

CITY OF HUNTERS CREEK VILLAGE, TEXAS  
MINUTES OF THE REGULAR  
CITY COUNCIL MEETING  
APRIL 28, 2009

The City Council of the City of Hunters Creek Village, Texas held its regular meeting on Tuesday, April 28, 2009, at City Hall, #1 Hunters Creek Place, Hunters Creek Village, Texas.

Present:	Mayor	Bob Dodson
	Mayor Pro Tem:	Roger Stark
	Council Members:	Stephen Reichek 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 Michael Cokinos.

REPORTS

1. Mayor and Council Reports and Comments:
  - a. Councilmember Neuhaus reported that he attended the METRO presentation on March 26 at Hedwig Village's city hall. Board members Burt Ballanfant and Jimmy Stewart have an overview of the current and future programs which are moving more towards light rail. At this time METRO has a low priority to extending the multi-cities agreement beyond 2013.
  - b. Councilmember Stark advised that a final accounting was submitted to Harris County on the Memorial Drive Phase 3 and 4 project and reported that all was approved by Commissioners Court as satisfactory. He thanked Bobby Deden and Debbie Loesch for the contributions they did to get this submitted in good form and the good work they did.
  - c. Comments or suggestions for items to include on future agendas. Councilmember Reichek stated that the Council needs to be aware that Houston Community College is looking at annexing Spring Branch ISD into their area. He plans to attend a meeting on May 8<sup>th</sup> and will report any new information at the next meeting.
2. City Engineer's Report. Charles Eastland, reported on the following projects:
  - a. Inwood Oaks/April Way drainage and paving improvement project. A ground breaking ceremony is being scheduled with METRO tentatively for May 12 at 10:00 a.m. Contracts have been signed and ready to give the notice to proceed in conjunction with the ground breaking date. As well an

agreement for the construction management, inspection and materials testing services is requested in the amount of \$90,801.00.

(1) Discussion and possible action to approve an agreement with Cobb Fendley & Associates for construction management, inspection and testing for the Inwood Oaks/April Way paving and drainage improvement project.

A motion was made by Councilmember Stark with a second by Councilmember Reichel to approve Amendment #9 to the City Engineer's Agreement providing for the construction management, inspection and testing services for the Inwood Oaks/April Way paving and drainage improvement project. The motion carried unanimously.

- b. Creekside Manor paving and drainage improvements and Tara Oaks Outfall improvement projects. Received approval of the U.S. Army Corps of Engineers wetlands permit. Preparing the temporary construction easements for the properties in the outfall areas and should be completed and ready for approval at the May meeting. Additionally, preparing to record a drainage easement in Creekside Manor for the storm sewer outfall as there is no recorded easement existing for the location. Continuing to coordinate with Memorial Villages Water Authority for approval of the plans and preparing an interlocal agreement for their participation in rehabilitation of sanitary sewer lines in Creekside.

In addition, they have looked at the possibility of widening the cul-de-sac at Creekside Circle. Concerns exist for emergency vehicle access at the circle. The cul-de-sac would have to be expanded to the outside which would extend into private property. However, by widening the pavement and narrowing the island adequate access could be provided to get the emergency vehicles to the end of the cul-de-sac with a 3-point turn. Additional cost is estimated at \$1,050.00.

- c. Long Shadows and Smithdale drainage and paving improvement project. Proceeding with the plan design for the project and submitting plans to MVWA and discussing water and sewer rehabilitation work they might want to include in the project. Plans could be ready to bid by the May council meeting.
- d. TCEQ MS4 Permit. Stormwater outreach materials are ready; stormwater inlet marking and map of stormwater outfalls need to agree on a plan of action for installation of markers and develop a base map of the location of outfalls.
- e. Handrail at sidewalk along Memorial Drive at Lindenwood and Kuhlman. Lindenwood handrail is complete, Kuhlman handrail will be installed in early May.
- f. Status of various projects under consideration. Working with contractor on the sidewalk replacement and repairs as approved by Council in March.

Following a heavy rain event on April 17<sup>th</sup>, witnessed high water on Kemwood and Storywood, as well witnessed major ponding in yards along Wellesley and at the NE corner of Bryn Mawr Circle. All of these areas have been included in the CIP.

3. Fire Commissioner. Commissioner Elwin Peacock announced that he is the new chairman of the Commission this year. He reported response time for Hunters Creek averaged at 5 minutes in March. Expenditures are 0.25% under budget. Intrabudget transfers for the 2008 budget are being approved by the other villages and a \$192,000 surplus will be returned to the cities. The Board has been reviewing several compensation plans with the majority of the discussions related to the retirement plan. A meeting is scheduled with the 6 mayors along with the Fire Chief and Chairman on Wednesday April 29 to continue further discussions on the retirement plan. The Board approved an identity theft program to use now they are accepting credit cards for EMS services. Reminded mayor and council that the annual shrimp boil was planned for Saturday, May 16 and encouraged everyone invited to attend.

- a. Discussion and possible action to consider the resignation of Matt Thanheiser as Alternate Fire Commissioner and consider any appointment to fill the position.

A motion was made by Councilmember Burck with a second by Councilmember Wegner to accept the resignation of Matt Thanheiser as Alternate Fire Commissioner. The motion carried unanimously.

A motion was made by Councilmember Reichek with a second by Councilmember Wegner to appoint Tod Dimitry as Alternate Fire Commissioner. The motion carried unanimously.

4. Police Commissioner. Police Chief Gary Byre and Commissioner Benny Hruzek reported on the activities from the Police Department. Police Chief Byre advised of an arrest of 3 persons on burglary charges. Criminal activity continues at a low level. Commissioner Hruzek updated the Council on the department's budget process. Councilmember Reichek advised everyone that the mayors have been working to get a handle on the unfunded liability in TMRS. Hunters Creek portion of the unfunded liability is approximately \$1.7 million. The department will be looking at making changes in the provisions of the plan to reduce the unfunded liability costs. They are looking at all areas where they can save funds while maintaining current staffing. The 2009 budget is operating under budget. Councilmember Neuhaus requested to have a copy of draft of the proposed budget by our June meeting.
5. City Treasurer's Report. City Treasurer Keen Butcher was not able to be present at the meeting, however; Deborah Loesch, City Secretary provided a written report of the Treasurer's Report for March indicating the average interest earned on money market investment accounts is 1.49%. Interest income continues

to decrease as interest rates continue to fall. All bank accounts are fully collateralized as required. As 3/31/09, the total cash and investments in accounts are all in good order and reconciled without adjustments. Deborah Loesch, City Secretary, provided council with reports from the various activities of the departments and the financial statement for the month of February. There were no comments made on the monthly reports.

a. Discussion and possible action to approve the engagement of Belt Harris & Associates to perform the required single audit as a result of the expenditures associated with Hurricane Ike and the reimbursement from FEMA for an amount of \$8500 and authorize the mayor to execute the engagement letter.

A motion was made by Councilmember Reichek with a second by Councilmember Wegner to approve the engagement of Belt Harris & Associates to perform the single audit for \$8500 and authorize the mayor to execute the engagement letter. The motion carried.

Voting: Aye (4) – Reichek, Neuhaus, Stark, Wegner

Nay (1) – Burck

6. City Attorney Report. John Hightower reported on the final resolution of a dispute with AT&T over utility relocation costs. He advised that a court decision did not favor AT&T in this area and therefore they would not be pursuing their claim to be reimbursed for the cost to relocate their lines. This would apply to previous claims and any future claims.

#### PUBLIC COMMENTS.

Rosie Kashwani from Magnolia Bend submitted a written comment that was read in concern of the flooding from Buffalo Bayou and checking with the U.S. Army Corps of Engineers as to the timing of the opening of the dams.

Mitch Kreindler on Storywood and Marsha Hugart Childers on Gawain both commented on the flooding on Storywood. Ms. Childers comment included that there was no accumulation on Gawain, but Storywood was flooded over the curb. There appeared to be no blockage to the drains.

CONSENT AGENDA. A motion made by Councilmember Wegner with second by Councilmember Neuhaus, the Council voted unanimously to approve and adopt consent agenda items 1 through 4 as follows:

1. Approval of the Minutes of the March 24, 2009 and April 9, 2009 council meetings.
2. Approval of the Cash Disbursement Journal for March 2009.

3. Approval of the increase in the default rates for 2009 established by the Public Utility Commission of Texas for municipal telecommunications right-of-way access line rates.
4. Approval of the Village Fire Department 2008 intra-budgetary transfers.

REGULAR AGENDA

5. Discussion and possible action to consider a request to amend the no parking zone on Wade Hampton and Flint River Drive as it pertains to school times.

There was discussion with no formal action taken.

6. Discussion and possible action to consider an ordinance amending Section 40-9 of the Code of Ordinances to eliminate the prohibition on the use of bicycles on public streets adjacent to hike and bike trails.

There was discussion with Councilmember Stark concerned that it is difficult for the Police Department to enforce this ordinance. Police Chief Byre recommended that the regulations remain as is and that riding on the public street especially on Memorial and Voss Road is dangerous. Councilmember Burck stated that the current hike and bike trails are substandard to the City of Houston trails. There was no formal action taken.

7. Discussion and possible action to consider amending Section 10-3 of the Code of Ordinances for Construction Site regulations regarding security fencing.

John Hightower, City Attorney, advised the Council on the parameters that the staff was working within the ordinance to enforce the provisions regarding security fencing and believes the manner in which they are handling is effective to enforce. There was no formal action taken.

8. Discussion and possible action to consider regulations requiring permits for the removal of dead or diseased trees and associated fee for such permit.

There was discussion with Councilmember Reichel stating he was against the permit fee for the removal of dead trees. However after a brief discussion, council took no formal action to change the current requirements.

9. Discussion and possible action to consider renaming Las Alamedas Way.

A motion was made by Councilmember Burck with a second by Councilmember Stark to adopt Ordinance No. 738 renaming Las Alamedas Way to Old Voss Road. The motion carried unanimously.

ADJOURN OPEN MEETING

A motion was made by Councilmember Reichel with a second by Councilmember Wegner to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

*Deborah L. Loesch*

Deborah L. Loesch, TRMC  
City Secretary

These minutes were approved on the 26th day of May, 2009.

Ordinance No. 738 is on file in the City Secretary's office and is made a part of these minutes by reference.