

**CITY OF HUNTERS CREEK VILLAGE, TEXAS**  
**MINUTES OF THE REGULAR**  
**CITY COUNCIL MEETING**  
**April 27, 2021**

The City Council of the City of Hunters Creek Village, Texas held a regular meeting on Tuesday, April 27, 2021, #1 Hunters Creek Place, Hunters Creek Village, Texas. Members of the public were invited to attend the meeting in person or by video or audio conference.

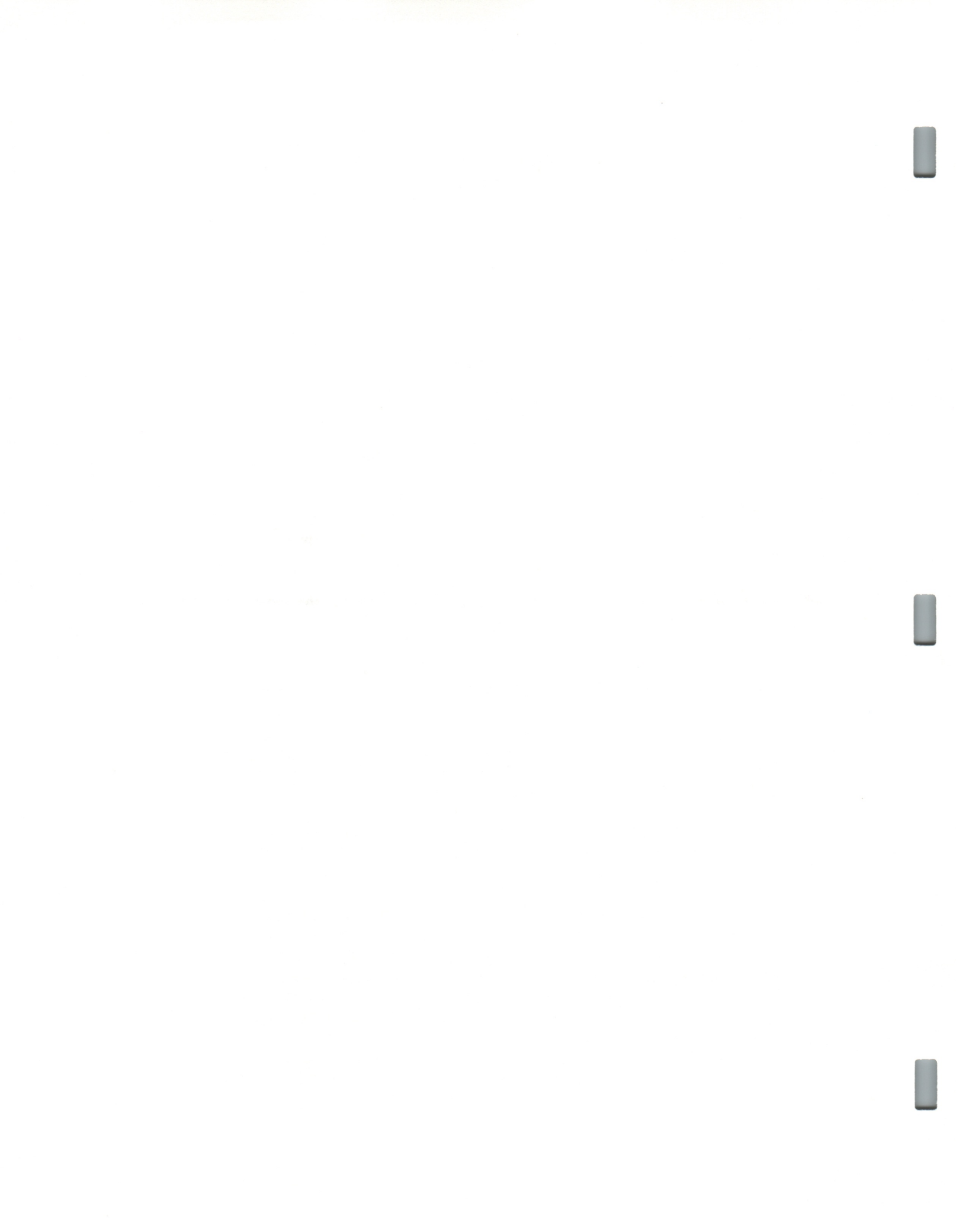
Present:	Mayor:	Jim Pappas
	Councilmembers:	Stuart Marks Ken Spalding Chip Cowell Jay Carlton Fidel Sapien
	City Attorney:	John Hightower
	City Administrator:	Tom Fullen
	Police Chief:	Ray Schultz
	Assistant to City Secretary:	Jennifer Namie (by teleconference)

***With a quorum of the Council Members present, Mayor Jim Pappas called the meeting to order at 6:00 p.m. followed by the pledge of allegiance and a brief prayer by Mayor Pappas.***

- A. Call to order and the roll of elected and appointed officers will be taken.
- B. Pledge of Allegiance.
- C. Swearing in of promoted Memorial Village Police Department officer – Certificate of Oath or Affirmation for Sergeant Richard Jarvis.

Chief Schultz introduced Sergeant Jarvis. Commission Chairman, James Huguenard swore him in. Chief Shultz also acknowledged Brooke Hamilton for his past service as chairman of the Commission.

- D. JOINT PUBLIC HEARING. A Joint Public Hearing will be held before the City Council and the Planning and Zoning Commission for the purpose of receiving testimony for or against proposed amendments to the Zoning Chapter of the City of Hunters Creek Village to: Define a "Porte Cochere" as a roofed structure, open on three sides and extending from an entrance to a building over an adjacent driveway for the purpose of sheltering those entering or exiting vehicles. Allow a Porte Cochere to extend into the required side yard under the following conditions; it may extend no closer than 10 feet from the nearest side property line; it must be 10 feet or less in height; it must be located at least 15 feet behind the front line of



the residence to which it is attached; the area covered by its roof shall be included in the computation of the building area for purpose of applying the applicable limits on total building area; and three sides of the structure must be at least 90% open.

**The Public Hearing was opened at 6:14 p.m.**

Public Comments:

A citizen asked if the proposed ordinance would allow a porte cochere to be built in front and side yards? Staff responded that the proposed ordinance would not allow a porte cochere to be built in a front yard.

A citizen expressed concerns about the way the ordinance is drafted. He is worried that it would allow someone to build a porte cochere out of inexpensive materials that would detract from the appearance and value of the neighborhood.

**The Public Hearing was closed at 6:22 p.m.**

1. Discussion and possible action to receive the final report and recommendation from the Planning and Zoning Commission.
2. Discussion and possible action to adopt an ordinance to: Define a "Porte Cochere" as a roofed structure, open on three sides and extending from an entrance to a building over an adjacent driveway for the purpose of sheltering those entering or exiting vehicles. Allow a Porte Cochere to extend into the required side yard under the following conditions; it may extend no closer than 10 feet from the nearest side property line; it must be 10 feet or less in height; it must be located at least 15 feet behind the front line of the residence to which it is attached; the area covered by its roof shall be included in the computation of the building area for purpose of applying the applicable limits on total building area; and three sides of the structure must be at least 90% open.

**The chairman of the Planning & Zoning Commission presented the Commission's final report on the proposed amendment, recommending the approval of the amendment with the addition of a requirement that a porte cochere be constructed of the same type of materials as the residence to which it is attached.**

**Councilmember Spalding made a motion to adopt the ordinance, as amended, with a change recommended by the Planning and Zoning Commission to add item A-5, which states that the structure must be constructed of like kind materials of the residence to which it is attached. Councilmember Marks seconded the motion and the motion carried unanimously.**



E. PUBLIC COMMENTS *At this time, any person with city-related business may speak to the Council. In compliance with the Texas Open Meetings Act, if a member of the public comments or inquires about a subject that is not specifically identified on the agenda, a member of council or a staff member may only respond by giving a statement of specific factual information or by reciting existing policy. The City Council may not deliberate or vote on the matter.*

F. REPORTS

1. City Treasurer Monthly Report – City Administrator, Tom Fullen reported that the Budget is on target.
2. Police Commissioner Monthly Report – Police Commissioner, Steve Reichel gave this report and Chief Shultz presented the FY2022 Budget.
3. Fire Commissioner Monthly Report – *Chief Foster gave this report.*
4. Building Official Monthly Report
5. City Engineer and Public Works Report on the following items:
  - Voss at Second Baptist
  - Beinhorn and Voss – Traffic Signal Reconstruction
  - 2020 Street Maintenance – Memorial Drive
  - 10 Willowend Dr. Outfall
  - Ripple Creek Repair
  - Timberglen Pavement Repair
  - Congressional Earmark – Community Project Funding
  - Joint seal of Memorial Estates subdivision roads (aka Old Coach, Marsha Lane)
6. City Administrator Report
7. Mayor and Council Reports and Comments
  - Esplanade Beautification Along Voss Rd

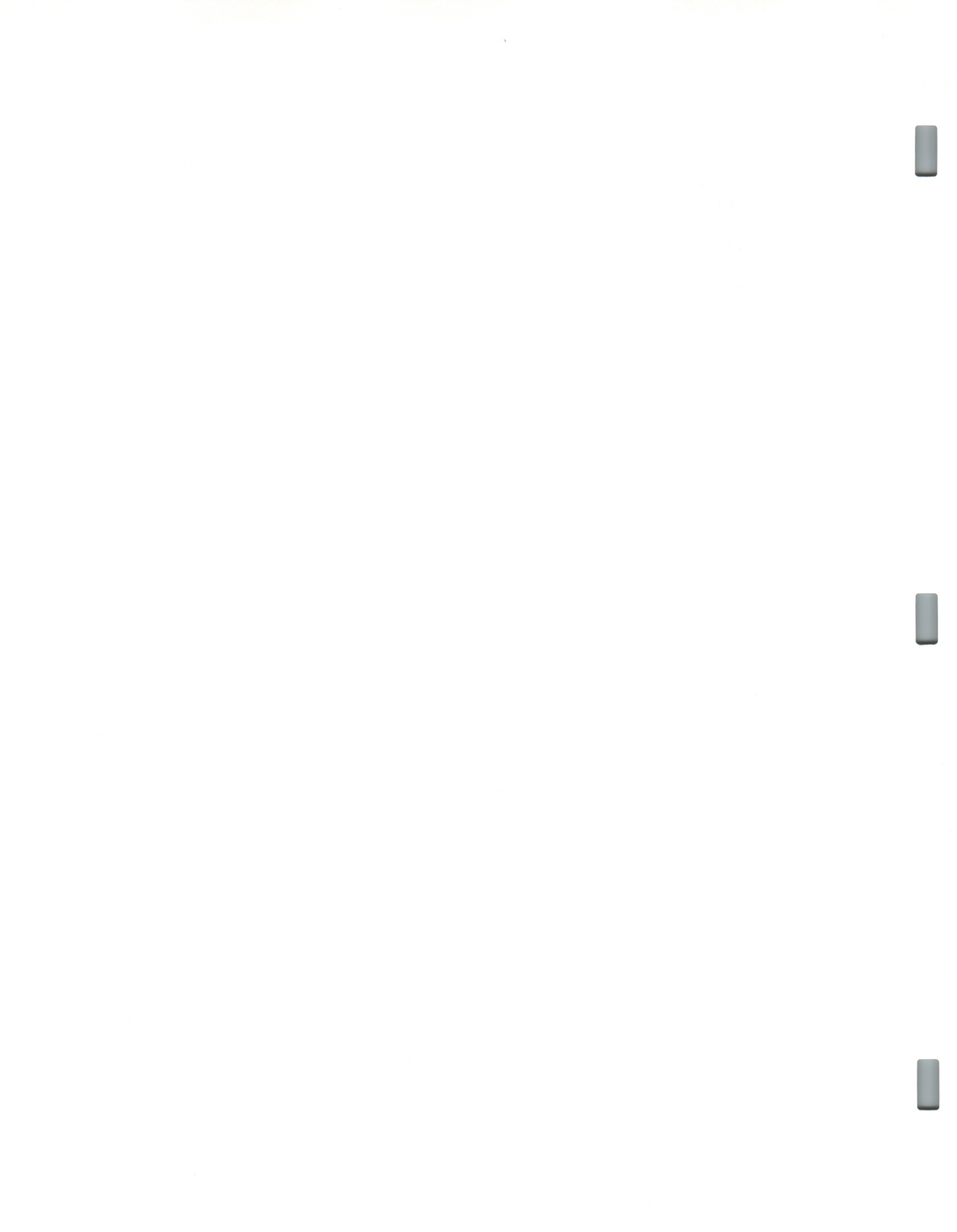
G. CONSENT AGENDA *The following items are considered routine by the City Council and will be enacted by one motion. There will not be a separate discussion on these items unless a Councilmember requests, in which event, the item will be removed from the general order of business and considered in its normal sequence on the agenda.*

1. Approval of the Minutes of the Regular Meeting on March 23, 2021.
2. Approval of the Cash Disbursement Journal for March, 2021.
3. Approval of the 4<sup>th</sup> Quarter Investment Report.

**Councilmember Cowell made a motion to approve the Consent Agenda. Councilmember Spalding seconded the motion and the motion carried unanimously.**

H. REGULAR AGENDA

1. Discussion and possible action to approve the Proposed 2022 Memorial Villages Police Department Budget in the amount of \$6,299,250.00 with Hunters Creek Village's 2022 Assessment being \$2,099,750.00.



*This item was taken out of order.*

**Councilmember Spalding made a motion to approve the Proposed 2022 Memorial Villages Police Department Budget in the amount of \$6,299,250.00 with Hunters Creek Village's 2022 Assessment being \$2,099,750.00. Councilmember Sapien seconded the motion and the motion carried unanimously.**

2. Discussion and possible action to approve an amendment to the 2021 Village Fire Department's construction budget to increase the amount by \$200,000 from \$5,700,311.50 to \$5,900,311.50 with the proviso that it will not increase the cities' assessment but will be funded by other potential sources.

*This item was taken out of order.*

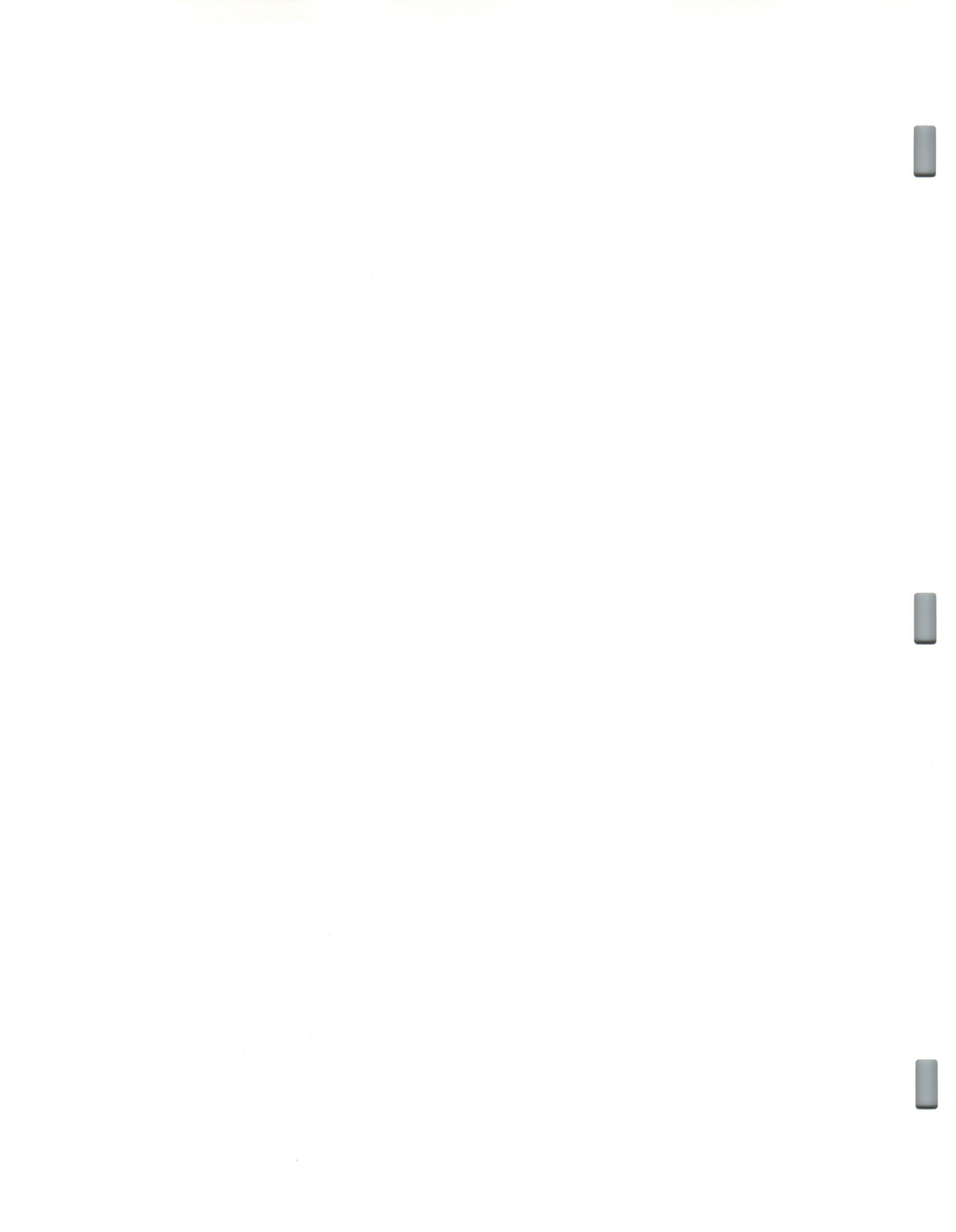
**Councilmember Carlton made a motion to approve an amendment to the 2021 Village Fire Department's construction budget to increase the amount by \$200,000 from \$5,700,311.50 to \$5,900,311.50 with the proviso that it will not increase the cities' assessment but will be funded by other potential sources. Councilmember Spalding seconded the motion and the motion carried unanimously.**

3. Discussion and possible action to consider a request from Spring Branch Independent School District for approval of a Specific Use Permit for installation of Building Identification Signage and a Marquee to be constructed on the Hunters Creek Elementary School campus located at 10650 Beinhorn Road, Houston, Texas, 77024.

**Councilmember Spalding made a motion to refer to the Planning and Zoning Commission a request from Spring Branch Independent School District for approval of a Specific Use Permit for installation of Building Identification Signage and a Marquee to be constructed on the Hunters Creek Elementary School campus located at 10650 Beinhorn Road, Houston, Texas, 77024. Councilmember Carlton seconded the motion and the motion carried unanimously.**

4. Discussion and possible action to approve Amendment No. 67 to the engineering contract with Cobb Fendley in the amount of \$10,500.00 for Engineering Services associated with the Pavement Repairs to Timberglen Drive.

**Councilmember Cowell made a motion to approve Amendment No. 67 to the engineering contract with Cobb Fendley in the amount of \$10,500.00 for Engineering Services associated with the Pavement**





**Repairs to Timberglen Drive. Councilmember Carlton seconded the motion and the motion carried unanimously.**

5. Discussion and possible action to approve Change Order #3 to the contract with Main Lane Industries, Ltd.- (Close Out) in the amount of -\$509.78 for the 2020 Street Maintenance Project.

**Councilmember Spalding made a motion to approve Change Order #3 to the contract with Main Lane Industries, Ltd. - (Close Out) in the amount of \$509.78 for the 2020 Street Maintenance Project. Councilmember Marks seconded the motion and the motion carried unanimously.**

6. Discussion and possible action to approve the purchase of playground equipment for City Hall.

**Councilmember Spalding made a motion to approve the purchase of playground equipment for City Hall. Councilmember Cowell seconded the motion and the motion carried unanimously.**

7. Discussion and possible action to approve a resolution opposing Texas Senate Bill 1661, which would require all city general elections to be held in November of even numbered years.

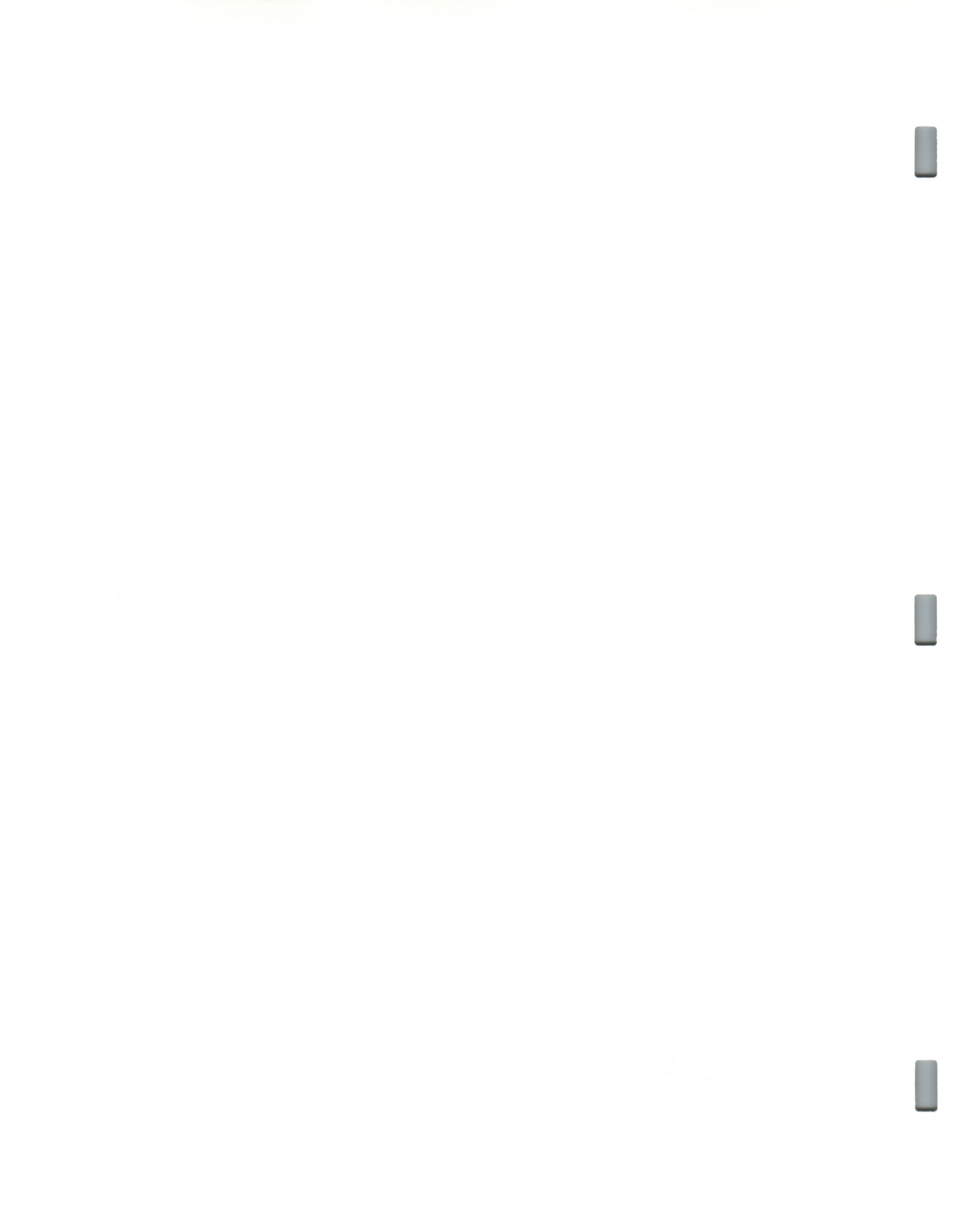
**Councilmember Spalding made a motion to approve a resolution opposing Texas Senate Bill 1661, which would require all city general elections to be held in November of even numbered years. Councilmember Cowell seconded the motion and the motion carried unanimously.**

8. Discussion and possible action to approve the Entry Sign Beautification design.

**Councilmember Cowell made a motion to approve the Entry Sign Beautification design shown on page 104 of the agenda packet. Councilmember Carlton seconded the motion and the motion carried unanimously.**

9. Discussion and possible action to approve the agreement between Hunters Creek Village and Spring Branch School District to assess and collect ad valorem taxes.

**Councilmember Spalding made a motion to approve the agreement between Hunters Creek Village and Spring Branch School District to assess and collect ad valorem taxes. Councilmember Sapien seconded the motion and the motion carried unanimously.**



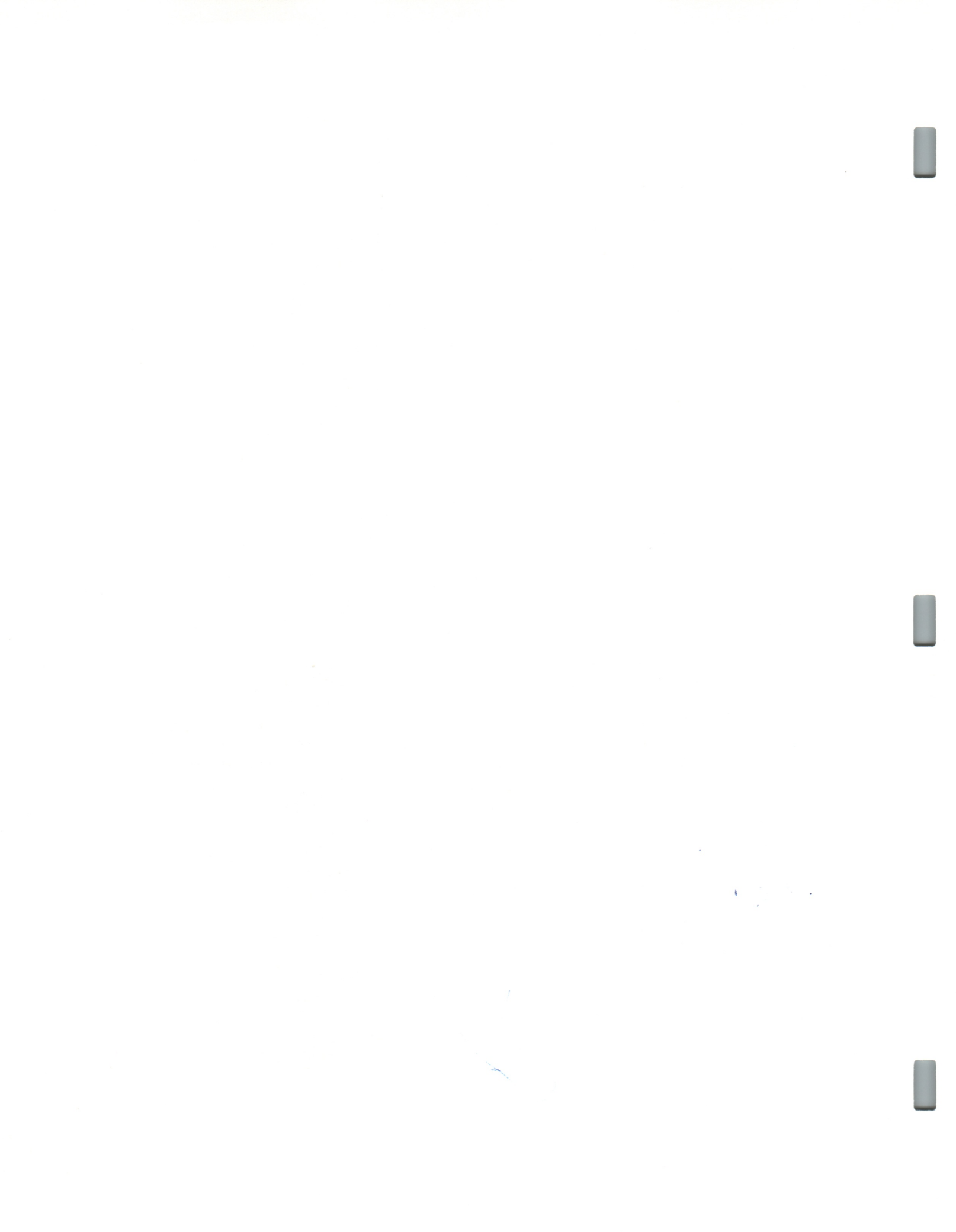
10. Discussion and possible action to approve a Network Node Deployment Agreement (which includes a list of proposed node locations) with Verizon Wireless.

**Councilmember Marks made a motion to approve a Network Node Deployment Agreement, and the node locations shown in agenda packet with Verizon Wireless, including the relocation of SC26 and SC34 as presented during the meeting. Councilmember Spalding seconded the motion and the motion carried unanimously.**

11. Consideration and possible action to adopt a resolution: a) approving an agreement with the law firm of Linebarger Goggan Blair & Sampson, LLP to act as special counsel to perform all legal services necessary to collect unpaid fines, fees and court costs as provided in Texas Code of Criminal Procedure Art. 103.0031; and b) authorizing the Mayor to sign the agreement on the City's behalf.

#### REQUIRED LEGAL NOTICE

- (A) The above referenced agreement is necessary for the unpaid fines, fees and court costs owed to the City of Hunters Creek Village (the "City") to be collected in the most effective manner. The City desires that such unpaid fines, fees and court costs be collected as provided in the Texas Code of Criminal Procedure.
- (B) The Linebarger Goggan Blair & Sampson, LLP firm ("Linebarger") is fully qualified to provide this representation, being the largest law firm specializing in the collection of governmental receivables in the State of Texas, as well as the United States, and having been engaged in this specialized legal service for more than 40 years. In addition, Linebarger possesses infrastructure and technology, such as call center technology, that the City does not currently possess.
- (C) Linebarger has represented The City of Hunters Creek Village for the past three years (beginning in 2018) with competence and professionalism, in the collection of unpaid fines, fees and court costs.
- (D) The specialized legal services required by this agreement cannot be adequately performed by the attorneys and supporting personnel of the City due to the high cost of implementing the appropriate infrastructure and technology and employing sufficient in-house attorneys and staff with the level of experience and competence necessary to perform these activities.
- (E) Under the agreement, Linebarger will be compensated on a contingent fee basis as provided in Texas Code of Criminal Procedure Art. 103.0031. This Article specifically provides for an additional collection fee, in the amount of 30 percent, in certain cases to compensate collection attorneys. A contract to pay inside or



outside attorneys on an hourly basis would represent an additional cost to the City.

- (F) Entering into the proposed agreement is in the best interests of the residents of the City because the unpaid fines, fees and court costs will be professionally and competently collected without the additional costs to the City of implementing infrastructure and technology, and employing in-house personnel.

*This item was taken out of order.*

**Councilmember Spalding made a motion to adopt a resolution: a) approving an agreement with the law firm of Linebarger Goggan Blair & Sampson, LLP to act as special counsel to perform all legal services necessary to collect unpaid fines, fees and court costs as provided in Texas Code of Criminal Procedure Art. 103.0031; and b) authorizing the Mayor to sign the agreement on the City's behalf. Councilmember Marks seconded the motion and the motion carried unanimously.**

**I. ADJOURNMENT**

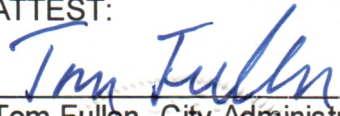
**At 7:57 p.m. Councilmember Marks made a motion to adjourn. Councilmember Carlton seconded the motion and the motion was approved unanimously.**

The meeting was adjourned at 7:57 p.m.

These minutes were approved on the 22nd day of June, 2021.

  
\_\_\_\_\_  
Jim Pappas, Mayor

ATTEST:

  
\_\_\_\_\_  
Tom Fullen, City Administrator  
Acting City Secretary





**FINAL REPORT ON PROPOSED AMENDMENT TO  
ZONING CHAPTER TO ALLOW PORTE COCHERES IN SIDE YARDS  
IN CERTAIN CIRCUMSTANCES**

The Planning and Zoning Commission has been asked to make a recommendation on a proposal that the City's zoning chapter be amended to permit the construction of porte cocheres in side yards of residences under certain circumstances. Pursuant to that request, the Commission: a) conducted deliberations on the proposed amendment at its meeting on April 5, 2021; b) conducted a joint public hearing with the City Council on the proposed amendment on April 27, 2021; and c) conducted further deliberations on the proposed amendment on April 27, 2021, after the conclusion of the joint public hearing.

The Commission now issues this Final Report recommending that the City Council adopt the proposed amendment to the zoning chapter as described below:

a) Define a "Porte Cochere" as "a roofed structure, open on three sides and extending from an entrance to a building over an adjacent driveway for the purpose of sheltering those entering or exiting vehicles".

b) Allow a Porte Cochere to extend into the required side yard under the following conditions:

- 1) It may extend no closer than 10 feet from the nearest side property line;
- 2) It must be 10 feet or less in height;
- 3) It must be located at least 15 feet behind the front line of the residence to which it is attached;
- 4) The area covered by its roof shall be included in the computation of the building area for purpose of applying the applicable limits on total building area; and
- 5) Three sides of the porte cochere are 90% open.

6) *Must be constructed of like ~~wood~~ kind materials of the residence to which it is attached.*

Date of Signature

*4-27-21*



CHAIRMAN  
PLANNING AND ZONING COMMISSION  
CITY OF HUNTERS CREEK VILLAGE

