

CITY OF HUNTERS CREEK VILLAGE, TEXAS
MINUTES OF CITY COUNCIL MEETING
NOVEMBER 21, 2006

The City Council of the City of Hunters Creek Village, Texas convened in regular session at 7:30 p.m. on Tuesday, November 21, 2006, at City Hall, #1 Hunters Creek Place, Hunters Creek Village, Texas.

Present:	Mayor	Steve Reichek
	Council Members:	Peggy Burck, Mayor Pro Tem Art Casper Roger Stark George A. Shannon, Jr.
	City Secretary:	Deborah Loesch
	City Attorney:	Scott Bounds

With a quorum of the Council Members present, Mayor Reichek called the session to order at 7:35 p.m. It was noted that Councilmember Michael Cokinos was not in attendance.

1. REPORTS

Mayor and Councilmembers.

Mayor Reichek introduced the City's new Building Official, Dennis Holm and his wife Patricia.

David Wegner presented a report from the committee on the results of a study of a proposal whether council members should receive a stipend. David Wegner, Camille Taricks and David Childers were appointed to the committee by Mayor Reichek. The committee determined that it was not necessary to engage an outside polling firm to obtain the opinion of the residents. In their opinion, the citizens elected and entrusted these types of decisions to the mayor and council members and that this decision is not financially significant to warrant the assistance of an outside consulting firm. Current seated council members were interviewed and it appeared that the council is much divided on this issues and that the mayor and council need to resolve their differences among themselves to determine the validity of the proposal. However, it is the committee's opinion that a stipend program should not be initiated for the City as existing rates in other cities are minor and appear to not motivate individuals to seek office or enhance the commitment to public service.

Jim Trippon representing Camelot Woods Home Owners Association stated that they are concerned with the on-going drainage problems in their subdivision. The Mayor stated that he would be glad to meet with the residents sometime before the holidays to discuss this further.

The Mayor reported that he received from the State Department of Health information for stock piling of antiviral medications for flu epidemics for citizens of Hunters Creek. After further review of the information, he felt that was not needed at this time.

Deborah Loesch, City Secretary, reported to council that staff was reviewing the current purchasing policy which was adopted in 1999 and the need to update to current standards and policies. Recommendations for amendments to the policy will be provided at a later council meeting.

Mayor Reichek reported on a recent meeting with area mayors where they discussed appraisal caps, revenue caps, deregulation of electricity, and court fees paid to the State. They are preparing to meet with state representatives and senators in December on these matters.

The Mayor reported that Piney Point Village invited Hunters Creek Village to participate with them in a "snow day" event for children. It was his opinion that we would not participate this year, but maybe next year depending on its success this year.

Fire Commissioner. Elwin Peacock reported that the department is 6.2% under budget and the average time for response is 5 minutes. Calls for service are down from October noting one large garage fire in Bunker Hill. The 2007 budget will be amended by \$52,000 due to reduced costs for insurance premiums. All commissioners have received the required open meetings law training. The department will remove fallen trees from streets only when they are blocking the street. During October 1,405 children were involved in the fire prevention program. The department's attorney is reviewing a request from Houston Community College for a ride-along program on ambulances for their medic students as a part of their training program.

Discussion and possible action to approve the appointment of Matthew Thanheiser as Alternate Fire Commissioner.

A motion was made by Councilmember Burck with a second by Councilmember Casper to approve the appointment of Matthew Thanheiser as Alternate Fire Commissioner. The motion carried unanimously.

Police Commissioner. Police Chief Gary Brye reported that the department is currently investigating felony charges on area burglaries. A combined training program is being planned for December 20th with law enforcement and fire department personnel which will be held at Memorial High School. This training will also include working with communications with Harris County. Employees were informed of the new insurance plan and Judy Deats, Administrative Assistant, has informed the department she is retiring at the end of this year. Chief Byre provided some crime prevention tips and advised that the department

will perform home security evaluations and also attend home owner's associations meetings and give safety tips.

City Treasurer's Report. Bob Dodson reported that money market deposits of approximately \$7.4 million at Wells Fargo yielded an average of 5.24% on interest earned. He is continuing to monitor the U.S. T-bill market as an alternative for some of the reserve funds. Municipal Revenue Counselors have completed their audit of the sales tax revenues resulting in a payment to the City of reallocated funds of \$396.75 (4 small businesses).

City Engineer's Report. Bobby Deden reported on the following projects:

Pifer Road drainage and paving project. This should be the last report on this project awaiting the final accounting and as-built plans.

Bridgewood railings. The bridge railings are now in place with asphalt overlay being done this week and required shoulder work to follow next.

Piney Point Village's Soldier's Creek Relief Project. The final walkthrough has been done with clean up on the road surface over the next 3-4 weeks to complete. The restrictor has been removed so there is now free flow to the creek at Hedwig Shadows. The traffic signal lights at Memorial and Voss are finally working correctly.

2. PUBLIC HEARINGS

a. The second of two public hearings was held for the purpose of receiving testimony for or against the following proposed amendments to Section 17 of Chapter 14 of the Code of Ordinances of the City of Hunters Creek Village, the same being the City's Comprehensive Zoning Ordinance:

(1.) deleting all of paragraph 2 of Section 17 of Chapter 14 and substituting a new paragraph; Submission to Planning and Zoning Commission. Before taking action on any proposed amendment, supplement, or change to a zoning district classification or boundary or a zoning district regulation, the City Council shall submit the proposed revision to the Planning and Zoning Commission for its recommendation and report.

(2.) deleting all of paragraph 3 of Section 17 of Chapter 14 and substituting a new paragraph; Public Hearing – Planning and Zoning Commission. The Planning and Zoning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report. Written notice of all public hearings before the Planning and Zoning Commission on proposed changes to a zoning district classification or boundary shall be sent to owners of real property lying within 200 feet of the property on which the change in classification or boundary is proposed, such notice to be given not less than ten (10) days before the date set for hearing to all such owners who have

rendered their said property for City taxes as the ownership appears on the last approved City tax rolls. Such notice may be served by depositing the same, properly addressed and postage paid, in the U.S. post office.

- (3.) deleting all of paragraph 4 of Section 17 of Chapter 14 and substituting a new paragraph; Public Hearing – City Council. After receipt of the final report and recommendation of the Planning and Zoning Commission, a public hearing shall be held by City Council before adopting any amendment, supplement or change to a zoning district classification or boundary or district regulation. Notice of such hearing shall be published one time in a newspaper of general circulation in the City giving the time, date and place of such hearing and describing in reasonable detail the proposed amendment, supplement or change. Such notice shall be published at least fifteen (15) days prior to the date of such hearing. All costs of such publication shall be paid by the person requesting such amendment, supplement or change, if any.

Mayor Reichel opened the public hearing for comments. Comments were received from Richard Heustess, Bob Dodson and Ed Holland were not in favor of changing the public notice requirements and to continue to give notice to all residents and to hold two public hearings. Hearing no further comments, the public hearing was closed.

- b. The first of two public hearings will be held for the purpose of receiving testimony for or against the following proposed amendments to Section 17 of Chapter 14 of the Code of Ordinances of the City of Hunters Creek Village, the same being the City's Comprehensive Zoning Ordinance:

- (1.) by striking all of Sub-Section 7-7. f. (3) and Sub-Section 7-7. f. (4) and substituting therefore a new Sub-Section 7-7 f. (3) and a new Sub-Section 7-7. f. (4) establishing the maximum sign area for signs located on a lot containing one-half acre or more that abuts IH-10; and
- (2.) by adding a new Sub-Section 6-9 thereto allowing certain home occupations as a permitted use in District R Single Family Residential District and establishing regulations applicable to the conduct of home occupations.

The mayor opened the public hearing on item b (1.) for comments. Comments were received from Mr. Lopez, 8432 Katy Freeway requesting that the council withdraw the requirement of the ½ acre. Attending with Mr. Lopez was Mr. Neilson agreeing with him on the acreage requirement and requested an explanation on the rationale for the ½ acre requirement. It was noted that a written comment from Dr. Ivor Ellul, 442 Hunterwood Drive was received in the City Secretary's office against the proposed amendment. Hearing no further comments, the public hearing was closed. The second public hearing will be held on January 16, 2007.

The mayor opened the public hearing on item b (2.) for comments. An unidentified citizen offered suggested changes to the ordinance. It was noted that a written comment from Dr. Ivor Ellul, 442 Hunterwood Drive was received in the City Secretary's office against the proposed amendment. Hearing no further comments, the public hearing was closed. The second public hearing will be held on January 16, 2007.

CONSENT AGENDA

Upon a motion made by Councilmember Casper and a second by Councilmember Shannon, the Council voted unanimously to approve and adopt consent agenda items 3 through 5 as follows:

3. Approval of the Minutes of the October 17, 2006 council meeting.
4. Approval of the renewal of mosquito fogging contract with Northwest Pest Control from March 1, 2007 to October 31, 2007.
5. Approval of City Prisoner Agreement between Harris County and the City of Hunters Creek Village beginning January 1, 2007.

REGULAR AGENDA

6. Discussion and possible action to consider a request from Republic Waste for a rate increase for the solid waste and recycling collection and disposal services contract.

A motion was made by Councilmember Burck with a second by Councilmember Stark to accept the rate increase as requested based on the consumer price index increase of 3.6% and a fuel surcharge of 2.5% for a total price per unit of \$21.94 per household per month. The motion carried with Councilmembers Burck, Casper and Stark voting Aye and Councilmember Shannon voting Nay.

7. Discussion and possible action to consider approval of Ordinance No. 673 amending the Code of Ordinances of the City of Hunters Creek Village, Texas, establishing procedures for amending, supplementing, or changing a zoning district classification or boundary or district regulation, including the type and manner of providing notice of public hearings before the planning and zoning commission and city council.

There was discussion relating to the comments received during the public hearing that the ordinance would reduce the communication from city hall to the residents. The item was tabled for further review by council and staff.

8. Discussion and possible action to consider amending the regulations relating to the use of bicycles on public roadways.

Mr. J. R. Dailey presented a recommendation to council to consider allowing bicycles on the roadways consistent with the City of Houston, work with the school district to offer bicycle safety classes, and use the newsletter to promote bike safety and follow the rules of the road for riding bikes. Police Chief Gary

Brye spoke about safety issues and the laws allowing bicycles on roadways were not uniform throughout the Villages. Mayor Reichel stated that he would contact Harris County for more information and obtain additional information on state requirements. There was no action taken.

9. Discussion and possible action to consider upgrading the traffic signal light on Memorial Drive at Lindenwood.

This item was placed on the agenda at the request of Councilmember Cokinos. Ed Holland presented a proposal to upgrade the existing signal to allow for a 15 second left turn on the westbound lane of Memorial. Mayor Reichel stated that he would contact Metro to see if funds would be available to cover the cost of the upgrade. There was no action taken.

10. Discussion and possible action to consider approval of an interlocal agreement with the Memorial Villages Water Authority for certain paving and drainage improvements as part of the Memorial Drive Drainage and Paving Improvements Phase 3 and Phase 4 project.

A motion was made by Councilmember Shannon with a second by Councilmember Burck to approve the Interlocal Agreement as set forth with the Memorial Villages Water Authority. The motion carried unanimously.

11. Discussion and possible action to award the contract for the construction of the Memorial Drive Drainage and Paving Improvements Phase 3 and Phase 4 project.

A motion was made by Councilmember Casper with a second by Councilmember Shannon to approve and accept the bid with Texas Sterling Construction for \$4,726,276 subject to the appropriation of the Memorial Villages Water Authority funding under the Interlocal Agreement. The motion carried unanimously.

12. Discussion and possible action regarding the request for the relocation costs of telecommunication lines estimated at \$70,000 for Memorial Drive Phase 3 and 4 project.

A motion was made by Councilmember Shannon with a second by Councilmember Burck to approve by resolution the determination that it is necessary that the facilities be relocated or removed to accommodate the construction project and authorize the city attorney to work with the mayor and city engineer to notify AT&T. The motion carried unanimously.

13. Discussion and possible action to consider authorization for construction administration management for Memorial Drive Phase 3 and Phase 4 project.

A motion was made by Councilmember Burck with a second by Councilmember Casper to accept Cobb Fendley & Associates for the construction administration project manager for Memorial Drive Phase 3 and 4 drainage and improvement project. The motion failed with Councilmember Burck voting Aye and Councilmembers Shannon, Casper, and Stark voting Nay.

Councilmembers Shannon and Casper requested to interview Robert T. Deden to present his qualifications for consideration as project manager. The Mayor will call a special council meeting next week at 11:30 a.m. to conduct the interview and another special meeting will be held December 12th at 11:30 a.m. to reconsider the most qualified candidate for this position.

14. Discussion and possible action to approve the final design of the bridge railings at Memorial Drive and Soldier's Creek and authorize the solicitation of bids.

No action was taken.

ADJOURN OPEN MEETING

A motion was made by Councilmember Stark with a second by Councilmember Casper to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Deborah L. Loesch, TRMC
City Secretary

These minutes approved on the 16th day of January, 2007.