

TUESDAY JUNE 28, 2016  
SPECIAL COUNCIL MEETING  
8:00 A.M.

## **SPECIAL COUNCIL MEETING**

**1. CALL TO ORDER:** Mayor Herron called the City of Hilshire Village Council Meeting to order at 8:05 A.M. at 8301 Westview, Houston, Texas 77055.

**1.1 Present:** were Mayor Russell Herron, Mayor Pro Tem Paul Maddock, Council Members Mike Gordy, Robert Byrne and soon to be appointed Council Member Robert Swanson. Also, present were City Administrator, Susan Blevins, City Attorney Kim Mickelson, Olson & Olson and City Engineer Efrain Him, P.E., HDR Inc. Council Member David Gunn was absent.

## **2. ACTION ITEMS:**

**2.1** Mayor Herron administered the Oath of Office to Council Member Robert Swanson.

**2.2** Council Member Byrne made a motion approving the City of Hilshire Village Ordinance Number 729 deleting Chapter Nine (9) Subdivision Ordinance from the Code of Ordinance and replacing it with a revised Subdivision Ordinance for clarity and inclusion of the previously adopted two-step procedure, seconded by Mayor Pro Tem Maddock. Mayor Herron said that the proposed ordinance states that any changes to the ordinance will require a public hearing and the bond requirements are spelled out.

City Administrator Blevins stated the proposed Ordinance also includes the change regarding Section 2, Section 9.108 proposed language in Section D that Shannon Whiting suggested. She said City Engineer Him also agreed with her suggestion that allows Council to vary or modify the specifications if recommended by City Engineer, City Fire Marshal or other appropriate entities.

**Bill Bristow, 1233 Pine Chase,** wanted to know if the updated ordinance will be posted on the website. Mayor Herron said that the ordinances will be sent to Municipal Code Corporation this week, that the City had been waiting on this ordinance to be approved.

**A vote was taken to approve the motion approving the City of Hilshire Village Ordinance Number 729 Deleting Chapter Nine (9) Subdivision Ordinance from the Code of Ordinance and replacing it with a revised Subdivision Ordinance for clarity and inclusion of the previously adopted two-step procedure. The vote passed unanimously.**

**2.3** Mayor Pro Tem Maddock made a motion authorizing Change Order # 3 to Conrad Construction for the replacement of the water line in the Friarcreek Subdivision in the amount of \$249,110.00 and a time extension of fifty (50) days, seconded by Council Member Gordy. City Engineer Him stated he passed out a summary of the Bridle Spur/Pine Creek Projects showing the changes and the balance left in the project. The Friar Creek will be an auger job so Conrad will subcontract the project out. The mobilization is higher than anticipated because Conrad will not be actually doing the work. He stated that originally he put 10% extra in the job for flexibility for saving as many trees as possible. He estimates that the cost would most likely run approximately \$200,000.00. City Administrator Blevins presented Council with a worksheet explaining the funds and the balances left which showed enough money to complete the project. She explained that originally the City budget showed using \$52,000.00 from the Utility Account to complete the project. City Administrator Blevins said she did not show the City using those funds at this time. She shows using all the Metro Funds where applicable.

Mayor Herron asked what Capital Improvements were left. City Engineer Him stated it was Archley' s sewer line and Burkhart's water line. The City Engineer suggested a workshop with Council to go over the Capital Improvements that were left. City Administrator Blevins stated that one reason to use the \$52,000.00 out of the Utility Fund instead of Metro would be in case the City had to make a cut through on Pine Creek.

Council Member Byrne asked City Engineer Him to explain the reason the culverts were extended on Bridle Spur. City Engineer Him stated that it was done on both sides of the street at Westview after residents raised concerns. In the field, Mayor Whiting made the decision for the City to cover those sections of the ditches for safety reasons. City Engineer Him stated the addition of the Friarcreek project to the original contract does not exceed the \$25,000.00 allowed by law. Council Member Gordy asked what the timing of the project was. City Engineer Him stated it would be approximately two (2) weeks from today. Council Member Gordy understood the importance to get started but he did not feel like he has had enough time to look at the numbers. He wanted to know what kind of delay it would cause if Council did not approve at this time. He felt Council was not given enough time to look at the contractor. Mayor Pro Tem Maddock wanted to know if there was a way that Council could approve the motion with the stipulation that Council Member Gordy had time to review and did not see a problem.

Mayor Pro Tem Maddock withdrew his original motion authorizing Change Order # 3 to Conrad Construction for the replacement of the water line in the Friarcreek Subdivision in the amount of \$249,110.00 and a time extension of fifty (50) days.

Mayor Pro Tem Maddock made a new motion authorizing Change Order # 3 to Conrad Construction for the replacement of the water line in the Friarcreek Subdivision in the amount of \$249,110.00 and a time extension of fifty (50) days with the stipulation that if Council Member Gordy had a problem with the contract after reviewing with the City Engineer and City Administrator that the item would be brought back to Council,

seconded by Council Member Swanson. Council Member Gordy stated he just wanted to go over the worksheet more thoroughly. Council Member Byrne recommended that Council Member Swanson also be included. City Attorney Mickelson stated that if Council Member Swanson was going to be included then a 72 hour noticed needed to be given. Council Member Gordy said he just wanted to go through the numbers with staff. Council decided that it was not necessary to postpone the vote. **A vote was taken to approve the motion to authorize Change Order # 3 to Conrad Construction for the replacement of the water line in the Friarcreek Subdivision in the amount of \$249,110.00 and a time extension of fifty (50) days with the stipulation that after a more extensive review by Council Member Gordy along with the City Engineer, Efrain Him and City Administrator Blevins that if Council Member Gordy had any concerns the item would be brought back to Council. The vote passed unanimously.**

**2.4** Mayor Pro Tem Maddock made a motion authorizing additional ditch cleaning throughout the City by DonMar Grading in the amount of \$4,230.00 and installation of a concrete channel liner at 1206 Glourie in the amount of \$3,950.00 for a total cost of \$8,180.00.

City Engineer Him stated the ditches in question have not been graded in the last six years. The ditches back-up and the culverts are silted on both ends. When 1206 Glourie Drive was recently developed they were not allowed to adjust the ditches. After contractors leave, sometimes the ditches are blocked. City Engineer Him said that he recommends that with the as-built survey the City makes sure that the ditches have not been changed during construction. Mayor Pro Tem Maddock said that he understood that part of the problem with this ditch was that the previous contractor (AA) would not return to address the warranty issue and he hoped they have been blackballed. Mayor Herron questioned the cost of the concrete liner. City Engineer Him stated the concrete liner for this ditch is necessary as the ditch has two feeds and has to make a ninety (90) degree turn that is undermining the area. The concrete would be stained to blend better with the area. He also stated wet spots would be removed before the concrete was poured.

Council Member Gordy asked if there was a limit on the amount of work that the City can award DonMar Grading in a year. City Attorney Mickelson said there is not a problem unless a project is over twenty-five thousand (\$25,000.00) in which case it needs to be bid.

Mayor Pro Tem Maddock said that any place in the Village that has standing water all the time needs to be fixed. 1302 Glourie is also silted again and needs to be cleaned. City Engineer Him indicated that to alleviate the problem during construction the City would have to require silt fencing be put across the culverts and would need to make sure that the grade in the ditch was the same at the end of construction as the beginning.

**Bill Bristow, 1233 Pine Chase Drive**, wanted to know when the drainage easements would be cleaned again and when they were cleaned the last time.

Council Member Gordy said he thought concrete should remain white. If a resident wants color, then he should have to pay for it. Council Member Byrne said green is the hardest color and most expensive to tint and he would like to see a discount on the invoice if not included.

Mayor Pro Tem Maddock made an amended motion to authorize additional ditch cleaning throughout the City by DonMar Grading in the amount of \$4,230.00 and installation of a concrete channel liner at 1206 Glourie in the amount of \$3,950.00 for a total of \$8,180.00, excluding the concrete liner being painted green, seconded by Council Member Gordy. **A vote was taken approving the motion authorizing additional ditch cleaning throughout the City by DonMar Grading in the amount of \$4,230.00 and installation of a concrete channel liner at 1206 Glourie in the amount of \$3,950.00 for a total of \$8,180.00 excluding the concrete liner being painted green. The vote passed unanimously.**

**2.5** Mayor Pro Tem Maddock made a motion to approve the Consent Agenda for disbursement of invoices, seconded by Council Member Gordy. **A vote was taken approving the motion approving the Consent Agenda for disbursement of invoices. The vote passed unanimously.**

### **3. DISCUSSION:**

**3.1 8373 Group:** City Attorney Mickelson said the 8373 Group had their inspections by the Building Official and the Fire Department. They were given a long list of items that needed to be addressed by the Fire Marshall. The 8373 Group pulled an electrical permit to replace signage. She stated that if the Group passes both the Fire Department and Building inspections, they then must use the property for the use as permitted by the Zoning Ordinance, hence an “office”.

Mayor Herron asked if City Attorney Mickelson would ask the Group to take their chairs inside and possibly repaint the building.

City Attorney Mickelson stated if the 8373 Group comes back and alleges their use is allowed under the Zoning Ordinance and the City agrees, they would not need a Specific Use Permit. The biggest question is that they are a Non-Profit Group in a Commercial District. For enforcement going forward City Attorney Mickelson stated there is no zoning specification that “office” is only for businesses making money. The definition of “office” would need to be specific.

Council Member Gordy asked if going forward the Zoning Ordinance could specify that any nonprofit organization must have a Specific Use Permit. He also suggested that the City pass a “No Smoking” Ordinance within a certain number of feet from a building

much like the City of Houston ordinance. This would keep people from just hanging out and smoking.

Council Member Byrne said the Commercial Zoning Committee has struggled with the Commercial Zoning language due to the Korean Church and the 8373 Group. The committee has been holding off to see what happens with the 8373 Group.

**3.2 Reports given to Council at the 6-21-16 Regular Council Meeting:** City Administrator Blevins said that the drainage issues are close to being cleaned and the street signs were being installed.

#### **4. ACTION ITEMS:**

**4.1** Mayor Pro Tem Maddock made a motion to recess the Special Council Meeting to go into a Closed Executive Session for consultation with the City Attorney regarding Council Member's actions and procedures as authorized by Texas Government Code, Sections 551.071, seconded by Council Member Byrne. **A vote was taken to approve the motion recessing the Special Council Meeting to go into a Closed Executive Session for consultation with the City Attorney regarding Council Member's actions and procedures as authorized by Texas Government Code, Sections 551.071. The vote passed unanimously.**

**The Special Council Meeting was Recessed at 9:11 A.M.**

**Executive Session**

**Reconvene the Special Council Meeting at 10:19 A.M.**

**4.2 No Action was taken from the Executive Session.**

#### **5. ADDITIONAL COUNCIL COMMENTS: None**

**6. ANNOUNCEMENT:** Village Independence Festival is Saturday, July 2<sup>nd</sup> from 9 A.M. to 1 P.M.

**7. ADJOURNMENT:** Mayor Pro Tem Maddock made a motion to adjourn, seconded by Council Member Byrne. The meeting was adjourned at 10:20 A.M.

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Russell Herron, Mayor

ATTEST:

Susan Blevins, City Secretary