

The City of Hilshire Village

Regular Council Meeting August 21, 2012
TUESDAY, August 21, 2012
REGULAR COUNCIL MEETING
6:00 P.M.

1. CALL TO ORDER: Mayor Whiting called the City of Hilshire Village Council Meeting to order at 6:03 P.M. at 8301 Westview, Houston, Texas 77055.

1.1 Invocation: was given by Mayor Pro Tem Post.

1.2 Pledge of Allegiance: was led by Council Member Bristow.

1.3 Present: were Mayor Shannon Whiting, Mayor Pro Tem Stephanie Post and Council Members Connie Castro, Bill Bristow and David Gunn. Also present were Susan Blevins, City Secretary, City Attorney, Donna Johnson, Olson & Olson and Efrain Him, P.E., HDR/Claunch & Miller, Inc. Chief Gary Finkelman, Spring Valley Police Department and Council Member Edward Davis were absent.

2. CITIZENS COMMENTS:

Robert Wolf, 1205 Pine Chase Drive, was not given very much notice regarding disruption of service. He found a flyer on the ground that stated they would be working in his driveway.

Grady Farris, 1138 Glourie Drive, stated that Mayor Whiting did not allow him to comment in response to Council Member's Castro's remarks at the July 17, 2012 meeting. He then requested that he be allowed the same amount of time and he stated that he had also requested his request be an agenda item, which was also denied. Mr. Farris then went over what he said to be testimony of the court case he had filed in regards to Connie Castro resigning as Mayor Pro Tem. He referred to her secret agreement with Mayor Border. He stated: "to whom did Castro make it clear openly that Castro would resign as Mayor Pro Tem if Mayor Border resigned". He then stated again that City Secretary Blevins handed his speaking notes to Council Member Castro to read at a Council Meeting in which both Council Member Castro and City Secretary Blevins denied. Mayor Whiting told Mr. Farris his time was up.

3. COUNCIL COMMENTS:

Council Member Bristow requested to speak as a citizen and he was informed that if he wanted to speak as a citizen the subject matter has to be placed on the agenda prior to the meeting. Council Member Bristow requested that this instruction be submitted to him in written form.

Council Member Castro responded to Grady Farris by saying “there is only one person in this City that knows why I resigned and why I resigned sooner rather than later and that is me. I gave you those facts at the last meeting. You can take them or leave them, I really don’t care. They are the facts.”

4. REPORTS TO COUNCIL:

4.1 Police: Mayor Whiting read Chief Finkelman’s report stating there were no major incidents in July. She said there were two (2) burglaries of motor vehicles at Holy Cross Lutheran Church and one (1) arrest for an assault between family members of a resident of Hilshire Village. Council Member Bristow wanted the citizens to know they could fill out an open records request with the police department for further details.

Out of Order

6.1 Fire Commissioner: Mayor Whiting said the budget was approved by the Fire Commissioners after approval from the Cities. She stated the commissioners are looking into using some of the capital funds to consider upgrading to a new ambulance. Mayor Whiting stated she would be attending tomorrow’s meeting in place of Council Member Davis.

6.2 Building: City Secretary Blevins reported there were eight (8) permits issued this month. She stated the permits were for one (1) irrigation, one (1) furnace, two (2) tree removal, one (1) hot water heater, one (1) HVAC, one (1) roof and one (1) evaporator coil. City Secretary Blevins said there were eighteen (18) inspections. She said there were plan checks for 1031 Ridgeley – irrigation, 1122 Guinea – new construction, 1130 Glourie – drainage and remodel and 1249 Ridgeley - grading and drainage. Mayor Pro Tem Post wanted to remind the City Secretary to have Alan Wolfe inspect the properties for the tree replacement in regards to the tree permits.

6.3 City Secretary: City Secretary Blevins stated that the breakdown on the lawsuits now reflects the fiscal year per Mayor Pro Tem Post’s request. She stated she had added an invoice from HDR to the consent agenda for \$9,460.89. City Secretary Blevins stated year to date the HillCo payout was \$1,437.17. Mayor Whiting asked Efrain Him if he could do something in regards to Judge McCorkle’s complaint in regards to his property.

Out of Order

4.2 Engineers Report: Efrain apologized for leaving the Council meeting briefly but the fence company cut the water line at the McCorkle residence and he needed to make sure it was resolved since it was after hours.

Efrain reported in regard to the Texas Department of Public Safety/Governor’s Division of Emergency Management (DEM), Hurricane Ike Hazard Mitigation Grant Program (HMGP) and the Pre-Construction Meeting were held on July 26 with the City, Triple B Services, North Houston Pole Line and Binley & Barfield, Inc. Mayor Whiting stated she and the City Secretary attended the meeting with Efrain Him and Doug Bradford from HDR. Efrain stated that the Notice to Proceed with construction was transmitted to the Contractor during this meeting. He stated the contractor had submitted fourteen (14) submittals for review of which thirteen (13) had been reviewed and returned by HDR.

Efrain stated he was reviewing transmittal fourteen (14) at this time. He also stated the contractor was coordinating with the City to notify residents in regard to the timing of the construction.

The contractor started the installation of water lines on August 9, 2012. CenterPoint was immediately notified when the contractor damaged the gas service line at 1211 Pine Chase Drive. Also Efrain stated one (1) of CenterPoint's contractors hit a water line. Mayor Pro Tem Post wanted to make sure the City did not have to pay for the repairs. City Secretary Blevins stated that the City would be billed by Severn Trent along with CenterPoint for the repairs and when CenterPoint pays for the repairs the City will be reimbursed. Efrain stated he met with several home owners to discuss tree protection and tree removals.

Mayor Whiting wanted Efrain to discuss the silt fencing that had been installed. Efrain stated that first of all the subcontractor installed the fencing without permission to work on Saturday and he would discuss that matter with the main contractor, Triple B. He stated the silt fences were installed to trap silt from going into the culverts. Efrain stated the silt fencing is typically installed three (3) to four (4) feet from the culverts and they do not go across the whole ditch. Mayor Whiting stated that in some cases the silt fencing was against the culvert. Efrain said he would have the contractor correct the installation. He also said the contractors are responsible for maintaining the fencing and removing the fencing when there is a known rain event.

Council Member Bristow stated he collected fencing material from several properties and wanted to know who was responsible for checking the jobsites. Efrain stated he has an inspector on site during critical times and he should have corrected the situation. Council Member Bristow questioned the amount of \$244,515 for the inspector services. Mayor Whiting said that amount was the amount for the observation of the entire construction project. Efrain Him stated it was a "not to exceed" number. Council Member Bristow wanted the assurance that the properties affected by the construction be cleaned every day and the construction plans followed. The silt fences should have already been corrected and any repairs done by the subcontractor should be checked by the supervisor. Council Member Bristow said he had given a home owner the supervisors name and number to report a problem. City Council decided they would prefer that the problems be reported to the City first so that a record could be kept. Efrain stated that daily reports will be given to the City with the pay applications. Council Member Bristow wanted to minimize the draw backs of construction where possible.

5. ACTION ITEMS:

5.1 Mayor Pro Tem Post made a motion to authorize the Mayor, City Secretary and City Engineer (HDR) to process Contractor's (Triple B Services, LLP) Monthly Pay Estimates related to the Pine Chase and Glourie Drive Paving, Drainage and Utility Improvements Project and submitting them to FEMA/DEM for reimbursement. Upon receipt of reimbursement(s) from FEMA/DEM, the City will authorize the release of payment(s) to the Contractor, seconded by Council Member Castro. Mayor Whiting stated this motion would allow the paperwork to be submitted to FEMA and to get the infrastructure in place for the payment process. She said no payment is being authorized. Efrain stated the project is being funded by FEMA and there is a large time line for the submittal and processing of the paper work to FEMA. He is asking City Council to allow HDR to process the paperwork and submit it to FEMA upon receipt and

then he will bring the pay estimate to the City for approval. He said HDR is trying to minimize the time frame the contractor has to wait to get paid. Council Member Gunn asked what the delay would be. Efrain stated that it would take up to 60 days for FEMA to approve after submittal. Efrain said it was a learning curve with the state to find out their requirements. City Secretary Blevins stated FEMA would be reviewing the paperwork with a fine tooth comb and then it would come back to Council for final approval. A vote was taken to approve the motion authorizing the Mayor, the City Secretary and the City Engineer (HDR) to process Contractor's (Triple B Services, LLP) Monthly Pay Estimates related to the Pine Chase and Glourie Drive Paving, Drainage and Utility Improvements Project and submitting them to FEMA/DEM for reimbursement. Upon receipt of reimbursement(s) from FEMA/DEM, the City will authorize the release of payment(s) to the Contractor. The vote passed three to one. Mayor Pro Tem Post, Council Members Castro and Gunn voted for the motion and Council Member Bristow voted against the motion.

Mayor Whiting asked Efrain about the continuation of the Glourie Drive project. FEMA has reviewed it and they do not have a problem with the extension. He stated that the State still has to approve it.

Jean Bravenec, 8010 Burkhart Road, gave a brief history by stating in 1950 a large home was built at 1209 Pine Chase and the home owner buried a small pipe in the existing ravine with the end of the pipe extending into the undeveloped property at 8014 Burkhart. In 2007 two pipes were placed in the ravine at 1209 Pine Chase by the City to help with drainage. Large stones were placed in the ravine to help with the erosion. Since 2012 the ravine has become a disaster. The force and the amount of the water flow have increased over the years. The sides of the ravines are breaking down and sliding into the ravine. Trees and native plants have continued to die and vines and other plants are taking over the trees that are left. Mrs. Bravenec believes that there has been no consideration as to the effects on the citizens who are downstream that the new construction from the Pine Chase/Glourie Project will have on them. She did not promote the removal of the pipes at 1209 Pine Chase; however, she did not believe the stones were placed in the right spot to prevent the erosion of her property and Mrs. Kemper's when they originally installed the pipes. Mrs. Kemper thinks the property should be shored up and did not think it was her responsibility to do so. Council Member Bristow said several of other residents who live on the ravines have installed riprap or a bulkhead to prevent further erosion of their property. He felt that she and Mrs. Kemper should take action to mediate any further loss of their property. Council Member Castro said she also believes it is a homeowner's responsibility to prevent their own property from eroding. She said if she wouldn't have taken action to shore up her property she would have lost half her property to the creek.

5.2 Council Member Castro made a motion to approve the design and configuration of new street and stop signs for the City and grant the City Engineer permission to seek quotes, seconded by Council Member Post. Council Member Castro said her objectives were: uniform placement of the signs, easier to read, esthetically pleasing look, sturdier design, eliminating signs and making a statement about the City of Hilshire Village. After research, the two styles of designs being presented to Council were 1A and 1B which were pole mounted 6" street signs in a frame. 2A and 2B were 8" pole mounted street signs on mounts. Mayor Whiting stated the City would be incorporating stop signs with streets signs where possible. Council Member Bristow wanted to make sure that it was legal to put street signs and stop signs on the same pole. Both the City Attorney and

City Engineer said it was legal. Council Member Castro said that where appropriate they would say “no outlet”. Efrain said the preliminary estimate for purchasing, removing and replacing all street signs including all hardware and installation was \$25,145 for configurations 1A and 1B and \$23,315 for configurations 2A and 2B. Mayor Whiting stated the City would be using Metro funds to pay for this project. Council Member Castro stated she would like to see Council approve the design of the signage and to authorize HDR to engineer the project and to go out for bid. Council Member Bristow stated he would like to see street light poles with the signs attached. Mayor Whiting said the cost would be approximately \$2,000 per sign plus the cost of adding electricity and the cost of the electricity. Chris Oliver with CenterPoint stated that CenterPoint would install the standard steel pole lighting. He stated a meeting could be set to discuss the different possibilities. Mayor Pro Tem Post was concerned with the loss of Metro Funds for future projects. Mayor Whiting reminded Council that Bridle Spur and Pine Creek Lane paving and drainage had been identified as priorities for the use of Metro Funds. Efrain stated the estimate to engineer, prepare bid package and solicit quotes was approximately \$5,000. Council Member Castro amended her original motion deleting the portion of the motion authorizing the engineer to seek quotes, seconded by Council Member Gunn. A vote was taken to approve the design and configuration of new street and stop signs for the City. The vote passed unanimously. Council chose configuration 1B.

The City Engineer was excused at this time.

The Council Meeting was recessed at 8:22 P.M.

The Council Meeting was reconvened at 8:31 P.M.

OUT OF ORDER:

7.2 Council Member Gunn made a motion to approve the City of Hilshire Village Resolution Number 123 authorizing and approving membership in the Gulf Coast Coalition of Cities for the purpose of protecting the interest of the City and its Citizens with respect to electric and gas utility matters, seconded by Mayor Pro Tem Post. Mayor Whiting stated this was an act of good faith. Bunker Hill, Spring Valley and Piney Point had already joined the coalition. A vote was taken to approve the motion approving the City of Hilshire Village Resolution Number 123 authorizing and approving membership in the Gulf Coast Coalition of Cities for the purpose of protecting the interest of the City and its Citizens with respect to electric and gas utility matters. The vote passed unanimously.

6.4 Treasurer’s Report: City Secretary Blevins stated the General Fund Revenue was down for the year by \$1,200 and the expenses were up due to legal fees. She stated the City would have to transfer approximately \$15,000 at the end of year to balance the budget. City Secretary Blevins stated the City had cancelled as many of the budget projects as possible to help compensate for the increase in legal fees. She estimated the City to net \$35,000 in the utility fund.

7. ACTION ITEMS:

7.1 Council Member Castro made a motion to approve the City of Hilshire Village Ordinance Number 677 amending the Schedule of Fees for Permits, seconded by Mayor

Pro Tem Post. Council Member Castro stated that some of the key factors in choosing Bureau Veritas were the cost savings and the ability to extend that savings to the residents. City Secretary Blevins stated after performing a cost analysis on permits and inspections she recommended that Council drop the inspections fees from \$65 to \$50. Lowering the cost of specific permits but not changing new construction permits due to the cost of drainage reviews. She stated that changing the drainage plans to allow for one (1) submittal to the City Engineer and then the contractors will have to pay for engineer fees for every resubmittal will help with the cost overages. A vote was taken to approve the motion approving the City of Hilshire Village Ordinance Number 677 amending the Schedule of Fees for Permits. The vote passed unanimously.

7.3 Mayor Pro Tem Post made a motion authorizing the Mayor to execute the Collateral Security Agreement and sign the Resolution Certificate and Certificate of Incumbency for Amegy Bank to utilize Federal Home Loan Bank in Dallas for all custodial needs, seconded by Council Member Castro. City Secretary Blevins stated that Amegy Bank has to provide outside collateral on all funds. Council Member Bristow asked if the lawyer had approved the form. City Secretary responded that the lawyer is given the same packet Council receives every month. He reviews and makes recommendations to Council or the City Secretary if he has a problem with any item. A vote was taken to approve the motion authorizing the Mayor to execute the Collateral Security Agreement and sign the Resolution Certificate and Certificate of Incumbency for Amegy Bank to utilize Federal Home Loan Bank in Dallas for all custodial needs. The vote passed unanimously.

7.4 Council Member Gunn made a motion authorizing the spraying of mosquitoes to be increased to two (2) times a week during mosquito's season at \$35 a spraying to be continued for 13 weeks, seconded by Mayor Pro Tem Post. Mayor Whiting said that the City has been getting reports from Howard Miller from the Village Fire Department regarding West Nile Virus. She said that Harris County would be doing some aerial spraying but it would not include Hilshire Village. Mayor Whiting would like to see Council increase the spraying to twice a week. A vote was taken approving the motion authorizing the spraying of mosquitoes to be increased to two (2) times a week during mosquito's season at \$35 a spraying to be continued for 13 weeks. The vote passed unanimously.

8. DISCUSSION ITEMS:

8.1 METRO Mobility Fund: Mayor Whiting stated that in 1999 the General Mobility Program was established; wherein, the City would receive \$99,000 a year. In 2003 a referendum was signed to extend the Mobility Program until 2013. On August 3, 2012 METRO decided on the structure of the wording for the vote (up and down vote either for or against the General Mobility Program). On August 14, 2012 Harris County made a deal with METRO and the City of Houston (keep 25% of 1 cent sales tax for GMP, Cap at 2014 levels and then share incremental growth 50/50 between Metro and others, prohibit METRO from spending any of its increment on rail expansion and remove the requirement for a new referendum no later than 2021). On August 17 METRO Board met to finalize ballot language (up/down vote on ballot, keep

25% of 1 cent sales tax for GMP, cap at 2014 levels and then share incremental growth 50/50 between METRO and others, require new referendum no later than 2025 and prohibit METRO from spending its increment on rail). The week of August 27th the Multi Cities will meet with METRO to determine allocations and projects. Hilshire Village's share is unknown but will be cut significantly as all Multi Cities are included in one basket and projects budget may be included to do larger infrastructure work. If, on November 7th the resolution passes, METRO will follow the contracted agreement per resolution and if it fails the Multi Cities will pursue action via HillCo to the state legislature.

8.2 City's Professional Service Contracts to be reviewed: Mayor Whiting stated as part of good business practice she is going to have Council Member Gunn to review the City's contracts.

The City Attorney was excused at this time.

8.3 Revision of Plan Check List: City Secretary stated she wanted Council to know she was revising the plan check list and she would like Mike Gordy to review the list and make suggestions. She stated the main changes were made to the Drainage and Grading area spelling out how the contractor would be charged. Mayor Whiting wanted to make sure the lot coverage is spelled out.

9. ACTION ITEMS – CON'T:

9.1 CLOSED EXECUTIVE SESSION: NONE

9.2 ACTIONS FROM THE CLOSED EXECUTIVE SESSION: NONE

10. REPORTS FROM COUNCIL:

10.1 Mayor and Council: NONE

11. CONSENT AGENDA:

11.1 A motion was made by Council Member Gunn to approve the Consent Agenda, seconded by Mayor Pro Tem Post. A vote was taken to approve the motion approving the Consent Agenda excluding Olson and Olson invoice for \$2,811.40, HillCo Partners for \$361.17, Severn Trent for \$7,764.02 and the Minutes of the Regular Council Meeting of July 17, 2012. The vote passed unanimously.

A motion was made by Mayor Pro Tem Post to approve the disbursement in the amount of \$2,822.50 to Olson and Olson, seconded by Council Member Gunn. Council Member Bristow questioned a charge by Olson and Olson to discuss his abstaining from voting. He requested a written statement from Olson and Olson.

A vote was taken to approve the motion to approve the disbursement to Olson and Olson in the amount of \$2,822.50. The vote passed unanimously.

A motion was made by Mayor Pro Tem Post to approve the disbursement in the amount of \$361.17 to HillCo Partners, seconded by Council Member Gunn. Council Member Bristow wanted a written description of the work that was performed. A vote was taken to approve the motion approving the disbursement in the amount of \$361.17 to

HillCo Partners. The vote passed 3-1. Mayor Pro Tem Post and Council Members Castro and Gunn voted for the motion and Council Member Bristow voted against the motion.

A motion was made by Mayor Pro Tem Post to approve the disbursement in the amount of \$7,764.02 to Severn Trent, seconded by Council Member Gunn. Mayor Pro Tem Post wanted to see notations made for any items that would be reimbursed by the construction company or any other body. She also questioned the installation of a commercial meter. City Secretary Blevins said the commercial meter was installed at 1025 Glourie Circle. A vote was taken to approve the motion to approve the disbursement in the amount of \$7,764.02 to Severn Trent. The vote passed unanimously.

12. ADDITIONAL COUNCIL COMMENTS: NONE

13. ANNOUNCEMENTS: NONE

14. ADJOURNMENT: Council Member Castro moved to adjourn, seconded by Mayor Pro Tem Post. The meeting was adjourned at 9:33 P.M.

Shannon Whiting, Mayor
ATTEST:

Susan Blevins, City Secretary