

The City of Hilshire Village

TUESDAY, October 19, 2010

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 6:00 P.M. at 8301 Westview, Houston, Texas 77055.

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 Chief Gary Finkelman, Spring Valley Police Department and Ted Lazarides, Building Official. Mario Del Osso was present in place of David Olson, City Attorney, Olson & Olson. The City Engineer, Efrain Him, P.E., Claunch & Miller, Inc. was absent.

2. CITIZENS COMMENTS:

David Hay, #13 Hilshire Grove Lane, stated he had been to two (2) meetings regarding the tax rate and he sent a chart to the City Secretary that he thought would be more helpful to the residents. He did not believe the percent increase was shown properly.

Stephen Ferguson, representative for Ye Darm Presbyterian Church, stated he works with the children at Ye Darm Church and he is trying to help the congregation get a permit to expand their church building. Mr. Ferguson said the church has a signed agreement from the 7th Day Adventist Church giving them permission to use their parking lot. He also talked to the school across the street and they have no problem with them using the parking lot by Peck Road. Mayor Border said the request would be an action item next month.

Grady Farris, 1138 Glourie, counted how many residents were at the meeting. For the record, there were five (5). He read a quote from the Mayor stating that in 2005 the City changed the way they looked at the Budget so that Council could clearly see the General Fund activity and true revenues. Mr. Farris stated that since Mayor Border had taken office there have been tax increases. He suggested that Hilshire Village was too small to effectively operate as a stand-

along entity in today's economics and wanted to know if the Mayor had explored consolidating with one of the larger more profitable Memorial Villages. Mr. Farris stated operating this building is a financial drain on this Village. Mr. Farris said it was never his plan to put a financial burden on the City. He never sued the City or the Mayor. He just wants to be treated fairly and for the ordinances to be enforced fairly. Mr. Farris read off a list of his questions to the City.

3. REPORTS TO COUNCIL:

3.1 Police: Chief Finkelman said during the month of September there was one (1) burglary where a power washer was stolen out of an unlocked shed. He said there was also a car burglary where a purse was stolen after being left in the car at the Big Little School Chief Finkelman said he did receive a call from a Hilshire Village resident stating someone had knocked on their door the night before asking for money. He stated it does not matter what time a situation happens to please call the police department immediately.

Mayor Border thanked the Chief Finkelman and his department for their services and for keeping the City's cost down as low as possible.

3.2 Fire Commissioner: Mayor Border said the audit cost the City less than anticipated. He has met with the new chief, David Foster, and Chief Foster is working towards reworking practices of the department. Mayor Border said he was hoping to see a savings on the cost of running the department. Mayor Border said the next meeting will be November 3rd.

3.3 City Secretary: City Secretary Blevins stated the utility billing went out on October 5th. She said the City had received a letter from TCEQ stating it was in compliance with requirements regarding public water supply systems. City Secretary Blevins stated the City received a check for \$3,410.94 from the Village Fire Department for its share of the 2009 assessment refunds. She asked for the Council Member who makes the motion to approve the consent agenda to change the Olson and Olson invoice to read \$3,950. City Secretary Blevins also reported that HDR's invoice included a refund on Harry Walker's time regarding the Farris lawsuit in the amount of \$1,471.80. Mayor Border said the problem with water ponding was resolved at the corner of Pine Chase and Glourie. The Mayor asked City Secretary to call the property owner at 8201 Mallie Court to have him check on the dead limb.

3.4 Building Official: Ted Lazarides stated there were thirteen (13) permits issued and twenty-four (24) inspections completed in the month of September. He said demolition and protection of easement issues were resolved with the contractor at 1209 Pine Chase. City Secretary Blevins stated the contractor also went ahead and put silt fencing along the ravine upon her request. Council Member Bristow wanted his request for the contractor to purchase a bond in the amount of \$1,000,000 indemnifying the City from any future liability arising out of their violations during the demolition to be on next month's agenda. Council Member Whiting said the City needed to have the pipes inspected for damages. Ted stated he had the contractor sign a letter stating he was responsible for any damages that he may have done. Mayor Border stated the City would have the pipes inspected by Claunch and Miller.

The Building official was excused at this time.

3.5 Treasurer's Report: City Secretary Blevins stated she had prepared the quarterly report and all accounts were making 0.20% interest except for the one General Fund CD which was making 0.995%. She stated even though the CD was making the most interest she was going to have to cash it in next month to pay monthly bills. Mayor Border said that was the only account the City had funds in and that there was not a choice but to cash it unless Council wanted to undesignate the Utility Fund so that the City could borrow money from it.

City Secretary Blevins explained that the financials presented tonight were the preliminary end of the year statements. She had tried to get all the cost associated with the year posted to the financials before presenting them. City Secretary Blevins stated that the Statement of Revenue and Expenses show that the City transferred \$37,938 from savings to cover the expenses over revenue. She said the items that fell short were franchise, sales tax and interest revenues. City Secretary Blevins said the only expense items that were up were Building Expenses related to the law suit and Non Metro Engineering related to the grants. She said that the City will need to balance the budget but the auditors prefer we wait until their audit and take care of all transfers at one time.

3.6 Engineer's Report: Mayor Border gave the report stating the grant for Pine Chase and Glourie Paving and Drainage Improvement Project is still alive. He stated that Efrain Him was not sure where the City stands on the generator and the City needs to address this with him. Mayor Border said nothing else has changed since Efrain's last report.

4. DISCUSSION ITEMS:

4.1 Allowing the City Engineer to use his discretion regarding the need of drainage plans for residential add-ons: Mayor Border said this was the issue on 1114 Glourie. City Secretary Blevins stated "the issue is not does the home owner need a permit but does he need an engineered drainage plan". She said any underground drainage system has to have a permit and must be approved. The problem with this address is that it includes an addition to the house. John Seymour, Architect for 1114 Glourie told Council the home owners were only adding a 187 square foot addition which would only add 1% impervious land to subject lot. He said they wanted to relocate drains # 3 and # 4 and subsurface drain lines to achieve positive drainage of storm water. Mr. Seymour assumes #3 through #10 ties into the subsurface drain line but he could not confirm it. He said the drains look to be in good shape. Council Member Bristow wants people with these type issues to come to Council and does not want to give the authority to the City Engineer. Mayor Border said it was really not a variance as it was related to the Building Codes. Council Member Post said that Council did not have the expertise needed to make the decisions; she thought it should be up to the engineers. City Secretary Blevins stated the reason this was an agenda item was because the resident was adding an addition to his house and any new home or additions must have a drainage plan. She said the resident was asking for a variance because it was a very small addition. Council Member Whiting said just because it was a small add-on did not mean the drainage is not affected. She said the City needs to look at refining the guidelines. Mayor Border said the only ordinance in regards to this defines the permit process.

5. ACTION ITEMS (CONSIDERATION AND POSSIBLE ACTION):

5.1 A motion was made by Council Member Bristow to approve a variance to the permit process allowing 1114 Glourie to add on to their residence without submitting a drainage plan, seconded by Council Member Davis. **A vote was taken to approve a variance to the permit process allowing 1114 Glourie to add on to their residence without submitting a drainage plan. The vote failed unanimously.**

City Secretary Blevins said the home owner could do the remodeling part of his project while they have a drainage plan engineered.

5.2 A motion was made by Council Member Bristow to approve the cleaning of the ditch in front of 1305 Glourie Drive and downstream, seconded by Council Member Davis. City Secretary Blevins stated the City Engineer's opinion was that the work would be done under the Pine Chase Glourie Grant. Mayor Border said he was not in favor of spending money twice for the same project. Mayor Pro Tem Castro confirmed that the culverts would be lowered during the Pine Chase Glourie Project. Larry Wilkerson, 1305 Glourie, stated he thought the new construction at 1309 Glourie was lowering their culverts. City Secretary Blevins said that moving the culverts had not been approved and the culverts had to be in the same place as they were before the house was built. **Council Member Bristow made a motion that the motion to approve the cleaning of the ditch in front of 1305 Glourie Drive and downstream be tabled, seconded by Council Member Davis. The vote passed unanimously to table the motion.**

5.3 A motion was made by Council Member Whiting to approve ordinance number 650 adopting the FYE 2011 General Fund and Utility Fund Budget, seconded by Council Member Post. Mayor Border stated the budget included \$0.05 over the rollback rate and that if Council votes for the budget then they should vote for the tax rate because they go hand in hand. Council Member Davis stated Council had voted to keep the generator since half the expenditure had already been spent. City Secretary Blevins stated the interest rates had changed since the prior budget. Mayor Border said this budget should generate approximately \$69,000 in surplus. **A vote was taken to approve the motion approving ordinance number 650 adopting the FYE 2011 General Fund and Utility Fund Budget. The vote passed unanimously.**

5.4 A motion was made by Council Member Whiting in accordance with Section 102.007(c) of the Local Government Code to adopt this year's budget which will require raising more revenue from property taxes than in the previous year; therefore, the City's property tax increase reflected in the budget, will be \$114,324.91 (equal to this year's projected tax revenue of \$769,350.66 less last year's tax revenue of \$655,025.75), seconded by Mayor Pro Tem Castro. **A vote was taken to approve the motion in accordance with Section 102.007(c) of the Local Government Code to adopt this year's budget which will require raising more revenue from property taxes than in the previous year; therefore, the City's property tax increase reflected in the budget, will be \$114,324.91 (equal to this year's projected tax revenue of \$769,350.66 less last year's tax revenue of \$655,025.75). The vote passed unanimously.**

5.5 Council Member Whiting made a motion to approve a component of the tax rate in the amount of \$0.500475/100 for the purpose of funding the maintenance and operation expenditures of the City for the next fiscal year, which such tax rate will effectively be raised by 19.37% from last year's tax rate and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$81.22, seconded by Council Member Davis. **A vote was taken to approve the motion to approve a component of the tax rate in the amount of \$0.500475/100 for the purpose of funding the maintenance and operation expenditures of the City for the next fiscal year, which such tax rate will effectively be raised by 19.37% from last year's tax rate and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$81.22. The vote passed unanimously.**

5.6 Mayor Pro Tem Castro made a motion to approve a component of the tax rate in the amount of \$0.136918/100 for the purpose of paying the accruing interest and to provide a sinking fund for payment of the indebtedness of the City for the next fiscal year, seconded by Council Member Davis. **A vote was taken to approve the motion to**

to approve a component of the tax rate the in the amount of \$0.136918/100 for the purpose of paying the accruing interest and to provide a sinking fund for payment of the indebtedness of the City for the next fiscal year. The vote passed unanimously.

5.7 Council Member Davis made a motion to approve the property tax rate be increased by the adoption of a tax rate of \$0.637393/100, which is effectively a 52.81283 percent [percentage by which the proposed tax rate of \$0.637393/100 exceeds the effective tax rate of \$0.417107/100] increase in the tax rate, seconded by Council Member Whiting. Council Member Post said this motion was very confusing and misleading. Mario Del Osso said the motion is required by state legislation. **A vote was taken to approve the motion to approve the property tax rate be increased by the adoption of a tax rate of \$0.637393/100, which is effectively a 52.81283 percent [percentage by which the proposed tax rate of \$0.637393/100 exceeds the effective tax rate of \$0.417107/100] increase in the tax. Mayor Pro Tem Castro – yes, Council Member Post – yes, Council Member Davis – yes, Council Member Bristow – yes and Council Member Whiting – yes. The vote passed unanimously.**

5.8 Council Member Whiting made a motion to approve Ordinance No. 649

providing for the levy and collection of ad valorem taxes of the City of Hilshire Village, Texas, for the year 2010; providing for two components to the proposed tax rate, consisting of a tax rate of \$0.136918 cents one each one hundred dollars for the purpose of paying the accruing interest and to provide a sinking fund for payment of the indebtedness of the City and a tax rate of \$0.500475 cents on each one hundred dollars for the purpose of funding the maintenance and operation expenditures; this tax rate will raise more taxes for maintenance and operations than last year's tax rate, the tax rate will effectively be raised by 19.37 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$81.22, which shall be approved by separate motion; providing for the date on which such taxes shall be due and payable; providing for penalty and interest on all taxes not timely paid; repealing all ordinances or parts of ordinances in consistent or in conflict herewith; and providing for severability, seconded by Mayor Pro Tem Castro. **A vote was taken to approve the motion to approve**

Ordinance No. 649 providing for the levy and collection of ad valorem taxes of the City of Hilshire Village, Texas, for the year 2010; providing for two components to the proposed tax rate, consisting of a tax rate of \$0.136918 cents one each one hundred dollars for the purpose of paying the accruing interest and to provide a sinking fund for payment of the indebtedness of the City and a tax rate of \$0.500475 cents on each one hundred dollars for the purpose of funding the maintenance and operation expenditures; this tax rate will raise more taxes for maintenance and operations than last year's tax rate, the tax rate will effectively be raised by 19.37 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$81.22, which shall be approved by separate motion; providing for the date on which such taxes shall be due and payable; providing for penalty and interest on all taxes not timely paid; repealing all ordinances or parts of ordinances in consistent or in conflict herewith; and providing for severability. Mayor Pro Tem Castro – yes, Council Member Post – yes, Council Member Davis – yes, Council Member Bristow – yes and Council Member Whiting – yes. The vote passed unanimously.

5.9 CLOSED EXECUTIVE SESSION: NONE

6. REPORTS TO COUNCIL

6.1 Mayor and Council:

Mayor: None

Whiting:

Bridle Spur: NONE

Ridgeley Improvement Committee: NONE

7. CONSENT AGENDA:

7.1 Mayor Pro Tem Castro made a motion to accept the Consent Agenda with the change of Olson & Olson's invoice to \$3,950, including Minutes of the Special Council Meeting of September 10, 2010 and Special Council Meeting of September 27, seconded by Council Member Davis. **A vote was taken to approve the motion accepting the Consent Agenda with the change of Olson & Olson's invoice to \$3,950, including Minutes of the Special Council Meeting of September 10, 2010 and Special Council Meeting of September 27, 2010. The vote passed unanimously.**

8. ADDITIONAL CITIZENS COMMENTS:

Grady Farris, 1138 Glourie, asked that his wife's name be deleted from the agenda regarding the lawsuit. He stated consistency on how the ordinances are enforced is important. Mr. Farris said drainage plans and surveys are important and the City should rely on the City Engineers and the Building Official for their expertise and drainage should not be decided by Council.

9. ANNOUNCEMENTS: None

10. ADJOURNMENT: Council Member Bristow moved to adjourn, seconded by Council Member Whiting. The meeting was adjourned at 7:35 P.M.

Mayor Robin Border

ATTEST:

Susan Blevins, City Secretary