

TUESDAY, JULY 21, 2015  
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 6:34 P.M. at 8301 Westview, Houston, Texas 77055.

**1.1 Invocation:** was given by Council Member Gordy.

**1.2 Pledge of Allegiance:**

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

## **2. CITIZENS COMMENTS:**

**Bill Bristow, 1233 Pine Chase,** asked about Nixle, the online reporting on emergencies. He did not get a report on the felony thefts that occurred in the City as he lives within one hundred (100) yards of one (1) of the addresses. He wants to know about any illegal activity around his home and why he did not get the report since he is signed up for Nixle. Mr. Bristow also reported the north gate of Hickory Shadows has been closed for the last month or so. He said he does not believe there is any ordinance allowing them to close off access to their street. Mr. Bristow stated 1322 Ridgeley is new construction and has no signs showing construction hours. Mr. Bristow also stated that it was reported to him that 1201 Pine Chase had folks digging trenches along the street on both sides and he would like to know why.

**Robert Wolf, 1205 Pine Chase,** had some issues with the construction next door to him. He said he called the City office and the police on seventeen (17) occasions concerning tree removal, fencing and the non-display of working hours and construction in progress after 7PM. Mr. Wolf also said that on numerous occasions he had to pick up trash, broken wood, metal and approximately 150 nails due to the dumpster being on the border of his property. He asked that the trash container be moved because it would be filled and then not emptied. He also said that when Ted Lazarades was the Building Official he had his number and could call him at any time. He has no one's number now and does not know what response or what tickets have been given out with regard to his

complaints. He has not complained in two months as he has given up as he feels there is no enforcement.

**Bob Sommer, 1114 Guinea**, wanted to thank all the residents that volunteered during the Village Independent Festival this year.

Mayor Whiting thanked Bob Sommer for doing a great job of coordinating the volunteers.

**3. COUNCIL COMMENTS:** Council Member Gunn wanted to know if there was a way to bulk up the ordinance with a penalty increase when contractors do not keep their area clean and follow directives. Council Member Gordy agreed. Council Member Gunn was asked by the Mayor to work on some ideas on how to change the ordinance.

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

**4.1 Police Report:** Chief Finkelman said that the Police can write tickets to enforce any ordinance. However, writing a ticket to some worker trying to make a living for his family does not necessarily help and unfortunately, the officers cannot write tickets to the main contractor if he is not the one in violation.

Chief Finkelman stated in June there was a car burglary at 7901 Westview where a lady left her purse in her car and the thief broke out the window to get the purse. There was also a theft of air conditioning units at a construction site. The other theft was on Pine Creek with no forced entry and the alarm was set but did not go off.

In July there had been three arrests: one for public intoxication and the others were warrants from outside agencies. The man arrested last October for burglary and assaulting a police officer was found guilty in May and sentenced to fifteen (15) years in prison. His partner in crime has also been apprehended.

Chief Finkelman explained that Nixle was normally reserved for the highest crimes in progress. He also advised Council that a software upgrade had been ordered and when installed may allow him to send notifications just to Hilshire Village but only if they are relevant.

#### **5. REPORTS TO COUNCIL: (Con't)**

**5.1 Engineers Report** – Efrain Him stated in regard to the **Pine Chase and Glourie Project** that on July 13, 2015, the City received a letter from the state stating they had completed the financial review and the project was programmatically closed. Efrain stated that was just the state and reminded the City that it will need to keep the records for four (4) years after the Disaster Relief Program was complete. Mayor Whiting stated

that one (1) of the Memorial Village's Mayors stated that his City just got their funding for their project. Mayor Whiting reminded Council that this was Hurricane Ike and she wanted to thank Efrain and Mayor Border, because of them the City was very early in line submitting the City's project.

Efrain stated that Triple B Services stated the sealing of the asphalt cracks has been completed. Triple B also promised the City that they would finish all the re-grading by the first weekend of August.

**Pine Creek & Bridle Spur Reconstruction Project** – Efrain reported that the meetings with Mr. Stearns did not yield the desired timeline stipulated by City Council; therefore, Mayor Whiting instructed HDR to proceed with the relocation of the water meter vault and backflow preventer assembly to City Hall. He informed the City the tree beside City Hall most likely will have to be removed. Efrain stated that additional coordination and review time will be required for the City of Houston to review the new meter location; however, he will still finish the bid package and if the City has to make changes the project will be amended.

**Mennonite Church/Schwab Development** - Efrain stated he received a preliminary set of engineering plans from Schwab Development and he will review them by the end of the week so they will have time to make any needed changes. Efrain stated that Schwab Development has submitted plans for easements, drainage, streets, water and sewer (all utilities). Council Member Herron stated he was very interested in a view of the whole picture to see a clear picture of what Schwab and Mennonite Church are proposing. Efrain Him stated the City knows what Schwab is planning to build but not the Mennonite Church.

**1310 Ridgeley and 1302 Friarcreek Lane** - The residents from these two addresses reported to the City issues with heavy erosion along the Harris County Flood Control District (HCFCD) ravine/gully through Channel Crossing A. Efrain stated that he contacted both residents and Mr. Richard Weber from the HCFCD. He stated the City had a meeting with Mr. Weber who indicated that the ravine from Westview Drive to Spring Branch Creek is considered natural (unimproved) water way; therefore, HCFCD is only responsible for maintaining the unobstructed flow of water through this ravine. They will only cut and stack large trees that have fallen in the ravine. Mr. Weber stated the property owners have the right to protect their properties accordingly; however, the County cannot provide financial assistance to individual property owners to address erosion issues. Efrain stated, per Mr. Weber's suggestion, he drafted a letter to HCFCD and the City of Houston, Council Member Brenda Stardig, to request assistance on the erosion issues through the whole ravine. Mr. Weber stated that if any property owners want to do their own mitigation work located within the 40 foot drainage easement they must have the work designed, signed and sealed by a Registered Professional Engineer

in the State of Texas and submitted to HCFCD and the City of Hilshire Village for review and approval, prior to construction.

**Street Sign Repair** – Efrain has requested a quote from Republic Traffic Safety to repair or replace the pole at the northern intersection of Glourie Drive and Pine Chase Drive.

## **6. ACTION ITEMS:**

**6.1** Council Member Herron made a motion to approve the Village Fire Department's 2014 Intra Budgetary Transfers, seconded by Council Member Gordy. **A vote was taken to approve the motion approving the Village Fire Department's 2014 Intra Budgetary Transfers. The vote passed unanimously.**

**6.2** Closed Executive Session: None

**6.3** No action

## **7. DISCUSSION:**

**7.1 Planning and Zoning:** Mayor Whiting stated that she, City Secretary Blevins and Council Member Herron had spent twenty (20) plus hours in meetings and by themselves going through the Zoning Ordinance line by line making suggestions. They are trying to do a first draft and have gone over definitions as well as discussed items such as "sheds" in length. They have been over definitions. Mayor Whiting stated the biggest changes would be in the nomenclature and parameters. The proposed change to the nomenclature would be to have different Zones: Residential (R-1, R-2 and R-3) and Commercial (C-1 and C-2).

Also, they were suggesting amending the language to sections of the code that are vague or subject to interpretation. Some of these suggestions come from the Building Official, the Board of Adjustment, Builders and staff making it clearer and easier to understand. They are also trying to make the Ordinance flow better to make it easier to read and find things. Certain topics were eliminated. There will be a proposal for no "cross zoning". Mayor Whiting stated the changes have been sent to the City Attorney to review and after changes have been made it will be submitted to Council and then a draft will be given to the Citizen's committee for review. The City will then have a Public Hearing and, if needed, a workshop.

Council Member Gunn asked the City Engineer to look at "pervious" lot coverage. If the City wants to be more restrictive, how much could that number be changed? We have larger and larger houses on smaller lots. Mayor Whiting stated the setbacks will reduce the percentage and the City's main goal is to protect light and air between the buildings. She explained that under the current code a house could be built straight up. The proposal is that the second story would have to go in three (3) feet regardless if the structure was built on the eight (8) foot setback or if it was built on the ten (10) foot setback.

Council Member Herron stated that the Village with its asphalt streets, trees and drainage ditches has an ambiance and permeability. He stated that concrete streets do not have the same permeability. City Secretary Blevins stated that also swimming pools in Hilshire Village are not considered to be non-permeable while other Villages consider them permeable.

Council Member Gordy talked about rebuilding a home that was rebuilt on its original slab and that it was found to be permissible in the current Zoning Ordinance. He feels that such an occurrence should not be allowed. Mayor Whiting said there is a conflict between remodeling and new construction.

Council Member Herron also mentioned that they were some “oddities” found with the term “occupancy”. For example: you cannot take a nap in your tool shed.

City Secretary Blevins would like the Drainage Regulations to become part of the ordinances. She also stated that in their recommendations, Bridle Spur Lane would move to Zone R-2 and Pine Creek to Zone R-3.

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

**7.2 Trash and Recycle Service** – Mayor Whiting stated that the City was having issues getting all its residents trash and recycling picked up. She stated she and City Secretary Blevins met with Ms. Terri League, who came from Royal, and stressed displeasure with WCA, the City’s current trash service provider. Ms. League suggested recycling once a week rather than every other week and will give the City a proposal on the cost. Mayor Whiting said she told her that that the service has to be a lot better to get a cost rate increase from the City.

## **8. REPORTS TO COUNCIL: (Con’t)**

**8.1 Fire Commissioner:** Mayor Whiting stated that the last meeting consisted of the presentation of the Fire Department audit. Robert Belt made the presentation. The Budget was fine and the audit clean.

The suggested change whereby the cities would have their vote based on the percentage of contribution made to the budget failed. It was decided to leave the voting as it was with each City having one (1) vote each.

**8.2 Building:** City Secretary Blevins stated there were twelve (12) permits and thirty-seven (37) inspections. There was one (1) Certificate of Occupancy issued to 1115 Glourie and one (1) Plan Check for 1210 Archley.

City Secretary Blevins stated a copy of ISO Report had been given to Council. City Secretary Blevins stated the building codes were not up to date so the City was penalized. If the City adopts the current codes by September 10, 2015, ISO will reclassify the City to a higher rating. ISO also lowered the City’s classification based on Bureau Veritas plan checking certification. They apparently did not have enough

credentials. Bureau Veritas took exception to the ruling and will update their certifications, training, etc., which should also give us a higher rating. City Secretary Blevins stated she will bring an ordinance to Council next month adopting the 2015 Building Codes and the 2014 National Electrical Codes at the next Council meeting.

**Parking Pads** – City Secretary Blevins stated that while reviewing plans for a parking pad the Building Official realized that the specifications state that the plans have to be approved by Council and the Building Official. She stated she had included a copy for Council’s review. City Secretary Blevins wanted to know if Council wanted to review the plans or just the approval to be from the Building Official. She stated that Parking Pads are in the Right-of-Way so the City is not responsible for any repairs or replacement. Council felt that the policy should be changed so each pad does not have to come before Council.

**8.3 City Secretary:** In the Consent Agenda there is an agenda item brought back from the last Council meeting where Council approved engineering to be performed by HDR “absent for the moment” the water meter vault. The water meter vault location has been decided on so the phrase “absent for the moment” needed to be removed.

City Secretary Blevins said the gas leak on Burkhart was fixed but was back. City Secretary Blevins stated she had a conversation with AT&T and Comcast requesting that the lines at Pine Chase and Glourie be raised appropriately. She said the line had been tied up but the line had not been replaced.

**8.4 Treasurer:** City Secretary Blevins said that all appropriate funds had been reimbursed after receipt of the final payment of the Pine Chase Glourie Grant. She said the General Fund showed that assets were up and expenses down; however, the cost for engineering in permits were up because the City is having trouble getting the “as-built” topographical surveys submitted timely and accurately. Mayor Whiting said “give them X days and if not received, then charge them for another permit fee”. City Secretary Blevins stated the balance in the Utility Fund Net Income was up; however, once the invoice for sewer service and the latest Severn Trent invoice has been paid there will be no “net income”.

Council Member Herron said the proposed road on the Schwab property was not in compliance with the International Fire Code. Mayor Whiting suggested he meet with the Fire Marshal to answer his questions. She also stated that most of the streets in the Village did not meet the code Mr. Herron was mentioning.

## **9. REPORTS FROM COUNCIL**

**9.1 Mayor Whiting** – the City had received a draft of the contract for the noise mitigation from the Texas Department of Transportation. Mayor Ramsey of Spring Valley has agreed to share the cost of the review since both cities use Olson & Olson. The noise mitigation will go from Post Oak to Memorial City on the Katy Freeway as well as the managed lanes. Amendment C shows local participation where the City’s total contribution would be \$100,000.00 with \$20,000.00 due sixty (60) days prior and then

\$20,000.00 per year until the total is reached. Representative Jim Murphy was instrumental in making this agreement happen. Mayor Whiting said that the City may have to participate in a Single Audit of the project if required. The project would be funded with Metro dollars and included in next year's budget.

Mayor Whiting said that the gate on Hickory Shadows has open ingress/egress. The gate is sometimes open and sometimes closed. The gate opens if you want to leave and it opens automatically. The residents maintain the gate and they wanted the gate closed.

**10. CONSENT AGENDA:**

**10.1** Council Member Gunn made a motion to approve the Consent Agenda as presented, seconded by Council Member Gordy. **A vote was taken to approve the motion approving the Consent Agenda for July 2015 including the disbursements and the Minutes from the Regular Council Meeting of June 16, 2015, and authorizing HDR to provide additional engineering services, as outlined in HDR'S Proposal and associated with revisions and changes to the Plans and Specifications for the Pine Creek and Bridle Spur Reconstruction Project to include the relocation of the meter vault. The vote passed unanimously.**

**12. ADDITIONAL COUNCIL COMMENTS: None**

**13. ANNOUNCEMENTS: None**

**14. ADJOURNMENT:** Council Member Gunn made a motion to adjourn, seconded by Council Member Gordy. The meeting was adjourned at 8:19 P.M.

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Shannon Whiting, Mayor

ATTEST:

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Susan Blevins, City Secretary