

TUESDAY, OCTOBER 21, 2014
REGULAR COUNCIL MEETING
6:30 P.M.

REGULAR COUNCIL MEETING

1. CALL TO ORDER: Mayor Whiting called the City of Hilshire Village Council Meeting to order at 6:32 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 Michael Gordy, 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 Kim Mickelson, Olson & Olson.

2. CITIZEN'S COMMENTS:

Bill Bristow, 1233 Pine Chase, stated that water stands in the culvert under his driveway and underneath the Bromley intersection with Pine Chase as well as the Crites' driveway. Also, he wanted the City to be aware that he has a video from 1986 of the anniversary parade that one of his relatives took that he would like to put in the archives.

Alan Wolfe, 1314 Pine Chase, stated that at 1310 Pine Chase Drive there was additional tree removal in the back yard and trimming in the front yard that was done with a chain saw. He says "line tailing" of an oak is not the correct form of pruning and thinning; it may injure the tree or change the wind load. Mr. Wolfe also said that work was going on with a contractor laying irrigation pipe and the truck did not have a license number on it. Irrigation contractors are regulated by the State and they have to have a license. It should show on the company truck. Residents need to be careful whom they hire. Mr. Wolfe wanted the City to know that the construction at the corner of Pine Chase and Glourie has a fence but there is no sign posted stating the construction hours.

Mayor Whiting asked if Mr. Wolfe has some information or a link for information the City could put it on the website for a resident to look at before hiring someone to work on their trees.

Janet Wourms, 8201 Burkhart, wanted to thank Efrain Him in advance for all the work he has done on the issue of standing water in the channel and culvert at Burkhart and Ridgeley.

City Secretary Blevins stated that **Matt Legg, 4 Hilshire Grove Lane**, asked her to announce that he was looking for poll workers for the November 4, 2014, Election.

OUT OF ORDER

4. REPORTS TO COUNCIL:

4.2 Fire Department: Mayor Whiting introduced Chief Foster and stated that calls were up significantly from last year. She also said that there is a copy of the Chief's email to the Fire Commissioners concerning infectious control protocols that were put in place in light of the Ebola concern. She further stated that the Fire Department's Open House was successful.

Chief Foster stated that the department is getting approximately five (5) calls per month where typically there were three (3) calls before. Most of the calls are EMS weighted with a lot of fire alarms also. Older residents call EMS less frequently but with more serious issues. October was Fire Prevention Month and the department had an Open House to celebrate with cookies and activities for the kids. Several hundred people showed up. The department also participated in the Neighborhood Night Out celebrations.

There has been an adjustment to the 2015 Budget. The 451 Plan is now a line item.

As for Ebola, Texas has no current cases. It is flu season and all firefighters are given flu shots. The department has updated protocols from the CDC and is buying helmets. The tactical response plan has also been updated. The departments third ambulance will be outfitted with thick plastic if needed to respond to an Ebola patient for transport to Southwest Hospital.

Council Member Maddock stated that his wife, a doctor, went through the ambulances and checked the equipment with one of the EMT's. She was very impressed with the amount and type of equipment the ambulance carries.

Mayor Whiting said Shift "A" was treated to a lasagna dinner by the Civic Club on Saturday, October 11, 2014, spearheaded by Mrs. Sandra Parker. The Civic Club will be scheduling a time to provide dinner for Shifts "B" and "C".

4.1 Police Report: Chief Finkelman reported that on October 3, 2014, there was a car burglary where a lady left her car for about an hour to attend a garage sale and left her purse on the passenger seat. When she came back her window was broken out and her purse gone.

The Chief thanked the Civic Club for the wonderful dinner they provided. He also said that he did not get to stay at the Hilshire Village National Night out as long as he would have liked but he had several others to attend.

There were three (3) arrests in September. The first occurred on the fourth around 3:50 AM when an officer noticed a suspicious person running. He smelled marijuana on his breath and the man appeared to be in a trance. The man was the same one arrested in Hilshire Village in August. He was arrested for public intoxication and threatened the officer while being driven to jail.

The second was a detention. A juvenile who was fifteen (15) years old was found seated on one of the Hilshire Village church steps. He said he was there so he could use their Wi-Fi to get on the internet. He was found to be a runaway and was reunited with his parents.

The third arrest occurred on the September 21, around 5:00 AM when an officer spotted a man who appeared to be intoxicated. The man said he was staggering due to some previous gunshots to his leg which made him walk that way. The man was found to have a parole violation warrant out for his arrest.

The Chief said that some of his statements were direct quotes from the officer's reports to show the residents that any suspicious activity is a sign for the officers to stop and question the individual. Some folks prove to have legitimate reasons for their conduct, others folks are not. The Chief said there has been some criticism lately for their stopping and talking to people in the City.

The Mayor asked about the miscellaneous calls. These calls are for checking houses, businesses and buildings under construction.

3. COUNCILS COMMENTS: Mayor Whiting thanked Bob Sommer for another Exxon grant. She stated that the City received another \$1,000.00 grant in Bob's behalf and she would like to use it for improving the City's audio system. Mayor Whiting wanted to recognize Bob and express her appreciation. She presented him with one of the original street signs for Guinea Drive that had been refurbished and framed. Mayor Whiting stated that Bob volunteers every week in the City Office.

4.3 Engineers Report – Efrain reported that in regard to **Pine Chase and Glourie Drive Reconstruction HMGP Project** the corrective work had been completed except for some minor re-grading of the ditches. Efrain stated he would revisit the site during a storm event to verify that the corrective work had resolved the drainage issues. Efrain reported that the closing documents had been completed.

Efrain stated in regard to the **Pine Creek & Bridle Spur Reconstruction Project**, he and Mayor Whiting met with Mr. Stearns to discuss and coordinate the acquisition of land for roadway right-of-way and the proposed water meter vault site within 8399 Westview Drive. Mr. Stearns was very receptive to the City's land acquisition request for

the purposes described above. Efrain stated he authorized the survey subcontractor to precede with the preparation of the survey plats and metes and bounds descriptions for the roadway right-of-way and water meter vault site.

The plan and profile drawings for paving, drainage and water and sewer utilities are approximately 90% complete for Pine Creek Lane and 95% for Bridle Spur. The traffic control plans, storm water pollution prevention plans, general civil and standard detail drawings are 95% complete.

Efrain stated while performing a field visit to Bridle Spur and Pine Creek Lane to verify location, condition and depth of existing sanitary sewer manholes and clean-outs, he determined that the sanitary sewer manhole at 7 Pine Creek Lane was completely surcharged (filled) to the manhole cover. He stated the City was informed and Severn Trent Services was called to jet clean the line to remove the blockage. Severn Trent had to call another company to clean the line and they determined that there appeared to be a collapsed line in the back lot easement between 8381 Westview Drive and # 8 Pine Creek Lane. Efrain then met with the Mayor and recommended that the sanitary sewer be repaired on an emergency basis and the rehabilitation work conducted immediately after the repair is completed.

Efrain stated he met with two (2) sanitary sewer rehabilitation contractors to request quotes for the TV inspection of the sanitary sewer system and the point repairs of the collapsed segment of the sanitary sewer and he also requested a quote from Severn Trent. He stated he received a quote from Horseshoe Construction and Severn Trent Services and he recommended that Severn Trent perform the services under the current contract. Efrain stated that Severn Trent was making the point repairs today. He said the pipes had been eaten away by acid. Efrain asked for them to camera the pipes so that the City can determine if it can pipe burst the line or if the job will have to be done by open cut. They also found that the line was a six (6) inch line instead of eight (8). Mrs. Beach, # 1 Pine Creek, reported that she had raw sewage backing up into her bathtub. Efrain said they will wait until they have TV tapes to make recommendations.

1331 Friarcreek Lane – Efrain met with the contractor and Mr. McDuffie from 1335 Friarcreek Lane regarding drainage issues. Contractor was reminded about proper site drainage.

8202 Burkhart Road – The Drainage Plan was rejected and returned for revision.

1201 Pine Chase Drive – The Resubmitted Drainage Plan was approved.

1035 Ridgeley Drive – coordinated with the City on the floodplain status.

1102 Guinea Drive – conducted a site visit to verify the Drainage Plan As-Built Survey and determined that some of the existing and proposed improvements and the updated impervious coverage calculations were not included in the As-Built Survey; therefore, the plans were rejected.

1122 Guinea Drive – conducted a site visit to verify the Drainage Plan As-Built Survey and determined that some of the existing and proposed improvements and the updated impervious coverage calculations were not included in the As-Built Survey; therefore, the plans were rejected. HDR is currently reviewing the resubmittal.

1323 Ridgeley Drive – The Drainage Plan Submittal was reviewed and rejected due to incompleteness.

1228 Archley Drive – HDR met with Contractor on proposed changes to the approved drainage plans. Efrain stated he also visited the site to address 1220 Archley's concern with drainage. After a limited topographic survey of the area in question he recommends the City to clean and re-grade this segment of the ditch.

8201 Burkhardt Road – Channel Crossing "C" – HDR performed a limited topographic survey of the area to assess and address the drainage issues in this area. He stated the preliminary assessment indicates that erosion has taken place upstream and downstream of the Channel Crossing "C" culvert thus causing water to pond in these areas. HDR will recommend the City to fill these eroded areas and install additional "rip-rap" material to address the issue.

5. ACTION ITEMS:

5.1 Council Member Davis made a motion to authorize payment of HDR invoice for Professional Engineering Services provided to the City for the Pine Creek & Bridle Spur Reconstruction Project, invoice # 5, in the amount of \$16,271.45, 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 Pine Creek & Bridle Spur Reconstruction Project, invoice # 6, in the amount of \$16,271.45. The vote passed unanimously.**

The City Engineer was excused at this time.

5.2 Council Member Gunn made a motion to approve the City of Hilshire Village Ordinance Number 712 regarding the City's participation in the Texas Municipal Retirement System, seconded by Council Member Davis. Mayor Whiting stated that there were three (3) blanks that Council needed to decide upon to complete the Ordinance: the rate, prior service credit and the City's matching contribution which can

be one to one, one and a half to one or two to one. There is no cost for enrollment. The City budget for 2015 shows \$10,000.00 for the program to get started. The City can amend and/or make changes when needed, probably at budget time. Her recommendation is a five percent (5%) contribution, one hundred percent (100%) prior service credit allocation and a matching ratio of either one to one or one and a half to one. The current employees are closer to retirement age than someone who might be hired in the future.

Mayor Pro Tem Post asked about the unfunded liability figure. City Secretary Blevins and the Mayor said it is based upon how close the employees are to retirement. The City's cost for one year at a 5% contribution with a 1 to 1 match with 100% service credit the cost would be \$9,593.00. Based on the employees now and the salary now, the retirement benefit would be at a rate of \$399/month for the full time employee and \$62/month for the part time employee. TMRS will provide a new number each year for budget purposes. The unfunded liability will be paid down over time. Once an employee retires, then the retirement is paid out by TMRS and the City has no more participation for that employee. For new employees, if they do not have service with another City, it will take five (5) years to be vested. Once enrolled, the City must remain in the plan until all vested employees have retired; then the City may opt out. TMRS is managing all the investment for the employees.

Mayor Whiting said for this program, there has to be a City Correspondent and they must have certified training. This person will be responsible for the paperwork, accounting, etc. of the plan. Since we have two employees, the City Secretary will be the City Correspondent. The City attorney stated the City Secretary could be the City Correspondent and that it did not constitute a conflict of interest with that person serving as City Correspondent.

Council Member Maddock said the City had budgeted \$10,000.00 for this and we want to be on at least an equivalent basis with the other villages.

City Secretary Blevins said that the program does provide a Life Insurance Policy equal to the employee's annual salary and at retirement there was a \$7,500.00 death benefit for the beneficiary. Mayor Pro Tem Post asked and it was affirmed that the unfunded liability would be in effect at the inception of the program.

Council Member Gordy asked if they had five (5) years of employment with another City then started working with the City, would their years at the other job count toward the five (5) years services needed to be vested. Mayor Whiting stated "yes".

Council Member Maddock said he was for the 5% with 100% matching by the City. The percentage matching at one to one or the one and a half to one is the question.

The Mayor pointed out that the plan can be amended and changed over time. Mayor Pro Tem Post asked if the budgeted amount would go up and was told that it would go up if the salary goes up. City Attorney Mickelson said that TMRS plugs in a three (3) percent increase every year.

Council Member Gunn made a motion to amend the original motion to approve the City of Hilshire Village Ordinance Number 712 authorizing the City participation in the Texas Municipal Retirement System with a 5% Contribution Rate, 100% Prior Service Credit Allocation with a Ratio of one to one Matching. **A vote was taken to approve the motion approving the City of Hilshire Village Ordinance Number 712 authorizing the City participation in the Texas Municipal Retirement System with a 5% Contribution Rate, 100% Prior Service Credit Allocation with a Ratio of one to one Matching. The vote passed unanimously.**

5.3 CLOSED EXECUTIVE SESSION: None

6. DISCUSSION:

6.1 Setting workshop date for Zoning Meetings: Mayor Whiting asked for ideas for dates for the workshops. City Attorney Kim Mickelson stated she had November 12 or November 13 open for an evening meeting. Council Member Maddock said November 13 was good with him. Mayor Pro Tem Post said Monday's and Wednesday's were not good for her. Council Member Gordy said Thursday's were his day out of town. It was finally agreed to schedule the workshop for November 12, 2014, at 7:00 P.M.

City Attorney Mickelson will put a pamphlet together with some of the issues she knows the City wants to work on, discuss it with the Mayor and have the pamphlet ready to distribute at the workshop.

6.2 Construction related items including but not limited to: Parking, Temporary Storage Units (Pod) and the time frame for being in the front yard, fencing and construction requirements for significant remodels: Mayor Whiting said that Mr. Peterman had sent an email about the construction on the North section of Ridgeley to Council. There have also been comments on parking, temporary storage units (pods) and fencing and construction requirements. Mayor Whiting stated several remodels have been unsightly and she had to get the City staff to call the contractor to clean up the area. Also, one (1) remodel had the theft of a sixty (60) inch television because it was open.

City Attorney Mickelson stated that parking can be controlled and, if it becomes a problem in a residential area, contractors can be required to park elsewhere. The City is not responsible for providing parking to them. Reducing a speed limit is more difficult, especially, under twenty (20) miles per hour.

Mayor Pro Tem Post asked if the ordinance could be changed for contractor parking to be on a designated side of the street. She said that on Ridgeley where there are two houses being built across from each other, the contractors are parking on both sides of the street to the point that vehicles cannot get through.

Council Member Gordy said he had trouble getting through an area with contractors parked on both sides so he got out and measured. The space between the trucks was nine (9) feet six (6) inches and a fire truck has to have ten (10) feet. He suggested that we limit the amount of vehicles off private property. He stated that not allowing contractors to park on site will drive up construction costs. Council Member Maddock said that the City streets are not wide enough for parking on both sides of the streets.

City Attorney Mickelson said that the enforcement of any ordinance would be the police. The City would need to change the ordinance and post notice. The City could notify contractors where they could park specifying parking area with a parking permit. Then it becomes an enforcement issue.

Council Member Maddock said that if we limit contractor parking with a permit and then a resident parks on the street, we are back to the same problem.

Mayor Whiting pointed out that the streets are wide enough if folks follow the two wheels on and two wheels off ordinance. The problem is that residents do not follow the rule since they do not want their grass to get ruts or be killed.

City Secretary Blevins said that when a problem does arise, she calls the police and they take care of the problem.

Mayor Whiting stated some of the remodels are using trailers as dumpsters. If you have a fence, then there is a barrier from people to see what you have.

Council Member Gordy stated that only if remodels are changing the exterior of the house, then it would be reasonable to have a fence. Interior remodels do not normally show the inside of a house. He also said there was a construction site without a dumpster that has never been cleaned up.

The City Attorney was excused at this time.

7. REPORTS TO COUNCIL: (Con't)

7.1 Fire Commissioner: (No Report)

7.2 Building: (City Secretary): There were eleven (11) permits and fifty-one (51) inspections. There was a Certificate of Occupancy issued for 8381 Westview. The building looks very nice; however, there have been complaints against it. They have put up a fire staircase which looks into the neighbor's house. They have also put in a security light. These issues have been brought to the attention of the owner of the building.

Mayor Whiting also brought up that 8381 Westview was a remodel but the City asked them to fence the area.

The plans for **1323 Ridgeley** renovation came back approved by Bureau Veritas. The renovation requires a new foundation. City Secretary Blevins stated she asked for an

opinion in writing from the City Attorney because she had always been under the assumption that if the slab was removed then the new slab would have to abide by the current ordinances. The ordinance alludes that if the foundation is restored in the same place then it was permissible

7.3 City Secretary: In regard to the Complaint & Issues Report there were a lot of complaints regarding CenterPoint leaving a mess behind. The problem is that their sub-contractors are so busy that when they come to do the repairs, they do not clean up after themselves. City Secretary Blevins stated that Efrain Him, City Engineer was working on several of the drainage issues.

7.4 Treasurer: City Secretary Blevins stated she did not give Council any financials since there was not an update since the budget was adopted and that she had not closed out the year-end. She stated this year's audit was set for the second week in January.

8. ADDITIONAL COUNCIL COMMENTS: None

9. CONSENT AGENDA:

9.1 Council Member Maddock made a motion to approve the Consent Agenda, including disbursements, the minutes from the Public Hearing & Regular Council Meeting of September 16, 2014 and the minutes from the Special Council Meeting of September 22, 2014, seconded by Council Member Davis. **A vote was taken to approve the motion approving the Consent Agenda, including disbursements the minutes from the Public Hearing & Regular Council Meeting of September 16, 2014 and the minutes from the Special Council Meeting of September 22, 2014. The vote passed unanimously.**

10. ADDITIONAL COUNCIL COMMENTS: None

11. ANNOUNCEMENTS: Council Member Gunn said that he may be late for the November 18, 2014, meeting and wanted to see if the meeting could begin at 7:00 P M. It was decided that Mayor Whiting would put all voting items at the end of the meeting.

12. ADJOURNMENT: Council Member Maddock made a motion to adjourn, seconded by Mayor Pro Tem Post. The meeting was adjourned at 8:31 PM.

Shannon Whiting, Mayor

ATTEST:

Susan Blevins, City Secretary