

CITY OF HUNTERS CREEK VILLAGE, TEXAS  
MINUTES OF THE REGULAR  
CITY COUNCIL MEETING  
January 25, 2011

The City Council of the City of Hunters Creek Village, Texas held its regular meeting on Tuesday, January 25, 2011, at City Hall, #1 Hunters Creek Place, Hunters Creek Village, Texas.

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| Present: | Mayor            | David Wegner   |
|          | Council Members: | Steve Reichel (Mayor Pro Tem) – arriving at 6:48 p.m.<br>Bonnie McMillan<br>Norm Wigington<br>Michael Schoenberger<br>Jim Pappas |
|          | 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 Bob Dodson.

PUBLIC COMMENTS

Joe Smith, 10816 Long Shadows, stated concerns with raw sanitary sewage backing up in his front yard. He has taken his complaint to the Memorial Villages Water Authority for many years with no improvement. Mr. Smith requested City Council to encourage the Water Authority to correct this problem.

Ed Holland, 314 Shasta, commented on recent permitted work being done in the open ditches in the Memorial Drive Manor subdivision. He stated that in the past work to close the ditch was not allowed and it was an understanding that the existing open ditches would remain. Staff advised that there are currently no written regulations prohibiting the closing of these ditches. Council requested that an ordinance be drafted for the next meeting to address this issue.

Bob Dodson, 322 Lindenwood, commented that a lot of water from the street flows across his property to the ravine in his rear yard. He stated that the HOA in Memorial Drive Manor is very active and has several control committees in place to review any and all work being done in the subdivision. He requested that the HOA be notified on all permits issued in the subdivision. Mr. Dodson also announced that recently a plaque was presented to Ed Holland for his work on the landscaping and maintenance of the gardens at the entrance to the City and the subdivision and subsequently, named the subdivision gardens as “Holland’s Gardens”.

John and Cynthia McMahan, #6 Hunters Ridge Court and their attorney, Reid Wilson, presented their position on allowing the installation of an emergency generator in a utility

easement which is a platted, unused easement. They requested the Council to approve the preparation of an encroachment agreement. Fernando Floreslovo, Sr. Service Consultant with CenterPoint was at the meeting and commented that there were concerns with allowing the encroachment. Further discussion would be taken up at the time this item was dealt with on the Regular Agenda.

## REPORTS

1. City Engineer's Report as reported by Charles Eastland:
  - a. Kemwood paving and drainage improvement project. Contractor is working towards substantial completion in early February, finishing the paving portion of the project. We were advised by the City of Piney Point Village that a permit was required for the extension of the pavement (transition) into their City right-of-way at Hedwig Road. Mr. Eastland also advised that the City of Piney Point Village has issue with the drainage coming from Kemwood into the Hedwig Road drainage system. A 36" stub out was constructed at Kemwood intersection as part of the Soldiers Creek Relief project by Piney Point Village. The stub out is about 15' into Hunters Creek Village's right-of-way. We were noticed by email by Piney Point Village's engineers that a 4" restrictor was to be placed in the drain within 10 days or they will put it in themselves on their side. John Hightower, City Attorney, advised that since Olson & Olson represents both cities, a conflict exists and special legal counsel should be sought to represent the City in this dispute. Mayor Wegner advised the City Council that he would like to engage the services of Grady Randle to represent the City. With the full confidence of Council in retaining Mr. Randle, the Mayor stated he would contact Mr. Randle immediately to get him in place. A special council meeting may be called in the next week regarding these matters.

The Glendenning storm drain will begin construction late January or early February 2011.

- b. Bryn Mawr paving and drainage improvement project. Bids were received on January 11, 2011 and Metro City Construction was the low bidder at \$1,192,423.90 and recommends award of the bid to Metro City. An interlocal agreement with Memorial Villages Water Authority is being presented for approval for their water and sewer upgrades on Bryn Mawr. The MVWA's portion of cost is \$143,268 plus 10% for administrative costs. Metro City plans to mobilize crews on this project from the Kemwood project as it completes in the next few weeks. Also there is a recommendation to approve the construction management, inspection and testing agreement for project in the amount of \$100,700.

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

Storywood. Recent heavy rain events showed water in the street on Storywood at levels almost covering the esplanade. Considering installation of drain inlets to catch the sheet flow and the Mayor is working with the City Engineer to design and provide a cost estimate to correct this problem. Saddlewood and Wellesley. The designs are nearing completion with plans to bid during spring 2011.
  - d. Replacement of Hedwig Road bridge over Soldiers Creek by Piney Point Village and proposed Master Drainage Plan for Piney Point. TXDOT has advised that the project is on hold pending right-of-way resolutions on another project site included in the scope work.
  - e. Status of various projects under consideration:
    - (1) Voss Road Curve Barrier Walls Maintenance. A pre-construction meeting has been scheduled. The contractor anticipates that work area will be restricted and there will be single lane closures in the area.
    - (2) Willowend at Wickline ravine maintenance. The engineering has been completed 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. Continuing to negotiate with Metro City for a change order to the Kemwood project to do this work.
    - (3) Long Shadows sanitary sewer overflow during heavy rain events. Reported that Memorial Villages Water Authority has been coordinating with the resident to correct the issue.
    - (4) Street and drainage repair program for 2011. A maintenance and repair program for streets, drains throughout the City is very much needed. Areas such as base/surface repairs to asphalt roads to ponding in streets along gutters. Using the street inventory and assessment report that was prepared last year, staff is prepared to identify areas of priority to begin a maintenance and repair program. Staff was seeking direction from Council as to how and under what parameters to develop the priority. Councilmember Schoenberger requested that an entire proposal for 2011 be submitted for their review.
2. City Treasurer - monthly financial and budget reports as well as the 4<sup>th</sup> quarter 2010 report was presented by Doug Abbott, City Treasurer.
  3. Police Commissioner. Commissioner Benny Hruzek and Police Chief Gary Brye reported on the activities of the department. Commissioner Hruzek reported that they are currently working to close the books for 2010. Chief Brye reported that a DeltAlert notice was sent to all residents advising them of a “scam” being conducted in the area posing as utility workers. The department is coordinating with the neighboring agencies. Commissioner Hruzek also commented on recent changes in the members on the Commission from Bunker Hill and Piney Point. He provided a written report to the

Council on the various financial and oversight policies that has been reviewed under his chairmanship.

- a. Discussion and possible action regarding a vote of confidence for the City's Police Commissioners.

A motion was made by Councilmember Schoenberger with a second by Councilmember Reichek indicating a vote of confidence for Commissioner Benny Hruzek and Alternate Commissioner Michael Cokinos. The motion carried unanimously.

- b. Approval of inter-budget transfer for Budget Year 2010 (Transfer #1) of \$18,670 from Health & Dental Account to Capital Outlay Account and for Budget Year 2011 (Transfer #2) of \$21,219 from Electricity and Health & Dental Accounts to Capital Outlay Account for the purchase of an emergency back-up generator for the police building for the Memorial Villages Police Department.

A motion was made by Councilmember Schoenberger with a second by Councilmember McMillan to approve the inter-budget transfer as presented for fiscal year 2011 for the purchase of an emergency generator for the police building. The motion carried unanimously. It was noted that Councilmember Reichek was not present when the vote was taken.

- c. Approval of a budget amendment for Budget Year 2010 to dedicate any excess funds in the year-end financial audit to reduce the unfunded liability in TMRS in a separate account and to establish a committee to develop and identify a long-term comprehensive solution to address the unfunded liability in the pension plan.

A motion was made by Councilmember Pappas with a second by Councilmember Wigington to approve the budget amendment for fiscal year 2010 as presented to dedicate any excess funds after the year-end financial audit to reduce the unfunded liability in TMRS in a separate escrow account and authorize the establishment of a committee to make recommendations for a long-term comprehensive solution to address the unfunded liability in the pension plan. The motion carried unanimously. It was noted that Councilmember Reichek was not present when the vote was taken.

4. Fire Commissioner. The Mayor reported that the Fire Department has been busy during the month of January with a lot of calls for service coming in. The remodeling of the bunk room and common areas has been completed. The morale problem appears to be resolved. Chief David Foster is re-accessing the staff positions, conducting on-site training. The Commission is very pleased with work that Chief Foster has done. He has shown extremely good communication skills.

5. Mayor and Council Reports and Comments.
  - a. Retiree health insurance program for employees. City Council had requested that Ray Thomas be invited to attend the Council meeting to discuss the impact of a retiree health insurance program. Mr. Thomas was not able to attend the meeting, however, the City Secretary would provide Councilmember Reichek and Schoenberger with his contact information and they could contact him directly to discuss this matter individually.
  - b. School zone flashing light timing policy by City of Houston. Deborah Loesch advised that the flashing school zone light on Beinhorn was purchased by the City of Hunters Creek Village; however, the City of Houston maintains the timing on light. According to City of Houston policy, the lights are to flash in relation to the take up bell in morning and the dismissal bell in the afternoon. Public Works observed the times the lights came on and off both morning and afternoon, and appears that the lights operate within the scope of the timing policy set by the City of Houston. There was no further discussion on this matter.
  - c. Update on METRO's Multi-City General Mobility Program. Mayor Wegner reported that the Mayors met with Chairman George Greanais and that there would be a recommendation to continue with the general mobility payments after 2014.
  - d. Update on noise/sound study for I-10 service roads. Mayor Wegner reported that the City of Hedwig Village has joined us in lobbying Representative Culberson's office to look at various remedies to reduce the noise from the freeway. Culberson's office and representatives from TXDOT met recently on this matter.
  - e. Comments or suggestions for items to include on future agendas. Councilmember McMillan reported that a draft of the proposed amendments to the tree ordinance would be presented at the February meeting.

PUBLIC HEARING. A public hearing was held to receive comments on proposed amendments relating to amending Section 44-161(1)b of the Zoning Chapter of the Code of Ordinances relating to the placement of automobile shelters on corner lots.

1. The public hearing was opened for comments, hearing none, the public hearing was closed.
2. Discussion and possible action to consider an ordinance amending Section 44-161 of the Zoning Chapter of the Code of Ordinances of the City of Hunters Creek Village, Texas, which regulates automobile shelters in the residential district, to allow automobile shelters for properties on corner lots to face toward the front street provided under certain conditions.

A motion was made by Councilmember Pappas with a second by Councilmember Reichek to approve and adopt Ordinance No. 764 based on language in the staff recommendation. The motion carried unanimously.

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 7 as follows:

1. Approval of the Minutes of the December 7, 2010 meeting.
2. Approval of the Cash Disbursement Journal for November and December 2010.
3. Approval of Ordinance No. 763 providing for the holding of a General Election on May 14, 2011, for the purpose of electing a Mayor and two (2) Council Members Position Nos. 4 and 5.
4. Approval of a contract with Northwest Pest Patrol for mosquito fogging services beginning March 1, 2011 through October 31, 2011 for a cost of \$225.00 per trip.
5. Approval of the interlocal agreement with Memorial Villages Water Authority for water system and sanitary sewer system improvements in the Bryn Mawr drainage and paving improvement project.
6. Approval of an agreement with Cobb Fendley & Associates to provide construction management services and materials testing in connection with the Bryn Mawr drainage and paving improvement project in a amount of \$100,700.00.

REGULAR AGENDA

7. Discussion and possible action concerning a request by John T. McMahan to allow for the encroachment into a utility easement at 6 Hunters Ridge Court for the installation of a generator.  
A motion was made by Councilmember Wigington with a second by Councilmember Pappas to approve the encroachment subject to approval by CenterPoint and authorize the mayor to execute the agreement on behalf of the City. The motion carried unanimously.
8. Discussion and possible action to award the bid for the Bryn Mawr paving and drainage improvement project.  
A motion was made by Councilmember Schoenberger with a second by Councilmember Pappas to award the bid for the Bryn Mawr paving and drainage improvement project to Metro City Construction for a contract base bid \$1,192,423.90.
9. Discussion and possible action to consider appropriate action regarding a substandard structure at #2 Magnolia Bend.  
Tom Fullen, Building Official, reported that the property owner was in the process of contracting with Cherry Demolition to have the foundation removed. He expected that the contract would be in place and permit issued in a few days. A motion was made by Councilmember Pappas with a second by Councilmember McMillan to table the item. The motion carried unanimously.
10. Discussion and possible action to consider an ordinance amending Chapter 36 "Subdivisions and Divisions of Land" of the Code of Ordinances of the City of Hunters

Creek Village, Texas, to authorize the inclusion of private streets in new subdivision under certain circumstances.

A motion was made by Councilmember Pappas with a second by Councilmember Reichek to approve and adopt Ordinance No. 765 as presented. The motion carried unanimously.

11. Discussion and possible action to consider an ordinance amending Chapter 10 “Buildings and Building Regulations” of the Code of Ordinances of the City of Hunters Creek Village, Texas, to modify the provisions governing the expiration of building permits issued pursuant to the building and construction codes adopted by the City.

A motion was made by Councilmember Wigington with a second by Councilmember Reichek to approve and adopt Ordinance No. 766 as presented. The motion carried unanimously. It was noted that Councilmember Pappas was not present when the vote was taken.

Council requested the City Attorney and the Building Official to prepare a memorandum of mitigation items that might need to be addressed at the end of the term of a permit for new construction or major remodeling.

12. Discussion and possible action to consider an ordinance amending Chapter 34 “Streets, Sidewalks and other Public Places” of the Code of Ordinances of the City of Hunters Creek Village, Texas, to require the preservation of visibility at street intersections.

A motion was made by Councilmember Schoenberger with a second by Councilmember McMillan to approve and adopt Ordinance No. 767 as presented. The motion carried unanimously. It was noted that Councilmember Reichek was not present when the vote was taken.

13. 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.

A motion was made by Councilmember Schoenberger with a second by Councilmember Pappas to table the item to include additional language in the ordinance that would also make it unlawful to place any yard clippings in any public or private street. The motion carried unanimously.

The ordinance will be redrafted to include the additional language and resubmitted to Council at the February meeting.

14. Discussion and possible action to consider a one-time payroll adjustment for all employees.

A motion was made by Councilmember Wigington with a second by Councilmember Schoenberger to authorize a one-time 2% payroll adjustment for all full-time employees to be paid on January 31, 2011. The motion carried. Voting: Aye (4) – McMillan, Wigington, Schoenberger, Pappas; Nay (1) – Reichek.

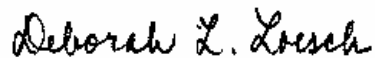
15. Discussion and possible action to consider a policy treating individuals serving as municipal court judges and prosecutors as part-time employees for federal tax purposes.

A motion was made by Councilmember Pappas with a second by Councilmember McMillan to treat individuals who serve as prosecutors and judges in the Municipal Court as part-time employees for federal tax purposes at the advice and legal opinion of the City Attorney and that such payments will be processed at the end of each month. The motion carried unanimously.

ADJOURN OPEN MEETING

A motion was made by Councilmember Reichel with a second by Councilmember Pappas to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:59 p.m.

Respectfully submitted,



Deborah L. Loesch, TRMC  
City Administrator/City Secretary

These minutes were approved on the 22<sup>nd</sup> day of February, 2011.

Ordinance Nos. 763, 764, 765, 766 and 767 are on file in the office of the City Secretary and are made a part of these minutes by reference.