

TUESDAY FEBRUARY 21, 2017
PUBLIC HEARING AND 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 Swanson.

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, City Attorney Kim Mickelson, Fire Commissioner Shannon Whiting and City Engineer Efrain Him, P.E., HDR Inc.

2. REPORTS TO COUNCIL:

2.1 Police Report: Lieutenant Schultz reported that there were no new incidents for the Month of February. He stated that the police department would like the City of Hilshire Village to follow in the City of Spring Valley's footsteps and approve the same Juvenile Curfew Ordinance.

2.2 Fire Commissioner: Fire Commissioner Whiting stated at the last meeting they had a representative come and discuss property and casualty insurance. Due to the value of the new fire truck the liability insurance will go up \$900.00 a year. She reported 98.74% of the annual budget has been used at this time. This number is unaudited. The Building Committee is going to review and evaluate the proposed new facility. Fire Commissioner Whiting stated there was a fire on Pine Chase caused by an electrical short and a truck fire on Wirt Road this weekend.

3. PRESENTATION: Mayor Herron presented Susan Blevins a plaque in recognition of her ten (10) years of service with the City.

4. CITIZEN'S COMMENTS:

Bill Bristow, 1233 Pine Chase Drive, stated he went to the Spring Branch ISD and requested a list of all owners who had not paid their property taxes. He suggested that Council request the list.

5. COUNCIL COMMENTS: None

6. REPORTS TO COUNCIL:

6.1 Engineers Report – City Engineer Efrain Him stated the construction work on **Bridle Spur, Pine Creek and Friarcreek** was completed. The punch list items have been corrected. He has prepared Change Order Number 6 to cover the additional cost associated with the change in scope of work. Efrain recommends that the City approve the Change Order and the Final Pay Application for the Project.

ICS, Schwab’s Contractor for Hilshire Villas, has completed the installation of the storm sewer box culverts and is currently working on the installation of the sanitary sewer system. **Mr. Im, 1215 Wirt Road**, contacted the City that Hilshire Villas was trying to tie into his personal 8-inch sanitary sewer. After talking to Mr. Im the City found out that the City of Houston (COH) had Mr. Im design and pay \$40,000 for the installation of this 8-inch sanitary sewer extension to the nearest COH sanitary sewer manhole. However, after research the City of Houston is claiming ownership of this sewer line, so they allowed Schwab’s contractor to tie into the line. Mr. Im says the line is showing signs of backup. City Engineer Him recommends that the line be cleaned and a CCCTV inspection performed.

City Engineer Him has been coordinating with Hilshire Village and Mr. Tavis Baker, **Mennonite Church’s** engineer, regarding the feasibility to tap their water and fire line services to the Hilshire Villas Subdivision due to the fact that COH 12-inch water line is not under the sidewalk but under the street.

1130 Ridgeley – Council Member Gordy asked when the sidewalk would be removed and corrected. City Administrator Blevins stated she talked to the contractor today and he stated he was trying to schedule the work with other cement work.

OUT OF ORDER

The Regular Council Meeting was recessed at 7:02 PM

Mayor Herron called the Public Hearing to order at 7:02 PM

8. PUBLIC HEARING:

Mayor Herron stated the Public Hearing was to hear comments on the proposed amendments to Exhibit A of Chapter 12 of the City’s Code of Ordinances, the Zoning Ordinance, specifically by replacing Section 13, District C-1 Commercial, in its entirety, concerning the development and operation of commercial uses. The Commercial District is currently located only along Westview Drive.

8.1 Citizens Comments:

Jim Harbison, # 11 Pine Creek Lane, said he has the most at stake regarding the Zoning Ordinance. He felt that the ordinance falls short. In regard to the fence it does not say the location, it has no construction standards, it does not state who is going to enforce the fence being built and who is paying for it. Mr. Harbison thought each commercial owner should be responsible for their section of the fence that should be built between the two (2) districts. The ordinance does not say where the fence should

be built, flush against the building or at curb. Also, he felt the residential area should also have the picket side not just City Hall. Mr. Harbison did not feel the ordinance properly addressed the landscaping. He wanted to see the service lines be required to be underground. Mr. Harbison stated the citizens should be concerned with how liberal the use provision was. He also was concerned with the idea that the residents at the north end of Pine Creek Lane might be owners of a small strip of land between the curb of Pine Creek Lane and the commercial buildings. Mr. Harbison said this property was useless since it can't be used as residential or commercial. He said "the draft falls short".

Bill Bristow, 1233 Pine Chase Drive, felt the ordinance should not be considered until the City finds out who owns the property and where the right-of-way was. He said the City has had a month to resolve this problem.

Amir Mohsenin, # 13 Pine Creek Lane, agrees with Mr. Harbison, that the fence and landscaping is an embarrassing eyesore. He did not agree with the attorney saying that he was owner of the strip of property since he just purchased his property and had a survey done which did not mention this piece of property.

Wes Schram, Texas Conference Association of 7th Day Adventists' representative, was concerned about the ordinance's use provisions. A church was not listed. City Administrator Blevins stated the church has a Specific Use Permit. He was also concerned about the survey and the fence. Mr. Schram said that the church has a survey and it does not show that the building is on the property line.

Brian Baker, 8377 Westview Drive, has operated the sound company since 1992 without any known complaints. His problem is with the provision in the ordinance regarding operating times. Mr. Baker said the majority of his business is conducted after 6:00 PM. There are many nights when his clients are in the building past 10:00 PM. His door is secured at all times and he works by appointments only "no walk-in clients". Mr. Baker was concerned with what changes might be needed of the building to be in compliance. Mayor Herron asked what his business plan was. Mr. Baker says he operates by word of mouth and works by appointment only in which he charges by the hour. His customers do not hang out, they enter the building and stay inside until they finish the project. Council stated it was not their intent to close his business.

Shannon Whiting, 1319 Pine Chase Grove, was also concerned about the hours of operation because she was aware of the sound company. She said she was confused regarding the 20% permeable area versus the landscaping section. Mayor Herron stated the original ordinance said that 20% of every lot had to be landscaped. The Committee thought that was excessive. The City would like the back of the property to be gravel which is permeable. Mrs. Whiting also thought an annual review was excessive mainly because the fire department only inspects the property every two (2) years. She thought the uses in the ordinance were good because it states what they can do and everything else is not acceptable.

Mayor Herron said that the site plan review yearly is like sending in your alarm permit. It is to handle the arrival of a new business that the City does not know about or if they change their mode of operations.

Mayor Herron said the overall goal is to have a new fence between the commercial and residential area keeping the businesses from impacting the residents. However, until the easement situation is clarified ownership of the property is not clear.

Carla Martinez, # 8 Pine Creek Lane, said she had done her homework when she moved here and she knew exactly what she bought. She wanted to say that the sound company has not been a problem. She says that you only hear a quite hum from the building. Ms. Martinez would also like the fence replaced and the landscape cleaned up.

Wes Schram, Texas Conference Association of 7th Day Adventists' representative, said that he was concerned with the fence going up against the commercial buildings because there are power and gas meters, air conditioning units and the building code states how far a fence can be from the building.

Council Member Byrne said that the Committee did not really know who the tenant was or what they did because the sound company does not advertise anything about themselves nor do they cause any problems. The sound company was the type of business the City wants, the main goal of the committee is to protect the commercial property owners, the tenants and the residential owners. The Committee has been working on this draft for a long time. He said that the proposed building plan that Mr. Bilski has submitted would be in compliance with the new proposed Zoning Ordinance, which he feels shows the committee is going in the right direction. The buildings in the district would be grandfathered unless changes were made. The reason for the operating hours was in case a restaurant was to come in. The 20% landscape is in the ordinance now but the tenants in place at this time do not have 20% landscape. The Committee wanted to make sure there was permeable area for the sake of drainage. It is not just Council that is looking at the Zoning Ordinance; the Committee is a group of Citizens. Council Member Byrne said the existing ordinance states that there should be an exit onto Pine Creek Lane. The Committee did not want that. The Committee does care what is going on in the Commercial and Residential area. The Committee will address some of the comments made tonight and will come back to Council with a new draft.

Council Member Gordy questioned item 3 and what kind of provisions the City can make.

Fred Lyu, Property Manager for the Korean Church, 8383, 85, 89 and 93 Westview, said he understands the City wants to improve the aesthetics of the area but the area consist of old buildings and changes would create financial burdens. The requirements for a permit to be submitted every time the occupancy changes would be an issue. It should be only when the business type changes. He appreciates that the buildings will be grandfathered but he would like to know what that actually means. He said recently they changed the sign because it was in poor condition and he was told to stop the work. So "grandfathered" does not mean you can repair or change anything?

The Public Hearing was closed at 8:01 P.M.

The Regular Council Meeting was reconvened at 8:07 PM

9. ACTION ITEMS:

9.1 Mayor Pro Tem Maddock made a motion to table the agenda item to approve the City of Hilshire Village Ordinance Number 740 adopting amendments to Exhibit A of Chapter 12 of the City's Code of Ordinances, the Zoning Ordinance, specifically by replacing Section 13, District C-1, in its entirety, concerning the development and operation of commercial uses, seconded by Council Member Swanson. **A vote was taken to approve the motion tabling the agenda item to approve the City of Hilshire Village Ordinance Number 740 adopting amendments to Exhibit A of Chapter 12 of the City's Code of Ordinances, the Zoning Ordinance, specifically by replacing Section 13, District C-1 in its entirety, concerning the development and operation of commercial uses. The vote passed unanimously.**

9.2 Mayor Pro Tem Maddock made a motion to discuss Pine Creek Lane's Petition and possibly authorizing the Mayor and perhaps a Council Member to meet with the Pine Creek Lane's owners regarding the easement, seconded by Council Member Byrne. Mayor Herron said that the legal opinion from the City Attorney was in Council's Packet. If the City abandons the easement than the "no-man piece of property" would technically belong to the people across the street from it. The City does not own the dirt but has the easement rights associated with it. Mayor Herron said he would meet with the residents and the commercial owners if they wish to go over their thoughts.

City Attorney Mickelson said she understands that this looks odd because it does not show up on the resident's survey for their lot. She said normally it would not show up and the property owners are probably not paying property taxes. It is like the street, but if the City would vacant the street the owners would technically own up to the middle of the street but because there are no property owners adjacent to own the other half than technically the owners would own all of it if the City vacated the street. Attorney Mickelson said the Mayor was wanting to sit down and have a creative conversation with the residents.

Council Member Gordy asked City Attorney Mickelson "how do we get a conclusion where the property lines are. Is there another step the City needs to take?" Attorney Mickelson stated she first needs to meet with the surveyor. Council Member Gordy also asked what type of easement does the City have. City Engineer Him said it was a utility easement. Council Member Gordy asked if the City had contacted CenterPoint to see if they control the easement. He said an encroachment would also need to go through them if it had an aerial easement. Council Member Gordy said an encroachment with CenterPoint normally takes a legal instrument to be filed, the property to be surveyed and it has to be exact and then it has to go through Council. Council Member Gordy wanted to make sure this item would come back to Council. **A vote was taken to approve the motion to authorize the Mayor and a Council Member to meet with the**

Pine Creek Lane's owners regarding the easement. The vote passed unanimously.

OUT OF ORDER

7. ACTION ITEMS:

7.1 Mayor Pro Tem Maddock made a motion to authorize Change Order # 6 for the plug, grout and abandonment of the existing storm sewer under #14 Pine Creek as previously authorized by the City and for additional cost to change the remaining construction of the 14 Pine Creek Storm Sewer Outfall to open-cut construction in lieu of pipe bursting rehabilitation, including site restoration, in the amount of \$9,342.50 and a time extension of three (3) calendar days, seconded by Council Member Swanson. **A vote was taken to approve the motion authorizing change Order # 6 for the plug, grout and abandonment of the existing storm sewer under 14 Pine Creek as previously authorized by the City and for additional cost to change the remaining construction of the 14 Pine Creek Storm Sewer Outfall to open-cut construction in lieu of pipe bursting rehabilitation, including site restoration, in the amount of \$9,342.50 and a time extension of three (3) calendar days. The vote passed unanimously.**

7.2 Mayor Pro Tem Maddock made a motion to authorize payment of Conrad Construction Company, LTD invoice for services provided to the City for the Pine Creek/Bridle Spur/Friarcreek Reconstruction Project, Invoice # 14 (Final), in the amount of \$109,888.21, seconded by Council Member Byrne. City Engineer Him said the job was complete and he recommended the City pay the invoice in full. **A vote was taken to approve the motion authorizing payment of Conrad Construction Company, LTD invoice for services provided to the City for the Pine Creek/Bridle Spur/Friarcreek Reconstruction Project, Invoice # 14 (Final), in the amount of \$109,888.21. The vote passed unanimously.**

7.3 Council Member Byrne made a motion to authorize the Mayor and City Attorney to prepare and present a 10-foot Utility Easement document to BFI 8399, LLC, for the proposed 10-foot Utility Easement across the west end of 8399 Westview for review and consideration. This utility easement will allow the City to reuse the existing (recently abandoned) 6 inch PVC water line located within this easement, reconnect it at Westview Drive and Pine Creek Lane and restore the water loop service in the area, seconded by Mayor Pro Tem Maddock. Council thanked Mr. Bilski in advance of this document being signed. **A vote was taken to approve the motion authorizing Mayor and City Attorney to prepare and present a 10-foot Utility Easement document to BFI 8399, LLC, for the proposed 10-foot Utility Easement across the west end of 8399 Westview for review and consideration. This utility easement will allow the City to re-use the existing (recently abandoned) 6-inch PVC water line located within this easement, reconnect it at Westview Drive and Pine Creek Lane and restore the water loop service in the area. The vote passed unanimously.**

The City Engineer was excused at this time

9. ACTION ITEMS: Con't

9.3 Mayor Pro Tem Maddock made a motion to approve the City of Hilshire Village Resolution Number 152 in opposition to a revenue cap and imposition of a mandatory election, seconded by Council Member Byrne.

Shannon Whiting, 1319 Pine Chase Grove, said that this piece of legislation is a “really bad idea”. Council Member Gunn asked who was carry the bill? The answer was Senator Paul Bettencourt. Mrs. Whiting said every time the City holds an election it cost \$5,000.00. 55% of the taxes that residents pay go to the schools not to the City. Until the problem on school financing is fixed you will not see a material tax relief. Mayor Herron said “the arguments in favor of this are intended to convince the people that did not do well in algebra. It is putting things over on people with the wrong information.” **A Vote was taken to approve the motion approving the City of Hilshire Village Resolution Number 152 in opposition to a revenue cap and imposition of a mandatory election. The vote passed unanimously.**

9.4 Mayor Pro Tem Maddock made a motion to approve the motion authorizing the Mayor to proceed with funding limits to landscape City Hall, seconded by Council Member Byrne. Mayor Herron said that Council said that when we finish the Pine Creek Lane and vault we need to clean the City Hall entryway. He met with the Beautification Committee that got two (2) quotes on landscaping the City Hall Entry. Mayor Herron said he would continue to work with the Beautification Committee. They said that if the City was to pay for the installation they would take on the maintenance. February/March is the time for planting. The cost estimated is \$5,000.00

Shannon Whiting, 1319 Pine Chase Grove, did not feel that Council should not take the budget item for maintenance of City Hall out of the budget, because you do not know how long they will be able to continue to cover that cost.

Bill Bristow, 1233 Pine Chase Drive, thought \$5,000 was an extreme amount of money.

Mayor Pro Tem Maddock made a motion to amend his original motion to read “authorize the Mayor to negotiate for the landscaping of City Hall not to exceed \$5,500.00, seconded by Council Member Byrne. **A vote was taken to approve the amended motion authorizing the Mayor to negotiate the landscaping of City Hall not to exceed \$5,500.00. The vote passed unanimously.**

10. DISCUSSION:

10.1 Ordinance on Restoration – City Attorney Mickelson said that the current language did not work well and was subject to several Board of Adjustment variances that Council had questioned in the past. She suggested that the City go back to a more standard nonconformity section in the ordinance. When you adopt a new ordinance, you create nonconformities. You eventually want the nonconformities to go away or otherwise you would have made them conformities. So sometime in the future when

buildings, signs, fences, etc., are replaced, if the replacement value is more than 50% of the item that is being replaced, then everything would have to come into compliance.

Mayor Herron asked Council to take their time and to review the ordinance and send any questions or new wording that they have to City Administrator Blevins.

11. ACTION ITEMS:

11.1 CLOSED EXECUTIVE SESSION: None

The City Attorney was excused at this time.

12. REPORTS TO COUNCIL: (Con't)

12.1 City Administrator: City Administrator Blevins discussed the Complaint log and answered questions. She reported that after print the City received several calls regarding several street lights being out. Council Member Byrne said he had called the SPCA regarding the resident shooting racoons after trapping them. He would report back to Council after further research. City Administrator Blevins said the City would be having an election. The Council Member Position four (4) was contested the two candidates will be Council Member Maddock and Bill Bristow.

12.2 Building: City Administrator Blevins stated the reports were in Council's packet.

12.3 Treasurer: City Administrator Blevins stated that in the Consent Agenda there was a Resolution for adopting the 2017 Investment Policy.

OUT OF ORDER

14. CONSENT AGENDA:

14.1 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 January 17, 2017, and approving Resolution number 151 approving the Investment Policy for Public Funds for 2017, 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 and the Minutes from the Regular Council Meeting of January 17, 2017, and approving Resolution number 151 approving the Investment Policy for Public Funds for 2017. The vote passed unanimously.**

13. ADDITIONAL COUNCIL COMMENTS: Mayor Herron reported on Wirt Road/Westview Drive Safety update. He continues his mission of trying to make Wirt Road a safer road by continuing to contact City of Houston Mayor's Office, Houston Council District A, residents of Bobbitt Lane, Harris County Commissioner, Metro, School of the Woods, Spring Valley Police Department, Spring Branch District and the State of Texas. City of Houston did a study and the intersection around Bobbitt Lane was acknowledged as being dangerous. Houston Public Works said that a left turn

would cost \$183,000.00. Mayor Herron said he has continued to discuss this with all parties and he has a commitment from Houston Council District A of \$91,500.00 and Houston Mayor's office has taken interest and he has Metro looking into the situation. Mayor Herron asked Council if they had any interest in contributing funds to this work. Mayor Pro Tem Maddock said that Council could consider it. A resident off Westview said that Westview was also a danger area. Mayor Herron said he volunteered City Hall for all persons of interest to meet.

15. ADDITIONAL COUNCIL COMMENTS: None

16. ANNOUNCEMENTS: City of Hilshire Village is having an Election

17. ADJOURNMENT: Mayor Pro Tem Maddock made a motion to adjourn the meeting, seconded by Council Member Swanson. **A vote was taken to approve the motion to adjourn the meeting. The vote passed unanimously. The meeting was adjourned at 9:14P.M.**

Russell Herron, Mayor

ATTEST:

Susan Blevins, City Secretary