

CITY OF HUNTERS CREEK VILLAGE, TEXAS  
MINUTES OF THE REGULAR  
CITY COUNCIL MEETING  
May 28, 2013

The City Council of the City of Hunters Creek Village, Texas held its regular meeting on Tuesday, May 28, 2013, at City Hall, #1 Hunters Creek Place, Hunters Creek Village, Texas.

Present:	Mayor	David Wegner
	Council Members:	Fidel Sapien
		Bonnie McMillan
		Michael Schoenberger
		Jim Pappas
	City Administrator/	
	City Secretary:	Deborah Loesch
	City Attorney:	John Hightower

With a quorum of the Council Members present, Mayor David Wegner called the session to order at 6:00 p.m. followed by the pledge of allegiance led by Eagle Scout Michael Timte. It was noted that Councilmember Steve Reichel was not in attendance at the meeting.

Mayor Wegner presented a Proclamation to Michael Timte in recognition of his achievement of rank of Eagle Scout.

PRESENTATION OF CERTIFICATES OF ELECTION AND OATHS OF OFFICE TO NEWLY ELECTED OFFICERS.

Mayor Wegner presented the certificates of election and Judge Gary Maddox administered the oaths of office for the newly elected officers:

Mayor	Bonnie McMillan
Councilmember, Position No. 4	Michael Schoenberger
Councilmember, Position No. 5	Jim Pappas

Mayor Bonnie McMillan took her seat at the Mayor's place and a vacancy will exist now in Position No. 3 for the time being.

RECOGNITION TO OUT-GOING MAYOR DAVID WEGNER.

Outgoing Mayor Wegner was thanked for his many years of dedicated service to the City serving these past 6 years on Council and as Mayor.

## PUBLIC COMMENTS

Don Pattie with Robert Dame Designs spoke to Council regarding a proposed amendment the zoning ordinances to allow for the location/placement of swimming pools in front yards as long as they were enclosed in a courtyard.

## REPORTS

Treasurer's Report. Deborah Loesch presented the monthly financial and budget reports for April 2013.

Police Commissioner. Interim Chief Roy Osborne and David Wegner reported the application and interview process for the position of Police Chief was continuing with candidates being selected for interviews shortly.

- a. Discussion and possible action to consider an amendment to the Memorial Villages Police Department Interlocal Cooperation Agreement regarding the composition and voting rights of the Board of Commissioners.

Council was advised that the amendment as presented has been approved by both City of Bunker Hill and City of Piney Point. The amendment would be effective upon approval by all 3 cities. A motion was made by Councilmember Pappas to approve the amendment to provide for 2 voting commissioners from each city. The motion died due to the lack of a second. The item is tabled to the next Council meeting.

- b. Discussion and possible action to consider an amendment to the MVPD fiscal year 2013 budget: (1) adopting an ordinance to approve amendment #3 to the City's 2013 fiscal year budget appropriating additional funds for the Memorial Villages Police Department for 2013; and (2) approval of an amendment to the Memorial Villages Police Department's 2013 fiscal year budget.

Council was advised of the additional expenses for the recruitment of a new police chief, legal/professional fees, litigation costs have exceeded budgetary projections and additional funds would be requested from each city. A request was made to table any action at this time until they could come back to each city with a more detail accounting of the line items and the amount needed. The item is tabled to the next meeting.

Fire Commissioner. Councilmember Pappas reported that the final budget for 2014 will be discussed at the next meeting on May 29th.

## Mayor and Council Reports and Comments:

- a. I-10 noise abatement update. David Wegner reported that he met, along with the mayors of other cities, with representatives at the state level and TxDOT personnel to discuss alternatives to the rubberized asphalt overlay. TxDOT is proposing to

consider a new grooving technology similar to paving that will be done on the new Hwy 290 project. They would be looking at some sort of funding from each of the cities to participate in the cost of the repaving.

Building Official Report. Tom Fullen, Building Official, reviewed the report of new residences under construction through May 22, 2013 with 31 new residences currently under construction.

City Administrator Report.

- a. Update on City Hall Addition & Renovations project. Deborah Loesch reported on the status of the project and reported that expenses were running within budget and getting close to completion.
  - (1) Discussion and possible action to confirm the termination of the contract with the architects for the City Hall Addition and Renovations project. A motion was made by Councilmember Schoenberger with a second by Councilmember Pappas to confirm and approve the termination of the contract with the architect, Natalye Appel & Associates. The motion carried unanimously.
  - (2) Discussion and possible action to consider a change order with Tri-Point Construction for extension of time for completion of the contract. A motion was made by Councilmember Sapien with a second by Councilmember Pappas to approve Change Order No. 8 extending the contract date by 15 days. The motion carried unanimously.
- b. Estimated 2013 property taxable values. Recent information from the Harris County Appraisal District estimated the taxable value for 2013 at \$2,033,232,997. However, this estimate does not account for potential appeals or protest adjustments.
- c. Update from the City Attorney on a claim for street damages at 518 Wellesley. This item was discussed during Executive Session.
- d. Update from the City Attorney on the Court of Appeals case *Riner, et al vs. Planning & Zoning Commission, et al.* This item was discussed during Executive Session.
- e. Update on Las Alamedas property settlement. Deborah Loesch reported that we have received no updated information on the settlement of this case.
- f. Villages Independence Festival on July 4, 2013. Deborah Loesch reminded the council of the upcoming event and advised if anyone wanted to participate in the parade to let her know so we can secure a car for them.

City Engineer's Report. Charles Eastland, City Engineer, presented his report on the following Public Works projects:

- a. Voss Road at Soldiers Creek Bridge retaining wall project. Final design work is almost complete.
- b. North Hedwig Road improvements by Piney Point Village. This project is pending approval of the Soldiers Creek Impact Study by Harris County Flood Control District. We are awaiting confirmation from HDR that the City's comments have been addressed as requested.
- c. Update on Piney Point Village's Soldiers Creek Impact Study review and impact at Wickline Ravine. The joint meeting at Harris County Flood Control is scheduled for May 30 for Piney Point to make their presentation.
- d. Ripple Creek and Ripple Lane paving maintenance and repairs project. Sealed bids were opened on May 28 with 6 bids received. Apparent low bidder was Complete Concrete for \$74,520.00. References will be checked and verified before making a full recommendation for award of the bid.

CONSENT AGENDA. A motion was made by Councilmember Schoenberger with a second by Councilmember Sapien, the Council voted unanimously to approve and adopt consent agenda items 1 through 3 as follows:

1. Approval of the Minutes of the April 23, 2013 meetings.
2. Approval of the Cash Disbursement Journal for April 2013.
3. Approval to declare 1998 Ford pickup as surplus property and authorize the mayor to sell by public auction.

REGULAR AGENDA

4. Discussion and possible action to elect a mayor pro tem.

A motion was made by Councilmember Sapien with a second by Councilmember Pappas to elect Councilmember Schoenberger as mayor pro tem. The motion carried unanimously.

5. Discussion and possible action to consider the vacancy in Council Position No. 3.

Councilmember Schoenberger proposed a format for procedures for the selection of appointments for council positions or city boards, commissions and committees. The following was proposed:

- Meet in Executive Session (allowable under personnel matter designation)

- Mayor and each Council person may propose candidate(s). City Secretary may also suggest candidates, including those who have volunteered.
  - If candidate is a volunteer, distribute resumé
  - Discuss merits of candidate(s)
- If, by consensus, a single candidate can be determined, Mayor or designate will invite a candidate to serve.
- If multiple candidates have been identified:
  - Mayor and each Council person assigns a value of 2 to top pick and a value of 1 to a second pick;
  - Based on total score, develop a prioritized list;
  - Mayor or designate approaches candidates in priority order until seat is filled.
- If the list of candidates is insufficient or no nominee has accepted the invitation, repeat the process at the next Council meeting.

A motion was made by Councilmember Schoenberger with a second by Councilmember Sapien to adopt the above procedures for selecting candidates for appointments to City Council and/or other City boards and commissions. The motion carried unanimously.

6. Discussion and possible action to consider the appointment of members to the various boards, commissions, and committees, including Municipal Court Judges.

A motion was made by Councilmember Sapien with a second by Councilmember Schoenberger to appoint Bill Dalton – Position #1; David Childers – Position #2; Todd Mueller – Position #3; Mary Smith – Position #4; and Reagan Kneese – Position #5 of the Planning & Zoning Commission for a term of 2 years. The motion carried unanimously.

A motion was made by Councilmember Sapien with a second by Councilmember Schoenberger to appoint Chip Cowell – Position #1, Richard Heustess – Position #2; Nancy Goldberg Wilks – Position #3; Brad Klein – Position #4; Alexia Benavides – Alternate Position #6; and Catherine Ozdogen – Alternate Position #7 of the Zoning Board of Adjustment for a term of 2 years. The motion carried unanimously.

A motion was made by Councilmember Schoenberger with a second by Councilmember Sapien to appoint Municipal Court Judges as follows:

Gary Maddox, Presiding Judge; Sherry L. Applewhite, Associate Judge; Wade H. Whilden, Jr., Associate Judge; and Brad DeLuca, Associate Judge.

The Presiding Judge to receive a monthly retainer of \$500 for jail arraignments and Sherry Applewhite will receive a \$200 monthly retainer for backup for jail arraignments. All judges will be paid at \$275 per court docket presided over. The motion carried unanimously.

A motion was made by Councilmember Pappas with a second by Councilmember Schoenberger to appoint Bill Hardin to the Engineering Advisory Committee. The motion carried unanimously.

7. Discussion and possible action to consider the area at Saddlewood and Memorial as a park area.

There was no discussion or action taken on this item.

8. Discussion and possible action to consider the contract with CodeRed for early warning emergency notifications system.

The City was advised that the contract with DeltAlert for the early warning/emergency notification system was acquired by CodeRED. The current contract for Hunters Creek will terminate on July 22, 2013. A new contract with CodeRED was presented with various plan options and costs. The DeltAlert system was shared by all 6 cities with the Fire Department as the central dispatch center for operation of the system. The DeltAlert system was provided at no cost to the cities, however, with the CodeRed system the cities would either choose their own plan as per cost or through collectively sharing the system. The plan the City was considering under CodeRed would cost \$2500 a year. Harris County 9-1-1 Emergency Network recently announced enhancements to their emergency notification system and it is provided to and used by many jurisdictions throughout Harris County and Fort Bend County. This service is available for local area emergencies for entities for free. Council requested Deborah Loesch to contact representatives with the 9-1-1 system for a presentation at the June meeting.

9. Discussion and possible action to consider an amendment to the City's Zoning Ordinance regarding the placement of swimming pools in side and front yards.

A proposed amendment to the zoning ordinance was presented by Robert Dame Architects on behalf of the property owners at 801 Saddlewood to consider revisions to the regulations on location and placement of swimming pools and courtyards. A motion was made by Councilmember Schoenberger with a second by Councilmember Pappas to forward the proposed amendments to the Planning & Zoning Commission for their review and recommendations. The motion carried unanimously.

10. Discussion and possible action to consider regulations regarding drainage issues resulting from redevelopment of lots and the affect on adjacent lots.

There was no formal action taken. Council requested staff to review with the City Engineer to formulate options to address these issues and report back to Council at a future meeting.

11. Discussion and possible action to consider the award of the bid for Ripple Creek and Ripple Lane paving repairs.

A motion was made by Councilmember Schoenberger with a second by Councilmember Pappas to award the bid for the work to the low bidder Complete Concrete at \$74,520.00 subject to completion of reference and qualifications. The motion carried unanimously.

12. Discussion and possible action to consider initiating mudjacking and sidewalk repairs.

The item was tabled indefinitely.

EXECUTIVE SESSION. The City Council convened a public meeting and then recessed into an executive (closed) session, to discuss the following items listed on the agenda, authorized under Chapter 551 of the Texas Government Code for consultations with the City's attorney under §551.071: (a) potential legal action on claim for damages at 518 Wellesley, (b) Court of Appeals case *Riner, et al vs. Planning & Zoning Commission, et al* in the 14<sup>th</sup> District Court of Appeals and (3) as authorized under §551.074, to discuss personnel matters related to Council Position #3. The Closed Meeting was convened at 8:10 p.m. and adjourned at 8:37 p.m.

ADJOURN OPEN MEETING

A motion was made by Councilmember Schoenberger with a second by Councilmember Pappas to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

/s/

Deborah L. Loesch, TRMC  
City Administrator/City Secretary

These minutes were approved on the 25th day of June, 2013.