

CITY OF HUNTERS CREEK VILLAGE, TEXAS
MINUTES OF THE REGULAR
CITY COUNCIL MEETING
September 28, 2010

The City Council of the City of Hunters Creek Village, Texas held its regular meeting on Tuesday, September 28, 2010, at City Hall, #1 Hunters Creek Place, Hunters Creek Village, Texas.

Present:	Mayor	David Wegner
	Council Members:	Stephen Reichel
		Bonnie McMillan
		Norm Wigington
		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 6:00 p.m. with the pledge of allegiance led by Scout Troop 641 from Chapelwood Methodist Church. It was noted that Councilmember Michael Schoenberger and City Treasurer Doug Abbott were not in attendance.

PUBLIC COMMENTS

Judge Robert Hinojosa introduced himself as a candidate for re-election to the District Family Court for Harris County in the November 2, 2010 election.

Comments regarding item G.10 regarding fences along rear yards:

Andrew Strong, 10823 Smithdale, stated that he was not in favor of establishing regulations that would require a property owner to construct a fence on their property. He stated that there needs to be a balance and should not target against one individual. He asked that Council table this item and allow the residents to work this out. Residents on Smithdale are directly affected by this and that all of his neighbors on Smithdale are against such a proposed regulation.

Alex Chae, 10902 Long Shadows Lane, stated that there exists a cut-through at 10817 Long Shadows to get from Smithdale to Long Shadows and that it is in the public interest that the cut-through should remain for the children to get to the school bus on Long Shadows.

Lee Ann Adkins, 10819 Smithdale, stated she was in favor of keeping the cut-through.

Kelly Hammon, 4 Smithdale Court, stated she was in favor of keeping the cut-through at the Pruett's residence and that safety for the children are an issue. She asked that Council table the item.

Ron and Sarah Pruett, 10817 Long Shadows, both were stating their objections to any proposed regulations that would require them to construct a fence along their rear yard property line. Such regulations would not allow them to enjoy his property and would intrude on their property rights. They address concerns on the aesthetics, safety, and public interest. They also stated concerns that their neighbors have singled out his property.

Nancy Reichek, 10821 Long Shadows and Mary Gosnell, in support of proposed regulations to require the fence along rear yards, stated her concerns that the Pruett's not having a fence along the rear yard imposes safety and noise concerns for her.

Ron Pruett also commented that there are hazards on the bicycle path on Voss Road and there needs to be improved signage.

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 has completed all work and recommends acceptance of the project, approval of the final change order, and authorize final payment, retainage and early completion bonus.
 - i. Discussion and possible action to consider acceptance of the Creekside Manor/Tara Oaks project, approval of Change Order #4 to Metro City Construction, and authorize final payment to include retainage and bonus.

A motion was made by Councilmember McMillan with a second by Councilmember Reichek to accept the project as completed, approve Change Order #4 to Metro City Construction and authorize the mayor to execute on behalf of the City, and authorize final payment to include retainage and bonus. The motion carried unanimously.
 - b. Long Shadows and Smithdale drainage and paving improvement projects. The contractor has completed all work and recommends acceptance of the project, approval of the final change order, and authorize final payment and retainage. There will be no early completion bonus on this project.

- i. Discussion and possible action to consider acceptance of the Long Shadows/Smithdale project, approval of Change Order #5 to SER Construction, and authorize final payment to include retainage and bonus.

A motion was made by Councilmember Pappas with a second by Councilmember Wigington to accept the project as completed, approve Change Order #5 to SER Construction and authorize the mayor to execute on behalf of the City, and authorize final payment to include retainage. The motion carried unanimously.

- c. Kemwood paving and drainage improvement project. The notice to proceed has been issued to Metro City Construction to begin October 18, 2010. Setting the schedule for a pre-construction meeting and sending out notices to residents prior to start of construction.
- 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 incorporating input from the residents on the design. A meeting was held with residents of Wellesley and the south end of Saddlewood on September 13th to review the proposed designs for the replacement of the roadway and drainage improvements and a consensus was obtained from the residents for a 24' asphalt roadway.
- e. Replacement of Hedwig Road bridge over Soldiers Creek by Piney Point Village and proposed Master Drainage Plan for Piney Point. TxDOT has awarded the bridge reconstruction project to Lone Star Road Construction, LTD. As of this meeting, the City Engineer has not received copies of the plans and continues to work to insure that we are invited to the pre-construction meeting. The Memorial Villages Water Authority is completing their water line relocation work.
- f. Status of various projects under consideration:
 - (1) Voss Road Curve Barrier Walls Maintenance. Plans will be ready to bid and requesting approval to go out for bid under the Consent Agenda item no. 4.
 - (2) Mud jacking proposal for lifting selected streets with areas of gutter ponding. Areas on selected streets were identified having gutter ponding as per a contract with Concrete Raising Corporation. The mud jacking is now complete and corrected the ponding issues.
 - (3) I-10 road noise study. Preliminary findings have been submitted and indicate that based on TxDOT's base level of 67 decibels, higher readings were found at #2 Voss Park with 71 decibel reading and at Tara Oaks with readings between 72-

73 decibels. These findings will be provided to U.S. Congressman John Culberson and Texas Representative Beverly Woolley for assistance in presenting the report to TxDOT.

2. City Treasurer - monthly financial and budget reports. Doug Abbott, City Treasurer, was not present for the meeting. Deborah Loesch, City Administrator/City Secretary, presented the monthly financial and budget reports for August 2010. There were no comments on the reports.
 - a. Discussion and possible action to consider the award of the contract for bank depository services and safekeeping agreement.

Deborah Loesch reported that 2 proposals were received – Wells Fargo, current depository, and also from Frost Bank. At this time, staff was not ready to make a final recommendation for award of the contract pending continued review of the proposals. Mrs. Loesch requested that the item be deferred to the October meeting for action at that time. Council agreed to table this item to the October meeting.

3. Police Commissioner. Police Chief Gary Brye presented the Commission report on behalf of Commissioner Benny Hruzek, who was not in attendance. Chief Brye reported that the City would be receiving a refund from 2009 budget of approximately \$22,000, there were no burglaries, began the process for receiving of bids for group health, dental, life, and supplement insurance. He also reported that radar patrols on Beinhorn did not show significant speeding, most vehicles were recorded under the posted speed limit. He invited all to attend the annual National Night Out at the police station on October 5th from 6-9 pm.
4. Fire Commissioner. Commissioner and Councilmember Reichel reported that the new Fire Chief, David Foster, started on September 27th.
5. Mayor and Council Reports and Comments.
 - a. Report from Royal Disposal regarding the green/yard waste collection program. Deborah Loesch reported that Royal Disposal will be at the October meeting to give the final report on the pilot program as it ends on October 31st.
 - b. Report on traffic data analysis on Beinhorn. Tom Fullen, Building Official, also reported on the data collected from the radar sign posted for several weeks on Beinhorn. The sign was collecting data on vehicle traffic traveling both east and west over a period of several weeks. He supported the information provided by the Memorial Villages Police Department indicating that the average speed on Beinhorn was 20 mph which is below the speed limit of 35 mph. Data indicated that 1200-1400 cars per day travel on Beinhorn.

- c. Comments or suggestions for items to include on future agendas. There were none.

PUBLIC HEARINGS

1. A public hearing was held to receive comments on a request by the Houston Racquet Club located at 10709 Memorial Drive, for an amendment to the specific use permit issued to increase the maximum allowable number of members from 1,300 to 1,750.
 - a. The public hearing was opened for comments. George Uthlaut stated that he was in favor of the increase. The Houston Racquet Club has been a good neighbor to Hunters Creek and its presence enhances the community. The Houston Racquet Club has allowed the Memorial Villages Police Department to locate their substation on the Club's property. Written comments were received by George Uthlaut and also from Marilyn Secrest stating her concern with parking issues at the Club. Councilmember Norm Wigington commented that the Club needs to address and improve the parking issues. The written comments are on file in the City Secretary's office and are part of these minutes by reference only.
 - b. Hearing no further comments, the public hearing was closed.
 - c. Discussion and possible action to consider an ordinance amending the specific use permit previously granted to the Houston Racquet Club property to allow an increase in the maximum allowable number of members from 1,300 to 1,750.

A motion was made by Councilmember Pappas with a second by Councilmember Wigington to approve Ordinance No. 759 amending the specific use permit previously granted to the Houston Racquet Club property to allow an increase in the maximum allowable number of members from 1,300 to 1,750. The motion carried unanimously.
2. A public hearing was held to receive comments on the proposed budget for fiscal year 2011.
 - a. The public hearing was opened for comments. None were received.
 - b. Hearing no comments from the public, the public hearing was closed.
 - c. Discussion and possible action to accept the certified appraisal tax roll for the 2010 tax year as prepared by the chief appraiser.

A motion was made by Councilmember Reichel with a second by Councilmember Pappas to accept the certified appraisal tax roll for tax year 2010 as prepared by the chief appraiser. The motion carried unanimously.

- d. Discussion and possible action to consider an ordinance adopting the budget for fiscal year 2011.

A motion was made by Councilmember Wiginton with a second by Councilmember Reichek to approve Ordinance No. 757 adopting a budget for fiscal year 2011. The motion carried unanimously.

- e. Discussion and possible action to consider:

- i.* Approve a motion to set the tax rate for Debt Services for 2010.

A motion was made by Councilmember Reichek with a second by Councilmember McMillan setting the debt service tax rate at \$0.00/\$100 of valuation for tax year 2010. The motion carried unanimously.

- ii.* Approve a motion to set the tax rate for Maintenance and Operations for 2010.

A motion was made by Councilmember Reichek with a second by Councilmember McMillan setting the tax rate for maintenance and operations at \$0.185/\$100 of valuation for tax year 2010. The motion carried unanimously.

- iii.* Adoption of an ordinance providing for the levy and collection of ad valorem taxes of the City of Hunters Creek Village, Texas for year 2010 and for each year thereafter until otherwise provided; providing the date on which such taxes shall be due and payable; providing for penalty and interest on all taxes not timely paid; and repealing all ordinances and parts of ordinances in conflict herewith; and providing for severability.

A motion was made by Councilmember Reichek with a second by Councilmember McMillan to approve Ordinance No. 758 providing for the levy and collection of ad valorem taxes at a rate of \$0.185/\$1000 of assessed valuation on all property for the year 2010 and for each year thereafter until otherwise provided, providing the date on when such taxes are due and payable, and providing for penalty and interest on all taxes not timely paid. The motion carried unanimously.

CONSENT AGENDA. A motion was made by Councilmember Reichek with a second by Councilmember McMillan, the Council voted unanimously to approve and adopt consent agenda items 1 through 5 as follows:

1. Approval of the Minutes of the August 24, 2010 meeting.
2. Approval of the Cash Disbursement Journal for August 2010.
3. Approval of the engagement of Belt Harris Pechacek for audit services for fiscal years 2010 and 2011.

4. Authorize the solicitation of bids for the Voss Road Curve Barrier Walls Maintenance project.
5. Approval of Ordinance No. 760 adopting Amendment #3 to fiscal year budget 2010 providing appropriation of funds for the completion of drainage and paving improvement projects and appropriate funds from restricted court security funds for the purchase of security cameras for City Hall/Municipal Court.

REGULAR AGENDA

6. Discussion and possible action to consider regulations allowing private streets.
A motion was made by Councilmember Pappas with a second by Councilmember Reichek to authorize the City Attorney to prepare an ordinance for consideration at the October meeting that would allow for private streets in the City as determined by the City Council on a case by case basis with limitations provided that private streets meet the standards for public streets, with a minimum width of 24', in subdivisions with at least 7 or less lots, and provide drainage for a 100-year flood event. The motion carried unanimously.
7. Discussion and possible action to consider regulations permitting the use of golf carts on public streets.
A motion was made by Councilmember Reichek with a second by Councilmember McMillan to table the item to the October 26 meeting. The motion carried unanimously.
Council instructed the City Administrator to inform the Police Chief to be at the next meeting to discuss this item.
8. Discussion and possible action to consider regulations pertaining bicycles and bicycle paths.
A motion was made by Councilmember Pappas with a second by Councilmember Wigington to table this item to the October 26 meeting. The motion carried unanimously.
9. Discussion and possible action to consider the term for variances granted by the Zoning Board of Adjustment.
A motion was made by Councilmember Wigington with a second by Councilmember Reichek to table this item to the October 26 meeting so that Councilmember Schoenberger would be present for this discussion. The motion carried unanimously.
10. Discussion and possible action to consider regulations for placement of fences along rear yards when the rear yard is adjacent to a public street.
A motion was made by Councilmember Pappas with a second by Councilmember Wigington to table the item for 30 days to the October 26 meeting to allow the neighbors to resolve this among themselves. The motion carried.

Voting: Aye: (3) McMillan, Wigington, Pappas
 Abstain: (1) Reichek

11. Discussion and possible action to consider the purchase of security cameras for City Hall and Municipal Court.

A motion was made by Councilmember Reichek with a second by Councilmember Pappas to authorize the purchase of security cameras for City Hall and Municipal Court in an amount not to exceed \$5,000. The motion carried unanimously

12. Discussion and possible action to consider the designation of a representative and alternate to the H-GAC Area Council 2011 General Assembly.

A motion was made by Councilmember Reichek with a second by Councilmember McMillan to designate Councilmember Wigington as the representative and Councilmember Schoenberger as the alternate to the H-GAC Area Council 2011 General Assembly for Hunters Creek Village. The motion carried unanimously.

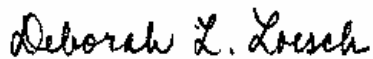
13. Discussion and possible action to consider casting a ballot for the TML-IRP Board of Trustees election.

There was no formal action taken on this item.

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 8:45 p.m.

Respectfully submitted,



Deborah L. Loesch, TRMC
City Administrator/City Secretary

These minutes were approved on the 26th day of October, 2010.

Ordinance Nos. 757, 758, 759, and 760 are on file in the office of the City Secretary and are made a part of these minutes by reference.