

The City of Hilshire Village

TUESDAY, November 16, 2010
REGULAR COUNCIL MEETING
6:00 P.M.

1. CALL TO ORDER: Mayor Robin Border called the City of Hilshire Village Council Meeting to order at 6:00 P.M. at 8301 Westview, Houston, Texas 77055. Invocation was given by Mayor Pro Tem Castro.

CLOSED EXECUTIVE SESSION: Council went into a closed executive session at 6:02 P.M. with David Olson, the City Attorney, to discuss possible damage of the pipes at 1209 Pine Chase.

Council Meeting reconvened at 6:38 P.M.

1.2 Present: were Mayor Robin Border, Mayor Pro Tem Connie Castro and Council Members Shannon Whiting, Stephanie Post, Edward Davis and Bill Bristow. Also present were Ted Lazarides, Building Official; David Olson, City Attorney, Olson & Olson and the City Engineer, Efrain Him, P.E., Claunch & Miller, Inc. Chief Finkelman, Spring Valley Police Department, was absent.

2. CITIZENS COMMENTS:

Zandra Anderson, 8214 Mallie Court, stated in regards to the parking pad, the specifications do not specify the length of the pad. She said this is an issue because she did not think the City wanted to encourage parking on the street. Ms. Anderson said there was a safety factor because you might have double parking if both sides of the street had parking pads. She also said she would hate to see a patch work of gravel throughout the City. Ms. Anderson said the ordinance says that you must have two (2) wheels on the paved surface and two (2) wheels off the un-surface area while parking on the street. She also said there was no provision that the owners would have to absorb the cost if the City had to do work in the right-of-way. Ms. Anderson also said she has noted an abundance of leaves put out over the weekend. She suggested a possible solution would be for the City to produce a fluorescent sticker in which the owner would have to purchase and placed on their bags for pick-up.

Alan Wolfe, 1314 Pine Chase Drive, gave Council a copy of an email regarding green living and leaf management. He stated the City needed to go green and not pick-up

leaves.

Grady Farris, 1138 Glourie, stated Hilshire Village's insurance protects the building official and city engineers even though they are not City employees because they enforce the City's ordinances. He stated that if they fail to enforce and carry out the City's ordinances then the City should not be required to protect them because that would deny the residents their individual property rights. He said that any citizen has the right to legally rely on the City to protect their property. Mr. Farris stated for the City officials to enforce a guideline while ignoring City ordinances is clearly improper and illegal and that was what was done at 1134 Glourie which caused him to file a lawsuit. He stated that Harry Walker of CMI testified that both the Hilshire Village Drainage Criteria and Guidelines conflict with Ordinance 11:01.07. (Mr. Farris notes are attached)

Brian Thompson, 1209 Pine Chase, stated that per Interfield Engineering a slight deflection of drainage pipe like the one at 1209 Pine Chase is normal, this type of pipe is designed to carry big loads and the slight deflection that was found will not affect the capacity of the pipe. Mr. Thompson said the place where the pipes were deflected the most was fenced off and they did not cross that area with their machinery.

3. REPORTS TO COUNCIL:

3.1 Police: Mayor Border read Chief Finkelman's report stating that no major incidents occurred during October. There was one (1) arrest made as result of a citizen reporting an intoxicated man with a bicycle on Bridle Spur. Mayor Border reported there had not been any major incidents in November.

3.2 Fire Commissioner: Council Member Davis said there was an executive session at the last meeting. He said they had authorized the purchase of new uniforms. Upon the Chief's recommendation the Assistant Chief's position is being eliminated. Council Member Davis stated the Commissioners are seriously looking at the policies and some serious budget savings. Mayor Border stated Assistant Chief Poirier has asked to take his retirement due to health issues. He said Chief Foster is also looking at other improvements to the department. Mayor Border said they were modernizing the sleeping quarters at the fire department and it was long over-do. They have also instituted physical fitness and training into the department.

3.3 City Secretary: City Secretary Blevins stated the City office would be closed November 25th and 26th for Thanksgiving and December 24th and 27th for Christmas. She asked Council if they wanted to cancel the December Council meeting since it was so close to Christmas. Council agreed to cancel the December meeting and if needed she could call a special meeting if any items came up or to pay bills. Council Member Bristow said he would like to have a meeting but would not have a problem with changing the date. Council Member Davis made a motion to cancel the December Regular Council Meeting, seconded by Council Member Post. A vote was taken to

approve the motion to cancel the December Regular Council Meeting. The motion passed 4-1. Mayor Pro Tem Castro, Council Members, Post, Davis and Whiting voted for the motion and Council Member Bristow voted against the motion. City Secretary Blevins said Ted Lazarides' invoice on the consent agenda should be \$50.00 less due to an inspection that one of the inspectors did not perform. There was discussion by Council regarding a dead tree on Mallie Court. Council Member Bristow said he would mark the tree.

3.4 Building Official: Ted Lazarides stated there were fifteen (15) permits issued and twelve (12) inspections for the period of September 22nd through the end of the month and forty-one (41) inspections completed in the month of October.

3.5 Treasurer's Report: City Secretary Blevins stated she had cashed in the General Fund Certificate of Deposit to pay expenses for October on November 3rd. She said the City has received approximately \$10,000 in property taxes so far this month which was not enough to pay the bills. She said there were not any unexpected expenditures for the month of October in the General or Utility Fund.

3.6 Engineer's Report: Efrain Him gave the report stating Dabhi Engineer Associates anticipates completion of the generator specifications by the end of November. He stated the City received the executed contract for the TDRA Grant. Efrain said the EECBG Grant was approved. He said City Secretary Blevins had completed the required webinar for the grant.

Efrain stated Mondre and Joe with Severn Trent were supposed to finish finding the GPS coordinates for the missing valves today.

Efrain stated that he had approved Revision 1 of 8209 Mallie Court Drainage Plans.

4. DISCUSSION ITEMS:

4.1 Consideration of an amendment to the ordinances to allow parking pads in the right-of-way under certain circumstances: Mayor Border said Council was considering allowing parking pads under certain circumstances. He stated he would like to see the following changes made to the specs that were presented to Council. Mayor Border did not want someone to open their car door and step into a ditch; he thought the specifications should define the width of the parking pad and limit the length. Mayor Pro Tem Castro stated there were some places in the City that you could not put a parking pad. She also said that no-where does the ordinance define the drainage ditch. Mayor Border said that the specs need to say to what extent the soil needed to be compacted. Council Member Whiting did not want to encourage street parking and did not want to see the whole front of a house be a parking pad. Council Member Post did not want overnight parking. Mayor Border said he wanted the specifications to say that a waiver should stay with the property in case someone sells their property. David Olson said the

ordinance needed to be amended. Council Member Bristow stated the City needed to be aware of the distance from an intersection that you can legally park. He also said that there use to be an ordinance that prohibited parking on Ridgeley in certain areas. Council Member Davis asked if having an ordinance on a parking pad was a good idea. He said Hilshire Village does not lend itself to parking on the streets. Council Member Davis said that certain streets can't have parking pads. David Olson said Council could deal with parking pads as a specific use permit. He said you can write them as non-transferable and conditional. Council Member Davis said there were certain areas that are dangerous and either needs extra culverts or parking pads. Council Member Whiting said that she would like to see Council look at parking pads on an individual basis but she thinks the City needs a specific criteria. David Olson said that you cannot ask someone to fix or change a parking pad that Council gave permission to put in. David Olson suggested that Council not change the ordinances but that Council set specifications for parking pads in case Council approves a parking pad in the future. Mayor Border asked Council if they wanted David Olson to amend the ordinance to prohibit parking pads unless approved by City Council and to work with the Building Official and City Engineer with the criteria for a parking pad. Council agreed with the Mayor on this issue. Council Member Post asked if the parking pad would have to be permitted. City Secretary Blevins stated a resident would have to submit plans and if approved by City Council the parking pad would have to be permitted and inspected.

5. ACTION ITEMS (CONSIDERATION AND POSSIBLE ACTION):

5.1 A motion was made by Council Member Bristow to approve a course of action regarding possible damage to the drainage system in the 1209 Pine Chase Easement, seconded by Council Member Davis. Efrain Him in response to Brian Thompson's comment stated the plastic pipes that were installed were not designed for heavy traffic. He stated they performed one inspection on November 1st in which they visually inspected the pipes but had technical difficulties in taking pictures. On November 12th they went back and found that the 24" RCP appeared to be in good condition. The 77 LF segment of 30" HDPE pipe between the entrance points to the storm sewer manhole appears to be in good condition with no signs of over deflection or cracking. Efrain stated the segment of 30" HDPE pipe between the storm sewer manhole and exit point appears to be in good condition with no signs of cracking; however, two adjacent HDPE pipe joint sections appear to be over-deflected by more than 5.0%. He said this would not cause a significant reduction of flow. The pipes were designed to handle more water than a 100 year rain. Mayor Border said his understanding was when they put the pipes in they were engineered with a swale in case the entry was clogged the water would still flow. Efrain said he was correct that the water would still flow. Efrain said since the pipes did not show any signs of cracking, he did not feel the pipes needed to be replaced at this time; however, he would suggest monitoring the pipes. Mayor Border told Brian Thompson that the swales would need to be maintained during and after construction. Council Member Bristow stated he wanted to amend his motion because both the City Engineer and Mr. Thompson have stated

there was deflection in the pipes. A motion was made by Council Member Bristow to remove the drainage pipes, open the ravine and to have it engineered so that it would not affect Thompson Construction Company. The motion was not seconded. Council Member Whiting made a motion to approve the drainage system to be inspected as needed and no changes should be made to the easement pending any future drainage studies, seconded by Council Member Davis. Council Member Davis confirmed with Efrain Him that the drainage pipes, regardless if they were round or oval would cover a 100 year flood and the answer was "yes". A vote was taken to approve the motion approving the drainage system to be inspected as needed and no changes to be made to the easement pending any future drainage studies. The vote passed 4-1, Mayor Pro Tem Castro, Council Members Post, Davis and Whiting voted for the motion. Council Member Bristow voted against the motion.

The City Engineer was excused at this time.

5.2 A motion was made by Council Member Whiting to approve an amendment to Ordinance # 639 regarding the International Fire Code to read "automatic sprinkler installation shall not be required for additions to existing structures, to structures being renovated or remodeled, or to structures being restored as a result of a damage or destruction, unless the cost of the addition, renovation or remodeling or restoration exceeds fifty (50) percent of the most recent Harris County Appraisal District's appraised value of the structure", seconded by Mayor Pro Tem Castro. After Council discussed the pros and cons for residents Council Member Whiting amended her motion to read to approve Ordinance # 652 which will amend Ordinance # 639 regarding the International Fire Code to read an automatic sprinkler system shall be installed in all new buildings and structures built for or to be utilized as one of the occupancy classifications defined by the International Fire Code. Provided however, automatic sprinkler installation shall not be required for additions to existing structures, to structures being renovated or remodeled or to structures being restored as a result of damage or destruction, unless the cost of the addition, renovation or remodeling or restoration, over a twelve (12) month period, exceeds fifty (50) percent of either the most recent Harris County Appraisal District's appraised value or the value established in a certified appraisal submitted by the owner and completed by a State Certified Appraiser within the past six (6) months, whichever is higher of the structure subject to such construction, seconded by Mayor Pro Tem Castro. A vote was taken to approve the motion to approve Ordinance # 652 which will amend Ordinance # 639 regarding the International Fire Code to read an automatic sprinkler system shall be installed in all new buildings and structures built for or to be utilized as one of the occupancy classifications defined by the International Fire Code. Provided however, automatic sprinkler installation shall not be required for additions to existing structures, to structures being renovated or remodeled or to structures being restored as a result of damage or destruction, unless the cost of the addition, renovation or remodeling or restoration, over a twelve (12) month period, exceeds fifty (50) percent of either the most recent Harris County Appraisal District's

appraised value or the value established in a certified appraisal submitted by the owner and completed by a State Certified Appraiser within the past six (6) months, whichever is higher of the structure subject to such construction. The vote passed unanimously.

The Building Official was excused at this time.

5.3 A motion was made by Mayor Pro Tem Castro to give direction and authority to the Fire Commissioner to negotiate the Village Fire Department's health insurance coverage and retiree contribution ratio for retired employees, seconded by Council Member Davis. Mayor Border stated the Fire Department has a retiree insurance plan which is entirely funded by the Village Fire Department with no contribution by the retirees. Their spouse also receives the benefits at 50% of the cost. Mayor Border stated the Commissioners have been reviewing benefits and they want to continue the insurance coverage for retirees as long as the retirees contribute to the cost. The Commissioners do not want to cover the cost of insurance when a retiree already has a policy through another agency. They want to reduce the Fire Departments cost gradually and eliminate the coverage in the year 2015. Council Member Bristow asked how this change would affect the existing fire department. Mayor Border said a letter was sent out to the current fire department and no one has come forth with any issues. Mayor Border stated that other fire departments already have graduated payment plans. A vote was taken to approve the motion authorizing the Fire Commissioner to negotiate the Village Fire Departments health insurance coverage and retiree contribution ratio for retired employees as presented to Council. The vote passed unanimously.

5.4 A motion was made by Council Member Davis to approve the appointment of Susan Blevins to the position of City Investment Officer, seconded by Council Member Whiting. A vote was taken to approve the motion to approve the appointment of Susan Blevins to the position of City Investment Officer. The vote passed unanimously.

5.5 CLOSED EXECUTIVE SESSION: None

6. REPORTS TO COUNCIL

6.1 Mayor and Council:

Mayor: None

Whiting:

Bridle Spur: None

Ridgeley Improvement Committee: None

7. CONSENT AGENDA:

7.1 Council Member Whiting made a motion to accept the Consent Agenda with the change of Ted Lazarides' invoice to \$3,493.75, including Minutes of the Regular Council Meeting of September 21, 2010, Public Hearing and Special Council Meeting of September 28, 2010 and Regular Council Meeting of October 19, 2010, seconded by Council Member Davis. A vote was taken to approve the motion accepting the Consent Agenda with the change of Ted Lazarides' invoice to \$3,493.75, including Minutes of the Regular Council Meeting of September 21, 2010, Public Hearing and Special Council Meeting of September 28, 2010 and Regular Council Meeting of October 19, 2010. The vote passed unanimously.

8. ADDITIONAL CITIZENS COMMENTS:

Alan Wolfe, 1314 Pine Chase Drive, said the City is a community with open ditches. The City needs to be clear that there will be no closed ditches and no parking pads. In regards to the drainage easement, the citizens do not want the drainage easement moved at 1209 Pine Chase. His opinion is that the 1209 Pine Chase easement should be checked on a yearly basis. Mr. Wolfe was concerned with the requirement of a fire sprinkler system on remodel jobs in regards to the older homes that have very little value and he appreciated the time and consideration Council gave to the subject.

Grady Farris, 1138 Glourie, asked what the demand was for parking pads and questioned the need for parking pads. Mr. Farris also wanted to know if Council was approving parking pad for certain residents or all residents. He asked Council to do something about the construction at 1134 Glourie which has caused his property to flood.

9. ANNOUNCEMENTS: None

10. ADJOURNMENT: Council Member Whiting moved to adjourn, seconded by Council Member Post. The motion passed unanimously. The meeting was adjourned at 9.22 P.M.

Mayor Robin Border

ATTEST:

Susan Blevins, City Secretary