

The City of Hilshire Village

TUESDAY, November 19, 2013

REGULAR COUNCIL MEETING

6:30 P.M.

1. CALL TO ORDER: Mayor Whiting called the City of Hilshire Village Council Meeting to order at 6:34 P.M. at 8301 Westview, Houston, Texas 77055.

1.1 Invocation: was given by Council Member Gunn.

1.2 Pledge of Allegiance:

1.3 Present: were Mayor Shannon Whiting, Mayor Pro Tem Stephanie Post and Council Members Connie Castro, Edward Davis, Paul Maddock and David Gunn. Also present were City Secretary Susan Blevins; Chief Gary Finkelman, Spring Valley Police Department; Chief David Foster, Village Fire Department; City Engineer Efrain Him, P.E., HDR/Claunch & Miller, Inc. and City Attorney David Olson, Olson & Olson.

2. Fire Department Proclamation: Mayor Whiting presented Chief Foster with a Proclamation recognizing the Village Fire Department's achievement of earning an Insurance Service Office (ISO) rating of "1".

3. CITIZENS COMMENTS: **Bill Bristow – 1233 Pine Chase** – stated that he was not in favor of the action item listed on the agenda to change the December Regular Council Meeting. He also wanted to make sure that either the Mayor or the Mayor Pro Tem was in the City during the holidays. The Mayor responded that the City office will be closed on designated days and that the City has resources to ensure that the City is covered during the holidays.

4. COUNCIL COMMENTS: None

5. REPORTS TO COUNCIL:

5.1 Police Report: Chief Finkelman stated that a thief was caught in the act of stealing an icebox full of deer meat. The thief pled guilty and as he had two previous convictions is now serving eight (8) years in prison. During the month of October there was a burglary in the evening wherein a thief entered an open garage and stole a bicycle. The bicycle has not been recovered. Some other thieves were caught in Spring Valley. One of them was canvassing the area for unlocked cars or open garages to support a crack habit. Chief Finkelman asked everyone to please keep their cars locked and their garages closed.

November 3, 2013, there was an intoxicated male on Friarcreek claiming that he was walking home. The Chief also made everyone aware that there has been a series of purse snatching thefts in parking lots. Purses in baskets or cars have been targeted. There have been a couple of cases where the thieves are driving up to the person and snatching the purse as the person is walking along. One thief was apprehended after a chase in Spring Valley.

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)**, that the contractor, Triple B, had completed 90% of the ditch re-grading. Efrain stated the Monthly Construction Progress Meeting was held on November 6, 2013 with the City and the Contractor. The Contractor reported the job was 92.42% complete in-place and used 92.35% of the contract time. The work forecasted for the upcoming month includes completing the ditch re-grading work and addressing the preliminary punch list items. Efrain stated that HDR recommends payment of Pay Application Number 16.

Glourie Drive Extension – Efrain stated the Contractor is in the process of re-grading ditches along Glourie Drive. He stated the Contractor had completed the subgrade lime stabilization and installation of black base on the southbound lane. The forecasted work for the upcoming month includes completing installation of concrete driveways, installation of asphalt surface course layers and ditch re-grading.

Efrain stated the City had received a letter from the State approving the reduction of the **25% withholding fund requirement** on the project to be reduced to 10%.

Guinea Drive Water Line Replacement Project –The contractor, Scohil Construction, Inc., completed the installation of the proposed water line and associated appurtenances on October 25, 2013. On November 6, 2013, HDR inspected the project area and confirmed all items had been completed. Efrain stated he recommended the City accept the project and release final payment to the contractor.

Street Signs Replacement Project – Efrain stated that the City had only received two quotes so far and both quotes exceeded the \$50,000.00 threshold limit for bidding/procurement requirements. Therefore, he recommends that the quotes be rejected.

1307 Friarcreek Lane Drainage Plan - Efrain stated that HDR approved and returned the amended Drainage Plan.

1228 Archley Drive Drainage Plan – Efrain stated he had reviewed and returned the Drainage Plan for correction and resubmittal.

1322 Ridgeley Drive Drainage Plan – Efrain stated he was reviewing the resubmitted Drainage Plans at this time.

1206 Pine Chase Drainage Plan – Efrain stated he had reviewed and returned the Drainage Plan due to incompleteness.

1209 Pine Chase Drive As-Built Drainage Plan was approved with exceptions noted.

Inspection of City's 30-inch HDPE Outfall Pipe at 1209 Pine Chase Drive – The 24 inch RCP appears to be in good condition. Inside diameter measurements, as well as pictures, were taken in the 30" HDPE. There were no signs of over deflection or racking. Efrain stated the construction activities in the past three (3) years at 1209 Pine Chase Drive do not appear to have caused any additional over-deflection of the 30 inch HDPE pipe. He stated HDR recommends no further action of this issue at this time; however, he recommends the implementation of a yearly maintenance

inspection program for this and all other outfall and drainage crossing culvert structures within the City to assess their existing condition and perform any repairs as necessary.

Lift Station Pumps Replacement – The pumps will be delivered the last week of November, 2013 and they anticipate installation the first week of December 2013.

Water System Model Update: HDR will update the City's 2004 Water System Model at no cost to the City and incorporate the updated Water System Model in the design effort of future water line improvements.

6. ACTION ITEMS:

6.1 Council Member Castro made a motion to authorize payment of Triple B Services, L.L.P., Pay Application No.16 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$20,237.35 to be paid by the City of Hilshire Village, seconded by Council Member Davis. **A vote was taken to approve the motion authorizing payment of Triple B Services, L.L.P., Pay Application No. 16 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$20,237.35 to be paid by the City of Hilshire Village. The vote passed unanimously.**

6.2 Council Member Maddock made a motion to authorize payment of Triple B Services, L.L.P., Pay Application No. 16 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$60,712.04 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 approve the motion authorizing payment of Triple B Services, L.L.P., Pay Application No. 16 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$60,712.04 to be paid by the City of Hilshire Village and then reimbursed by the Texas Department of Public Safety. The vote passed unanimously.**

6.3 Council Member Davis made a motion to accept the Guinea Drive Waterline Replacement Project and authorize payment to Scohil Construction

Invoice No. 1 (Final) in the amount of \$73,973.50, seconded by Mayor Pro Tem Post. **A vote was taken to approve the motion accepting the Guinea Drive Waterline Replacement Project and authorizing payment to Scohil Construction Invoice No. 1 (Final) in the amount of \$73,973.50. The vote passed unanimously.**

6.4 Council Member Gunn made a motion to authorize the Mayor to enter into a contract with Power Now LLC for a two (2) year contract for Generator Maintenance in the amount of \$995.00, seconded by Council Member Maddock. **A vote was taken to approve the motion authorizing the Mayor to enter into a contract with Power Now LLC for a two (2) year contract for Generator Maintenance in the amount of \$995.00. The vote passed unanimously.**

6.5 Mayor Pro Tem Post made a motion to review the proposals and award the Contract for Street Sign Replacement Project to the lowest responsible contractor, seconded by Council Member Davis. **A vote was taken to approve the motion to review the proposals and award the Contract for the Street Sign Replacement Project to the lowest responsible contractor. The vote failed unanimously.**

7. DISCUSSION:

7.1 Discussion of procedures and timeline for authorizing debt – Council Member Castro asked to make comments prior to any discussion as she found it unusual that the discussion item was only on a time line for Certificates. She was not aware that Council had voted down the tax note option of \$870,000.00. The documents under discussion are for Certificates for a ten (10) year note. Council Member Castro stated that she preferred a seven (7) year tax note and gave a number of reasons for her preference. She indicated that Council had not decided what they wanted. Mayor Whiting said at the Council Budget Workshops the consensus among Council was to pursue the ten (10) year Certificates in order to be able to pursue more work to help improve water pressure on the west side of the City. This does not mean that anything has been decided. Council Member Castro indicated that she thinks a formal decision should be made. Mayor Pro Tem Post passed out a Debt Service Capacity Analysis for a ten (10) year Certificate in the amount of \$1,290,000.00. She stated Council had also talked about adding

\$100,000.00 in Utility funds and \$600,000.00 of Metro funds for a grand total of \$1,990,000.00 to cover approximately \$1,974,000.00 worth of projects. Mayor Pro Tem Post stated she also showed the seven (7) year tax note as requested by the Mayor prior to the meeting. The lesser amount of money would cut out the projects on Friarcreek as well as the water connects.

Council Member Castro stated she thought that projects that would not be done had been discussed and everyone knew what they were. She thinks that an action item should be put on the next Council Meeting.

Mayor Pro Tem Post said if the City keeps the tax basis the same, the City can borrow approximately \$1,290,000.00. It does not seem that interest rates are going to change right now but could in the future. On Certificates of Obligations, if Council elects to pass the item, the City will have to publicize for two consecutive weeks in a row. The City can act thirty-one days after we start publicity at either a Regular Council Meeting or a Special Council meeting where the attorney and the banker are present. Right now the interest rate looks to be 3.4%, but the City might be able to do better. The projects to be done will have to be listed as part of the publicized notice but there is some flexibility. A petition can be filed during the thirty-one days to push it to a referendum.

Mayor Whiting indicated that an Anticipation Note also has to be advertised and follows basically the same time line. She stated "it is, however, enacted by Council". In the past the City has gone with an Anticipation Note. Either way, the City will have to hire a Bond Counsel to draft a resolution of the intent to go to market, specify the projects and what instrument the City desires to seek. Within thirty days the City would get bids from the market and decide which bid to take. The time line for either funding scenario is basically the same unless the City receives a petition for a referendum

The Mayor pointed out the urgency comes in that part of the sewer (20 linear feet) collapsed on Pine Creek and Severn Trent was there until late in the night. The sewer is estimated to have been installed around 1968 and that the pipe is

disintegrating. This cost will be between \$6,000.00 and \$10,000.00 for this repair. The section on Pine Creek that had the problem is between two man holes and is about 450 linear feet, about 50-60% of the total project. To replace the line would cost approximately \$250,000.00. Even a partial rehabilitation would be expensive.

These projects are ones that have been looked at for a long time. If the City communicates to the residents exactly what its intent is and the reason for the projects, the hope is that there will be no referendum. Under the seven (7) years of debt, the additional connection to the City of Houston water has less room to “wiggle”. Mayor Pro Tem Post pointed out that of all the projects that were considered are vital to the City.

Mayor Whiting indicated that Council would need to do a special meeting in the next couple of weeks to approve a resolution to engage a financial advisor and bond counsel. At that time Council would need to decide on the method of financing.

Council Members Maddock and Gunn are in favor of the ten (10) year note. Council Member Castro indicated that Archley Drive’s sewer line went in prior to Friarcreek so it could be in worse condition. The Mayor indicated that the project could be changed to Archley. Council Member Davis indicated that Pine Creek is critical and has to be done. Mayor Whiting said that Friarcreek (1969) and Archley Drive (1966) also have concrete pipes. Council Member Castro stated that she does not think either Friarcreek or Archley needs to be fixed at this time and is in favor of the seven (7) year note. Council Member Davis indicated that he was in favor of a seven (7) year note. Mayor Pro Tem Post is in favor of the ten (10) year note.

7.2 Discussion of Current Zoning regulations and its impact on redevelopment –

Mayor Whiting stated the current zoning has specific setbacks. Friarcreek, Wirt and Pine Creek are not in compliance with the current Zoning Regulations for Zone “B” and neither is Zone “C”, the commercial area on Westview. She stated when these lots go up for sale and potential new owners come to the City to see what they can build they have to go to the Board of Adjustment to get a variance. Many potential buyers walk away rather than go through the hassle. Mayor Whiting would like to

form a committee to study these issues and see if there is a need for new zones to fit the lots in this area. She would like for Council Member Gunn to head the committee.

Council Member Castro indicated that she felt we should get the zoning resolved before it is too much of a problem.

David Hay – 13 Hilshire Grove Lane – He did not realize lots were so narrow.

Mr. Hay questioned why the changes needed to be made. He said he assumed to remodel or rebuild you have to meet current codes and under the current codes to meet the requirements would be punitive. Mr. Hay also stated that he was strongly opposed to the building of houses on smaller lots in the Mennonite Church area. Crowding a bunch of houses together is not in the best interest of Hilshire Village.

Mayor Whiting indicated that the Mennonite Church has received a Specific Use Permit but nothing has been submitted in the way of housing.

Russell Herron – 12 Hilshire Grove Lane - would like to see exceptions for those lots that were too narrow.

Mayor Whiting indicated that Pine Creek was originally owned by the County and then taken over by Hilshire Village. She stated that setting up a different zone can be set up any way needed.

Nyle Polis – 1210 Glourie - asked if the City was planning to resurface Bridle Spur.

He stated that Bridle Spur was a private road and the residents had to pave their own portion of the road before they dedicate it to the City.

Mayor Whiting indicated that Bridle Spur is a private road now but the residents are not in a position to repave it. The residents did indeed pave it in 1980. They have been working on getting it dedicated to the City for a year and the City has agreed to take it in its current condition and repave it. Mayor Whiting stated the residents of Bridle Spur have been paying taxes along with all the other residents in the City.

Bill Bristow – 1233 Pine Creek - The Mennonite Church has a “jungle” on its lawn and he thinks it is in violation of City Ordinances and would like the Mayor to instruct that it be cleaned up. The Mayor indicated that the City would need to figure out what ordinance was violated.

The City Engineer was excused at this time.

8. ACTION ITEMS:

8.1 Mayor Pro Tem Post made a motion to discuss and approve the City Drainage Easement Cleanup, seconded by Council Member Gunn. Mayor Whiting stated the ravine behind 1209 Pine Chase area is severely overgrown. Previous estimates received by the City were unsatisfactory or not concrete. Champions Hydro-Lawn estimated \$6,402.00 for the area behind 1209 Pine Chase up to Ridgeley Dr. This is the most critical area. Another estimate was furnished to finish the rest of the waterway as it goes thru and under Ridgeley to the west, then south and out to the creek. It is not as congested but is about three times the area of the other quote. Mayor Whiting stated this company was referred to the City by Harris County. The money would come out of Metro funds. The direction is to clean out the debris, dead trees and branches, the vines and any overhead area while leaving anything grounded to help lessen erosion.

Council Member Maddock made a motion to amend the original motion to read “approve City Drainage Easement cleanup for Area 1 section behind 1209 Pine Chase, east of Ridgeley, subject to review and further refinement of scope by the City Engineer”, seconded by Council Member Gunn. **A vote was taken to approve the amended motion approving City Drainage Easement cleanup for Area 1 section behind 1209 Pine Chase, east of Ridgeley, subject to review and further refinement of scope by the City Engineer. The vote passed unanimously.**

8.2 Mayor Pro Tem Post made a motion to approve Ordinance Number 692 of the City of Hilshire Village, Texas, deleting solid waste collection charges and establishing new waste collection rates, seconded by Council Member Davis. City Secretary Blevins stated the new rates would cover the City’s actual cost. **A vote was taken to approve the motion approving Ordinance Number 692 of the City of**

Hilshire Village, Texas deleting solid waste collection charges and establishing new waste collection rates. The vote passed unanimously.

8.3 Mayor Pro Tem Post made a motion to approve Ordinance Number 693 approving Budget Amendment Number 2 to the original General Budget FYE 2013 for the City of Hilshire Village, seconded by Council Member Davis. City Secretary Blevins stated this amendment would balance the budget prior to the FYE adjusting entries by the auditors. **A vote was taken to approve the motion approving Ordinance Number 693 approving Budget Amendment Number 2 to the original General Budget FYE 2013 FOR THE City of Hilshire Village. The vote passed unanimously.**

8.4 Mayor Pro Tem Post made a motion to change the date of the Regular Council Meeting for December and schedule a Special Meeting, seconded by Council Member Gunn. Both she and Council Member Gunn will not be able to attend the meeting on the 17th. After discussion Council Member Davis amended the motion to read to change the date of the Regular Council Meeting for December to be held Thursday, December 19, 2013 at 6:30 pm and a Special Council Meeting on November 25, 2013, at 9:00 am, seconded by Mayor Pro Tem Post. **A vote was taken to approve the motion approving the Regular Council Meeting date for December to be held Thursday, December 19, 2013 at 6:30 pm and a Special Council Meeting on November 25, 2013 at 9:00 am. The vote passed unanimously.**

The City Attorney was excused at this time.

8. REPORTS TO COUNCIL

8.1 Fire Commissioner: Mayor Whiting stated that they had two (2) meetings; one (1) she attended to approve the insurance provider coverage.

Council Member Maddock reported he attended the second meeting. He stated the Fire Department bought a new ambulance and it would be delivered in late

November. The other ambulance was auctioned off. The Fire Department has a drainage problem as their sewer is backed up due to a dip in the line. After receiving bids they awarded the work to the lowest bidder. The line is being fixed at this time.

8.2 Building: City Secretary Blevins reported there were (10) permits and thirty-seven (37) inspections for the month. She stated there was one (1) Plan Check at 1307 Friarcreek and one (1) Red tag at 1331 Friarcreek. There was a Conditional Certificate of Occupancy at 1209 Pine Chase due to the driveway. The resident will go to the Board of Adjustments. There is also a question on the sewer line being able to drain properly so that was also added the Conditional Certificate.

City Secretary Blevins stated the Board of Adjustment did not approve the side fence at 1209 Pine Chase.

8.3 City Secretary: City Secretary Blevins answered questions in regard to the Complaint and Issues Log. She reported she had given Council an amended Consent Agenda.

 **8.4 Treasurer's Report:** City Secretary Blevins stated she only gave Council Balance Sheets due to the fact that all the cost for year-end was still not in at this time. She reported that she was working with the auditors on the audit at this time.

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8.5 CLOSED EXECUTIVE SESSION: None

8.6 Mayor Whiting said no action would be taken regarding the Executive Session.

9. REPORTS FROM COUNCIL:

9.1 Mayor Whiting

Website Update - Mayor Whiting stated that the City had started the development of the new website.

City Seal – Mayor Whiting said she would like to see the City consider coming up with an official seal that could be used electronically and on the street sites.

10. ACTION ITEMS:

10.1 CONSENT AGENDA: Council Member Maddock made a motion to approve the disbursements presented to Council, Resolution Number 132 electing not to require the remittance of a Peg Fee by holders of a state-issued certificate of franchise authority and the Minutes from the Regular Council Meeting of October 15, 2013, seconded by Council Member Gunn. **A vote was taken to approve the motion approving the disbursements presented to Council, Resolution Number 132 electing not to require the remittance of a Peg Fee by holders of a state-issued certificate of franchise authority and the Minutes from Regular Council Meeting of October 15, 2013. The vote passed unanimously.**

11. ADDITIONAL COUNCIL COMMENTS: NONE

12. ANNOUNCEMENTS:

13. ADJOURNMENT: Council Member Maddock made a motion to adjourn, seconded Council Member Davis. The meeting was adjourned at 9:00 PM.

Shannon Whiting, Mayor

ATTEST:

Susan Blevins, City Secretary