

# The City of Hilshire Village

THURSDAY, December 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 6:35 P.M. at 8301 Westview, Houston, Texas 77055.

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

**1.2 Pledge of Allegiance:** was led by Mason Griffiths.

**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.; City Attorney David Olson, Olson & Olson and City Auditors Lauren Doughty and Josh Harris, Belt Harris Pechacek, LLLP.

**2. CITIZENS COMMENTS:** **Bob Sommer, 1114 Guinea Drive** – stated he would like the City to change the trash pickup contract to include returning the recycling bin to the back door which would improve the City's appearance.

**Robert Wolf – 1205 Pine Chase** –stated on December 6, 2013, he reported a suspicious vehicle to the police and was told that it belonged to his neighbor. The vehicle was legally parked but would be moved that day. Mr. Wolfe said that fourteen days later the car still has not been moved. It is taking up the only space he has besides his driveway for guests or his yard maintenance crew to park. He would like to see a City policy to prevent this type of long term parking, especially if in front of a resident's own property as it is unsightly.

**Bill Bristow – 1233 Pine Chase** – stated that under item 5.9 he hopes that Council will approve the rental of a voting machine and if not, that they will explain "why not" to the citizens of the City. He also stated that under item 6.1 (and along with Mr. Wolf's comments) that having a car parked anywhere for two weeks without moving it needs to be addressed. Some of the other villages have ordinances to restrict time parked on the street and he feels we need to do the same.

### **3. COUNCIL COMMENTS:** None

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

**4.1 Police Report:** Chief Finkelman stated that other than the arrest in November for public intoxication the City has been quiet. In December, an elderly citizen was targeted by a scam where senior citizens are called by a “relative” and asked to help them get out of trouble (jail). They request a large sum of money be sent to a foreign country. Once the money is sent, it is impossible to get it back.

The Chief said he has a pamphlet that discusses different scams targeting senior citizens if anyone is interested. He also stated that the Christmas “house watch” program is available for any resident who is going to be out of town for the holidays

The Mayor stated that she had received an e-mail from Mayor Speck of Hedwig Village thanking the police department for their help in catching a robbery suspect for the robbery of a retail establishment in Hedwig. The suspect was a nineteen year old who was apprehended at his mother’s home after a chase where he was trying to evade arrest. The chase resulted in damage to one of the brand new Tahoe police cars.

**4.2 Auditors Report:** Ms. Lauren Doughty from Belt, Pechacek and Harris presented the audit report. The firm issued a clean, unqualified opinion which is the highest they can give. Assets were a \$9.7 million with liabilities at \$300,000.00. Under the activities report, revenue was shown at \$3.2 million with expenses of \$3.1 million for an ending balance of \$1.7 million. The single audit required under the Hazard Mitigation Grant resulted in no finding – “a clean opinion”. The City has been given the adjusting journal entries that will “true up” the Metro and Utilities account where the City paid up front and was paid back the funds by the grant. The numbers have been verified with both audits. The auditors will send new copies of the audit updating the economic factors on page 11 and 12.

**4.3 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 has been re-grading and re-sodding ditch segments that required correction action. He stated that HDR and the City have compiled a preliminary punch list and the Contractor has started addressing the items. Efrain stated that HDR recommends payment of Pay Application Number 17.

**Glourie Drive Extension** – Efrain stated the Contractor has completed the majority of the work except for the installation of the two (2) asphalt surface course layers.

A Special Meeting was held at City Hall on December 4, 2013, to discuss outstanding work and the close-out process for the project.

Efrain stated that HDR coordinated with the City and the State to request a time extension to the Period of Performance to complete the remaining construction activities and project closeout procedures, including final payment request and the State's Final Audit of the project.

Street Signs Replacement Project – Efrain stated HDR is currently assessing the option for the City to purchase the street signs materials directly from the manufacturer and request quotes to perform the removal of old signs and installation of new ones. He stated this option would allow the City to maintain the design selection approved by City Council.

**1228 Archley Drive Drainage Plan** – Efrain stated he had approved the Drainage Plan with exceptions noted.

**1322 Ridgeley Drive Drainage Plan** – Efrain stated he had approved the Drainage Plan with exceptions noted.

**1206 Pine Chase Drainage Plan** – Efrain stated he had approved the Drainage Plan with exceptions noted.

**1309 Glourie Drive As-Built Drainage** – Efrain stated he had approved the As-Built Drainage Plan with exceptions noted.

**Local Mitigation Plan Update 2013** – Efrain stated he had assisted the City Secretary in completing the update as requested by the Harris County Office of Homeland Security & Emergency Management.

**Lift Station Pumps Replacement** – Efrain stated the lift station pumps had been successfully replaced by Pump & Power Equipment on December 9, 2013 after two (2) failed attempts. The first problem was the new pump bracket did not fit the existing guide rail system; therefore, they had to refabricate new ones and then they had to re-wire the pump motors.

Efrain reported that the existing grinder pumps were salvaged and given to Severn Trent Services for storage and use as temporary backups in the event of pump failures in the future.

## **5. ACTION ITEMS:**

**5.1** Council Member Maddock made a motion to authorize payment of Triple B Services, L.L.P., Pay Application No. 17 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$21,821.81 to be paid by the City of Hilshire Village, seconded by Council Member Castro. **A vote was taken to approve the motion authorizing payment of Triple B Services, L.L.P., Pay Application No. 17 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$21,821.81 to be paid by the City of Hilshire Village. The vote passed unanimously.**

**5.2** Mayor Pro Tem Post made a motion to authorize payment of Triple B Services, L.L.P., Pay Application No. 17 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$65,465.42 to be paid by the City of Hilshire Village and then reimbursed by the Texas Department of Public Safety, seconded by Council Member Maddock.

**Bill Bristow** asked when the City would cut the check after tonight's approval. The Mayor stated the check would be cut tomorrow and then reimbursed in 30 to 60 days.

**A vote was taken to approve the motion authorizing payment of Triple B Services, L.L.P., Pay Application No. 17 for work related to the Pine Chase & Glourie Paving, Drainage & Utilities Improvements Project in the amount of \$65,465.42 to be paid by the City of Hilshire Village and then reimbursed by the Texas Department of Public Safety. The vote passed unanimously.**

**5.3** Mayor Pro Tem Post made a motion to authorize payment of HDR invoice for Professional Engineering Services provided to the City for the Pine Chase and Glourie Utility, Drainage and Paving improvements Project, Invoice # 25 in the amount of \$24,364.85, seconded by Council Member Maddock.

Bill Bristow asked why there was not a shoulder on the Glourie Extension area. Mayor Whiting asked Efrain to explain the overtime charges so Council would be aware.

**A vote was taken to approve the motion authorizing payment of Invoice # 25 in the amount of \$24,364.85. The vote passed unanimously.**

**5.4** Council Member Maddock made a motion to authorize payment of HDR invoice for Professional Engineering Services provided to the City for the Pine Chase and Glourie Utility, Drainage and Paving improvements Project, Invoice # 26 in the amount of \$15,411.21, seconded by Mayor Pro Tem Post. **A vote was taken to approve the motion authorizing payment of Invoice # 26 in the amount of \$15,411.21. The vote passed unanimously.**

**5.5** Mayor Pro Tem Post made a motion to authorize payment of HDR invoice for Professional Engineering Services provided to the City for the Guinea Drive Waterline Replacement Project, Invoice # 3 in the amount of \$3,000.00, seconded by Council Member Maddock. **A vote was taken to approve the motion authorizing payment of HDR invoice for Professional Engineering Services provided to the City for the Guinea Drive Waterline Replacement Project, Invoice # 3 in the amount of \$3,000.00. The vote passed unanimously.**

**5.6** Council Member Gunn made a motion to authorize payment of HDR invoice for Professional Engineering Services provided to the City for the Guinea Drive Waterline Replacement Project, Invoice # 4 in the amount of \$300.00, seconded by Council Member Davis. **A vote was taken to approve the motion authorizing payment of HDR invoice for Professional Engineering Services provided to the City**

**for the Guinea Drive Waterline Replacement Project, Invoice # 4 in the amount of \$300.00. The vote passed unanimously.**

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

Mayor Whiting said she would like to have a motion for both 5.7 and 5.8 and discuss them together than take a vote.

**5.7** Council Member Maddock made a motion to consider and approve Resolution Number 135 authorizing Publication of Notice of Intention to Issue Certificates of Obligation, seconded by Council Member Gunn.

**5.8** Council Member Castro made a motion to consider and approve the City to Proceed to Issue Tax Anticipation Notes, seconded by Council Member Maddock.

Mayor Whiting said that Council has had many conversations and workshops regarding Capital Improvements and financing. She said during the last Council Meeting Council engaged “Bond” Counsel.

Council Member Maddock wanted the residents to know that these notes would not increase taxes. It would continue the Debt Tax the City has at this time.

**Bill Bristow – 1233 Pine Chase Drive** - stated it had not been the City’s policy to take on any long term debt. He said that the Ridgeley Project was the first project to take on long debt. Mr. Bristow said that long term debt would be inherited by the next Council.

**Russell Herron - # 12 Hilshire Grove** – stated in his personal opinion if he were taking out the loans he would go with the longer terms because the rates are not going to go down.

**Donna Archer – 1320 Pine Chase Drive and owner of the lot at 1307 Friarcreek Lane** – stated that it was a struggle raising three (3) kids in the house due to the low water pressure. After moving to 1320 Pine Chase they are now in the “land of milk and honey” and she can run the washing machine and sprinkler at the same time. She would like to encourage Council to approve and authorize the \$1.2 million over ten years because that would help all the residents.

**Barbara Beach - # 1 Pine Creek Lane** – stated she has a sunken bath tub and the sewer has backed up in the tub for over 40 years. She said anything that Council can do to help Pine Creek would be appreciated. Council Member Castro said that the City was planning on the improvements to Pine Creek regardless of what financing they choose.

Mayor Whiting read an email from **John Musgrove – 8010 Bromley** - in which he stated he supports the longer term and greater repair effort.

**Council Member Maddock** said that money is not going to be cheaper seven (7) years from now than it is at this time. He said that the City has identified that these projects were not optional, that they are necessary and the City is going to have to do them. He believes the ten year financing is the most economical.

**Council Member Gunn** agreed with Council Member Maddock.

**Council Member Davis** said he wants to see the projects done since he had started the projects when he was Mayor. He said that the City has been fortunate with the programs received that allowed the projects that have already been done.

Council Member Castro said she would prefer the seven (7) year tax note option. She said the City Engineer said there was no urgency for the projects on Friar Creek and that if the additional interconnect was done the work might not need to be done. She would rather see the tax rate lowered sooner rather than later and that can only be done if the City goes with the seven (7) year financing.

Mayor Pro Tem Post said she had been working on the financing for a long time. She said she was for the longer time frame and for borrowing more. She said it is a good time for the City to be fiscally responsible and try to make sure everyone has the water pressure they need.

**A vote was taken to consider and approve Resolution Number 135 authorizing Publication of Notice of Intention to Issue Certificates of Obligation. The Vote passed 4-1. Mayor Pro Tem Post and Council Members Davis, Maddock and Gunn voted for the motion and Council Member Castro voted against the motion.**

**5.8 Council Member Castro withdrew her motion for Council to consider and approve the City to Proceed to Issue Tax Anticipation Notes.**

**5.9** Council Member Gunn made a motion authorizing the Mayor to enter into a contract with Election Systems & Software for rental of election equipment, seconded by Council Member Maddock. City Secretary Blevins stated this was the contract for renting a handicapped machine and using paper ballots. David Olson wanted the contract looked at in regards to the 45 day cancellation. Mayor Whiting stated the City will be using paper ballots unless Council would like otherwise.

**Bill Bristow** stated he did not agree with paper ballots and that City Council is doing the citizens a disservice by not allowing the use of a voting machine.

**A vote was taken to authorize the Mayor to enter into a contract with Election Systems & Software for rental of election equipment. The vote passed unanimously.**

**6. DISCUSSION:**

**6.1** Mayor Whiting started the discussion on the proposed ordinance amending Chapter 12, Exhibit “A” Zoning regulations of the City in regard to parking of recreational vehicles by stating that she has noticed a lot more passenger and recreational vehicles parked in the Right-Of-Way. In order to change the Zoning, there would have to be a public hearing before any changes could be made. The current ordinances do not allow recreational vehicles to be parked on private property for more than 48 hours unless screened but the ordinance does not stop them from parking in the public Right-Of-Way. The Mayor asked David Olson to comment.

City Attorney David Olson indicated that the current ordinance does not regulate commercial or passenger vehicles but it could be done. The City does have complete discretion on the Right-Of-Way. The City can definitely amend the ordinances regarding parking on the street; the City just cannot stop people from accessing their property. Making provisions regarding parking in front of a neighbor’s house would need to be regulated by complaints to the police department depending on the circumstance. Residents parking in front of their own house would be a different matter. He suggests that the City also include commercial boats, and trailers as these create a hazard for emergency vehicles. Council Member Castro indicated that she felt there needed to be a time frame for passenger cars. City Attorney David Olson indicated that 48 consecutive hours in any given week was time enough for guests, deliveries, etc. Mayor Whiting also indicated that the City needed to address what constitutes “movement”. Mayor Whiting mentioned the “red crash vehicle” on Pine Chase and it was awaiting an insurance adjuster. The “junk” vehicle law needs to be looked at before we change the ordinance.

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

## **7. REPORTS TO COUNCIL:**

**7.1 Fire Commissioner:** Mayor Whiting stated the Fire Department has gone out for bids for commercial insurance, bookkeeping and tax service and for a new bank. She said the Chief has informed the Commissioners that he is having trouble hiring new EMS and fireman due to their compensation package. Mayor Whiting said a committee has been put together to review their compensation versus other local fire departments.

**7.2 Building:** City Secretary Blevins reported there were (11) permits and twenty-two (22) inspections for the month. She stated that # 4 Pine Creek would be going to the Board of Adjustments to seek a variance to enclose her patio.

**7.3 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.

&#61623                   **7.4 Treasurer’s Report:** City Secretary Blevins stated financials were still behind due to working with the Auditors on the audit and a single audit for the grant.  
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**7.5 CLOSED EXECUTIVE SESSION:** None

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

**8. REPORTS FROM COUNCIL:**

**8.1 Mayor Whiting**

**Website and City Seal Update** - Mayor Whiting stated that there was nothing to report at this time.

**9. ACTION ITEMS:**

**9.1 CONSENT AGENDA:** Council Member Maddock made a motion to approve the disbursements presented to Council, the Minutes from the Regular Council Meeting of November 19, 2013 and the Minutes from the Special Council Meeting of November 25, 2013, seconded by Council Member Davis. **A vote was taken to approve the motion approving the disbursements presented to Council, the Minutes from Regular Council Meeting of November 19, 2013 and the Special Council Meeting of November 25, 2013. The vote passed unanimously.**

**11. ADDITIONAL COUNCIL COMMENTS:** Mayor Whiting said the office would be closed December 24<sup>th</sup> & 25<sup>th</sup>. She said that Mayor Pro Tem Post would be in the City while she is gone.

**12. ANNOUNCEMENTS:** None

**13. ADJOURNMENT:** Mayor Pro Tem Post made a motion to adjourn, seconded by Council Member Maddock. The meeting was adjourned at 8:15 PM.

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Shannon Whiting, Mayor

ATTEST:

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Susan Blevins, City Secretary