

CITY OF HUNTERS CREEK VILLAGE, TEXAS
MINUTES OF THE REGULAR
CITY COUNCIL MEETING
August 24, 2010

The City Council of the City of Hunters Creek Village, Texas held its regular meeting on Tuesday, August 24, 2010, at City Hall, #1 Hunters Creek Place, Hunters Creek Village, Texas.

Present:	Mayor	David Wegner
	Council Members:	Stephen Reichel
		Bonnie McMillan
		Norm Wigington
		Michael Schoenberger
		Jim Pappas
	City Secretary:	Deborah Loesch
	City Treasurer:	Doug Abbott
	City Attorney:	John Hightower
	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 Gary Byre.

PUBLIC COMMENTS

Nancy Reichel, 10821 Long Shadows, and Mary Gosnell, 10813 Long Shadows, commented on the lack of fencing on the rear yard of a property on Long Shadows where the rear yard is adjacent to Smithdale. The resident at this property has been approached about putting up the fence and other neighbors have offered to pay for the fence. Both requested that Council consider some kind of ordinance that would require the placement of a fence along a rear yard when the rear yard is adjacent to a public street. Council requested that this item be placed on the September 28th agenda for consideration. The City Attorney advised that any regulations adopted would be an amendment to the zoning ordinance and would go through the Planning and Zoning Commission process.

Tod Dimitry, 626 Hunters Grove Lane, commented on the proposed amendments to the Village Fire Department Interlocal Agreement stating he was not in favor of the changes being proposed. He suggested that a town hall meeting be held to bring these proposed changes to the residents. He also suggested that the agendas for the Fire Department meetings be posted on the web site.

Alexia Benavides, 802 Flint River Drive, requested the Council consider the placement of a stop sign on Beinhorn at Flint River due to vehicles speeding on Beinhorn creating a safety issue especially near the elementary school. She requested that the Council consider doing another traffic study. The previous traffic study was done in 2003. The City Engineer advised that it would unnecessary to do another traffic study because there has been no significant

change in the area. A new study would not produce a different analysis than the one done in 2003. Council requested additional police patrol in the area between 4 pm and 8 pm to monitor the traffic and city staff will analysis the data from the radar sign posted in the area over the next month and will report this at the next Council meeting, September 28th.

REPORTS

1. City Engineer's Report as reported by Charles Eastland:
 - a. Creekside Manor paving and drainage improvements and Tara Oaks Outfall Improvement projects. The contractor is working through the final punch list items and expect that acceptance of the project, approval of the final payment, payment of retainage, and early completion bonus is expected for the September Council meeting.
 - b. Long Shadows and Smithdale drainage and paving improvement projects. The contractor has completed all of the punch list items. There are a few cherry laurel trees to be planted along Smithdale and expect acceptance of the project, payment of retainage, and approval of the final payment is expected for the September Council meeting. Contractor is fully aware that they will not be receiving the early completion bonus provided in the contract. Also we expect there will be about a \$170,000 deduct on the contract.
 - c. Kemwood paving and drainage improvement project. Bids were received on August 17th and Metro City Construction was the low bidder of the 3 submitted at \$638,928.33, recommending the award of the contract to Metro City. The contract includes work for the Memorial Villages Water Authority for water line and sanitary sewer improvements. Extra work items were provided in the bid for constructing a storm drain from Glendenning to Memorial Drive through drainage easements at the east end of Glendenning, for a cost of \$57,000. This work was scheduled to be done during the Bryn Mawr project in 2011. However, due to the proximity of the project to the Kemwood project, the new storm drain could be done in 2010 to address the ongoing drainage issues on Glendenning. Obtaining the required easements needs to be finalized before moving forward on the Glendenning drainage issue and at this time staff would recommend excluding the extra work items associated with this project until all easements are obtained and accepted and then a change order can be issued to include this work in the Kemwood contract.

- d. Future projects identified for storm water drainage improvements:
 - Storywood. No update to report.
 - Bryn Mawr. Designs are proceeding for completion in the fall.
 - Saddlewood and Wellesley. The design phase for new paving and drainage on both Wellesley and Saddlewood is continuing. The roadway and drainage work on Saddlewood is proposed to terminate just north of its intersection with Wellesley. A meeting with the residents is being scheduled for sometime in September.
- e. Replacement of Hedwig Road bridge over Soldiers Creek by Piney Point Village and proposed Master Drainage Plan for Piney Point. Piney Point is proceeding with utility relocation work in preparation of the replacement of the bridge. Plans are under review by TxDOT at this time. After that work is completed they will begin reconstruction of Hedwig Road to Beinhorn. The design of that road project will not lower the roadway and there will be restrictors in the box culverts on the west side of the bridge at Soldiers Creek.
- f. Status of various projects under consideration:
 - (1) Voss Road Curve Barrier Walls Maintenance. Plans will be ready to bid by the September Council meeting.
 - (2) Mudjacking proposal for lifting selected streets with areas of gutter ponding. A proposal was received from Concrete Raising Corporation for \$17,640 to perform work to eliminate curb ponding in 9 locations throughout the City as identified by staff. The street locations are along Flint River, Hunters Forest, Bridlewood, Wickwild, Willowend at Wickline, and Hunterwood. Councilmember Schoenberger was concerned that the street inventory was not utilized in the determination of infrastructure repairs which should provide a methodical approach to priority of such repairs.
 - (3) I-10 road noise study. Now that school is back in session, they will begin working on the study.
- 2. City Treasurer - monthly financial and budget reports and quarterly financial report as of June 30, 2010. Doug Abbott, City Treasurer, presented the monthly financial and budget reports for the months of June and July 2010 and the 2nd quarter investment report.
 - a. Discussion and possible action to receive and accept the annual financial report for fiscal year ending December 31, 2009 as prepared by the city's auditors.

City Treasurer, Doug Abbott, introduced Nathan Krupke with Belt Harris Pechacek representing the city's auditors. The report indicates that the city is in a good financial position and received a clean opinion from the auditors. There was a discussion as to the financial strategy the city should take to lower the unfunded

liability in the pension plans for both police and fire. Also there was a discussion regarding escrow funds being applied towards the unfunded liability. There was no action taken on this matter.

A motion was made by Councilmember Wigington with a second by Councilmember Schoenberger to accept the annual financial report for fiscal year ending December 31, 2009 as presented. The motion carried unanimously.

3. Police Commissioner. Police Chief Gary Brye presented the Commission report on behalf of Commissioner Benny Hruzek, who was not in attendance. Chief Byre briefly explained the proposed budget indicating Hunters Creek portion for its annual assessment would be \$1,356,386.85 which is \$3,951 less than 2010. The 2011 budget provides for COLA increase of 1.5%, explaining that there were no increases in 2010.

- a. Discussion and possible action to consider approval of the Memorial Villages Police Department fiscal year 2011 operations budget.

A motion was made by Councilmember Schoenberger with a second by Councilmember Pappas to approve the Memorial Villages Police Department's budget for 2011 as presented. The motion carried unanimously.

- b. Discussion to report on the status of the renewal of the MVPD group insurance plans.

Chief Byre reported that they will meet with the Commission's insurance agent on September 13th to prepare the request for proposal to go out with bids being received on October 1st and presented to the Commission on October 18th. They are expecting a re-rate renewal from Blue Cross/Blue Shield of no more than 8%. They are asking for rates on the current plan structure. He advised that there has been more participation this year in the Health Savings Accounts (HSA).

4. Fire Commissioner. Commissioner and Councilmember Reichek presented the Village Fire Department budget for 2011. He explained that in the budget that 90.7% of the expenditures are associated with personnel costs. The budget has an overall increase of 1.87% from 2010 with no funds placed in capital replacement. The budget is \$13,235 below the 2010 budget. He added that over the last 10 years the budget has increased 70% with no contributions being made to capital outlay or towards the unfunded liability.

- a. Discussion and possible action to consider approval of the Village Fire Department fiscal year 2011 proposed budget.

A motion was made by Councilmember Reichek with a second by Councilmember Schoenberger to approve the Village Fire Department's budget for 2011 as presented. The motion carried unanimously.

- b. Discussion regarding City of Piney Point Village's letter to the Villages Mutual Insurance Cooperative to join the Memorial Villages Police Department insurance group.

There was no discussion or action taken on this item.

5. Mayor and Council Reports and Comments.

- a. Report from Royal Disposal regarding the green/yard waste collection program. Charles Gregory with Royal Disposal updated the Council on the progress of this program which officially began August 1st. He reported that at first there was some confusion and logistics to get through, but in his opinion the collection has been going well. Deborah Loesch, City Administrator/City Secretary, advised him of some areas of concern where the collection was missed on a regular basis. He would get with her separately outside of the meeting and work out these issues.
- b. Discussion regarding expiration limits on building permits. Councilmember Schoenberger has requested this discussion because he was concerned that there were homes continuing to be under construction for periods of time exceeding the term of the permit. Tom Fullen, Building Official, provided a copy of the current ordinance for the expiration of permits stating that new construction of residences do seem to take longer than 180 days to complete. Typically homes exceed 2 years for construction. It was agreed that there should be requirements to have the exterior finished, to include landscaping, drainage, irrigation systems, etc., within 2 years. Tom Fullen will prepare some proposed language changes for the September council meeting.
- c. Discussion regarding proposed TMRS fund restructuring. Councilmember Reichek advised that the proposed restructuring will be considered by the state legislature in 2011.
- d. Comments or suggestions for items to include on future agendas. (1) regulations for driving golf carts on public streets; (2) regulations for riding bicycles on public streets; (3) term of variances granted by the Board of Adjustment.

CONSENT AGENDA. A motion was made by Councilmember Pappas with a second by Councilmember Reichek, the Council voted unanimously to approve and adopt consent agenda items 1 through 7 as follows:

1. Approval of the Minutes of the June 22, 2010, July 19, 2010, August 12, 2010 meetings.
2. Approval of the Cash Disbursement Journal for June 2010 and July 2010.
3. Approval of the intra-budgetary transfers for the 2009 amended budget for the Village Fire Department.

4. Approval of the renewal of the interlocal agreement with Harris County for the watershed protection environmental education program and authorize the expenditure of \$2,318.22 from budgeted funds for the agreement and authorize the mayor execute the renewal agreement on behalf of the City.
5. Approval of a letter agreement with Wells Fargo Bank to extend the city's bank depository contract for an additional 90 days.
6. Approval of Resolution No. 2010-09 adopting a policy permitting the consideration of the application of a bank, credit union, or savings association that is not doing business within the city limits.
7. Approval to authorize staff to solicit requests for proposals for the city's bank depository services contract.

REGULAR AGENDA

8. Discussion and possible action to receive and accept the Final Report and Recommendation from the Planning and Zoning Commission regarding an application of the Houston Racquet Club for an amendment to the Specific Use Permit adopted in 2005 and amended in 2007 to allow for an increase in the maximum number of memberships from 1,300 to 1,750 and to consider calling for a public hearing on the matter.
A motion was made by Councilmember McMillan with a second by Councilmember Reichel to receive and accept the final report and recommendation from the Planning and Zoning Commission and to call for a public hearing to be held on September 28, 2010 at 6:00 p.m. at City Hall. The motion carried unanimously.
9. Discussion and possible action to consider authorization to purchase lightning protection systems for City Hall.
A motion was made by Councilmember Pappas with a second by Councilmember Reichel to authorize the purchase and installation of lightning protection systems (electrical surge protection) for the City Hall for \$3,250 from Hurricane Equipment Service, Inc. to be paid for from available funds in Building Maintenance expense account. The motion carried unanimously.
10. Discussion and possible action to consider award of the contract for the construction of the Kemwood Paving and Drainage improvements.
A motion was made by Councilmember Schoenberger with a second by Councilmember McMillan to award the contract to Metro City Construction for \$581,968.33 conditioned upon approval by the Memorial Villages Water Authority of \$96,809.78 for their portion of the work and to exclude the extra work items associated with the Glendenning drainage work of \$56,960.00 and authorize the mayor to execute the appropriate contracts on behalf of the City. The motion carried unanimously.

11. Discussion and possible action to consider an amendment to the City Engineer's agreement to provide construction administration and testing for the Kemwood Paving and Drainage improvement project.

A motion was made by Councilmember Schoenberger with a second by Councilmember Reichek to approve Amendment No. 25 for \$67,850 for construction management services for the project and authorize the mayor to execute the contract on behalf of the City. The motion carried unanimously.

12. Discussion and possible action to consider acceptance of the Long Shadows/Smithdale project, authorize final payment to include retainage.

This item was tabled to the September 28, 2010 meeting.

13. Discussion and possible action to consider a proposal from Concrete Raising Corporation of Texas for \$17,640.00 to perform mud jacking street repairs at various locations in the City.

A motion was made by Councilmember Pappas with a second by Councilmember Wigington to accept the proposal from Concrete Raising Corporation of Texas for \$17,640 to perform mudjacking repairs on various streets as presented. The motion carried.

Voting: Aye (3) Wigington, Pappas, Wegner
 Nay (2) Reichek, Schoenberger
 Abstain (1) McMillan

14. Discussion and possible action to review the proposed budget and call for a public hearing regarding the proposed budget for fiscal year 2011.

A motion was made by Councilmember Pappas with a second by Councilmember McMillan to call for a public hearing on the proposed budget for fiscal year 2011 on September 28, 2010 at 6:00 p.m. The motion carried unanimously.

15. Discussion and possible action to consider the renewal of a lease agreement with Konica Minolta for copier/scanner/fax/network printer for City Hall.

Deborah Loesch, City Administrator/City Secretary, advised that the lease agreement with Konica Minolta for the copy equipment at City Hall was expiring and a renewal agreement was presented that provides no increase for the cost of the lease for the equipment and the City would receive new equipment with updated technology. A motion was made by Councilmember Pappas with a second by Councilmember Schoenberger to approve the renewal of a 5-year lease with Konica Minolta for copy equipment as presented and authorize the mayor to execute the agreement on behalf of the City. The motion carried unanimously.

16. Discussion and possible action to consider a resolution adopting an amended schedule of fees pertaining to building, plumbing, electrical, and mechanical permit and inspections fees.

A motion was made by Councilmember Schoenberger with a second by Councilmember Reichek to approve Resolution No. 2010-08 amending the building permit fee schedule as presented. The motion carried unanimously.

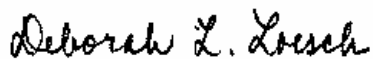
17. Discussion and possible action to consider proposed amendments to the Village Fire Department Interlocal Cooperation Agreement and consider the request from the City of Hedwig Village to extend the deadline for termination notification from September 1 to October 15.

A motion was made by Councilmember Reichek with a second by Councilmember Schoenberger to extend the deadline for termination notification from September 1 to October 15. The motion carried unanimously.

ADJOURN OPEN MEETING

A motion was made by Councilmember Reichek with a second by Councilmember Pappas to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 9:47 p.m.

Respectfully submitted,



Deborah L. Loesch, TRMC
City Administrator/City Secretary

These minutes were approved on the 28th day of September, 2010.

Resolution Nos. 2010-08 and 2010-09 are on file in the office of the City Secretary and are made a part of these minutes by reference.