

TUESDAY, FEBRUARY 16, 2016
REGULAR COUNCIL MEETING
6:30 P.M.

REGULAR COUNCIL MEETING

1. CALL TO ORDER: Mayor Whiting called the City of Hilshire Village Regular Council Meeting to order at 6:34 P.M. at 8301 Westview, Houston, Texas 77055.

1.1 Invocation: was given by Mayor Whiting.

1.2 Pledge of Allegiance: was given by the Cub Scouts- Pack 552 Wolves Den 5

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

2. RECOGNITION OF EAGLE SCOUT: Postponed until next month.

3. Citizens Comments: None

4. COUNCIL COMMENTS: None

5. REPORTS TO COUNCIL:

5.1 Police Report – Assistant Chief Evans reported that there were no major crimes so far in February. The police are continuing their proactive program within the City and have issued seven (7) citations. The officers are monitoring two (2) points of interest in the City for driving habits. Assistant Chief Evans asked that the citizens lead by example as some of the ones complaining are also the ones violating the safety and speed limit rules.

Council Member Gordy asked if a radar system could be used. Assistant Chief Evans said that radar could be used. The police have a radar and a laser system that are extremely busy and will have to be scheduled.

Council Member Maddock stated that there is a curve on Ridgeley near Mallie Court where it turns to North-South that is becoming dangerous. A construction project is in progress at that location and it is very dark at night. During the day there are joggers and walkers as well as construction vehicles, so the area is very crowded.

Council Member Herron asked if something could be said to the Houston Police Department about the speed of traffic on Westview and Wirt, especially Wirt. Very few vehicles are going the thirty-five mile/hour (35 mph) speed limit.

Mayor Whiting wanted to thank Officer Dalton and Officer Reyes for their assistance with the third grade classes that visited City Hall recently. The kids were very impressed that they had a police escort.

5.2 Engineers Report – **Pine Creek & Bridle Spur Reconstruction Project** - Bridle Spur Subdivision is complete except for the final walk through. The contractor will probably do the Bridle Spur and Pine Creek walk through together.

On Pine Creek Lane, the contractor has the tree protection, storm water pollution prevention and traffic control measures in place and will adjust as needed. Paving work is five percent (5%) complete with the excavation of the southern lane.

The water work is twenty-five percent (25%) complete with the installation of the 4-inch water line along the back alleyway between the commercial lots and #8 Pine Creek. The connections and water line testing still need to be done. The contractor is installing the 8-inch water line between #2 and #10 Pine Creek. Work will continue on the water line installation including the water meter vault, backflow preventer and interconnect with the City of Houston.

A Construction Progress Meeting was held February 9, 2016, with the City, Contractor, and HDR. As of January 31, 2016, the Contractor is approximately 52.59% complete in-place and used 35.64% of the contract time, so Conrad Construction is ahead of schedule. Completion is scheduled for July 27, 2016, but this does not include the additional water replacement on Friarcreek Lane, so the Contractor will probably ask for more time.

HDR has also received and reviewed the Contractor's Pay Application No. 4 and Efrain recommends Council authorize payment.

A change order will be issued into the Pine Creek and Bridle Spur Project for the **Friarcreek Water Line Replacement**. HDR has instructed the Surveyor to do the topographical survey and the Geotechnical Engineer to proceed. HDR is just waiting for the topographical survey to be received to begin the background preparation and design work.

Efrain stated there have been several drainage plans to review. Some have been approved and some rejected due to incompleteness. A meeting with DonMar Grading is scheduled for the next day on the proposal to clean and regrade additional ditches throughout the City.

On Burkhart Road, HDR has been providing support to the City on the replacement of the water line services and fire hydrant based on Severn Trent's recommendation. Due to budget constraints, the only action possible is to replace the service currently in place. The current services date back to 1955 and is a one inch (1") line that splits (Y's) into

two (2) services. Severn Trent flushed the lines with no visible difference. A sketch has been given to Severn Trent to get a quote to add one service line. Residents may still experience problems after the City service is replaced due to the lines in their home. lines. The fire hydrant on Burkhart needs to be replaced due to a faulty valve.

Mr. Schwab has cleaned up the Hilshire Villas property and repaired the fencing. The City is still waiting on the recording of the plat with the County.

Mrs. Beach's gas line at # 1 Pine Creek was not hooked back up after CenterPoint fixed the gas leak. Conrad Construction is reimbursing her for the cost incurred to have the pilot light lit by an outside plumber.

6. ACTION ITEMS:

6.1 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 # 4, in the amount of \$116,612.02, seconded by Council Member Gunn. **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 # 4, in the amount of \$116,612.02. The vote passed unanimously.**

6.2 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 # 15 in the amount of \$8,364.67, seconded by Council Member Gordy.

Bill Bristow, 1233 Pine Chase, asked why this bill was not included with the previous action item. Mayor Whiting pointed out that the bills are from different vendors and include different time periods.

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 # 15, in the amount of \$8,364.67. The vote passed unanimously.

6.3 Council Member Gordy 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 # 16 in the amount of \$13,315.63, seconded by Mayor Pro Tem Maddock. **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 # 16, in the amount of \$13,315.63. The vote passed unanimously.**

6.4 Mayor Pro Tem Maddock made a motion to authorize the dedication of a 15-ft x 25-ft easement for Pine Creek Water Meter Vault to the City of Houston, seconded by Council Member Herron.

Mayor Whiting stated that we have to dedicate this easement to the City of Houston before they accept the installation. Efrain Him stated the City has the survey of the meets and bounds for the meter vault from January, 2016; however, the City also needs to supply the recorded deed for the City Hall property, which has been ordered. Once we have all this information the Contractor can pull the permit with the City of Houston.

A vote was taken to approve the motion to authorize the dedication of a 15-ft x 25-ft easement for Pine Creek Water Meter Vault to the City of Houston. The vote passed unanimously.

The City Engineer was excused at this time

6.5 Mayor Pro Tem Maddock made a motion to authorize the Mayor to enter into contracts for services or purchases that were approved in the City of Hilshire Village's current Budgets or under the Mayor's authorization amount, seconded by Council Member Gordy.

City Administrator Blevins stated that in 2015, the Texas Legislature adopted House Bill 1295 which states that a government entity may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity at the time the business entity submits the signed contract to the governmental entity. The law applies only to a contract of a governmental body of the entity that either (1) requires an action or vote by the governing body of the entity before the contract may be signed **or** (2) has a value of at least \$1 million. The law applies to contracts entered into on or after January 1, 2016.

City Administrator Blevins said that basically for companies like the mosquito spraying company would have to do a lot of paperwork. The workaround is that, if it is in the budget or it does not exceed the Mayor's limit of \$5,000.00, then the contract will not have to come before Council.

City Attorney, Kim Mickelson, said the law was for transparency for big bond issues and large contracts so people will know who is behind it. It is punitive for small businesses as they would have to raise their rates for small contracts.

City Administrator Blevins stated she could give Council a report of what bills were paid during the month.

Mayor Pro Tem Maddock amended the motion to change "or to and", seconded by Council Member Gordy.

Bill Bristow, 1233 Pine Chase, said that he thought the agenda was not specific enough and Council should not vote on this item.

A vote was taken to approve the amended motion authorizing the Mayor to enter into contracts for services or purchases that are approved in the City of Hilshire Village's Current Budget and under the Mayor's authorization of amount. The vote passed unanimously.

6.6 City Administrator Blevins asked that no motion be made regarding the Budget Amendments, that she would bring to Council next month.

6.7 CLOSED EXECUTIVE SESSION: None

7. DISCUSSION:

7.1 Payment plans for utilities and the results of nonpayment and what to do when the bills are not feasible to pay in a timely manner: City Administrator Blevins said there is an elderly couple who had a leak they did not realize was happening and it took several months to get resolved. They made a payment plan with Severn Trent for the charges but were unable to pay. Severn Trent did not notify the City that the payments and current bills were not being paid. The bills go back approximately six months. City Administrator Blevins, said she was not comfortable with writing off the amount or allowing them to pay a little bit at a time without Council being aware of the situation. She is currently working with the resident to get the bill paid.

Council Member Gunn asked if Council could let it ride for a while and put a lien on the house later if necessary. Mayor Whiting suggested that they pay their current bill as well as another two hundred (\$200.00) of the amount owed. Council Member Maddock said this is a good example for monthly billing as two (2) months is too long to let things go.

It was decided to establish a payment plan and decide later if a lien is needed.

7.2 Planning and Zoning: Council Member Herron said they are nearing completion on three (3) areas. The first is a new Zone for Pine Creek Lane. The second is a Subdivision Ordinance and finally the Commercial Zone. In the Subdivision Ordinance the committee is recommending a minimum lot size of all new plats of 15,000 sq. ft. and in Pine Creek they are recommending five (5) foot side setbacks.

Council Member Herron recommends a Public Workshop on Pine Creek Lane and the Subdivision Ordinance and a separate Workshop for the Commercial Zone. Council Member Herron reminded Council that every square foot of Hilshire Village is already platted. Anyone wanting to do something different will have to replat. The median lot size in the village is 15,000 square feet.

Council Member Gordy said that he thinks each section needed its own Public Hearing. Council Member Herron suggested the Subdivision Zoning should be first to protect Pine Creek home owners.

A permeability percentage is proposed to be changed to fifty percent (50%). This will be brought up next month for review.

8. REPORTS TO COUNCIL: (CON'T)

8.1 City Administrator – The deadline for Candidate Applications for the election is February 19, 2016. Council Member Gordy has filed for re-election, Council Member Herron has filed for Mayor and Robert Byrne has filed for Council Member Position 2.

City Administrator Blevins stated there is no change in the **Investment Policy** from last year.

Mayor Whiting said there was some misinformation on the **Open Carry Law**. City Attorney, Kim Michelson, said there is a lot of confusion on this issue. It boils down to a policy question for Council as to what they want to do. There are three (3) areas in question: 1.) an open governmental meeting in Council Chambers, 2.) when Court is in session and 3.) during election time when election equipment is setup. These areas can specify no open carry during these three (3) situations.

Council Member Gordy asked if the City has to post notices and do we want to post. He pointed out the we do not have any protection in the Council meetings any more. If you do not post, then it is an open field. If you do post, then it is a maybe. You can give someone who is openly carrying a note asking them to leave or leave their gun outside.

The consensus of Council at this point was to do nothing and see how it progresses.

It was found the **8373 Group**, AA group, did not have any documentation of a Specific Use Permit. They filed for a Specific Use Permit. Their attorneys withdrew the application with the stance that their use is not one of the eight listed uses requiring a Specific Use Permit under the Zoning Ordinance and that their use is permitted as they are an office use and possibly a service establishment. City Attorney Mickelson countered that it is a nonprofit use, it is not a listed use in the Commercial area, and not permitted, if not listed. The 8373 Group's attorney is checking on the date the organization moved in as they believe it should be grandfathered. Apparently the space was first used as a church and the group did their counseling as part of the church.

The City Attorney was excused at this time.

8.2 Fire Commissioner – Mayor Whiting said that there is a concern among some of the Cities because the Fire Department does not have a backup dispatcher. There is a proposal to have one (1) location where there could be a dispatcher and a backup. The proposed site is in The City of Hedwig which has an ordinance forbidding this happening, but it could be repealed. The next meeting is next week.

8.3 Building – City Administrator Blevins stated there were twenty-two (22) permits and forty-three (43) inspections. We had two (2) plan checks – one (1) for new construction at 1245 Ridgeley, which was then withdrawn as the property was sold, and new construction with a pool at 1109 Ridgeley.

8.4 Treasurer – City Administrator Blevins stated December’s Quarterly Investment Report is in Council’s packet. There are no red flags in the budget at this time. Revenues are up due to collection of property taxes. The City’s expenses are under budget for the year at this time.

Mayor Pro Tem Maddock asked if the sprinkler head was fixed at 1206 Glourie and the answer was “Yes, it was fixed”.

Council Member Herron would like to see the map on the wall in the Council Chamber be brought up to date on locations of new construction.

9. REPORTS FROM COUNCIL:

9.1 Noise Mitigation – Mayor Whiting said the work is scheduled to begin in August 2016. TxDOT is being pushed to get the contracts to the participating cities for signature.

Also, Council Members need to sign their Conflict of Interest forms which are due every six (6) months.

10. CONSENT AGENDA:

10.1 Mayor Pro Tem Maddock made a motion to approve the Consent Agenda as presented including the disbursements presented to Council, the Minutes from the Regular Council Meeting of January 19, 2016, a Proclamation recognizing the Civic Club’s Spring Event, and approving the City of Hilshire Village Investment Policy for Public Funds for 2016, seconded by Council Member Herron. **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 January 19, 2016, a Proclamation recognizing the Civic Club’s Spring Event and approving the City of Hilshire Village Investment Policy for Public Funds for 2016. The vote passed unanimously.**

11. ADDITIONAL COUNCIL COMMENTS: None

12. ADJOURNMENT: Mayor Pro Tem Maddock made a motion to adjourn, seconded by Council Member Herron. The meeting was adjourned at 8:15 P.M.

Shannon Whiting, Mayor

ATTEST:

Susan Blevins, City Secretary