

# The City of Hilshire Village

WEDNESDAY, September 1, 2010  
SPECIAL COUNCIL MEETING  
6:00 P.M.

1. CALL TO ORDER: Mayor Robin Border called the City of Hilshire Village Special Council Meeting to order at 6:15 P.M. at 8301 Westview, Houston, Texas 77055.

CLOSED EXECUTIVE SESSION: Council went into a closed executive session at 6:15 P.M. to discuss removal of the pipes at 1209 Pine Chase with the City Attorney and the City Engineer.

Special Council Meeting reconvened at 6:45 P.M.  
Invocation was given by Council Member Stephanie Post.

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 Efrain Him, P.E., Engineer, Claunch & Miller, Inc., and David Olson, City Attorney, Olson & Olson.

## 2. CITIZENS COMMENTS:

Zandra Anderson, 8214 Mallie Court, feels the City is in violation of Article 7.4.00 which does not allow for the alteration of right-of-ways and drainage easements. She stated the City has made it a misdemeanor violation if an encroachment has occurred in a right-of-way by a landowner. Ms. Anderson feels it is contrary to the meaning of the law to allow a landowner to commit a crime and sanction other landowners to do likewise. Ordinances are guidelines for residents to follow and to help those interested in living in Hilshire Village decide if they want to live here. She states the City disregards ordinances on a case by case basis. Ms. Anderson requests that Council consider the applicable laws and the ramifications to the existing residents when deciding whether to allow the change,

Alan Wolfe, 1314 Pine Chase, does not want the City to modify the easement and agrees with the previous conclusion that it is in the City's best interest to remove the existing drainage pipe in the easement. He stated the City should re-open the easement, and leave it where it was prior to the commencement of construction to prevent the inconvenience that will occur later. Mr. Wolfe then stated for improved drainage, the City should go forward with projects between the discussed property and Westview. He states he is an advocate of preserving the community and that change should be controlled. Mr. Wolfe did not agree with the subdivision of the property and does not care for the increase in housing density.

Robert Wolf, 1205 Pine Chase, stated when the issue of moving the easement was brought up six months ago a signed petition by forty-two (42) residents directly affected was presented to Council opposing the moving of the easement. This action seems pretty clear to him. About four (4) years ago his house was built with the existing easement clearly in mind with the foundation and positioning of the house based on the easement. 1209 Pine Chase was also purchased with the current easement in place. The proposed easement plans have two (2) turns of ninety (90) degrees and is situated much closer to his property lines as well as those of Fowler, Bravenec and Kemper.

Mr. Wolfe stated the effects of the erosion and maintenance may not be known for months, years or until the next big storm. With erosion, these properties will be devalued and his foundation may be threatened with the increase of the drainage. The movement of the water will be thirty (30) feet closer to adjacent properties; it will disturb the drainage pattern, create erosion and perhaps cause legal issues. Mr. Wolf stated the two (2) issues before Council are 1.) Pulling the existing pipe and his opinion is the pipe can be pulled at any time and 2.) Moving the current easement to which he is opposed.

Walt Gilbert, 1226 Glourie Drive, feels moving the direction of the ravine is totally unacceptable. Two bends in the ravine would cause major run off plus diverting water in the wrong direction. Right now water is flowing in the most natural direction due to Mother Nature. If the City wants to pull the two (2) pipes and open up the ravine, he has no problem with that idea since it was that way fifty (50) years ago. This would work better for everyone including the future owners of the property since they could slope the property directly into the ravine instead of trying to divert it to the front thus impeding the water flow of all neighbors upstream on Pine Chase and the cross roads. The right-of-way is dedicated to the people of Hilshire Village. There are two laws he believes Zandra explained. Both are State Laws – One 11.086 states “no person may divert or impede the natural flow of surface waters in this State, or permit a diversion or impounding by him to continue, in a manner that damages the property of another by the overflow of the water diverted or impounded”. The other is Article 7.400 of the City’s ordinances that prohibits the blockage of the right-of-way. He states he thinks diverting the ravine is breaking the law.

John Cooper, 1214 Ridgeley, stated his house backs up to the 1209 Pine Chase property and he is all for someone trying to make a buck and maximizing profits as that is what everyone tries to do; however, he worries about moving the course and putting bends in the stream and for the residents that are upstream. He sides with those who have a challenge or concern of being flooded as we have had some issues already here in the Village and he does not want to see anymore.

Jean Bravenec, 8010 Burkhart, stated they have lived in Hilshire Village since 1968 and share a back property line with the east part of the property at 1209 Pine Chase. The Hilshire Village Council has approved the replat of this property at 1209 Pine Chase into two lots with the provision that the thirty (30) foot drainage right-of-way and the ravine with the pipes would not be disturbed. Mr. Thompson, the developer has a plot plan with two houses on these two lots and told her and Frank that he was ready to start on these homes and is happy to leave the ravine and pipes as is. The issue of the removal of the pipes for so called better drainage of the northeast part of Hilshire Village is now being presented. If this is allowed several trees and ground covers will have to be removed and the other trees nearby will probably die because of the construction. In addition there will be continuing erosion for years after every rain as it will take years for the ground to resettle and vegetation to mature. She proposed that the City Engineer

needs to address the flooding problem and look for an alternate plan to divert more of the upstream drainage to the north towards Westview where large drainage pipes are that run East and West on Westview and drains into the ravine between Bridle Spur and Ridgeley and then into Spring Branch Creek. This would solve the flooding problems that now exist. She is opposed to removal of the drainage pipe at this time. The City needs time to assure the citizens both and up and down stream that anything done in this area will be well planned by experienced engineers.

Rick Wourms, 8201 Burkhart, continued reading Mrs. Bravenec's notes. He then stated he does not understand why 1209 Pine Chase is getting special treatment.

### 3. ACTION ITEMS (CONSIDERATION AND POSSIBLE ACTION):

3.1 A motion was made by Council Member Bristow to approve the removal of the drainage pipes at 1209 Pine Chase, seconded by Mayor Pro Tem Castro.

Mayor Pro Tem Castro stated the ditch presently will handle a 100 year flood event. The bigger issue is upstream down Pine Chase toward Bromley. She does not believe removing the pipes will solve the problem. If the water does not flow from Bromley it does not matter if the ravine is open or closed. She said the City needs to look at a more comprehensive drainage plan upstream and downstream. Mayor Pro Tem Castro stated it was premature to remove the pipes at this time.

Council Member Stephanie Post stated she agreed with Mayor Pro Tem Castro. Once the City does a more comprehensive plan the City at a later date may need to remove the pipes; however, at this time she does believe the pipes should be removed.

Council Member Edward Davis stated it was premature to remove the pipes at this time.

Council Member Bill Bristow stated there were two different drainage issues 1209 Pine Chase and the drainage culverts under the driveways south of his property. He believes the problems need to be addressed one at a time. Council Member Bristow is in favor of removing the pipes and opening the ditch. He stated once the ditch is opened then the culverts will need to be addressed.

Council Member Shannon Whiting agreed with Council Member Davis' statement that it was premature at this time to remove the pipes. She stated the City needs to have a master plan to accurately assess the design to see if the pipes should be removed while we are planning the Pine Chase Glourie Loop drainage plan. Council Member Whiting stated that the pipes will accommodate a 100 year event and the real issue for the backflow was upstream. The ditches are designed for a two (2) year event. Water cannot get to the pipes. Council Member Whiting said she was opposed to removing the pipes at this time.

Mayor Border stated the City has applied for several grants and has been granted one grant already to address the Pine Chase Glourie Loop. He feels the grant money coupled with some Metro Funds will allow the City to do this needed work. The Mayor stated an engineering plan will be done during this time and then the City will know what is needed at 1209 Pine Chase. The Mayor said even though he does not vote on the motion he is not in favor of removing the pipes at this time.

Steve Samuel, 1209 Pine Chase Drive, said all he ever asked for was a decision from the City regarding the removal of the pipes. He never asked for the pipes to be moved or removed; it was the neighboring residents. Mr. Samuel said if the pipes were removed he would have 6300 square feet of property that he would have to pay taxes on and maintain; however, they would not be able to get to the property without putting a bridge across the ditch. He stated everyone keeps referring to the illegal pipe that was put in but no one knows when the pipe was installed or what the ordinances were at the time so how could it be illegal. He said if the pipe was illegal then the City came through a couple of years ago and added another illegal pipe. Mr. Samuels repeated the problem was not with the fact the pipes could not handle the water it was the fact the water could not get to the pipes. He also stated that he was very offended by the residents of Hilshire Village insinuating that he and Brian Thompson only cared about making a profit and not the existing residents. Mr. Samuels said neither he nor Brian Thompson would ever put someone else in harm's way to make a profit.

A vote was taken to approve a motion to approve the removal of the drainage pipes at 1209 Pine Chase. The vote failed 1-4. Council Member Bristow voted for the motion and Mayor Pro Tem Castro and Council Members Stephanie Post, Edward Davis and Shannon Whiting voted against the motion.

3.2 A motion was made by Council Member Bill Bristow to relocate the drainage pipes at 1209 Pine Chase. There was no second and the motion failed.

#### 4. ADDITIONAL CITIZENS COMMENTS:

Alan Wolfe, 1314 Pine Chase Drive, commended Mr. Samuels for his statement and his position. He wanted him to understand that the citizens have been "trodden on" in the past by other builders and for Mr. Samuels not to take all the comments personally. Mr. Wolfe reminded Council that one of the issues addressed was who was going to clean the inlets out during a storm? That is why the citizens want the pipes opened.

Council Member Bill Bristow wanted Mr. Samuels and Mr. Thompson to know he has always been in favor of their project and his concerns are only with the drainage.

Council Member Shannon Whiting commented on the citizen's remark as to why Council was showing favoritism to this developer. She said she would argue that they are not getting special treatment. When this issue came up at the last meeting Council did not have enough information to make a decision and it is the City's obligation to hear discussion and proposals when property owners want the opportunity for Council to entertain an item. Council was trying to be courteous to them just like Council would be courteous to any home owner.

6. ANNOUNCEMENTS: Mayor Border stated that a fire Chief for the Village Fire Department was hired today.

7. ADJOURNMENT: Council Member Davis moved to adjourn, seconded by Council Member Whiting. The meeting was adjourned at 7:30 P.M.

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Mayor Robin Border

ATTEST:

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Susan Blevins, City Secretary