voted Aye, and the motion carried. The meeting adjourned at 7:11 p.m.



Mayor

ATTEST:



City Secretary