

# The City of Hilshire Village

Public Hearing and Regular Council Meeting September 18, 2012  
TUESDAY, September 18, 2012  
BUDGET HEARING & REGULAR COUNCIL MEETING  
6:00 P.M.

1. PUBLIC HEARING ON 2012 TAX RATE AND FYE 2013 BUDGET: Mayor Whiting called the Public Hearing to order:

Richard Fink, 1134 Glourie, stated he also owns a home on Bridle Spur. Mr. Fink stated that 32 years ago his wife, Sharon was called upon by the other residents of the Bridle Spur cul-de-sac to write, what was for her then, a sizable personal check for repaving Bridle Spur with asphalt. After asking questions she learned about the dedication problem. Mr. Fink stated that since then numerous efforts and attempts have been made over the past 20 years to address the dedication situation and repaving of Bridle Spur Lane. He stated the conditions are dangerous for the residents, the infrastructure is more than 60 years old and the residents' cars have endured damage. He asked Council to please consider replacing the infrastructure along with the street; however, if impossible, to at least fix and resurface the street.

Bill Swann, 1302 Bridle Spur Lane, went over the whereabouts of the sewer and water lines on Bridle Spur Lane.

Mayor Whiting said that Council has placed the expense of Bridle Spur Lane Project back in the Capital Budget. She said it had been removed in years past because of the problems getting dedication releases from all the residents. Mayor Whiting stated Council acknowledges that the residents have been paying taxes and that the street is in poor condition. Mayor Pro Tem Post said the City has to look at finances before committing to the project.

Mayor Whiting went over the FYE 2013 Budget and stated if anyone had any questions to please come forth at any time. She stated the new Police budget number is \$348,000 and she was working with Spring Valley on a new contract. Mayor Whiting went over expenses. She reminded the residents that in 2009 the auditors had recommended that the City have at least three (3) months of savings in the bank account. Mayor Whiting said that the City now has approximately four (4) months in the General Fund savings. She stated the City needed to consider transferring funds back into the Utility Fund to replace funds that had been transferred in previous years. Mayor Whiting explained the

Capital Budget and stated the City was waiting to see if the extension of the Glourie project would be approved by FEMA. Mayor Pro Tem Post stated there are ways to fund the Bridle Spur and other projects other than taking the funds out of the Utility Fund. Mayor Whiting stated that in the Utility Account, the City has had a goal to net \$55,000 to be used for capital replacement; however, the City will be lucky to net \$17,000 this year. The revenue was down because the City did not have the demand for water this year. Council has decided at this time not to increase the water rates but most likely will have to later in the year.

Bill Swann, 1302 Bridle Spur Lane, asked what the scope of work would be for Bridle Spur. He was told "paving, drainage and utilities".

Grady Farris, 1138 Glourie, asked why there was \$4,500 budgeted for the election. Mayor Whiting said the City was required to have a handicapped voting machine. City Secretary Blevins stated the machine was just a scanner and did not tabulate any kind of count.

Mayor Whiting adjourned the Public Hearing at 6:50 PM.

2. CALL TO ORDER: Mayor Whiting called the City of Hilshire Village Council Meeting to order at 6:51 P.M. at 8301 Westview, Houston, Texas 77055.

2.1 Invocation: was given by Council Member Gunn.

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

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

### 3. CITIZENS COMMENTS:

Paul Maddock, 8 Hilshire Oaks Court, said it was such a wonderful feeling to live in a City where the residents were friendly and caring. He said as he walked the streets after his surgery residents and the police inquired of his recovery. Mr. Maddock also inquired if the silt fencing in the ditches had been addressed. Efrain Him said the City had addressed the issues.

Grady Farris, 1138 Glourie Drive, stated he had sent a two page email to all of Council and that Mayor Whiting stated she might consider another meeting or forum. He stated he was available and that he believes the forum should be in front of Council and any concerned residents.

#### 4. COUNCIL COMMENTS:

Council Member Gunn said he was concerned with the health of the communication between residents and Council. He strongly suggested that the emails be stopped. He said they promote miscommunication. Council Member Gunn said that he and Mr. Farris have a good communication face to face and he believes Council should move in that direction. He promised he would come back to Council in thirty days with suggestions. Council Member Gunn thought the Council packets should be passed out earlier than Friday before the meeting.

Council Member Bristow stated he was for the emails from the residents. He did not believe in private meetings with residents and he would like a report from each Council Member if they have a private meeting.

Council Member Castro stated she attempted to answer Mr. Farris' initial questions but he did not believe her answers. His latest questions requesting and requiring that she, Mrs. Blevins and Mayor Pro Tem Post answer under oath what she has already answered demonstrates how consumed Mr. Farris is with an imaginary theory.

Mayor Whiting said she had an hour long conversation with Mr. Farris and it was a good healthy conversation and she agrees with Council Member Gunn's point and that emails are not constructive.

#### 5. REPORTS TO COUNCIL:

5.1 Police: Chief Finkelman stated that there were three (3) arrests; one (1) arrest was for a suspicious person, one (1) family violence incident and one (1) suspicious person who looked like he was taking pictures of the school. He stated there was one (1) burglary/motor vehicle where a purse was stolen at the day care. The Chief stated the one (1) felony theft was for theft of an air conditioning unit.

5.2 Engineers Report: 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) Triple B Services had submitted sixteen (16) submittals for review. He stated the contractor has also submitted two (2) Requests for Information for review. Efrain stated Triple B Services had completed the installation of the Tree Protection and Storm Water Pollution Prevention fencing throughout the project area. He stated the contractor had installed approximately 80% of the water lines at this time. Efrain stated the contractor has been working on the removal and replacement of existing driveway culverts. He said the Contractor has completed 20% of the work in 10% of the time. A monthly Construction Progress Meeting was held at City Hall on September 13, 2012 with City officials, HDR and the contractor.

HDR submitted a request for reimbursement to the State for work associated with the contractor's Pay Application No. 1; however, the State noted that the City must pay the contractor first and submit proof of payment before reimbursement can be made by the State.

Efrain recommended the City authorize payment of Pay Application No. 1 and No. 2. He stated that Mayor Whiting stated that Council may decide to wait to approve Pay Application No. 2 since the backup material was not turned in on a timely manner.

Council Member Bristow wanted to know if the outfall at 1209 Pine Chase was being replaced in this project. Efrain Him stated that it was not.

Council Member Gunn asked about the alignment of the ditches. Efrain stated that the City was trying to center the road between the properties like the work on Ridgeley.

Efrain stated the "As Built Drainage Plans" for 1249 Ridgeley had been returned to the contractor to be revised and resubmitted. He stated the revised Drainage Plans for 1022 Glourie were rejected and are awaiting resubmittal.

Efrain did not recommend to the City that they just repave Bridle Spur Lane because the infrastructure is at least 30 years old and if any repairs had to be done it could tear up the new road. Efrain stated the City would have a hard time finding a contractor to put an overlay over the street instead of repaving because of warranty issues.

## 6. ACTION ITEMS:

6.1 Council Member Davis made a motion to authorize payment of Triple B Services, L.L.P., Pay Application No. 1 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$26,631.63 to be paid by the City of Hilshire Village, seconded by Mayor Pro Tem Post. There were no comments from Council or the residents. A vote was taken to authorize payment of Triple B Services, L.L.P., Pay Application No. 1 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$26,631.63 to be paid by the City of Hilshire Village. The vote passed unanimously.

6.2 Council Member Davis made a motion to authorize payment of Triple B Services, L.L.P., Pay Application No. 1 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$79,894.91 to be paid by the City of Hilshire Village and then reimbursed by the Texas Department of Public Safety, seconded by Mayor Pro Tem Post. There were no comments from Council or the residents. A vote was taken to authorize payment of Triple B Services, L.L.P. Pay Application No. 1 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$79,894.91 to be paid by the City

of Hilshire Village and then reimbursed by the Texas Department of Public Safety.

6.3 and 6.4 Mayor Whiting asked if someone wanted to make a motion to table the two agenda items since Council did not receive backup material in time to review. Council Member Davis made a motion to table Agenda item 6.3 and 6.4, seconded by Mayor Pro Tem Post. A vote was taken to table Agenda Item 6.3 and 6.4. The vote passed unanimously.

The City Engineer was excused at this time.

The Council Meeting was recessed at 7:45 P.M.

The Council Meeting was reconvened at 7:55 P.M.

## 7. REPORTS TO COUNCIL:

7.1 Fire Commissioner: Mayor Whiting said the fire department is running 2% under budget at this time. She stated in the Fire Commissioner's meeting they discussed the Department's ISO rating. The current rating is a 2 with 1 being the best rating. Mayor Whiting said they discussed hiring a consultant to review the department prior to the ISO audit to approve the rate. The cost would be approximately \$27,000 and they would be able to fund it using contingency account and payroll savings. Mayor Whiting stated that the Commissioners will consider the review. The Commissioners voted to replace one of the ambulances.

7.2 Building: City Secretary Blevins reported there were ten (10) permits issued this month. She stated the permits were for two (2) HVAC, one (1) electrical, one (1) add-on/Rebuild, one (1) accessory building and fence, one (1) driveway, one (1) irrigation, one (1) plumbing and two (2) tree permits. City Secretary Blevins said there were twenty seven (27) inspections. She said there were plan checks for 1103 Glourie, 1130 Glourie and 1022 Glourie Circle.

7.3 City Secretary: City Secretary Blevins stated that she added an invoice for Severn Trent to the Consent Agenda. She asked that Council vote on approving the Minutes for the 7-17-12 separate from the Consent Agenda because Council Member Bristow was not at the meeting and did not want to vote to approve.

7.4 Treasurer's Report: City Secretary Blevins stated the City will vote to balance the General Fund Budget at the next meeting. She stated in the Utility Fund the City would approximately net \$18,260 at year end.

## 8. ACTION ITEMS:

8.1 Council Member Gunn made a motion to approve the City of Hilshire Village

Resolution Number 125 authorizing and directing the Mayor to submit a letter to the State Comptroller in compliance with section 2206.101 of the Texas Government Code which requires cities and other governmental entities to submit information concerning the authority to exercise the Power of Eminent Domain and making other provisions related to the subject, seconded by Mayor Pro Tem Post. David Olson stated the State Legislature has asked all governmental entities to submit their authority concerning Eminent Domain to the Comptroller's office under the assumption that if the City does not give written authority they will waive their statutory authority to do so. A vote was taken to approve the motion approving the City of Hilshire Village Resolution Number 125 authorizing and directing the Mayor to submit a letter to the State Comptroller in compliance with section 2206.101 of the Texas Government Code which requires cities and other governmental entities to submit information concerning the authority to exercise the Power of Eminent Domain; and making other provisions related to the subject. The vote passed unanimously.

## 9. DISCUSSION ITEMS:

9.1 Spring Valley Police Contract: Mayor Whiting stated she was working with Spring Valley on the Budget numbers.

## 10. REPORTS FROM COUNCIL:

10.1 Mayor Whiting reported that the METRO Multi Cities met today and the proposal that has been put before the METRO Board is for Hilshire Village to continue to receive the \$99,000 with an increase of 3% in three (3) years. METRO will have a Board Meeting next week to go over and finalize the proposal. She stated this would be the best scenario for the City. Mayor Whiting said the next step would be the referendum which would go out to vote in November. She said the vote needed to be "yes" to referendum to continue the METRO funds.

10.2 Mayor Whiting reported that the Mennonite Church had issued a request for a proposal for considering selling a portion of the property that the church sits on. She said one of the developers had asked for a meeting with her and wanted to review the zoning and the restrictions. Mayor Whiting said the property was zoned for Residential "B" at this time.

Ed Wiens, 8310 Creekstone Circle, resident of Hilshire Village and a member of the Houston Mennonite Church. He said he is "working with a group that is looking into the possibility of a possible sale of a partial portion of the property". Mr. Wiens said "no decision had been made at this time". The Church had been contacted by several developers and the Church is looking into selling a portion of the property. He stated after the church makes a decision they will set up a meeting with the City.

## 11. ACTION ITEMS – CON'T:

The Council Meeting was recessed at 8:23 P.M.

11.1 CLOSED EXECUTIVE SESSION:

The Council Meeting was reconvened at 9:01 P.M.

11.2 ACTIONS FROM THE CLOSED EXECUTIVE SESSION: NONE

The City Attorney was excused at this time.

12. CONSENT AGENDA:

12.1 A motion was made by Council Member Davis to approve the Consent Agenda less the Minutes from the Regular Council Meeting of July 17, 2012, seconded by Mayor Pro Tem Post. A vote was taken to approve the motion approving the Consent Agenda including disbursements, Minutes from the Regular Council Meeting of August 21, 2012, Minutes from the Budget Workshop of August 23, 2012, Minutes from the Budget Workshop and Special Council Meeting of August 30, 2012 and a Proclamation for Halloween Night. The vote passed unanimously.

12.2 A motion was made by Council Member Davis to approve the Minutes from the Regular Council Meeting of July 17, 2012, seconded by Mayor Pro Tem Post. A vote was taken to approve the motion to approve the Minutes from the Regular Council Meeting of July 17, 2012. Mayor Whiting said Council Member Bristow was going to abstain from the vote because he was absent at the Council Meeting. The vote passed 4-0. Mayor Pro Tem Whiting, Council Members Castro, Post and Davis voted for the motion. Council Member Bristow abstained from voting because he was absent at the Council meeting.

13. ADDITIONAL COUNCIL COMMENTS: NONE

14. ANNOUNCEMENTS: City Secretary Blevins announced that there would be a Public Hearing on the Budget and Tax Rate and a Special Council Meeting to vote on the Budget and Tax Rate at 6:30 PM September 25, 2012.

15. ADJOURNMENT: Council Member Davis moved to adjourn, seconded by Mayor Pro Tem Post. The meeting was adjourned at 9:04 P.M.

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Shannon Whiting, Mayor

ATTEST:

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Susan Blevins, City Secretary