

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, June 27, 2016, at 6:30 p.m., at Katy City Hall, 901 Avenue C, Katy, Texas. The following City Officials were present:

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

Motion was made by Councilmember Brawner, seconded by Councilmember Dowdle, approving the move of consideration of Agenda Item No. 4 - Proposed Ordinance for A Special Use Permit for a Charter School Use in a "C-1" Commercial District Located in Approximately 33.663 Square Feet of Space at 906 Avenue A, Lots 1-6 and Lot 12 in Block 5 in Katy Townsite, for the Benefit of West Houston Charter Alliance, LLC (dba Aristoi Classical Academy) prior to consideration of Agenda Item No. 3 - Proposed Ordinance Amending Zoning Ordinance No. 621, Creating "Ardenwood Park" Planned Development District A 204.36 Acre Tract Single Family Residential and Commercial Use Development South of Clay Road and West of Katy-Hockley Cut Off Road and North of Morton Road; Allowing for Future Subdivision Tracts. All voted Aye, and the motion carried.

Public Hearing for Proposed Ordinance for A Special Use Permit for a Charter School Use in a "C-1" Commercial District Located in Approximately 33.663 Square Feet of Space at 906 Avenue A, Lots 1-6 and Lot 12 in Block 5 in Katy Townsite, for the Benefit of West Houston Charter Alliance, LLC (dba Aristoi Classical Academy)

The Mayor opened a Public Hearing at 6:33 p.m. for Proposed Ordinance for A Special Use Permit for a Charter School Use in a "C-1" Commercial District Located in Approximately 33.663 Square Feet of Space at 906 Avenue A, Lots 1-6 and Lot 12 in Block 5 in Katy Townsite, for the Benefit of West Houston Charter Alliance, LLC (dba Aristoi Classical Academy). All were given an opportunity to be heard and there were no comments. The Mayor closed the Public Hearing at 6:33 p.m.

Consider an Ordinance (No. 2751) for A Special Use Permit for a Charter School Use in a "C-1" Commercial District Located in Approximately 33.663 Square Feet of Space at 906 Avenue A, Lots 1-6 and Lot 12 in Block 5 in Katy Townsite, for the Benefit of West Houston Charter Alliance, LLC (dba Aristoi Classical Academy)

Motion was made by Councilmember Jones, seconded by Councilmember Pierson, approving as printed and read (*caption*) an Ordinance (No. 2751) for a Special Use Permit, Charter School Use in a "C-1" Commercial District in Approximately 33.663 square feet of space at 906 Avenue A, Lots 1-6 & 12, Block 5, Katy Townsite, for the Benefit of West Houston Charter Alliance, LLC (dba Aristoi Classical Academy). All voted Aye, and the motion carried.

Public Hearing for Proposed Ordinance Amending Zoning Ordinance No. 621, Creating “Ardenwood Park” Planned Development District A 204.36 Acre Tract Single Family Residential and Commercial Use Development South of Clay Road and West of Katy-Hockley Cut Off Road and North of Morton Road; Allowing for Future Subdivision Tracts

The Mayor opened a Public Hearing at 6:36 p.m. for Proposed Ordinance Amending Zoning Ordinance No. 621, Creating “Ardenwood Park” Planned Development District A 204.36 Acre Tract Single Family Residential and Commercial Use Development South of Clay Road and West of Katy-Hockley Cut Off Road and North of Morton Road; Allowing for Future Subdivision Tracts. All were given an opportunity to be heard and the following spoke: 1) Berzin Bhandara, Ardenwood Group, Developer, Houston, Texas, explained he was speaking on behalf of his father Fred Bhandara, who has been developing in Katy, since 1994. Bhandara has sold more than 240 homes and none have been flooded. He commented on the selling of a portion of the property to Katy I.S.D. for future schools. He commented on the 60 foot right-of-way on the west portion of the development, drainage along Katy-Hockley Road, proposed entrance onto Katy-Hockley Road, detention, traffic flow, commercial lots, along with parks and greenspace. Bhandara believes the proposed new development meets the City’s regulations for drainage, zoning and they will address any concerns.

Sam Pearson, 3246 Snow Drive, expressed concern about the adverse impact on the residents of Hunters Terrace Subdivision, particularly the two commercial tracts directly across from Spoonbill Drive and is concerned about the clientele that will be hanging out. He understands the property is currently zoned for residential use and believes it should remain and that nothing justifies it to be changed.

Bill Abbott, 3234 Brant, spoke of living in the City for 21 years and he is a Civil Engineer and has experience with drainage. He expressed concern for the increased drainage, increased traffic and the increase of mix uses everywhere. He commented that drainage is already a big issue, with the water coming from various creeks and coming down from the north.

Fran Dahl, 3233 Goldeneye, expressed concern about the multi-tenant property that will probably include a gas station and fast food establishments that will cause additional traffic and when school starts, it really back up. She opposed the approval of the request.

Betty Williams, 6001 Spoonbill, expressed concern that all of the residents in Hunters Terrace Subdivision were not notified about the Public Hearing. She explained there is already flooding in the area of Spoonbill and Mallard, and she believes the proposed development will increase the serious drainage problems in the area.

Jonathan “Jon” Zera, 3201 Greenhead, explained he and his wife are both in law enforcement and he echoes Mr. Pearson’s concerns specifically the commercial tracts and flooding.

William “Bill” Evans, 3746 Katy-Hockley Road, explained he was a Professional Engineer and had worked for Harris County Flood Control. He commented on the flow of drainage in the area near the proposed development. He thanked the City Engineer for assisting with various drainage improvements. He spoke of water coming across Katy-Hockley Road and the homes that were flooded. He is opposed to rezoning the proposed tracts to commercial. He does not believe it is needed in the city. He encouraged City Council to take care of the citizens.

Steve Williams, 3233 Snow, applauded his neighbors for notifying him about the Public Hearing. He is opposed to the proposed commercial development and concerned about

Public Hearing for Proposed Ordinance Amending Zoning Ordinance No. 621, Creating “Ardenwood Park” Planned Development District A 204.36 Acre Tract Single Family Residential and Commercial Use Development South of Clay Road and West of Katy-Hockley Cut Off Road and North of Morton Road; Allowing for Future Subdivision Tracts (cont’d)

additional flooding. He encouraged City Council to do their due diligence before taking any action on the proposal.

City Attorney Pertile explained the requirement for publishing the public hearing notice in the newspaper and notifying all property owners within 200’ of the proposed property change. He explained both are a requirement for the City Planning and Zoning Commission as well as the City Council.

Ken Temple, 3530 Katy-Hockley Road, explained he lives between Morton and Clay road and on April 18th of this year he woke to flooding from all four directions. He spoke of traffic and drainage concerns for the area near his home. He is opposed to the proposed commercial development He encouraged the City to work on a drainage plan that will not flood his property.

Keenan Glueck, 3241 Canadian, explained he had not been notified of the Public Hearing and expressed concern for the proposed development.

Kevin Dick, 3237 Canadian, spoke of drainage concerns and gave various examples of past flooding. He expressed the Brookshire-Katy Drainage District affects the City of Katy. The City Attorney spoke of Brookshire-Katy Drainage District and the City of Katy. Mr. Dick spoke of current drainage problems and how the City needs to improve things, instead of the tax base.

Paula Chaffin, 6217 Mallard, spoke of her concerns for drainage in the area of her home and the need for maintaining the ditches on Katy-Hockley Road.

Mike King, 3538 Katy-Hockley Road, believes these lots are backing up to his yard and understood the ditch belongs to Katy I.S.D.

Gary Mueller, 6005 Spoonbill, expressed concern for the prices of the proposed homes.

Ronnie Gilliland 3234 Goldeneye, expressed his opposition to the proposed commercial lots and his primary concern in the drainage. He commented that City Council need to take notice of all who are in attendance.

Matthew Hess, 3212 Canvasback, expressed concern for the proposed commercial lots.

Mr. Bhandara explained he had listened to all the comments and concerns and will take them back to his father for review and consideration. He explained this is a conceptual plan for consideration by City Council. He commented they do not want to be bad neighbors. He explained all had been done by the City of Katy’s Planned Development District guidelines.

Bhandara will resubmit the plans after adjustments are made. The City Attorney stated that all who have spoken will be notified of the continuation of the Public Hearing.

Motion was made by Councilmember Jones, seconded by Councilmember Brawner, to continue this Public Hearing on Monday, July 25, 2016 at the Regular City Council Meeting. All voted Aye, and the motion carried.

Consider an Ordinance Amending Zoning Ordinance No. 621, Creating “Ardenwood Park” Planned Development District A 204.36 Acre Tract Single Family Residential and Commercial Use Development South of Clay Road and West of Katy-Hockley Cut Off Road and North of Morton Road; Allowing for Future Subdivision Tracts

No action was taken.

Public Comments

The following spoke during Public Comments: 1) Ron Mattson, 5342 Lincoln Town, lived in Katy for 39 years and quite interested in City Council Meetings and talked about drainage and praised Councilmember Mendez for assisting him with a drainage issue.

Proclamation Recognizing July as “Parks & Recreation” Month

The Mayor read and presented a Proclamation Recognizing July as “Parks & Recreation” month. to the City Parks and Recreation Department employees. The Director of the Parks & Recreation, Brad Barnes complimented his employees on the magnificent job they do in putting on different events and programs. He invited all to attend the upcoming Katy Freedom Celebration.

Consent Agenda

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

- Consider Approval of Meeting Minutes
 - i. 04-25-2016 Regular Meeting
 - ii. 05-09-2016 Regular Meeting (*correction – deletion of duplicate attendance for Mendez*)
 - iii. 05-16-2016 Special Meeting
 - iv. 05-23-2016 Regular Meeting(*correction – deletion of duplicate attendance for Mendez*)
 - v. 06-13-2016 Regular Meeting
- Consider Approval of Street Closure of Avenue B from Second to Third Street from 10:00 a.m. until 4:00 p.m. for Katy Market Days on the following Saturdays: 07-16-2016; 08-20-2016; 09-17-2016; 10-15-2016; 11-19-2016
- Consider Declaring Surplus Supplies to be Sold at Auction – Parks & Recreation Department (*Two artificial, outdoor, center pole-style Christmas Trees*)
- Consider Approval of Request from O’Malley Construction, Inc., Developer, for City to Pay Monthly Operating Costs for Six (6) Street Lights in Westland Estates (*22 of 29 lots built on as of 2015 Tax Roll*)

All voted Aye, and the motion carried.

Consider a Resolution (No. 686) Authorizing the Use of Municipal Court Technology Funds for the Katy Municipal Court to Upgrade Computers, Scanners and Telephones an Amount up to \$15,000.00

Motion was made by Councilmember Jones, seconded by Councilmember Mendez, approving as printed and presented a Resolution (No. 686) Authorizing the Use of Municipal Court Technology Funds for the Katy Municipal Court to Upgrade Computers, Scanners and Telephones an Amount up to \$15,000.00. All voted Aye, and the motion carried.

Consider a Resolution (No. 687) Authorizing the Mayor to Enter into an Administrative Services Agreement with ICMA Retirement Corporation to Offer a 457 Deferred Compensation Plan and Individual Retirement Account (IRA) Program to City of Katy Employees

Motion was made by Councilmember Brawner, seconded by Councilmember Mendez, approving as printed and presented a Resolution (No. 687) Authorizing the Mayor to Enter into an Administrative Services Agreement with ICMA Retirement Corporation to Offer a 457 Deferred Compensation Plan and Individual Retirement Account (IRA) Program to City of Katy Employees. All voted Aye, and the motion carried.

Consider a Resolution (No. 688) Authorizing the Issuance of \$5,500,000 in Unlimited Tax Bonds, Series 2016, by Fort Bend County MUD 163 (Avalon Subdivision)

Motion was made by Councilmember Dowdle, seconded by Councilmember Mendez, approving as printed and presented a Resolution (No. 688) Authorizing the Issuance of \$5,500,000 in Unlimited Tax Bonds, Series 2016, by Fort Bend County MUD 163 (Avalon Subdivision). All voted Aye, and the motion carried.

Consider a Resolution (No. 689) Appointing Paul Redmon to Serve as City of Katy Representative to Katy Management District No. 1 (formerly Harris-Fort Bend Counties M.U.D. No. 4)

Motion was made by Councilmember Dowdle, seconded by Councilmember Brawner, approving as printed and presented a Resolution (No. 689) Appointing Paul Redmon to Serve as City of Katy Representative to Katy Management District No. 1 (formerly Harris-Fort Bend Counties M.U.D. No. 4). All voted Aye, and the motion carried.

Consider a Resolution (No. 690) Authorizing the Mayor to Enter into an Interlocal Agreement also known as an Affiliation Agreement with Katy Independent School District Emergency Management Services Education Program

Motion was made by Councilmember Dowdle, seconded by Councilmember Mendez, approving as printed and presented a Resolution (No. 690) Authorizing the Mayor to Enter into an Interlocal Agreement also known as an Affiliation Agreement with Katy Independent School District Emergency Management Services Education Program. All voted Aye, and the motion carried.

Consider an Ordinance (No. 2752) Amending the Code of Ordinances of the City of Katy, Texas, Establishing a Maximum Prima Facie Speed Limit Along Cane Island Parkway/Bridge at 25 Miles Per Hour; Along I-10, Main Lane, from the West City Limit of the City of Katy, to the East City Limit of the City of Katy at 65 Miles Per Hour; Along I-10 North Frontage Road from East of FM 1463 to the East City Limit of the City of Katy at 50 Miles Per Hour; and Along I-10, South Frontage Road, from the East City Limit of the City of Katy to the West City Limit of the City of Katy at 50 Miles Per Hour

Motion was made by Councilmember Dowdle, seconded by Councilmember Pierson, approving as printed and read (*caption*) an Ordinance (No. 2752) Amending the Code of Ordinances of the City of Katy, Texas, Establishing a Maximum Prima Facie Speed Limit Along Cane Island Parkway/Bridge at 25 Miles Per Hour; Along I-10, Main Lane, from the West City Limit of the City of Katy, to the East City Limit of the City of Katy at 65 Miles Per Hour; Along I-10 North Frontage Road from East of FM 1463 to the East City Limit of the City of Katy at 50 Miles Per Hour; and Along I-10, South Frontage Road, from the East City Limit

Consider an Ordinance (No. 2752) Amending the Code of Ordinances of the City of Katy, Texas, Establishing a Maximum Prima Facie Speed Limit Along Cane Island Parkway/Bridge at 25 Miles Per Hour; Along I-10, Main Lane, from the West City Limit of the City of Katy, to the East City Limit of the City of Katy at 65 Miles Per Hour; Along I-10 North Frontage Road from East of FM 1463 to the East City Limit of the City of Katy at 50 Miles Per Hour; and Along I-10, South Frontage Road, from the East City Limit of the City of Katy to the West City Limit of the City of Katy at 50 Miles Per Hour

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of the City of Katy to the West City Limit of the City of Katy at 50 Miles Per Hour. All voted Aye, and the motion carried.

Consider an Ordinance (No. 2753) Amending the Personnel Policies of the City by Adopting a Dress Code Policy

Motion was made by Councilmember Dowdle, seconded by Councilmember Pierson, approving as printed and read (caption) an Ordinance (No. 2753) Amending the Personnel Policies of the City by Adopting a Dress Code Policy. All voted Aye, and the motion carried.

Councilmembers' Reports

Councilmember Pierson explained to the public that Councilmembers are available to the citizens of Katy and he represented them. He encouraged citizens to contact him. He invited all to attend the Katy Freedom Celebration and their pride. He said, God Bless. Councilmember Jones echo Pierson and commented that City Council cannot function without input from the citizens. He encouraged all to attend the Fourth of July local events. He said God Bless You. Councilmember Mendez thanked Mr. Mattson for his compliments. He thanked Public Works Department for their assistance in helping Mr. Mattson with his drainage issues. He encouraged all to contact him with their concerns. Councilmember Dowdle explained he appreciated the comments from citizens and believes because of this it was an amazing meeting. He commented that he wanted the best for all. Councilmember Brawner echoed comments and thanked Elaine Lutringer, Public Works Director for looking into a drainage issue in West Katy and getting it taken care of. He encouraged all to attend the upcoming City Events and he is thankful for where he lives. He said God Bless this Country.

Mayor's Reports

The Mayor commented that we are all on the same team and all want to do what is best of the City . He said God Bless America and Go Navy.

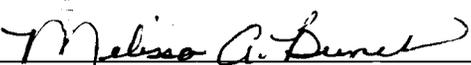
Adjourn

Motion was made by Councilmember Brawner, seconded by Councilmember Dowdle, adjourning the meeting. All voted Aye, and the motion carried. The meeting adjourned at 8:27 p.m.



Mayor

ATTEST:



City Secretary