

TUESDAY, APRIL 21, 2015
PUBLIC HEARING AND REGULAR COUNCIL MEETING
6:30 P.M.

PUBLIC HEARING

1. Call to Order: Mayor Whiting called the City of Hilshire Village Public Hearing to order at 6:34 P.M. at 8301 Westview, Houston, Texas 77055.

1.2 To hear public commentary on reviewing a subdivision's re-platting of a certain property currently owned by the Mennonite Church and Schwab Design Builders, LLC. The property is located at 1231 Wirt Road and is located in Residential Zone "B" holding a Specific Use Permit for a church. This property is being subdivided into two (2) tracts, one (1) for the Mennonite Church with a Legal Description: TRS 33A 34 & 34A ABST 77 R VINCE), 1231 Wirt Road and a new subdivision called Hilshire Villas (Legal Description: TRS 33A-1 33F & 34B Prorated: 7-23-14 ABST 77 R VINCE recorded under Harris County Official Public Records File No. R526419).

Pastor Marty Troyer, Houston Mennonite Church, stated the Church members are excited about the sale of the property to Mr. Schwab. It was brought to their attention that they need to re-plat the property and they have brought representatives to answer any questions.

Bob Conklin, 14 Hilshire Grove, stated he endorses what the Mennonite Church wants to do. He stated that he believes the new building on the east side of Wirt will help pull up the property values of the Schwab homes. Mr. Conklin also said that Wirt Road was a dangerous place for citizens trying to turn. He stated that Wirt Road is a health and safety issue.

Bill Bristow, 1233 Pine Chase Drive, asked if the plat had been recorded with the County. City Attorney Kim Mickelson stated that only the deed of sale had been recorded with the County. Mr. Bristow asked, since the sale took place in July, 2014, if the City had received any taxable income from the sale. He said the Hilshire Village 2014 tax rolls did not show Schwab on them.

Russell Herron, 12 Hilshire Grove, said two (2) years ago Council Member Gunn suggested a map be given of what the future would look like on Wirt Road and he felt it would be highly valuable to the Council's deliberations. To this date, he said that nothing like that has been seen.

The Public Hearing was adjourned at 6:45 PM.

REGULAR COUNCIL MEETING

2. CALL TO ORDER: Mayor Whiting called the City of Hilshire Village Council Meeting to order at 6:45 P.M. at 8301 Westview, Houston, Texas 77055.

2.1 Invocation: was given by Mayor Whiting.

2.2 Pledge of Allegiance:

2.3 Present: were Mayor Shannon Whiting, Mayor Pro Tem Stephanie Post and Council Members Edward Davis, Paul Maddock and David Gunn. Also present were City Secretary Susan Blevins, City Engineer Efrain Him, P.E., HDR/Claunch & Miller, Inc., Chief Gary Finkelman, Spring Valley Police Department and City Attorney Kim Mickelson, Olson & Olson. Council Member Mike Gordy was absent.

3. REPORTS TO COUNCIL:

3.1 Police Report: Chief Finkelman said the only thing new was the one (1) arrest at the end of last month where an Officer found a man asleep at the picnic tables of Holy Cross Lutheran Church. The man was charged with public intoxication and given a place to sleep it off.

Council Member Gunn asked about the man who broke into his house. Chief Finkelman stated the man had been found guilty of aggravated assault on a police officer and was scheduled for sentencing in May.

4. ACTION ITEMS:

4.1 Council Member Maddock made the motion to approve the Houston Mennonite Church, the Church of the Sermon on the Mount Subdivision Plat, being a subdivision of 3.832 acres out of the Robert Vince Survey A-77, Harris County, Texas. Reason for re-plat: to create 2 Reserves (2 reserves, 1 block), seconded by Mayor Pro Tem Post. Efrain Him said he had reviewed the plat and that there were a couple of outstanding items that needed to be submitted to the City. The City would like a copy of the Tax Certificate even though the Church is a nonprofit organization. Also, the property shows one (1) lien in the amount of \$45,000.00 that had been released but not recorded with the county. Efrain stated the plat also shows a private easement that will need to be vacated before the final plat for Schwab's property. He stated the City does not allow any private easements or roads. City Attorney Mickelson said this will need to be recorded and referenced on the plat. Council Member Maddock amended his motion to read "approve the Houston Mennonite Church, the Church of the Sermon on the Mount Subdivision Plat, being a subdivision of 3.832 acres out of the Robert Vince Survey A-77, Harris County, Texas to create two (2) Reserves after the following conditions are met: A copy of the Church's Tax Certificate, the Lien and the Easement Releases are recorded at the County, seconded by Mayor Pro Tem Post. **A vote was taken**

approving the Houston Mennonite Church, the Church of the Sermon on the Mount Subdivision Plat, being a subdivision of 3.832 acres out of the Robert Vince Survey A-77, Harris County, Texas to create two (2) Reserves after the following conditions are met: A copy of the Church's Tax Certificate, the Lien and the Easement Releases are recorded at the County. The vote passed unanimously, (4-0).

Recess the Regular Council Meeting at 7:00 P.M.

PUBLIC HEARING:

Call to Order: Mayor Whiting called the second City of Hilshire Village Public Hearing of the night to order at 7:09 P.M.

1.3 Public Hearing will be for the purpose of reviewing a preliminary Subdivision re-plat of Hilshire Villas (Legal Description: TRS 33A-1 33F & 34B Prorated: 7-23-14 ABST 77 R VINCE recorded under Harris County Official Public Records File No. R526419). The property is approximately 2.368 acres and will be subdivided into ten (10) lots in accordance with the existing Zone B Zoning Ordinance. The purpose of the public hearing is to discuss the re-plat for subdividing the individual lots and will not include the streets or utilities for the subdivision.

Kyle Sears, Attorney for David Schwab, stated the Mayor, Council, City Attorney and City Engineer vetted the plans for the project with professionalism and asked many good questions. The track subdivided will be a good fit for the City. The plat being presented meets the City Zoning Requirements. Streets on the T's are at a twenty (20) foot width while the rest within the development are at the twenty-six (26) foot width. Mr. Schwab has talked to the fire department to make sure that there will be no problems with ambulance or fire truck access in the area. Parking will be both on the street and on each individual lot.

Mr. Sears said that he believes property taxes are the responsibility of the owner of the property at January 1 of each year. Taxes are not prorated. Eventually the new owners of the homes will be responsible for the taxes.

Mr. Sears also stated there are two easements in question. A draft has been drafted to address the old and new easements as well as the setbacks. Mr. Schwab and the Church will relinquish both easements and the setbacks. The draft will be submitted to the City for before finalization.

Since traffic flow was also a concern, Mr. Schwab will be happy to help in any way to work with the City of Houston and the City of Hilshire Village to control the traffic flow or any changes thereto.

Bob Conklin – 4 Hilshire Grove, stated that he did not think the City should be discussing a ten (10) lot subdivision since there could be better planning. He said that the Fire Department has said that with Wirt Rd. the way it is, the response time is longer by two (2) minutes. He said with a lot in the middle of the subdivision, the sale of the houses would drag and, if the owners put up privacy fences, then their neighbors to the West would be looking at a fence when leaving their houses. Mr. Conklin stated that eight (8) high end homes with better access would sell faster and could bring in the same amount of taxes to the City and revenue to Mr. Schwab.

Council Member Gunn asked Mr. Conklin if the lots were reconfigured to make them look better would he accept smaller lots. Mr. Conklin said “yes”. Council Member Gunn stated the residents and Council made it apparent to Mr. Schwab when he proposed smaller lots that he needed to abide by the Zoning Ordinance and they have done that legally.

Bill Bristow – 1233 Pine Chase, stated he was happy to be rid of the “jungle” which he considered a violation of City Ordinances. He also stated he wanted to ask some questions and the Mayor responded that this was more of a format to hear citizen comments to Council. Mr. Bristow then stated that he did not think he could put out the type of money needed for this type of project without prior assurances that the development would be approved, so what is happening now, is just formal agreement based on something that was discussed months ago. He then asked how much of the cost of the pre-development has been reimbursed or cost the tax payers. Mayor Whiting stated that for the meetings Mr. Him and Ms. Mickelson’s time would be billed to the applicant. Mr. Bristow then asked how much would be put on reserve and stated he was concerned about the amount. He also said, regarding the taxes on the exempt property at January 1 every year, if someone wanted to be sneaky and avoid taxes they could just buy property from a tax exempt on January 2nd and avoid a whole year of taxes.

Russell Herron – 12 Hilshire Grove, said he was struck by what he has been listening to and is surprised that we have the same plat that we had a year ago. We still have a weird configuration. In twenty-five (25) years people are going to wonder why this configuration was allowed. The Zoning laws focus on a single piece of property, not on a plan. It does not look like the City has a plan. When he asked the City about changing, the answer is that nothing can be done and he wonders why not when the City controls so much else.

Anne Budill – 2 Hilshire Grove, said that her street is twenty-eight feet wide. There was a party on her street and cars parked on both sides. There was no way an emergency vehicle could get through.

The Public Hearing was closed at 7:45 P.M.

Reconvene the Regular Council Meeting at 7:45 P.M.

4. ACTION ITEMS: (Con't)

4.2 Mayor Pro Tem Post made a motion to approve the Preliminary Plat for Hilshire Villas, a Subdivision of 2.368 acres of land, being a re-plat of a portion of a called 1.915 acres and remainder of a 2.0017 acre tract as described in H.C.C.F. #R-526419, located in the Robert Vince Survey A-77, City of Houston, Harris County, Texas. Reason for re-plat: to create ten (10) single family residential lots (10 lots, 2 reserves, 2 blocks), seconded by Council Member Maddock. Mayor Whiting said the developer was proposing to subdivide into ten (10) individual lots. She stated she met with the Fire Marshal, Rusty Kattner, and she showed him the proposed plat to make sure he had no issues with the plat and the widths of the streets. Mayor Whiting said she also told the Fire Marshal that the City of Hilshire Village has asked Schwab Development to submit a request with the City of Houston for permitting a median cut on Wirt Road to allow access into Hilshire Villas. She also said she had set up a meeting with Council Member Stardig to discuss it. Mayor Whiting stated the Fire Marshal stated that the trees in the road were the only issues if there were cars parked there but the solution was to put up "no parking signs".

Mayor Whiting said the last time the City was approached in a Workshop and Public Hearing the City instructed Schwab Development to go make it comply with the Zoning Code and the Subdivision Plat Codes. She stated the City now has a plat that complies with the exceptions of the width of the streets and the turn arounds. Mayor Whiting said that if Council asked Mr. Schwab to go back to the drawing board, eliminate the center lot, make wider streets and told him he could make smaller lots to accomplish this, he would then have to go to the Board of Adjustments for approval or the City would have to amend the Zoning Ordinance. Council Member Gunn asked what the legal issues would be? City Attorney Kim Mickelson stated that if the plat meets all the Zoning Ordinances then the City must approve the plat. She stated there was some leeway because they were asking for a variance. The variance request should be based on "does the variance provide as well as the existing ordinance in regard to health and safety issues". Mayor Whiting said that the City can ask that Schwab apply for the median cut, but it was up to the City of Houston to allow it. The Fire Department has stated that they did not require the 28 feet wide streets. Mayor Pro Tem Post said with the house in the middle the road way is limited. Mayor Whiting said she and City Secretary Blevins drove through the different subdivisions. The City Attorney said it was not the City's job to design the subdivision. Efrain Him stated that at the very beginning Schwab Development discussed the width of the street and the City did not say they had an issue with the width of street. He stated that he did not have an issue and it met state

requirements. Efrain stated the ordinance has two (2) different width sizes; one (1) has twenty-two feet streets and one (1) for urban streets that connect to major arteries for twenty-eight feet for paved streets and cul-de-sacs to have an 80 foot turnaround. Efrain stated the other items that need to be addressed were the abandonment of the easements. City Attorney Mickelson stated the following also needs to be addressed: a copy of an Application to City of Houston for median/curb cut at Wirt Road, add note to restrict Reserves A and B to utilities and landscaping and the 2nd note referring to secondary dwelling to be removed off plat and if the City approves the streets and turnarounds it should also be noted on the plat.

Mayor Pro Tem Post stated that the City needs to do what they can to help facilitate the median with the City of Houston.

Council Member Maddock said in the past that there was one incident where the City approved the re-plat at 1209 Pine Chase and it was not necessary in the best interest of the City. Council Member Maddock asked Mr. Schwab if he had looked at reconfiguring the lots since the economy had improved. Mr. Schwab said that he heard from Council and the residents that he needed to abide with the Zoning Ordinance and that is what he did. Council did not say they had a problem with the width of the street. He will sell the property to a tract builder who can build cheaper than he can, if he needs to.

Council Member Gunn did not feel it was the City's right to design the lots.

Council Member Davis said the requirements of the City's ordinances have been satisfied. He personally would not want to live in a subdivision with the narrow streets and dead ends; but the builder has done what the City requested.

Mayor Pro Tem Post said that if the builder had met everything then she would not have any problems but she was still concerned with the street widths. Council Member Maddock said that the City has the Fire Department and the City Engineer saying the width of twenty-six feet was not a problem. Mayor Whiting said that many of streets are not twenty-eight feet wide. Hickory Shadows has twenty-six feet and is a dead-end since the gate is always closed. City Secretary Blevins stated that Friarcreek Lane was twenty-four feet, Hilshire Oaks Court was twenty-four feet, and Creekstone Circle was twenty-two feet. Council Member Gunn said he grew up on Friarcreek and Creekstone and there was not a problem with those widths.

City Attorney Mickelson said Council would be approving the preliminary plat which is the footprint which would allow the builder to start spending funds to prepare all the engineering requirements of the streets and utilities. Efrain Him said that the builder would have to come back to Council with the completed plat of the subdivision for approval by Council. Mayor Pro Tem Post wanted to confirm the drainage. Efrain Him

stated the streets would be curb and gutter. The drainage would go under the street and drain into the City of Houston's storm sewer system off Wirt Road. Mayor Whiting said also the water system will be a loop and they are adding an extra Fire Hydrant per the request of the City Engineer.

Council Member Post amended her motion to read "approve the Preliminary Plat for Hilshire Villas, a Subdivision of 2.368 acres of land, being a re-plat of a portion of a called 1.915 acre and remainder of a 2.0017 acre tract as described in H.C.C.F. #R-526419, located in the Robert Vince Survey A-77, City of Houston, Harris County, Texas. Reason for re-plat: to create ten (10) single family residential lots (10 lots, 2 reserves, 2 blocks) with a variance for the width of street to allow for twenty-six feet streets and a variance for the width of the turnarounds and to include the following conditions: a copy of an Application to City of Houston for median/curb cut at Wirt Road, add a note on Plat to restrict Reserves A and B to utilities and landscaping, the 2nd note referring to secondary dwelling on the Plat to be removed and the plat to show the vacating or releasing the easements by Paul Medlin, his heirs or successors and the Access/Easement granted by Schwab Design Builders to the Mennonite Church," seconded by Council Member Maddock. **A vote was taken approving the Preliminary Plat for Hilshire Villas, a Subdivision of 2.368 acres of land, being a re-plat of a portion of a called 1.915 acre and remainder of a 2.0017 acre tract as described in H.C.C.F. #R-526419, located in the Robert Vince Survey A-77, City of Houston, Harris County, Texas. Reason for re-plat: to create ten (10) single family residential lots (10 lots, 2 reserves, 2 blocks) with a variance for the width of street to allow for twenty-six feet streets and a variance for the width of the turnarounds and to include the following conditions: a copy of an Application to City of Houston for median/curb cut at Wirt Road, add a note on Plat to restrict Reserves A and B to utilities and landscaping, the 2nd note referring to secondary dwelling on the Plat to be removed and the plat to show the vacating or releasing the easements by Paul Medlin, his heirs or successors and the Access/Easement granted by Schwab Design Builders to the Mennonite Church. The vote passed unanimously, 4-0.**

Recess the Regular Council Meeting at 8:28 P.M

Reconvene the Regular Council Meeting at 8:40 P.M.

OUT OF ORDER

7. REPORTS TO COUNCIL: (Con't)

7.1 Engineers Report – Efrain Him reported that in regard to **Pine Chase and Glourie Drive Reconstruction/HMGP** - the contractor was waiting for better weather to complete the punch list.

Pine Creek & Bridle Spur Reconstruction Project: The City has hired an appraisal company to provide an appraisal on the Sterns property. Efrain stated that Mr. Davis has asked about utilizing the property behind City Hall and he said that property has water and sewer lines, electrical and gas services for the generator and City Hall. He stated the property between City Hall and the street could be used but was not ideal. Council Member Davis felt that it was an ideal spot because it was between Pine Creek and Friarcreek. City Engineer Him said the circulation would be better at the Sterns Property. Mayor Whiting reminded Council that the City had an unfavorable offer for the meter vault and road ROW from Mr. Sterns. She said the appraisal is in progress at this time.

Mayor Whiting stated that she had asked Mr. Him if it was an option to go ahead and proceed with the **Bridle Spur Project** without Pine Creek. Mr. Him stated he was in the process of checking to see if it was feasible.

The City Engineer was excused at this time.

5. CITIZEN'S COMMENTS:

Bill Bristow, 1233 Pine Chase Drive, asked with all the amendments made on 4.2, does it still fall within the posted agenda item. City Attorney Mickelson said the agenda item can be amended. He then said that he does not like hearsay testimony and wants Council to entertain the idea of having a Fire Department representative, the Building Official and a Court Enforcement Officer to be at the Council meetings to report in person.

6. COUNCILS COMMENTS: None

8. ACTION ITEMS:

8.1 Council Member Gunn made a motion to authorize the Mayor to sign the notification to CenterPoint Energy Resources Corporation that the City of Hilshire Village approves the Company's request to suspend the operation of its 2015 gas reliability infrastructure program interim rate adjustment for one year, seconded by Mayor Pro Tem Post. City Secretary Blevins stated that CenterPoint needed the City to acknowledge not having a rate adjustment for one year. **A vote was taken to approve**

the motion authorizing the Mayor to sign the notification to CenterPoint Energy Resources Corporation that the City of Hilshire Village approves the Company's request to suspend the operation of its 2015 gas reliability infrastructure program interim rate adjustment for one year. The vote passed unanimously, 4-0.

8.2 CLOSED EXECUTIVE SESSION: None

9. DISCUSSION:

9.1 Planning and Zoning: Mayor Whiting stated Council was given a first draft of the ordinance but to her knowledge the City had not received any feedback. She has started reviewing it but the project has been on the back burner due to the work on Pine Creek Lane and the Schwab property. Mayor Whiting hopes to have an interim plan for Council to review before the next meeting. The City Attorney Kim Mickelson said that the plan could be sent to Council by email.

The City Attorney was excused at this time

9.2 HVCEFFC funding opportunity: There is a new funding opportunity with a Bond issue of approximately four (4) million dollars of which the City would see from \$10,000 to \$12,000.00. There are no specifics as yet but the Board will meet when the specifics are known.

9.3 60th Anniversary Celebration: is on Sunday from 5:30 P.M. to 8:00 P.M., so everyone please come. A cake has been ordered and items purchased will go into a piñata for the kids.

10. REPORTS TO COUNCIL: (Con't)

10.1 Fire Commissioner: Mayor Whiting stated next week the Commissioners will have a preliminary glance of the Budget. Two firms have been interviewed for facilities assessment and a recommendation will be made to the Commission at the next meeting. Council Member Maddock said the City of Houston has doubled the rate for air time to have all communication systems talk to each other. The rate is \$5,000.00 this year, \$10,000.00 next year and \$15,000.00 the year after.

10.2 Building: City Secretary Blevins stated there were nineteen (19) permits. One of the permits is for new construction at 1305 Ridgeley. There were fifty-one (51) inspections. A Certificate of Occupancy was given to the remodel at 8202 Burkhart. Plan checks were done for 1309 Ridgeley, new construction, and 1306 Glourie, a pool.

City Secretary Blevins also stated that the one time the Building Official came to a meeting per Council Member Bristow's request; neither he nor anyone else asked any questions, so it was a waste of money. The Building Official will come if he is needed, but there will be a charge for his attendance. Mayor Whiting said that if Council has any questions on any project, please let the City Secretary know and she would check to see if the Building Official was available.

10.3 City Secretary: City Secretary Blevins said she is working on the fire hydrants markers to get them installed. The City of Houston has a sewer increase and none of it applies to the City directly, as far as we know.

10.4 Treasurer: City Secretary Blevins went over the financial statement. The General Fund revenue is up and expenses are down. The Utility Fund is getting in better shape since revenue is down and expenses are down. The sewer repair on Pine Creek has been paid. City Secretary Blevins stated she would like for Council to consider increasing the Mayor's purchasing authority from \$1,000.00. Council Member Maddock thought, based on the budget, \$2,500.00 would be a good number. City Secretary Blevins stated she would bring it to Council next month.

11. REPORTS FROM COUNCIL

11.1 Mayor Whiting: I-10 Noise Abatement: Mayor Whiting stated that TxDOT is working on a contract.

State Senate Bill 182: Mayor Whiting stated that the bill went to committee and sent a letter again stating that the City did not like this bill.

12. CONSENT AGENDA:

12.1 Council Member Maddock made a motion to approve the Consent Agenda, including the Minutes from the Public Hearing and Regular Council Meeting of March 17, 2015, and disbursements, excluding the Severn Trent Invoice, seconded by Council Member Davis. **A vote was taken to approve the motion approving the Consent Agenda including the Minutes from the Public Hearing and Regular Council Meeting of March 17, 2015, and disbursements, excluding the Severn Trent Invoice. The vote passed unanimously, 4-0.**

12.2 Mayor Pro Tem Post made a motion to authorize payment to Severn Trent for the invoice in the Consent Agenda, seconded by Council Member Maddock. Mayor Pro Tem Post asked the City Secretary if the City is reimbursed for rereads and putting out door hangers. The answer was "yes". **A vote was taken to approve the motion authorizing payment to Severn Trent for the invoice in the Consent Agenda. The vote passed unanimously, 4-0.**

13. ADDITIONAL COUNCIL COMMENTS: None

14. ANNOUNCEMENTS: None

15. ADJOURNMENT: Council Member Maddock made a motion to adjourn. The meeting was adjourned at 9:05 P.M.

Shannon Whiting, Mayor

ATTEST:

Susan Blevins, City Secretary