

CITY OF HUNTERS CREEK VILLAGE, TEXAS  
MINUTES OF THE REGULAR  
CITY COUNCIL MEETING  
May 27, 2014

The City Council of the City of Hunters Creek Village, Texas held a regular meeting on Tuesday, May 27, 2014, at City Hall, #1 Hunters Creek Place, Hunters Creek Village, Texas.

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

With a quorum of the Council Members present, Mayor McMillan called the session to order at 6:00 p.m. followed by the pledge of allegiance led by Councilmember Weinstein.

REPORTS

Treasurer Report/City Administrator Report. Doug Abbott, City Treasurer, reported that all bank accounts were fully reconciled without any adjustments. Monthly property tax collections through April 30 are at 98.6%.

- a. Discussion of the draft audit for fiscal year ending December 31, 2013.

Copies of the draft audit report were distributed to the council to review. The draft was received just prior to the start of the meeting, so there was no discussion. The final report and presentation by the auditors will be at the June meeting.

- b. Discussion of the estimated 2014 property taxable value.

Deborah Loesch, City Administrator, presented to council the 2014 Certified Estimates of taxable value prepared by Harris County Appraisal District. The estimated taxable value is \$2,222,743,497. This number does not reflect the protests currently in process.

Police Commissioner. Police Commissioner Trey Strake and Chief J. D. Sanders were present to discuss the activities in the Police Department. Chief Sanders explained the requests for the budget amendments to cover the additional costs for the increase in

salaries for the additional dispatchers hired in 2013. In addition Chief Sanders advised that there is a continuing discussion about consolidation of public safety services.

- a. Discussion and possible action to consider approval of the surplus funds from Memorial Villages Police Department FY budget 2011 be appropriated to offset expenditures in the 2014 budget.

A motion was made by Councilmember Wegner with a second by Councilmember Schoenberger to approve the surplus from FY 2011 be appropriated to the FY 2014 budget as presented. The motion carried unanimously.

- b. Discussion and possible action to consider approval of the surplus funds from Memorial Villages Police Department FY budget 2012 be appropriated to offset expenditures in the 2014 budget.

A motion was made by Councilmember Wegner with a second by Councilmember Schoenberger to approve the surplus funds from FY 2012 be appropriated to the FY 2014 budget as presented. The motion carried unanimously.

- c. Discussion and possible action to consider approval of the amended FY 2014 budget for the Memorial Villages Police Department.

A motion was made by Councilmember Wegner with a second by Councilmember Schoenberger to approve the amendment to the MVPD FY 2014 budget as presented. The motion carried unanimously.

- d. Discussion and possible action to approve an ordinance amending fiscal year budget 2014 appropriating additional funds for Memorial Villages Police Department 2014 budget.

A motion was made by Councilmember Wegner with a second by Councilmember Schoenberger approving Ordinance No. 827 adopting budget amendment #3 for FY 2014 appropriating additional funds for the MVPD assessment by \$40,000. The motion carried unanimously.

Fire Commissioner. Councilmember Pappas reported for the Fire Department that staffing is back up to full staff. Budget discussions have started with 2 cities wanting to consider a second fire station to have better response times in the far reaches of the area. However, the cost of \$50,000 for a feasibility study to be paid out of the budget for a second station will probably not be included or approved. Also being discussed in the budget is the 457 deferred compensation contribution line item in the budget should it remain or be funded each year if funds are available at year end.

- a. Discussion and possible action approve the 2013 FY Intra-budgetary transfers submitted by the Village Fire Department.

A motion was made by Councilmember Schoenberger with a second by Councilmember Sapien to approve the transfers reallocating funds for FY 2013 as presented. The motion carried unanimously.

- b. Discussion and possible action to consider the continuation of funding for the 457 deferred compensation benefits for the Village Fire Department employees.

A motion was made by Councilmember Schoenberger with a second by Councilmember Pappas to direct the City's fire commissioners to continue to provide a line item in future budgets to continue providing deferred compensation benefits to the Fire Department employees. The motion carried.

Voting: Aye (3) – Sapien, Schoenberger, Pappas

Nay (2) – Wegner, Weinstein

Building Official. Tom Fullen, Building Official, presented the May new construction report showing 12 new home starts in 2014 with 17 continuing construction from 2013.

- a. Discussion and possible action to consider a request for an extension of a building permit expiring on June 1, 2014 at 615 Saddlewood and setting the fees for the extension.

The resident and the architect building the new residence at 615 Saddlewood requested an extension of the building permit expiring June 1, 2014. They are requesting an extension to October 31, 2014.

A motion was made by Councilmember Weinstein with a second by Councilmember Wegner to allow for the extension of the permit to October 31, 2014, an additional fee of 15% of the original permit fee is assessed and if the construction is not complete by that time, an additional 15% will be assessed. Work hours will be limited to Monday through Friday, 9 am to 4 pm for exterior work, Saturday hours are 9 am to 6 pm with no machinery allowed. Work on Sunday will be allowed as long as it is interior work. All parking must be off the street. The motion carried unanimously.

- b. Discussion and possible action to consider a request for an extension of a building permit expiring June 22, 2014 at 703 Kuhlman and setting the fees for the extension.

Kurt Lobpries with Builders West, Inc. constructing the new residence at 703 Kuhlman Road requested an extension on the building permit expiring on 6/22/14 to be extended through June 22, 2015.

A motion was made by Councilmember Schoenberger with a second by Councilmember Wegner to allow for the extension of the permit for one year and setting additional fees equal to 50% of the initial permit fee to be paid. The motion carried unanimously.

City Engineer. Charles Eastland, City Engineer reported on the following public work projects ongoing:

- a. Voss Road pavement marking repairs. The purchase order has been issued to Batterson LLP to begin the restriping work and coordinating the work schedule with the contractor.

- b. Voss Road at Soldiers Creek retaining wall project. The bid opening was held on Friday, May 23<sup>rd</sup> with 3 bids received. The Temporary Construction Access Easement has not been executed by the property owner with the property owner increasing the amount for tree replacement should now go from \$500 to \$1,000 per tree.
- c. North Hedwig Road improvements proposed by Piney Point Village. Project is moving according to schedule per their City Engineer with the street and bridge open only to one-way traffic for the duration of the work.
- d. Update on Piney Point Village's Soldiers Creek Impact Study and erosion study and report at Soldiers Creek and Memorial Drive outfall. The erosion study analysis has been provided to Piney Point Village's City Engineer. As of this date, no comments have been received from them.
- e. Flood gauge monitors for Wickline Ravine and Soldiers Creek at Memorial Drive. The first set of data was downloaded from the May 12<sup>th</sup> rain event. It appears the gauge is functioning properly. Recommends that a small platform should be built to provide safer access to the monitor controller.
- f. Willowend Culvert Crossing reconstruction. The project was bid with the Voss Road retaining wall project.
- g. Ditch/drainage improvements for Lindenwood and Shasta. The design phase is in progress with plans to be ready for a recommendation on the plan and scope of work by the June Council meeting.

#### Mayor and Council Reports and Comments

- a. Villages Independence Festival. Mayor McMillan asked if Cobb Fendley would be interested in underwriting and participating with a float in the parade.
- b. Discussion of the City's 60<sup>th</sup> anniversary this year. It was suggested that later in year to have an open house celebration to include official dedication of the new addition to the City Hall.
- c. Discussion regarding upgrading city website. Councilmember Weinstein would like to include a discussion to upgrade the city's web site to be more interactive during as part of the 2015 FY budget workshop.
- d. Comments or suggestions for items to include on future agendas. Councilmember Wegner requested discussion on local rules and procedures for council members to place items on the agenda.

#### PUBLIC COMMENTS

Richard Summers, 602 Lindenwood Dr., stated concerns with the open ditch on his property not properly draining.

Richard Bell, 617 Wellesley Dr., commented that he would like to see the city include on the permit list requirements, notification to the HOA before a building permit is issued.

CONSENT AGENDA. A motion was made by Councilmember Wegner with a second by Councilmember Schoenberger to approve and adopt consent agenda items 1 through 2 as follows, voting unanimously:

1. Approval of the Minutes of the April 22, 2014 meeting.
2. Approval of the Cash Disbursement Journal for April 2014.

PUBLIC HEARING. A public hearing was held for the purpose of receiving comments on the proposed amendments to the City's Zoning Ordinance relating to Section 44-161(1), Automobile Shelters adding new language to allow garage openings to face a side street if they are set back the same distance as in required for garages facing the front of the lot. Mayor McMillan opened the public hearing for comments at 8:10 p.m. Comments were received from Jay Golding at 10710 Bridlewood Street opposing the amendment and Michelle Bierbower in reference to the affect of the amendment on existing structures. Hearing no further comments, the public hearing was closed at 8:25 p.m.

REGULAR AGENDA

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

Mayor McMillan presented to Council her nomination of Councilmember Pappas as Mayor Pro Tem. A motion was made by Councilmember Sapien with a second by Councilmember Schoenberger to elect Councilmember Pappas as Mayor Pro Tem. The motion carried unanimously.

4. Discussion and possible action to consider an ordinance amending the Zoning Chapter of the Code of Ordinances to amend Section 44-161(1), Automobile Shelters adding new language to allow garage opening to face a side street if they are set back the same distance as is required for garages facing the front of the lot.

A motion was made by Councilmember Schoenberger with a second by Councilmember Sapien to approve Ordinance No. 828 amending the zoning regulations related to automobile shelters. The motion carried unanimously.

5. Discussion and possible action to consider the temporary construction easement for the Voss Road retaining wall repairs.

A motion was made by Councilmember Schoenberger with a second by Councilmember Wegner to accept the bid submitted by Jerdon subject to finalizing the negotiations for the access easement, providing an amount of up to \$1,000 per tree (damaged or replaced), if acceptable. If the terms of the easement are not accepted by the property owner, directs staff to start proceedings for condemnation. The motion carried unanimously.

6. Discussion and possible action to consider an ordinance amending FY 2014 budget appropriating additional funds for the Voss Road retaining wall project

and the Willowend Culvert Crossing repairs.

A motion was made by Councilmember Schoenberger with a second by Councilmember Wegner to approve Ordinance No. 829 adopting budget amendment #4 for FY 2014 appropriating additional funds for the Voss Road retaining wall and Willowend Culvert crossing repairs. The motion carried unanimously.

7. Discussion and possible action to consider the award of bid for the Voss Road retaining wall repairs and the Willowend Crossing culvert repairs.

A motion was made by Councilmember Schoenberger with a second by Councilmember Wegner to award the bid for the Voss Road retaining wall repairs and the Willowend Culvert crossing repairs to Jerdon Enterprise, L.P. and authorize the mayor to execute the contract on behalf of the City. The motion carried unanimously.

8. Discussion and possible action to consider an ordinance amending the Code of Ordinances of the City of Hunters Creek Village, Texas amending Chapter 34 - Streets, Sidewalks and Other Public Places, Article III. Use of Rights-of-Way to regulate and govern the placement and use of residential surveillance cameras within the public right-of-way; providing a penalty in an amount not to exceed \$2000 for each day of violation of any provision hereof; repealing all ordinances or parts or ordinances inconsistent or in conflict herewith; and providing for severability.

A motion was made by Councilmember Wegner with a second by Councilmember Schoenberger to table action to have staff rewrite the ordinance to separate the regulations on surveillance cameras from the right-of-way regulations. The motion carried unanimously.

9. Discussion and possible action to adopt a resolution amending the schedule of fees to include new fees established for replatting for joinder of lots, registration of surveillance cameras in public right-of-ways, and building permit fees associated with the installation of surveillance cameras in public right-of-ways.

A motion was made by Councilmember Schoenberger with a second by Councilmember Weinstein to approve Resolution No. 2014-03 amending the Schedule of Fees to include fees for replats and permit fees for installation of surveillance cameras. The motion carried unanimously.

10. Discussion and possible action to consider adopting regulations related to credit access businesses (pay day lending operations).

The item was tabled to be taken up at a Special Meeting called for June 3, 2014 at 6:00 p.m.

#### EXECUTIVE SESSION

A Closed Meeting was convened at 9:05 p.m. in accordance with the authority contained in Section 551.071, to consult with the City Attorney, related to *Cause No. 1032432, City*

of *Hunters Creek v. Fajkus & Company LLC*; and also under the authority contained in Section 551.074, to discuss current assignments and duties of City staff. The Closed Meeting adjourned at 9:50 p.m.

RECONVENE INTO OPEN SESSION

11. Discussion and possible action related to *Cause No. 1032432, City of Hunters Creek, Texas v. Fajkus & Company, LLC*, claims for cost of damages to the pavement on Wellesley Drive.

A motion was made by Councilmember Wegner with a second by Councilmember Pappas to accept the settlement offer presented and authorize the mayor to execute the settlement agreement on behalf of the City. The motion carried unanimously.

12. Discussion and possible action regarding possible modifications to the organizational structure of city staff, including the assignments and duties of staff members.

A motion was made by Councilmember Weinstein with a second by Councilmember Schoenberger to change the title of Building Official to Director of Development, reporting to the Mayor, with a salary adjustment of \$4500 on July 1<sup>st</sup> and \$4500 on January 1, 2015. In addition the Permit Administrative Assistant will report directly to the Director of Development. An employment committee consisting of Councilmember Schoenberger, Councilmember Weinstein, and John McMillan is formed to review the realignment and organizational structure. The motion carried unanimously.

ADJOURN OPEN MEETING

A motion was made by Councilmember Pappas with a second by Councilmember Schoenberger to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

/s/

Deborah L. Loesch, TRMC  
City Administrator/City Secretary

These minutes were approved on the 24th day of June, 2014.

Ordinance Nos. 827, 828, 829, and Resolution No. 2014-03 are on file in the office of the City Secretary and are made a part of these minutes by reference.