



Incorporated May 2008

**City of Weston Lakes**

PO Box 1082 ★ Fulshear, Texas 77441  
(281) 533-0907

**Minutes of Regular Meeting**  
Simonton City Hall, 35011 FM 1093, Simonton Texas 77476  
**Tuesday, October 26, 2010 at 6:00 pm**

**1. Call to Order.** The regular meeting of the Weston Lakes City Council was called to order at 6:00 PM on the 26th day of October 2010 by Mayor Mary Rose Zdunkewicz. A quorum was present.

**Members Present:**

Mayor Mary Rose Zdunkewicz	Alderman Trent Thomas	Kathy Nida
Alderman Clifton Aldrich	Alderman Gary Owens	
Alderman Denis DeLuca	Marshal Ronald Horowitz	

**Members Absent:**

Alderman Ted Case

**Public Present:**

Liz Thomas	Joyce Stein	Fill Ragle
Winter Gordon	Fran Aldrich	Rob Cook
Robert Bernard	Jane Poe	Bessie Cockrell
Bo Mauch	Vern Flowers	Ed Richter
Linda Harnist	Carolyn Flowers	Marquita Griffin
Diana Offord	Rhea Ragle	Russell Buestring

**2. Invocation and Pledge of Allegiance.** Alderman Trent Thomas led the Council in the Invocation and the Pledge of Allegiance.

**3. The Statement of Rules regarding Public Comments** was read into the minutes by City Secretary, Kathy Nida.

**4. Public Comments.**

- a. Mr. Winter Gordon, resident of Pool Hill Rd. speaking for Pool Hill Rd., Reynolds Rd., Ashe Rd. and Bowser Rd. The people living in these areas were not allowed to vote on the incorporation or being included in the City of Weston Lakes ETJ. They do not want to be a part of the Weston Lakes community or in their ETJ. There are life-time residents of the area that are now being told they cannot keep their motor homes on their property.
- b. Mr. Bo Mauch, from advanced Electrical Technologies in Magnolia; the City does not have any building codes or ordinances addressing electrical, but there is an inspector driving around inspecting the electrical in homes saying homes must be wired using 12 wire now instead of 14 wire. With no local ordinances, this goes back to the State and can affect his license. This is a problem the City needs to address. Alderman Denis DeLuca corrected a statement that Mr. Riley is not part of the City, he is part of the POA.
- c. Ms. Diana Offord, resident of Reynolds Road; appalled the Weston Lakes is trying to infringe on the rights of the residents living on Reynolds, Ashe, Pool Hill and Bowser roads without the ability to express themselves. They were not given the right to vote on the incorporation or the ETJ. They have lived there all their lives and no harm has come to anyone. The City of Weston Lakes does not offer any services to those living outside the gates. They do not care to be a part of Weston Lakes.
- d. Ms. Joyce Stein, resident of Reynolds Road; she does not wish to be a part of Weston Lakes. They cannot use any of Weston Lakes' facilities. The grass is not even cut near Pool Hill Road.

- e. Mr. Vern Flowers, resident of Weston Lakes opposes the new peace officers. He is opposed to having a marshal. He wants less government no more. The City has an InterLocal Agreement with the Sheriff's office and we should let them handle things.
- f. Mr. Rob Cook, Constable of Precinct 3, here to do whatever he can to help anyone in the county.
- g. Mr. Robert Bernard, resident of Weston Lakes, would like to reserve his remarks to comment on item number 8. It would be premature to discuss anything until he hears the marshal speak. The Mayor stated according to the City's rules of order, he may speak during Public Comments. Mr. Bernard asked for a ruling from the council – they asked him to adhere to the rules. Mr. Bernard read the law to the Council. The Mayor stood by the City's rules of order. Mr. Bernard presented a copy of the Marshal's request for a vehicle and uniforms for four deputy marshals along with the itemized costs. He read from the request for four non-paid deputy marshals. What laws are they going to enforce? He advises the Council to be careful.
- h. Ms. Bessie Cockrell, resident of Reynolds and Pool Hill Road; someone came to her home and put a sign on her motor home that it must be moved or it would be removed. Upon asking questions, she was told they were a part of Weston Lakes and it was "deeded property or deed something". She asked if they were a part of Weston Lakes and was this clean up being dictated by the POA? Is that association increasing their taxes?
  - The Mayor said this is a huge misunderstanding and it needs to be addressed.
  - Alderman Owens said the City does not depend on Ad Valorem taxes – there are no taxes. Inside the gates of the Weston Lakes neighborhood is controlled by the CCRs enforced by the POA. They have no jurisdiction outside of the gates.
  - Alderman Aldrich said the City has no authority over areas in the ETJ. Please let the Mayor know who is issuing citations.
  - Alderman DeLuca asked whose name is on the citation. A man name Todd Schnieder from Fort Bend County Environmental and a constable has tried to serve papers to her husband to remove the RV.
  - Constable Rob Cook said if a constable is trying to serve papers, then someone has filed papers with the court. He would like to know where all of this started as well if his office is involved and he would be willing to help.

**5. Mayors Comments.**

- a. The Mayor asked the Council to approve a Public Hearing during the next regular City Council meeting regarding the Aqua Texas rate increase.

*A motion was made by Alderman Denis DeLuca to have a public hearing during the next regular city council meeting and was seconded by Alderman Gary Owens. The motion passed.*

- b. Quotes for City Audit. The Mayor has received two quotes to do the City audit. There is a large difference in price.

**6. Approval of Minutes of the Special City Council meeting of SEPT 16, 2010 and Minutes of the Regular Meeting on SEPT 28, 2010:** Secretary Kathy Nida pointed out that both sets of minutes have the same heading and that is not correct. The error has already been corrected in the computer. Alderman Gary Owens noted that two Aldermen were listed twice as being present.

*A motion was made by Alderman Cliff Aldrich to approve the Minutes with the corrections and was seconded by Alderman Trent Thomas. The motion passed.*

**7. Finance**

- a. Approval of SEPT Treasurer's Report

*A motion was made by Alderman Gary Owens to approve the Treasurer's Report and was seconded by Alderman Cliff Aldrich. The motion passed.*

## 8. Report by Marshal Horowicz

- a. Mr. Rick Hartley, Executive Director of the Houston 100 Club to present 3 Motorola Police Radios
  - Mr. Hartley was unable to attend due to the death of a police officer in Liberty County. He asked this item be postponed until the DEC meeting.
- b. Consider and Take Action on the Inter-Local Agreement with Fort Bend county for use of the Sheriff's Office Dispatch Radio System
  - Alderman Gary Owens wants Exhibits A and B attached to the InterLocal Agreement when it is submitted.

*A motion was made by Alderman Trent Thomas to approve the InterLocal Agreement with the Sheriff's Office for operation of the Dispatch Radio System; the motion was seconded by Alderman Cliff Aldrich. The motion passed.*

- c. Change the name of the four Reserve Deputy Marshal positions to Non-Paid Peace Officer
  - Texas Commission on Law Enforcement Officer Standards and Education is a State agency that regulates law enforcement agencies in the State of Texas: After the four positions were created, Marshal Horowicz was informed that a Marshal could only appoint full or part-time paid Deputy Marshals. Marshal Horowicz was told only Municipal Police Chief, Sheriff or Constable can appoint Reserve Deputies. The authority of the City Marshal, in Texas, is the same as a Precinct Constable. He made that argument with TECLOSE and they agreed. The marshal wants the title changed to keep in line with the State Regulations.
  - Alderman Owens interjected that he thought the Council should consider item "d." before item "c."

*A motion was made by Alderman Trent Thomas to change the title of the positions from Reserve Deputy Marshal to Non-Paid Peace Office; the motion was seconded by Alderman Cliff Aldrich.*

### DISCUSSION:

- Alderman DeLuca stated these are *proposed* positions. Alderman Aldrich said the positions were approved "subject to" approval of job descriptions and job requirements.
- Alderman Owens once again questioned why they were discussing changing the name before the final approval has been given on the positions.

*The vote was taken. YEAS – two (2): Alderman Aldrich and Alderman Thomas*

*NAYS – three (3): Alderman Owens, Alderman DeLuca and Mayor Zdunkewicz*

*The motion failed.*

- d. Consider and Take Action on the Job Description and Requirements for the Deputy Marshal position

*A motion was made by Alderman Denis DeLuca to decline the Job Description and Requirements for the Deputy Marshal position; the motion was seconded by Alderman Gary Owens.*

### DISCUSSION:

- Alderman Aldrich asked for justification for the motion to decline.
- Alderman Owens said when the positions were created it was for emergency situations, however when you look at the duties they are overly broad.
- Alderman DeLuca believes this would bring about a dynamic change in the community. When he ran for office he was for less government and he has not reversed his position on that.
- The Marshal told Council the Marshal and Deputies will be used mostly for emergency management. He asked for a car to help fulfill those responsibilities. If he has these resources, why not put them to more use? Use the deputies to patrol a couple of days a week. The Marshal's office is not expanding – it is a supplement to the Sheriff's office. The Sheriff's Office is the primary law enforcement agency.
- The Mayor expressed her opinion: The way the Marshal is talking, this is not going to cost the City anything, that it is free. It is not free. The Marshal's office will need a budget of \$4,000-\$5,000 a year

for insurance and vehicle maintenance. The Marshal disagreed. The Mayor read from the list of Reserve Deputy Marshal duties that was presented by the Marshal that she considered should be the duties and responsibility of the Marshal. The Mayor does not want to get rid of the Marshal's position but she felt those responsibilities belonged to the Marshal. The City does not have the crime that would warrant having these deputies or the car.

- Mr. Bernard tried to speak on this issue. The Mayor told him he could not speak at this time.

*The vote was taken. YEAS – three (3): Alderman Owens, Alderman DeLuca and Mayor Zdunkewicz*

*NAYS – two (2): Alderman Aldrich and Alderman Thomas*

*The motion passed.*

## **9. Adjournment**

*A motion was made by Alderman Cliff Aldrich to adjourn and was seconded by Alderman Gary Owens. The motion passed.*

The meeting adjourned at 7:10 p.m.

Attest:

Mary Rose Zdunkewicz  
Mayor, City of Weston Lakes

Kathy Nida  
City Secretary