

TUESDAY, SEPTEMBER 16, 2014
PUBLIC HEARING & REGULAR COUNCIL MEETING
6:00 P.M.

PUBLIC HEARING:

1.1 Call to Order: Mayor Whiting called the City of Hilshire Village Public Hearing to order at 6:02 P.M. at 8301 Westview, Houston, Texas 77055. Present were Mayor Shannon Whiting, Mayor Pro Tem Post, Council Members Mike Gordy, Edward Davis and Paul Maddock. City Secretary Susan Blevins was also present. Council Member Gunn was absent.

1.2 Hearing and Discussion: General and Utility Fund Budget, and Tax Rate were discussed by Council. Mayor Whiting went through items that had changed since the last Public Hearing. She stated that Council would go into an Executive Session at the next meeting to discuss a pension plan for staff. Mayor Whiting stated the City received the cost amount of \$381,883.00 per year for the Police Department, which is approximately a 7.5% increase. Council discussed the City adopting the Rollback Tax Rate of \$0.533441/100 which would be a lower tax rate than last year. No citizen's comments were made. Mayor Whiting stated Council would vote on the Budget and Tax Rates on Monday, September 22, 2014.

Adjournment of the Public Hearing was called at 6:50 P.M.

REGULAR COUNCIL MEETING

2. CALL TO ORDER: Mayor Whiting called the City of Hilshire Village Council Meeting to order at 6:51 P.M. at 8301 Westview, Houston, Texas 77055.

2.1 Invocation: was given by Council Member Maddock.

2.2 Pledge of Allegiance

2.3 Present: were Mayor Shannon Whiting, Mayor Pro Tem Stephanie Post and Council Members Michael Gordy, Edward Davis and Paul Maddock. Also present were City Secretary Susan Blevins, City Engineer Efrain Him, P.E., HDR/Claunch & Miller, Inc. and City Attorney Kim Mickelson, Olson & Olson. Council Member Gunn was absent.

3. ACTION ITEMS:

3.1 Council Member Maddock made a motion to approve City of Hilshire Village Resolution Number 139 related to approving financings by the Hilshire Village Cultural Education Facilities Finance Corporation (HVCEEFC) for the benefit of St. Francis Episcopal Day School and related matters, seconded by Council Member Davis.

Robert Swanson, President of the HVCEFFC, explained that the non-profit corporation, under 509A of the Internal Revenue Code, was originally formed in 2005 and reformed in May, 2014. The purpose of the Corporation is to be a conduit for financing for educational projects at accredited schools and other worthy projects. There were two deals done prior to 2007, the School of the Woods and the Hobby Center. The State of Texas passed a law in 2003 authorizing governing bodies to incorporate non-profit corporations to issue tax exempt bonds. HVCEFFC will have no liability whatsoever. The Corporation does receive a fee for their services, in this case \$15,000.00. The project for St. Francis Episcopal Day School is for a seven point one (7.1) million dollar loan. The school is the borrower and Cadance Bank is the lender with the City as the issuer.

Mr. Swanson stated the HVCEFFC Board recently met, discussed the issue, and voted unanimously to approve the project for St. Francis Episcopal Day School. Financial statements for the school were given and reviewed. The School is a 501(c) 3 organization so they will be allowed to get tax free bonds.

Mayor Whiting pointed out that the City is “offering” their borrowing capacity to this entity in which the City will receive a fee for this transaction. She stated St. Francis Day School had presented the initial idea to Council earlier this year.

Francine Steffan, First Southwest Company, stated with the approval of the financing by Council tonight, the documents would then go to the Harris County Commissioner’s Court next week for their approval. Once that has been granted, then it is a matter of finalizing the loan agreement and the St. Francis Financing Committee has to meet to determine the term of the loan and if they want a fixed or variable rate. Once that is done all that is left is finalizing the documents. The closing is expected by the end of October at which time the finder’s fee is paid.

Mayor Pro Tem Post asked why the Commissioner’s Court had to approve. Ms. Steffan stated that under the Tax Code Finance companies are required to get the approval of the highest elected public official for both the County where is the sponsored entity is located and the County where the project is located. In this case both are in Harris County.

Mr. Swanson stated that the finder’s fee would be given to the City for future Capital Projects. Mayor Whiting stated it would go into the General Fund to be used as the Council sees fit.

Bob Sommer, 1114 Guinea Drive, asked how many children from Hilshire Village attended St. Francis. The exact number was not known but some apparently do.

A vote was taken to approve the motion approving the City of Hilshire Village Resolution Number 139 related to approving financings by the Hilshire Village Cultural Education Facilities Finance for the benefit of St. Francis Episcopal Day School and related matters. The vote passed unanimously.

4. CITIZEN'S COMMENTS:

Gail Layne, #12 Pine Creek Lane, asked if any decision has been made on the variances for Pine Creek Lane and if not, how much longer it would take? Mayor Whiting stated Council is waiting until the Budget is finished before starting on the variances. She said Council will move as quickly as possible and remembered that Mrs. Layne had written a letter. In the short term, her remedy would be to go back to the Board of Adjustment.

5. COUNCILS COMMENTS: None

6. REPORTS TO COUNCIL:

OUT OF ORDER

9.1 Police Report: Mayor Whiting gave the report for Chief Finkleman. She stated that the residential burglary that happened on August 12, 2014 at 1200 block of Glourie last month was reported on Nixle and that no alarm was set. There have been four (4) reports of vehicle burglaries overnight between August 21 and August 22, 2014. All burglaries involved automobiles parked outside the residence and left unlocked. The Chief assigned the "Hot Spot" officer to an overnight patrol in the area and three (3) separate arrests of six (6) suspects were made. At least one (1) of the suspects admitted that he targeted the area because it is known that the residents in Hilshire Village often leave their cars unlocked. Mayor Whiting said that Chief Finkelman has repeatedly urged residents to lock their cars at night.

A man was arrested for public intoxication on Bridle Spur. There was also another arrest in the 1000 block of Wirt where a man was observed stumbling and acting suspiciously. The officer observed him hanging onto a telephone pole and vomiting. This subject had a felony warrant for his arrest on a stalking charge issued by the Harris County Sherriff Department. He was transferred to jail.

On September 4, 2012 the subject arrested last month for public intoxication was again arrested for public intoxication in the 1300 block of Glourie.

6.1 Engineers Report – Efrain reported that in regards to **Pine Chase and Glourie Drive Reconstruction HMGP Project**, 1327 Pine Chase Grove had notified the City they were experiencing water pooling issues in his front yard. After meeting with the contractor and the resident the Contractor will replace the concrete driveway panel and install a drain inlet on the south side of the driveway to address the drainage issue. The Contractor also plans to reset three (3) driveway culverts and address ditch re-grading where required.

Efrain stated in regards to the **Pine Creek & Bridle Spur Reconstruction Project**, the City of Houston has informed HDR that the additional water interconnect request had been approved and the City was in the process of amending the water contract between the Cities to include this additional water line interconnect.

Efrain stated he had met with the Mayor and City Attorney Kim Mickelson to discuss the right-of-way issues in Pine Creek and determine the action course to address these issues. He stated Council will be voting on the proposal from Landtech Consultants to prepare a survey with metes and bounds for the dedication of an easement for the roadway located within the 8309 Westview Drive property. Efrain stated the City was coordinating with the Stearns Corporation regarding the easement/right-of-way dedication.

On September 10, 2014 HDR conducted a Workshop Session with residents from **Bridle Spur Lane** and some members of City Council who were in attendance.

On September 11, 2014 HDR also conducted a Workshop Session with **Pine Creek Lane**.

Efrain stated he had coordinated with the City and Mr. Scott on the requirements and feasibility of subdividing **1035 Ridgeley Drive**.

8315 Creekstone Circle – Efrain had coordinating with the City, home owner and Contractor regarding the proposed concrete driveway replacement without a driveway culvert. It was determined that a culvert would not be required.

8202 Burkhart Road – HDR has been coordinating with the City and the Contractor's Drainage Engineer regarding the drainage requirement. Efrain stated he was reviewing the plans at this time.

19 Hickory Shadows Drive – HDR has reviewed the survey and proposed removal of existing flagstone and pond and installation of a swimming pool in the same area. It was determined that a formal drainage plan was not required.

1307 Pine Chase Drive – HDR made a job site visit and determined that a formal drainage plan would not be required to replace the existing wood deck with flagstones embedded in soil. They will not exceed the limits of impervious coverage and the existing sheet flow drainage pattern would remain the same.

1313 Ridgeley – HDR has been working with Lifetime Homes on revisions to the Drainage Plans regarding the proposed circular driveway.

7. ACTION ITEMS: Cont.

7.1 Council Member Davis made a motion to authorize proceeding forward with the professional surveying services of Landtech Consultants for their survey and preparing metes and bounds for the Pine Creek West ROW/Easement Dedication in the amount of \$2,850.00 plus 10% mark-up for a total amount of \$3,135.00, seconded by Council Member Maddock. **A vote was taken to approve the motion authorizing HDR to proceed forward with the professional surveying services of Landtech Consultants for their survey and preparing metes and bounds for the Pine Creek**

West ROW/Easement Dedication in the amount of \$2,850.00 plus 10% markup for a total amount of \$3,135.00. The vote passed unanimously.

The City Engineer was excused at this time.

7.2 Council Member Davis made a motion to authorize the Mayor to sign the Amended and Restated Professional Services Agreement with Severn Trent Environmental Services, Inc., seconded by Council Member Maddock. Mayor Whiting introduced Mr. Williams from Severn Trent and asked him to highlight any changes in the contract.

Joe Williams, Severn Trent, said that the fuel rates have changed. Normally the Agreement is renewed every two years. The Agreement has not been renewed since 2009. In 2013 the renewal was not done because the City was reviewing the possibility of billing monthly instead of bimonthly. He stated some of the equipment charges were changing, such as the Vector truck that cleans out the lift station. The rate changes are the result of an internal audit determining cost.

Mr. Williams stated the format of the Agreement was a bit different so that in the future the Agreement does not have to be rewritten. Going forward only the rate page will change and have to be approved by Council.

Mayor Pro Tem Post asked if all the rates changed or just some of them. City Secretary Blevins stated some of the changes were approved on the City's last Ordinance approved for utility rates. She stated that if the City goes with the proposed increase in water rates the change in Severn Trent's contract if the water rates went up, the amount is nominal and would not affect the budget.

Mayor Whiting said the City might be better off using their landscape service company. Severn Trent charges too much for grass. The normal cost of grass installation is about \$500.00.

Mr. Williams stated the cost of meters and the monthly billing fee will stay the same. City Secretary Blevins asked for a listing of meters that needed to be replaced.

A vote was taken to approve the motion authorizing the Mayor to sign the Amended and Restated Professional Services Agreement with Severn Trent Environmental Services, Inc. The vote passed unanimously.

7.3 CLOSED EXECUTIVE SESSION: None

7.4 Mayor Whiting said no action would be taken regarding the Executive Session

The City Attorney was excused at this time.

8. DISCUSSION:

8.1 Royal Recycle and Disposal notice of rate increase: City Secretary Blevins stated that she had received a letter from Royal Recycle and Disposal Company reflecting a rate increase of \$17.99 for trash and \$2.89 for recycling. The increase has been added to the Budget for 2014-2015. She will type up an Ordinance showing the new rates to be approved at the same time the City approves the Budget.

Council Member Davis wanted to know if we ever get complaints on their service. City Secretary Blevins indicated that if a resident trash is not picked up the City notifies Royal and they come back to get it.

Mayor Whiting stated that several residents who are avid recyclers have said they would like to have recycling picked up every week.

Council Member Gordy stated that there would not be as much trash if recycling was picked up on a weekly basis. Mayor Whiting stated that those residents with babies and/or pets need their garbage picked up twice a week.

9. REPORTS TO COUNCIL: cont.

9.2 Fire Commissioner: Mayor Whiting stated the Fire Department is below budget for the year. The Chief reported that they have received 1,200 calls to date which is 200 more than last year. EMS collections have improved. Mayor Whiting reported there was a kitchen fire at the Racquet Club yesterday. She reported that the Chief had been approached regarding consolidating their Dispatch Center with different police entities. He believes that fire and EMS are different services from police and they should stay separate as there are different questions and procedures between the two.

Mayor Whiting stated she had joined the firefighters on September 11, 2014 "Moment of Silence" and then was invited for breakfast provided by HEB. Someone else was providing lunch and then Johnathan's provided dinner.

The Civic Club has offered to do a pot luck meal for the Fire and Spring Valley Police Departments.

9.3 Building: City Secretary Blevins stated there were 29 permits including one (1) new construction and one (1) addition to a home issued this month. She stated there were 57 inspections done. There were no plan checks or red tags issued. Also, there was no Certificate of Occupancy issued this month.

9.4 City Secretary: City Secretary Blevins stated she has asked the owners of the commercial area to clean up the outside of their facilities. She also reported several residents on Pine Creek Lane have come to the City about the area at the end of the street by the City office where the trees and bushes need to be trimmed. They feel that the City should be responsible for keeping the area trimmed rather than the residents.

Mayor Whiting stated she did not realize that the residents were cleaning that area. City Secretary Blevins stated the residents planted the trees and shrubs on Pine Creek to separate the business area. Council discussed the City yard man maintain the area. City Secretary Blevins stated the Consent Agenda, includes an Interlocal Agreement with the Harris County Watershed Education Program. She said the City approves this every year because it is a TCEQ requirement in which Harris County takes care of the requirement for a cost of \$395.00.

There are two proclamations to close the streets for National Night Out and Halloween.

9.5 Treasurer: City Secretary Blevins had nothing to highlight since she had reviewed the financials during the Public Hearings.

10. REPORTS FROM COUNCIL:

10.1 Mayor Whiting: I-10 Noise Mitigation: Mayor Whiting reported there had been a change in the City of Houston Public Works Department. At a town hall meeting last Saturday she had a conversation with Representative Jim Murphy who has been helpful in coordinating the audiences and getting TxDot to come to the table. All the Villages are ready and waiting on the City of Houston to join the project. Steady progress is being made and hopefully all will agree soon to fund the project to resurface Katy Freeway to take down the noise level.

10.2 Council Member Gordy: New Construction – Sheer Walls – Council Member Gordy stated this discussion was on the side set back wall that parallels the side setback on the lot and how it effects the City as far as the “open air feel”. There are language changes that can be made. A house on Ridgeley is sitting on the ten (10) foot building line. The City’s ordinances read that the first floor can be no closer than the eight (8) feet side setback line and the second floor no closer than ten (10) feet from the side setback line. What this builder did was to move back to the ten (10) feet line which gave them the right to go straight up. This appears unsightly.

Council Member Gordy said we need some input on language to prevent boxes being built. There needs to be some deviation in the plane for the second floor that is not too restrictive. Mayor Pro Tem Post agreed that she did not want boxes to be built.

Council Member Gordy said he would make a list to propose some points and see if legal counsel could help with the language. Mayor Whiting said the list could be points as to what we want to see and then work on how to achieve what we want. Council Member Gordy said some deviation in the plane would have to be made.

10.3 Mayor Pro Tem Post - Trees: Mayor Pro Tem Post stated there has been a lot of discussion about the trees being taken down at 1201 Pine Chase and that the Tree Ordinance had “no teeth”. The Ordinance does have “teeth” as the trees will have to be replaced; whereas, before the trees would just be lost.

Mayor Whiting said the owners had consulted with several tree experts and the area was staked out to try to save them. The trees have been under stress and one (1) tree had

to be taken down due to a fungus. The other trees were found to have signs of the same fungus as well as being under stress due to the drought, being on a vacant lot for a long time with no irrigation, Hurricane Ike and age. The owners reluctantly took them down. The owners were told they may survive construction but would probably die within two years. Mayor Pro Tem Post said that the Ordinance would still reflect the same size for replacement trees, since the cost would make the resident think about if the tree needs to go or not.

Council Member Maddock was thinking about a possible second opinion required before a tree could be removed. Council Member Gordy said there are things that can be put in the ordinance to strengthen it without losing the owner's right to build what they want.

Council Member Maddock said the removal of an old tree affects the whole Village. The Mayor and Council Member Gordy did not necessarily agree. Council Member Davis said that the Village has more trees now than it did a hundred years ago.

Everyone agreed that the City does not want to lose the tree canopy that the City has now. The Tree Ordinance was a step to keep a builder from clear cutting a lot with no responsibility.

Council Member Gordy said that the City of Houston has an ordinance that states if you take a tree down in the City Right-Of-Way then based on the size of the tree the owner has to put back X number of trees.

11. ACTION ITEMS:

11.1 CONSENT AGENDA: Mayor Pro Tem Post made a motion to approve the Consent Agenda, including disbursements, Minutes from the Regular Council Meeting of August 19, 2014, Public Hearing and Special Council Meeting of September 9, 2014, Enacting a Proclamation for National Night Out to be held on October 7, 2014, Enacting a Proclamation for Halloween Night to be held on October 31, 2014 and approving an Interlocal Agreement between the City of Hilshire Village and Harris County for administration and implementation of a Regional Watershed Protection Education Program in the amount of \$395.38, seconded by Council Member Maddock. **A vote was taken to approve the motion approving the Consent Agenda, including disbursements, Minutes from the Regular Council Meeting of August 19, 2014, Public Hearing and Special Council Meeting of September 9, 2014, Enacting a Proclamation for National Night Out to be held on October 7, 2014, Enacting a Proclamation for Halloween Night to be held on October 31, 2014 and approving an Interlocal Agreement between the City of Hilshire Village and Harris County for administration and implementation of a Regional Watershed Protection Education Program in the amount of \$395.38. The vote passed unanimously.**

12. ADDITIONAL COUNCIL COMMENTS: None

13. ANNOUNCEMENTS: There will be a Special Council Meeting on September 22, 2014 to adopt the City's Budget and Tax Rates.

14. ADJOURNMENT: Council Member Maddock made a motion to adjourn, seconded by Council Member Davis. The meeting was adjourned at 8:23 PM.

Shannon Whiting, Mayor

ATTEST:

Susan Blevins, City Secretary