

CITY OF HUNTERS CREEK VILLAGE, TEXAS  
MINUTES OF THE REGULAR  
CITY COUNCIL MEETING  
AUGUST 19, 2008

The City Council of the City of Hunters Creek Village, Texas held its regular meeting on Tuesday, August 19, 2008, at City Hall, #1 Hunters Creek Place, Hunters Creek Village, Texas.

Present:	Mayor	Bob Dodson
	Mayor Pro Tem:	Roger Stark
	Council Members:	Peggy Burck
		Ed Neuhaus
		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 Ken Spalding. It was noted that Councilmember Steve Reichek was not in attendance.

REPORTS

1. Mayor Dodson reported on the following:
  - a. Update on negotiations with Royal Disposal for the solid waste and recycling collection services contract. Mayor Dodson advised that Piney Point Village was executing contract with V&F Disposal for garbage service at \$28.00 per month per household and that he plans on contacting V&F to look at the same for Hunters Creek.
  - b. Mayor Dodson advised that the City of Hedwig Village will be hold a public hearing and workshop on September 11, 2008 at 6:00 p.m. with their Planning and Zoning Commission on a matter involving the developer planning to build a 10-story building at I-10 and Las Alamedas Way. He encouraged residents to attend. He also stated concern that would affect all of the villages, if such a project would be allowed; the Fire Department may be required to purchase additional equipment to service taller buildings.
  - c. Update on CenterPoint Energy's tree trimming program. Brad Tutunjian, Service Area Manager for CenterPoint, was present to address the tree trimming program currently in progress in part of Hunters Creek and future trimmings. At that time they had about 2 more weeks to go in this particular area and stated that they are targeting circuits that show poor performance due to vegetation and trees in the power lines. He addressed the situation with the Axelrod's at #14 Hedwig Shadows and the resolution regarding their queen palms. They have offered an option to lean and brace the palms to maintain them in a safe zone and in the meantime it is

not an immediate hazard. CenterPoint has offered to replace the palms. They are continuing to monitor the situation and have some kind of resolution with them in the near future. CenterPoint is looking at a program to trim on a more frequent basis. Their programs are approved practices recognized by the arborist foundations. Cities can assist them by distributing and posting links on the city's web site educational campaigns to the residents especially for new landscaping.

- d. Discussion and possible action to approve an ordinance granting a franchise to CenterPoint Energy Houston Electric, LLC, authorizing the use of the public rights-of-way within the City of Hunters Creek Village for the delivery of electricity, and related purposes for a term of thirty (30) years.

Council was advised that the franchise agreement with CenterPoint expired in February 2008. Councilmember Burck stated her concern with the term of 30 years as being excessive, however, it is understood that terms of the agreement are directed by regulatory authority. Council has two options to consider for the agreement. One agreement is the same as adopted by the City of Houston and the other was negotiated by Olson & Olson on behalf of all of their clients. Councilmember Stark would like to table the issue for 30 days to review and see what the other cities in the village are doing. A motion was made by Councilmember Wegner with a second by Councilmember Burck to table the item to the September meeting. The motion carried unanimously.

- e. Discussion and possible action to consider an agreement with Memorial Drive Manor Subdivision for the maintenance of landscaping gardens at Memorial Drive and Lindenwood.

The City and the Memorial Drive Manor subdivision have installed entrance gardens in the same location. A problem exists in watering the additional beds. The subdivision has made a request to the City to allow them to tie into the water system in exchange they will maintain (weed, etc) all of the beds in return for the use of the water.

A motion was made by Councilmember Burck with a second by Councilmember Wegner to allow the subdivision to connect to the irrigation system in place in the western garden of the eastern part of the right-of-way in exchange for weeding and maintenance of the beds, permits will be required, but no fee will be charged. The City Secretary is to prepare a letter for the Mayor's signature to the subdivision to record the details of this agreement. The motion carried unanimously.

- f. Discussion and possible action to adopt a resolution supporting "Raise Your Hand Texas" program focusing on stronger education for all Texas children.

A motion was made by Councilmember Wegner with a second by

Councilmember Neuhaus to adopt the resolution as presented. The motion carried unanimously.

2. City Engineer's Report: Charles Eastland, Cobb Fendley & Associates, reported:
  - a. Camelot Woods drainage and paving improvement project. Expect substantial completion by September 30<sup>th</sup>. Sodding is being placed on Gawain and continues with grading and sodding along Camelot Lane. Paving is underway on Country Lane. The contractor is finalizing the storm sewer on Country Lane at Beinhorn; however, they are currently working with the Memorial Villages Water Authority to relocate a water line in the area to complete the work at that intersection.
  - b. Soldiers Creek Crossing. The contractor has completed their work in accordance with the contract. Even though the contract was delayed there should be no penalty to the contractor because the delays were not caused by the contractor. The placement of the light standards are on hold while the intersection at Saddlewood and Memorial is being realigned. Councilmember Burck would like to see a drawing of where the lights are being placed.
  - c. Realignment of the intersection at Saddlewood and Memorial Drive. Utility companies have completed their relocations and the contractor is on-site installing the roadway base.
  - d. Inwood Oaks/AprilWay/Beinhorn (between Voss Road and Hedwig Road) drainage and paving improvement project.
    - (1) Discussion and possible action to consider the approval of an amended Transportation Improvement Agreement with Metropolitan Transit Authority for Inwood Oaks/April Way/Beinhorn (between Voss Road and Hedwig Road) and Longshadow Land and Smithdale Drive projects.

A motion was made by Councilmember Wegner with a second by Councilmember Burck to approve the amended Transportation Improvement Agreement with Metro as presented and authorize the mayor to execute on behalf of the city. The motion carried unanimously.
    - (2) Discussion and possible action to consider approval for the solicitation of bids for the construction of the Inwood Oaks/April Way/Beinhorn (between Voss Road and Hedwig Road) project.

Plans are being reviewed by the Memorial Villages Water Authority and have determined that they have some water line upgrades that they would like to incorporate into the project. An interlocal agreement would be required if they decide to participate. Therefore, at this time staff is not ready to go out for bids. A motion was made by Councilmember Wegner with a second by

Councilmember Burck to table this item for 30 days. The motion carried unanimously.

- e. Discussion and possible action to consider the installation of the pedestrian hand rails and the replacement of the guard railings to be constructed of wood at Memorial Drive and Lindenwood.

Quotes were received for installing the handrail along the sidewalk on the north side of Memorial Drive at Lindenwood. Low bid was from Astro Fence Company for \$5,885.00.

A motion was made by Councilmember Wegner with a second by Councilmember Stark to approve the bid from Astro Fence for the installation of the hand rails in an amount not to exceed \$9,000 to include the same railing at Kuhlman and Memorial Drive, to include a mock up of the railing and authorize the mayor to execute the contract. The motion carried unanimously.

Councilmember Wegner would like to get a bid on replacing the metal railing with wood and will work with Charles Eastland at a minimum.

- f. Status of various projects under design. Creekside Manor, Tara Oaks and Hunters Park storm sewer outfall upgrades are near completion and ready to bid in November to start construction in January 2009. Councilmember Burck requested that Hunters Park portion be removed from the CIP because she feels it is not a priority. Creekside paving and drainage improvements plans are being worked on and redesigning the size of the inlets. Public meetings need to be scheduled in September with the residents of Smithdale; therefore, the project for Longshadows and Smithdale is now on hold.

3. Fire Commissioner. Commissioner Elwin Peacock reported the department is operating 3.38% under budget and response times average 5 minutes. The commission is in the process of revising the by-laws and rules of procedure to bring them up to date with current operations. Lighting hit the radio tower in July and caused approximately \$10,000 in damage with \$1,000 expected to be covered by insurance. He reported on the significant fire that occurred at Tarrington Court and is currently under investigation.
4. Police Commissioner. Commissioner Benny Hruzek reported the department is operating \$40,000 under budget for the year which includes hiring additional policeman that was not provided for in the budget and plan to hire another officer in September or October. He advised that the police chase recently was handled within the department's procedures. The commission passed the budget for 2009 and each city 1/3 portion will be \$1,410,942.58. 88% of the budget is assessed for personnel costs. The commission is looking at the retirement plan changes in TMRS especially where it affects the unfunded liability. They have requested additional data from TMRS and they are looking at hiring an independent acturialist for an independent opinion and to look at other alternatives for new

hires. Councilmember Wegner requested a workshop sometime later in September to talk about the TMRS situation and get an overview of the entire budget and how it is prepared so that members could understand the budget better. The City Secretary will check the schedules with the council, commissioners, and the department personnel and get something set up.

- a. Discussion and possible action to consider approval of the Memorial Villages Police Department's 2009 fiscal year budget.

A motion was made by Councilmember Wegner with a second by Councilmember Burck to approve the budget for 2009 as presented. The motion carried unanimously.

5. City Treasurer's Report. With the absence of a City Treasurer, Mayor Dodson reported on the financial status of the City and asked Benny Hruzek to serve temporarily on the Finance Committee during the budget review process.
6. Councilmember Wegner thanked Charles Eastland and the Cobb Fendley group for their efforts in expediting the construction of the realignment of the intersection at Saddlewood and Memorial.

#### PUBLIC COMMENTS

There were no public comments received.

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

1. Approval of the Minutes of the July 8, 2008, July 15, 2008, and July 31, 2008 council meetings.
2. Approval of the Cash Disbursement Journal for July 2008.
3. Approval of Resolution No. 08-07 amending the building permit fee schedule.

#### REGULAR AGENDA

4. Discussion and possible action to consider approving an ordinance adopting amendment #6 to fiscal year 2008 budget appropriating funds for the design and engineering fees associated with Creekside Manor paving and drainage improvement project and refund to Memorial Villages Water Authority associated with the Memorial Drive Phase III and IV project.

A motion was made by Councilmember Burck with a second by Councilmember Wegner to approve Ordinance No. 724 adopting amendment #6 to fiscal year budget 2008 appropriate funds for engineering & design services for Creekside Manor paving and drainage improvement project in the amount of \$309,400 and

\$52,000 for the refund to Memorial Villages Water Authority for the reduced costs on the Memorial Drive Phase III & IV project. The motion carried unanimously.

5. Discussion and possible action to consider the resignation of Alan May as City Treasurer and consider any nominations for the position.

A motion was made by Councilmember Wegner with a second by Councilmember Burck to accept the resignation of Alan May as City Treasurer. The motion carried unanimously. Council and staff will diligently seek out possible candidates for consideration.

6. Discussion and possible action to consider approval of agreements for contract building inspection services Charlie H. Ehrlund (building, mechanical and plumbing) and Stephen A. Kologinczak, Jr. (mechanical and plumbing) and authorize the mayor to execute the respective agreements on behalf of the City.

A motion was made by Councilmember Burck with a second by Councilmember Wegner to approve the contract with Charlie H. Ehrlund to provide building inspection services. The motion carried unanimously.

The licensing information attached to the contract for Stephen Kologinczak was expired. Council directed staff to inform Mr. Kologinczak to get his information updated and he would not be allowed to perform any inspection services until all information on file was current.

7. Discussion and possible action to approve submitting to the Planning and Zoning Commission for their review, recommendation and report on the regulations in Chapter 44, Section 157(5) regarding the required side yards for the placement of swimming pools as it would apply to non-conforming lots.

A motion was made by Councilmember Burck with a second by Councilmember Wegner to forward to the Planning & Zoning Commission for their review, recommendation and report on the regulations in Section 157(5) of the zoning chapter as it is applicable to non-conforming lots only. The motion carried unanimously.

8. Discussion and possible action to consider a date and time for calling a public hearing to receive comments on the proposed budget for fiscal year 2009.

A motion was made by Councilmember Wegner with a second by Councilmember Burck to table this item. The motion carried unanimously.

9. Discussion and possible action to correct the minutes of the May 16, 2008 and May 20, 2008 City Council meetings to more accurately reflect the Council's intention in rescinding its prior action concerning Councilmember Roger Stark.

A motion was made by Councilmember Stark with a second by Councilmember Neuhaus to table the item until all members of council were present. The motion failed. Voting: Aye (2): Neuhaus, Stark; Nay (3): Burck, Wegner, Dodson. With the vote being a tie, Mayor Dodson voted to break the tie by voting Nay.

There were no further motions made on this item, therefore no action was taken.

ADJOURN OPEN MEETING

A motion was made by Councilmember Burck with a second by Councilmember Wegner to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

*Deborah L. Loesch*

Deborah L. Loesch, TRMC  
City Secretary

These minutes were approved on the 16th day of September, 2008.

Ordinance No. 724 and Resolution No. 08-07 are on file in the City Secretary's office and are made a part of these minutes by reference.