

TUESDAY, March 15, 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 Council Member Gordy.

1.2 Pledge of Allegiance:

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 Bond and Detective Baldwin, Spring Valley Police Department; City Attorney Kim Mickelson, Olson & Olson and Nathan Krupke, Belt Harris Pechacek . City Engineer Efrain Him, P.E., HDR Inc. and Council Member Stephanie Post were absent.

2. Citizens Comments: **Bill Bristow, 1233 Pine Chase**, stated that he could not hear over the fan. On item 7.1 the Executive Session, he said he could not see any reason why the session could not be scheduled at the end of the meeting. Putting the session in the middle inconveniences the citizens present who want to stay for the meeting.

Mayor Whiting stated the session was scheduled up front so the City Attorney could attend. Once the session is over, the City Attorney is excused and the cost of her attendance stops.

3. COUNCIL COMMENTS: None

4. REPORTS TO COUNCIL:

4.1 Police Report – Detective Baldwin reported there was a burglary of an unlocked motor vehicle on Anadell where personal items were stolen out of the vehicle. There were twenty-eight (28) citations issued in the month of February.

Chief Bond stated that a speed monitor was placed on Bridle Spur and there were three (3) speeders. The average speed was seventeen (17) miles per hour with the highest at twenty-three (23) miles per hour. Mr. Robert Byrne said with kids and animals maybe the speed limit needs to be lowered.

Council Member Gordy said that the UPS trucks are speeding throughout the City. Chief Bond suggested that a police officer have a conversation with the drivers to ask them to slow down before anything else is tried.

4.2 Auditors: Nathan Krupke, Belt Harris Pechacek, went over the audit with Council and reported an “Unmodified Report” which is the highest level of assurance from your auditor. It is a “clean opinion” on the audit. Mr. Krupke reported that the City’s total revenues were just a little over \$1,000,000 and expenses of \$1,300,000. After a transfer the City has just under \$1,600,000 in the Fund Balance. The Fund Balance has \$830,000 earmarked for construction and \$765,000 unassigned equaling to six (6) to eight (8) months of operating expenses available which is better than the three (3) to six (6) months recommended. In the Utility Fund the City shows revenues of \$421,000 with expenses of \$476,000 for a loss due to the non-cash element of depreciation of the water and sewer lines. He suggested keeping an eye on the depreciation and try to bring the number close to zero (0) for a better position when replacing lines in the future.

Mayor Pro Tem Maddock stated that the City of Houston is raising their rates so that needs to be factored in the City’s planning.

Mr. Krupke also stated that there is a significant change in the reporting of the audit this year with Gap Number 68. There are a number of new actuarial disclosures required. The information is provided by the Pension Plan from TMRS (Texas Municipal Retirement System) and shows the amount in the Pension Plan at the time of the audit. It also shows the new pension liability that can change with just a one percent (1%) increase or decrease.

Council Member Gunn asked Mr. Krupke about the difference between the City of Hilshire Village and the City of Houston with respect to this reporting. Mr. Krupke said there are many factors and many cities show the huge liability for the pension plans but not the money, hence the reason for Gap Number 68. He said that the City of Hilshire Village’s liability is very small.

Council Member Herron said he found the report informative and asked about the asset line on the depreciation schedule with water and sewer lines showing ten (10) to forty-five (45) years. City Administrator Blevins said that she has asked for a breakdown of the depreciation schedule so the City can be sure to use the same data.

4.3 Engineers Report – Mayor Whiting gave the report. Conrad Construction has completed the work on Bridle Spur. On Pine Creek Lane the paving work is five percent (5%) complete with the water line work at approximately sixty percent (60%) complete. The eight (8) inch water line between #2 and #16 Pine Creek has been installed as is the four inch (4”) water line along the back alleyway. The City is waiting on permit approval of the water vault from the City of Houston. It is expected within the next two weeks.

As of March 8th, the contract is approximately 58.71% complete in-place with 46.18% of the contract time used. There have been issues with rain and lines not being where they were expected.

Friar Creek Water Line project is progressing with the utility information incorporated in the drawings and the surveyor has completed the topographic survey.

Mayor Whiting stated the City Engineer, Efrain Him, worked on the Harris County Hazard Mitigation Plan, Texas Water Development Board, the street sign and pole replacements, drainage plans for various properties as well as the additional ditch cleaning.

Council Member Herron suggested that the City try to find a handy man to call when the City has something that needs to be fixed. Mayor Whiting said that she is planning to talk to Spring Valley and maybe Hunter's Creek to see if we could contract with their Public Works Department.

Mayor Pro Tem Maddock asked about Burkhart. City Administrator Blevins stated Severn Trent is flushing the fire hydrants regularly and she has requested pricing to replace the line to the two (2) houses.

Council Member Herron wanted to confirm that the cracked curbs and streets are on the list to be addressed. The answer was "yes".

5. ACTION ITEMS:

5.1 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 # 5, in the amount of \$79,205.30, seconded by Council Member Gordy. **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 # 5, in the amount of \$79,205.30. The vote passed unanimously.**

5.2 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 # 17 in the amount of \$20,064.10, 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 # 17, in the amount of \$20,064.10. The vote passed unanimously.**

5.3 Mayor Pro Tem Maddock made a motion to discuss and possibly take action on additional ditch cleaning and regrading work and installing culverts to reduce potential pedestrian, parking and driving hazards along Ridgeley Drive near Mallie Court, seconded by Council Member Gordy. Mayor Pro Tem Maddock amended his motion to authorize Staff to investigate cutting back foliage, increasing lighting, lowering the speed limit and installing rumble strips to reduce potential pedestrian, parking and driving hazards along Ridgeley Drive near Mallie Court, seconded by Council Member Gordy. Mayor Whiting said that the area is at the curve on the south part of Ridgeley around 1101, 1105 and 1109 Ridgeley. There is an open culvert at 1109 Ridgeley that could be replaced with a culvert rated for a one hundred year (100) event with drainage inlets on the top. The ditch would be backfilled with concrete infused sand.

Sergeant Shultz, Spring Valley Police Department, did an analysis on the area and reported to Chief Evans that with parking on two sides of the street, limited lighting, and excessive foliage at 1100 Ridgeley and along the south side of 1122 Ridgeley, there is very limited line of sight thereby making the area a health and safety issue.

DonMar Grading sent in a proposal of \$36,850 which includes some grading. The culvert portion only is \$32,900. Conrad Construction proposal is \$57,750.

Mayor Pro Tem Maddock stated the area was dangerous, many times there is not a clear line of traffic due to construction. When he walks, he says he walks in the ditch. At night there is only the street light on the corner at Mallie Court to illuminate the area.

Council Member Herron asked what funds could be used for this project. Mayor Whiting said that Metro Funds could be used.

Mayor Whiting also stated that the conditions on Ridgeley have been the same for a number of years. When the Ridgeley road work was done, a proposal for guardrails was made for this area and was not well received.

Sergeant Schultz recommended that Council enact an ordinance that would either prohibit parking on one (1) side or both sides of the road in this area. He also recommended the installation of street lighting somewhere to help illuminate the area and that the excess foliage be thinned to allow for better vision of vehicles and pedestrians at night.

Council Member Gordy said that the steps suggested by Sergeant Schultz would not be very expensive. He stated that culverts would provide a place for pedestrians to get off the road and might help the problem but would not solve it. Mayor Whiting said she had thought of rumble strips; slowdown signs or drop the speed limit (currently 20 mph). She said a resident had offered to help pay for the culvert but she thought that it would set a bad precedent. Council Member Gordy said that an enforceable traffic sign needed to be installed or no parking on one side of the street.

Mayor Pro Tem Maddock said he thought Council should do the low cost ideas first since the construction in the area will end eventually. Council Member Herron agreed. Council Member Gordy said that if we restrict one side of the street from parking, it needs to be on the outside (west side). Mayor Pro Tem Maddock amended his motion to read authorizing Staff to investigate cutting back foliage, increasing lighting, lower the speed limit and installing rumble strips to reduce potential pedestrian, parking and driving hazards along Ridgeley Drive near Mallie Court, seconded by Council Member Gordy.

A vote was taken to approve the amended motion authorizing Staff to investigate cutting back foliage, increasing lighting, lower the speed limit and installing rumble strips to reduce potential pedestrian, parking and driving hazards along Ridgeley Drive near Mallie Court. The vote passed unanimously.

6. DISCUSSION:

OUT OF ORDER

6.2 8373 Group – City Attorney Kim Mickelson said she talked to the 8373 Group attorney who promised a letter stipulating why the Zoning Ordinance did not apply to them.

City Administrator Blevins said the 8373 Group is still meeting in the building and office furniture was delivered to their address. City Attorney Kim Mickelson stated the 8373 Group seems to feel that as a commercial endeavor they would not need a Special Use Permit.

6.1 Planning and Zoning: Council Member Herron stated the Zoning Committee earlier this year split into two (2) subcommittees to cover Pine Creek Lane and the Commercial Area.

One of the items the Zoning Committee was asked by Council to look into was overcrowding to maximize space and light. Council Member Herron said the two (2) major controls of open space are the net building area limitations and permeability limitations. The current Net Building Area is forty percent (40%) of a given lot. Council Member Herron found many interpret the word permeable to mean how fast the water leaves the lot (the ease that water passes through the soil) rather than how much greenery or trees can be grown. The Committee suggested changing the permeability to fifty percent (50%); however, consensus from the last two (2) meetings were that the City was already too restrictive because if changed it would prohibit home owners from adding a swimming pool after a developer had filled up a lot to the permeability limits. Then it was recommended that the committee look at changing the setbacks,

The other area the Zoning Committee was asked to consider was ten foot (10) side setbacks and the minimum lot sizes which would keep houses from being so close together. The Committee feels that the minimum lot size belongs in the Zoning Ordinance, not the Subdivision Ordinance as was originally discussed.

The Zoning Committee considered changing the minimum lot size for both Zone “A” & “B” to 15,000 square feet but Council felt the lot size should stay the same. The lots in Zone “A” are currently 12,000 square feet with eight (8) foot setbacks that may be changed to ten (10) foot setbacks. In Zone “B” the lots are 8,000 square feet, typically 70-foot-wide lots with an eight (8) foot setback.

The Zoning Committee found the lots in Pine Creek to be 8,000 square feet. They recommended that Pine Creek’s side setbacks be five (5) feet. They also recommended changing Zone “A” to ten (10) foot side setbacks and have Zone “B” with five (5) foot side setbacks. The other option is to make all Zones have eight (8) foot setbacks.

Council Member Herron said in the nine and half months, the Zoning Committee has learned a lot about the ordinances; but, no real progress has been made. This lack of

progress seems to stem from a mind set in the Village that things cannot be changed and until that mind set changes, it will be hard to get anything done.

Mayor Whiting said she was offended by Council Member Herron's statement. She said the decisions to be made on zoning are not "simple decisions". Most of the lots used to drive up the median lot size to 15,000 were lots with an unbuildable area. Council Member Gordy said that in front of the thirty (30) foot building line nothing changes with permeability. The changes are all in the back yard and what residents want to do with them.

City Attorney Kim Mickelson said there are a couple of considerations. Many cities consider pools as permeable as they will fill up with water and are excluded in the permeability calculations. Also, if a building permit has already been pulled the building is governed by the ordinance in place on the date of the permit. If permitted after the ordinance changes, the resident may go before the Zoning Board of Adjustment.

City Attorney Mickelson also asked if Council wanted to preserve the thirty (30) foot front setbacks. When talking about setbacks, Council all knew at the beginning that Pine Creek was unique. Some of the lots still vacant along Wirt could be changed to Zone "A". The Schwab development on Wirt is planned at 8,000 square foot lot sizes and will stay the same, it cannot be changed now.

Council Member Gunn wants to change the permeability to be more restrictive. He suggested that there be an action item at the next Council meeting to vote on the permeability issue. Council Member Herron said that in the workshops presentations were made on how the City would look with the differences in the lot sizes.

Council Member Gordy pointed out if Council decides to have 12,000 square foot lots on all undeveloped lots, then it is a fifty (50%) percent increase from the 8,000 square foot lots. He also said that Pine Creek lots are not developable unless they have a five (5) foot side setback. Council Member Gordy also suggested having a twenty (20) ft. front setback for those lots, which would give more flexibility on positioning of the houses. The back setbacks on 8,000 square foot lots change with the depth of the lot.

Council could also change the ordinance to transfer the parcels now in Zone "B" into Zone "A". which would restrict the lots to 12,000 square feet.

City Attorney Kim Mickelson said because of the consistency ruling in Zoning, Pine Creek needs to be treated as its own subdivision. The Schwab area is 8,000 square feet with eight (8) feet side setbacks. Mayor Whiting said that everyone needs to think on it, have time for a public hearing and have something for the next council meeting.

7. ACTION ITEMS: Con't

Mayor Pro Tem Maddock made a motion to recess the Regular Council Meeting to go into a Closed Executive Session to discuss personnel pertaining to the hiring of a full time City Clerk per Texas Government Code, Sections 551.071 and 551.074, seconded by Council Member Gunn.

Mayor Whiting recessed the Regular Council Meeting at 8:45 PM.

7.1 CLOSED EXECUTIVE SESSION:

Mayor Whiting reconvened the Regular Council Meeting at 9:09 PM. Mayor Whiting stated Council will be extending a full time employment offer for the City Clerk position to Mina Graham, the current part time City Clerk effective April 1, 2016.

The City Attorney was excused at this time.

8. REPORTS TO COUNCIL: (CON'T)

8.1 City Administrator – Street signs have been ordered. Mayor Whiting pointed out that on November 25, 2015, a fence was taken down and rebuilt without a permit. The resident refused to pull a fence permit and all Certified Letters have been returned. The City is pursuing emails and certified letters and may eventually be forced to take legal action. Mayor Pro Tem Maddock said the resident is an attorney specializing in Home Owners Association.

8.2 Fire Commissioner – Mayor Whiting said the Fire Commissioners are working on the Chief's annual review.

Mayor Whiting stated there were also ongoing discussions about a second dispatcher. The incremental cost is between \$200,000 to \$250,000 per year. The Fire Chief thinks the money would be better used in hiring another medical person to fully staff an ambulance since only fifteen percent (15%) of all calls are fire related. The idea of combining the Memorial Village Police Dispatcher with the Fire Department dispatcher for the two dispatchers has not been well received. There is also the problem of whether the Fire Building would be able to accommodate another dispatcher with equipment or if the building is wired to take such a load.

8.3 Building – City Administrator Blevins stated there were fourteen (14) permits issued with a new construction permit issued for 1109 Ridgeley and plan checks for new construction at 1130 Ridgeley and a swimming pool at 1115 Glourie. One (1) Conditional Certificate of Occupancy was issued for 1323 Ridgeley. The drainage is still incomplete for this address.

8.4 Treasurer – City Administrator Blevins said the City is within budget. Revenues are up and expenses down. Both the General and Utility Fund are still in good shape. Trash is not shown in this month's financials because the company could not get their act together on

billing.

9. REPORTS FROM COUNCIL:

9.1 Noise Mitigation – Mayor Whiting said she had an email from Mayor Ramsey stating TxDOT had hired a new contract person. Mayor Ramsey also said he was informed that the Noise Mitigation Contract “was in the mail” so the project has not stopped. Work is scheduled to commence in August of this year.

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 Special Council Meeting of February 1, 2016, the Minutes from the Regular Council Meeting of February 16, 2016, and the Minutes from the Council Workshop of February 29, 2016, seconded by Council Member Gordy. **A vote was taken to approve the motion approving the Consent Agenda as presented including the disbursements presented to Council, the Minutes from the Special Council Meeting of February 1, 2016, the Minutes from the Regular Council Meeting of February 16, 2016, and the Minutes from the Council Workshop of February 29, 2016. The vote passed unanimously.**

11. ADDITIONAL COUNCIL COMMENTS: None

12. ANOUNCEMENTS: City Election will be held May 7th this year.

The Civic Club is having their big Spring Fling on April 24, 2016, the theme is “Come and Take It”.

Meetings have started for the Village Independence Festival on July 4, 2016.

13. ADJOURNMENT: Mayor Pro Tem Maddock made a motion to adjourn, seconded by Council Member Gunn. The meeting was adjourned at 9:25 P.M.

Shannon Whiting, Mayor

ATTEST:

Susan Blevins, City Secretary