

TUESDAY, November 15, 2016
REGULAR COUNCIL MEETING
6:30 P.M.

REGULAR COUNCIL MEETING

1. CALL TO ORDER: Mayor Herron called the City of Hilshire Village Regular Council Meeting to order at 6:30 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 Russell Herron, Mayor Pro Tem Paul Maddock, Council Members Mike Gordy, Robert Byrne, Robert Swanson and David Gunn. Also present were City Administrator Susan Blevins, Spring Valley Police Lieutenant Schultz, Fire Commissioner Whiting and City Engineer Efrain Him, P.E., HDR Inc. City Attorney Kim Mickelson was absent.

2. REPORTS TO COUNCIL:

2.1 Police Report: Lieutenant Schultz stated there were no major crimes for October but there were thefts of a bicycle and hand tools on separate occasions. He stated that Chief Bond was retiring and Lloyd Evans was promoted to chief.

2.2 Fire Commissioner: Commissioner Whiting stated that their meeting is tomorrow night. She said the department is 3.08% under budget for the year. Administrator, Cheryl Easley is retiring in December and Teresa Liggin is moving into her position and Heather Lowland from Katy Fire Department will take Teresa's position. The Chief reported that he had sent out an EOC emergency as a dress rehearsal with the City Administrators and then with the Mayors. Mayor Herron said that there were issues with responding back. City Administrator Blevins said the Chief acknowledged the problems and he has addressed the issues. Commissioner Whiting said that they have approved an insurance plan for medical benefits and it will be approximately a 10% increase but is within the budget.

3. CITIZEN'S COMMENTS:

Jim Harbison, # 11 Pine Creek Lane, showed pictures outside his front yard of the appearance of the commercial area. He stated it was the worse scenery that anyone in Hilshire Village has. Mr. Harbison has lived with this for over 30 years. He believes there needs to be a new fence and landscaping. He is also concerned with the new development along Pech and the old Pine Creek Lane and the desire to remove the existing fence. Mr. Harbison asked City Council to clean up the backside of the Commercial Area. He stated the City has avoided accountability for this property for a

lot of years and he is asking for it to be addressed. Mayor Pro Tem Maddock said “that Council is aware of the situation and has been discussing the issues”.

4. COUNCIL COMMENTS: None

5. REPORTS TO COUNCIL:

5.1 Engineers Report – City Engineer Efrain Him stated the **Pine Creek/Bridle Spur/Friar Creek Lane Reconstruction Project** is 100% complete. He is coordinating with the homeowners on some outstanding issues to close out the project. The City will only be closing the pay estimates and the contract will be held open in case the City wants to address the cut through to Pech.

Council Member Gordy said that he has noticed a significant increase in water pressure. He also questioned the location of the water vault control panel. City Engineer Him stated that it conforms to the City of Houston’s requirement. He also stated that Council Member Byrne also acknowledged an increase. City Administrator Blevins stated that a resident on Glourie also reported the increase in pressure.

The developer has submitted plans for **8399 Westview Drive** and they were rejected. City Administrator Blevins stated that the developer received a variance from the Board of Adjustment on November 14th. Mayor Whiting stated the variances they received were in compliance with the items City Council had already discussed.

City Engineer Him said he was working on getting pricing on the **concrete pavement cracks** on Hilshire Green, Hilshire Grove and Hickory Shadows. He is still waiting on another quote.

Council Member Byrne questioned the **Creekstone drainage** issues under the driveway at 8306 Creekstone. City Engineer Him stated the issue was an existing issue that was not created by the construction work and that the City could address it the next time grading is done in the City. Council Member Gordy stated that Mr. Leiker’s ditch on Archley needs to be re-graded.

Council Member Byrne said that the City is going to need the City Engineer’s assistance in clarification of what property belongs to the City and where items are in the City’s right-of-way between Pine Creek Lane and the Commercial District. City Engineer Him said the City recognized this issue when the City did the survey for the rehabilitation of Pine Creek Lane.

6. DISCUSSION:

6.1 Review of the Specific Use Permit to the Mennonite Church granted on 9/26/13. Council Member Gordy announced that he would be abstaining from the discussion and any action regarding this topic. He submitted an affidavit for the City’s records.

Mayor Herron said he wrote up his experiences from the last two weeks as he reviewed the project and Council is in possession of his notes. He said he learned a lot about what “substantially different” means from the City Attorney. Mayor Herron said he had some legal concerns after he reviewed the plans for the new Mennonite Church. He stated he has no memory of the site plan that was submitted for the Specific Use Permit being approved. The survey was not labeled and looks like a sketch. The plans that were approved for Hilshire Villas does not show the driveway into Mennonite Church nor does it show the parking spaces. Mayor Herron said that he had asked the Mennonite Church during their presentation if the plan they were showing at the Council Meeting was what would be built and was told “no”. He said that he had the City Engineer ask the Mennonite Church if they would change the parking to be entered from their property and the answer was “no”. He showed the timeline of action items that was done between 2012 and 2016 regarding this project.

Mayor Herron is very concerned with two private land owners entering into an agreement that makes commitments of the City’s right-of-way without consulting City Council. The parking area will be utilized by the residents in Hilshire Villas during the week and the church on weekends. He said this is going to be the same problem as Pine Creek Lane has now since the new property owners are taking away their private road.

The Mayor said he had “No authority to do anything about this but it is the City Council’s call to decide if they want to pursue this situation”. It did not look right to him. His question to Council was “are you comfortable with this? Do you think it was Councils intentions 42 months ago, to put the parking spaces in this area? He did not think this parking space was right”.

Mayor Pro Tem Maddock said that it was approved by Council on the basis of legal counsel and engineering’s input.

Council Member Gunn said that Council needed to be thoughtful of its decisions. His policy is that whatever was approved is an official act and Council should be consistent. He said this was only a discussion item so he was not sure what was being asked of Council.

He said that to get into the proposed eleven (11) parking spaces you would enter from Hilshire Villa Drive across the City’s right-of-way and then back out on the street. Mayor Herron had suggested to the Mennonite Church that they enter the parking space through their property and that is when the City was told that the Mennonite Church had an agreement with Schwab Properties so that the residents in Hilshire Villa could use the parking spaces. He is concerned because Schwab Properties will be out of the picture once they sell the homes.

Shannon Whiting, previous Mayor, stated in regard to Mayor Herron's question "Do you think the Council Members who approved the SUP in 2013 intended for the parking spaces to open on the public street?" She said the answer was "yes". At the time, Council discussed this parking area and she was concerned with the turn-in being too close to the parking area. She was glad the Mennonite Church took into consideration Council's concerns when designing the area. Mrs. Whiting said to revoke a Specific Use Permit might be grounds for litigation. She said there was no written agreement between the Church and Schwab, it was a "gentlemen's agreement". City Engineer Him said that the parking area was looked at when he reviewed the engineered plans, the island in the middle of the parking was pushed back and he stated the roadway would be delineated with rollback curves. Mayor Herron asked if any of the Council that was not on council at the time this was approved had any issues.

Council Member Swanson asked about the parking going east and west instead of north/south. The answer was it would be harder to get into if it went east and west. Council Member Byrne stated it sounded like it was Council's intent to allow the parking; however, the driveway entrance seemed to be different than was original approved. He was concerned that the Hilshire Villa residents would be cutting through the Church parking lot. City Engineer Him said that the driveway configuration is safer. He also said that the City of Houston has the final approval as to where the cut-through would be. Mayor Herron said his only concern was the location of the parking spaces and he wanted to make sure that Council did not want to take some type of action on this. Council did not.

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 # 13, in the amount of \$23,775.88, seconded by Council Member Byrne. City Administrator Blevins asked that the amount be amended to include change order # 5 approved by City Engineer Him. The new amount would be \$44,675.88.

Mayor Pro Tem Maddock amended his motion to read "authorize payment of Conrad Construction Company Limited for services provided to the City for the Pine Creek and Bridle Spur Reconstruction Project, invoice # 13, in the amount of \$44,675.88, seconded by Council Member Byrne.

A vote was taken to approve the amended motion authorizing payment of Conrad Construction Company Limited for services provided to the City for the Pine Creek & Bridle Spur Reconstruction Project, invoice # 13, in the amount of \$44,675.88. The vote passed unanimously.

7.2 Council Member Gunn made a motion to cancel the Regular Council Meeting for December 20, 2016, at 6:30 PM and calling for a Special Council Meeting to be determined, seconded by Mayor Pro Tem Maddock.

Council Member Byrne stated he would prefer that the meeting not be changed. Council Member Gunn said that as long as no one will be traveling, then leave it on the 20th.

Council Member Gunn withdrew his motion to cancel the Regular Council Meeting for December 20, 2016 at 6:30 PM and calling for a Special Council Meeting to be determined.

7.3 Council Member Swanson made a motion to authorize the City to utilize Bank ACH capabilities for direct deposit of payroll checks and for paying certain vendors like HCAD who have a high penalty for being late, seconded by Mayor Pro Tem Maddock. City Administrator Blevins stated that most cities utilize this payment procedure and that invoices will still be approved by Council or if payroll by two (2) designated signatories for the City. **A vote was taken to approve the motion authorizing the City to utilize Bank ACH capabilities for direct deposit of payroll checks and for paying certain vendors. The vote passed unanimously.**

7.4 No motion was made to approve the City of Hilshire Village Ordinance Number 739 adding section 3.1201 (3) to the 2015 International Energy Conservation Code stating “any conflict that arises between the Current Energy Code and the Current Building Code and or Structural Engineering Practices, Hilshire Village will side with the life safety aspects in conflict”. City Administrator Blevins stated the Building Official decided the City did not need to adopt it.

8. DISCUSSION:

8.1 Planning and Zoning: Mayor Herron said that Council has in their packet a pre-city attorney draft of the Commercial Area Zoning Ordinance. Mayor Pro Tem Maddock said he thought section 13.1.7 was incorrect and that nine (9) feet was not long enough for a vehicle. Council Member Gordy said the correct measurement should be 9’ by 18’. There would be a Public Hearing prior to voting on this Ordinance. City Administrator Blevins asked Council to review and advise her of any of changes that they would like to be made.

8.2 Consideration of forming a subcommittee for evaluation of optimal use of Certificate Obligation Loans. Mayor Herron said he would like to have a subcommittee take a look at the optimal use of the City’s Certificate of Obligation Loans and he would like to see a report in January. Council Member Swanson said he would volunteer.

8.3 8373 Westview Application for a Certificate of Occupancy. Mayor Herron stated that an Application for a Certificate of Occupancy was filled out by 8373 Westview and the problem he has with it is that their hours of operation are 9:00 am to 2:00 am. He asked Council if they would like to have an Executive Session next month to discuss this matter. The consensus was “yes”. City Administrator Blevins said that she was told that it was not a manned office and that the doors were unlocked between 9:00 am and

until whatever time their last meeting was held. People were free to come and go as they pleased.

9. ACTION ITEMS:

9.1 CLOSED EXECUTIVE SESSION: None

10. REPORTS TO COUNCIL: (CON'T)

10.1 City Administrator: City Administrator Blevins stated that she received a phone call from WCA regarding a \$0.30 increase per household. If Council would like to raise the rates an Ordinance would be needed to be approved. She told Council that both lift station pumps have lights lit up stating "seal failure". She had the company that installed the pumps check it out today and both relays needed to be replaced. Council discussed the City looking into LED lighting to replace the current lights and the fact that there may be a grant available.

10.2 Building: City Administrator Blevins stated there were nine (9) permits issued this month with twenty-one (21) inspections. There was one (1) plan check for an addition at 1306 Friarcreek. She said there was another loophole in the Zoning Ordinance found regarding attaching a garage to the house and 25-foot setback rule.

10.3 Treasurer: City Administrator Blevins said that HVCEFFC would be looking at another school to help with financing. She said that she had entered the budget into the financials this month. The City has received the yearly payment from Metro.

11. REPORTS FROM COUNCIL: None

12. CONSENT AGENDA:

12.1 Mayor Pro Tem Maddock made a motion to approve the Consent Agenda as presented including the disbursements presented to Council and the Minutes from the Regular Council Meeting of October 18, 2016, seconded by Council Member Byrne. **A vote was taken to approve the motion approving the Consent Agenda as presented including the disbursements presented to Council, the Minutes from the Regular Council Meeting of October 18, 2016. The vote passed unanimously.**

13. ADDITIONAL COUNCIL COMMENTS:

Mayor Pro Tem Maddock wanted to acknowledge the Boy Scout troop that set out the flags for Veteran's Day.

Council Member Swanson wanted the City to help out Mr. Harbison and the Commercial Area. Mayor Herron said that he reviewed the available survey and it looks to him that the fence is in the City's R-O-W. He would like to see a more specific survey and would get with the City Engineer. Mayor Herron said an option the City would have would be to remove the fence and install a row of shrubs. The Mayor said the City still needs to decide what it is going to do with the street. The estimate the City received to put the

street through was too high. He talked to the Fire Department and they said they did not think there needed to be a street to go through. Council Member Gordy stated that the City should not spend money in one area and not another. Also, we need to be conscious of anything that needs maintaining.

Mayor Herron said he is talking to the Beautification Committee regarding taking over landscaping for City Hall.

14. ANNOUNCEMENTS: None

15. ADJOURNMENT: Mayor Pro Tem Maddock made a motion to adjourn the meeting, seconded by Council Member Gunn. **A vote was taken to approve the motion to adjourn the meeting. The vote passed unanimously. The meeting was adjourned at 8:26 P.M.**

Russell Herron, Mayor

ATTEST:

Susan Blevins, City Secretary