

TUESDAY, JULY 17, 2018
PUBLIC HEARING AND REGULAR COUNCIL MEETING
6:30 P.M.

PUBLIC HEARING AND REGULAR COUNCIL MEETING

1. PUBLIC HEARING:

1.1 Mayor Herron called the Public Hearing to order at 6:30 P.M. to discuss amending the Specific Use Permit for the Mennonite Church located at 1231 Wirt Road for the additional use of the facility as a nonprofit school.

1.2 Citizen's Comments:

Marty Troyer, Pastor for the Mennonite Church, said Thrive Academy is a new school with this being their first year and the Mennonite Church has the perfect educational space available for the school to rent.

Jack McBride, Board Member for the Thrive Academy, said the school is focused on children with learning differences utilizing a multi-sensory approach. The school will not serve as a behavioral correction school. He said they expect to have approximately twenty (20) students in the first year and the school will be open between 7:30 am - 5:00 pm. Mr. McBride stated the school will offer education for first through eighth grade. In addition to the students there will be six (6) administration and faculty members.

Robert Byrne, 1305 Bridle Spur, stated that the application seems to be out of order. In his opinion the property owner should complete the application for a change in the existing Specific Use Permit instead of the new tenant. He also said that the changes in use and occupancy call for a revised fire safety plan to be reviewed by the Fire Marshal prior to the new occupancy.

1.3 Council Member Gordy made a motion to adjourn the Public Hearing, seconded by Mayor Pro Tem Maddock. **A vote was taken to adjourn the Public Hearing. The vote passed unanimously.**

The public hearing was adjourned 6:44 P.M.

2. CALL TO ORDER THE REGULAR COUNCIL MEETING: Mayor Herron called the City of Hilshire Village Regular Council Meeting to order at 6:45 P.M. at 8301 Westview, Houston, Texas 77055.

2.1 Invocation: was given by Mayor Pro Tem Maddock

2.2 Pledge of Allegiance:

2.3 Present: Mayor Russell Herron, Mayor Pro Tem Maddock, Council Members Mike Gordy and Robert Swanson. Also present were Spring Valley Police Captain Schulze, City Attorney Scott Bounds, Engineer Efrain Him, P.E., HDR, Inc. and City Clerk Cassie Stephens. Council Member David Gunn and City Administrator Susan Blevins were absent.

3. CITIZEN'S COMMENTS: NONE

4. DISCUSSION AND ACTION ITEMS:

4.1 Mayor Pro Tem Maddock made a motion to approve the City of Hilshire Village Ordinance Number 765 amending the original Ordinance 687 for a Specific Use Permit for the Mennonite Church located at 1231 Wirt Road. The amendment is to also use the facility for a non-profit school – Thrive Academy, seconded by Council Member Swanson.

City Attorney Bounds stated Texas State Law does not have a provision in regards to what entity is to complete the application. He said City Ordinance provides that an application for Specific Use Permit shall be made by the property owner or certified agent thereof.

Mayor Herron said the letter that was included with the application indicates Mennonite Church's approval of the change in the Specific Use Permit. He also stated that we should comply with the request from the Fire Chief and obtain a new Fire Safety Plan with consideration of the new occupants.

Council Member Gordy asked about the projected growth of the school. Mr. McBride responded that with this being the first year it is hard to tell but they feel the maximum number of students they would be able to accommodate at this location would be 35-40 students. Council Member Gordy asked what the traffic plan is for drop-off and pickup times. Mr. McBride responded that there are two options to handle busy traffic times at the facility. He said there are currently over fifty (50) parking spaces at the facility so they could have parents park and walk their students to and from the vehicle. He stated they are planning, however, for the traffic to enter at the North end of the parking lot, circle to the back of the building where they will have the students enter or exit through the

back doors then the driver would exit the parking lot through the South exit to Wirt Rd. He said another congestion solution is the time frame for drop-off and pick-up. The morning drop-off period is from 7:30 am to 8:30 am and school ends at 3:00 pm with after school care lasting until 5:00 pm so there is a lot of time for the vehicles to get in and out. Council Member Gordy said we should consider traffic patterns to avoid any stacking onto Wirt Road. Mayor Herron suggested contacting the City of Houston to extend the school zone to include the next intersection to the South for safety of the students. He also mentioned the need for more left turn lanes in the Northbound lanes of Wirt road for access to the Mennonite Church as well as the new Hilshire Villas subdivision.

Mayor Herron asked City Attorney Bounds if council is able to approve the Ordinance with conditions for a complete Fire Safety Plan with the Village Fire Department. City Attorney Bounds responded that the Specific Use Permit process includes stipulations that compliance with Fire Code is mandatory with regards to access and Certificate of Occupancy, so regardless of granting a Specific Use Permit they will have to comply with those regulations separately. He said the City is to determine if Thrive Academy can be considered to be the “certified agent thereof” for Mennonite Church and whether they are able to represent and act on behalf of the Church. Mayor Pro Tem Maddock stated that the personal presence of the owner, Marty Troyer, of the Mennonite Church, at the preceding public hearing is sufficient for him to believe that Thrive Academy is acting on behalf of and as a certified agent of the owner.

A vote was taken to approve the motion approving the City of Hilshire Village Ordinance Number 765 amending the original Ordinance 687 for a Specific Use Permit for the Mennonite Church located at 1231 Wirt Road. The amendment is to also use the facility for a non-profit school – Thrive Academy. The vote passed unanimously.

5. REPORTS TO COUNCIL:

5.1 Police Report: Captain Schulze stated for the month of June there were 101 calls for service and a total of seventeen (17) traffic citations were issued. He said on the morning of June 26 an officer on patrol came upon someone rifling through a vehicle. When pursued the suspect fled on foot and was apprehended on Pine Creek Lane. So far for the month of July there have been no significant incidents.

5.2 Engineers Report: City Engineer Him said they received the Tree Protection Plan for the Archley Drive construction project and in order to protect as many trees as possible they are still working on the final revisions.

City Engineer Him said that the City has received the As-Built Drainage Plans for the **Mennonite Church** project. However, they still need additional information on the survey.

City Engineer Him stated the project at **1301 Bridle Spur** is being monitored due to lack of compliance with silt fencing and SWPPP protection.

City Engineer Him stated that he and City Administrator Blevins were still working with TxDOT and the City of Houston on the requirements for permitting from the City of Houston on replacing the existing **water vault** at the Hickory Shadows location.

The **Hilshire Green Pavement repairs** are pending receipt of a third bid.

City Engineer Him stated that the City has received feedback and is in process of revising the TCEQ Lead and Copper Action Plan. He had originally used homes built in 1975 as the baseline because that was around the time that PVC pipe materials came into the market, but the ban on lead from Congress passed June of 1985 so we need to go back to that year. Also, he was revising the part on sampling techniques. City Administrator Blevins had checked into lab collecting services and found that no companies handle the whole process, therefore City Administrator Blevins will regulate the controlled universal collection methods.

City Engineer Him stated Harris County had adopted a new ordinance for a 500-year floodplain. He will bring exhibits to the next council meeting on the location of Hilshire Village in that regard.

6. ACTION ITEMS: Con't

6.1 Mayor Pro Tem Maddock made a motion to authorize payment of HDR invoice for Engineering Services provided to the City for the Archley, Friarcreek and Burkhart Reconstruction Project, Invoice # 8, in the amount of \$6,283.89, seconded by Council Member Swanson.

A vote was taken to approve the motion authorizing payment of HDR invoice for Engineering Services provided to the City for the Archley, Friarcreek and Burkhart Reconstruction Project, Invoice # 8, in the amount of \$6,283.89. The vote passed unanimously.

City Engineer was excused.

7. REPORTS TO COUNCIL:

7.1 Fire Commissioner Report: Fire Commissioner Byrne said the average travel time on calls were lower this month by about 10 seconds. He said the Commission has executed the contract to replace the roof on the Fire Station. Council Member Gordy asked if all of the Memorial Villages approved the funds to replace the roof. Commissioner Byrne responded that Bunker Hill did not approve the improvement funds and may be seeking alternate sources for emergency fire services.

8. DISCUSSION AND ACTION ITEMS: Con't

8.1 Council Member Gordy made a motion to approve the City of Hilshire Village Ordinance Number 766 adopting and restating its Code of Ordinances including Chapter 1 General Provisions, Article 1.100 Code of Ordinances, Section 1.106 entitled General Penalty for Code Violations; providing for penalties up to \$2,000 for offenses and providing for publication and severability, seconded by Mayor Pro Tem Maddock.

A vote was taken to approve the motion approving the City of Hilshire Village Ordinance Number 766 adopting and restating its Code of Ordinances including Chapter 1 General Provisions, Article 1.100 Code of Ordinances, Section 1.106 entitled General Penalty for Code Violations; providing for penalties up to \$2,000 for offenses and providing for publication and severability. The vote passed unanimously.

9. DISCUSSION:

9.1 Parking and Traffic Control Ordinance:

Mayor Herron said the key elements of the ordinance were 1) limitation of parking a maximum of five (5) vehicles in public view on your property (in front of house or in driveway), 2) does not allow through truck traffic which is not a prevention of construction trucks with business in the city and 3) restrictions for on-street parking between 2:00 am - 6:00 am (no overnight street parking).

City Attorney Bounds said that there are parking provisions in different parts of the ordinances, some being under the Zoning Ordinance and others in general code. He said his recommendation is to have all parking restrictions under Traffic Control. However, keep in mind that when ordinances are re-located in

the code it changes how they get adopted, amended and the fine limits. He stated, "it is up to the City's discretion on how to handle them".

Council Member Gordy asked about the proposed restriction of commercial vehicles traveling through the city. He said there are concrete and gunite trucks that might be prohibited by the current definition of commercial vehicles and the definition needs to be written more clearly. City Attorney Bounds said the existing language is too vague and may be in conflict with the U.S. Commerce Code. The commercial truck is expected to travel the shortest route whether that is within or outside of the city.

Mayor Herron asked if we should separate the vehicle parking and POD parking in the ordinances. City Attorney Bounds said other cities have done so and it makes sense that way. For example, Chapter seven (7) of Hilshire Village Code of Ordinances deals with offenses and nuisances which includes rights-of-way and junk vehicles.

Mayor Pro Tem Maddock said that street parking space is very limited in the Hickory Shadows cul-de-sac and when lawn maintenance comes through you can't get through the street. He also said someone parks in front of his mailbox during the day and he has not received mail because of it.

9.2 Urban Coyote Meeting with Texas A & M Wildlife:

Mayor Herron said Council Member Gordy, City Administrator Blevins, Spring Valley City Administrator and Spring Valley Public Works Director, Spring Valley Police Chief Evans, Spring Valley Police Captain Schulze and himself attended a meeting with Texas Parks and Wildlife. He stated that in the State of Texas wild mammals have protective rights and coyotes fall in that classification. Before you hire a company to trap them you must have a permit from the State Wildlife and Fisheries Commission that verifies that it is okay to trap. He said this requires first establishing that there is some problem associated with the coyote population. Mayor Herron said you can't trap a wild animal and relocate it to another property. You must have permission from the property owner or a permit from the state to release the animal. Mayor Herron is suggesting to council to start recording the sightings including a disposition and location. He said during the meeting the Texas Parks and Wildlife representatives suggested harassing the animals to make life uncomfortable for them. This includes shouting, honking, and keeping pet food inside. Mayor Herron said the City can make whistles available for residents to pick up at City Hall. Mayor Pro Tem Maddock said you cannot shoot the animals due to City and State laws, and trapping is difficult and proven ineffective because they are smart. Council Member Swanson suggested the use of mace spray.

Pamela Moore, Spring Valley Resident, asked about the temperament of the animals which have become more aggressive. In her neighborhood they have had animals killed.

Council Member Gordy said the materials received from the meeting, which are also available online, include a list of escalating behavior traits to accurately log the sightings in order to determine the general behaviors in this area.

Vicki Gordy, 1241 Archley Drive, said she spoke with the President of the Homeowner's Association in River Oaks who has also had problems with coyotes and were successful with trapping eleven (11) coyotes.

Ruth Rogers, 1318 Bridle Spur, said a child was recently attacked in New York and it's only a matter of time before someone is hurt or killed if nothing is done.

Lisa Keeter, Spring Valley resident, has lost four (4) animals to coyotes and she has chased the coyotes away.

Rusty, Spring Valley resident, said one evening he was walking his dogs when a coyote came into view. He walked toward the coyote but it didn't scare away. Then a younger coyote came into view and he thought the parental instincts were causing them to be more confrontational than it otherwise would be.

Kelly Little, 1237 Archley Drive, said she has footage of 4 or 5 coyotes regularly spending time in her yard near the ravine. She said her husband has shouted at the animals but it does not deter them.

Council Member Gordy said the options for relocating the coyotes are limited due to laws in effect. If the animals are trapped it is likely that they will be euthanized.

Rick Rogers, 1318 Bridle Spur, said that he recently spoke with a professional trapper and learned that the coyotes have been domesticated because of the amount of food available to them in the area.

Mayor Herron said the City will investigate the requirements and options for removal of the coyotes and work with the neighboring Villages on cooperative solutions.

10. ACTION ITEMS: Con't

10.1 CLOSED EXECUTIVE SESSION: NONE

City Attorney was excused.

11. REPORTS TO COUNCIL: Con't

11.1 City Administrator:

Council Member Gordy asked if the entry on the complaint log for Hilshire Green water pooling and cracks is part of the upcoming planned repairs, City Clerk Stephens responded that City Engineer Him went by the site to take another look and determined that the water will drain after a short period of time and the cracks are not compromising the integrity of the road. She also explained another entry on the log for Hilshire Green is due to interference by the homeowner flipping drainage grates over in an attempt to reduce the bump when entering the driveway.

11.2 Building: Report is in Council's packet

11.3 Treasurer: Report is in Council's packet

12. CONSENT AGENDA:

12.1 Mayor Pro Tem Maddock made a motion to approve the Consent Agenda as presented, consisting of the disbursements presented to Council and the Minutes from the June 19, 2018, Public Hearing and Regular Council Meeting and Resolution Number 2018-171 amending the authorized signatures for TexPool to be the designated signatures already designated by Council at the 5-15-18 Regular Council Meeting, seconded by Council Member Swanson.

A vote was taken to approve the motion approving the Consent Agenda as presented, consisting of the disbursements presented to Council and the Minutes from the June 19, 2018 Public Hearing and Regular Council and Resolution Number 2018-171 amending the authorized signatures for TexPool to be the designated signatures already designated by Council at the 5-15-18 Regular Council Meeting. The vote passed unanimously.

13. REPORTS FROM COUNCIL: NONE

14. ADDITIONAL COUNCIL COMMENTS: NONE

15. FUTURE AGENDA TOPICS:

16. ANNOUNCEMENTS:

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 8:30 P.M.

Mayor Russell Herron

ATTEST:

Susan Blevins, City Secretary