

**MINUTES OF REGULAR CITY COUNCIL MEETING**

**Call to Order**

The City Council of the City of Katy, Texas, convened in regular session on Monday, January 13, 2020, at 6:30 p.m. at Katy City Hall, 901 Avenue C, Katy, Texas. The following City officials were present:

Bill Hastings, Mayor  
 Chris Harris, Mayor Pro Tem  
 Janet Corte, Councilmember  
 Durran C. Dowdle, Councilmember  
 Jenifer Jordan Stockdick, Councilmember  
 Art Pertile, III, City Attorney  
 David Leyendecker, City Engineer  
 Byron J. Hebert, City Administrator  
 Andrew Vasquez, City Finance Director  
 Becky L. McGrew, City Secretary

The following City officials were absent:

Frank O. Carroll III, Councilmember

**Recognition of Brenda Mendiola for Completion of the Level I & Level II Court Clerk Certification – Texas Municipal Court Clerks Certification Program (Katy Municipal Court)**

Brenda Mendiola joined Faviola Rodriguez, Municipal Court Clerk at the front. She spoke about the program and how quickly Brenda completed the two courses and was already working on the third – she was proud to have her as apart of the team! Mayor joined them for a photo and spoke about the employees at the Municipal Court do not get the recognition they deserve for all they do; it is a well-run court and he enjoyed the morning he spend there observing.

**Presentation of Land Management Updates by Katy Prairie Conservancy (requested by Mayor Pro Tem Chris Harris and Councilmember Janet Corte)**

Mary Anne Piacentini, President and Chief Executive Officer of Katy Prairie Conservancy (KPC) gave a presentation of land management updates. She spoke about how the conservancy was started and thanked Larry Gore, present, as he was one of the founding members of KPC. She explained the property was a land trust and how they work to protect land for people and wildlife. She explained they are a national accredited 501(c)3 non-profit organization and the largest local and conservation organization in southeast Texas. They manage 9.5 million acres of land along the coast of Texas and Louisiana. Of that they own nearly 13,500 acres in Harris, Fort Bend and Waller Counties. Despite being a nonprofit, Piacentini said they pay taxes on all the land they own as to not impact the economy. She explained the other agreements they have with landowners which allows them to protect and restore thousands of acres of land for the community and for our future. She explained how the land is still used in many places to raise agricultural wildlife such as cattle, farm rice, restore wetlands, continuing education and even hunting. She spoke about the benefits of the land, including watershed and flooding reduction, removal of sediment and pollutants and offering protection to wildlife and plants to provide greenspace for community as well as many educational opportunities. *Continued next page.*

**Presentation of Land Management Updates by Katy Prairie Conservancy (cont'd)**

Gina Calanni, Texas House of Representatives District 132 Representative came forward and presented the Katy Prairie Conservancy with a certificate for all the important work that they do for the community and the State of Texas. Piacentini thanked Calanni and all of the City Council and presented them with KPC hats. She closed by inviting all to go to their website and to visit for a tour or to attend any of the upcoming events and classes.

**Public Hearing for Proposed Ordinance Amending Ordinance Number 621; For a Special Use Permit of a Religious Nature, Bethany Worship Center in Katy Mills Planned Development District at 25311 Kingsland Boulevard, Suite 115 (approved by City Planning & Zoning Commission 12-17-2019)**

The Mayor opened the Public Hearing at 6:55 p.m. for Proposed Ordinance Amending Ordinance Number 621; For a Special Use Permit of a Religious Nature, Bethany Worship Center in Katy Mills Planned Development District at 25311 Kingsland Boulevard, Suite 115 (approved by City Planning & Zoning Commission 12-17-2019). All were given the opportunity to be heard and the following spoke: Matthew Miller, Bethany Worship Center, he explained how the church was established in 2014, was very active in the Katy Community and they are looking for a new place to go and continue to grow their ministry. The church believes the Katy Mills Area has opportunity to witness and minister and they look forward to partnering with businesses in the same area. Seeing no others wishing to speak the Mayor closed the public hearing at 6:57 p.m.

**Consider an Ordinance (No. 2936) Amending Ordinance No. 621; for a Special Use Permit of a Religious Nature, Bethany Worship Center in Katy Mills Planned Development District at 25311 Kingsland Boulevard, Suite 115 (approved by City Planning & Zoning Commission 12-17-2019)**

Motion was made by Councilmember Dowdle, seconded by Councilmember Corte, approving as printed and read (caption) and Ordinance (No. 2936) Amending Ordinance No. 621; for a Special Use Permit of a Religious Nature, Bethany Worship Center in Katy Mills Planned Development District at 25311 Kingsland Boulevard, Suite 115 (approved by City Planning & Zoning Commission 12-17-2019). All voted Aye, the motion carried.

**Public Hearing on Proposed Amendment to Ordinance No. 621; for a Special Use Permit, that Allows a Special Use in the 'R-1' Single Family Residential District for a Proposed Wireless Telecommunications Facility at 5364 Franz Road (approved by City Planning and Zoning Commission 12-17-2019)**

Mayor opened a public hearing at 6:58 p.m. on proposed amendment to Ordinance No. 621; for a Special Use Permit, that Allows a Special Use in the 'R-1' Single Family Residential District for a Proposed Wireless Telecommunications Facility at 5364 Franz Road (approved by City Planning and Zoning Commission 12-17-2019). All were given an opportunity to be heard and the following spoke: 1) Bebb Francis, Attorney for Ecosite, he thanked City Staff spoke about the need for the cell tower site, due to growing population in the area, number of smartphone users, other technology demands including medical devices, reverse 9-1-1 and even educational impacts. *Continued next page.*

**Public Hearing on Proposed Amendment to Ordinance No. 621; for a Special Use Permit, that Allows a Special Use in the 'R-1' Single Family Residential District for a Proposed Wireless Telecommunications Facility at 5364 Franz Road (approved by City Planning and Zoning Commission 12-17-2019) (cont'd)**

He discussed the selection of the site and all the safety measures. The site plans have been approved by the City of Katy Board of Adjustment and the City Planning and Zoning Commission for this variance. 2) Dave Petrakovitz, Project Manager for Pyramid Network Services, explained the location selection process and how it was driven by a gap in coverage – they showed the area in presentation and went through elimination process which lead them to this selection (including proximity to streets, subdivision, not in coverage area, and/or not enough room on existing towers to expand). 3) Craig Donaldson, Radio Frequency Manager for TMobile and Katy Independent School District Parent, – discussed why this site was so critical to boosting the gap in their coverage. This was all about providing the best service to customers, addressing latency, congestion during peak usage hours and other issues, including emergency services accessibility. He explained how a team of researchers and engineers chose and designed this height tower to address the coverage needs and because it provided the farthest radius from a subdivision or thoroughfare. 4) Mark Tieds, Katy Independent School District, explained that the Katy ISD School Board unanimously approved the lease agreement with Ecosite for this location. He said they have been working with them for about a year to approve the site and it was a win-win for the district and the community. He explained that this would in no way impact the schools use of the property. Mayor Pro Tem Harris made a motion for discussion, seconded by Councilmember Dowdle. Councilmember Dowdle asked if it would only impact TMobile users? Francis explained yes, at first; but this would only be one site on the tower and there were additional spots on the tower to accommodate up to four carriers. He clarified there was no room on existing towers to resolve the gap in coverage; that they had no existing agreements with other carriers and the bend/fall radius should something happen to tower – he was concerned about the height and adjacent neighborhood. Councilmember Corte asked for additional information on miles or distance for tower spacing; how many customers are you now going to reach; was this primarily for the benefit of the school; was there anyway to boost or extend coverage on existing towers and eliminate this need ; will the other spaces be leased for profit; an estimate of the number of users within the affected area; any further research on other areas that were looked into for this site – she is not convinced this is the best location for the tower. She inquired about several other locations such as Legacy Stadium parking lot; West of town; on a water tower; and/or at one of the incoming school properties that is being built, such as Cardiff Jr. High. She requested they verify there were no other possible locations for the site and further information on their investigation. Mayor Pro Tem Harris discussed the height of the proposed tower one-hundred and eighty feet (180') which was forty foot higher than the closest water tower. He proposed a reduction in the height; moreover, he would like to see some proposals for a decorative tower due to its open viewpoint. He also reiterated Councilmember Corte's request to seek other possible locations, because he doesn't believe they have exhausted all possibilities. Mayor Pro Tem Harris motioned to continue the public

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hearing to February 10, 2020, at the request of Bebb Francis since the next regular meeting was a conflict for him, seconded by Councilmember Stockdick. All voted Aye and the motion carried. Public Hearing continued to February 10, 2020 Regular City Council Meeting.

**Bank Statement and Check Register Thru 11-30-2019 (information items only)**

There were no comments on the Bank Statement and Check Register Thru 11-30-2019.

**Public Comments**

All were given the opportunity to be heard and the following spoke during public comments:

- 1) J Sawyer - 9983 Stonecreek Lane (Willow Creek Farms), good evening and happy new year. He explained how he was on the Municipal Utility District (MUD) Board and how they have been seeking removal from another district in order to proceed with fire services plan with the City of Katy under their limited purpose annexation. He said they took it to the voters and was happy to say they approved the fire plan and the ad valorem taxes to support it. He wanted to thank the City for their support and for caring for their community. Special thanks to Fire Department, Chiefs Wilson and Parker and to Katy Police Department, Chief Diaz who attended their open house where we presented the facts to the residents. The approval of the plan further depends the relationship between the District and the City. Thank you and look forward to working with y'all to benefit both communities in coming future.
- 2) Steve Pierson - 1401 Hudgens Ave (Heritage Meadows), Thankful for a great City for those providing emergency services to the City of Katy; Noon on Fridays we used to hear sirens; they have been deactivated since 2016 and Council slated for them to be sold at auction. He encouraged Johnny Nelson, former Mayor and City Administrator, to put those up – one of Maslov's hierarchy of needs is security and safety. We have many new technologies to assist with notifications, but I think in addition we should have those sirens. If antiquated and cost too much to maintain then we need to find another solution. We also need them South to I-10 where there are none and never have been. Cell phones aren't always going to work; if electricity is out, they may not have a way to check the water and know, chemical leaks and spills can happen, and it is important to inform our citizens. It is our job to care for the community and to make our citizens feel more secure.
- 3) Tyler Thoem - 2927 Fairmont Ridge Ln (Cinco Ranch), spoke about the Planned Development District on Pin Oak and the Furniture Warehouse that is largely unpopular in the community. He reminded our leaders that growth is good, but that was the main artery coming up from the City in the South and coming of I-10 and Hwy 90; and to a lesser extent FM 1463 – it was 85 acres of beautiful pines and hardwoods and we just wiped it out. Did we know there was going to be a 500' warehouse going in there? He thought they needed to be cognizant of what the Katy Area is about it wasn't all this commercial development, but instead parks, greenspaces and residential communities. There were no further public comments.

**Consent Agenda**

Motion was made by Mayor Pro Tem, Chris Harris, seconded by Councilmember Janet Corte, approving the Consent Agenda listed below:

- Consider Approval of Meeting Minutes
  - 10-28-2019 Regular Meeting Minutes
  - 11-21-2019 Special Meeting Minutes
- Consider Approval of Dues
  - 2020 Houston-Galveston Area Council (H-GAC) in the Amount of \$564.08
  - 2020 Highway 36A Coalition in the Amount of \$1,500.00
- Consider Supporting the Reappointment of Linda Harnist to Serve as a Director on the Board of Directors for the Fort Bend County Subsidence District (term will expire on January 31, 2020) (reappointing to January 31, 2022)
- Consider Acceptance of Public Improvements for Sanitary Sewer Extension Along Katy Mills Circle (sanitary sewer improvements)
- Consider Approval of Request for the City to Pay Monthly Operating Costs for Street Lights from Inframark
  - Cane Island, Section 1 (*10 streetlights*)
  - Cane Island, Section 2 (*6 streetlights*)
  - Cane Island, Section 4 (*9 streetlights*)

All voted Aye, and the motion carried.

**Consider a Resolution (No. 1033) Rejecting Any and All Bids for Blower Replacement at Wastewater Plant and Authorizing the Re-Advertisement of Bid Solicitation (bids received 12-19-2019)**

Motion was made by Councilmember Dowdle, seconded by Mayor Pro Tem Harris approving as printed and presented Resolution (No. 1033) Rejecting Any and All Bids for Blower Replacement at Wastewater Plant and Authorizing the Re-Advertisement of Bid Solicitation (*bids received 12-19-2019*). All voted Aye, and the motion carried.

**Consider a Resolution (No. 1034) Authorizing Change Order No. 5, for Pine Forest Drainage Project in the Amount of \$74,947.37 (original contract amount \$3,649,450.80, total revised contract amount with change order no. 5 is \$3,829,177.62) (funded from 2018 Drainage Bonds)**

Motion was made by Councilmember Dowdle, seconded by Mayor Pro Tem Harris approving as printed and presented Resolution (No. 1034) Authorizing Change Order No. 5, for Pine Forest Drainage Project in the Amount of \$74,947.37 (original contract amount \$3,649,450.80, total revised contract amount with change order no. 5 is \$3,829,177.62) (funded from 2018 Drainage Bonds). All voted Aye, and the motion carried.

**Consider a Resolution (No. 1035) Authorizing Mayor to Sign a Proposal with Costello Engineering for Support Services on Pitts Road Regional Detention Pond Phase II Project (funded by 2018 Drainage Bonds)**

Motion was made by Mayor Pro Tem Harris, seconded by Councilmember Corte approving as printed and presented Resolution (No. 1035) Authorizing Mayor to Sign a Proposal with Costello Engineering for Support Services on Pitts Road Regional Detention Pond Phase II Project (funded by 2018 Drainage Bonds). All voted Aye, and the motion carried.

**Consider a Resolution (No. 1036) Casting a Ballot in the 2020 Election for Houston-Galveston (H-GAC) Officers (City of Waller – General Law Cities Councilmember Nancy Arnold as Chair, Wharton County Judge Phillip Spenrath as Chair Elect, and City of Dickinson- Home Rule Cities Councilmember William King III as Vice Chair)**

Motion was made by Mayor Pro Tem Harris, seconded by Councilmember Corte approving as printed and presented Resolution (No. 1036) Casting a Ballot in the 2020 Election for Houston-Galveston (H-GAC) Officers (City of Waller – General Law Cities Councilmember Nancy Arnold as Chair, Wharton County Judge Phillip Spenrath as Chair Elect, and City of Dickinson- Home Rule Cities Councilmember William King III as Vice Chair). All voted Aye, and the motion carried.

**Consider a Resolution (No. 1037) Declaring Certain Property as Surplus and Authorizing the Sale or Disposal (Public Works & Katy Police Department) (excavator buckets, street saw, water fountain, hand tools, shovels, rakes, and four vehicles)**

Motion was made by Councilmember Corte, seconded by Mayor Pro Tem Harris, approving as printed and presented Resolution (No. 1037) Declaring Certain Property as Surplus and Authorizing the Sale or Disposal (Public Works & Katy Police Department) (excavator buckets, street saw, water fountain, hand tools, shovels, rakes, and four vehicles). All voted Aye, and the motion carried.

**Consider a Resolution (No. 1038) Authorizing Mayor to Sign First Amendment to the Second Amended and Restated Congestion Mitigation/Traffic Management Agreement with Metropolitan Transit Authority of Harris County, Texas**

Motion was made by Mayor Pro Tem Harris, seconded by Councilmember Stockdick, approving as printed and presented Resolution (No. 1038) Authorizing Mayor to Sign First Amendment to the Second Amended and Restated Congestion Mitigation/Traffic Management Agreement with Metropolitan Transit Authority of Harris County, Texas. All voted Aye, and the motion carried.

**Consider a Resolution (No. 1039) Authorizing the Mayor to Sign Change Order No. 1 to the Grounds Maintenance and Mowing Agreements with EarthFirst Landscapes, LLC Awarded by Resolution No. 969 (adding sections of R-O-W and increasing the cost \$958.25 per month effective 01-01-2020) (contract term: 10-01-2019 to 09-30-2021) (tagged by Councilmember Carroll 12-09-2019)**

Motion was made by Councilmember Corte, seconded by Mayor Pro Tem Harris, approving as printed and presented Resolution (No. 1039) Authorizing the Mayor to Sign Change Order No. 1 to the Grounds Maintenance and Mowing Agreements with EarthFirst Landscapes, LLC Awarded by Resolution No. 969 (adding sections of R-O-W and increasing the cost \$958.25 per month effective 01-01-2020) (contract term: 10-01-2019 to 09-30-2021) (tagged by Councilmember Carroll 12-09-2019). All voted Aye, and the motion carried.

**Councilmembers' Reports**

Councilmember Dowdle announced that coming up this week we begin sign-up for City Council Election and it has come to my understanding that I can run again and I will pursue it. I just don't know which position I'll be running for. Thank you for those that have supported me in the past and moving forward.

**Mayor's Report**

Mayor thanked Noe Diaz, Police Chief, for all the police department does for the City. He spoke about Mr. Malsbury who always comes to talk about the wreaths and how he requested an announcement that 470 wreaths were placed in December at their event. Mayor said he was fortunate enough to attend – very nice and they do a wonderful job. He loved seeing how the community came out in such great support and it was really amazing to witness, everyone should try to attend in the future. He closed by wishing everyone had a good evening and thanking them for attending the meeting.

**Adjourn**

Motion was made by Councilmember Stockdick, seconded by Councilmember Dowdle, to adjourn. All voted Aye, and the Motion carried. The meeting was adjourned at 8:03 p.m.

Mayor 

ATTEST:

  
City Secretary