

Agenda

City of Hudson Oaks
210 North Lakeshore Drive
Hudson Oaks, Texas 76087
Regular City Council Meeting

Thursday
July 28, 2011

REGULAR SESSION 7:00 P.M.

Call to order

PLEDGE OF ALLEGIANCE

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible

PROCLAMATIONS

A. CITIZEN COMMENTS AND ANNOUNCEMENTS

Citizens who have signed a form to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and City Council members are prevented from discussing the subject and may respond only with statements of factual information or existing city policy.

B. ITEMS OF COMMUNITY INTEREST

Items of community interest include expressions of thanks, congratulations, or condolence; information regarding holiday schedules; honorary recognitions of city officials, employees or citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or employee; and announcements involving imminent threats to the public health and safety.

C. CONSENT AGENDA

1. Consideration of the Regular City Council Meeting Minutes for June 23, 2011
2. Consideration of Minute Order 2011-20, adopting an interlocal agreement with Weatherford College for fire academies to be held at the City's Public Safety Building

D. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consideration of Minute Order 2011-21, appointing a Mayor Pro-Tem for 2011-12
2. Consideration of Minute Order 2011-22, appointing the Comprehensive Planning Advisory Committee (CPAC)

E. PUBLIC HEARING AND RELATED ITEMS

F. STAFF/COUNCIL REPORTS

1. Police Department monthly activity report
2. Financial Dashboard
3. Sexually oriented business regulations and zoning

G. FUTURE AGENDA ITEMS

In compliance with the Texas Open Meetings Act, Council Members may request that matters of public concern be placed on a future agenda. Council Members may not discuss non-agenda items among themselves. In compliance with the Texas Open Meetings Act, city staff members may respond to questions from Council members only with statements of factual information or existing city policy.

H. EXECUTIVE SESSION

Pursuant to Chapter 551, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting to receive legal advice from its attorney on any posted agenda item as permitted by law, or to discuss the following:

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071
2. Discussion regarding possible purchase, exchange, lease, or value of real property pursuant to Section 551.072
3. Deliberation regarding gifts or donations to the City pursuant to Section 551.073
4. Personnel matters pursuant to Section 551.074 (to deliberate the appointment, employment, evaluation, reassignment or duties, discipline or dismissal of a public officer or employee)
5. Deliberation regarding security pursuant to Section 551.076
6. Deliberation regarding economic development negotiations pursuant to Section 551.087

I. DISCUSSION/ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

J. ADJOURNMENT

I, Sheila Elmore, hereby certify that notice of the above meeting was posted on the front door of the City Hall of the City of Hudson Oaks, a place readily accessible to the public at all times, on the 22nd day of July 2011 at 5:00 p.m., and it remained continuously posted for at least seventy-two 72 hours immediately preceding said meeting, and that said meeting and that said notice was posted in accordance with Chapter 551 of the Texas Government Code.

This facility is wheelchair accessible and accessible parking spaces are available, requests for accommodations or interpretive services must be made forty-eight 48 hours prior to this meeting, please contact the city secretary at 682-229-2425 or fax 682-229-2429 for further information. The city attorney reserves the right to take agenda item(s) into executive session.

Sheila Elmore
City Secretary

City Council Meeting Staff Agenda Report



Items of Community Interest		
Meeting date: July 28, 2011	Agenda Item #: B	Action being considered: None

Staff Recommendation: N/A

Prior Board or Council Action: N/A

Background Information/Analysis:

New State law enables City Council to hear or make announcements regarding “items of community interest,” even if it is not a specifically posted agenda item. The text of the law specifies:

Items of community interest include expressions of thanks, congratulations, or condolence; information regarding holiday schedules; honorary recognitions of city officials, employees or citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or employee; and announcements involving imminent threats to the public health and safety.

1. **Water conservation reminder** – Reminder that the City of Hudson Oaks has activated its Water Conservation/Drought Contingency Plan. Visit the City’s website for details about when outdoor irrigation is permitted.
2. **Burn Ban** – The Parker County Commissioners Court has extended the Burn and Fireworks Ban until August 9, 2011 due to the extreme fire danger.
3. **National Night Out** – Rescheduled to October 4, 2011. There will still be three community event sites. Information will be distributed in an upcoming utility bill.
4. **Miles 4 Mammograms** – Gene L. Voyles Park will again be the host site for the Parker County Hospital District’s Miles 4 Mammograms event on Saturday, October 1, 2011.

Financial Considerations:

N/A

Attachments:

Staff Contact:

Sheri Campbell-Husband, city administrator
682-229-2407
Sheri.campbell@hudsonoaks.com

Patrick Lawler, assistant city administrator
682-229-2408
Patrick.lawler@hudsonoaks.com

City Council Meeting Staff Agenda Report



Consideration of Minutes of the June 23, 2011 Regular City Council Meeting

Meeting date: July 28, 2011	Agenda Item #: C1	Action being considered: Approval of Minutes
---------------------------------------	-----------------------------	--

Staff Recommendation:

Review and approve the minutes of the June 23, 2011 City Council meeting.

Prior Board or Council Action:

Council has not previously acted on this item.

Background Information/Analysis:

Meeting was held at 7:00 p.m. on Thursday, June 23, 2011 at Hudson Oaks City Hall.

Financial Considerations:

None

Attachments:

Minutes of June 23, 2011 City Council Meeting

Staff Contact:

Sheri Campbell-Husband, city administrator
682-229-2407
Sheri.campbell@hudsonoaks.com

Sheila Elmore, city secretary
682-229-2425
Sheila.elmore@hudsonoaks.com

City Council Meeting Staff Agenda Report



Minutes

City of Hudson Oaks
210 North Lakeshore Drive
Hudson Oaks, Texas 76087
Workshop Session
Regular City Council Meeting

Thursday

June 23, 2011

WORKSHOP SESSION 6:30 P.M.

Workshop began at 6:38 p.m.

Workshop recessed at 7:15 p.m. to hold Regular Session

Workshop reconvened at 9:23 p.m.

Workshop adjourned at 10:15 p.m.

1. Discussion of Fiscal Year 2011-2012 Budget

The City Administrator and Assistant City Administrator gave a report.

1. General and Enterprise Fund budget assumptions
2. Operations expenditures
3. General and Enterprise Fund: year to year
4. Additional/future needs

REGULAR SESSION 7:00 P.M. (or immediately following the workshop session)

Call to order

Meeting was called to order at 7:21 p.m.

Present were:	Mayor	Pat Deen
	Council Member	Tom Marquardt
	Council Member	Paula Wigley
	Council Member	Brian Lixey
Absent were:	Mayor Pro-Tem	Tom Fitzpatrick
	Council Member	Dan David
Staff:	City Administrator	Sheri Campbell-Husband
	Asst. City Administrator	Patrick Lawler
	City Secretary	Sheila Elmore
	Financial Analyst	Wade Calhoun
	Chief of Police	Brandon Mayberry
	City Attorney	Rob Allibon
Guests:	Texas Gas Service	Wyatt Irby
	SUP RV/Cover	Denise Newbriskey
		Gregg Davis
		Cyndy & Dick Ellis

**City Council Meeting
Staff Agenda Report
OATH OF OFFICE**



The Mayor conducted the swearing-in of Council Members Paula Wigley and Brian Lixey.

PROCLAMATIONS

There were no proclamations

A. CITIZEN COMMENTS AND ANNOUNCEMENTS

Citizens who have signed a form to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and City Council members are prevented from discussing the subject and may respond only with statements of factual information or existing city policy.

There were no citizen comments or announcements

B. ITEMS OF COMMUNITY INTEREST

Items of community interest include expressions of thanks, congratulations, or condolence; information regarding holiday schedules; honorary recognitions of city officials, employees or citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or employee; and announcements involving imminent threats to the public health and safety.

The Hudson Oaks Police Department and volunteers were recognized for the 2011 National Police Week Open House.

C. CONSENT AGENDA

1. Consideration of the Regular City Council Meeting Minutes for May 19, 2011

Council Member Marquardt made a motion to approve the consent agenda. Council Member Wigley seconded the motion. All present voted "aye." Motion carried 3-0

D. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consideration of Minute Order 2011-15, appointing a Mayor Pro-Tem for 2011-12

The Mayor requested that this item be tabled and return on the July Council agenda.

2. Consideration of Minute Order 2011-16, appointing Commissioners to the Planning & Zoning Commission for 2011-12

Council Member Marquardt made a motion to approve Minute Order 2011-16, appointing to the Planning & Zoning Commission:

Jo-Alice Davis to Place 1 Glen Sutton to Place 2 Marc Povero to Place 4

Council Member Lixey seconded the motion. All present voted "aye." Motion carried 3-0

3. Consideration of Ordinance 2011-09 on request by Texas Gas Service for a cost of service rate adjustment

City Council Meeting Staff Agenda Report



Wyatt Irby and Denise Newbrisky with Texas Gas Service gave a report.

Council Member Wigley made a motion to approve Ordinance 2011-09, approving the rate increase and denying the removal of the CPI limitation. Council Member Marquardt seconded the motion. All present voted "aye." Motion carried 3-0

4. Consideration of Minute Order 2011-17, on a request by Hudson Oaks-Parker, Ltd. to install a joint use development monument sign for the Hudson Hills Development.

The Assistant City Administrator gave a report.

Council Member Lixey made a motion to approve Minute Order 2011-17, approving a joint use development sign, with Planning & Zoning Commission conditions. Council Member Marquardt seconded the motion. All present voted "aye."

E. PUBLIC HEARING AND RELATED ITEMS

1. Public hearing and consideration of Minute Order 2011-18, on request for a Specific Use Permit to allow or a RV/Carport cover to be built on Lot 79, being a .80 acre tract of land in Phase 3 of the Diamond Oaks Subdivision, in the City of Hudson Oaks, Parker County Texas (114 Brookview Ct.)

The Assistant City Administrator gave a report.

Public hearing opened at 7:54 p.m. To speak for this item were Gregg Davis (property owner) and Cyndy & Dick Ellis (neighbor). Public hearing closed at 7:56 p.m. No one spoke against the application.

Council Member Marquardt made a motion to approve Minute Order 2011-18, approving a Specific Use Permit to allow a RV/Carport cover to be built a 114 Brookview Court. Council Member Lixey seconded the motion. All present voted "aye." Motion carried 3-0

2. Public hearing and consideration of Ordinance 2011-08, amending the Comprehensive Zoning Ordinance of the City of Hudson Oaks, Texas by revising Section 37 "Nonconforming Uses, Lots, and Structures" and adding amortization provisions

The Assistant City Administrator gave a report.

Public hearing opened at 8:12 p.m. There was no one to speak on this item. Public hearing closed at 8:12 p.m.

Council Member Lixey made a motion to approve Ordinance 2011-08, revising Section 37 "Nonconforming Uses, Lots, and Structures and adding amortization provisions. Council Member Wigley seconded the motion. All present voted "aye." Motion carried 3-0

3. Public hearing and consideration of Minute Order 2011-19, on request for approval of a final re-plat on Lot 1R-1, and 1R-2, Block 1, Green Oaks Estates, an addition to the City of Hudson Oaks, Parker County, Texas, being a re-plat of Lots 1R,Block 1, Green Oaks Estates (PC B, SL 731; Lot 4, Block 1, Green Oaks Estates (V.359A P. 49) and Lot 8R, Block 1, Green Oaks Estates (PC B, S 33) additions to the City of Hudson Oaks, Parker County, Texas

The Assistant City Administrator gave a report.

Public hearing opened at 8:21 p.m. There was no one to speak on this item. Public hearing closed at 8:21 p.m.

City Council Meeting Staff Agenda Report



Council Member Wigley made a motion to approve Minute Order 2011-19, approving a final re-plat on Lot 1R-1 and 1R-2, Block 1, Green Oaks Estates. Council Member Lixey seconded the motion. All present voted “aye”. Motion carried 3-0

F. STAFF/COUNCIL REPORTS

1. Police Department monthly activity report- **given by the Chief of Police**
2. Water System Report- **given by the Assistant City Administrator**

G. FUTURE AGENDA ITEMS

In compliance with the Texas Open Meetings Act, Council Members may request that matters of public concern be placed on a future agenda. Council Members may not discuss non-agenda items among themselves. In compliance with the Texas Open Meetings Act, city staff members may respond to questions from Council members only with statements of factual information or existing city policy.

1. Update on K2 Ban (Marquardt)

H. EXECUTIVE SESSION-Adjourned to Executive Session at 8:37 p.m.

Pursuant to Chapter 551, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting to receive legal advice from its attorney on any posted agenda item as permitted by law, or to discuss the following:

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071
2. Discussion regarding possible purchase, exchange, lease, or value of real property pursuant to Section 551.072
 - a. Parker County Airport
3. Deliberation regarding gifts or donations to the City pursuant to Section 551.073
4. Personnel matters pursuant to Section 551.074 (to deliberate the appointment, employment, evaluation, reassignment or duties, discipline or dismissal of a public officer or employee)
5. Deliberation regarding security pursuant to Section 551.076
6. Deliberation regarding economic development negotiations pursuant to Section 551.087
 - a. Review of possible incentives for pad development

I. DISCUSSION/ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

There was no action taken on items in Executive Session

**City Council Meeting
Staff Agenda Report**



J. ADJOURNMENT

Council Member Lixey made a motion to adjourn. Meeting adjourned at 9:23 p.m.

Pat Deen, Mayor

Sheila Elmore, City Secretary

City Council Meeting Staff Agenda Report



Minute Order 2011-20, approving an interlocal agreement with Weatherford College for fire academies to be held at the City's Public Safety Building		
Meeting date: July 28, 2011	Agenda Item #: C2	Action being considered: Approve Minute Order 2011-20

Staff Recommendation:

Adopt Minute Order 2011-20, approving the interlocal agreement with Weatherford College for fire academies to be held at the City's Public Safety Building.

Prior Board or Council Action:

The Weatherford College Board of Trustees approved this agreement at their meeting on July 14, 2011. No City board has previously taken action on this item.

Background Information/Analysis:

Weatherford College's academic programming includes training for current and future professional firefighters. This training program includes both classroom and field practicum work. Recently, the chair of the college's public safety department approached the City about the possibility of an agreement that would allow their fire academy classroom sessions to be held in the training room at the City's Public Safety Building.

The proposed interlocal agreement is a result of collaborative work between the City's administrative team, the director of the college's public safety department, and the organizations' respective attorneys. Both Hudson Oaks Police Chief Brandon Mayberry and ESD #3 Fire Chief Pat English have been actively involved in the process of developing this agreement to ensure that the fire academy would not pose scheduling or logistical problems for either of their departments which are already housed in the Public Safety Building. Both chiefs support this agreement in part because, through this arrangement, their firefighters and officers would have access to some of the training being offered by the academy.

The proposed agreement specifies each entity's responsibilities regarding the training facility, calls for the college to pay the City a monthly fee for use of the facility, and establishes a one-year initial term for the contract with the possibility for extension. It also allows either party to terminate the agreement with 180 days written notice.

Financial Considerations:

If adopted, the term of the agreement would commence on August 1, 2011. The revenue from this agreement was not anticipated in the adopted FY 2010-11 Budget, nor has it been included in the proposed FY 2011-12 Budget.

To fulfill the requirements of the agreement, the City would spend \$7,500 to construct mezzanine storage in the vehicle bays at the Public Safety Building. However, the monthly payments made by the college would result in \$10,200 annual revenue for the City, so the construction cost would be recovered in the first year. The mezzanine storage will serve storage needs of both the City and the college, and the storage would be a permanent improvement to the City's facility.

City Council Meeting Staff Agenda Report

Attachments:

Proposed Interlocal Agreement

Staff Contact:

Sheri Campbell-Husband, city administrator

682-229-2407

Sheri.campbell@hudsonoaks.com



City Council Meeting
Staff Agenda Report



INTERLOCAL AGREEMENT BETWEEN WEATHERFORD COLLEGE
AND THE CITY OF HUDSON OAKS

STATE OF TEXAS §
 §
COUNTY OF PARKER §

WHEREAS, this Interlocal Agreement is made and entered by and between Weatherford College (“College”), acting herein by and through its Board of Trustees, and the City of Hudson Oaks, Texas (“City”), acting herein by and through its governing body the City Council, under Chapter 791, Texas Government Code; and

WHEREAS, there is a need to provide high quality education to persons interested in a career in fire services in Parker County, Texas; and

WHEREAS, the College desires to conduct fire science classes at the City’s Public Safety Building located at 150 N. Oakridge, Hudson Oaks, Texas 76087 under the terms and conditions set forth in this Agreement; and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the subject of this Agreement is necessary for the benefit of the public and that each has the legal authority to perform and to provide the governmental function or service which is the subject matter of this Agreement; and

WHEREAS, each governing body finds that the performance of this Agreement is in the common interest of both parties and that the division of costs fairly compensates the performing party for those services or functions under this Agreement.

NOW, THEREFORE, the City and the College agree to the following:

**SECTION 1.
TERM**

This Agreement shall be for an initial term of one (1) year commencing on August 1, 2011, and may be extended thereafter by mutual consent of the parties hereto and for such periods as may be mutually agreed upon. However, in accordance with the Texas Interlocal Cooperation Act, not later than September 30 of each year, this Agreement, or amendments thereto, shall be subject to approval by the governing bodies of the College and the City in order that it shall remain in force and funds budgeted therefore.



**SECTION 2.
PURPOSE**

A. The purpose of this Agreement is to state the terms and conditions under which the City shall provide facilities and equipment for use by the College in specialized fire training of its students, and will lay out the roles and responsibilities of each entity involved.

B. The parties anticipate that such a fire training course/program will be held each semester. Each such fire training course shall be referred to herein as a separate "Fire Academy". College may schedule multiple Fire Academy courses per semester (meeting at different times or days of the week, for example), however each such course shall constitute a separate Fire Academy for purposes of this Agreement.

**SECTION 3.
RESPONSIBILITIES**

A. It shall be the responsibility of City to provide the following at the Hudson Oaks Public Safety building located at 150 N. Oakridge Drive, Hudson Oaks, Texas 76087:

1. Use of the facility's training room as a classroom.
2. Parking for students and instructors in the Public Safety Building parking lot and on the grounds of the City's adjacent water tower.
3. Access to the parking areas and lawn of the facility for use as outdoor training areas.
4. Use of the mezzanine storage space in the vehicle bays of the facility for storage of Fire Academy equipment.
5. Access to wireless or network internet connections in the facility's training room.
6. Additional resources as agreed upon between both entities.

B. It shall be the responsibility of the College to provide the following:

1. Qualified instructors
2. Delivery of instruction
3. Classroom furniture
4. Audio/visual equipment
5. Fire training equipment

C. The College shall be responsible for the following in regard to all equipment utilized:

1. Personal safety and personal injury while using any equipment
2. Proper use, care, cleaning of all equipment used

City Council Meeting Staff Agenda Report



3. Damage to any equipment while in use
4. Establishing and abiding by any necessary agreements with Parker County Emergency Services District #3 (ESD #3) regarding the Fire Academy's use of ESD #3's equipment or vehicles.

D. The College will provide to the City a written accounting of any damaged City equipment, facilities or supplies upon occurrence by the next business day.

E. The College Program Coordinator, or coordinator designee, will be the designated "Safety Officer" for all fire training facility activities and be responsible for all activities during events or training hosted by the College.

F. The College and all of its personnel, students, and all others participating in training activities shall comply with all training facility safety rules as set forth by City, state, federal, and industry standards.

G. It shall be the responsibility of City and the College to jointly agree upon a written set of Standard Operating Procedures (SOP's) for students of the fire training classes. These SOP's shall include, but are not limited to, the following:

1. Safety standards
2. A code of conduct
3. Rules for daily operations
4. Disciplinary actions

H. The "Fire Academy" members will assist in facility maintenance including (but not limited to) daily station cleaning, truck washing, lawn care etc.

I. The Hudson Oaks/ESD #3 Fire Department will be able to attend any classes held at the station for continuing education credit without charge providing there is room in the facility. The Hudson Oaks/ESD #3 Fire Department will enter into a contract with the Weatherford College Continuing Education department to host classes without charging any tuition or fees in addition to those being paid to the college by participating students. .

J. The College agrees to relocate classes on a temporary basis for City training and events for which the City's training room is needed, upon receiving a two week notice of such events from the Hudson Oaks chief of police, or city administrator. The City of Hudson Oaks acknowledges the importance of the consistent availability of an assigned fire academy meeting space and agrees to make every effort not to require relocation on a frequent basis.

SECTION 4. PAYMENT

City Council Meeting Staff Agenda Report



A. The College agrees to pay the City a lease fee of \$850 per month for use of the facility. This amount will be paid on a monthly basis for the agreement period whether or not any fire academies are in session. This amount may be subject to change by the agreement of both parties.

SECTION 5. TERMINATION

A. This Agreement may be terminated at any time by either party hereto by the giving of one hundred and eighty (180) days written notice by the other party.

B. In the event of termination, College will remain liable for the amount of the payment due up to the day of termination.

SECTION 6. NOTICES

All written notices shall be sent to the following parties by certified mail, return receipt requested:

Weatherford College

Attn: Andra Cantrell
225 College Park Drive
Weatherford, TX 76086

City of Hudson Oaks

Attn: City Administrator
210 N. Lakeshore Drive
Hudson Oaks, Texas 76087

SECTION 7. MISCELLANEOUS PROVISIONS

A. **Representations.** By execution of this Agreement, each party represents to the other that:

1. In performing its duties and obligations hereunder, it will be carrying out one or more governmental functions or services which it is authorized to perform;

2. The undersigned office or agent of the party has been properly authorized by that party's governing body to execute this Agreement and that any necessary resolutions extending such authority have been duly passed and are not in effect;

3. All payments required or permitted to be made by a party will be made from current revenues available to the paying party; and

City Council Meeting Staff Agenda Report



4. All payments provided to be made hereunder by one party to the other shall be such amounts as to fairly compensate the other party for the services or functions performed hereunder.

B. Liability.

1. The party that regularly employs the employee (or a volunteer or student) shall be responsible for all salary, disability and pension payments, injury or death benefits, workers compensation benefits, damages to equipment and clothing of the employee, volunteer or student while he or she is involved in activities pursuant to this Agreement.

2. Each party to this Agreement shall at all times be and remain legally responsible for the conduct of their respective employees (or volunteers or students) regardless of whether such employees, volunteers or students were performing duties under this Agreement at the request of another party and regardless of whether they were acting under the authority, direction, suggestion or orders of an officer or employee of the other party. This assignment of civil liability is specifically permitted by section 791.006(a-1) of the Texas Government Code.

C. Default.

1. As used in this Agreement, "default" shall mean the failure of College or City to make any payment or perform any obligation at the time and in the manner required by this Agreement.

2. Upon failure of either party to this Agreement to make a payment or to perform an obligation required hereunder, the other party shall promptly give notice of such default to the party in default. With respect to the failure to make a payment, the party in default shall have ten (10) days after receipt of such notice of default within which to cure such default and, if payment is made within such time, the default specified in such notice shall cease to exist. With respect to the failure to perform an obligation other than payment, the party in default shall have thirty (30) days after receipt of such notice of default within which to cure such default and, if cured within such time, the default specified in such notice shall cease to exist.

3. If default is not cured as provided above, the party not in default may resort to all remedies under the law, including the recovery of its expenses and reasonable attorney's fees incurred in connection therewith. Following the expiration of the applicable time period specified above, after receipt of notice of default by the defaulting party, and providing that the default complained of has not been cured by the defaulting party, then the non-defaulting party may, in addition to the other rights or remedies available at law or in equity, terminate this Agreement by providing written notice to the defaulting party, with the termination to be effective on such future date as specified in the notice of termination sent to the defaulting party.

City Council Meeting Staff Agenda Report



4. No waiver of any one or more events of default shall operate as, or be deemed to be, a permanent waiver of any rights or obligations, an express or implied waiver of any rights or obligations, or an express or implied acceptance of any other existing or future even of default, whether of a similar or different character; nor shall such a waiver constitute either an amendment of the terms of this Agreement, or a practice or course of dealing between the parties contrary to the terms of this Agreement.

D. Indemnity. COLLEGE HEREBY RELEASES, INDEMNIFIES, HOLDS HARMLESS AND DEFENDS CITY, ITS OFFICERS, AGENTS, SERVANTS AND EMPLOYEES, FROM AND AGAINST ANY AND ALL LIABILITIES, CLAIMS AND SUITS FOR PROPERTY DAMAGE OR LOSS AND/OR PERSONAL INJURY, INCLUDING DEATH, TO ANY AND ALL PERSONS, OF WHATSOEVER KIND OR CHARACTER, WHETHER REAL OR ASSERTED, ARISING OUT OF OR IN CONNECTION WITH, DIRECTLY OR INDIRECTLY, THE PERFORMANCE OF THIS AGREEMENT, REGARDLESS OF WHETHER SUCH LIABILITIES, CLAIMS AND SUITS ARISE IN PART OUT OF THE NEGLIGENT ACT OR OMISSION OF CITY, ITS OFFICERS, AGENTS OR EMPLOYEES. THIS RELEASE AND INDEMNITY DOES NOT APPLY TO ANY CLAIMS FOR PROPERTY DAMAGE OR LOSS OR PERSONAL INJURY, INCLUDING DEATH, TO ANY PERSON OR ENTITY ARISING OUT OF OR IN CONNECTION WITH, DIRECTLY OR INDIRECTLY, THE PERFORMANCE OF THIS AGREEMENT IF SUCH LIABILITIES, CLAIMS OR SUITS ARISE, IN WHOLE OR IN PART, OUT OF THE GROSS NEGLIGENCE OF THE CITY, ITS OFFICERS, AGENTS OR EMPLOYEES.

E. Venue. Venue for any legal dispute arising pursuant to this Agreement shall lie in the County of Parker, State of Texas.

F. Amendment. This Agreement may only be modified, changed or altered at any time, upon mutual agreement of parties, provided that any such modification, change and/or alteration by reduced to writing, and approved by the governing bodies of the College and the City.

G. Severability. If any provision hereof is determined by any court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be fully severable herefrom and this Agreement shall be construed and enforced as if such invalid, illegal or unenforceable provision never comprised a part hereof, and the remaining provisions shall continue in full force and effect.

H. Independent Contractor. Each party shall operate under this Agreement as an independent contractor and not as an agent, representative, servant or employee of the other party. Subject to the terms of this Agreement, each party has the right to control the details of its performance hereunder.

I. Insurance. Without limiting any of the other obligations or liabilities of the College, the College, at their own expense, shall purchase and maintain the herein stipulated minimum insurance with companies duly approved to do business in the State of Texas and

City Council Meeting Staff Agenda Report



satisfactory to the City. Certificates of each policy shall name the City as an additional insured. Coverage shall be of the following types and not less than the specified amounts:

1. workers' compensation as required by Texas law, with the policy endorsed to provide a waiver of subrogation as to the City; employer's liability insurance of not less than \$100,000 for each accident, \$100,000 disease-each employee, \$100,000 disease-policy limit; and

2. commercial general liability insurance, including independent contractor's liability, and contractual liability covering, but not limited to, the liability assumed under the indemnification provisions of this Agreement, fully insuring the College's liability, as the case may be, for injury to or death of third parties, in at least the following amounts:

General Aggregate	\$1,000,000
Personal and Advertising Injury	\$1,000,000
Each Occurrence	\$1,000,000

Each insurance policy to be furnished shall include the following conditions by endorsement to the policy:

1. name the City as an additional insured as to all applicable coverage;

2. the term "City" shall include all boards, commissions, departments and offices of the City and individual members, employees, volunteers and agents thereof in their official capacities, and/or while acting on behalf of the City;

3. the policy phrase "other insurance" shall not apply to the City where the City is an additional insured on the policy; and

4. College hereby waives subrogation rights they may have against City for loss or damage to the extent same are covered by insurance. Insurers shall have no right of recovery or subrogation against the City, it being the intention that the insurance policies shall protect all parties to the Agreement and be primary coverage for all losses covered by the policies.

J. **No Waiver of Governmental Immunity.** It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be hereby deemed to waive, any immunity or defense that would otherwise be available to either of them against claims arising in the exercise of their governmental powers and functions, and that the services described in this Agreement are a governmental function.

K. **Assignment.** No party hereto shall assign, or transfer its interest herein without prior written consent of the other parties, and any attempted assignment, or transfer of all or any part hereof without such prior written consent shall be void. This Agreement shall be

**City Council Meeting
Staff Agenda Report**



binding upon and shall inure to the benefit of the parties and their respective successors and permitted assigns.

L. **Third Parties.** The provisions and conditions of this Agreement are solely for the benefit of the parties hereto and any lawful successor or assign, and are not intended to create any rights, contractual or otherwise, to any other person or entity.

This Agreement is made and entered into this _____ day of _____, 2011.

WEATHERFORD COLLEGE

CITY OF HUDSON OAKS, TEXAS

By: _____

Mayor

Its: _____

ATTEST:

City Secretary

**STATE OF TEXAS §
 §
COUNTY OF PARKER §**

BEFORE ME, the undersigned authority in and for Parker County, Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she is the _____ of Weatherford College, and that he/she is authorized by said _____ to execute the foregoing instrument as the act of such _____ for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2011.

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires:

City Council Meeting Staff Agenda Report



Minute Order 2011-21, appointing mayor pro-tem		
Meeting date: July 28, 2011	Agenda Item #: D1	Action being considered: Approval of Minute Order 2011-21

Staff Recommendation:

Approve Minute Order 2011-21 appointing a mayor pro-tem for 2011-12

Prior Board or Council Action:

This is an annual appointment.

Background Information/Analysis:

Chapter 4, Section 1, Subsection b of the Texas Local Government Code (Type A General Law Cities) requires that "...at the first meeting of each new City Council, one of the Council members shall be elected president pro-tempore (i.e., mayor pro-tem) who shall hold this office for one year."

Tom Fitzpatrick has served as mayor pro-tem for 2010-11.

Financial Considerations:

None

Attachments:

None

Staff Contact:

Sheri Campbell-Husband, city administrator
682-229-2407
Sheri.campbell@hudsonoaks.com

Sheila Elmore, city secretary
682-229-2425
Sheila.elmore@hudsonoaks.com

City Council Meeting Staff Agenda Report



Minute Order 2011-22, appointing the Comprehensive Planning Advisory Committee		
Meeting date: July 28, 2011	Agenda Item #: D2	Action being considered: Approve Minute Order 2011-22

Staff Recommendation:

Approve Minute Order 2011-22, appointing the Comprehensive Planning Advisory Committee.

Prior Board or Council Action: None

Background Information/Analysis:

This fall, the City of Hudson Oaks will begin development of its first Comprehensive Plan. At its April 2011 Regular Meeting, the City Council approved a contract with Freese-Nichols to develop the plan.

The comprehensive planning process involves significant input from the community, led by the Comprehensive Planning Advisory Committee (CPAC). Its primary function is to guide the development of the plan and ultimately recommend the developed plan to the Planning and Zoning Commission and City Council.

CPAC members should:

- Share with the consultant local knowledge and experiences relevant to plan development
- Provide input that is representative of the community's interests
- Attend the meetings and workshops related to plan development
- Be an ambassador of the planning process by sharing with the community what is going on with plan development, getting people's input, and encouraging people's participation in plan development

The Hudson Oaks CPAC will include members representing the city's residential districts, the business district, the East Parker County Chamber of Commerce, the Dyegard Water System, the Planning and Zoning Commission and the City Council.

At the July 28 meeting, staff will present Council with a recommended slate of CPAC candidates who have expressed interest in serving.

Financial Considerations:

None

Attachments:

None

Staff Contact:

Sheri Campbell-Husband, city administrator
682-229-2407

Sheri.campbell@hudsonoaks.com

Patrick Lawler, asst. city administrator
682-229-2408

Patrick.lawler@hudsonoaks.com

City Council Meeting Staff Agenda Report



Police Department monthly report

Meeting date: July 28, 2011	Agenda Item #: F1	Action being considered: None
---------------------------------------	-----------------------------	---

Staff Recommendation:

None

Prior Board or Council Action:

None

Background Information/Analysis:

Chief of Police Brandon Mayberry and/or his designee will discuss with Council the statistical data attached below regarding calls for service, incidents for response, patrol, and staff training.

The Hudson Oaks Police Department participated again this year in the State's "Click it or Ticket" campaign, which ended during the first week of June. Staff has given all pertinent stats to The Texas Department of Transportation, and the City will be entered into a drawing to win a \$4,000 grant for traffic safety equipment. This is the third year in which the City has participated. The drawing for the grant will take place in August.

Financial Considerations:

None

Attachments:

Monthly Activity Report for June 2011

City Council Meeting Staff Agenda Report



Hudson Oaks Police Department Monthly Activity Report JUNE 2011

Calls for Service	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Total
FY 08-09	720	1,090	1,167	843	777	986	938	874	1,094	961	909	913	11,272
FY 09-10	852	1,102	909	1,044	901	925	845	1,133	1,110	818	1,166	915	11,720
FY 10-11	1,008	1,179	969	967	809	1,226	1,076	1,067	1,001				9,302

Calls Dispatched	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Total
FY 08-09	53	59	44	55	44	67	81	59	71	68	68	72	741
FY 09-10	91	100	108	82	87	103	129	136	152	159	135	203	1,485
FY 10-11	170	229	187	200	240	187	147	145	160				1,665

Incidents Reported	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Total
FY 08-09	35	32	35	31	25	35	40	33	37	44	39	27	413
FY 09-10	29	27	29	37	32	35	29	33	39	54	38	48	430
FY 10-11	28	27	29	23	25	42	30	40	43				287

Arrests Made	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Total
FY 08-09	28	16	15	14	16	24	32	29	32	21	27	19	273
FY 09-10	13	18	14	14	23	25	29	21	33	52	47	37	326
FY 10-11	32	22	25	21	21	41	26	40	40				268

Accidents Worked	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Total
FY 08-09	5	7	1	1	4	8	8	5	7	6	12	5	69
FY 09-10	10	8	8	5	5	4	7	3	5	7	6	5	73
FY 10-11	8	1	6	1	6	5	4	3	1				35

Monthly Call/Incident Frequency	
Alarms	9
Animals	8
Disturbance	5
DWI	6
Assault	1
Burglary	1
Drug Offense	6
Agency Assist	13

Monthly Training Hours			
Course	Total Hrs	# Officers	Comments
Civil Process	60	3	
Law Update	160	8	

Community Outreach/Public Education Programs Held

Definitions

1. Calls for Service - Each activity conducted by an officer is a call for service. This includes dispatched calls and officer-initiated activities.
2. Incident Reported- Anytime a crime is committed and requires investigation an Incident Report is generated.
3. Arrests Made - Refers to the number of times per month when an officer takes someone to jail on any offense.
4. Accident Worked - Any motor vehicle accident to which the HOPD responds, whether on highway or surface street.
5. Agency Assist - The number of Calls for Service in which HOPD officers were responding to requests for assistance from another agency.

City Council Meeting Staff Agenda Report



Weatherford Animal Shelter
City of Hudson Oaks Activity Report

June, 2011

Date of incident	Location of incident	Type of incident	Action Taken	Type of Animal Impounded
6/2/2011	225 Rob lane	Animal in trap	Picked up trap	Skunk (euthanized)
6/9/2011	201 Addison	Wildlife in Garage	Picked up animal	Baby Deer (Sent to Rescue)
6/10/2011	102 Hidden Oaks Dr.	Dead Animal	Picked up animal	Skunk
6/10/2011	101 Bluebonnet	Wildlife at school	Picked up animal	Baby Deer (Sent to Rescue)
6/11/2011	325 Rob Lane	Animal in trap in Citizen trap	Picked up animal	Raccoon released at shelter
6/14/2011	213 Rob Lane	Dead animal in road	Picked up animal	Opposum
6/15/2011	108 Wildrose	Snake in yard	Killed by citizen before arrival	Rat Snake
6/16/2011	348 Diamond Oaks	Call-out by HOPD	Injured Deer	Euthanized
6/17/2011	101 Juniper Ct.	Animal in trap	Picked up trap	Skunk (euthanized)
6/21/2011	2905 Okay Trail	Injured Wildlife	Euthanized	Gray Fox
6/30/2011	109 Cedar Crest Ct.	Set Animal Trap	N/A	N/A

Calls directly to HOPD

6/3/2011	131 Derrick	Barking dog	Contacted owner	No animal impounded
6/4/2011	206 Diamond Oaks Dri	Wildlife	Called Animal Shelter	No animal impounded
6/5/2011	2801 E. I-20	Animals in vehicle in commercial lot	Contacted dog owner	No animal impounded
6/6/2011	2801 E. I-20	Bees-aggressive	Contacted store owner	No animal impounded
6/6/2011	2911 Oykey Trail	Animal welfare check	Checked on animals-fine	No animal impounded
6/27/2011	2811 Inspiration Dr.	Welfare check on horses	Checked on animals-fine	No animal impounded

Total Calls

17

City Council Meeting Staff Agenda Report



Staff report on the City's Financial Dashboard		
Meeting date: July 28, 2011	Agenda Item #: F2	Action being considered: None

Staff Recommendation:

None

Prior Board or Council Action:

The financial dashboard is presented to the City Council on a monthly basis.

Background Information/Analysis:

The reported Dashboard is for the period ending June 30, 2011. Staff will give a related report at the City Council meeting.

The Financial Dashboard includes:

- Summary of revenue and expenditures
- Summary of water and wastewater use and revenue
- Summary of economic development and investment activities
- Summary of revenue and expenditures for the Dyegard and Deercreek water systems

Financial Considerations:

None

Attachments:

Dashboard

Staff Contact:

Sheri Campbell-Husband, city administrator
682-229-2407

Sheri.campbell@hudsonoaks.com

Patrick Lawler, assistant city administrator
682-229-2408

Patrick.lawler@hudsonoaks.com

City Council Meeting Staff Agenda Report



CITY OF HUDSON OAKS
FY 2011 - COUNCIL STRATEGIC DASHBOARD

PERIOD ENDING: June 30, 2011

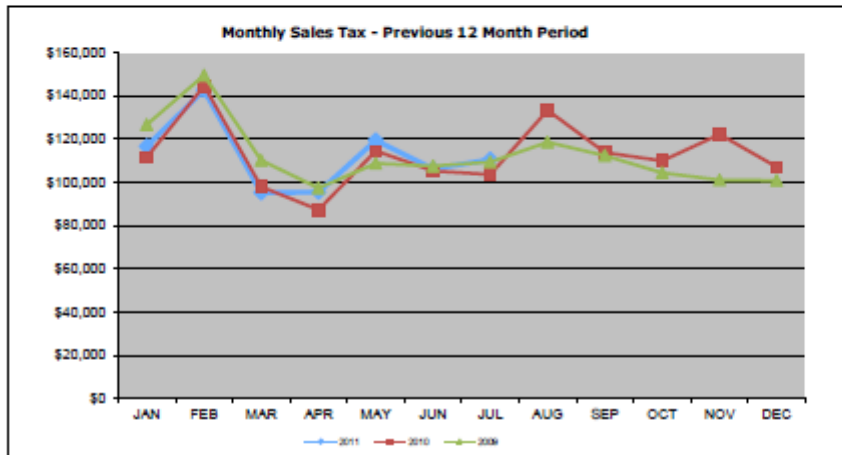
FINANCIAL OVERVIEW

Page 2 of 5

FINANCIAL SUMMARY

KEY REVENUE SOURCES

DESCRIPTION	BUDGETED REVENUE	YTD ACTUAL REVENUE	% of Budget	BUDGETED EXPENDITURE	YTD ACTUAL EXPENDITURE	% of Budget	REVENUE SOURCE	BUDGETED REVENUE	YTD ACTUAL	% of Budget
General Fund	1,935,426	1,393,877	72%	1,990,552	1,290,073	65%	Sales Tax	1,319,268	1,014,817	77%
Enterprise Fund	-	-	0%	-	-	-	Franchise Fees	130,000	129,002	99%
Water Fund	919,452	801,555	87%	908,063	665,024	73%	Licenses & Permits	193,601	110,482	57%
Wastewater Fund	178,597	152,173	85%	120,000	98,703	82%	Court Fines	162,636	99,947	61%
Debt Service Sinking Fund	-	-	-	-	-	-	Water & Wastewater	1,098,049	766,393	70%
Police Seizure Fund	-	-	-	-	-	-				
Court Technology Fund	-	-	-	-	-	-				
Court Security Fund	3,168	2,185	69%	30,000	30,000	100%				
	-	-	-	-	-	-				
TOTAL	\$ 3,036,643	\$ 2,349,790	77%	\$ 3,048,615	\$ 2,083,799	68%	TOTAL	\$ 2,903,554	\$ 2,120,641	73%



ACTUAL VS HISTORICAL REVENUE RECEIPT TRENDS

FUND	HISTORICAL	ACTUAL
General	71.74%	72.02%
Water	69.45%	87.18%
Wastewater	64.02%	85.20%

REVENUES COMPARISON YEAR TO DATE VS. YEAR TO DATE LAST YEAR

GENERAL FUND	↑
WATER FUND	↑
WASTEWATER FUND	↑

City Council Meeting Staff Agenda Report

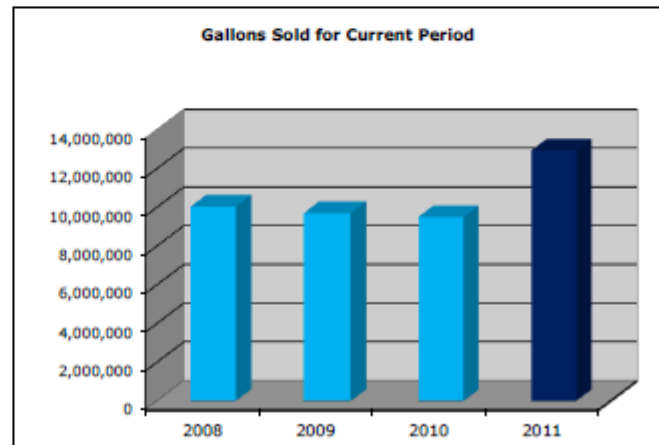
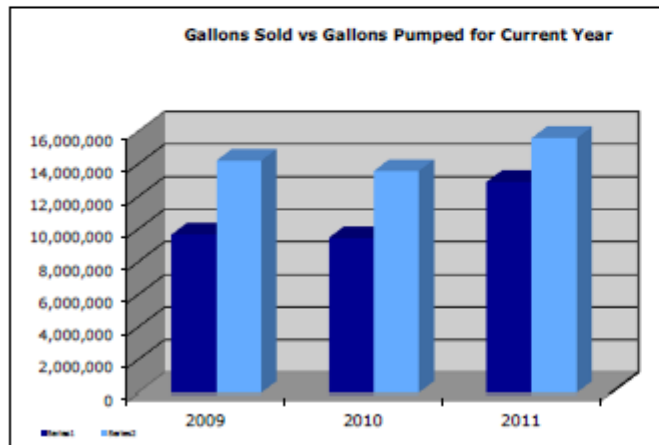
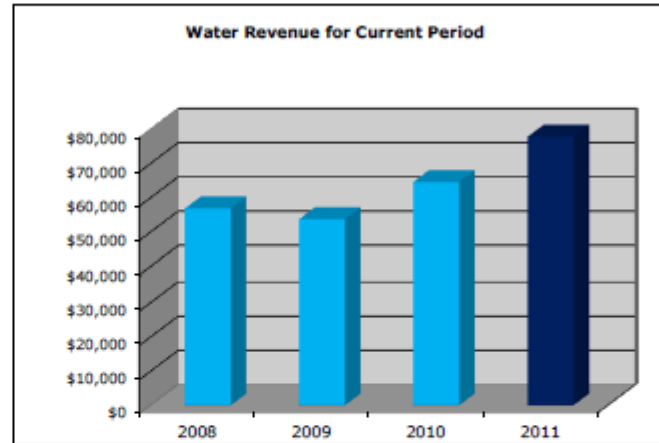
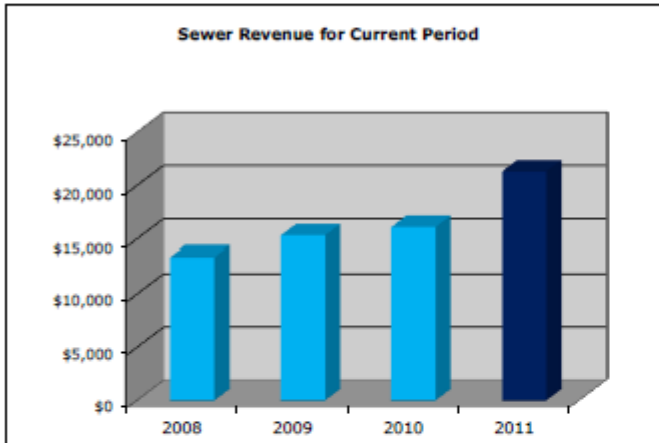


**CITY OF HUDSON OAKS
FY 2011 - COUNCIL STRATEGIC DASHBOARD**

PERIOD ENDING: June 30, 2011

WATER SYSTEM

Page 3 of 5



City Council Meeting Staff Agenda Report

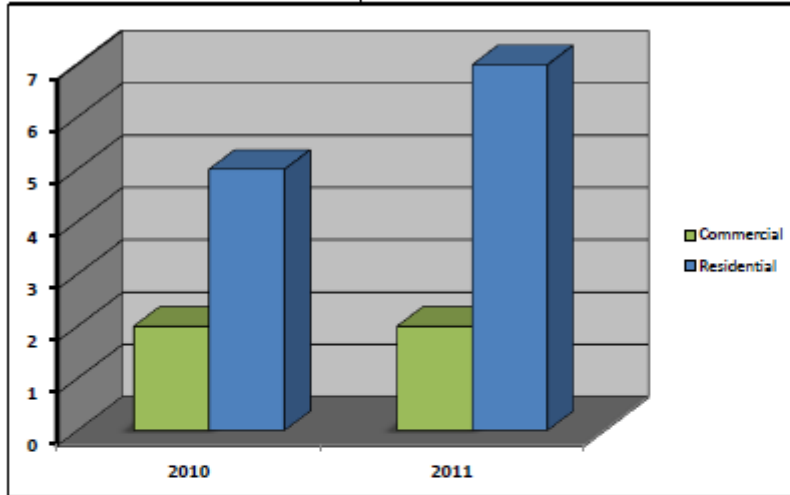


CITY OF HUDSON OAKS
FY 2011 - COUNCIL STRATEGIC DASHBOARD

PERIOD ENDING: June 30, 2011

Economic Development and Investment

Page 4 of 5



ACTUAL VS HISTORICAL PERMIT TRENDS YTD

YEAR	Commercial	Residential	TOTAL PERMITS
2010	2	5	7
2011	2	7	9
VARIANCE	0	2	2

TexPool

	Principle	Interest	Balance
General Reserve	\$97,868.33	\$6.40	\$97,874.73
Sales Tax Reserve	\$334,782.03	\$21.79	\$334,803.82
Enterprise Reserve	\$87,318.85	\$5.69	\$87,324.54
Total Reserves			\$520,003.09

Time Deposits

	Principle	Interest	Maturity Balance	Maturity Date
2 Yr Plains Capital CD	\$200,000	1.25%	\$204,427	3-Mar-13

City Council Meeting
Staff Agenda Report



CITY OF HUDSON OAKS
FY 2011 - COUNCIL STRATEGIC DASHBOARD
DEER CREEK & DYEGARD REVENUES VS. EXPENSES
PERIOD ENDING: June 30, 2011

FINANCIAL SUMMARY						
DESCRIPTION	BUDGETED REVENUE	YTD ACTUAL REVENUE	% of Budget	BUDGETED EXPENDITURE	YTD ACTUAL EXPENDITURE	% of Budget
Dyegard	209,280	146,748	70%	167,530	145,313	87%
Deercreek	218,000	144,667	66%	152,234	81,936	54%

City Council Meeting Staff Agenda Report



Presentation on sexually oriented business regulations and zoning ordinance		
Meeting date: July 28, 2011	Agenda Item #: F3	Action being considered: None

Staff Recommendation:

None

Prior Board or Council Action:

The Planning and Zoning Commission heard this same report on its May 2011 meeting.

Background Information/Analysis:

In order for the City to proceed with steps to fully and properly regulate sexually oriented businesses in its corporate limits, both the Planning and Zoning Commission and City Council are required to receive a presentation about the adverse secondary effects of such enterprises.

The P&Z received this information in May and the same presentation will be given to City Council at the July 28 meeting. Although staff will give the report, the contents of the presentation were developed by the city attorney.

Financial Considerations:

None

Attachments:

None

Staff Contact:

Sheri Campbell-Husband, city administrator
682-229-2407
Sheri.campbell@hudsonoaks.com

Patrick Lawler, asst. city administrator
682-229-2408
Patrick.lawler@hudsonoaks.com

City Council Meeting Staff Agenda Report



Future Agenda Items *(Council members may bring up items to be included on future agendas, but the items may not be discussed among Council Members because these topics are not part of the posted agenda for this meeting.)*

Meeting date:	Agenda Item #:	Action being considered:
July 28, 2011	G	None

Staff Recommendation:

For Council members to advise staff of any issues they would like to have added to an agenda for a future Council meeting and to be advised of the need to schedule related Council workshops or reschedule Regular Council Meetings.

Prior Board or Council Action: N/A

Background Information/Analysis:

At the June 23, 2011 meeting, Council Member Marquardt made a request for information about any legislative progress related to the banning of K2 or similar substances. Information is being prepared for Council's consideration at a future meeting.

Staff Contact:

Sheri Campbell-Husband, city administrator
682-229-2407
Sheri.campbell@hudsonoaks.com