

CITY OF HUNTERS CREEK VILLAGE, TEXAS
MINUTES OF THE REGULAR
CITY COUNCIL MEETING
NOVEMBER 18, 2008

The City Council of the City of Hunters Creek Village, Texas held its regular meeting on Tuesday, November 18, 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 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 Police Commissioner Benny Hruzek.

REPORTS

1. Mayor and Council Reports and Comments:
 - a. Report from Councilmember Reichel on information from the TML Annual Conference. Councilmember Reichel reported that he, Councilmember Stark and City Secretary Deborah Loesch recently attended the annual conference in San Antonio and found the seminars and exhibits to be very informative as well as a good networking with other cities. He stated that he attended several of the seminars on becoming a good leader, environmental/recycling, revenue appraisal caps and the TMRS pension fund. As well he visited with representatives working on aggregate electric power and deregulation with the legislature.
 - b. Report from Councilmember Neuhaus from the H-GAC General Assembly Meeting. Councilmember Neuhaus reported that he attended the General Assembly meeting and advised of the possibility of federal funds being available for road and bridge projects as an economic stimulus in 2009.
 - c. Discussion and possible action to consider publishing a printed year end newsletter to all residents. No formal action was taken. Councilmember Wegner stated that he would like to see a year-end printed newsletter to go out to all residents that would include emergency numbers, city hall numbers. Staff will begin working on the articles and get final copy for printing to go out the first week of January 2009.
 - d. Consider a date and time for a post-Hurricane Ike review meeting in 2009. Councilmember Wegner stated that he would like to go ahead and set a

date for the post Hurricane Ike review meeting. There needs to be better communication with the home owners associations and more citizens needs to be involved. It was agreed that the review meeting would be held in conjunction with the February 2009 pre-agenda meeting.

- e. Consider an additional Arbor Day in December 2008 and again in the 1st quarter of 2009. Councilmember Wegner stated that he was contacted by Cathy McCulley encouraging the city to have 2 Arbor Day events with one in December. She has secured the same pricing for trees from last year from Bill Bounds. After discussion council consensus that one time would be sufficient in 2009 and that there would be increase in publication of the event to residents.
 - f. Comments or suggestions for items to include on future agendas. Mayor Dodson requested that at the December meeting the City reconsider the use of the Memorial Examiner as the official newspaper. Councilmember Reichek reminded all that council had requested to meet with the Police Commissioners and the Police Department staff on budgeting and it was suggested to set that meeting to be included in the January 13, 2009 pre-agenda meeting. Councilmember Reichek also recognized Councilmember Burck as the Chairman of the Nutcracker Market this year and its success.
2. City Engineer's Report. Charles Eastland, City Engineer, reported on the following projects:
- a. Hurricane Ike recovery update. Initial debris removal operations have been completed. Leaners and Hangers on west side of town are being addressed with crews currently pruning trees on the east side with completion planned by Thanksgiving. Contact has been made with FEMA regarding eligible work of removal of creek debris. We are awaiting a response from TxDOT regarding the removal of debris from Briar Branch Creek.
 - b. Camelot Woods drainage and improvement project update. Final grading and sod have been completed and walk-thru was performed on 11/18/08. Final completion should be within the next 30 days. The project appears to have come in under budget.
 - c. Discussion and possible action to consider reimbursement to Gala Croft in the amount of \$663.00 for cost estimate for concrete for replacement of drive way and sidewalk at 10911 Pifer Way as part of the Pifer Way reconstruction project.

A motion was made by Councilmember Wegner with a second by Councilmember Neuhaus to authorize the reimbursement of \$663.00 to Gala Croft. The motion carried unanimously.
 - d. Discussion and possible action to consider a time line for the solicitation for bids for the Inwood Oaks/April Way/Beinhorn (between Voss Road and Hedwig Road) drainage and improvement project, to include

Smithdale drainage and paving improvement project, and Creekside Manor drainage and paving improvement project to include Tara Oaks storm water outfall improvements.

A motion by Councilmember Reichel with a second by Councilmember Burck to authorize staff to advertise for bids for Inwood Oaks and April Way improvement project. The motion carried unanimously.

As far as status of Creekside Manor project, we are waiting on approval from Memorial Villages Water Authority and the U.S. Corps of Engineers (wetlands area at creek). Upon their approval, bid should be ready to go for next month. Tara Oaks outfall has a large sinkhole that is in need of repair. Smithdale improvements are waiting to meet with the residents again before continuing with the design of the street. With that, a motion was made by Councilmember Reichel with a second by Councilmember Burck to call a special meeting on December 2, 2008 at 8:00 p.m. to meet with the residents from Smithdale. The motion carried unanimously.

- e. Consider the mock up of the pedestrian hand rail at Memorial Drive and Lindenwood. It was the consensus of the council that the stained railing in the color "brown" was sufficient and staff should proceed with the installation.
 - f. Update on the installation of the decorative light standards on the bridge at Soldiers Creek Crossing. The light standards are scheduled for installation the week of Thanksgiving.
3. Fire Commissioner. Commissioner Elwin Peacock reported that the department is currently operating 4.325% under budget and response time in September averaged six minutes. EMS collections for the third quarter totaled \$64,500 with Hunters Creek portion at \$14,351. The department estimates that collections exceed \$200,000 this year. The Board approved the Insurance Cooperative's recommendation to remain with Aetna for employee insurance coverage for 2009. The selection of COLA on an annual basis instead of automatic renewal each year for TMRS has been put in place anticipating this change will see a savings of about \$15,000 per year to reduce the unfunded liability. Commissioner Peacock advised the Council that Fire Chief Calagna will be retiring in August 2010 with succession procedures underway for his replacement. They feel his successor is already in the department and ready to step up to the position. New bylaws were reviewed and approved by the Board. Recommending converting one the trailers used for hazardous materials to a command center vehicle to replace the school bus. The cost to retrofit the trailer is about \$6,000 using in house personnel for the labor. Belt, Harris & Associates have been selected as the auditors for next year even though their proposal was higher, it was the opinion of several board members that a periodic change in auditors is good for a different point of view on finances. Board agreed to begin the budget process in March instead of April next year.

4. Police Commissioner. Commissioner Benny Hruzek and Chief Gary Byre reported that the Police Department is currently operating under budget this year. The additional funding from the Harris County District Attorney's office of \$123,000 is being used to purchase mobile laptops and infrared cameras. The access funds returned to Hunters Creek from the 2007 budget is \$55,000. Also it was reported that the crime rate is down and burglaries are as well down.

Discussion and possible action to consider activating the STEP Program.

Councilmember Reichek requested to discuss this item to determine the need to reactivate the STEP program. There was discussion that this program provides high visibility in traffic prone areas for accidents. The Mayor would like to know if cost benefit for the program. No formal action taken, however, the Mayor indicated he plans to initiate the STEP program again through the end of the year.

5. City Treasurer's Report. Deborah Loesch, City Secretary, provided council with reports from the various activities of the departments and the financial statement for the month of September.

PUBLIC HEARING.

A Public Hearing was held for the purpose of receiving testimony for or against proposed amendments to the City's Comprehensive Zoning Ordinance. The proposed amendments relate to:

- a. Amending Section 44-163 of the Zoning Chapter of the Code of Ordinances regulating fences and walls, specifically,
 1. providing that decorative elements and columns are not to be included in the calculation of the maximum height of a wall or fence in certain circumstances;
 2. increasing the maximum height from 7 feet to 12 feet for certain walls extending out from, and parallel to, the front wall of the main residential structure; and
 3. clarifying the prohibition on certain fences and walls in front of residences and establishing our clarifying certain exceptions to that prohibition.

The public hearing was opened for comments. Comments received related to why the proposal for allowing a 12 foot wall and should these be considered as a special exception, concerned that allowing the wing walls and courtyard walls homes will begin to look like prison walls. Councilmember Reichek stated he need more time to consider the proposal and relate them to actual drawings. Councilmember Burck stated that she received numerous emails from residents concerned as well that the result would be that the compound affect around a home. Hearing no further comments, the public hearing was closed.

- b. Amending Section 44-157(5) of the Zoning Chapter of the Code of Ordinances regulating the location of swimming pools in the residential district to authorize the Board of Adjustment to grant special exceptions to the minimum set back requirements and to describe the circumstances under which special exceptions may be granted.

The public hearing was opened for comments. Hearing none, the hearing was closed.

PUBLIC COMMENTS.

Public comments were received from:

Vicky Buckle, 737 W. Creekside, commented that she was having difficulty with her neighbor's fence that had fallen over on her property and the drainage problem. She was advised that this was a problem between her and her neighbor.

CONSENT AGENDA. Councilmember Burck requested that Item #4 on the Consent Agenda be removed and dealt with separately. Councilmember Reichel concurred. A motion made by Councilmember Stark and a second by Councilmember Wegner, the Council voted unanimously to approve and adopt consent agenda items 1 through 3 as follows:

1. Approval of the Minutes of the October 21, 2008 council meeting.
2. Approval of the Cash Disbursement Journal for October 2008.
3. Approval of the budget amendment for the Memorial Villages Police Department for the receipt of funds from the Harris County District Attorney's office in the amount of \$123,425 for the purchase of law enforcement equipment.

REGULAR AGENDA

4. Approval of the extension of the contract with Southern Customs for evergreen maintenance services for an additional one year and authorize the City Secretary to give written notice to the contractor of the extension.

A motion made by Councilmember Burck with a second by Councilmember Neuhaus to approve the extension of the contract for one year as in the original agreement based on the maximum allowed for projects to be in the aggregate of the \$100,000 and directed the City Secretary to give written notice to the contractor of the extension. The motion carried unanimously.

5. Discussion and possible action to consider rescheduling the December council meeting.

A motion was made by Councilmember Stark with a second by Councilmember Neuhaus to reschedule the December regular meeting to December 11, 2008 (Thursday) at 6:00 p.m. The motion carried unanimously.

6. Discussion and possible action to consider an ordinance amending Section 44-163 of the Zoning Chapter of the Code of Ordinances of the City of Hunters Creek Village, which regulates fences and walls in the residential district: 1) to specify that decorative elements and columns are not included in the calculation of the maximum height of a wall or fence in certain circumstances; 2) to increase the maximum height from seven feet to twelve feet for certain walls extending out from, and parallel to the front wall of the main residential structure; 3) to clarify the prohibition on certain fences or walls in front of residences and to establish or clarify certain exceptions to that prohibition; and 4) to add titles to the subsections; providing a penalty in an amount not to exceed \$500.00; making other provisions related to the subject; providing for severability; and providing for publication.

A motion was made by Councilmember Burck with a second by Councilmember Wegner to adopt Ordinance No. 728 approving the amendments as presented with additional amendments to provide that the wing wall, exclusive of finials and other decorative elements, does not exceed 1/3 of the height of the main residence and the area enclosed by the fence or wall shall be included as building area for the purpose of calculating the maximum building area under section 44-160 (3) a. The motion carried unanimously.

It was noted that Councilmember Burck left the meeting at 8:47 p.m.

7. Discussion and possible action to consider an ordinance: 1) amending Section 44-157(5) of the Zoning Chapter of the Code of Ordinances of the City of Hunters Creek Village, which regulates swimming pools in the residential district, to authorize the Board of Adjustment to grant special exceptions to the minimum set back requirements for swimming pools, to describe the circumstances under which special exceptions may be granted, and to make other provisions related to the subject; 2) providing a penalty in an amount not to exceed \$500.00; 3) providing for severability; and 4) providing for publication.

A motion was made by Councilmember Wegner with a second by Councilmember Neuhaus to adopt Ordinance No. 729 approving the amendments as presented. The motion carried unanimously.

8. Discussion and possible action to receive and accept the final report and recommendation from the Planning and Zoning Commission on regulating permanently installed emergency generators in the residential district and to call for a public hearing.

A motion was made by Councilmember Wegner with a second by Councilmember Reichek to receive and accept the final report and recommendation from the Planning and Zoning Commission on the proposed amendments. The motion carried unanimously.

A motion was made by Councilmember Wegner with a second by Councilmember Neuhaus to call for a public hearing to be held on January 20, 2009 at 6:00 p.m. to receive public comments on the proposed amendments. The motion carried unanimously.

9. Discussion and possible action to consider an ordinance authorizing the placement of stop signs at Gawain and Country Lane or authorize the removal of such signs.

A motion was made by Councilmember Wegner with a second by Councilmember Burck to adopt Ordinance No. 730 authorizing the placement of stop signs controlling all approaches to the intersection of Gawain Lane and Country Lane and directs City staff to place stop signs at the intersection in conformance with the standards and specifications contained in the most recent edition of the Texas Manual on Uniform Traffic Control Devices. The motion carried unanimously.

It is noted that Councilmember Burck was present for this item as it was dealt with earlier in the meeting before she left the meeting.

10. Discussion and possible action to consider authorizing the expenditure of budgeted funds for the replanting of trees throughout the city.

Dean Seideman, Public Works Director, presented a proposal and cost estimate of approximately \$20,665 for replanting new trees on Memorial Drive and replacement trees throughout the city, totaling 180 trees to be planted. Funds were budgeted in the amount of \$20,000 in the 2008 fiscal year budget for the reforestation for Memorial Drive. Since the proposal included areas other than Memorial Drive, staff was requesting council approval to include the additional areas in the funds for the Memorial Drive replanting.

A motion was made by Councilmember Burck with a second by Councilmember Reichek to redesignate the budget for the reforestation of Memorial Drive plantings to include the additional areas in the city. The motion carried unanimously. In addition, a motion was made by Councilmember Burck with second by Councilmember Reichek to select the proposal from Hederhorst Farms and staff will determine the appropriate placement for the trees with additional funds from the Landscaping account of \$3400 to include 25% more pines in the order. The motion carried unanimously.

It is noted that Councilmember Burck was present for this item as it was dealt with earlier in the meeting before she left the meeting.

11. Discussion and possible action to consider the recommendation of the Village Mutual Insurance Cooperative for employee medical, dental, life/AD&D, LTD, and supplemental life insurance coverage for 2009.

A motion was made by Councilmember Reichek with a second by Councilmember Wegner to approve the recommendation from the Village Mutual

- Insurance Cooperative for the employees' insurance coverage. The motion carried unanimously.
12. Discussion and possible action to consider participating in Piney Point Village's Winter Festival on December 14, 2008.
- There was discussion to not participate this year, but reconsider for next year. No formal action was taken.

ADJOURN OPEN MEETING

A motion was made by Councilmember Wegner with a second by Councilmember Reichel to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Deborah L. Loesch, TRMC
City Secretary

These minutes were approved on the 11th day of December, 2008.

Ordinance Nos. 728, 729, and 730 are on file in the City Secretary's office and are made a part of these minutes by reference.