

CITY OF HUNTERS CREEK VILLAGE, TEXAS
MINUTES OF THE REGULAR
CITY COUNCIL MEETING
April 27, 2010

The City Council of the City of Hunters Creek Village, Texas held its regular meeting on Tuesday, April 27, 2010, at City Hall, #1 Hunters Creek Place, Hunters Creek Village, Texas.

Present:	Mayor	David Wegner
	Council Members:	Stephen Reichel Ed Neuhaus Michael Schoenberger Jim Pappas
	City Administrator/ City Secretary:	Deborah Loesch
	City Attorney:	John Hightower
	City Treasurer:	Doug Abbott
	City Engineer:	Charles Eastland

With a quorum of the Council Members present, Mayor David Wegner called the session to order at 6:00 p.m. with the pledge of allegiance led by Roger Stark. It was noted that Councilmember Bonnie McMillan was not in attendance.

Recognition and award to out-going Councilmember Ed Neuhaus. Mayor Wegner thanked Councilmember Neuhaus for his service to the City and wished him well. The City presented him with an award of his official City portrait in appreciation for his volunteer service to the City.

PUBLIC COMMENTS

Mr. Jack McCants, 10606 Tarleton, expressed his appreciation to the City for the excellent job done on the Tara Oaks outfall project that affected his property and garage. He stated that this City Council was “the best example of government” and praised Mayor Wegner on his efforts in getting this project.

Discussion to receive comments regarding the provisions of the City’s tree ordinance specifically as it relates to the property at 523 Three Corners.

Peter Gaw, 516 Three Corners, commented on the removal of 4 oak trees from the property prior to construction of a new residence. He stated concern of the lack of communication between the residents on Three Corners, the builder and City Hall. He disagreed with the experts that these trees needed to be removed in order to construct the new home.

Dana Desenberg, 524 Three Corners, commented that she was concerned that the structure was not being built in compliance with the variance that was granted that allowed the structure to be built with a 30' front setback line instead of 50'. She also stated that she would like to see the builder commit to planting additional trees on that property.

John Wright, 512 Three Corners, commented on the new construction not being in compliance with the variance that was granted and was concerned that the plans violated the variance.

Cathy McCulley, 31 Willowend, commented on the provisions of the tree ordinance and felt that they needed to be more restrictive. She asked that other residents work with them to replace trees that have been removed to maintain the canopy of trees in the City.

Sam Tovar, builder for 523 Three Corners, stated that he is planning to plant 2 substantial live oak trees upon completion of construction.

Mayor Wegner asked the City Attorney to review the variance and the plans and report to Council at the next meeting.

REPORTS

1. City Engineer's Report as reported by Charles Eastland:
 - a. Creekside Manor paving and drainage improvements and Tara Oaks Outfall Improvement projects. Contractor is nearing completion on W. Creekside Drive and has begun reconstructing Creekside Circle. All street work on Flint River at Twelve Oaks and Tarleton is completed. Landscaping and replacement trees at 10602 Tarleton have been staked and should be installed within a week. Substantial completion is anticipated for the end of May. Budget amendment and change order for the completion of the project will be presented for the June meeting.
 - b. Long Shadows and Smithdale drainage and paving improvement projects. The contractor has cleaned up the site. The Smithdale right-of-way has been cleared and is ready for landscaping. The landscape plan has been modified to provide a more natural appearance of the plantings. The water line replacement work on Long Shadows should be completed and tied into the system by April 26th. Continuing to complete paving on Long Shadows. The wood guard rails on Long Shadows and Smithdale are being installed at Soldiers Creek. The Contractor anticipates completion within the next 3 weeks.

- c. Bingle Road Guard Rail and Sidewalk Improvements. Metro City Construction has completed the painting of the guard rail.
 - d. Future projects identified for storm water drainage improvements:
 - Storywood. No update to report.
 - Kemwood. Continue the design work for the paving and drainage improvements and expect to ask Council for approval to go out for bid at the May meeting.
 - Bryn Mawr. Continue working on the design for the paving and drainage improvements.
 - Saddlewood and Wellesley. Survey on Wellesley has been completed and proceeding with the design phase for new paving and drainage on both Wellesley and Saddlewood.
 - e. Street and open drainage ditch inventory programs. Continuing to work on prioritizing infrastructure improvements and formulate estimates for replacement costs and maintenance costs for streets and roadside ditches. Final copy of the assessment could be ready by the May meeting.
 - f. Replacement of Hedwig Road Bridge over Soldiers Creek by Piney Point Village. The City received notice from TxDOT that they expect to start construction on the bridge replacement in October 2010 and the bridge will be closed for a period of 4 months. The new bridge has been designed to limit the flow across Hedwig Road to match current levels. The height of the proposed crossing is comparable with the existing bridge.
 - g. Status of various projects under consideration: A call was placed to the Spring Valley City Engineer regarding the boundary line between Hunters Creek and Spring Valley but at this time had not been able to talk with him. Jack Kellner led a team of Boy Scouts for the placement of inlet markers throughout the City as a part of a community project for his Eagle Scout requirements.
2. City Treasurer - monthly financial and budget reports; quarterly investment report; and status report on delinquent tax collections.. Doug Abbott, City Treasurer, presented the monthly financial reports and 1st quarter investment report. The annual audit has started and requested that the delinquent tax attorney be at the next Council meeting to discuss the delinquent property tax accounts.
 3. Police Commissioner. Asst. Commissioner Mike Cokinos and Police Chief Gary Byre were present for the Police Department. Chief Byre explained the need for the approval of the inter-budget transfer to cover costs associated with the hiring of an additional officer in 2009. Chief Byre explained a recent incident where a

- resident was followed home from a Wachovia Bank and snatched some bank papers from her hand and fled the scene. Fortunately, there was no money in the envelope.
4. Fire Commissioner. Commissioner and Councilmember Steve Reichel reported that the department is working on the 2011 budget and trying to hold the budget to the same as this year. Applicants for the Fire Chief position are being received with 39 applied for the position, with 10 from Texas. They are continuing to meet with the various shifts working with them to improve morale within the department. The Deltaalert program has been finalized and is ready for activation when needed. This program works as a reverse 9-1-1 concept where early warning notifications can be sent to residents in case of emergencies. The notifications can be narrowed within a small area if necessary.
 5. Mayor and Council Reports and Comments.
 - a. Proposed new street signs for City. Deborah Loesch stated that she has found several vendors that provide decorative street signs. Council will discuss this further during the 2011 budget process.
 - b. Planned meeting with the Metro Multi-Cities Mayors and City of Houston Mayor Annise Parker. Mayor Wegner reported that the meeting is being scheduled for June or July.
 - c. Update on TxDOT's completion of the installation of a barrier wall along I-10 between Voss Park and Tarleton. Mayor Wegner has been communicating with Rep. John Culberson's office after receiving a copy of a letter from TxDOT regarding the barrier wall. TxDOT advised that the wall was placed for noise abatement not for security. Mayor Wegner will continue to work the Rep. Culberson to try to resolve this issue.
 - d. Update on TxDOT's landscaping plan at I-10 and Bingle Road. Deborah Loesch contacted TxDOT's District Engineer and reported that the landscaping from Hwy 6 to 610 Loop had not been done due to lack of funding sources. The cost to complete the landscaping would be \$6-6.5M. We will continue to stay in contact with the District Engineer's office to see when funds will become available and report to Council when information is provided to staff.
 - e. Locations for the installation of pet waste disposal stations through out the City. Tom Fullen reported that the stations have been assembled and are ready for installation according to the locations provided on a map generated by Sherry Wallis. Additional stations have been purchased to install if needed in other areas.

- f. Report from Councilmember Reichek – TMRS Legislative Advisory Committee. The Committee recently met in Austin and discussed supporting proposed legislation affecting the pension fund. The committee looked at (1) combining funds; (2) creating additional flexible cost of living adjustment options; (3) allow cities to adopt two-tiered plans – one for current employees and one for new hires; and (4) allow a city to define “full-time” status for its own benefit.
- g. Report on submittal to Google to participate in the new fiber network. Deborah Loesch reported that the formal application to Google has been submitted and now waiting for a response.
- h. Update on the status of the installation of the new signage for City Hall. Deborah Loesch reported that the new sign is scheduled to be installed in the next 4 weeks.
- i. Comments or suggestions for items to include on future agendas. Deborah Loesch reported that the garbage and recycling contractor, Royal Disposal, will be present at the next Council meeting to discuss some new “green initiatives” they are looking at in regard to the collection of yard waste and also plan to have their new “natural gas” truck in the parking lot at City Hall for everyone to look at.

CONSENT AGENDA. A motion was made by Councilmember Reichek with a second by Councilmember Schoenberger, the Council voted unanimously to approve and adopt consent agenda items 1 through 9 as follows:

- 1. Approval of the Minutes of the March 23, 2010 and April 6, 2010 meetings.
- 2. Approval of the Cash Disbursement Journal for March 2010.
- 3. Approval of a decrease in the default rates for 2010 for municipal telecommunications right-of-way access line rates established by the Public Utility Commission of Texas due to a deflation adjustment.
- 4. Approval of Resolution No. 2010-04 authorizing the levy an additional penalty for delinquent taxes under the Texas Property Tax Code for Tax Year 2009 and continue the engagement of Hal R. Gordon as the City’s delinquent tax attorney.
- 5. Acceptance of the resignation of Norman Wigington from the Planning and Zoning Commission.
- 6. Approval of Resolution No. 2010-05 designating the Houston Chronicle as the official newspaper for the City for fiscal year 2010.

7. Approval of inter-budget transfer #1 for Memorial Villages Police Department for 2009 Fiscal Year budget for \$93,450.00.
8. Approval of Ordinance No. 754 amending the 2010 fiscal year budget to approve amendment no. 1 appropriating funds from fund balance in the amount of \$32,130.76 for retainage due to Texas Sterling for the Memorial Drive Soldiers Creek Crossing project.
9. Approval to authorize the expenditure of \$32,130.76 to Texas Sterling for retainage due for the Memorial Drive Soldiers Creek Crossing project.

REGULAR AGENDA

10. Discussion and possible action to consider an ordinance amending Article V of Chapter 34 of the Code of Ordinances which regulates drainage, by providing for new regulations pertaining to yard drainage.

There was a concern that the regulations may be too restrictive and should be further reviewed. A motion was made by Councilmember Reichel with a second by Councilmember Pappas to postpone the item indefinitely. The motion carried unanimously.

11. Discussion and possible action to consider a request from the Houston Racquet Club to amend their specific use permit to increase the maximum allowable number of members from 1,300 to 1,750 and forward the request to the Planning and Zoning Commission for a report and recommendation.

Tim Purcell, Steve Madden, and Thomas Premul represented the Houston Racquet Club with Tim Purcell making the presentation of the request to Council.

A motion was made by Councilmember Pappas with a second by Councilmember Neuhaus to forward the request to the Planning and Zoning Commission for a report and recommendation. The motion carried unanimously.

12. Discussion and possible action to consider the group medical and dental insurance coverage for employees for year 2011.

A motion was made by Councilmember Schoenberger with a second by Councilmember Neuhaus to join the Memorial Villages Police Department group insurance plans for 2011 and give notice to the Villages Mutual Insurance Cooperative of the termination of the agreement. The motion carried unanimously.

13. Discussion and possible action to consider authorization to open a new bank account with Wells Fargo for METRO funds and transfer remaining METRO funds from TexPool to the new Wells Fargo account.

A motion was made by Councilmember Schoenberger with a second by Councilmember Pappas to authorize the opening of a new bank account at Wells Fargo for the METRO funds and transfer remaining balance from TexPool to that

account and close the TexPool account. The motion carried unanimously.

14. Discussion and possible action to consider the purchase of new council chairs.

Deborah Loesch provided information to Council to purchase new chairs from the Texas Department of Correctional Industries. These new chairs would be similar to those used at the State's legislative offices. The chairs would hold the seal of the City. Council requested that this be tabled for discussion during the 2011 budget process.

15. Discussion and possible action to receive a report and recommendation from the City's auditors regarding their evaluation of permit inspection costs and fees and procedures.

Deborah Loesch reported that the auditors were asked to perform an evaluation of the City's construction related permit inspection costs and inspection fees to determine if the City was being correctly charged for contract inspection services and if all fees owed to the City for inspections were being collected. A small random sample was initially tested and determined that a larger sampling would be necessary to confirm the percentage of over inspections performed. The sampling expanded to include years 2008 and 2009. A verbal finding was provided to the City with a formal report coming in the next few weeks. The report will show a significant percentage during those years there were more inspections performed over and above the inspection listed for that particular permit than provided on the fee schedule. Further investigation resulted in findings that the City did not receive revenue for the additional inspections, subsequently a potential loss of revenue of \$20,000 a year. The recommendation of the auditors will be (1) not to allow contractors to schedule their own inspections directly with the contract inspectors; and (2) evaluate the hiring of a full-time inspector.

Council was advised that the Building Department has already begun to implement changes in the permit inspection process. A copy of the formal report will be provided to each Council as soon as received.

There was no formal action taken on this item.

ADJOURN OPEN MEETING

A motion was made by Councilmember Pappas with a second by Councilmember Reichel to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Deborah L. Loesch, TRMC
City Administrator/City Secretary

These minutes were approved on the 25th day of May, 2010.

Ordinance No. 754 and Resolution Nos. 2010-04, 2010-05 are on file in the City Secretary's office and are made a part of these minutes by reference.