

MINUTES OF REGULAR CITY COUNCIL MEETING

Call to Order

The City Council of the City of Katy, Texas, convened in regular session Monday, February 26, 2018, at 6:30 p.m., at Katy City Hall, 901 Avenue C, Katy, Texas. The following City Officials were present:

Chuck Brawner, Mayor
 Durran Dowdle, Mayor Pro Tem
 Ray Boothe, 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
 Becky L. McGrew, Assistant City Secretary

Public Comments

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

Public Hearing on Application to Amend Zoning Ordinance No. 621, by Extending a Special Use Permit to Northwest Believers Church, 5423 East Fifth Street, Use of a Religious Nature in a C-1 Commercial District Within 2,070 Square Feet of Office Space

Public Hearing was opened at 6:34 p.m. and all were given the opportunity to be heard and there were no comments. Public Hearing closed at 6:34 p.m.

Consider an Ordinance (No. 2837) Amending Zoning Ordinance No. 621, by Extending a Special Use Permit to Northwest Believers Church, 5423 East Fifth Street, Use of a Religious Nature in a C-1 Commercial District Within 2,070 Square Feet of Office Space

Motion was made by Councilmember Jones, seconded by Councilmember Mendez, approving as printed and read (*caption*) an Ordinance (*No. 2837*) Amending the City of Katy Zoning Ordinance No. 621, by Extending a Special Use Permit to Wit: A Use of a Religious Nature, Within 2,070 Square Feet of Office Space Known as 5423 East Fifth Street, Katy, Texas (Northwest Believers Church) Being Within a C-1 Commercial District; Providing for an Effective Date; Repealing all Ordinances in Conflict Herewith; Providing for Severability and Providing a Penalty for a Violation of Any Provision of the Ordinance. All voted Aye, and the motion carried.

Amending Zoning Ordinance No. 621, Creating 25k Morton Park and Silver Oaks Estates, Planned Development District (PDD), Approximately 46 Acres, Single-Family Residential and Commercial Use, Morton Road on the South, Katy Hockley Cut-Off Road to the East, Heritage Park West Subdivision to the North

Public Hearing was opened at 6:35 p.m. All were given an opportunity to be heard and the following spoke during public hearing:

Amending Zoning Ordinance No. 621, Creating 25k Morton Park and Silver Oaks Estates, Planned Development District (PDD), Approximately 46 Acres, Single-Family Residential and Commercial Use, Morton Road on the South, Katy Hockley Cut-Off Road to the East, Heritage Park West Subdivision to the North (cont'd)

1) Lisa Hirschfelder (5157 Zareen Lane): expressed concerns about commercial in residential area, in particular the lights, noise, delivery trucks, disturbance of wildlife currently inhabiting the area and flooding. She inquired about the size of easements that would be included to buffer those residents already in place. Moreover, that not all areas of Katy needed to be mix use. Commercial everywhere is hurting the “home town” feel of Katy, Texas. She thanked Council and the City Planning and Zoning Commission for taking the time to hear the citizens. She later returned to the dais to express appreciation for changes implemented by the developer; however, she still believes the commercial will negatively impact property values and that noise and aesthetics for those backing this development would be an issue.

2) Rick Lawler, representative for the developer spoke about the changes that were implemented from the first public hearing on February 13, 2018. He presented an updated diagram which detailed the commercial being lowered to only four pad sites, the residential curving to create a row of houses and a buffer to the existing subdivision. Moreover, the fence has been upgraded to masonry and he explained the pipeline that would be pulling all the drainage away from the property and across to an adjacent tract – eliminating and improving any current flooding issues or concerns. He expressed their desire to be good neighbors and to hear any additional concerns.

Mayor Brawner thanked Rick for taking the comments and concerns of our citizens to heart and making changes to the plan. He also remarked that all of this could be contingent on Costello’s approval and they were coordinating with three engineering firms to put together and approve these plans. Councilmember Jones clarified that the lighting issues and light trespassing had also already been addressed in the current PDD version. He also discussed how fencing and enclosures would address much of the noise. Mayor Pro Tem Dowdle spoke out again adding more commercial to residential areas and stated we are setting a precedent for future and continued growth of Katy. He expressed that he doesn’t believe this is in the best interest of the citizens of Katy. Moreover, his concerns about how much of this commercial area would be building space vs. parking lots, etc. Councilmember Pierson echoed concern for commercial and flooding.

3) Fabol Hughes (2715 Patna): spoke about returning to his house from Hurricane Harvey flooding and ongoing concerns about future flooding. He discussed the impact of this development on Morton Road, which is already overburdened. He pleaded that Council seek action from the developer North of Morton Road to mitigate this problem. Mayor Brawner clarified that this was an issue under the Ardenwood Planned Development District – not the current topic. City Attorney Art Pertile instructed further discussion of that issue was not appropriate at this time.

4) Joseph Konieczka (5341 Kyla Circle): stated that he requested this PDD under open records and appreciated the timely response. He inquired if the citizens were allowed time to review what the developer was proposing before the Council takes action? City Attorney, Art Pertile explained that if Council so chooses they may continue this Public Hearing to another date and time to allow such time. Mr. Konieczka went on to discuss the current entryway flooding issues of his subdivision and how the ongoing development would continue to impact their issues. He also stated that the developer purchased this land understanding that it was R-1 Residential and assumed the risk to only develop in this manner. He believed it should stay R-1 and would appreciate them having more time to review Costello’s findings on flooding.

5) Karri Schneider (2915 Patna Dr): spoke about her concerns with more commercial development. She also referred to the Ardenwood PDD and how when the citizens spoke out against it and were able to shut down the development. She also expressed concerns about drainage off Morton Road. She also complained about the noise from Aristoi Classical Academy – an example of how these areas should remain residential only.

Amending Zoning Ordinance No. 621, Creating 25k Morton Park and Silver Oaks Estates, Planned Development District (PDD), Approximately 46 Acres, Single-Family Residential and Commercial Use, Morton Road on the South, Katy Hockley Cut-Off Road to the East, Heritage Park West Subdivision to the North (cont'd)

6) Harry Easley (5161 Zareen Lane): spoke out against commercial in residential area. He explained to Council that he previously lived in Katyland and when the plumbing company moved in, behind his property, the noise and traffic drove him from the area. Now, if they allowed this development, he would be facing this issue again.

Motion was made by Councilmember Jones, seconded by Councilmember Boothe, to continue the public hearing to 3-12-2018 City Council Meeting. All voted Aye, and the motion carried.

FY 2017-2018 First Quarter Investment Report; Bank Statement and Check Register Thru 01-31-2018 (information items only)

No comments were given.

Consent Agenda

Motion was made by Councilmember Pierson, seconded by Councilmember Mendez, approving as printed the Consent Agenda:

- Consider Street Closure Request from Memorial Lutheran Church, 5810 Third Street, for Outdoor Easter Sunrise Service to be held Sunday, April 1, 2018 from 5:30 a.m. to 8:30 a.m., on Third Street Between Avenue C and Avenue D
- Consider Acceptance of Public Improvements, Reserve at Katy, Section 5 Water and Sanitary Sewer

All voted Aye, and the motion carried.

Discuss Renaming of Katy Heritage Museum to Johnny Nelson Heritage Museum of Katy

Councilmember Jones made a motion, seconded by Councilmember Boothe, to rename the Katy Heritage Museum to honor all the service that Mr. Johnny Nelson has put forth for the City. He explained how he believed the Museum should be renamed in reflection of his service. Moreover, he understood that a group of individuals were putting together some plans and that the Museum is still undergoing renovations from the flood. Once these are complete we can advise the citizenry of when this renaming would occur. Mayor Brawner explained this has been an ongoing discussion, with an exchange of ideas, signage and proposed names. He has been working with staff and the family since the funeral. He is looking forward to reconvening to make final decisions so they can move forward with the dedication. All voted Aye, and the motion carried.

Discuss Communication with Council and City Administration

Councilmember Pierson opened the discussion by expressing appreciation for City Administrator, Byron Hebert meeting with Councilmembers and for him wanting to communicate with Council. He explained that he felt out of the loop on issues that occur within the City – which they should be made aware of. He also thanked the Mayor for blocking out time to meet with them, if called and for getting them copied on the weekly Staff Meeting Agenda. He expressed his desire this be an ongoing part of the communication and not dissipate in a month or two. Pierson continued by discussing Council's ability to ask staff questions. Art Pertile, City Attorney, clarified the difference between a question and a directive. Moreover, he discussed how the Mayor is the Chief Administrator, elected by the

Discuss Communication with Council and City Administration

citizens to run the City. Council should send all directive questions, those seeking or questioning actions, through the Mayor and not to individual Department Heads or any level of employee. The only direct action by Council, unless the Mayor allows direct control is the appointments Council makes for certain positions within the City. Councilmember Jones remarked it was his understanding they could contact Department Heads directly. Mayor Brawner clarified that if a Councilmember has a question about their department, he has allowed this in past, just as former Mayors. He also discussed how he tries to contact them on all things that are important. He also addressed the request for Staff Meeting Agendas to continue, by remarking that they will not only continue, but if they have a question he is available every Wednesday afternoon to discuss same. If he does not have the answer he will make sure staff gets them a response. Jones responded by confirming that communication has improved – their desire to know the issues before the citizens know. Councilmember Boothe expressed a desire to have longer time to review large items on the Agenda, like the Planned Development District proposed today – three or four days is simply not enough time to review and ask questions. He explained these are complicated issues with varying impacts on the citizens and his desire for more time to make the best possible decisions. No other discussion was presented for this item.

Consider a Resolution (No. 851) Declaring Certain Property as Surplus and Authorizing Sale and Disposal (Public Works)

Motion was made by Councilmember Pierson, seconded by Councilmember Mendez approving as printed and presented a Resolution (No. 851) Declaring Certain Property as Surplus and Authorizing the Sale and Disposal (Public Works). All voted Aye, and the motion carried.

Consider a Resolution (No. 852) Rejecting Any and All Bids for Emergency Services for Debris Removal and Disposal and Authorizing the Re-Advertisement of Bid Solicitation

Motion was made Councilmember Jones, seconded by Councilmember Mendez, approving as printed and presented a Resolution (No. 852) Rejecting Any and All Bids for Emergency Services for Debris Removal and Disposal and Authorizing the Re-Advertisement of Bid Solicitation. Councilmember Jones inquired about this item not having sufficient bids the first time. City Administrator Hebert explained that the ongoing devastation in Florida and California after Harvey may have impacted our results as these companies work across the Country. All voted Aye, and the motion carried.

Consider an Ordinance (No. 2838) Amending Chapter 12 “Traffic and Vehicles” of City of Katy Code of Ordinances and Amending Chapter 12.05 “Parking Restrictions on Specific Streets” by Amending Section 12.05.041 “No Parking Zones” to Prohibit Parking on the South Side of Tenth Street West of Avenue D to the End of Whispering Lakes Subdivision; and on Both Sides of Katy West Drive, Cherokee Drive and Apache Drive

Motion was made by Councilmember Jones, seconded by Councilmember Mendez, approving as printed and read (*caption*) an Ordinance (No. 2838) Amending Chapter 12 “Traffic and Vehicles” of City of Katy Code of Ordinances and Amending Chapter 12.05 “Parking Restrictions on Specific Streets” by Amending Section 12.05.041 “No Parking Zones” to Prohibit Parking on the South Side of Tenth Street West of Avenue D to the End of Whispering Lakes Subdivision; and on Both Sides of Katy West Drive, Cherokee Drive and Apache Drive; Repealing all Ordinances or Parts of Ordinances in Conflict Herewith; Proving for Severability;

Consider an Ordinance (No. 2838) Amending Chapter 12 "Traffic and Vehicles" of City of Katy Code of Ordinances and Amending Chapter 12.05 "Parking Restrictions on Specific Streets" by Amending Section 12.05.041 "No Parking Zones" to Prohibit Parking on the South Side of Tenth Street West of Avenue D to the End of Whispering Lakes Subdivision; and on Both Sides of Katy West Drive, Cherokee Drive and Apache Drive (cont'd)

and Providing for a Penalty Not to Exceed \$200 for a Violation of the Ordinance. Mayor Pro Tem Dowdle requested clarification that this would be on our easement and not on the residential side of Tenth Street? City Engineer David Leyendecker confirmed and explained plans to extend sidewalk to Avenue D to facilitate pedestrian school traffic and it would come at a later date. All voted Aye, and the motion carried.

Councilmembers' Reports

Councilmember Boothe recanted his experience this past week of touring the Public Works facilities with Public Works Director Elaine Lutringer. He sincerely thanked her for spending four hours of her time to give him the tour and how he was now enlightened on all that happens after you flush your toilet. He closed by saying he had a new appreciation for all she and her staff handle and how clean and efficiently they run all their facilities. Councilmember Jones spoke about the 75th Katy Future Farmers of America Rodeo and Auction and how it wasn't too soon to plan to attend and support those involved in the 76th year. He offered Ray's time and new knowledge for those who didn't have access to Elaine for a tour. Mayor Brawner echoed praise for how clean they keep all facilities and informed Councilmember Boothe there was a part-time job posted for the sewer plant if he was interested. All laughed. Jones closed by saying God Bless each one of you and God Bless Katy. Councilmember Pierson stated it was a great report and how it energized him. He closed by thanking God for blessing Katy. Councilmember Mendez – no comments. Mayor Pro Tem Dowdle closed the meeting by offering the two college, A&M and University of Texas, baseball caps to any in audience interested. He stated he normally brings these to reward and engage the Scouts, but none were in attendance. The audience opted to save the hats for the next meeting and future Scouts.

Mayor's Reports

Mayor Brawner announced that Fire Chief Russell Wilson, who was not in attendance this evening, was selected as Texas Fire Chief of the Year. He explained that he is currently attending the Texas Fire Chief Conference in Austin and that he was nominated and selected by his peers for all his hard work and accomplishments. He closed by saying he is proud of our City being recognized and proud of the Chief for his professionalism, which was evident to his peers across the State of Texas and earned him this prestigious award.

Adjourn

Motion was made by Councilmember Pierson, seconded by Councilmember Mendez, to adjourn. All voted Aye, and the motion carried. The meeting was adjourned at 7:37 p.m.



Mayor

ATTEST:



Assistant City Secretary