

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, July 25, 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
 Jimmy Mendez, Councilmember
 Steve Pierson, Councilmember
 Art Pertile, III, City Attorney
 David Leyendecker, City Engineer
 Byron Hebert, City Administrator
 Becky L. McGrew, Assistant City Secretary

The following City Councilmember and City Official was absent:

J. Gary Jones, Councilmember
 Melissa A. Bunch, City Secretary

Presentation of Keep Katy Beautiful Board Governor's Community Achievement Award, Sustained Excellence Award and Keep Texas Beautiful Gold Star Affiliate Award

Amy Reed, Community Relations and Volunteer Coordinator, spoke of Keep Katy Beautiful being recognized at the Keep Texas Beautiful Conference in June 2016, in Sugarland, Texas. She explained the Board has been an affiliate for twenty-three years; was once again designated as a Gold Star Affiliate; and is a four-time Governor's Community Achievement Award winner, bringing nearly \$650,000.00 in state funded beautification projects to the City. Several Board Members were present to accept awards.

Keep Katy Beautiful Recognized Alexandra Reed for Keep Texas Beautiful Youth Leadership Award

Amy Reed, continued her presentation by presenting the Keep Texas Beautiful Youth Leadership Award to her youngest daughter, Alexandra Reed (Alex). This award for elementary through college-level youth is known as the Ruthe Jackson Youth Leadership Award and is designed to honor the next generation of volunteers for their service to the community. Alex averaged between 75 and 100 hours of service in recent years and is one of the most active Keep Katy Beautiful volunteers. In addition to the award, Alex was also presented with a check for \$100.00 from the Ruthe Jackson Youth Leadership Award Trust.

Keep Katy Beautiful Recognized Cane Island for Keep Texas Beautiful Ebby Halliday and Maurice Acers Business/Industry 2nd Place Award

Ebby Halliday & Maurice Acers Business/Industry Award 2nd Place Award was presented to Cane Island for their masterfully planned community, efforts to transplant and save hundreds of trees, and their commitment to provide a healthy and beautiful environment to their Katy residents. Dan Naef, President of Rise Communities was present to receive the award.

Presentation of Keep Katy Beautiful Proud Business Award to Gregory J. Dalton, P.C., 5518 5th Street

Jacalyn Warner, Keep Katy Beautiful Board Member presented the “Katy Proud Business Award” to Gregory Dalton, P.C. located at 5518 5th Street. Mr. Dalton and his wife were present to accept the Award.

Public Comments

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

Consider Award of Bid for Mechanical Street Sweeping Services for the Term of October 1, 2016 to September 30, 2018, to Kustom Sweeping, LLC, Houston, Texas, in the Total Annual Amount of \$60,000.00 (includes annual contract amount of \$52,264.08 plus additional funds for out-of-contract sweepings if necessary) (bids were received 07-19-2016)

Motion was made by Councilmember Pierson and seconded by Mayor Pro Tem Brawner, approving as printed and presented Awarding of Bid for Mechanical Street Sweeping Services, in the Amount of \$60,000.00. All voted Aye, and the motion carried

Consider a Resolution (No. 692) Authorizing the Use of METRO Funds by Katy Development Authority for the Franz Road Paving & Mobility Project in the Amount of \$1,676,965.09, for a Total Project Cost of \$2,017,458.00 (Total Project Cost includes bid amount, contingencies, engineering, surveying, inspection, and bid advertisement) (bids received 07-13-2016)

Motion was made by Councilmember Mendez and seconded by Councilmember Pierson, approving as printed and presented a Resolution (No. 692) Authorizing the Use of METRO Funds by Katy Development Authority for the Franz Road Paving & Mobility Project in the Amount of \$1,676,965.09, for a Total Project Cost of \$2,017,458.00 (total project cost includes bid amount, contingencies, engineering, surveying, inspection, and bid advertisement) (bids received 07-13-2016). All voted Aye, and the motion carried.

Consider a Resolution (No. 693) Authorizing the Mayor to Sign a Resolution to Participate in the Texas Class Government Investment Pool

Motion was made by Councilmember Dowdle and seconded by Councilmember Mendez, approving as printed and presented a Resolution (No. 693) Authorizing the Mayor to Sign a Resolution to Participate in the Texas Class Government Investment Pool. All voted Aye, and the motion carried.

Consider a Resolution (No. 694) Authorizing the Mayor to Sign an Amendment with Tyler Technologies, Inc. to Provide Custom Alert Toning Interface for the Katy Fire Department (Agreement previously with New World Systems 08-24-15)

Motion was made by Councilmember Mendez and seconded by Councilmember Dowdle, approving as printed and presented a Resolution (No. 694) Authorizing the Mayor to Sign an Amendment with Tyler Technologies, Inc. to Provide Custom Alert Toning Interface for the Katy Fire Department. Mayor Pro Tem Brawner informed Council that this was part of the upgrades for police and fire, which would improve their call response time and safety. All voted Aye, and the motion carried.

Consider a Resolution (No. 695) Authorizing the Mayor to Sign a Master Networking Service Addendum to Provide a T1 Line to Tomball for the Katy Police Department

Motion was made by Mayor Pro Tem Brawner and seconded by Councilmember Mendez, approving as printed and presented a Resolution (No. 695) Authorizing the Mayor to Sign a Master Networking Service Addendum with Phonoscope Light Wave, Inc. to Provide a T1 Line to Tomball, Texas. All voted Aye, and the motion carried.

Consider a Resolution Authorizing the Mayor to Sign a Contract Changing the Current Medical Plan Benefits from TMLIEBP to Cigna Effective October 1, 2016 (Pulled from Consideration)

Motion was made by Councilmember Pierson and seconded by Councilmember Dowdle, approving as printed and presented. City Attorney Pertile informed Council that this was a draft contract that was still under review and revision. He advised Council to authorize staff to move forward on obtaining the actual contract, which would come back to a future meeting. Mayor Hughes pulled the resolution from consideration until Council could review actual contract. No action was taken.

Consider a Resolution (No. 696) Nominating a Candidate, Dennis Gorden, to Serve as a Director for the Board of Directors of the West Harris County Regional Water Authority Director Precinct No. 9

Motion was made by Mayor Pro Tem Brawner and seconded by Councilmember Pierson, approving as printed and presented a Resolution (No. 696) Nominating a Candidate, Dennis Gorden, to Serve as a Director for the Board of Directors of the West Harris County Regional Water Authority Director Precinct No. 9. All voted Aye, and the motion carried.

Consider an Ordinance (No. 2755) Appointing Members to Various Boards and Commissions

Motion was made by Mayor Pro Tem Brawner and seconded by Councilmember Dowdle, approving as printed and presented an Ordinance (No. 2755) Appointing Members to the Various Boards and Commissions of the City of Katy including the Building and Standards Commission; City Planning and Zoning Commission; Convention and Tourism Bureau; Katy Heritage Park Board; Keep Katy Beautiful Board; Landscape Appeal Board; Parks and Recreation Advisory Board; Social Services Advisory Board; Zoning Board of Adjustment; Reinvestment Zone Number 1 and Katy Development Authority. Votes were cast as follows: Ayes – Brawner, Dowdle, and Mendez; Noes – Pierson. The motion to approve carried.

Consider an Ordinance (No. 2756) Adopting Amendment No. 1 to the Original Budget for 2015-2016 Fiscal Year; Providing for Changes in the General Government Fund

Motion was made by Mayor Pro Tem Brawner and seconded by Councilmember Pierson approving as printed and presented an Ordinance (No. 2756) Adopting Amendment No. 1 to the Original Budget of the City of Katy, Texas, for the 2015-2016 Fiscal Year; Providing for Changes in the General Government Fund Budget; Providing for Severability. 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 (PDD) 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:

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)

Steve Williams, 3233 Snow, introduced himself as a spokesperson for the Hunters Terrace group and how he would be speaking off and on about the concerns over the proposed development. Their concerns include property value, drainage, flooding, traffic and etc. In an attempt to not be repetitive over these issues they nominated different homeowners to address their consolidated interests.

Jonathan “Jon” Zera, 3201 Greenhead, thanked the Council for taking the time to listen to their concerns and his neighbors for organizing these efforts. He addressed the petition, prepared by Hunters Terrace, which includes 209 unique signatures; some are doubled property wise as husbands and wives both signed. He then discussed the development overview and their and how they believed it would have detrimental effects, increase impervious ground cover and further complicate the flooding issues. He believes the Ardenwood Park PDD will change the aesthetics of the City, all so the developer can maximize profits and it does not fit the current developmental architecture of the City. Moreover, there is already plenty of existing office space and commercial lots; therefore, more is not needed in this PDD. He then discussed the comprehensive plan and their dismay that city employees have attempted to convince the residents that this is good decision. Hunters Terrace wants to uphold the current R-1 standard and the smaller lots and commercial lots is what is being opposed here. He urged Mayor and Council that residents not the developer, who lives outside the city limits, should be their primary consideration.

Fran Dahl, 3233 Goldeneye, lived here since June of 1999 and with her son Chris she operates DBKT Realty in downtown Katy. She addressed the developers past work, Heritage Park West, which is still unfinished after thirty plus years, has numerous home owner association (HOA) violations, city violations, unfinished lots, and poor quality – proven by the quality and condition of the 200 homes there now. She proposed many questions she had as a resident, like access to the elementary school being built; how many homes will be built; square footage of the homes; price range; builders to be used; model homes; amenities to be offered; time frame to build out sections; and most importantly how and who will run the HOA for Ardenwood? She requested that Council remove all these requests and not allow the PDD, as it should be developed as a regular residential community like the rest of Katy. She believes any new development should increase the value of the immediate area and this project will not do so. She closed by asking Council to protect their community.

Bill Abbott, 3234 Brant, spoke of living in Katy the past thirty years, twenty in Hunters Terrace, as a Registered Professional Engineer. He expressed concern for the increased drainage, especially in light of recent rain events, and how we do not have a comprehensive drainage plan which shows how this development will impact surrounding communities. He also discussed the developers past project, West Heritage Meadows, and how their drainage pond was built in the wrong section, is overgrown and not maintained. He urgently requested that City Council votes this down today and consider all the negative consequences of such a development.

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Jon Zera, 3201 Greenhead, returned to the podium to speak on behalf of Sam Pearson, 3246 Snow Drive, whom was unable to make it due to a death in the family. Jon discussed the traffic and crime issues they believed would arise from this development, since Katy-Hockley Road would be the only main road for two subdivisions. Moreover, the current street layout would make cut-through traffic problematic. They requested that if approved the entrance to Ardenwood on Katy-Hockley Road be eliminated and turned into a cul-de-sac; that Bhandara School Boulevard be brought through the development North to South at Clay Road. This would mitigate traffic and the ingress/egress issues for the two subdivisions. He then discussed the crime that lower property value homes and commercial mix would bring to the area. He insisted on a residential design to address this problem.

Steve Williams, 3233 Snow, returned to close and summarize their concerns. He asked that all those in attendance who believe in what was being said to stand; most of the room was standing. He then read a Houston Chronicle article on the developing flood crisis of the Katy Prairie. He then discussed the image and standards of Katy and what he believed to be the vision of past leaders. He believes Ardenwood to be a Houston planned community not a model Katy should be following. He requested that Council leave the zoning as R-1 and deny the PDD. He reiterated concerns about Bhandara’s past development in the City. He closed by saying that the petition reflected Hunters Terrace opposition of the PDD as presented and the commercial development. He thanked Council for the opportunity to speak on the issues.

William “Bill” Evans, 3746 Katy-Hockley Road, cannot add much more to the arguments already made. He discussed the size of the lots and how the City worked hard to pass a zoning ordinance and he believed it should be left R-1. He also expressed a deep concern for the impact Ardenwood would have on the drainage issues already present for the area.

Kevin Dick, 3237 Canadia Street, spoke about concerns on how Bhandara would amend the mixed use and plans, once it had been approved. He also discussed concerns about lot size and referenced how Cane Island has 50 foot lots at this time. City Attorney Art Pertile explained that Cane Island was a Master Planned Community and therefore had different rights and restrictions, which Ardenwood would not be capable of under their PDD. He also discussed flooding and how they would build the land up and the runoff would flood surrounding areas. He complained about the boards being setup by the Mayor and reminded everyone they had the power to vote and ultimately change who was on these boards.

Jeff Kaufman, 3217 Pintail Street, spoke in favor of Ardenwood and what they are trying to do. He believes Katy should have more diversity and this would offer something to all socioeconomic levels. He remarked that instead of building the new City Hall that our government officials should have focused on building a detention pond. He closed arguing that he has not right to Bhandara how to develop his own land and that he believes in private property rights.

Brenda Washington, no address given, stated she lived in Katy for 57 years and that this is a democracy. She spoke of the past and how Danover residents were affected by zoning in the

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80’s. She urged all those in attendance to fight for their neighborhood, because they have a right to protect their private property and the community.

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. He explained he had listened to all the comments and concerns. He also discussed the changes they have already made to the PDD to accommodate issues from the past public hearing, addressed concerns about flooding would be handled by their multiple detention ponds and rebutted claims against Heritage Park West. Berzin and the audience also discussed the ditch, which he said the easements and surveys were still in question as to who was responsible for the ditch. He believes the PDD will offer the community more and a better subdivision than if they leave the zoning as R-1. Moreover, they are not asking to do for anything outside of the code and that is not already being done in the City. They want to move forward with the PDD and are willing to go back to the drawing board to achieve this. City Administrator clarified that they are willing to go back to the Planning and Zoning Commission (P&Z).

Councilmember Dowdle suggested that as this moves forward that the developers include representatives for Hunters Terrace on discussions on how the PDD will be arranged and setup. Whether it goes back to the Planning and Zoning Board or if there is a meeting that occurs to deliberate these issues. There will need to be some give and take on both sides, but then we can reach a consensus on this development. City Attorney gave options for proceeding: continue public hearing, send back to P&Z or take action on the proposed Ordinance. Dowdle said his pleasure was to continue the public hearing and for the suggested meeting to occur between all parties both for and against the PDD. Councilmember Mendez also expressed desire to continue this hearing. Mayor Pro Tem Brawner agreed to continue and for the representatives to get together and get something in writing, which reflects a consensus of the community and the developer. Berzin and the Hunters Terrace representatives agreed to the proposition to meet, negotiate and enter into discussions on this PDD. Councilmember Pierson agreed to continue hearing and have negotiations on the matter.

Frank Chaffin, 6217 Mallard, commented that Hunters Terrace is not a monolith and he does not agree with what was said earlier by the “representatives.” He believes there shouldn’t just be one or two representing their subdivision who only follow that view point. Mayor Pro Tem Brawner said there could be representatives for both sides. City Attorney Pertile suggested that we notify all interested parties of the meeting so any interested may attend; those interested could contact Anas Garfaoui, Planning and Zoning Technician.

Mayor closed the public hearing at 8:45 p.m. with the direction that staff will get a meeting with developer and the citizens.

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No action was taken, since public hearing was continued.

Councilmembers' Reports

Councilmember Pierson thanks all for being here and his appreciation for those voicing their concerns and views. Councilmember Mendez also thanked attendants and said they do consider themselves representatives of the people and please take that into consideration. He discussed his own issues from the flood and how he ran for Council for many of the reasons mentioned this evening. He closed saying he grew up in Katy and has a strong place in his heart for trying to manage what it is today. Councilmember Dowdle discussed the changing dynamic and challenges ahead of the City. He said he was proud of all those who spoke tonight – for, against, or somewhere in-between. He stated this process is working and we are so proud of all that came. He addressed many of the speakers directly, especially Brenda for her fervor and inspirational speech. He also thanked Berzin Bhandara for working with everyone on this issue. Mayor Pro Tem Brawner noted that we are all wearing blue tonight in honor of the Katy Police Department, in light of the police shootings occurring across the country. He discussed the fear and issues arising from these attacks and closed with God Bless all first responders.

Mayor's Reports

Thanked all for attending.

Adjourn

Motion was made by Councilmember Pierson, seconded by Councilmember Mendez, adjourning the meeting. All voted Aye, and the motion carried. The meeting adjourned at 8:51 p.m.



Mayor

ATTEST:



Assistant City Secretary