

CITY OF HUNTERS CREEK VILLAGE, TEXAS  
MINUTES OF THE REGULAR  
CITY COUNCIL MEETING  
MAY 20, 2008

The City Council of the City of Hunters Creek Village, Texas held its regular meeting on Tuesday, May 20, 2008, at City Hall, #1 Hunters Creek Place, Hunters Creek Village, Texas.

Present:	Mayor	Bob Dodson
	Mayor Pro Tem:	Roger Stark
	Council Members:	Steve Reichel
		Peggy Burck
		David Wegner
	City Secretary:	Deborah Loesch
	City Attorney:	John Hightower

With a quorum of the Council Members present, Mayor Dodson called the session to order at 6:00 p.m. followed by the Pledge of Allegiance, led by Memorial Villages Lt. Bill Sala. It was noted that Councilmember Ed Neuhaus was not in attendance.

A. REPORTS

1. Mayor Dodson reported on the following:

- a. Discussion and possible action to consider the assignment of the solid waste and recycling collection services contract to Royal Disposal.

Mayor Dodson introduced representative from Royal Disposal, Charles Gregory. The Mayor advised that he has met with Royal to discuss the contract and what challenges were presented in Royal servicing this contract. Charles Gregory gave a brief summary of the company and what then described some of the situations they have confronted in Hunters Creek, such as, trash continues to be left behind gates or left in unusual places. Recycling is also a challenge since not all residents they have to go to every house to collect. They are proposing a higher rate than under the current contract made with Century, however, fuel rates are having an economic impact on being able to continue at the current cost. In addition, Royal is proposing a different collection schedule to do ½ of the city at a time over a 4 day period. They feel that will be a more efficient allocation of equipment. A five year contract is being discussed as well as a 3 year with additional 1 year options. The Mayor will continue to negotiate the terms of the contract and will bring back to council in the next 30 days.

- b. Discussion regarding participation in replacing the fence surrounding the city hall property.

Mayor Dodson has been in contact with the neighbors who are going out for bids who plan to share in the cost of replacing the fence surrounding city hall property. He will report when more information is provided.

- c. Villages Independence Festival.

Mayor Dodson explained that there is a lot of work that goes into making this event happen, a lot of volunteer time. Dean Seideman, Public Works Director, is working on the City's float for the parade.

2. City Engineer's Report: Charles Eastland, Cobb Fendley & Associates, reported:

- a. Soldiers Creek Crossing Project. The contractor is installing the stone work and waiting on the 4 light standards to be delivered.

- b. Sight distance issues at intersection of Saddlewood and Memorial Drive. They are reviewing realigning the striping to move the stop bar closer to Memorial. Perhaps this could be coordinated with the Public Works Department crew to do the striping. They believe they can fix the problem to give better sight for on-coming traffic.

- c. Camelot Woods drainage and paving improvement project. The project is about 37% complete with paving on Gawain completed and private yard drains are to be installed and connected next week. Storm sewer on Camelot is complete now pouring ½ of west lane of Camelot and should complete the west lanes this week.

- i. Discussion and possible action to approve Change Order No. 2 with Metro City Construction for \$16,750.00 for additional basins for Camelot Woods project and \$886.40 for roadway sweeping of Voss Road.

A motion was made by Councilmember Reichel with a second by Councilmember Burck to approve Change Order No. 2 and authorize the mayor to execute on behalf of the City. The motion carried unanimously.

- d. 5-year Capital Improvement Program (CIP)
    - i. Discussion and possible action to approve a 5-year (2009-2013) Capital Improvement Program (CIP) for drainage and paving improvement projects.

The document has been developed based on forecasting the needs of the replacement of the infrastructure throughout the City. Councilmember Reichek requested that this be reviewed by the Finance Committee and also to use in preparing future year budgets. There was no formal action taken.
  - e. Guard rails at Memorial and Lindenwood. Councilmember Wegner stated his concerns that no further action was being done to install the wood fascia as approved.
  - f. Status of other projects under design and consideration:
    - i. Memorial Drive overlay design is now complete;
    - ii. Inwood Oaks, April Way, Beinhorn design is ready and could be out to bid in June or July;
    - iii. Creekside, Tara Oaks, and Hunters Park Lane Storm sewer outfall upgrades continuing to work on the design;
    - iv. Longshadow and Smithdale paving and drainage reconstruction. Held a meeting on May 15<sup>th</sup> with the residents to discuss roadway alternatives.
3. Fire Commissioner. Commissioner Elwin Peacock and Chief Cleve Calagna were in attendance to report on the Villages Fire Department. Mr. Peacock reported that response times average 5 minutes and the department is 1.91% under budget at the end of April. April 28<sup>th</sup> a meeting was held with the Village's mayors, 4 out of the 6 mayors attended, to review the proposed budget for 2009. The proposed budget is \$5,123,100 which is a 3.91% increase of current year. The increase is primarily due to a 3.67% increase in personnel expenses. The annual Shrimp Boil was held on May 17 and was well attended, with the best representation from Hunters Creek ever had.
- a. Discussion and possible action regarding compensation salary comparisons for the Village Fire Department.

Chief Calagna distributed to each councilmember with a copy of the department's Compensation Review prepared for 2009 budget. Mayor Dodson has recommended that an outside consultant should be hired to do an independent compensation review. Chief Calagna and Commissioner Peacock explained that the committee's review

is based on comparisons with cities with EMS services and includes benefit plans. Chief Calagna did indicate that 3 of the commissioners sit on this review committee. There was no formal action taken, however, Councilmembers Reichek, Burck, Wegner and Stark all indicated that they would defer to the department's compensation survey as prepared by the committee.

4. Police Commissioner. Commissioner Benny Hruzek, along with Lt. Bill Sala and Capt. Butch Hooker, discussed activities of the department. The annual audit for 2007 has now been completed. Along with the Fire Department, they are looking into buying a lower grade of gasoline to save on costs. Currently Hunters Creek has 1044 active emails (69%) which is more than any of the other cities. As well, more citations are written in Hunters Creek than the other cities. Councilmember Reichek asked why the STEP program was not being used for Hunters Creek.

Commissioner Hruzek presented a proposal for the purchase of capital items for crime prevention initiatives totaling \$128,815. These initiatives include replacing laptops in patrol vehicles, infrared cameras, surveillance camera with recording capability, automatic vehicle license recognition.

5. City Treasurer's Report. Brad Conrad, City Treasurer, reported that the external auditors have completed their fieldwork on the 2007 audit and have provided a draft report. The report will be forwarded to the Finance Committee for review and comments before submitting a final report to council. Investment accounts have earned an average of 2.41% for the month of April. Interest income continues to decrease as interest rates continue to fall. All investment accounts remain money market accounts and are fully collateralized by pledged securities. The overall financial condition and liquidity continue to remain healthy and solid. The City's banking arrangements and general financial operations are all in good order.

Due to his work commitments, Mr. Conrad offered his resignation as City Treasurer. He feels that he could not fulfill his role as Treasurer to the level that the City needs. He thanked the Mayor and City Council for the opportunity to serve and indicated that he would make himself available to the staff and council to work through the audit and budget cycle on an as needed basis. He also thanked Debbie Loesch, City Secretary, stating that it has been a pleasure to work with and feels that Hunters Creek is very fortunate to have someone with the experience, dedication, commitment and integrity that she brings to the position.

6. Council Comments:

a. Report on prior month's activities:

- i. Update on installation of entrance gardens on Memorial Drive.

Councilmember Wegner reported on the progress of the installation of the gardens. Agrigrow broke ground on May 14<sup>th</sup> and recently installed the bed preparation soils with signs, electrical and water to be installed next.

- ii. Discussion and possible action to consider a payment schedule with Agrigrow Services, Inc. for the landscaping of (2) entrance gardens on Memorial Drive.

Agrigrow had requested a 3 part payment plan that was not included in the proposal approved by Council. They are requesting 1/3 upon start, 1/3 mid way through the project, and 1/3 at final completion.

A motion was made by Councilmember Wegner with a second by Councilmember Reichek to approve the payment of the project under the 3-part payment plan. The motion carried unanimously.

PUBLIC COMMENTS

Public comments were received from:

Jim Pittman, a resident in Creekside Subdivision, stated his concern that run-off from I-10 to Briar Branch Creek would flood homes in his subdivision.

Winnie Ngan, as resident in Three Corners Subdivision, asked who installed the handrail on Memorial Drive at Kuhlman.

CONSENT AGENDA. Councilmember Burck requested that item no. 1 on the Consent Agenda be removed and considered as a separate item. Upon a motion made by Councilmember Stark and a second by Councilmember Wegner, the Council voted unanimously to approve and adopt consent agenda items 2 and 7 as follows:

1. Approval of the Minutes of the April 8, 2008 and April 15, 2008 council meeting.
2. Approval of the Cash Disbursement Journal for April 2008.
- ~~3.~~ Approval of the Village Fire Department's 2007 Intra-Budgetary transfers.
4. Approval of Ordinance No. 719 adopting amendment #4 to fiscal year 2008 budget for additional appropriation for landscaping general ledger account (5560)

- in the amount of \$20,000.00 to be transferred from general ledger account 6503 (professional services agreement).
5. Approval of a contract with Spring Branch ISD for services in connection with assessing and collecting ad valorem taxes for the City for a period of two years beginning July 1, 2008 and ending August 31, 2010 and authorize the mayor to execute the contract.
  6. Approval of the renewal of the maintenance and license agreement for the Municipal Court Software with Cardinal Tracking, Inc. for July 1, 2008 to June 30, 2009 for \$1,438.20.
  7. Approval to rescind the restrictions on Councilmember Roger Stark.

#### REGULAR AGENDA

1. Approval of the Minutes of the April 8, 2008 and April 15, 2008 meetings.  
A motion was made by Councilmember Burck with a second by Councilmember Wegner to approve the minutes of the April 8, 2008 meeting as written and the April 15, 2008 as amended related to set backs for conforming and non-conforming lots to read: "Councilmember Burck reported that Mike Schoenberger, Chairman of the Board of Adjustment, provided a history of the variances requested from the last few years and Mayor Dodson and Councilmember Burck determined that the ordinance is sufficient and suggests no recommendations for change. Councilmember Burck also stated that the philosophy of requiring the deeper front yards was to maintain more green space with the benefits of improved runoff and maintaining tree preservation." The motion carried.  
  
Voting: Aye (3) – Burck, Stark, Wegner; Abstaining (1) – Reichek.
- ~~14.8.~~ Discussion and possible action to consider the election of a mayor pro tem.  
Councilmember Reichek made a motion to nominate Councilmember Roger Stark as Mayor Pro Tem with a second by Councilmember Burck. The motion carried unanimously.
9. Discussion and possible action to consider the appointment of Gary Maddox as an associate municipal court judge.  
A motion was made by Councilmember Burck with a second by Councilmember Wegner to appointment Gary B. Maddox as an Associate Judge for the Municipal Court. The motion carried unanimously.
10. Discussion and possible action to call for nominations for Assistant Police Commissioner and Finance Committee members.  
Mayor Dodson opened the floor for nominations from members. Councilmember Reichek nominated Alan May for Assistant Police Commissioner and Jim Trippon

for the Finance Committee. Councilmember Wegner nominated Doug Abbott to be also considered for the Finance Committee. Mayor Dodson stated that he was in favor of leaving Michael Cokinos as the Assistant Police Commissioner. No action was taken and the item was tabled for the June 17<sup>th</sup> meeting.

11. Discussion and possible action to consider an ordinance amending the tree preservation ordinance.

Councilmember Burck presented a final draft of the proposed ordinance for consideration. Mayor Dodson opened the discussion with comments from Cathy McCulley that in her opinion the ordinance was not strong enough to stop a lot from being clear cut and destroying large mature trees. Stronger standards should be given to the urban forester or building official to enforce, definitions need to be tighter and standards for replacement trees are too light. Therefore she suggested that council wait to adopt the ordinance until these issues were addressed.

Councilmember Burck urged the council to move ahead and adopt what was being presented until all of these issues were resolved because the new ordinance was stronger than the current one.

In order to protect the trees, Councilmember Burck asked Council to consider adopting the ordinance with the noted changes and provide protective area of 5' of the footprint of the building with a follow up at the June meeting.

A motion was made by Councilmember Burck with a second by Councilmember Reichel to adopt Ordinance No. 720 regulating the preservation and removal of trees to include a new section 18-20(b)(1)(b) to state "notwithstanding the foregoing, no permit shall be granted for removal of a protected tree that is located more than 5 feet outside of the footprint of the proposed building." The motion carried unanimously.

12. Discussion and possible action to submit to the Planning and Zoning Commission for their review and recommendation of proposed amendments to Chapter 44, Section 44-163 of the Code of Ordinances regarding the height regulations for fences and walls.

Councilmember Stark brought this issue to the attention of council because throughout the city there are fences that are not in compliance with code. By adding decorative finials on top of the height of the fences, the fence then exceeds the seven foot requirement.

A motion was made by Councilmember Burck with a second by Councilmember Wegner to submit to the Planning and Zoning Commission for their review and make a recommendation to council to clarify the seven foot height requirement, define the point of measurement, review regulations on fences along front building line, and allowing finials. The motion carried unanimously.

13. Discussion and possible action to consider approval of the form of an agreement for building inspection services.

A motion was made by Councilmember Stark with a second by Councilmember Reichek to adopt the form of an agreement as prepared by the city attorney and related to building inspection services. Councilmember Burck offered an amendment to the motion to include a specific trade for the respective contractor and that compensation paid shall not exceed the current year budget appropriations. Councilmember Reichek seconded the amendment. The amendment carried unanimously. A second amendment was offered by Councilmember Burck and seconded by Councilmember Reichek for clarification that this agreement for building inspection services. The second amendment carried unanimously.

Calling for the question, the motion, as amended, carried unanimously.

14. Discussion and possible action to review the travel and expense reimbursement policy for council.

Councilmember Burck stated that in the past council discussed that stipend pay was not appropriate but reimbursement for travel expenses on city business should be provided for.

A motion was made by Councilmember Reichek with a second by Councilmember Burck to amend the travel reimbursement policy for elected officials to provide for reimbursement for travel over 60 miles round trip. The motion carried unanimously.

15. Discussion and possible action to review the City's personnel policy.

No discussion of this item.

16. Discussion and possible action to consider a resolution confirming the authority of city council for the appointment and removal of certain city staff positions.

A motion was made by Councilmember Reichek with a second by Councilmember Burck to direct the City Attorney to prepare an ordinance providing for the City Council to have the sole authority to appoint or remove all full-time employees, that the City Secretary shall be the supervisor of all employees as provided in the City's Personnel Policy, and the repeal Ordinance No. 688. The motion carried unanimously.

17. Discussion and possible action to consider a resolution requiring that all incoming and out-going correspondence prepared by the mayor be provided to the council.

A motion was made by Councilmember Burck with a second by Councilmember Wegner to table this item to the June meeting.

18. Discussion and possible action to consider a resolution requiring that the mayor seek prior approval from city council before demanding payment or money from any individual or entity.

There was no discussion of this item.

ADJOURN OPEN MEETING

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

Respectfully submitted,

Deborah L. Loesch, TRMC  
City Secretary

These minutes were approved on the 17th day of June, 2008.