

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

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

Present:	Mayor	David Wegner
	Council Members:	Stephen Reichel Bonnie McMillan Ed Neuhaus
	City Secretary:	Deborah Loesch
	City Attorney:	John Hightower

With a quorum of the Council Members present, Mayor Wegner called the session to order at 6:00 p.m. It was noted that Council members Michael Schoenberger and Jim Pappas were not in attendance. The pledge of allegiance was led by Nick Johnston.

PUBLIC COMMENTS.

The following comments were received:

Brady Wilkins, Wexford Capital Partners, regarding allowed uses for the property located at 8615 Katy Freeway (formerly known as Las Alamedas). Mr. Wilkins stated that he is the real estate broker for the property owners and he advised that there may be redevelopment of the property for which a variance request to the height restrictions may be considered if redeveloped and there may be extended hours depending on the uses.

Nick Johnston spoke to council to consider much needed youth activities in the community such "Best Friends Day", "Study with Friends", and other ideas. Mayor Wegner stated that he has formed a Youth Activities Committee of Councilmember McMillan and Pappas to work with Nick to formulate some activities for our community.

Kathleen Slaydon, 725 E. Creekside, spoke on the upcoming annexation election for Houston Community College Spring Branch that committees were being formed promoting drives for "Say No" to the annexation.

Dr. Howard Finkel, 612 Saddlewood, stated that the drains on Saddlewood are unable to handle the run off of water from heavy rains on the street, too much silt in open ditches that need to be cleaned out. In addition he commented on the continued speeding on the street and asked about placing additional speed limit signs.

Colin Bowen, 215 Bryn Mawr Circle, commented on the flooding behind his house being caused by the collapsed drainage system coming from Glenddenning and the

need to improve or replace the drainage system. There are 3 lots on Bryn Mawr that are flooded from this system as it tries to get to the Memorial Drive system.

REPORTS

1. City Engineer's Report. Dale Conger reported on the following projects:
 - a. Inwood Oaks/April Way drainage and paving improvement project. The Contractor has completed the work on April Way pending final walk-thru. On Inwood Oaks, the waterline work is completed all utilities and is 85% complete on storm sewer installation. More than 60% of the concrete paving has been poured. Continuing at this rate, the expected date of completion should be by September 4th. Contractual date for substantial completion is October 25th and if they are complete by September 4th, they will earn the full completion bonus of \$33,750.
 - b. Creekside Manor paving and drainage improvements and Tara Oaks Outfall improvement projects. Bids were opened on June 23rd with TRCU Ltd as the apparent low bidder. However, following the engineer's research as to qualification for the project, it was determined that there were several factors that could not be overlooked and therefore could not recommend them to receive award of the bid. They found that their core business is in the construction of multi-family housing units and recent work in utility construction projects. The information reflected that of a growing company and has been on a learning curve in the utility business. In addition, it was determined that in early projects they ended up subcontracting out much of their work. There were 2 line item bid irregularities, experience, and financial indications that were factors in not recommending them for the contract and recommending the next low bidder, Metro City Construction to receive the award.

Boundary line agreements and drainage easements are being executed and being prepared for recording.
 - c. Long Shadows and Smithdale drainage and paving improvement project. Bids were opened on July 21st with SER Construction being the low bidder. Award of this bid will need to be conditioned upon approval by the Memorial Villages Water Authority for their portion of the work on the project.
 - d. Future projects identified for future storm water drainage improvements.
 - (1) Saddlewood and Storywood. Presented for approval a proposal for \$147,000 to perform preliminary engineering and surveying services for the improvements. Continuing to work on drainage easements and acquisition work to facilitate the best design of the drainage improvement.

- (2) Kemwood/Bryn Mawr. Presented for consideration approval of a proposal for \$60,000 for preliminary engineering and surveying for this project to begin technical work and information for upcoming residents meetings.
 - (3) Wellesley. Drainage improvements will be considered upon completion of the Saddlewood and Storywood work. The Wellesley drainage systems will tie into the proposed Saddlewood system.
- e. Brogden Road reconstruction project by the City of Hedwig Village. Construction continues and has caused City Hall to experience several water outages as well as telephone and gas. Anticipate completion in Fall of 2009.
- f. Status of various projects under consideration.
 - (1) Updating City Map – finalizing the map with one more review by the City Secretary;
 - (2) Inventory of storm water inlets as required under the TCEQ MS4 permit – completed field work and preparing map book for inlet mapping and marking;
 - (3) Proposed installation of a guardrail along Bingle Road curve – contract documents have been prepared for the project, however, may need to reconsider the amount of railing constructed due to appearance. Anticipate requesting authorization to go out for bid at the August meeting.
2. City Treasurer. Deborah Loesch, City Secretary, presented the monthly financial and budget reports and the quarterly investment reports for their review and there was no discussion of the information provided.
3. Police Commissioner. Police Chief Gary Byre and Commissioner Benny Hruzek reported on the activities from the Police Department. Commissioner Hruzek advised that the department is operating at \$61,000 under budget with auto expenses down due to lower fuel prices. Chief Byre advised that burglary suspects apprehended recently were found to be involved in one here in May and was also involved in incidents in Pearland. Charges have been filed by Pearland, 4 suspects are now in custody.
 - a. Discussion and possible action regarding the fiscal year budget for 2010 for the Memorial Villages Police Department.

A motion was made by Councilmember Neuhaus with a second by Councilmember Reichel to table the matter until the August 25th council meeting. The motion carried unanimously.
4. Fire Commissioner. Commissioner Elwin Peacock presented the report for the Village Fire Department. Currently operating 1.24% under budget with response time for calls for service in Hunters Creek averaged at 5 minutes. The Quarterly

Investment Report on funds and CD's showed they are receiving 1.65% on CD's and renewals are at 1.15% rate. Revenues from ambulance billings are down for the first quarter. Received FEMA reimbursement for personnel expenses from Hurricane Ike. Approximately 1,800 hamburgers and 2,700 hot dogs were served at the Villages Independence Festival. All surplus food was given to a charitable organization. One fireman notified the chief of his intention to resign and will be working for the City of Sugar Land on August 10th. Another fireman was appointed to the State Commission on Fire Protection. Several members of the department were teaching at Texas A&M fire school during the week.

5. Mayor and Council Reports and Comments:

- a. Mayor Wegner announced the upcoming drainage meeting with Harris County Flood Control District and other entities to discuss the events of the April 28 rainfall. The meeting will be August 20, 2009 at 6:30 pm at the City of Hedwig Village.
- b. Consider the establishment of a recycling committee. Mayor Wegner asked Councilmember McMillan to chair this committee. The Mayor is asking residents to volunteer on this committee.
- c. Upcoming election for Houston Community College for the annexation of Spring Branch area. Mayor Wegner indicated he would be willing to work with the committee.
- d. Comments or suggestions for items to include on future agendas. Councilmember Neuhaus requested notifying METRO to replace the trash cans at the bus stops. Councilmember McMillan requested an item on next month's agenda regarding the urban forester position.

CONSENT AGENDA. A motion made by Councilmember McMillan with second by Councilmember Reichel, the Council voted unanimously to approve and adopt consent agenda items 1 through 5 as follows:

1. Approval of the Minutes of the June 23, 2009 council meeting.
2. Approval of the Cash Disbursement Journal for June 2009.
3. Acceptance of the resignation of Keen Butcher as City Treasurer.
4. Receive and accept the Annual Financial Report for year ending December 31, 2008 and the Single Audit Reports for year ending December 31, 2008.
5. Approval of a Boundary Agreement between William E. Fann, Mark Steven Yanke, and Maureen P. Yanke establishing the boundary lines between Lot 14, Block 1, Tara Oaks Subdivision and Lot 13, Block 1, Tara Oaks Subdivision.

REGULAR AGENDA

6. Discussion and possible action to consider the award of bid for the Creekside Manor/Tara Oaks Outfall improvement project.

Charles Eastland, as City Engineer, recommended rejecting the low bidder TRCU Ltd. as not being responsible and accepting the second bidder Metro City Construction as the contractor for the project. Before Council took any further action comments were received from the owner of TRCU Ltd, Rowan Smith.

Mr. Smith stated that he is building a home in Hunters Creek and understands the Council's concern of awarding the contract to an unknown company. However, he wanted to assure the Council that he is qualified to do the job. He has done over \$160M of jobs and personally will be supervising this project. He felt that by awarding the project to the next bidder was not a good use of taxpayer's funds. He stated that he has never had a failed project.

Additional comments were received from Dan Boyles, Creekside HOA president, expressing his concern of using a new contractor. He stated he did not want his subdivision to be on the learning curve and need to take the recommendation of the City Engineer. The construction will be disruptive to the neighborhood and would prefer to have a contractor familiar to the process. Kathleen Slaydon, also a resident of Creekside, stated she is in support of the City Engineer's recommendation.

With no further comments forthcoming, a motion was made by Councilmember Reichel with a second by Councilmember Neuhaus to reject TRCU Ltd as low bidder as not responsible and accept the bid of \$1,609,258.43 from Metro City Construction, second low bidder. The motion carried unanimously.

7. Discussion and possible action to consider the award of bid for the Long Shadows and Smithdale Paving and Drainage improvement project.

A motion was made by Councilmember Neuhaus with a second by Councilmember McMillan to award the bid to SER Construction contingent approval by Memorial Village Water Authority of the city's portion not to exceed \$1,158,230.00 for a total bid of \$1,413,271.00. The motion carried unanimously.

8. Discussion and possible action to consider approval of Ordinance No. 743 amending fiscal year 2009 budget adopting amendment #4 appropriating funds in the amount of \$60,000 for preliminary engineering services for Kemwood/Bryn Mawr drainage and paving improvements and \$147,000 for preliminary engineering services for Storywood/Saddlewood drainage and paving improvements.

A motion was made by Councilmember Reichel with a second by Councilmember Neuhaus to approve Ordinance No. 743 adopting amendment #4 to fiscal year 2009 budget. The motion carried unanimously.

9. Discussion and possible action to consider approval of Amendment #10 to the City Engineer's Agreement to provide preliminary engineering services for drainage and paving improvements for Kemwood and Bryn Mawr.

A motion was made by Councilmember Reichel with a second by Councilmember McMillan to approve Amendment #10 to the City Engineer's Agreement for \$60,000 and authorize the mayor to execute the agreement on behalf of the City. The motion carried unanimously.

10. Discussion and possible action to consider approval of Amendment #14 to the City Engineer's Agreement to provide preliminary engineering services for drainage and paving improvements for Storywood and Saddlewood.

A motion was made by Councilmember Reichel with a second by Councilmember McMillan to approve Amendment #14 to the City Engineer's Agreement for \$147,000 and authorize the mayor to execute the agreement on behalf of the City. The motion carried unanimously.

11. Discussion and possible action to consider granting authorization to the mayor to make appropriate determination to accept offers for renewal rates for electric service contract.

A motion was made by Councilmember Reichel with a second by Councilmember Neuhaus to accept the renewal rate of \$0.0621582 for 36 months with Champions Energy beginning January 1, 2010 and authorize the mayor to make appropriate determination of acceptable rate if offer is retracted. The motion carried unanimously.

12. Discussion and possible action to consider Ordinance No. 744 amending Article II, Chapter 6, of the Code of Ordinances of the City of Hunters Creek Village, which regulates sexually oriented business: 1) to prohibit the location of sexually oriented businesses within 1,000 feet of a residence; 2) to change the permitting officer from the Police Chief to the City Secretary; and 3) to change the definition of sexually oriented business by replacing the term "Chief of Police" with the term "City Secretary".

A motion was made by Councilmember Reichel with a second by Councilmember Neuhaus to adopted Ordinance No. 744 amending the chapter 6 as presented. The motion carried unanimously.

- 12a. Discussion and possible action to consider Resolution No. 09-06 establishing an application fee for permits pertaining to sexually oriented businesses.

A motion was made by Councilmember McMillan with a second by Councilmember Reichel to approve Resolution No. 09-06 establishing a fee of \$650.00 for application for permit for a sexually oriented business. The motion carried unanimously.

13. Discussion and possible action to consider possible changes to regulations regarding through truck traffic.

There was no action taken.

14. Discussion and possible action to consider authorization for the expenditure of funds to upgrade the sprinkler systems in the rights-of-way.

Mayor Wegner advised that staff was developing a scope of work and getting estimates to consider revamping the sprinkler systems in the city's rights-of-way and adding systems in places where they do not exist. Further information will be provided at future meetings as the plans develop. No action was taken on this item.

15. Discussion and review to consider the proposed budget for fiscal year 2010.

A second revision to the proposed budget was presented to Council for review. There was no discussion but they were advised to contact the City Secretary with any questions or changes in the budget.

16. Discussion and possible action to consider a separation agreement with Dennis Holm, Building Official.

A motion was made by Councilmember Neuhaus with a second by Councilmember Reichel to approve the separation agreement with Dennis Holm providing his last day of employment will be July 31, 2009. The motion carried unanimously.

ADJOURN OPEN MEETING

A motion was made by Councilmember Neuhaus with a second by Councilmember Reichel to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 9:18 p.m.

Respectfully submitted,

Deborah L. Loesch

Deborah L. Loesch, TRMC
City Secretary

These minutes were approved on the 25th day of August, 2009.

Ordinance Nos. 743 and 744 and Resolution No. 09-06 are on file in the City Secretary's office and are made a part of these minutes by reference.