

The City of Hilshire Village

TUESDAY, November 15, 2011

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

1.1 Invocation: was given by Mayor Pro Tem Castro.

1.2 Present: were Mayor Robin Border, Mayor Pro Tem Connie Castro and Council Members Shannon Whiting, Stephanie Post, Bill Bristow and Edward Davis. Also present were Chief Gary Finkelman, Spring Valley Police Department; Efrain Him, P.E., HDR/Claunch & Miller, Inc. City Attorney, David Olson, was absent.

The Council Meeting was recessed at 6:01 P.M.

2. PUBLIC HEARING: Regarding approving an ordinance of the City of Hilshire Village taxing tangible personal property in transit that would otherwise be exempt pursuant to Texas Tax Code, Section 11. Mayor Border said the City may never use this tax but if not approved at this time the City would not have another opportunity. Council Member Bristow did not feel the tax applied to Hilshire Village and was against approving the ordinance. There we no Citizens commented.

The Public Hearing was closed at 6:08 P.M.

The Council Meeting was reconvened at 6:09 P.M.

3. CITIZENS COMMENTS:

Sherri Wagner, 1307 Pine Chase Drive, read a statement from Hulse Wagner asking Council to consider amending the Tree Preservation Ordinance to prevent unregulated clear cutting of lots. Mrs. Wagner stated that the City's Tree Ordinance does not go into effect unless you are seeking a demolition permit or building a new house. She would also like to regulate how a tree is cut down because at 1303 Pine Chase they were cut down "the Paul Bunyan style", cut at the bottom and then allowed to free fall which was very jarring. Mrs. Wagner wanted the City to take into consideration not allowing healthy trees to be cut down especially if they were not within the building lines. Mayor Border asked if she was willing to be on a committee to look into the ordinance and she replied "yes".

Sandra Parker, 1302 Pine Chase Drive, said 18 to 20 trees were cut down at 1303 Pine Chase in which some were around the property line. She said she did not realize the City's ordinances allowed anyone to cut down as many trees as they desired. Mrs. Parker said she was willing to be on a committee to look into a new tree ordinance. She

said she had reviewed some of the other Village's ordinances and felt Hilshire Village could use them as a guideline.

Don DeTata, 1314 Bridle Spur Lane, said in 2007 his lawyer advised him that Bridle Spur was a public Right-Of-Way due to the long term use by the public. He said the street had been used for more than 50 years by the public. Mr. De Tata asked why the City had not recorded Bridle Spur as a subdivision. He said the City was obligated to record the subdivision. Mr. De Tata stated the City is required by the State of Texas to do so. Mr. DeTata wanted to know what the next step was. He asked that the City respond to him in writing. Mr. DeTata said that for more than twenty years he has asked the City for a response in writing and he still has not received one.

Alan Wolfe, 1314 Pine Chase, stated there was a pothole at Ridgeley and Archley. The Mayor said it was at the intersection on the North side and the City would fix it with the next project.

4. REPORTS TO COUNCIL:

4.1 Police: Chief Finkelman said that during the month of October there were three (3) motor vehicle burglaries at the School of the Woods in which items were stolen out of the front seat of the vehicles. The felony theft was for jewelry but the jewelry was found later by the home owner. The Chief said it is very important that if items are found after being reported stolen that the owner follow-up with the Police Department so the incident can be removed from the statistics. Chief Finkelman said there was a burglary of a residence on Archley. He said the Police Department was able to stop the theft because a resident reported a suspicious person knocking on their door. The resident was able to get a license plate and an officer spotted the vehicle backed into the Archley residence driveway. During the incident two (2) police vehicles were damaged; however, they arrested two (2) of the men involved. Council Member Whiting questioned how solicitors are handled. Chief Finkelman stated that when they receive a call they search for the solicitors and check to see if they have a permit and check to see if they have a driver's license and then they inform the solicitors of the City's ordinances and tell them they are not allowed in the Village.

4.2 Engineer's Report: Efrain Him said that the topographical survey work was completed for the Hazard Mitigation Grant Program. He stated that HDR was currently preparing background information for drawings and general detail sheets required for the project.

Efrain Him stated that Don Mar Grading had begun the ditch cleaning project under the Texas Department of Rural Affairs. Council Member Bristow questioned the different size drainage pipes being used. Efrain said to give the correct coverage they were using arch pipes at the locations where they were lowering the roads.

Efrain Him said he wanted to respond to Council's question as to why so many drainage plans had been rejected. He stated the City gives the contractor the specifications for the drainage plans but when the City receives the submitted plans they are incomplete. Efrain said City Secretary Blevins had put together a check sheet to give the contractors to certify that they had included all items listed.

Efrain stated he had reviewed drainage plans for 1209 Pine Chase and was waiting for

additional information. Council Member Bristow submitted a picture showing equipment driving over 1209 Pine Chase's outfall. He requested that the fence go back up to protect the outfall.

Efrain stated he was also waiting for additional information on 8201 Westview. He stated the 1115 Glourie Drive Drainage Plan had been approved wherein the homeowner was installing a ½ size basketball court on the property. Efrain said he approved the drainage plans for 8201 Mallie Court on November 3, 2011. He stated that City Council had given permission for an aerial encroachment with the understanding that in the future that if the City had to go back into the gully and if anything was in the way it would have to be removed. The City had the new homeowner sign this acknowledgement. Council Member Bristow inquired what the equipment was in the City Right-of-Way on the property. Council Member Davis stated he thought it was going to be used to install the piers. Council Member Bristow had a problem with it sitting in the Right-of-Way. Efrain Him recommended that the City contract for maintenance on the City Hall generator. He stated he would contact the state to see if they would pay for the services.

Efrain said he was coordinating with the City of Houston Utility Department and Mayor Border to set a meeting. At this date no meeting had been set. Mayor Border said he wanted to talk to them about the backflow preventers because if they were not there Hilshire Village would not have the water pressure problems.

The City Engineer was excused at this time.

5. DISCUSSION ITEMS:

5.1 Bridle Spur zoning issues: Council Member Whiting said Council discussed last month rezoning Bridle Spur so they are in compliance with the building lines. Council Member Whiting stated that Bridle Spur was in Zone "A" but the homes in Bridle Spur do not meet the setback requirements. City Secretary Blevins stated the City had a survey showing the front of the lots and the City had the Metes and Bounds for each lot but not a survey showing all the lots and setbacks. Mayor Pro Tem Castro asked Council Member Whiting to review the surveys the City has.

5.2 Tree Ordinance: Mayor Border said the City tried to do a tree ordinance several years ago. He said the proposed ordinance was too long and Council did not entertain the ordinance. The City's ordinance only applies to the building process. Mayor Pro Tem Castro said the City has a tree ordinance that takes care of new construction. It does not cover vacant lot purchases or what a home owner does with their trees after they move in. She believes in personal property rights. Mayor Border said that other Cities regulate how many trees per square foot a home owner may have. Council Members Post and Whiting were both concerned with the esthetics of the City and preserving the tree canopy. Mayor Border asked Council if someone would sponsor the review of the tree ordinance with the two (2) volunteers. Council Post volunteered. Council Member Bristow said he would like to bring back the dogwood trees that used to be planted in the City.

6. ACTION ITEMS (CONSIDERATION AND POSSIBLE ACTION):

6.1 A motion was made by Council Member Whiting to approve Ordinance # 667 of the City of Hilshire Village, Texas, taxing tangible Personal Property in Transit that would otherwise be exempt pursuant to the Texas Tax Code, Section 11.253 and making other findings and provisions related thereto, seconded by Council Member Post. Mayor Border said he was personally in favor of this because it allows us to have the ability to bring revenue into the City. Mayor Border said David Olson approved and recommended the City approve the ordinance. A vote was taken to approve the motion adopting Ordinance # 667 of the City of Hilshire Village, Texas taxing tangible Personal Property in Transit that would otherwise be exempt pursuant to the Texas Tax Code, Section 11.253 and making other findings and provisions related thereto. The vote passed 4-1. Mayor Pro Tem Castro, Council Members Post, Davis, and Whiting voted for the motion and Council Member Bristow voted against the motion.

6.2 A motion was made by Council Member Davis to authorize the Mayor to enter into a contract with Power Now LLC Maintenance Agreement for maintenance on the City's generator in the amount of \$550 for one year or \$995 for two years, seconded by Council Member Whiting. Mayor Pro Tem Castro amended the motion to add if approved by the attorney, seconded by Council Member Post. Council reviewed the contract and decided they wanted to sign an agreement for a two year contract if there is a provision that if the company walked away they would return funds. The motion was tabled.

6.3 A motion was made by Council Member Whiting to authorize the City to solicit for the position of Building Official, seconded by Council Member Post. Council Member Post recommended the proposed Building Official job description. Mayor Border recommended the Building Official be an employee so that he is protected as an employee. Council Member Whiting said that the job can be listed as a part time employee paid hourly. The pay structure would be based on qualifications. Council Member Bristow was in favor of hiring a company instead of an individual. A vote was taken to approve the motion authorizing the City to solicit for the position of Building Official. The vote passed 4-1. Mayor Pro Tem Castro, Council Members Post, Davis, and Whiting voted for the motion and Council Member Bristow voted against the motion.

6.4 A motion was made by Council Member Whiting to authorize the Mayor to enter into a contract with Election Systems & Software Company for rental equipment and services for the May 2012 election or authorizing the City election to be held in November 2012, seconded by Mayor Pro Tem Castro. Mayor Border said Council needed to decide if they want to move to a November election or stay with the May time frame. Mayor Pro Tem Castro wanted to know what the savings would be to move to November. City Secretary Blevins said the cost would be approximately \$2,500 and the City would go through the same procedure motions. The only difference is all the work to set up the election would be done during the preparation of the budget. City Secretary said if the City stays with the May elections the City would be using paper ballots and will have a handicapped machine that scans the ballot but not one to count the ballots. Council Member Whiting amended the motion to authorize the Mayor to enter into a contract with Election Systems & Software Company for rental equipment and services for the May 2012 election, seconded by Mayor Pro Tem Castro. A vote was taken to approve the motion authorizing the Mayor to enter into a contract with Election Systems & Software Company for rental equipment and services for the May 2012 election.

The vote passed unanimously.

6.5 A motion was made by Mayor Pro Tem Castro to authorize the Fire Commissioner to vote in favor of the Group Medical, Dental and Life/LTD contracts to be awarded to the current carriers for plan year 2012, seconded by Council Member Post. Mayor Border said the Fire Commissioners allowed their representative to vote for an increase up to 15%. The rates came back lower and the Commissioners recommend Council vote for awarding the contract to the current carriers. A vote was taken to approve the motion authorizing the Fire Commissioner to vote in favor of the Group Medical, Dental and Life/LTD contracts to be awarded to the current carriers for plan year. The vote passed unanimously.

6.6 A motion was made by Council Member Davis to discuss and to take possible action considering the December Council Meeting, seconded by Mayor Pro Tem Castro. Mayor asked if all of Council was available for the meeting. Council decided they wanted to hear from David Olson regarding Bridle Spur. Mayor Pro Tem Castro said she wanted to hear what David had to say regarding personal rights regarding the tree ordinance. No action was taken.

6.7 CLOSED EXECUTIVE SESSION: NONE

6.8 City Council may discuss and consider any actions necessary on any items discussed in the Executive Session: NONE

7. REPORTS TO COUNCIL:

7.1 Water Conservation Update: City Secretary Blevins said there were 11 reports of Mandatory Water Conservation Ordinance violations. Of these reports seven (7) from the Spring Valley Police Department while four (4) came from residents.

7.2 Fire Commissioner: Mayor Border said there was no report since they had not had a meeting since Council last met.

7.3 Building: City Secretary Blevins reported that there were eight (8) permits issued for the month of October consisting of electrical and plumbing for a new house, one swimming pool and the rest were miscellaneous permits. She reported twenty-four (24) inspections for the month of October. City Secretary Blevins said one (1) red tag was issued at 1131 Glourie and the home owner will go to the Board of Adjustment regarding the illegal fence. Joe Garrett was in the process of reviewing plans for 1249 Ridgeley.

7.4 City Secretary: In regards to the complaint and issues report, Council requested the City contact 7902 Hilshire Green to trim the plants to help with visibility coming out of Hilshire Green. City Secretary Blevins reported that Mr. Garofalo, 1323 Ridgeley, requested that the City find another location to store the equipment other than next to his house.

7.5 Treasurer's Report: City Secretary Blevins said that she had not received the bank statements prior to the Council meeting so the financials will change. She informed Council she would be renewing the certificate of deposit with Amegy Bank in the amount of \$201,111.47.

Out of Order

9. CONSENT AGENDA:

Mayor Pro Tem Castro said she would like to remove the Minutes from the Consent Agenda. Council Member Post said she wanted to remove Joe Garrett's invoice from the disbursements. Mayor Border said he would take a vote on each line item in the Consent Agenda.

9.1 Disbursements: Council Member Post requested that Joe Garrett's bill be itemized. Mayor Border said his bill would probably go up if he has to give a detail of everything he does. Council agreed the City needed to do a better job of keeping his records or he needed to itemize it himself. A vote was taken to approve the disbursements as presented. The vote passed unanimously.

9.2 Council Member Whiting moved to approve the Minutes from the Public Hearing & Regular Council Meeting of October 18, 2011, including the addition of who seconded the motion on 7.4, seconded by Mayor Pro Tem Castro. A vote was taken to approve the motion approving Minutes from the Public Hearing & Regular Council Meeting of October 18, 2011, including the addition of who seconded the motion on 7.4. The vote passed unanimously.

9. REPORTS TO COUNCIL:

9.1 Mayor and Council:

Mayor – Mayor Border said he had been contacted by at least three (3) potential developers for the Mennonite Church. He stated he told the developers that the property was in Zone "B" which was zoned for 8,000 square feet. Mayor Border told them they would need Council's consent and the City would have to have public hearing if they wanted smaller lots. He also suggested they connect utilities to the City of Houston instead of Hilshire Village. Mayor Border said he did not know if the Mennonite Church was selling the property.

Council Member Whiting – NONE

11. ADDITIONAL CITIZENS COMMENTS: NONE

12. ANNOUNCEMENTS: NONE

13. ADJOURNMENT: Council Member Davis moved to adjourn, seconded by Council Member Whiting. A vote was taken to approve the motion to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 8:47 P.M.

Robin S. Border, Mayor
ATTEST:

Susan Blevins, City Secretary