

# The City of Hilshire Village

TUESDAY, October 16, 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 6:04 P.M. at 8301 Westview, Houston, Texas 77055.

**1.1 Invocation:** was given by Mayor Whiting.

**1.2 Pledge of Allegiance:** was led by Mayor Whiting.

**1.3 Present:** were Mayor Shannon Whiting, Mayor Pro Tem Stephanie Post and Council Members Connie Castro, Edward Davis 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 Bill Bristow came in at 6:25 PM.

**2. CITIZENS COMMENTS:**

**Bob Sommer, 1114 Guinea Drive,** wanted to see the words to the Pledge to the Texas Flag be put on the Agenda.

**Grady Farris, 1138 Glourie Drive,** read an email that he sent Council regarding the requirement for the City to pay for the Pine Chase Glourie construction work and then be reimbursed by FEMA. He wanted to know if the FEMA Grant or the applicable contract provided the City with any written notice of this pay first, reimburse later, method of paying vendors. Mr. Farris wanted a detail financial explanation on how the job would be funded and if the City would have to pay any late or past due penalties.

### **3. COUNCIL COMMENTS:**

**Council Member Gunn** stated he would like to do away with email debates. He believes conversations should be made face to face and that emails lead to miscommunication. Council Member Gunn would rather see residents and Council Members have face to face communication and if they need to debate the topic then do so. Council Member Gunn wanted to opt out of the email communication. He said that a resident should find someone on Council that agrees with their issue and have the Council Member bring the topic to the Council Meeting. Council Member Gunn said he was happy that the City did not have any litigation going on at this time and if the City receives any more litigation he will introduce a resolution to direct the city's attorneys to pursue legal fees. He felt the City was small enough to be able to solve their problems outside of the court room.

Mayor Whiting stated that after the notice that the City had been non-suited from Mr. Farris' lawsuit she met with Mr. Farris and several other residents to discuss Mr. Farris' concerns. She said she has asked for additional meetings but only received

emails with additional concerns. Mayor Whiting stated she informed Mr. Farris she would meet with him but emails were not an optimal tool to answer complex information. Mr. Farris informed her he did not want to meet on a one on one basis. He wanted a public forum. Mayor Whiting wanted the public to know she has tried to respond to Mr. Farris' request and that she did not have a problem with a public forum.

**Council Member Castro** believes in answering questions publically and she believes that is the best method.

#### **4. REPORTS TO COUNCIL:**

**4.1 Police:** Chief Finkelman reported that on September 28 a resident reported landscaping stones were stolen. He believes that the landscaping stones were used in another city to steal tires. Chief Finkelman said there was a burglary on Archley in October. He reminded residents to report anything suspicious.

**4.2 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)** that Triple B Services had submitted seventeen (17) submittals for review to date. He stated HDR had received and reviewed two (2) requests for information from Triple B Services. Efrain stated the contractor continues coordination efforts with the City, residents, HDR and Utility Companies regarding the activities in the area. Triple B has also asked the City to contact residents to make sure the residents receive the information. Efrain reported Triple B had installed 100% of the water lines. The water lines will be chlorinated-disinfected and pressure tested. Once all the water lines have passed disinfection and pressure testing the lines will be released for service and residential water

services will be transferred to the new line. Efrain stated Triple B had rehabilitated approximately 45% of the sanitary sewers including reconnection of residential sewer services. He stated Triple B is working on the removal and replacement of existing driveway culverts while maintaining temporary access to affected residents. Efrain stated the contractor has started the road work on Pine Chase Drive from Anadell to Glourie Drive. Council Member Bristow asked how much the roads were being lowered. He was told 4 to 6 inches. Efrain stated the estimated completion date for the construction project was September 30<sup>th</sup>.

Mayor Pro Tem Post questioned why the City waited to submit paperwork for reimbursement. Efrain stated the City had to wait for the bank statements to submit for reimbursement. Council Member Gunn asked how long would the reimbursement take and the answer was 30 to 60 days.

Mayor Whiting commented on Mr. Farris' previous questions. She stated that the City did not know the pay schedule would be paying first then be reimbursed when the City applied for and received the contract. The City received notification after the Council Meeting prior to the first construction meeting. She said "yes" the City is bound by the payment method and "yes" the City will financially be able to handle this.

Efrain stated the City was still waiting for a response regarding the extension of the construction project to include all of Glourie Drive.

Efrain stated he reviewed and approved the As-Built Drainage Plan for 1249 Ridgeley, the 1022 Glourie Circle Drainage Plans and the amendment to the 8201 Mallie Court Drainage Plan. He stated he was in the process of reviewing 1122 Guinea Drive's Drainage Plan. Efrain stated 1303 Pine Chase Drive Drainage Plan was reviewed and

approved; however, the home owner has informed the City that they would like to change the layout of the pool and was asking the City to waive the requirement to resubmit a revised drainage plan reflecting the new pool layout and allow them to submit the revisions during the As-Built Drainage Plan review process. Efrain stated he did not have an issue with this but had requested an agreement letter from the property owner and builder acknowledging their understanding that in the event the new pool exceeds the impervious coverage allowed by City Ordinance, corrective action would be taken at no cost to the City and the Certificate Of Occupancy would not be issued until the As-Built Drainage Plan had been approved.

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&#61623 **Mr. Farris** questioned the sewer pipes being reduced in size.

Efrain stated the City is pipe bursting the existing pipes and not installing a sleeve in the existing pipe. As the new pipe is installed it then bursts the existing line. The new line is 8" in diameter.

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## **5. ACTION ITEMS:**

**5.1** Council Member Castro made a motion to authorize the City Engineer to draft street sign specifications for the purpose of soliciting bids and initiating the bid process with a not to exceed price of \$5,000.00, seconded by Mayor Pro Tem Post. Mayor Whiting stated Council had already approved the design of the stop signs and funds were approved in the budget. Council Member Bristow asked if the City had gone out for bid for the engineering services. Council Member Davis stated taking bids for engineering services is against the law. Attorney David Olson said you are allowed to check qualifications for professional services but not ask for bids. **A vote was taken approving the motion authorizing the City Engineer to draft street sign specifications for the purpose of soliciting bids and initiating the bid process with a not to exceed price of \$5,000. The vote passed 4-1, Mayor Pro Tem Post, Council Members Castro, Davis and Gunn voted for the motion and Council Member Bristow voted against the motion.**

**5.2** Mayor Pro Tem Post made a motion to authorize payment of Triple B Services, L.L.P., Pay Application No. 3 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$61,122.23 to be paid by the City of Hilshire Village, seconded by Council Member Davis. **A vote was taken to authorize payment of Triple B Services, L.L.P., Pay Application No. 3 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$61,122.23 to be paid by the City of Hilshire Village. The vote passed unanimously.**

**5.3** Mayor Pro Tem Post made a motion to authorize payment of Triple B Services, L.L.P., Pay Application No. 3 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$183,366.69 to be paid by the City of Hilshire Village and then reimbursed by the Texas Department of Public Safety, seconded by Council Member Davis. **A vote was taken to authorize payment of Triple B Services, L.L.P. Pay Application No. 3 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$183,366.69 to be paid by the City of Hilshire Village and then reimbursed by the Texas Department of Public Safety. The vote passed unanimously.**

**5.4** Council Member Davis made a motion to approve a replacement fence located at 1209 Pine Chase, seconded by Mayor Pro Tem Post. Efrain stated that Mayor Whiting had asked the builder to either change out the fence or remove the rot board from the existing fencing at 1209 Pine Chase drainage easement. He stated that the homeowner wanted to add more privacy and secure their children and pets. They wanted to use hog wire under the fencing instead of the rot board. Council decided to look at the property. Mr. Farris stated he had visited the site several times and that the swale needs to be opened and cleared. He said Council Member Davis made a motion to table the original motion, seconded by Council Member Gunn. **A vote was taken approving the motion to table the original motion to approve a replacement fence located at 1209 Pine Chase. The vote passed unanimously.**

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**The City Engineer was excused at this time.**

**6.1 Fire Commissioner:** Council Member Davis said there was no report. He stated the Fire Commissioners would be meeting next week.

**6.2 Building:** City Secretary Blevins reported there were five (5) permits issued this month. She stated the permits were for one (1) fire sprinkler, one (1) gas test, one (1) Patio/slab, one (1) HVAC, one (1) tree permit. City Secretary Blevins said there were twenty-two (22) inspections. She said there was one (1) Certificate of Occupancy issued at 1249 Ridgeley. City Secretary Blevins stated there were two (2) swimming pool plan checks; one (1) for 1303 Pine Chase and one (1) for 8201 Mallie Court.

&#61623 **6.3 City Secretary:** City Secretary Blevins said she wanted to let Council know that she will be bringing a contract with Election Systems Software to Council next month because they were offering a 10% discount if the contract is signed prior to December 31<sup>st</sup>.

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&#61623 **6.4 Treasurer's Report:** City Secretary Blevins stated that she was preparing documents for the auditors and pulling data that they have requested. She said the audit was scheduled for November. City Secretary Blevins said the Utility Fund Revenue ending at \$28,000.

**The Council Meeting was recessed at 7:25 P.M.**

**The Council Meeting was reconvened at 7:34 P.M.**

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## **7. ACTION ITEMS:**

**7.1** Mayor Pro Tem Post made a motion to approve the renewal of the Spring Valley Police Contract with the City of Spring Valley Village, seconded by Council Member Davis. Mayor Whiting said this was to approve the renewal of the contract. She said notice needs to be given to Spring Valley by June 1<sup>st</sup> to cancel the contract. Mayor Whiting said she had City Secretary Blevins put this on her calendar for next year to review. Council Member Gunn questioned why the City was approving a contract that was already in effect. Attorney David Olson said the Mayor just wanted Council to be aware that the contract automatically renews. Mayor Pro Tem Post made a motion to amend the previous motion, seconded by Council Member Davis. **A vote was taken to approve the motion to acknowledge the renewal of the Spring Valley Contract with the City of Spring Valley. The vote passed unanimously.**

**7.2** Mayor Pro Tem Post made a motion authorizing the Mayor to execute the Second Amendment to the Congestion Mitigation/Traffic Management Agreement with METRO, seconded by Council Member Davis. Mayor Whiting said this was the METRO Agreement in which the City receives \$99,000 per year to be used for drainage improvement, streets, road, bridges, hike and bike trails and landscaping. The contract was renewed in 2003 and extends to 2014. She said this contract would increase our payment to \$103,000 on October 1<sup>st</sup> and would extend to 2025. Mayor Whiting said it still calls for a referendum that will be on the November 6<sup>th</sup> ballot. She said signing this agreement shows METRO that the City is on board with the program. Council Member Castro stated that if the referendum does not pass the City will not receive any funds annually. Mayor Whiting stated that the City



attorneys had reviewed and approved the contract. **A vote was taken to approve the motion authorizing the Mayor to execute the Second Amendment to the Congestion Mitigation/Traffic Management Agreement with METRO. The vote passed unanimously.**

**7.3 Council Member Gunn made a motion approving the City of Hilshire Village Resolution Number 126 recommending the voting 'FOR' the METRO Referendum extending the General Mobility Program on November 6, 2012, seconded by Council Member Castro. A vote was taken approving the motion approving the City of Hilshire Village Resolution Number 126 recommending the voting 'FOR' the METRO Referendum extending the General Mobility Program on November 6, 2012. The vote passed unanimously.**

**7.4 Council Member Davis made a motion to approve Ordinance Number 680 approving Budget Amendment No. 1 to the original General Budget for fiscal year ending 2012 for the City of Hilshire Village, seconded by Mayor Pro Tem Post. Mayor Whiting said that this was the amendment to balance the budget at year end. City Secretary Blevins said that there will also be an Amendment No. 2 after the audit. A vote was taken to approve the motion approving Ordinance Number 680 approving Budget Amendment No. 1 to the original General Budget for fiscal year ending 2012 for the City of Hilshire Village. The vote passed 4-1, Mayor Pro Tem Post, Council Members Castro, Davis and Gunn voted for the motion and Council Member Bristow voted against the motion.**

## **8. DISCUSSION ITEMS:**

**8.1 Citizens concerns about the 2012 City election:** Council Member Bristow wanted Mr. Farris to speak on the matter. Grady Farris said that City Council did not approve the contract last year. He also thought the City should have utilized the equipment that the City had rented. Mayor Whiting stated that at the June, July and October Council Meeting Council discussed the fact that Harris County would not be entering into a contract with the City for election equipment. In fact, at the November 15, 2011 Council Meeting, Council approved the contract with Election System and Software for rental of equipment and services. Also, City Secretary Blevins discussed the fact that the City could move the election to November; however, preparation would be at the same time the City was working on the budget and year end audit. She noted that if Council stayed with a May election there would be a handicapped machine to scan, but not count the ballots. Council voted for the May election and the contract with Election System and Software. Mr. Farris then brought up that he could not find anyone who had used the equipment nor was he offered the use of the equipment. City Secretary Blevins explained, unless a person was handicapped, it was not mandatory to offer the equipment nor did anyone want to use the equipment. She restated that the equipment only marked the ballot, that it did not count the ballots and it had a tendency to jam. David Gunn wanted to know what Council could do about the election, if nothing, he wanted to move along. Mr. Farris also questioned the fact that the election workers started counting the ballots prior to the end of the day. Mayor Whiting stated it was legal to start counting the ballots after a certain number of voters had cast their ballots on Election Day. She stated Council authorized the election, the appointment of the election judge and obtained the proper equipment. Mr. Farris restated that he felt all citizens should be given the opportunity to use the handicapped equipment if they chose to do so. Secretary Blevins noted that Mr. Farris was welcome to volunteer next year as one of the election workers.

**8.2 Citizens concerns about the approval of building plans, inspections and Code Enforcement Officer's status:** Council Member Bristow stated many citizens were concerned because Bureau Veritas had not been issuing red tags. He was also concerned about the specific duties of the Building Official. Council Member Bristow

wanted the Building Official to come to a Council Meeting and answer questions regarding his duties even though it would cost to have him attend the meetings. Council Member Bristow said that residents did not want to go through the City office because of insufficient answers. City Secretary Blevins indicated that no resident had called the office with any building questions. Council Member Davis wanted to know how many citizens had contacted Council Member Bristow with questions and he indicated 100 people. Mayor Whiting indicated that none of those hundred had come to any other Council Member or the City office with their questions. Mayor Whiting indicated she would like to have the Building Official during a Town Hall forum during the day to address citizen's concerns. Council Member Bristow wanted Mr. Farris to be able to also speak.

Grady Farris indicated that he was of the opinion that Joe Garrett was not qualified to act as building official after the death of Ted Lazarides. According to him Bureau Veritas had not issued any Red Tags. Mr. Farris stated there were voids since Bureau Veritas does not do code enforcement. He stated someone should be doing code enforcement. Mayor Whiting indicated a code enforcement officer was discussed in July and Council decided to pursue the idea during the budget and during the budget process decided not to fund the position as most code enforcements are nuisances such as high grass and junky cars. Many of the issues are reported by neighbors as they are not visible from the street. Even with a code enforcement officer, the City cannot go on a resident's property without authorization. Red tags are issued when there is a complaint against a contractor that is found to be valid and has not been corrected. Mr. Farris stated he believes the City should have a code enforcement officer to handle all these issues.

Mayor Pro Tem Post indicated that there were plenty of failed inspections showing on the Inspection Report. Council Member Castro indicated there was a difference between code enforcement which is nuisances and a building official enforcing building code issues.

Council Member Gunn indicated that he liked the idea of having some structural way of approving plans, like possibly being posted on the internet bulletin board to see if any residents catch something that the building officials did not. He thinks the building future is bigger houses and wants to make sure that limits are not pushed too far. David Olson noted that at the end of the building process, there is an inspection and any problems have to be corrected before the Certificate of Occupancy is issued. Council Member Gunn said while on the Board of Adjustment he got the sense that not all buildings went by the building ordinances and codes. Council Member Davis said the City's building officials have always done a good job and indicated that the absence of red tags may be a sign that our building official is doing a good job and has good communication with contractors. He thinks our system is working as designed. Bureau Veritas knows what they are doing and homes built here are as good as anywhere in Houston.

**8.3 Define scope and set date for a Capital Planning Workshop:** Mayor Pro Tem Post wanted to address issues like Bridle Spur and wanted Efrain Him to update the Capital Project Worksheet. She wanted to have a workshop to discuss in what order projects needed to be done and if Council wanted to pursue projects, that there could be a discussion at the November or December Council meetings. Council decided on October 30<sup>th</sup> at 6:30 PM for the workshop.

## **9. REPORTS FROM COUNCIL:**

**9.1 Mayor and Council: NONE**

## **10. ACTION ITEMS – CON'T:**

The Council Meeting was recessed at 8:40 P.M.

**10.1 CLOSED EXECUTIVE SESSION: Farris Lawsuits**

The Council Meeting was reconvened at 8:50 P.M.

**10.2 ACTIONS FROM THE CLOSED EXECUTIVE SESSION: NONE**

The City Attorney was excused at this time.

**11. CONSENT AGENDA:**

**11.1** A motion was made by Mayor Pro Tem Post to approve the Consent Agenda, seconded by Council Member Gunn. **A vote was taken to approve the motion approving the Consent Agenda Including disbursements, the Minutes from the Public Hearing & Special Council Meeting of September 13, 2012, the Minutes from the Public Hearing & Regular Council Meeting of September 18, 2012 and the Minutes from the Public Hearing and Special Council Meeting of September 25, 2012. The vote passed unanimously.**

**12. ADDITIONAL COUNCIL COMMENTS:** Council Member Castro said there was a discussion earlier regarding putting the discussion of security cameras on the next agenda. She said that Council had already discussed having an open forum/workshop and she thinks that was a better idea. Mayor Pro Tem Post agreed.

Council Member Bristow thanked Council for allowing the earlier discussions.

**13. ANNOUNCEMENTS:** Mayor Whiting stated there was a METRO Forum tomorrow tonight at Hedwig Village.

**14. ADJOURNMENT:** Council Member Castro moved to adjourn, seconded by Mayor Pro Tem Post. The meeting was adjourned at 8:55 P.M.

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Shannon Whiting, Mayor

ATTEST:

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Susan Blevins, City Secretary