

The City of Hilshire Village

TUESDAY, December 20, 2011
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 Council Member Whiting.

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 and City Attorney, David Olson. Efrain Him, P.E., HDR/Claunch & Miller, Inc., was absent.

2. CITIZENS COMMENTS:

Don DeTata, 1314 Bridle Spur Lane, requested a response in writing in reference to his documents submitted at previous Council meetings. The documents pertain to the State of Texas Codes and Attorney Richard Merrill's legal opinion in regards to Bridle Spur Lane being a public access roadway for 60 years and the fact that the City should be refurbishing and maintaining the street in the interest of public safety.

3. REPORTS TO COUNCIL:

3.1 Police: Chief Finkelman said that during the month of November there was one (1) arrest as a result of a traffic ticket and two (2) car burglaries where purses were left in vehicles and then stolen.

The Council Meeting was recessed at 6:12 P.M.

4. ACTION ITEMS (CONSIDERATION AND POSSIBLE ACTION):

4.1 CLOSED EXECUTIVE SESSION: A consultation with the City Attorney, David Olson, discussing Bridle Spur issues, the Farris lawsuit and Marc Grosz's letter to the City.

The Council Meeting was reconvened at 7:10 P.M.

4.2 City Council may discuss and consider any actions necessary on any items discussed in the Executive Session: Mayor Border stated that it was not the City's burden to file property plats that it was the developers. He also stated that "the City has not accepted any dedication of Bridle Spur as a public street either expressly or implied. It did not mean that they want to or that they will." He said he "did not want the Bridle Spur residents to be misled by City Council not taking any action." David Olson, Olson and Olson, said he could not ethically or professionally give advice to any citizens especially when the citizen's position has implied legal

action. He is not in any position to give written or verbal legal opinion without jeopardizing the City's position.

5. DISCUSSION ITEMS:

5.1 Bridle Spur: NONE

5.2 Tree Ordinance: Council Member Post said the overall goal was to get the City a tree ordinance. She said that she met with Sherri Wagner and Sandra Parker. Council Member Post went over the drafted ordinance. She stated that the idea is that if you are going to take a tree down in the City, except due to a natural disaster, you will need a permit. Council Member Post said the cost of the permit needs to be discussed. David Olson stated the fees need to be reasonable and related to the City's cost.

Mayor Border had a problem with the minimum tree requirement; he thought one tree per 1,000 square feet was not possible. Mayor Pro Tem Castro said that 15 trees per lot was an excessive number. She wanted to know if this new Article was to take the place of what the City already had or was it going to be added to the existing Tree Preservation Ordinance. Council Member Post said that it would work along with the existing ordinance. Mayor Pro Tem Castro stated that she was opposed to any type of ordinance that restricts an owner's rights regarding trees on their property. Council Member Post said that the City already regulates the size of a house you can build, where they can put a fence, etc. She felt that the City needed to preserve the tree canopy. Council Member Whiting said she liked a lot of the components of this ordinance. She wanted to see the loophole closed on clearing empty lots. Council Member Bristow also agreed with Mayor Pro Tem Castro and he felt there should be other ways to encourage people to plant more trees but on a volunteer basis. He also did not agree with any fees and the permitting process. Council Member Post said the purpose of the permit was to encourage reforestation. Council Member Whiting thought that Council wanted to close the loophole in the construction tree ordinance. Council Member Post said there was no way to close the loophole without restricting all residents regardless if for new construction or not. Council Member Davis said the City would have a problem if they did not balance the criteria for building; otherwise, you would not be able to build on any of the existing lots. Council Member Post said the ordinance is to preserve the trees that the City has in existence now. Mayor Border said that Council needed to decide what minimum should be the requirement for trees per lot. Council Member Whiting said she thought it should be five (5) to ten (10) trees per lot or 1 per 2,000 square feet. David Olson said it would be in the best interest of the City to put some type of mechanisms for relief for unusual lot configuration. Council Member Post said she would continue to work on the ordinance.

5.3 Hiring of a Building Official: Council Member Whiting stated the City had received three (3) applications for the building official position. She said she and Council Member Post would start the interview process after the first of the year. Council Member Bristow said he would also want to see information on the Bureau Veritas Company.

5.4 Zoning requirements: Mayor Border said he was looking for guidance and thoughts regarding some zoning issues. He said that the Mennonite Church is entertaining development of their property. The Mayor said he has talked to three (3) different companies. He said he has told the different developers the same information. The Mayor said he recommended that they utilize the City of Houston's utilities instead of the City of Hilshire. He said each contractor had issues with the current lot size requirements and would like to see an average of 6,000 sq.

ft. Mayor Border said he was interested in hearing Council's thoughts. Council Member Whiting did not think the City's setbacks would work on a 6,000 sq. ft. lot. Mayor Pro Tem Castro and Council Member Bristow said they were comfortable with the 8,000 sq ft. requirement. Council Member Post said she would need more information and that she was not tied to the 8,000 sq. ft requirement. Council Member Davis said it would be an asset for the City to have the property developed.

6. ACTION ITEMS (CONSIDERATION AND POSSIBLE ACTION):

6.1 A motion was made by Mayor Pro Tem Castro to authorize the Mayor to enter into a contract with Power Now LLC Maintenance for an agreement for maintenance on the City's generator in the amount of \$995 for two years, seconded by Council Member Davis. Mayor Border said he did not have any issues with the changes the lawyer made to the contract. A vote was taken to approve the motion to authorize the Mayor to enter into a contract with Power Now LLC Maintenance for an agreement for maintenance on the City's generator in the amount of \$995 for two years. The vote passed unanimously.

6.2 City Secretary Blevins asked Council to amend Section 2 from the ninety-eighth (98th) day to the sixty eighth (68th) day. A motion was made by Council Member Whiting to approve Ordinance # 668 of the City of Hilshire Village, Texas, providing for the holding of a General Election on May 12, 2012 and including the change to Section 2 to read the sixty-eighth day, seconded by Council Member Post. A vote was taken to approve Ordinance # 668 of the City of Hilshire Village, Texas providing for the holding of a General Election on May 12, 2012 and including the change to Section 2 to read the sixty-eighth day. The vote passed unanimously.

The City Attorney was excused at this time.

7. REPORTS TO COUNCIL:

7.1 Water Conservation Update: City Secretary Blevins said there were six (6) reports of Mandatory Water Conservation Ordinance violations. Of these reports all six (6) came from the Spring Valley Police Department.

7.2 Fire Commissioner: Council Member Davis said the November financials showed the fire department's budget for November to be 5.36% under budget. He stated Captain Daily was retiring on 12/31/11 and they would be hiring a replacement at a lower rank. Council Member Davis said a new ambulance was ordered and the insurance contract was awarded for the casualty insurance to the existing company.

7.3 Engineer's Report: NONE

7.4 Building: City Secretary Blevins reported that there were twenty (20) permits issued for the month of November consisting of two (2) demolition permits, one (1) new construction and one (1) remodel and various other electrical, HVAC and plumbing. She also reported forty-nine (49) inspections for the month of November. City Secretary Blevins said that Joe Garrett had approved the building plans at 1249 Ridgeley and construction had commenced.

7.5 City Secretary: City Secretary Blevins thanked Bob Sommer for the grant the City received in the amount of \$1,500 as a result of the volunteer work he did at the City. She stated she would be working with the City Attorney in regards to a submission to receive exceptions for some of the requirements for the City's election. City Secretary Blevins said she would be using

the 2010 Census to ask for the exceptions.

7.6 Treasurer's Report: City Secretary Blevins said the City revenues were up and expenses were down so the General Fund was in good shape at this time. She said the Utility Fund also showed to be in good shape but all the expenses had not come in for the last month. Council Member Post asked about building revenues compared to expenses. City Secretary Blevins said the revenue and the expenses would never line up because the money comes in during one time period and the expenses may take months to occur.

8. REPORTS TO COUNCIL:

8.1 Mayor and Council: None

9. CONSENT AGENDA:

A motion was made by Council Member Post to approve the Consent Agenda including disbursements and the Minutes from the Public Hearing & Regular Council Meeting of November 15, 2011, seconded by Council Member Davis. A vote was taken to approve the motion approving the Consent Agenda including disbursements and the Minutes from the Public Hearing & Regular Council Meeting of November 15, 2011. The vote passed unanimously.

10. ADDITIONAL CITIZENS COMMENTS:

Don DeTata, 1314 Bridle Spur Lane, stated that Harris County told him that he could not record the subdivision and that the City would have the responsibility. Mayor Border said that it was not the City's burden to record the subdivision; it was the developer's. Mr. De Tata asked again if the City was going to respond to his questions in writing and was told that the City Attorney advised the City not to respond in writing.

Robert Bryne, 1305 Bridle Spur, was concerned because he had paid taxes for over sixteen (16) years and he has watched Council come and go and still there has been no resolution to the Bridle Spur issue. He stated he understood Counsel's legal advice to the City on not giving Bridle Spur legal advice. Mr. Bryne wanted to know if Council Member Whiting was still Bridle Spur's liaison. He was not sure what Bridle spur still needed to do and he was willing to get involved and see what he could do to solve the issues. Mr. Bryne said decisions needed to be made to approve the subdivision because the property is eroded and that does not help the City's tax basis. Council Member Whiting said she was still the liaison and would speak with him at anytime on the subject.

11. 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 8:32 P.M.

Robin S. Border, Mayor

ATTEST:

Susan Blevins, City Secretary