

TUESDAY, December 19, 2017
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: Mayor Herron, Mayor Pro Tem Maddock, Council Members Mike Gordy, Robert Byrne and David Gunn. Council Member Robert Swanson was late. Also present were, Spring Valley Police Captain Schulze, City Attorney Scott Bounds, City Engineer Efrain Him, P.E., HDR, Inc. and City Administrator Susan Blevins.

2. REPORTS TO COUNCIL:

2.1 Police Report: Captain Schulze stated there were 92 calls for service in the month of November; however, there were no major incidents. Mayor Herron asked if the Police Department receives calls on parking. The answer was “yes” and that the department addresses any calls they receive.

3. CITIZEN’S COMMENTS: None

4. COUNCIL DISCUSSION: None

5. REPORTS TO COUNCIL:

5.1 Engineers Report: City Engineer Him stated the field verification work for the sanitary sewer rehabilitation, the survey field work and the geotechnical field work has been completed for the **Archley Drive/Friarcreek/Burkhart Reconstruction Project**. The project should be ready to go out to bid somewhere in the April/May timeframe. Mayor Herron said that during the engineering process he would like the City to look at options regarding the possibility of covering some of the culverts for safety issues while parking on the street. City Engineer Him stated that in the past residents have had concerns with covering ditches because they wanted the natural look. Council Member Gordy said that underground drainage on Archley could be extremely expensive and capacity was the most important issue. He would like the City to address the erosion problem in the area.

HDR has been coordinating with Schwab Design Builders on the possible elimination of the second fire hydrant near the proposed Mennonite Church driveway in the **Hilshire**

Villas Subdivision. The fire hydrant is in conflict with the proposed entrance wall to the subdivision. It has been determined by the Fire Marshal and HDR that the fire hydrant could be abandoned. City Administrator Blevins asked if that fire hydrant could replace the older fire hydrant closer to the Mennonite Church. Council Member Gordy was also concerned with the water lines running close to the proposed wall.

City Engineer Him stated that he inspected the domestic water line to the **Mennonite** building. There were no issues identified.

Council Member Byrne questioned **1311 Glenhilshire** replacement fence and the fact that a rot board was not installed. City Engineer Him stated a final inspection had not been done at this time.

8373 Westview was inspected by the Mayor and City Engineer Him and the inspection showed that all issues had been addressed.

6. ACTION ITEMS:

6.1 Mayor Pro Tem Maddock made a motion to discuss and possibly take action on the procedures and responsibilities of the Board of Adjustment related to specific wording of the Zoning Ordinance, seconded by Council Member Byrne.

Mayor Herron said that after the last Board of Adjustment hearing it was apparent that per the City's Zoning Ordinance it was almost impossible for the Board to grant any kind of relief through a special exception. City Attorney Bounds stated that he had conversation with City Administrator Blevins on ways to improve the process. A new application needs to be developed. The Building Official, City Engineer, City Attorney or City Administrator needs to give the City's position in writing to the Board. Council Member Byrne did not feel the applicants provide sufficient documentation for the Board to determine what the applicant is asking for. He also was concerned with the Board trying to work through the request and making suggestions to the applicant to solve the problem.

City Attorney Bounds said that staff could inform the applicant that the documents were not sufficient and request additional information. He also said the Board could work through a variance and put any conditions deemed required on the variance.

Board Chairman Partridge suggested that a letter be given to the applicants explaining the process. He thought the City used to give the applicants one. He felt the existing letter probably needed to be brought to higher standards.

Council Member Gunn thought it was important that Council give the Board the tools it needed but did not feel variances should be allowed for no actual just cause. He stated the Zoning Committee and the City have worked long hours going through the Zoning Ordinance. Council decided the City Administrator, Board Chairman and City Attorney needed to work through the problems and bring back suggested changes.

Mayor Pro Tem Maddock made a motion to table his original motion to discuss and possibly take action on the procedures and responsibilities of the Board of Adjustment related to specific wording on the Zoning Ordinance, seconded by Council Member Byrne. **A vote was taken to table the motion to discuss and possibly take action on the procedures and responsibilities of the Board of Adjustment related to specific wording on the Zoning Ordinance. The vote passed unanimously.**

6.2 Council Member Byrne made a motion to discuss and possibly take action on review procedures for plan checking for Commercial Construction, seconded by Mayor Pro Tem Maddock.

Mayor Herron compared the duties of Bureau Veritas, HDR Engineering and the Fire Marshall's Office regarding commercial construction, noting that there is a lack of monitoring of the Zoning Ordinance by any of these officials. In other cities a code enforcement officer or building official would be responsible for monitoring construction projects and enforcing Zoning rules. Mayor Pro Tem Maddock stated the gap appears to be with Bureau Veritas as they are inspecting based on Building Codes but without reference to the Zoning Ordinance. City Administrator Blevins clarified that Bureau Veritas does check the Zoning Ordinances for plan checking for residential construction, but does not do so for commercial construction. Council Member Byrne pointed out that the contract does not specify residential or commercial and therefore it is the responsibility of Bureau Veritas to perform all inspections per both Building Codes and the Zoning Ordinance. Council Member Byrne suggested a meeting between the City and Bureau Veritas to discuss the scope of responsibility for both residential and commercial plan checking and inspections.

Council Member Gordy made a motion to table the motion to discuss and possibly take action on review procedures for plan checking for commercial construction, seconded by Mayor Pro Tem Maddock. **A vote was taken to table the motion to discuss and possibly take action on the procedures for plan checking for Commercial Construction. The vote passed unanimously.**

6.3 Mayor Pro Tem Maddock made a motion to discuss and possibly take action on grading and ground cover for the portion of the City property between the fence at the south side of the commercial area and Pine Creek Lane, seconded by Council Member Swanson.

Council Member Byrne said that he is in favor of minimal expense ground covering and plant life that would replace what was removed during construction; however, does not want the City to incur maintenance costs for such landscaping. City Administrator Blevins reminded Council that the City did not landscape or maintain any other property except for City Hall. Mayor Pro Tem Maddock stated that the other areas that have landscaping are maintained by homeowner associations or by a group of contributing homeowners. Council Member Gordy asked Pine Creek homeowner, Jim Harbison, if he or a group of Pine Creek homeowners would be willing to take on the landscaping maintenance. Mr. Harbison stated he believed that the City should replace the landscaping that was removed during construction, adding that the city owns that strip of land and therefore it is the city's responsibility to restore it. Council Member Gordy

stated that the City has already spent a lot of money on this project and he is not willing to spend more money on landscaping which will require long term maintenance.

Council Member Gordy made a motion to table the motion to discuss and possibly take action on grading and ground cover for the portion of the City property between the fence at the south side of the commercial area and Pine Creek Lane, seconded by Mayor Pro Tem Maddock. **A vote was taken to table the motion to discuss and possibly take action on grading and ground cover for the portion of the City property between the fence at the south side of the commercial area and Pine Creek Lane. The vote passed unanimously.**

OUT OF ORDER

8. ACTION ITEMS: (CON'T)

8.1 Council Member Byrne made a motion to approve the City of Hilshire Village Ordinance Number 745 replacing Article No. 7.700 in its entirety and deleting Article 3.700, Tree Protection of Chapter 3, Building and Construction in its entirety and to establish rules and regulations concerning tree preservation, seconded by Council Member Swanson.

Council Member Gordy questioned the time-frame requirement within the Ordinance Section 7.705, item number 5 that states the homeowner has thirty (30) days from the date of notice to remove a tree deemed dangerous by the City. He asked Council to consider amending the motion to approve the Ordinance with an adjusted time frame of fourteen (14) days. Council Member Gordy also asked about Section 7.706 item number 3 regarding the City's ability to aid in reforestation. To clarify, Zoning Committee Member Kathleen Stafford stated that the Ordinance as it reads does not put any financial responsibility on the City, but instead offers the City's assistance in locating a professional capable of performing the necessary work. Council Member Gordy asked for clarification in Section 7.708 referring to the Tree Inspector. He stated the City does not currently have a Tree Inspector but the City Arborist could fill this role and he requested the title be changed in the Ordinance to "Inspector". He also requested to remove a statement in Section 7.711 item number 1 regarding the City's authorization to enter a property to ensure compliance. Council Member Byrne pointed out that item number 2 in the same section requires the property owner to grant access to the property for inspection to prove compliance.

A vote was taken to approve the motion approving the City of Hilshire Village Ordinance Number 745 replacing Article No. 7.700 in its entirety and deleting Article 3.700, Tree protection of Chapter 3, Building and Construction in its entirety with the changes established by Council and to establish rules and regulations concerning tree preservation. The vote passed unanimously.

8.2 Council Member Swanson made a motion to discuss and possibly take action on preparing an ordinance regarding the feeding of the wild life, given the number of coyotes that have been spotted, seconded by Mayor Pro Tem Maddock.

Mayor Pro Tem Maddock suggested language to state “Do not feed or cause to be fed wild animals” due to the nature of the coyotes and raccoons to seek out food sources whether the source was provided intentionally or accidentally. Council Member Gunn asked what other villages and what experts suggest. Residents recanted stories of how tricky the wildlife can be to handle and their growing presence in the City. Mayor Herron summarized that the Council needs more information to make a decision. Sources are to include support from neighboring cities, wildlife officials and other city’s existing wildlife control ordinances.

Council Member Swanson made a motion to table the motion to discuss and possibly take action on preparing an ordinance regarding the feeding of the wildlife given the number of coyotes that have been spotted, seconded by Mayor Pro Tem Maddock. **A vote was taken to table the motion to discuss and possibly take action on preparing an ordinance regarding the feeding of the wildlife given the number of coyotes that have been spotted. The vote passed unanimously.**

OUT OF ORDER:

7. ACTION ITEM: CON’T

7.1 CLOSED EXECUTIVE SESSION:

Mayor Pro Tem Maddock made a motion to recess the Regular Council Session to go into a closed session for consultation with Attorney per the Texas Government Code Sec. 551.071. Private consultation with attorney was regarding requirements by TCEQ, seconded by Council Member Swanson. **A vote was taken to approve the motion to recess the Regular Council Session to go into a closed session for consultation with Attorney per the Texas Government Code Sec. 551.071. The vote passed unanimously. The time was 8:22 P.M.**

Mayor Herron re-convened the Regular Council Session at 8:44 P.M. and he stated no action was needed at this time.

The City Engineer was excused.

OUT OF ORDER:

8. ACTION ITEM: CON’T

8.3 Council Member Gordy made a motion to approve the City of Hilshire Village Ordinance Number 754 providing for the holding of a General Election on May 5, 2018 for the purpose of electing one (1) Mayor and two (2) Council Members, Position one (1) and two (2) for a term of two (2) years and providing details relating to the holding of such elections, seconded by Council Member Gunn. **A vote was taken to approve the motion approving the City of Hilshire Village Ordinance Number 754 providing for the holding of a General Election on May 5, 2018 for the purpose of electing one (1) Mayor and two (2) Council Members, Position one (1) and two (2) for a term of**

two (2) years and providing details relating to the holding of such elections. The vote passed unanimously.

8.4 Council Member Byrne made a motion to approve the Application of a Certificate of Occupancy and Business Use for 8373 Westview for the 8373 Group, Inc., seconded by Council Member Swanson.

Mayor Herron reported that the area behind 8373 Westview has been cleaned up and the drainage had been corrected. The occupants of 8373 Westview had expressed they would not have late night hours for meetings. Mayor Herron discovered, during a tour of the building, an electronic door lock which is programmed with operating hours to prevent entry after ten (10) o'clock pm. Mayor Herron and City Engineer Him discovered three (3) water meters at the back of the property which are below grade. City Engineer Him suggests raising the City's meters to above grade.

A vote was taken to approve the motion approving the Application of a Certificate of Occupancy and Business Use for 8373 Westview for the 8373 Group, Inc. The vote passed unanimously.

City Attorney was excused.

9. DISCUSSION; Upcoming Ordinance Revisions

9.1 Chapter 3 – Building and Construction as it is related to maintenance of property

9.2 Article 6.200 Disposal of Garbage, Trash, Rubbish and Junk

10. REPORTS TO COUNCIL: (CON'T)

10.1 Fire Commissioner Report: Fire Commissioner Byrne stated the city is 1.3% under budget as of the end of last month. There is an upcoming proposal to vote on a study for additional EMS services for the west and east side of the Memorial Villages to decrease response times.

10.2: City Administrator: City Administrator Blevins reviewed the Complaint and Issues Report with Council.

10.3 Building: Council Member Swanson asked how many houses were under new construction. The answer was approximately 5.

10.4 Treasurer: Balance Sheet was in the packet. Mayor Herron said that he thinks the City should look at the budget at the six (6) month period and to discuss the financials in length at that time.

11. CONSENT AGENDA:

11.1 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, October 17, 2017, the Minutes from the Regular Council Meeting, November 21, 2017, approving the renewal of the Mosquito Fogging Service for a one (1) year period and approving the City of Hilshire Village Ordinance Number 755 amending Appendix "A" Fee Schedule, correcting the "Insufficient Funds Fee" to be \$25.00, the same as a return check instead of \$35.00, seconded by Council Member Gordy.

Council Member Byrne questioned Ordinance Number 755 regarding page two (2), the bolded area *All Payments ...*. It was discussed and determined that the * area related to all items below the paragraph had to be paid in person with an authorized payment method. Council Member Byrne questioned the Severn Trent invoice regarding page eight (8) if the City was going to get reimbursement from FEMA. The answer was "No". He also asked questions regarding individual work orders.

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, October 17, 2017, the Minutes from the Regular Council Meeting, November 21, 2017, approving the renewal of the Mosquito Fogging Service for a one (1) year period and approving the City of Hilshire Village Ordinance Number 755 amending Appendix "A" Fee Schedule, correcting the "Insufficient Funds Fee" to be \$25.00 the same as a return check instead of \$35.00. The vote passed unanimously.

10. REPORTS FROM COUNCIL:

10.1 Mayor Herron: None

11. ADDITIONAL COUNCIL COMMENTS: None

12. FUTURE AGENDA TOPICS:

Capital Improvement Financing
Wirt Road/Westview Traffic Safety
Zoning Sections – Fence
 Trash and Construction Dumpsters
 Parking and Pods
 Restoration

13. ANNOUNCEMENTS: Community Meeting is set for January 8, 2018 at 6:30 PM regarding enforcement issues. Merry Christmas to all. City offices are closed December 25th, 26th and 31st and January 1st.

14. ADJOURNMENT: Council Member Gunn made a motion adjourning the meeting, seconded by Mayor Pro Tem Maddock.

A vote was taken to approve the motion to adjourn the meeting. The vote passed unanimously.

The meeting was adjourned at 9:22 P.M.

Mayor Pro Tem Maddock

ATTEST:

Susan Blevins, City Secretary