

**CITY OF HUNTERS CREEK VILLAGE, TEXAS
MINUTES OF THE REGULAR
CITY COUNCIL MEETING
September 26, 2023**

The City Council of the City of Hunters Creek Village, Texas held a regular meeting on Tuesday, September 26, 2023, at 6:00 p.m., at #1 Hunters Creek Place, Hunters Creek Village, Texas. Members of the public were invited to attend the meeting in person.

Present:	Mayor:	Jim Pappas
	Councilmembers:	Stuart Marks Fidel Sapien Linda Knox Chip Cowell Jay Carlton
	City Administrator:	Tom Fullen
	City Engineer:	Steve Byington
	Building Official:	Henry Rivas
	City Attorney:	John Hightower
	Assistant to the City Secretary:	Jessica Pierce

- A. Call to order and the roll of elected and appointed officers will be taken.

With a quorum of the Council Members present, Mayor Pappas called the meeting to order at 6:00 p.m.

- B. **Councilmember Sapien led the Pledge of Allegiance followed by a prayer by Mayor Pappas.**

C. PUBLIC HEARING

1. A Public Hearing will be held before the City Council for the purpose of receiving input from the public, either oral or written, regarding the City's 2023 Proposed Tax Rate (information about the proposed tax rate is posted on the City's website).

Opened public hearing 6:02 p.m.

No comments were received from the public.

Closed public hearing 6:03 p.m.

- D. 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 inquiries 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.

Chief Ray Schultz honored Attorney John Hightower for his years of service to the Memorial Villages Police Department.

E. REPORTS

1. City Treasurer Monthly Report - **Tom Fullen, City Administrator, presented this report.**
2. Police Commissioner Monthly Report – **Ray Schultz, Police Chief, presented this report.**
3. Fire Commissioner Monthly Report – **Rob Adams, Fire Commissioner, and Tim Miller, Deputy Fire Chief, presented this report.**
4. Building Official Monthly Report – **Henry Rivas, Building Official, presented this report.**
5. City Engineer Monthly Report – **Steve Byington, City Engineer, presented this report.**
6. City Administrator Report – **Tom Fullen, City Administrator, presented a report on the Court Fines.**
7. Mayor and Council Reports and Comments – **No Report.**

F. 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 August 22, 2023.
2. Approval of the Cash Disbursement Journal for August 2023.

Councilmember Marks made a motion to approve the Consent Agenda. Councilmember Knox seconded the motion and the motion carried unanimously.

G. REGULAR AGENDA

1. Discussion and possible action to consider an ordinance adopting the budget for the City of Hunters Creek Village fiscal year beginning January

1, 2024 and ending December 31, 2024; making appropriations for the city for such year as reflected in the budget; and making certain findings and containing certain provisions relating to the subject. (Roll Call Vote Required).

Councilmember Knox made a motion to approve an ordinance adopting the budget for the City of Hunters Creek Village fiscal year beginning January 1, 2024 and ending December 31, 2024; making appropriations for the city for such year as reflected in the budget; and making certain findings and containing certain provisions relating to the subject. Councilmember Sapien seconded the motion. The ordinance was approved on the following record vote:

Councilmember Fidel Sapien	Aye
Councilmember Stuart Marks	Aye
Councilmember Linda Knox	Aye
Councilmember Chip Cowell	Aye
Councilmember Jay Carlton	Aye

2. Discussion and possible action to ratify the property tax increase reflected in the budget. (Roll Call Vote Required).

Motion should state:

"I move that we ratify the property tax increase reflected in the budget."

Councilmember Carlton made a motion "to ratify the property tax increase reflected in the budget." Councilmember Cowell seconded the motion. The ordinance was approved on the following record vote:

Councilmember Fidel Sapien	Aye
Councilmember Stuart Marks	Aye
Councilmember Linda Knox	Aye
Councilmember Chip Cowell	Aye
Councilmember Jay Carlton	Aye

3. Discussion and possible action to:
 - a. Set the property tax rate for Debt Service for 2023. (Roll Call Vote Required).

Motion should state:

"I move that we set the property tax rate for Debt Service for 2023 at 0 dollars per \$100 valuation."

Councilmember Cowell made a motion to set the property tax rate for Debt Service for 2023 at 0 dollars per \$100 valuation. Councilmember Knox seconded the motion. The ordinance was approved on the following record vote:

Councilmember Fidel Sapien	Aye
Councilmember Stuart Marks	Aye
Councilmember Linda Knox	Aye
Councilmember Chip Cowell	Aye
Councilmember Jay Carlton	Aye

b. Set the property tax rate for Maintenance and Operation for 2023. (Roll Call Vote Required).

If recommended rate is adopted the motion should state:

"I move that the property tax rate for Maintenance and Operation for 2023 be increased by the adoption of a tax rate of \$0.205164 dollars per \$100 valuation, which is effectively a 10.3 percent increase in the tax rate."

Councilmember Marks made a motion "that the property tax rate for Maintenance and Operation for 2023 be increased by the adoption of a tax rate of \$0.205164 dollars per \$100 valuation, which is effectively a 10.3 percent increase in the tax rate." Councilmember Cowell seconded the motion. The ordinance was approved on the following record vote:

Councilmember Fidel Sapien	Aye
Councilmember Stuart Marks	Aye
Councilmember Linda Knox	Aye
Councilmember Chip Cowell	Aye
Councilmember Jay Carlton	Aye

4. Discussion and possible action to consider an ordinance providing for the assessment, levy and collection of ad valorem taxes of the City of Hunters Creek Village, Texas for the year 2023; providing for the date on which such taxes shall be due and payable; providing for the penalty and interest on all taxes not timely paid; and repealing all ordinances and parts of ordinances in conflict herewith; and providing for severability.

Councilmember Sapien made a motion to approve an ordinance providing for the assessment, levy and collection of ad valorem taxes of the City of Hunters Creek Village, Texas for the year 2023; providing for the date on which such taxes shall be due and payable; providing for the penalty and interest on all taxes not timely paid; and

repealing all ordinances and parts of ordinances in conflict herewith; and providing for severability. Councilmember Marks seconded the motion. The ordinance was approved on the following record vote:

Councilmember Fidel Sapien	Aye
Councilmember Stuart Marks	Aye
Councilmember Linda Knox	Aye
Councilmember Chip Cowell	Aye
Councilmember Jay Carlton	Aye

5. Discussion and possible action to approve an Agreement with Linebarger Goggan Blair & Sampson, LLP as being fully qualified as special counsel to perform all legal services necessary to collect unpaid delinquent ad valorem taxes as provided in the Section 6.30 of the Texas Tax Code.

Item taken out of order.

Councilmember Marks made a motion to approve an Agreement with Linebarger Goggan Blair & Sampson, LLP as being fully qualified as special counsel to perform all legal services necessary to collect unpaid delinquent ad valorem taxes as provided in the Section 6.30 of the Texas Tax Code. Councilmember Sapien seconded the motion and the motion carried unanimously.

6. Discussion and possible action to approve an Agreement for Tax Collection Services with Linebarger Goggan Blair & Sampson, LLP after having provided adequate notice as required by Section 2254.1036 of the Texas Government Code, and authorizing the Mayor to execute the Agreement.

Item taken out of order.

Councilmember Sapien made a motion to approve an Agreement for Tax Collection Services with Linebarger Goggan Blair & Sampson, LLP after having provided adequate notice as required by Section 2254.1036 of the Texas Government Code, and authorizing the Mayor to execute the Agreement. Councilmember Knox seconded the motion and the motion carried unanimously.

7. Discussion and possible action to approve the Texas Tax Code Sections 33.07 & 33.08 Resolution Authorizing the Imposition of a 20% Penalty for Collection Costs on Delinquent Taxes for the Tax Year 2023 And Subsequent Years.

Item taken out of order.

Councilmember Cowell made a motion to approve the Texas Tax Code Sections 33.07 & 33.08 Resolution Authorizing the Imposition of a 20% Penalty for Collection Costs on Delinquent Taxes for the Tax Year 2023 And Subsequent Years. Councilmember Carlton seconded the motion and the motion carried unanimously.

8. Discussion and possible action to approve the Texas Tax Code Sections 33.11 Resolution Authorizing the Imposition of a 20% Penalty for Collection Costs on Delinquent Personal Property Taxes for the Tax Year 2023 And Subsequent Years.

Item taken out of order.

Councilmember Marks made a motion to approve the Texas Tax Code Sections 33.11 Resolution Authorizing the Imposition of a 20% Penalty for Collection Costs on Delinquent Personal Property Taxes for the Tax Year 2023 And Subsequent Years. Councilmember Knox seconded the motion and the motion carried unanimously.

9. Discussion and possible action to award a contract to Complete Contract DBA Bayou Builders in the amount of \$133,162.50 for the Inlet and Pavement Maintenance Project at Willowron and Walwick.

Councilmember Sapien made a motion to award a contract to Complete Contract DBA Bayou Builders in the amount of \$133,162.50 for the Inlet and Pavement Maintenance Project at Willowron and Walwick. Councilmember Knox seconded the motion and the motion carried unanimously.

10. Discussion and possible action to approve Change Order #1 to the contract with CityLynx, Inc. for the Traffic Signal Modifications at Memorial at Lindenwood in the amount of (\$1,010.90).

Councilmember Marks made a motion to approve Change Order #1 to the contract with CityLynx, Inc. for the Traffic Signal Modifications at Memorial at Lindenwood in the amount of (\$1,010.90). Councilmember Cowell seconded the motion and the motion carried unanimously.

11. Discussion and possible action to approve Change Order #1 to the contract with AR Turnkey Construction Company, Inc. for the 2022 Outfall Rehabilitation and Repairs in the amount of \$36,279.00.

Councilmember Knox made a motion to approve Change Order #1 to the contract with AR Turnkey Construction Company, Inc. for the 2022 Outfall Rehabilitation and Repairs in the amount of \$36,279.00.

Councilmember Sapien seconded the motion and the motion carried unanimously.

12. Discussion and possible action to accept a proposal from Uretex USA for Willowend Pavement Lifting in the amount of \$49,800.00.

No action was taken on this item.

13. Discussion and possible action to accept a proposal from Southtex Asphalt for milling of pavement related to Willowend Pavement Lifting in the amount of \$8,750.00.

No action was taken on this item.

14. Discussion and possible action to direct Planning and Zoning to review and make recommendations on a request to amend the zoning rules for walls along Voss and Memorial.

Council convened into closed executive session to receive legal advice from its attorney on this item. No action was taken on this item after the Council reconvened in open session.

15. Discussion and possible action to consider an ordinance amending chapter 18, Article II, of the Code of Ordinances of the City of Hunters Creek Village, which regulates tree preservation, to temporarily decrease the required diameter of a replacement tree from 6" caliper to 5" caliper; providing an effective date and an expiration date; providing a penalty of up to \$2000 for each offense; and making other provisions related to the subject.

Councilmember Cowell made a motion to approve an ordinance amending chapter 18, Article II, of the Code of Ordinances of the City of Hunters Creek Village, which regulates tree preservation, to temporarily decrease the required diameter of a replacement tree from 6" caliper to 5" caliper; providing an effective date and an expiration date; providing a penalty of up to \$2000 for each offense; and making other provisions related to the subject. Councilmember Knox seconded the motion and the motion carried unanimously.

- H. EXECUTIVE SESSION It is anticipated that all, or a portion of the discussion of the following items, if any, will be conducted in closed executive session under authority of the Texas Open Meetings Act. However, no action will be taken on these items until the City Council reconvenes in open session.

At 7:25 pm the mayor announced that the City Council was recessing into closed executive session under chapter 551 of the Texas Open Meetings Act to deliberate on the following items.

1. Confidential consultation with attorney, if necessary, regarding agenda item 14.
- I. RECONVENE into Open Session and consider action, if any, on items discussed in Executive Session

Council reconvened into Open Session at 7:40 p.m.

- J. ADJOURNMENT


At 7:41 p.m., Councilmember Sapien made a motion to adjourn. Councilmember Knox seconded the motion and the motion carried unanimously. The meeting adjourned at 7:41 p.m.

These minutes were approved on the 24th day of October, 2023.



Jim Pappas, Mayor

ATTEST:



Tom Fullen, City Administrator
Acting City Secretary

