

TUESDAY, JUNE 21, 2016  
PUBLIC HEARING & REGULAR COUNCIL MEETING  
6:30 P.M.

## **PUBLIC HEARING AND REGULAR COUNCIL MEETING**

**1. CALL TO ORDER:** Mayor Herron called the City of Hilshire Village Public Hearing and Regular Council Meeting to order at 6:32 P.M. at 8301 Westview, Houston, Texas 77055.

**1.1 Invocation:** was given by Mayor Pro Tem Maddock.

**1.2 Pledge of Allegiance:**

**1.3 Present:** were Mayor Russell Herron, Mayor Pro Tem Paul Maddock, Council Members Mike Gordy, Robert Byrne and David Gunn. Also present were City Administrator Susan Blevins and City Attorney Kim Mickelson, Olson & Olson, Fire Commissioner Shannon Whiting, Spring Valley Police Chief Evans and City Engineer Efrain Him, P.E., HDR Inc.

## **2. REPORTS TO COUNCIL:**

**2.1 Police Report:** Chief Evans stated there was a burglary on May 5<sup>th</sup> in the 8200 block of Mallie Court during the afternoon. Entry into the house was made from the rear door. There were no citations and five (5) warnings were issued on traffic. Areas that have been designated as trouble spots will continue to be monitored.

The department now has two (2) canine officers on duty. Approximately ninety-two percent (92%) of the nights there will be a canine on patrol with an officer. This will help in finding and apprehending criminals. The dogs and handlers have been trained together and certified for their work. The dogs will be able to pick up the criminal's scent from the area of the crime and can also smell fear. Residents were urged to get to know the canine officers when possible. Chief Evans introduced K9 Officer Odin and his handler Officer Reyes. Officer Reyes spoke regarding the training they completed.

Chief Evans said there were two (2) shifts. One from 6 A.M. to 6 P.M. and then from 6 P.M. to 6 A.M. There is a Sergeant, three (3) officers and a canine officer on duty for each shift. The shift covers a combined area and most officers will travel approximately seventy-five (75) miles or more per night.

**2.2 Fire Commissioner:** Shannon Whiting stated that there have been two commission meetings since the last council meeting. The 2016 Audit was presented and accepted by the Commission. A \$58,653 overage was voted to be retained and allocated to a Facility Fund account for long range facility improvements or building. There has been a long range equipment plan in place for the replacement of the fire

truck and other equipment. The highlight of the audit was the unfunded liability amount decrease. The auditors found the Department to be in excellent fiscal condition.

The 2017 Proposed Budget was approved and will be presented for approval at the next Council Meeting. The budget contains a two percent (2%) salary increase and a two percent (2%) deferred compensation due to pressure from Katy and Sugarland for solid employment candidates and the need to stay competitive. Also included is the agreement to purchase a 100-foot ladder truck and an amount for IT Services. The Fire Department is now fully staffed as they just hired a medic. Mayor Herron and City Administrator Blevins attended an EOC Emergency Planning meeting for an Emergency Operation Center that has now been authorized at the Village Fire Department. During emergencies the Villages will now meet at the Fire Department in order to be able to pool and share resources. The City Administrators will be meeting to put together a list of assets available from each City. There is also a "Play Book" being put together for the Mayors and City Administrators on items such as a Mayor's Checklist that addresses when to declare an emergency and when to notify FEMA, etc.

The Fire Department and Police Department are now on a Channel 3 radio frequency enabling them to be able to communicate across all departments. All the villages have agreed to get a radio with the EOC frequency for communication in case of emergencies when regular communication channels are unavailable.

**Recess the Regular Council Meeting at 6:57 P.M.**

### **3. PUBLIC HEARING:**

**3.1 CALL TO ORDER:** Mayor Herron called the Public Hearing to order at 6:57 PM.

**3.2 Discussion:** Mayor Herron stated the Public Hearing was to receive testimony regarding the revision of the Subdivision Ordinance for clarity and inclusion of the previously approved two (2) step platting process and for creating setbacks, lot size and lot dimensions for R-4 (Bridle Spur Lane).

Mayor Herron showed a presentation on the Subdivision Ordinance clarifying the language and addressing the setbacks in District R-4 (Bridle Spur). Mayor Herron said the Subdivision Ordinance has not changed except for the language which was changed to make the Ordinance easier to understand.

There is a two (2) step process that was put in place a year ago. The Developer submits the proposed subdivision to the City and after approval they then have the detailed engineering plans completed and submitted for final approval. Until the Engineering Plans are approved the replat is not recorded.

Other factors are that the plat sizes have to be the minimum that conforms to the district where the plat is being subdivided. The road Right-Of-Way must be thirty (30) feet wide and after being built must be deeded to the City. Pavement can be curbed or ditch configuration. All dead-end streets must have a cul-de-sac that have an eighty (80) foot turnaround at the end. Private streets are not allowed. Any new subdivisions being built

will be inspected by the City's inspector and must be built according to the approved plans. The developer pays for all Engineering and Legal services the City encounters during the plating process and must post a Performance Bond.

All these factors are in the current workings of the ordinance but is nearly impossible to read. If a street has a curb arrangement there has to be twenty-eight (28) feet between curbs. There is a utility easement on either side of every street. Under an open ditch configuration, the road can be as narrow as twenty (20) feet which is the most prevalent width in the Village.

In the past couple of months' changes were made to the Zoning Map. R-3 is the Zone for Pine Creek Lane Subdivision which has wide and shallow lots. It was built out in 1968-1969. R-4 is the Zone for Bridle Spur which was developed in 1954 before Hilshire Village became a City in 1955.

Bridle Spur has recently been paved and made a public street. The setbacks are the same as they have always been. An aerial view of the street to the precise scale was shown so that some distance measurements could be estimated. In viewing the aerial picture, it appears the front and side setbacks vary. The lots are twelve thousand square feet (12,000 sq. ft.) and are various configurations.

Houses could be built that are up to four times the size that they are now. The houses on Ridgeley that everyone keeps talking about meet the setback rules. They are twentyfive (25) feet off the back building line and due to deed restrictions they are forty (40) feet off the front building line.

Council Member Gordy asked the square footage of the lot on Ridgeley and was told they are fifteen thousand (15,000) square feet.

### **3.3 Citizens Comments:**

**Rick Wourms, 8201 Burkhart**, asked about driveways and was told they are part of the permeability calculation. Fifty percent (50%) of the area in front of the front building line and fifty-five (55%) percent of area behind the back building line must be permeable. If a home is to cover forty percent (40%) of the lot, then one might need to rethink the house size if a pool is wanted.

**John Wright, 1306 Bridle Spur**, asked if the net building area includes the patio. Mayor Herron said his understanding was that living area meant enclosed space. The patio would be included in the non-permeability calculations. City Engineer Efrain Him agreed. Mr. Wright asked about the side setbacks which is eight (8) feet and ten (10) feet on the second floor.

**Richard Fink, 1310 Bridle Spur**, said he would rather have a twenty-five (25) foot setback in the front rather than the thirty (30). The set back now starts at the edge of the roadway since the road work has been completed.

**Bill Bristow, 1233 Pine Chase**, said that on Ridgeley Drive he did not understand why the houses look so different. Mayor Herron said that the requirement for a detached garage is ten (10) feet from the rear lot line. Mr. Bristow said that the side on one of the houses goes into the ravine so Harris County Flood Control restrictions take precedent. Mayor Herron said that the pictures were just to give an idea of how lots would look if built out to the full allowable setbacks.

Council Member Gordy pointed out that several of the houses were still under construction and would have trees, grass etc. added during the completion phase. The pictures do not give the true picture. All the houses meet the setback rules.

**Katherine Bodron, 1241 Ridgeley**, stated that the side setbacks are too close and you can hear conversations in your neighbor's yard while standing in yours. Too close of setbacks could also be a hindrance for fire trucks.

**Mrs. Wright, 1306 Bridle Spur**, said that if the side setback were lessened by two feet she and her husband would lose three hundred (300) feet of livable space. Not all lots are the same and with narrow lots the setbacks can be very restrictive. Mr. Wright says some of these setbacks are restricting the residents rights to build what they want on their property. They say that a ten (10) foot side setback would preclude them from having a pool.

**Shannon Whiting, 1319 Pine Chase Grove**, said that the Bridle Spur Subdivision has shallow lots and the front property lines have shifted since there is a different frontage as the setback is not measured from the center of the road anymore due to the conveyance of the Right-of-Way. She said she favors a twentyfive (25) foot setback as there is a ten (10) foot utility easement in the back. With a detached garage the back set back is ten feet so there are a lot of ways the back setback could be restricted.

Shannon Whiting also said in regard to the Subdivision Ordinance that in Section 2, Section 9.108, the proposed language in Section D states "Council is not authorized to vary a standard established by another government entity". She suggested that the sentence be removed since the City already has discrepancies on street widths.

**Adjourn the Public Hearing at 7:52 PM**

**Reconvene the Regular Council Meeting at 7:53 P.M**

**4. CITIZENS COMMENTS: Related to the Agenda or any other item**

**Bill Bristow, 1233 Pine Chase**, said item 12.1 of the Agenda said the Mayor was to discuss flooding issues and he asked what comments were to be made.

**Bob Conklin, #14 Hilshire Grove**, said he has been coming to the meetings for the last five (5) years and he has seen a lot of progress. He said that we are seeing more upscale homes from upscale executives moving into the Village. This increases the property values in the Village.

**5. COUNCIL COMMENTS: None**

**6. REPORTS TO COUNCIL: Con't**

**6.1 Engineers Report** – Efrain Him stated in regard to the **Pine Creek/Bridle Spur Lane Reconstruction Project** that the first layer of asphalt had been placed on the residential section of Pine Creek Lane and that the first layer of base has been completed in front of City Hall. He estimated completion of the road to be June 30, 2016. City Engineer Him stated he had requested a meeting with the City of Houston to discuss and address the new requirements by City of Houston to install the water meter above grade rather than in a vault. No meeting has been set at this time. He stated the water line had passed the pressure test and had been released by the City of Houston,

City Engineer Him stated that he was working with Conrad Construction to get the final contract number for the Friarcreek water line replacement. He would bring it to the Special Council Meeting that was set for June 28, 2016.

City Engineer Him stated that the street signs had been replaced as of yesterday and that DonMar Grading was in the City addressing the **grading issues**. He stated that he would also bring to Council on the 28<sup>th</sup> a quote from DonMar Grading addressing some additional areas that need to be graded, including some additional work at 1206 Glourie.

Mayor Herron asked about the drainage issue at **Terrance Methodist Church**. City Engineer Him stated that he and City Administrator Blevins had walked the site and that City Administrator Blevins had talked to Terrance Methodist and that they would discuss it with the Board Members.

**7. ACTION ITEMS:**

**7.1** Mayor Pro Tem Maddock made a motion to authorize payment of Conrad Construction Company Limited for services provided to the City for the Pine Creek and Bridle Spur Reconstruction Project, invoice # 8, in the amount of \$159,695.65 seconded by Council Member Byrne. **A vote was taken to approve the motion authorizing payment of Conrad Construction Company Limited for services provided to the City for the Pine Creek & Bridle Spur Reconstruction Project, invoice # 8, in the amount of \$159,695.65. The vote passed unanimously.**

**7.2** Mayor Pro Tem Maddock made a motion to authorize payment of HDR invoice for Engineering Services provided to the City for the Pine Creek and Bridle Spur Reconstruction Project, invoice # 20, in the amount of \$22,005.43, seconded by Council Member Gordy. **A vote was taken to approve the motion authorizing payment of HDR invoice for Engineering Services provided to the City for the Pine Creek and Bridle Spur Reconstruction Project, invoice # 20, in the amount of \$22,005.43. The vote passed unanimously.**

**7.3** Mayor Pro Tem Maddock made a motion to authorize the covering of the finger of the ravine in the front yard of 1210 Ridgeley by installing 30 feet of culvert to allow the

resident to even the grade and gain back more space in the front, seconded by Council Member Gunn. Mr. Nathan Moore with Gullede & Company spoke about installing the culvert to regain or reclaim additional front yardage for the proposed dwelling improvement. City Engineer Him stated this was a secondary gulley/ravine that runs on the west end in front of the property and only drains parts of the next door neighbor.

Council Member Gordy said he did not see enough information to make a decision. He would like to know how the water will be handled from the upper ditch and what the erosion might look like. There are two (2) big trees that he does not think would survive the grading of the yard.

Council Member Byrne also said he did not have enough information to make a decision. He was also concerned with the trees and then how the finished product would look. He said his main concern was where the water will go and possible flooding.

**Janet and Rick Wourms, 8201 Burkhart**, said the contractor did not submit enough information on the drainage. The drainage now goes into a retention pond and then across Ridgeley and then onto their property at 8201 Burkhart. The water going through the drainage pipe into the culvert rushes through their property and they have standing water even days after rainstorms. They invited anyone interested to come view the water flow from their back yard. Mrs. Wourms said they would get more space if they could also put in a culvert.

Council Member Gunn said this was the first time he had heard anything about a new house being built at 1210 Ridgeley.

Mayor Herron said that he and Council would like to see plans about what they are planning to do to the property.

Council Member Gordy said he did not say that anything could not be done to the ravine, but if all the ravines were flattened out then some of the character of the Village would be lost. At this time, he thinks that there could be some other creative ideas that could be entertained before deciding on what step to take.

Council Member Gunn stated that drainage has become one of the major issues of the Village in the last decade. It is possible to make some modifications and bring plans to Council addressing the water issues.

Mayor Pro Tem Maddock made a motion to table the original motion, seconded by Council Member Byrne. **A vote was taken to table the motion authorizing the covering of the finger of the ravine in the front yard of 1210 Ridgley by installing 30 feet of culvert to allow the resident to even the grade and gain back more space in the front. The vote passed unanimously.**

**7.4** Mayor Herron said that Council would not be voting on the agenda item approving the City of Hilshire Village Ordinance Number 731 abandoning and relocating a drainage easement located at 1210 Ridgeley because the City is awaiting a survey showing the metes and bounds of the drainage easement. However, he asked City Engineer Him to

explain the request. City Engineer Him stated 1210 Ridgeley Drive is comprised of Lot 21 and Tract 22 (approx. half of Lot 22), per HCAD records. Since the property is composed of these lots and tracts, and we have a floating easement delineated in the plat for the ravine/gulley running on the side of this property, we are recommending that they replat this property to make it one parcel and delineate the ravine/gulley by metes & bounds at the same time. He stated we have done this for other properties in Hilshire Village like 8201 Mallie Court and 1122 Ridgeley Drive. This is done in order to protect the interest of both the City and the property owners when they redevelop these properties.

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

**The Council Meeting was adjourned at 8:34 P. M.**

**Reconvene the Regular Council Meeting at 8:42 P.M**

**7.5** Mayor Herron stated the floor was open for nomination for candidates for the City Council Position 3 for a one-year term to be sworn in at the next Council meeting.

**Council Member Byrne nominated Kathleen Stafford and Council Member Gordy nominated Robert Swanson.**

Kathleen Stafford said she has lived in the Village since 1952 and has been on the Zoning Committee. She said it is important to preserve the character of the Village. Ms. Stafford also stated she is a retired attorney who worked for Kellogg Brown & Root and other various construction companies.

Robert Swanson said he has been a resident for seven years and built his home here. He was also on a previous Setback Committee. He is President of the Hilshire Village Cultural Education Finance Corporation that helps put together tax exempt financing for educational or cultural entities. Mr. Swanson said he is a CPA and works in the Oil & Gas industry. He wants to get more involved in the City.

Council Member Gordy said that the City has two (2) excellent candidates. He feels Council is lacking a Council Member with finance skills; therefore, he was in favor of Robert Swanson. Council Member Gordy said that his and Council Member Byrne's experience was in construction.

Council Member Byrne said he favored Kathleen Stafford as she has set on the Zoning Committee and brings a very good perspective. She is very open minded.

Council Member Gunn said that Council lost a person in the last election that had the interest and knowledge to look into finances. There are Metro funds and "twisted" finances.

Mayor Pro Tem Maddock said that he thought Mr. Swanson has the skill set needed for Council regarding the financial aspects.

**Jim Cullen, 1315 Pine Chase Grove**, said that “balance” is the key. He said Robert Swanson is the Chief Financial Officer for a 250-million-dollar company. He thinks that experience and commitment are important for the City. Legal, construction and engineering are all covered. The Council needs a financial voice and he strongly feels Robert Swanson has the experience needed.

Mayor Herron said that over the next year a number of issues concerning Zoning will be brought before Council. Kathleen Stafford’s experience on the Zoning Committee would be very beneficial to Council.

Council Member Gordy said that there are two (2) Zoning Committee Members already sitting on Council. To add a third person on Council that is involved in the Zoning Committee would change the balance of Council. He said that he is not interested in taking the City back to where it was. Council Member Gordy is interested in preserving what the previous Council has achieved with the City’s finances. He feels that Robert Swanson will strive to preserve the City’s aesthetics and finances

**Greg Whiting, 1319 Pine Chase Grove**, said he believes in balance. He would like to see that the Zoning Committee continue its work. Mr. Whiting would not like to see Mrs. Stafford taken off the Zoning Committee. Mr. Swanson would be serving a one (1) year expired term and he is greatly qualified.

**Shannon Whiting, 1319 Pine Chase Grove**, said that as a previous Mayor she had to break a tie between two (2) people that are now both on Council. She said she would like to see Kathleen Stafford continue with the Zoning Committee. Mrs. Whiting thinks that Robert Swanson has the skill set to understand the complicated budget and keep the City financially sound.

Mayor Herron said that he was also a “numbers” person and was very familiar with budgets.

**A vote was taken to appoint a candidate to Council Member Position Three (3) for a one (1) year term to be sworn in at the next Council Meeting. Council Member Gordy voted for Robert Swanson, Council Member Byrne voted for Kathleen Stafford, Mayor Pro Tem Maddock voted for Robert Swanson and Council Member Gunn voted for Robert Swanson. The vote passed three (3) for Robert Swanson and one (1) for Kathleen Stafford. Robert Swanson was approved for Council Member Position Three (3).**

**City Attorney stated that the Board of Adjustment needed to be a two (2) year term per the state law.**

**7.6** Mayor Herron stated the floor was open for nomination for the Position of Alternate Board of Adjustment Member One (1) for a two (2) year term.

Council Member Gordy wanted to ask Kathleen Stafford if she would be interested in being on the Board of Adjustment and the answer was “yes”.

Council Member Gordy nominated Ray Leiker for the Position of Alternate Board of Adjustment stating that Mr. Leiker was an Architect and would make a very good Board of Adjustment Member and Robert Byrne also nominated him.

**A vote was taken to approve the motion nominating and appointing Ray Leiker for the Alternate Board of Adjustment Member One (1) Position for a two (2) year period. The vote passed unanimously.**

7.7 Mayor Herron stated the floor was open for nomination for the Position of Alternate Board of Adjustment Member Two (2). Council Member Gordy and Byrne both nominated Kathleen Stafford for the position. **A vote was taken to approve the motion approving the motion nominating and appointing Kathleen Stafford for the Alternate Board of Adjustment Member Two (2) Position for a two (2) year period. The vote passed unanimously.**

7.8 Mayor Pro Tem Maddock made a motion to approve the existing Board of Adjustment Members, Mike Woodruff, Kathleen Cullen, Wallace Partridge, Tom Steffan and Michael Peterman for a two (2) year period, with the recommendation that the Chairperson be changed, seconded by Council Member Gordy.

All have agreed to serve another term. Council Member Gunn said he thought the Council, in consensus, should urge the Board to change things up a bit and elect a new Chairperson. Council Member Byrne stated he also thought there were other Board Members who would like to chair the Board.

**A vote was taken to approve the amended motion approving the existing Board of Adjustment Members, Mike Woodruff, Kathleen Cullen, Wallace Partridge, Tom Steffan and Michael Peterman for a two (2) year period with the recommendation that the Board vote to change the Chairperson so that it rotates. The vote passed unanimously.**

7.9 Mayor Pro Tem Maddock made a motion approving Resolution Number 150 appointing Council Member Robert Byrne to the position of Alternate Fire Commissioner for a one (1) year term, seconded by Council Member Gordy.

**A vote was taken to approve the motion approving Resolution Number 150 appointing Council Member Robert Byrne to the position of Alternate Fire Commissioner for a one (1) year term. The vote passed unanimously.**

Mayor Herron said that he would like to table the rest of the Agenda until a Special Council Member on Tuesday, June 28, 2016 because of the time.

City Administrator Blevins asked that Council vote on the Consent Agenda before adjournment.

**13. CONSENT AGENDA:**

**13.1** Mayor Pro Tem Maddock made a motion to approve the Consent Agenda as presented including the disbursements presented to Council , the Minutes from the Public Hearing and Special Council Meeting of May 16, 2016, the Minutes from the Regular Council Meeting of May 17, 2016, the Minutes from the Council Workshop of May 24, 2016, and Resolution Number 149 amending the authorized signatures for TexPool to be the designated signatures already approved by Council at the May 17, 2016 Regular Council Meeting, seconded by Council Member Gordy.

**A vote was taken to approve the motion approving the Consent Agenda including the Minutes from the Public Hearing and Special Council Meeting of May 16, 2016, the Minutes from the Regular Council Meeting of May 17, 2016, the Minutes from the Council Workshop of May 24, 2016, and Resolution Number 149 amending the authorized signatures for TexPool to be the designated signatures already approved by Council at the May 17, 2016 Regular Council Meeting. The vote passed unanimously.**

**14. ADDITIONAL COUNCIL COMMENTS: None**

**15. ANNOUNCEMENTS:** Village Independence Festival is Saturday, July 2<sup>nd</sup>.

**16. ADJOURNMENT:** Mayor Pro Tem Maddock made a motion to adjourn the meeting. **A vote was taken to approve the motion to adjourn the meeting. The vote passed unanimously. The meeting was adjourned at 9:25 P.M.**

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Russell Herron, Mayor

ATTEST:

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Susan Blevins, City Secretary