

CITY OF HUNTERS CREEK VILLAGE, TEXAS
MINUTES OF THE REGULAR
CITY COUNCIL MEETING
February 22, 2011

The City Council of the City of Hunters Creek Village, Texas held its regular meeting on Tuesday, February 22, 2011, at City Hall, #1 Hunters Creek Place, Hunters Creek Village, Texas.

Present:	Mayor	David Wegner
	Council Members:	Bonnie McMillan
		Norm Wigington
		Michael Schoenberger
		Jim Pappas
	City Secretary:	Deborah Loesch
	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 6:05 p.m. with the pledge of allegiance led by Ed Holland. It was noted that Councilmember & Mayor Pro Tem Steve Reichel and City Treasurer Doug Abbott were not in attendance. Also attending the meeting was special legal counsel Grady Randle and Tim Kirwin.

PUBLIC COMMENTS

Ed Holland, 314 Shasta, commented on open ditches and culverts being modified with drainage pipes. Mr. Holland agreed to walk Lindenwood and Shasta to review areas where the open ditches remain and where they have been converted into culverts with pipes. He requested that the item to vacuum the ditches on Lindenwood and Shasta to be tabled until they did the walk around. He also commented on vacant lots and right-of-ways not being maintained.

REPORTS

1. City Engineer's Report as reported by Charles Eastland:
 - a. Kemwood paving and drainage improvement project. The contractor is substantially complete with work on Kemwood. A walk-thru is being scheduled for the following week. Repairs and replacement of 2 inlets on Timberglen and 1 on Huntwyck are being finished along with the adjacent damaged pavement. The Glendenning relief storm sewer has been installed and site restoration work remains to be completed.
 - b. Bryn Mawr paving and drainage improvement project. Metro City Construction mobilized on site this week and began staking the right-of-way. Prior to the Council meeting a pre-construction meeting was held with the residents of Bryn Mawr to meet the contractor and discuss how the project will proceed. They are

continuing to work through the tree issues and reported that monthly updates will be provided to the residents through their HOA president.

- c. Future projects identified for storm water drainage and paving improvements:

Storywood. Consideration of the installation of inlets at North and South Evers Park Drives as an alternative to replacement of the entire street. The cost to install these inlets has been estimated around \$40,000, including construction, engineering, inspection and testing. The City Engineer will provide a proposal for the engineering work for consideration.

Saddlewood/Wellesley. Nearing completion of the design engineering work on project and pending approval of the project to bid.

- d. Replacement of Hedwig Road bridge over Soldiers Creek by Piney Point Village and proposed Master Drainage Plan for Piney Point. TXDOT and HCFCDD are working out a right-of-way issue on one of the bridges included in the project outside of the Piney Point area.

- e. Voss Road Curve Barrier Walls Maintenance. Work has begun cleaning and painting the rails. New concrete barriers have been ordered. Once the barriers are delivered, the project should be completed within an additional 2-3 weeks. Additionally, the contractor is performing the repairs on the guard rail on Memorial at Bryn Mawr.

- f. Status of various projects under consideration:

Willowend at Wickline ravine maintenance. The engineering is complete to correct the separated culvert crossing. There are 2 options to correct the problem – repairing the existing dual culvert crossing or replacing with a new larger single culvert and abandon the remaining culvert. Recommendation is to replace the culvert due to age and condition of the existing culverts. Continuing to negotiate with Metro City for a fair price for this work.

2. City Treasurer – In the absence of the City Treasurer, Deborah Loesch presented the monthly financial and budget reports for January 2011 and reported that field work has begun on the audit for 2010.

3. Police Commissioner. Commissioner Benny Hruzek and Police Chief Gary Brye reported on the activities of the department. Commissioner Hruzek reported that the department continues to operate under budget. Chief Brye reported that there have been some burglaries in the area – theft from unlocked cars, signs being stolen. Councilmember Schoenberger asked if there has been any consideration given to consolidating dispatch centers with various agencies in the villages. Chief Brye reported that has been discussed in the past but no action has been taken to pursue the matter.

4. Fire Commissioner. Chief David Foster reported that the Commission has been working on topics involving the personnel budget, payroll issues, addressing certification pay, performance appraisals. Chief Foster has presented a proposal that would change the classification system from a grade/step type program to a merit based program. A copy of the proposed changes and re-classifications were provided to the Council.
5. Mayor and Council Reports and Comments.
 - a. Retiree health insurance program for employees. Mr. Ray Thomas provided to Council a written opinion on the impact of health insurance benefits for retirees and the potential state of the health care system in the next 3-4 years. Since this was just provided to the Council prior to the meeting and they had little time to evaluate his response, the matter is tabled until such time Mr. Thomas is available to meet with the Council.
 - b. Substandard structure at #2 Magnolia Bend. Tom Fullen, Building Official, reported that the foundation and all debris at this location has been demolished and removed.
 - c. Encroachment Agreement for #6 Hunters Ridge Court for installation of a generator. Deborah Loesch, City Administrator/City Secretary reported that CenterPoint Energy's position on the encroachment in the easement is that generators are not to be installed in the easement area. Recently, several jobs in which generators had to be relocated from the easement area and the generator companies are aware that this is not permitted.
 - d. Arbor Day 2011. Councilmember McMillan reported that Bill Bownds Nursery is on board again to provide the trees and the planting at the same price they did last year. She will have the revised forms to Deborah Loesch to prepare for mailing and the trees should be planted anytime after March 25.
 - e. Comments or suggestions for items to include on future agendas. Councilmember Schoenberger commented on a complaint he had regarding the change in the time for jury trials from night to day. Staff will continue to monitor the affect of the change in time to determine if there are problems.

CONSENT AGENDA. A motion was made by Councilmember Schoenberger with a second by Councilmember McMillan, the Council voted unanimously to approve and adopt consent agenda items 1 through 4 as follows:

1. Approval of the Minutes of the January 25, 2011 and January 31, 2011 meetings.
2. Approval of the Cash Disbursement Journal for January 2011.
3. Approval of appointment of Timothy B. Kirwin as a prosecutor for the Municipal Court.
4. Approval of Ordinance No. 769 adopting Amendment No. 1 to fiscal year budget 2011 to provide funding for completion of the Kemwood project and Voss Road Guard Rail repairs that began in 2010.

REGULAR AGENDA

5. Discussion and possible action to consider the cleaning of storm culverts on Lindenwood and Shasta and maintenance repairs of the open ditch at Pineland and Shasta.

There was discussion with no formal action taken. Council directed staff to include such maintenance in the street and drainage program and to table to the item until the program has been fully developed.

6. Discussion and possible action to consider an ordinance amending Chapter 26 "Offenses" of the Code of Ordinances of the City of Hunters Creek Village, Texas, to make it an offense to place yard clippings or other waste products in a public or private drainage way or on any public or private street.

A motion was made by Councilmember Schoenberger with a second by Councilmember McMillan to approve and adopt Ordinance No. 768 as presented. The motion carried unanimously.

7. Discussion and possible action to consider an ordinance amending Chapter 18 "Environment" of the Code of Ordinances of the City of Hunters Creek Village, Texas, to require approval for all proposed modifications to drainage facilities in public easement or rights of way within the City.

A motion was made by Councilmember Schoenberger to approve and adopt the ordinance as presented. The motion died due to the lack of a second.

These issues affecting open ditches will be further considered through the street and drainage maintenance and repair program and revisited at that time.

8. Discussion and possible action to consider amendments to the City's tree preservation ordinance.

Councilmember McMillan introduced Cathy McCulley to present the goals and issues of revising the City's tree ordinance. A handout was distributed to the Council stating the goals, issues, and proposed changes to the ordinance. Ms. McCulley stated there are 4 major goals: (1) preservation of healthy tree canopy through out the City; (2) reasonable re-development/development of City; (3) protection of trees during re-development/development; and (4) accountability. The current issues are: (1) need to be more pro-active in preservation of tree canopy; (2) citizens need to decide the issue of reasonable development; (3) protection of trees during construction has not been sufficient; (4) inadequate record keeping and enforcement; and (5) there is no formal vehicle for providing notice to interested citizens.

There were 8 noted major changes proposed to the ordinance:

1. removal of trees designated as "protected" in connection with new construction or substantial remodeling are to be prohibited unless a permit for removal is issued by the Tree Board.
2. redefining "protected" tree by species.
3. establishment of a five member Tree Board created and appointed by City

Council to determine any requests for tree removal permits. The Tree Board membership will consist of residents of Hunters Creek Village and function similar to a Board of Adjustment hearing appeals. Appeals from the Tree Board would be heard by the City Council.

4. continue to provide for the removal of diseased, dead, or dangerous trees without a permit from the Tree Board with permits to be handled by the Building Department.
5. setting a minimum number of trees required in connection with redevelopment will be removed and tree removal and replacement will be determined by citizens rather than a formula to address the particular circumstances.
6. the "Tree Board" will have the authority to grant tree removal permits of protected trees under certain conditions (there no reasonable alternatives, replacement trees of size and location that is reasonable, conditions exist to ensure success of replacement trees, replacement tree plan consistent with neighborhood and existing tree canopy, notice provided to adjoining property owners and homeowner associations affected.
7. improved record keeping requirements for accountability and enforcement of the ordinance.
8. procedures established for the protection of trees during construction and enforcement of violations, requirements for replacement trees destroyed during the construction process.

Council members Schoenberger and Pappas stated their concerns of violating civil liberties and property owner rights with the establishment of a "tree board". Councilmember McMillan and Ms. McCulley will meet with John Hightower, City Attorney, to refine the proposal into a formal ordinance for the March meeting.

There was no formal action taken.

9. Discussion and possible action to consider mitigation measures for new construction and major remodeling building permits.

John Hightower presented to Council a list of possible mitigation issues that may be considered for extending building permits beyond the 2 year term. Deborah Loesch suggested that Council may wish to adopt a formal policy stating these examples and as it develops the policy can be amended to include other requirements. A formal policy and resolution will be drafted for consideration at a future meeting.

There was no formal action taken.

10. Discussion and possible action regarding the Kemwood drainage and Soldiers Creek Relief projects in dispute with the City of Piney Point Village.

There was no formal action taken.

EXECUTIVE SESSION. The City Council convened into executive (closed) session at 7:56 p.m., to discuss the items listed below as authorized under Chapter 551 of the Texas Government Code under §551.071 to consult with the City's attorneys regarding the following:

- a. Legal issue raised in subdivision plat application concerning the calculation of minimum lot size.
- b. Kemwood drainage and Soldiers Creek Relief projects in dispute with the City of Piney Point Village.


The Closed Meeting adjourned at 8:50 p.m.

The Open Meeting was reconvened at 8:50 p.m.

ADJOURN OPEN MEETING

A motion was made by Councilmember Pappas with a second by Councilmember McMillan to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,



Deborah L. Loesch, TRMC
City Administrator/City Secretary

These minutes were approved on the 22nd day of March, 2011.

Ordinance Nos. 768 and 769 are on file in the office of the City Secretary and are made a part of these minutes by reference.