

# The City of Hilshire Village

Regular Council Meeting December 11, 2012  
TUESDAY, December 11, 2012  
SPECIAL COUNCIL MEETING  
6:01 P.M.

1. CALL TO ORDER: Mayor Whiting 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 Gunn.

1.2 Pledge of Allegiance: was led by one of the Boy Scouts.

1.3 Present: were Mayor Shannon Whiting, Mayor Pro Tem Stephanie Post and Council Members Connie Castro, Edward Davis and Bill Bristow. Council Member David Gunn arrived at 6:13 PM. Also present were Susan Blevins, City Secretary; Chief Gary Finkelman, Spring Valley Police Department; City Attorney, Donna Johnson, Olson & Olson and Efrain Him, P.E., HDR/Claunch & Miller, Inc.

## 2. CITIZENS COMMENTS:

Grady Farris, 1138 Glourie, wanted the approved minutes of October 16, 2012 changed because of Mayor Whiting's statement that the City had be non-suited on Mr. Farris' lawsuit of the City. Mr. Farris stated that he had never sued the City. Mayor Whiting indicated that the minutes had been approved and would not be changed. Mr. Farris asked again for the change as he felt his reputation was impacted. Mayor Whiting indicated that she would consult with the City Attorney on the matter.

Mr. Farris asked Mayor Pro Tem Post if she had lived in her home at 8014 Bromley after Hurricane Ike and received a negative response. He then stated that the home was used as a main example for the need of the Pine Chase/Glourie Project since the home was uninhabitable. Mr. Farris inquired as to why it was deemed uninhabitable since once the water receded there was no indication of structural damage.

## 3. COUNCIL COMMENTS: NONE

## 4. REPORTS TO COUNCIL:

4.1 Police: Chief Finkelman reported that in November there was one (1) minor accident involving two (2) vehicles at the School of the Woods and two (2) burglaries where moms dropping off kids had purses stolen. He stated there was no activity in December at this time. The Chief said the robberies in Houston were still a concern as there have been a couple on Long Point and Wirt. He stated the incidents seemed to be crimes of opportunity so he asked everyone to be aware of their surroundings and if

fearful go to the police station on Campbell or a well-lit area. Chief Finkelman stated the tickets that were issued were due to ordinance violations at the corner of Mallie Court and Ridgeley during construction and six (6) of the warnings had also occurred there.

Mayor Whiting brought up the report of a suspicious person soliciting for window washing jobs with no equipment evident and Chief Finkleman indicated that they get these types of calls on a regular basis and the Department likes to check them out. The Mayor suggested sending out an email on advising police if out of town, setting alarms, and being vigilant. Council Member Bristow asked if there was a description of the vehicle used in the robberies and Chief Finkleman indicated there was not – the description is two black males with guns.

Council Member Bristow indicated several residents had complained of vehicles driving the wrong way down Glourie and excessive speed on Glourie and asked if the City could do anything to strengthen the restrictions of traffic flow during the construction. Mayor Whiting stated the flow of traffic just changed and she would review the signage with the City Engineer.

Council Member Gunn asked Chief Finkleman if he could educate Council in the future of upcoming challenges that he foresees for the future to help be proactive with budgeting and ordinances. Chief Finkelman agreed to meet with him.

Designate a no parking zone along Ridgeley south of Mallie Court: Council Member Bristow asked if the area on Ridgeley from Mallie Court South to the end of the curve before Guinea could be designated as a “No Parking” area as a means of controlling traffic and eliminating hazards brought on by all the parking in the area. He cited several areas that have previously been designated as “No Parking” areas. Chief Finkelman indicated the problem was due to the building construction and the numerous construction companies involved. He indicated that the problem with a no parking area was that there needed to be signs. Chief Finkelman indicated that the Department has a problem enforcing the no parking area because of the lack of signage. Council Member Castro pointed out that traffic was a problem also during the construction of the 1249 Archley home. She stated the house and pool on Mallie Court are close to being finished and stated she was opposed to no parking area on Ridgeley. Chief Finkleman indicated that the curve is a safety issue and can be dangerous. Council Member Bristow then stated that private parties do not have the right to block the street and that in the future other houses on the curve may be under construction so waiting until something drastic and/or unfortunate happens is not in the City best interest. Mayor Whiting pointed out the ordinances were primarily designed to ensure that emergency vehicles could get through the City when necessary. Mayor Pro Tem Post indicated that the problem is mainly construction and can be revisited if there was more construction slated for the area. Council Members Davis, Castro, and Post indicated that they would like to wait while Council Members Bristow and Gunn would like to have an action item. Mayor Whiting indicated that it would be addressed later, the Police will continue to monitor and report on any problems and if necessary the matter will be readdressed.

## 5. Discussion:

5.1 Water increase billing implementation: Mayor Whiting introduced Joe Williams and Mondre Jackson from Severn Trent. She indicated that in October of, 2011 Council

approved an ordinance to increase the water rate. The ordinance was approved and sent to Severn Trent to implement. Unfortunately, the increase never was implemented on the bill resulting in a shortfall showing on this year's audit of approximately \$8,000.00 in Utility Billing. Mayor Whiting said she reviewed the contract and talked to David Olson and has found that the City can either go back and bill the residents for the difference or possibly recover the interest that we would have gained from the additional revenue from Severn Trent. In addition, the contract reads that Severn Trent will bill the City \$1.50 bi-monthly per meter for meter reading. Since 2009 Severn Trent has not billed for meter reading resulting in approximately \$8,600.00 due. Mayor Whiting and Joe Williams met and agreed that unless Council strongly objects the two items will be considered a wash. The "problem" was discovered during the City's audit.

Joe Williams and City Secretary Blevins have implemented procedures adding him to the notification of a change in an ordinance. City Secretary Blevins will also set a calendar reminder to check to see if increase when in effect. Mr. Williams also recommended the City bill monthly instead of bi-monthly.

Mayor Whiting indicated that the City of Houston may be increasing the cost of water to the City and if it happens she will suggest that the City go to monthly billing. Council Member Castro indicated that Council did not go to a monthly billing because it would cost double (\$4.00) what it does now (\$2.00). Council Member Post indicated she thinks Council should look at monthly billing, but be aware of the cost. Council Member Bristow indicated he was in favor of monthly billing, but he thought the residents should be billed over a period of time for the additional cost.

Mr. Williams announced that Mondre Jackson had been promoted to Assistant Manager and Paul Nelson would be taken over as the City's Technician.

## 6. ACTION ITEMS: (CONSIDERATION AND POSSIBLE ACTION ON):

6.1 A motion was made by Council Member Castro approving a replacement fence located at 1209 Pine Chase, seconded by Council Member Davis. The Mayor stated the City Engineer had recommended that there be some sort of spillway if the fence was replaced. She stated there has been a fence present for a number of years. Mayor Pro Tem Post asked Efrain about his recommendation and he responded that he recommends a twelve (12) inch clearance across the entire forty (40) foot opening. Brian Thompson from Thompson Construction Company indicated that they at first they proposed rerouting the drainage but Council requested it be left as it currently stands. The owners, Mr. & Mrs. Madden have young children and for safety reasons do not want them to be able to get to the other side of the fence where the drainage pipes come out and water stands. The proposed fence would replace the current fence which has a rot board that does not allow water through, with wrought iron posts so water could get through.

Council Member Bristow indicated he appreciated a record vote from Council on an issue where the property owners are asking Council to okay a change that will benefit only one (1) person to the possible detriment of all other users of the Pine Chase/Glourie watershed. He stated his belief was that during Hurricane Ike the drainage was blocked due to illegally placed pipes on the easement and caused flooding.

Council Member Gunn indicated that he had walked the area and wanted to know the options that were open for consideration. Mr. Thompson indicated that not having a fence was not an option, that the current fencing would remain with no change as it was

grandfathered in, or the fence could be replaced with a wrought iron opening in the ditch area. He stated Mayor Whiting had asked for a clearance for a spillway. According to City Ordinances the rot board must have a one (1) inch above grade. The new fence would be an improvement to allow water to drain. Another section of fencing is scheduled to go before the Board of Adjustment. Council Member Castro said she did not feel there was a problem. Mayor Whiting indicated she wanted Council aware of the issue as it deals with an easement.

Mayor Whiting indicated that this was a case where the resident wants to maximize and enjoy most of their yard. Council Member Bristow stated that in his opinion the only reason that the water did not go over the rot board during Hurricane Ike was that citizens and neighbors removed debris in time to save their houses from flooding. Mayor Whiting and Council Member Castro stated that a number of blockages were removed by citizens throughout the City during the hurricane.

Council Member Bristow then asked the City Attorney if the fence was grandfathered. The response was that the fence was legal as long as it was left in place. If changes were made then it would need to come to the City. Council Member Bristow then read 7.4 of the City ordinances concerning the Right-of-Way and asked how the Council could interpret the ordinance to allow the fence and the pipes that are in place.

Mayor Whiting pointed out that there is not a dam, the fence in question would allow for improved water flow through the area and that the pipes were engineered for a one hundred year event. Council Member Bristow then asked Council to pass the issue to the BOA and Mayor Whiting responded that this is not a variance so Council is the correct venue.

A vote was taken to approve the motion approving a replacement fence located at the back fence line at 1209 Pine Chase to be constructed of Wood and for there to be a wrought iron fence twelve (12") over the pipes in the right of way. The vote passed 4-1. Mayor Pro Tem Post and Council Members Castro, Davis and Gunn voted for the motion. Council Member Bristow voted against the motion.

## 7. REPORTS TO COUNCIL:

7.1 Engineers Report: Efrain reported in regards to the Texas Department of Public Safety/Governor's Division of Emergency Management (DEM), Hurricane Ike Hazard Mitigation Grant Program (HMGP) that the Triple B had completed the installation of the water line services. He stated the tapping sleeve and valve on the north end of the project and the wet connection for the Hilshire Grove subdivision had been completed. Efrain stated the two (2) remaining wet connections on the south end of the project at Glourie and on Pine Chase Drive and Bromley will be performed next week. The Contractor has rehabilitated approximately 95% of the sanitary sewers, including reconnection of residential sewer services. Efrain stated the sanitary sewer point repair at Glourie and Westview Drive has been completed with the exception of the concrete payment repair. The walkway work is approximately 99% complete. The Contractor has completed the lime stabilization subgrade and base roadway work in Phase II and has started ditch regarding work in Phase 1.

Efrain stated a Monthly Construction Progress Meeting was held at City Hall on December 5, 2012 with the City, Contractor and HDR. He stated the Contractor is approximately 56.60% complete in place and used 33.97% of the contract time. He stated the Contractor is approximately 23% ahead of schedule.

Efrain stated the upcoming forecast was to complete the remaining two (2) water line

wet connections, complete sanitary sewer rehabilitation work, and continue roadway and ditch regarding work in Phase II.

Efrain stated that HDR submitted a request for reimbursement to the State for work associated with the Contractor's Pay Application No. 4. He stated on December 7th they also requested a reimbursement to the State for the Engineering Services performed in this project.

Efrain stated he has reviewed and recommends the City accept Pay Application No. 5.

Efrain stated he was in the process or working with the Engineering firm regarding 1305 Glourie Drive's drainage plans. He stated he continues coordination and design efforts associated with the street sign replacement.

## 8. ACTION ITEMS:

8.1 Mayor Pro Tem Post made a motion to authorize HDR to engineer the extension of the Glourie/Pine Chase Construction Project with a not to exceed price of \$132,731.00, seconded by Council Member Davis. Mayor Pro Tem Post confirmed with Efrain that the total project would come in around \$3,500,000.00. She wanted to know if the City would save any money due to fact that the Contractor was already on site. Efrain stated in some place but in most cases the contractor has already completed portions of the job. The cost savings would probably be in drainage and paving only. Mayor Whiting stated that everyone should be aware the need for the water line replacement in the area. Mayor Pro Tem Post asked if the work could be completed in the timeframe of the current job. Efrain Him said the City has the option to ask for an extension but it must be done two (2) months prior to the approved completion date. Mayor Pro Tem Post stated that they looked at what could be paid for out of Metro and what portion would have to be paid by the City's Utilities Fund. She stated that 90% of the water work can be covered by Metro because the water lines have to be lowered during the lowering of the street. Mayor Pro Tem Post said during the budget procedure the City allotted more of the funds coming out of the Utility Fund than necessary. Mayor Whiting stated that she met with the City Attorney to confirm the use of Metro funds on the project. She stated the City will have a paper trail backed up by the City Engineer's letter confirming the percentages paid by Metro. Mayor Whiting stated she will be meeting with the auditor to confirm the accounting procedures that needed to be followed. She said the analysis was to look at the Utility Fund to make sure the City would still have a three (3) month reserve for maintenance and operations which is approximately \$120,000.00. She stated the analysis shows the City would have the reserve. Council Member Castro and Davis thanked Mayor Whiting and Council Member Post for preparing the documents that it makes everything clear. Mayor Whiting stated the analysis shows the funds that will be available for other capital projects. It shows where the dollars are coming from and where they are going. Grady Farris wanted to know if the \$132,731 was included in the estimated \$3,500,000.00 project estimate. The answer was it was included. A vote was taken approving the motion to authorize HDR to engineer the extension of the Glourie/Pine Chase Construction Project with a not to exceed price of \$132,731.00. The vote passed unanimously.

8.2 Council Member Gunn made a motion to authorize payment of Triple B Services, L.L.P. Pay Application No. 5 for work related to the Pine Chase & Glourie Paving,

Drainage & Utilities Improvements Project in the amount of \$51,856.56 to be paid by the City of Hilshire Village, seconded Council Member Castro. Council Member Bristow asked if the City had the funds to pay the invoice, the answer was yes. A vote was taken to approve the motion to authorize payment of Triple B Services, L.L.P. Pay Application No. 5 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$51,856.56 to be paid by the City of Hilshire Village. The vote passed unanimously.

8.3 Council Member Gunn made a motion to authorize payment of Triple B Services, L.L.P., Pay Application No. 5 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$155,569.70 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. 5 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$155,569.70 to be paid by the City of Hilshire Village and then reimbursed by the Texas Department of Public Safety. The vote passed unanimously.

The City Engineer was excused at this time.

## 9. REPORTS TO COUNCIL:

9.1 Fire Commissioner: Council Member Davis said the Fire Commissioner's meeting is tomorrow night. He stated there were four (4) calls to Hilshire Village last month.

9.2 Building: City Secretary Blevins reported there were eleven (11) permits issued this month. She said there were thirty-eight (38) inspections. City Secretary Blevins stated a provisional Certificate of Occupancy was issued at 8201 Mallie Court. It was provisional because the Contractor was waiting for the correct window to be delivered per specifications of the job. Council Member Castro asked that the inspection that states red tag be corrected on the inspection log. Council Member Bristow asked why a Certificate of Occupancy was issued at 8201 Mallie Court if there was not access to the street from the front door. City Secretary stated she would relay the question to the Building Official. Council Member Bristow asked why the City was allowing the street address sign to be in the City's right-of-way at the same address. City Secretary Blevins stated that it had never been brought to the City's attention that she would address it now that it was brought to her attention.

9.3 City Secretary: City Secretary Blevins went over the complaint and issues log.

9.4 Treasurer's Report: City Secretary Blevins stated she had enclosed a Statement of Revenue for October in the packet. She stated she was unable to compile November's statements because of the City Council meeting being early and the fact that the City has not received all of its statements. City Secretary Blevins stated the Audit should be presented the audit to Council at the next meeting. She stated Council will have to adopt an ordinance with budget transfers that the Auditors produce.

## 10. ACTION ITEMS:

10.1 Council Member Gunn made a motion to approve the City of Hilshire Village Fraud and Misconduct Policy, seconded by Council Member Davis. Mayor Whiting stated the policy was written as a result of the audit and the request of the State Comptroller Office that all Municipalities have a policy. Council Member Gunn stated he was comfortable with the Policy after he reviewed and made the changes that were presented to Council. A vote was taken to approve the motion to approve the City of Hilshire Village Fraud and Misconduct Policy. The vote passed 4-1. Mayor Pro Tem Post and Council Members Castro, Davis and Gunn voted for the motion. Council Member Bristow voted against the motion.

10.2 Council Member Davis made a motion to approve the Regular Council Meeting on December 18, 2012 be cancelled, seconded by Mayor Pro Tem Post. A vote was taken to approve the motion approving the Regular Council Meeting on December 18, 2012 be cancelled. The vote passed unanimously.

#### 11. REPORTS FROM COUNCIL:

11.1 Mayor Whiting Star Tex Contract: Mayor Whiting stated the City would be renewing the contract with Star Tex the City's electric provider.

The City Attorney was excused at this time.

11.2 Capital Improvements: Mayor Pro Tem Post recommended that the City get a handle on the construction in progress and come back in February or March to discuss Guinea, Bridle Spur and other Capital improvements.

#### 12. ACTION ITEMS:

12.1 CLOSED EXECUTIVE SESSION: NONE

12.2 ACTIONS FROM THE CLOSED EXECUTIVE SESSION: NONE  
Grady Farris said he would like to see a description of items to be discussed in an Executive Session. Mayor Whiting

#### 13. CONSENT AGENDA:

13.1 City Secretary Blevins stated that after discussing with Efrain Him, she would like to remove the bill for the laboratory fee and 24 hour messenger because Triple B will pay for them directly. A motion was made by Mayor Pro Tem Post to approve the disbursements, seconded by Council Member Davis. A vote was taken to approve the motion approving the disbursements. The vote passed unanimously.

13.2 A motion was made by Mayor Pro Tem Post to approve the Minutes from the Regular Council Meeting of November 20, 2012, seconded by Council Member Davis. A vote was taken to approve the motion approving the Minutes from the Regular Council Meeting of November 20, 2012. The vote passed 4-1. Mayor Pro Tem Post and Council Members Castro, Davis and Gunn voted for the motion and Council Member Bristow voted against the motion.

14. ADDITIONAL COUNCIL COMMENTS: Mayor Whiting thanked Mayor Pro Tem Post and City Secretary Blevins on their work on the Utility/Pine Chase Glourie

worksheet.

15. ANNOUNCEMENTS:

16. ADJOURNMENT: Council Member Davis moved to adjourn, seconded by Mayor Pro Tem Post. The meeting was adjourned at 8:15 P.M.

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Shannon Whiting, Mayor

ATTEST:

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Susan Blevins, City Secretary