

TUESDAY, August 17, 2010  
PUBLIC HEARING & REGULAR COUNCIL MEETING  
6:00 P.M.

**1. CALL TO ORDER:** Mayor Robin Border called the City of Hilshire Village Council Meeting to order at 6:05 P.M. at 8301 Westview, Houston, Texas 77055. Invocation was given by Council Member Shannon Whiting.

**1.2 Present:** were Mayor Robin Border, Mayor Pro Tem Connie Castro and Council Members Shannon Whiting, Stephanie Post, Edward Davis and Bill Bristow. Also present were Chief Gary Finkelman, Spring Valley Police Department, Efrain Him, P.E., Claunch & Miller, Inc., Engineer for the City, Manisha Patel, City Treasurer and Ted Lazarides, Building Official. David Olson, City Attorney, Olson & Olson was absent.

## **2. CITIZENS COMMENTS:**

**Steve Samuel, 1209 Pine Chase Drive,** stated he and the builder would prefer not to have a drainage pipe through the middle of his property because it compromises the value of his property. He stated if the City decides to put an open ditch in place of the pipes there will be no contest; however, he requested that the City give him a definitive answer. The house would have to be modified if the ditch is going through his property. Neither he nor Brian Thompson are in favor of the ditch and would not pay for any of the cost to put in the ditch. Mr. Samuel's stated he might be inclined to share the cost of removal of the easement if he had a say where the easement would be located.

**Brian Thompson, Thompson Custom Homes, 1209 Pine Chase Drive,** stated it would be unfair of the City to put the drainage in and leave a piece of property on the other side that cannot be accessed. It would be like eminent domain. He would like their engineers to work with the City to make sure of an equitable resolution for the parties involved.

**Jean Bravenec, 8010 Burkhart,** stated the back of her lot runs directly behind the 1209 Pine Chase property. She stated the ditch was a natural ravine put there by God. She stated the pipes were put in a long time ago and that is what has caused the problems. Mrs. Bravenec stated the City came through and tried to correct the problem that was causing erosion. She said the ditch/pipes are a major way of draining for the area. Mrs. Bravenec would be opposed to moving the drainage closer to her property. She stated that Mr. Samuels knew the drainage easement was on his property when he bought it.

**Judge Robert Hinojosa, 3<sup>rd</sup> District Court,** wanted to introduce himself to Council and the citizens. He is a judge in the family court in the 312th Family Court for Harris County.

**Ronnie Ralston, 1206 Pine Chase Drive,** stated he was very much opposed to the closed drainage pipe. It should be an open ravine.

**Robert Wolf, 1205 Pine Chase Drive,** lives next to the ravine and is opposed to covering up the ravine. He is opposed to changing the easement. It works fine as it is. He feels if the ravine is opened it would work better. He feels the drainage is adequate as it is now but would increase the flow if it was an open ditch.

**Steve Samuel, 1209 Pine Chase Drive,** has no plans of covering anything up. It is the City that is talking about opening the ditch. The property has already been subdivided and they have intentions of demolishing the house and building two (2) houses in its place.

**Grady Farris, 1138 Glourie Drive,** wanted to comment on the fact that the Mayor was dismissed from his lawsuit. He wanted to make it clear that he did not file against the Mayor. He filed against Robin Border individually and he voluntarily let him out of the law suit. Mr. Farris stated he did not sue the City. He never had any intentions for the citizens to pay for the law suit. Mr. Farris stated Mr. Ralston discussed cleaning out man holes during a storm. Mr. Farris stated he also has to clean out drains due to the sump pump installed on his neighbor's property during storms. Mr. Farris stated the residents at 1134 Glourie were not required to follow the tree ordinance and due to the illegal sump pump system installed at that address his 75-100 year old tree was damaged by this sump pump. He has been waiting for the City to respond to his notices regarding this damage. When the tree limb fell in his front yard he was notified immediately by the City's attorney telling him that he was in violation of the City's ordinances. He said he is required to comply by the City's ordinance immediately; however, his neighbor is allowed to kill his tree and flood his property with no letters, fines or penalties.

**Ronnie Ralston, 1206 Pine Chase Drive,** wanted to know what Steve Samuels meant by "a nudge".

**Jean Bravenec, 8010 Burkhart,** stated that she did not know if Mr. Farris' tree was damaged by the situation next door but looking at the tree from the street it looked like it had decay on it. Many of the trees similar to his are dying due to age. Mrs. Bravenec stated that everyone is going to have to replace these old trees.

**Grady Farris, 1138 Glourie Drive,** responded to Jean Bravenec's comments stating that a horticulturist looked at the tree during the construction of 1134 Glourie and said the tree would die of disease caused by the saturation of water from trenches that had four (4) to five (5) inches of water in them for over a five (5) week period.

### **3. REPORTS TO COUNCIL:**

**3.1 Police:** Chief Finkelman said during the month of July there were two (2) arrests; both were results of traffic stops where there were outstanding warrants. He stated there was one (1) motor vehicle burglary where a purse was left in the car at the Big Little School. Chief Finkelman wanted Council and the residents to keep Assistant Chief Poirier in their thoughts because he had some medical issues and was in intensive care.

**3.2 Fire Commissioner:** Mayor Border reported the VFD had not had a meeting since the last Council Meeting due to the change in the meeting dates. Mayor Border

said that the Fire Department did not expect Assistant Chief Poirier back for several months and asked everyone to keep him in their prayers. He also said that Council Member Davis would be attending the fire chief's assessment in the Mayor's absence.

**3.3 City Secretary:** City Secretary Blevins addressed the complaints and issues by stating 7919 Hilshire Green had addressed their lawn issues and the large limb was removed from 1138 Glourie. She said that the resident at 8201 Westview called complaining about the lack of water pressure and that the pressure had declined since the Ridgeley work.

City Secretary Blevins stated Hilshire Village's cost to date for the VFD's audit was \$663.75.

Mayor Border thanked Mr. Farris for "non-suiting him". However, although the City was not named in the lawsuit when the Mayor and the Building Official are sued the City is involved and pays for the bills. City Secretary Blevins said the cost for the lawsuit was \$35,676.12, to date. Mayor Border said the costs were not going to stop just because he was not being sued.

City Secretary Blevins clarified items in the consent agenda by stating the agenda item authorizing the Mayor to enter into an agreement with Harris County for debris management was discussed at last month's Council Meeting. She also said the ordinance for amending Appendix A Fee Schedule was just to clarify the wording so that an old ordinance read correctly.

**3.4 Building Official:** Ted Lazarides stated there were twenty (20) permits issued and twenty-eight (28) inspections completed in the month of July.

**3.5 Treasurer's Report:** Manisha Patel presented the financial statements. She stated \$200,000 was transferred back into the Metro account from the checking account. Originally it was transferred into the checking account so that a CD could be purchased but the decision was made to leave the funds in the savings account because of the low interest rates.

**3.6 Engineer's Report:** Efrain Him of HDR/CMI stated he contacted Mr. Doug Rowell to inquire on the status of the City's HMGP application to fund the Pine Chase and Glourie Drives Paving & Drainage Improvements Project. Mr. Rowell stated he had not received any notification from FEMA but he would contact them to check its status.

Efrain said he has resumed the emergency generator design work with Dabhi Engineering based on the Council's decision to go with a 45 kW commercial generator instead of a residential unit.

Efrain stated after reviewing the agreement between the State and the City under TDRA's Hurricane Ike Disaster Recovery Program (\$204,682 grant), it was determined that TDRA had allocated all the funding to be used for construction cost only and the engineering services would have to be paid by the City using other funds. After discussion with Mayor Border he contacted GrantWorks to request an amendment to the

agreement that would allow the City to use this grant to pay for engineering services in addition to the construction cost. GrantWorks contacted TDRA and was instructed to have the City sign the agreement and for GrantWorks to prepare an amendment request for the City.

Efrain stated the City is still waiting on the agreement from EECBG grant to purchase energy efficient air condition units for City Hall.

Efrain stated while updating the City's Water Utility Map it was discovered there are still several valves that were not located by Severn Trent. He is currently coordinating with Severn Trent to obtain the missing information. Efrain gave City Secretary Blevins the draft of the utility maps for the City to review.

Efrain stated he had contacted Ann Sheridan, City of Houston's Contract Administrator, to request assistance in amending the Water Supply Agreement to meet TCEQ's requirements regarding the mandated SB 361. Mrs. Sheridan informed Efrain that the City of Houston has no plans to amend their current contracts and is currently working to comply or request relief from the EPP. Efrain recommended that the City send a letter to TCEQ explaining the current situation. Mayor Border asked Efrain to help with the letter.

Efrain stated he visited 1327 Pine Chase Grove to address the drainage issue reported by the home owner. While visiting the site it was noted they did not have a ditch and no water was ponding due to dry conditions. He stated he will visit the site after a storm event to better assess the drainage conditions. Efrain stated the home owner believes that there should be a ditch at this location.

Efrain stated he visited 1210 Archley and discovered the correct address that needed to be reviewed was the 1200 Pine Chase intersection.

Efrain reported that he approved the resubmitted drainage plans for 8014 Bromley and 8209 Mallie Court.

#### **4. DISCUSSION ITEMS:**

**4.1 1209 Pine Chase Drainage Right-of-Way:** Mayor Border stated that at the last Council Meeting Council gave him permission to meet with the developers to discuss options on treatment of the right-of-way. He said this City Council may or may not be inclined to have the pipes in the ditch removed and to convert the drainage back to a natural state. The Mayor said his objective was to find out if the City removed the pipes would the developers be interested in working with the City to get this done. He said his view was if the City was going to open the ravine, the builder might want to work with the City so that it could be landscaped properly. After discussing the issue with the developer he was under the assumption that the City would pay for the engineering and the developer would handle the dirt work. Mayor Border stated that if Council did not want to move the easement then the developer will be allowed to put a bridge over the ravine. The developer would like to build their house in a timely manner and the Mayor would like to see a Special Council Meeting to give the developers a decision.

Council Member Post said she was for the development but needed more information and wanted to know what the City's Engineer's recommendations were.

Council Member Davis stated the ditch was a tricky problem. The capacity for a large amount of water is there but the water could be very erosive. He stated that for the ditch to be effective the streets were going to have to be part of the drainage and he felt this would be a good time for the Village to address the drainage in that area. Mayor Border confirmed that Council Member Davis was for an open ditch; however, Council Member Davis felt the flow needed to be controlled by stepping down the slope.

Mayor Border asked Efrain Him if it would be cost effective to use Metro money to lower the streets at the same time the drainage issue was addressed under the grant.

Council Member Bristow stated the drainage ditch must be reopened. He said the closed culvert has a greater chance of being blocked by debris. He stated the City's attempt to solve the drainage issue by installing an additional culvert failed. Council Member Bristow stated the City must maintain the easements. Council Member Bristow was not for moving the easement.

Council Member Whiting was not in favor of moving the drainage easement. She was for opening the ravine. She was not for spending City Funds to beautify the easement; however, she would be for joint engineering to solve the drainage issue and to control the water flow. She does not want to see any right angles in the drainage easement.

Mayor Pro Tem Castro stated the citizens, Council and the Engineer all think the ditch should be opened so her view is it should be opened. She thought it could be made esthetically beautiful. Mayor Pro Tem Castro said she could not comment on moving the easement without specific drawings.

Council Member Post stated her biggest concern was that the people upstream did not flood.

Efrain Him stated the pipes were designed for a 100 year flood; however, the culverts along Pine Chase that feed the pipes were undersized and are choking the flow.

Brian Thomson stated if the ditch is going to be opened they would like to participate and request that the decision be made in a timely manner.

**Council recessed the Public Hearing at 8:00 P.M.**

**Council reconvened the Public Hearing at 8:16 P.M.**

Mayor Border asked Brian Thompson and Steve Samuels to send drawings to the City showing what they had in mind when they stated that they would like to "nudge" the easement over. Council Member Post stated she would also need engineer statistics. It was agreed by Council to set a Special Meeting for Wednesday, September 1, 2010 at 6:00 P.M to discuss and vote on this issue.

**The City Engineer and the Building Official were excused at this time.**

**Council closed the Public Hearing at 8:25 P.M.**

**Council reconvened the Council Meeting at 8:26 P.M.**

**6. ACTION ITEMS (CONSIDERATION AND POSSIBLE ACTION):**

**6.1** City Secretary Blevins explained to Council that as it reads now Ordinance # 364 only states developers will reimburse the City for engineering services associated with the subdividing of properties. Council had shown interest in the City being reimbursed for all outside contractors associated with the subdividing of property. This amendment would allow the City to be reimbursed for all cost. A motion was made by Council Member Whiting to approve an ordinance amending Ordinance 364 (reference Article 9.100 Subdivision Regulations, Section 9.117) to require property developers to reimburse the City for contracted service costs applicable to the development, seconded by Council Member Davis. **A vote was taken to approve the motion approving an ordinance amending Ordinance 364 (reference Article 9.100 Subdivision Regulations, Section 9.117) to require property developers to reimburse the City for contracted service costs applicable to the development. The vote passed unanimously.**

**6.2** A motion was made by Mayor Pro Tem Castro to authorize the Mayor to renew the contract between Harris County and the City of Hilshire Village for administration and implementation of a regional watershed protection education program for an additional contract amount of \$381.60 for one (1) year, seconded by Council Member Whiting. Mayor Border stated this was the agreement the City approved last year for education of the public. **A vote was taken to approve the motion authorizing the Mayor to renew the contract between Harris County and the City of Hilshire Village for administration and implementation of a regional watershed protection education program for an additional contract amount of \$381.60 for one (1) year. The vote passed unanimously.**

**6.3** A motion was made by Council Member Davis to authorize Severn Trent to reduce the water bill for 1035 Ridgeley for a 2009 unaccounted for water usage, seconded by Council Member Post. After discussion Council Member Davis amended his motion to read authorize Severn Trent to reduce the water bill for 1035 Ridgeley for 2009 in the amount of \$217.61, seconded by Council Member Post. **A vote was taken to approve the motion authorizing Severn Trent to reduce the water bill for 1035 Ridgeley for 2009 in the amount of \$217.61. The vote passed unanimously.**

**6.4** A motion was made by Council Member Whiting to authorize the City to notify the other Memorial Villages that the City of Hilshire Village is interested in amending the Interlocal Agreement with respect to the Village Fire Department and is requesting to extend the deadline for same from September 1, 2010 to October 15, 2010 seconded by Mayor Pro Tem Castro. Mayor Border stated Bunker Hill, Hedwig and Hunters Creek looked at the Inter Local Agreement in conjunction with McGrath and Associates and

they came up with some ideas to change the Interlocal Agreement in regards to the governance. The Cities would like to form a Board consisting of Mayors from all the Memorial Villages and they would deal with the monetary issues of the Fire Department and the Chief would report to this Board directly. The Commissioners would still be in charge of hiring, firing and discipline actions.

Council Member Bristow stated he had not been given the material early enough to review and that he did not want the City to give up control of the Fire Department. Mayor Border stated this vote would not change anything. He stated Council would still tell the Mayor how they wanted him to vote. Mayor Border stated that the original Interlocal Agreement also has four amendments and he would like to see one contract including all amendments. He stated this motion only shows the Cities willingness to look at the contract. **A vote was taken to approve the motion authorizing the City to notify the other Memorial Villages that the City of Hilshire Village has intentions to enter into discussions with the other Memorial Village contracting cities to redraft and perhaps restate provisions of the Interlocal Agreement with respect to the Village Fire Department; and to extend the deadline for same from September 1, 2010 to October 15, 2010. The vote passed 4 to 1. Mayor Pro Tem Castro and Council Members Whiting, Post and Davis voted for the Motion and Council Member Bristow against the Motion.**

6.5 Council Member Post made a motion for Council to authorize her to form a committee to review capital improvements and to examine options for financing, seconded by Mayor Pro Tem Castro. Mayor Border thanked Stephanie for her foresight. He stated that most likely Council will have to raise taxes to address the infrastructure and street situations in the Village. Council Member Post stated the infrastructure was over 47 years old and that the City needs to plan immediately for this. Council Member Davis called for a vote. **A vote was taken to approve the motion authorizing Stephanie Post to form a committee to review capital improvements and to examine options for financing. The vote passed unanimously.**

#### **6.6 CLOSED EXECUTIVE SESSION: NONE**

### **7. REPORTS TO COUNCIL**

#### **7.1 Mayor and Council:**

**Mayor:** None

**Whiting:**

**Bridle Spur:** NONE

**Ridgeley Improvement Committee:** Council Member Whiting said she would discuss with the committee to see if there was anything else that was needed to be done.

### **8. CONSENT AGENDA:**

**8.1** Council Member Post asked that Severn Trent's invoice be removed from the Consent Agenda. A motion was made by Council Member Whiting to accept the Consent agenda, including Minutes of the Council Meeting of July 20, 2010, and the authorization for the Mayor to enter into an agreement with Harris County for Debris Management Services and to exclude Severn Trent's invoice from the disbursements, seconded by Mayor Pro Tem Castro. **A vote was taken to approve the motion accepting the Consent agenda, including Minutes of the Council Meeting of July 20, 2010 and the authorization for the Mayor to enter into an agreement with Harris County for Debris Management Services. The vote passed unanimously.**

Council Member Post questioned the rereads of the water meters by Severn Trent. City Secretary Blevins stated that Severn Trent was called to reread the meters and if it is found that the meters were read correctly the homeowners would be charged for these charges. **A motion was made by Council Member Whiting to approve the disbursement of Severn Trent's invoice, seconded by Mayor Pro Tem Castro. A vote was taken to approve the motion approving the disbursement of Severn Trent's invoice. The vote passed unanimously.**

**9. ADDITIONAL CITIZENS COMMENTS:** None

**10. ANNOUNCEMENTS:** Council Member Whiting stated that April Hill requested the use of City Hall for Girl Scout meetings, CPR and First Aid Classes. She requested this request be put on next month's Agenda.

**11. ADJOURNMENT:** Mayor Pro Tem Castro moved to adjourn, seconded by Council Member Post. The meeting was adjourned at 8:59 P.M.

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Mayor Robin Border

ATTEST:

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Susan Blevins, City Secretary