

# The City of Hilshire Village

TUESDAY, September 20, 2011  
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.

1.1 Invocation: was given by Council Member Whiting.

1.2 Present: were Mayor Robin Border, Mayor Pro Tem Connie Castro and Council Members Shannon Whiting, Stephanie Post, Bill Bristow and Edward Davis. Also present were Chief Gary Finkelman, Spring Valley Police Department, City Attorney, David Olson, Efrain Him and Harry Walker P.E., HDR/Claunch & Miller, Inc., City Engineer.

## 2. CITIZENS COMMENTS:

Robert Wolfe, 1205 Pine Chase, said a few months back the 1209 Pine Chase drainage was discussed. Residents had requested the ground pipes be removed and opened to accommodate more free flow drainage. He said it was mentioned that the work could not be done because the funds were not available and he felt the work should be done now since the City will be getting funding for other projects. Mr. Wolfe said with the work progressing along Pine Chase by cleaning the ditches it will accommodate more capacity for the water drainage. With more water flow the restriction will then be at the opening of the two pipes. He said opening the ditch would eliminate the restriction. Mr. Wolfe strongly urges Council to consider removing the pipes and opening the ditch.

Jim Harbison, # 11 Pine Creek Lane, said he was here to alert Council of the chronic water pressure problem on Pine Creek. Mr. Harbison said the water pressure has always been an issue but now you cannot shower at the same time with any other water usage. He said there must be a degree of difference in low water pressure. Mr. Harbison thinks it is especially worse on his side of the street.

Richard Linder, # 13 Pine Creek Lane, said last month the lack of water pressure had become unbearable. He said water just drizzled out of the shower. Mr. Linder said if there was a fire on the street there would not be enough water pressure to put the fire out.

Kit Hopkins, # 10 Pine Creek Lane, brought a petition from the residents on Pine Creek Lane. She said there was no water pressure on Pine Creek. Ms. Hopkins was also concerned with fires. She said she walks through the Village every morning and other residents are able to water their yards; however, no one on Pine Creek could use a

water sprinkler system. Mrs. Hopkins also reported the fact that Severn Trent did not make repairs to the street and the yards after repairs were made to a water line and she wanted to know who monitored them.

Carla Martinez, # 8 Pine Creek Lane, said her water pressure was a major issue. She said the smell was horrible and it tastes like metal. Mrs. Martinez said the water was also yellow and brown. She said she and her husband try to shower at the gym because of these issues.

Bob Shannon, # 7 Pine Creek Lane, said he has lived on Pine Creek for 35 years. He understands that Pine Creek has a two (2)" line and nothing can help the situation without replacing this line. Mr. Shannon said that Pine Creek residents pay taxes and he would like to see Council address this situation.

Mayor Border said that Council was aware of Pine Creek residents' problems. He said the water line was a two (2) inch line and it was over 30 years old. Mayor Border said it was a high priority for the City. He said the reason lines on other streets were replaced was because of grant funding. Mayor Border said later in the meeting Council would be discussing replacement of water lines.

Grady Farris, 1138 Glourie, provided a picture of the water standing in the ditch at 1309 Glourie. He reminded Council that the City allowed the homeowner not to put in a culvert. Mr Farris informed Council that a water sprinkler was installed in the City's Right of Way at the same address and the City allowed it. He said that 1309 Glourie was not in compliance with the ordinances. Mr. Farris then started asking the City Engineer questions which the City Attorney advised was inappropriate. Mr. Farris then asked for his time to speak to start over and he was denied this request.

### 3. REPORTS TO COUNCIL:

3.1 Police: Chief Finkelman said there was no activity in the month of August.

3.2 Engineer's Report: Efrain Him said that HDR had prepared a proposal for Professional Engineering Services for the Pine Chase and Glourie Drive Paving and Drainage Improvements Project on which Council would be voting.

Efrain stated that under the Texas Department of Rural Affairs Program the project was advertised and bids were opened at City Hall on September 13, 2011. He stated the bid tabulation had been submitted to Council and it was HDR's recommendation for Council to award the construction contract to DonMar Grading, Inc., who was the successful low bidder.

Efrain stated he was currently working on the reimbursement of expenses for the air conditioning units under the U. S. Department of Energy, the SECO Grant.

Efrain stated on September 2, 2011, the City was notified that TCEQ had completed the review of the City's EPP waiver request and approved it. City Secretary Blevins stated the City wanted to thank Efrain and David Olson for all their efforts to receive the waiver.

Efrain stated he had reviewed the as-built drainage plan survey and inspected the drainage system at 1241 Archley and found it to be in general conformance with the

approved drainage plans.

Efrain stated he was currently reviewing the resubmitted 1209 Pine Chase Drive Drainage Plans.

Efrain met with Mr. Sternberg regarding the installation of a large concrete pad at 1110 Guinea that had been red tagged by the City due to a lack of a permit. He will continue to work with the homeowner, City Attorney and the acting Building Official on the issue.

Council Member Bristow asked the City Engineer, Efrain Him, if the opening of the outlet at 1209 Pine Chase would be done under the two (2) existing grants. Efrain stated the work was not included in the grants. Council Member Post confirmed with Efrain that the 1209 Pine Chase outlet was designed to handle the ditches after they were graded under the grant. Efrain said it was designed to handle the re-graded ditches. Council Member Bristow stated he wanted the City to look into opening the outlet at 1209 Pine Chase.

Mayor Border asked Council to review the worksheet that the City Engineer had prepared. He stated at the various budget meetings that the City discussed the fact that the City has Metro money for the road work but the City is short on Utility Funds. Mayor Border said that the City is looking into borrowing money for Pine Chase/Glourie and various other projects. He stated the City borrowed \$1,000,000 for the Ridgeley Drive Project and it cost residence approximately \$0.13 to \$0.14 per \$100 for seven (7) years. Council is now discussing a longer period of time to borrow the money. Mayor Border said if Council was to do all the items on the City's list it would need to borrow \$9,000,000.

Council Member Whiting reminded the citizens it was not appropriate to ask Council questions during the meeting. She said the time to comment was during citizen's comments. Council Member Bristow asked the City Attorney if Council could address citizen's comments from the floor. David Olson said the general rule was not to answer questions. He stated the Mayor or majority of Council would have to recognize the citizen prior to any discussion.

3.3 First Southwest – Joe Morrow said he serves the City as a financial advisor. He said his company's job is to assist the City when it is time to access the capital market to finance their projects and to get the lowest possible rate. Mr. Morrow stated the City used tax notes previously but tax notes are limited to a seven (7) year payback. If the City needs to borrow more money or needs to extend payment past seven (7) years the City would have to use other options. He stated there were three other debt instruments that are allowed by the State Law. One (1) would be Water and Sewer Revenue Bonds. However, Mr. Morrow did not feel that this was the right instrument because the City would have to pledge the City's revenue for water and sewer. He said because the City has a small system (less than 1,000 connections) this would not be a viable option and the residents also could not deduct the expense on their taxes. Mr. Morrow said the second option would be General Obligation Bonds in which the City would have to hold an election. He said that the election could only be done in May or November. Mr. Morrow said that the City probably would not get funding until August of 2012. The third option was a combination tax and revenue Certificate of Obligation (CO). The City would issue a "notice of intent to issue" for a not to exceed amount of debt for certain projects and then notices would have to be published for two consecutive weeks. He

said CO's are subject to referendum by petition. COs are secured by an ad valorem tax or by tax and revenue. Mr. Morrow does not recommend the revenue bonds. He said bonds go up to 40 years but he does not recommend extending them for that long. Practical usages are not more than 30 years and 25 to 30 years is the standard. Mr. Morrow said that the current rate is 3.30% for 20 year schedule date and 4.20% for a 30 year.

Mayor Border said the City would need to set priorities. He reminded Council if the City took out a note for 20 years and in five years needed to borrow for additional repairs then the City would have to add an additional note on top of the existing note.

Mayor Border asked the City Engineer to explain his worksheets on the various projects. Efrain stated the first worksheet was for a water booster facility. Mayor Border reminded everyone that a lot of the water pressure problems were individual house main problems and if the City replaces lines and/or adds a booster pump the residents still might have restrictions due to their existing lines. He said that the older homes have galvanized lines which are corroded. Mayor Border said that Efrain prepared the worksheet so that Council would have an estimate as to what it would cost for individual projects. The estimated cost for a water booster system is approximately \$1,287,650 plus \$50,000 for yearly operation and maintenance. Mayor Border said if the City was going to redo streets, water and sewer for Pine Creek it would be \$1,000,000. Efrain said he broke his report into three categories; water, sewer and paving & drainage. He also separated engineering and construction. Efrain said the City can just replace water lines without doing sewer or paving & drainage. Mayor Border asked if the City replaces the water system on Pine Creek would that solve the water pressure issues. Efrain said "not necessarily, because they are located on the far end and the line is a dead end loop". Mayor Border wanted to make sure everyone understood if the lines were replaced the City still would have a water pressure issue and some residents would still have corroded lines. The Mayor said another option would be to install a water tower approximately 65 ft in the air and keep it full of water. He said Council needed to decide what projects they wanted to do and then decide on the method of financing. He said he believes the City is looking at a minimum of \$2,000,000 and probably it is closer to \$3,000,000. Mayor Border said the cost given to Council was on the extreme side.

Council Member Bristow asked if individuals could install their own booster system. Mayor Border asked what would happen if everyone installed a water booster system? Harry Walker, HDR, said that if too many booster systems were installed the City might have a supply issue.

3.4 Water Conservation Update: City Secretary Blevins said that emails were sent out and a flyer was put on everyone's door informing residence of the water conservation plan. She stated that the Police Department is reporting addresses that are watering incorrectly.

#### 4. ACTION ITEMS (CONSIDERATION AND POSSIBLE ACTION):

4.1 A motion was made by Council Member Davis to authorize the Mayor to enter into an Agreed Order with the Texas Commission on Environmental Quality regarding an Emergency Preparedness Plan, seconded by Council Member Whiting. Attorney David Olson said he would compose a letter to be sent with the Agreed Order. Mayor Border said the City still has a penalty to pay because of the time frame it took to receive the

waiver. Mayor Pro Tem Castro wanted to thank the Mayor, City Engineer and City Attorney for all their hard work which saved the City over 4 million dollars. A vote was taken to approve the motion to authorize the Mayor to enter into an Agreed Order with the Texas Commission of Environmental Quality regarding an Emergency Preparedness Plan. The vote passed unanimously.

4.2 A motion was made by Council Member Davis to authorize the Mayor to execute a payment to the Texas Commission on Environmental Quality for administrative penalties in the amount of \$588, seconded by Council Member Whiting. A vote was taken to approve the motion to authorize the Mayor to execute a payment to the Texas Commission on Environmental Quality for administrative penalties in the amount of \$588. The vote passed unanimously.

4.3 A motion was made by Mayor Pro Tem Castro to authorize the Engineer to award the Pine Chase Drainage Improvements Construction Contract (TDRA/GLO) funded to DonMar Grading, Inc., seconded by Council Member Davis. Council Member Bristow was disappointed that there was not a provision to open up the drainage easement on 1209 Pine Chase. He does not believe this project will satisfactorily alleviate any problems on that work area and he does not support the project. Mayor Border said the Pine Chase Drainage Improvements is a deepening of the ditches and putting in new culverts. He said the City was just utilizing money. Mayor Border said that opening the ditches had never been a part of this grant. Council Member Whiting wanted to make sure the trees were going to be protected. A vote was taken to approve the motion to authorize the Engineer to award the Pine Chase Drainage Improvements Construction Contract (TDRA/GLO funded) to DonMar Grading, Inc. The vote 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.

4.4 A motion was made by Council Member Post to approve HDR'S Professional Engineering Services Proposal for the Pine Chase and Glourie Drive Utility, Drainage & Paving Improvements Project (HMGP-FEMA funded), seconded by Council Member Whiting. Mayor Border confirmed with Efrain that the roadway profile would be lowered approximately two (2) to six (6) inches below the current elevation, and the ditches would be designed to handle a City of Houston 2-year storm frequency. He asked what year rain event would be achieved after lowering the roadway profile which would allow the sheet flow of extreme rain events? The City Engineer said based on the report he did in 2005 it would be protected up to a hundred 100 year flood. Mayor Border wanted to confirm that the objective in the program was to remove the houses that are considered to be flood prone from a red color house on the flood map to white. Efrain confirmed the Mayor's comment. Council Member Bristow was concerned with the fact that all the water would be flowing into the 1209 Pine Chase drainage easement and he did not feel the pipes could handle all the water. Council Member Post confirmed that the pipes were engineered for a 100 year flood. Council Member Bristow said he did not believe the 1209 Pine Chase pipes would handle a 100 year rain event. Council Member Whiting asked the City Engineer what would happen downstream if the pipes were removed. Efrain said it did not do any good to remove the pipes if the ditches downstream could not handle a 100 year rain event. Council Member Whiting said even though the City would be widening the ditches the velocity should be slower. A vote was taken to approve the motion approving HDR's Professional Engineering Services Proposal for the Pine Chase and Glourie Drive Utility, Drainage & Paving

Improvements Project. The vote passed unanimously.

The City Engineer was excused at this time.

The Council Meeting was recessed at 8:23 P.M.

The Council Meeting was reconvened at 8:34 P.M.

## 5. REPORTS TO COUNCIL:

5.1 Fire Commissioner: Mayor Border said the Fire Commissioners did not meet last month; however, he told Council he had learned that the ambulance service was a service that the residents pay for in their taxes. Residents do not pay for ambulance service; however, if they have insurance or Medicare the Fire Department bills them. Mayor Border said that 70% of the ambulance services are for Medicare patients. He said Medicare pays only 35 to 40% of the bills that are sent to them. Mayor Border said the Fire Department is looking into purchasing new ambulances. He said they also received a grant for over \$200,000 to purchase new radios. Mayor Border also said that three (3) of the Police Departments would be giving their extra funds from their grants to the Fire Department for additional radios. Council Member Whiting said she, Council Members Post and Bristow had attended the 911 Ceremony held by the Fire Department and she felt it was very well done.

5.2 Building: City Secretary Blevins reported that there were seven (7) permits issued for the month of August and thirty-two (32) inspections. She said the City Engineer and acting Building Official, Joe Garrett, approved 1241 Archley for a Certificate of Occupancy. City Secretary Blevins stated the City had received plans for 1209 Pine Chase to be reviewed.

5.3 City Secretary: City Secretary Blevins reported there were several issues on water pressure. Mayor Border wanted a better report on the Farris Lawsuit. He confirmed that the total cost year to date to the City because of the lawsuit was \$39,480.

Mayor Pro Tem Castro also thanked Susan Blevins, City Secretary, for all the hard work she did coordinating the Texas Commission of Environmental Quality Waiver. Mayor Border reminded everyone "the City Secretary was the center of the revolving door because the rest of us come and go and she maintains a little bit of stability and continuity".

5.4 Treasurer's Report: City Secretary Blevins stated at the last Council Meeting that Council Member Post had asked where the City was compared to last year in the General Fund. City Secretary Blevins reported in 2010 the ending balance in the General Fund was \$191,000 and she estimates 2011 to be \$241,000. City Secretary reported that the revenue for the General Fund was down but so were the expenses. In the Utility Fund revenue was over the budget but so were the expenses. She reported that she received a \$12,000 bill for repairs to the water lines today.

## 6. ACTION ITEMS (CONSIDERATION AND POSSIBLE ACTION):

6.1 A motion was made by Council Member Davis to authorize the Mayor to enter into a three (3) year contract with Belt Harris Pechacek, LLLP (the City Auditors), seconded

by Mayor Pro Tem Castro. A vote was taken to approve the motion authorizing the Mayor to enter into a three (3) year contract with Belt Harris Pechacek (The City's Auditors). The vote passed unanimously.

6.2 A motion was made by Council Member Davis to authorize the City Secretary/Treasurer to advertise for a new depository bank, seconded by Council Member Post. City Secretary Blevins said that if Council wanted to look at different depository banks the law states you must advertise in the City's newspaper. Mayor Border said that the purpose was to see if the City can get better rates. A vote was taken to approve the motion authorizing the City Secretary/Treasurer to advertise for a new depository bank. The vote passed unanimously. David Olson said he was assuming the City was seeking a bank outside the City Limits. He also wanted Council to authorize the Mayor to execute a written policy expressly permitting the consideration of applications received by the municipality from a bank that is not doing business within the municipality per the Local Government Code 105.011 (b) (2). Council Member Post made a motion to authorize the Mayor to execute a written policy expressly permitting the consideration of applications received by the municipality from a bank that is not doing business within the municipality, seconded by Council Member Davis. A vote was taken to approve the motion authorizing the Mayor to execute a written a policy expressly permitting the consideration of applications received by the municipality from a bank that is not doing business within the municipality. The vote passed unanimously.

6.3 A motion was made by Council Member Davis to authorize the City Attorney to draft a letter for the Mayor's signature stating the property at 1317 Bridle Spur would conform to all zoning regulations after the conveyance of this property for the street ROW, seconded by Council Member Whiting. City Secretary Blevins stated the mortgage company for this particular address requested the resident provide them with a letter from the City that after he conveys his property over for the street that his property would still conform to all zoning regulations. David Olson said he was not opposed to writing a letter but the letter needed to qualify that if the City decided to accept the Right of Way it would conform to all zoning regulations but that it would not mean the City would accept the property. Council decided that the City needed to review the setbacks before writing the letter. A vote was taken to approve the motion authorizing the City Attorney to draft a letter for the Mayor's signature stating the property at 1317 Bridle Spur would conform to all zoning regulations after the conveyance of this property for the street ROW. The vote passed unanimously.

Recessed the Council Meeting at 9:03 P.M.

6.4 CLOSED EXECUTIVE SESSION: Council went into an executive session to discuss the Grady Farris Lawsuit

6.5: NONE

The Council Meeting was reconvened at 9:15 P.M.

The City Attorney was excused at this time.

7. DISCUSSION ITEMS:

7.1 Replacement of the Building Official: Council Member Post said she and Council Member Whiting had put together a draft job description for a building official. She said they primarily used Hedwig Village's job description. Council Member Post wanted Council to have a chance to review before adopting. Council Member Whiting said she had the City Secretary and City Clerk review since they were the most knowledgeable. City Secretary Blevins said that the previous Building Official did not have all the Certificates they had listed. Council Member Whiting said that it could be a preferred requirement. Mayor Border felt the Building Official should be a part time employee so he would have the protection needed. He said until the lawsuit goes away the City Building Official is the one being sued. Council Member Davis inquired about the requirement of a College Degree. Council Member Whiting said it was not a requirement by other cities but it could be a preferred requirement. She also said an Associate Degree was also a possibility. Council Member Bristow asked why this individual needed to be an employee. Mayor Border said so that he has legal protection. Mayor Border wanted someone in that position to be customer oriented, polite and educated and to provide a high level of service. He said the City's employees and Council provide a public service and it should be treated as a privilege to do so.

7.2 Lawn Mowing Hours: Council decided not to change the hours. The hours in effect are 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on Saturday, Sunday and holidays observed by the City.

## 8. REPORTS TO COUNCIL:

### 8.1 Mayor and Council:

Mayor – NONE

Council Member Whiting – NONE

Mayor Pro Tem Castro – Presented Council with a policy for Memorials. The Policy she presented was in recognition of outstanding service of five plus years by the City's deceased Council Member, Staff or Volunteer.

9. CONSENT AGENDA: A motion was made by Council Member Whiting to accept the Consent Agenda as presented, seconded by Council Member Post. A vote was taken to approve the motion approving the Consent Agenda including disbursement of invoices and approving the Minutes from the Regular Council Meeting of August 16, 2011, approving the Minutes from the Special Council meeting of August 25, 2011, approving a Proclamation for Texas Night Out and Halloween Night. The vote passed unanimously.

10. ADDITIONAL CITIZENS COMMENTS: NONE

11. ANNOUNCEMENTS: Council Member Bristow asked if the generator was inspected and he wanted the generator locked and secured.

11. ADJOURNMENT: Council Member Post moved to adjourn, seconded by Council Member Bristow. A vote was taken to approve the motion to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 9:41 P.M.

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Robin S. Border, Mayor  
ATTEST:

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Susan Blevins, City Secretary