

TUESDAY, MARCH 17, 2015  
PUBLIC HEARING AND REGULAR COUNCIL MEETING  
6:30 P.M.

## **PUBLIC HEARING**

**1. Call to Order:** Mayor Whiting called the City of Hilshire Village Public Hearing to order at 6:34 P.M. at 8301 Westview, Houston, Texas 77055.

**1.1 To hear public commentary on amending Chapter 9, Subdivision, of the Code of Ordinance of the City of Hilshire Village allowing for a two-step plat application process and enabling Council to consider variances if warranted for the interest of public health, safety and welfare:**

**Bill Bristow, 1233 Pine Chase Drive,** stated he had a couple of questions on the wording of this item. He asked what “interest of public health, safety and welfare” means. The Mayor responded that it meant the public health, safety and welfare of all residents. Council can grant a variance if related to any of these items such as street width. The Village does have twenty foot, sixteen foot and eighteen foot streets.

Mr. Bristow also said there was not enough of an explanation on the agenda item. He said that this agenda item would enable the City Engineer to get involved in the process. Since Mr. Schwab has already bought the property and owns it, if he brings something to the City Engineer and it is denied, the City Engineer is the end person and not Council. The Mayor stated the language is that the City Engineer, the City Fire Marshal and any other experts, including the City Attorney, can make recommendations to the Council on this matter. Council can accept those recommendations as part of the process. The wording is “and after receiving the recommendation of its City Engineer and City Fire Marshal and other entities as appropriate the Council may vary or modify”. The final “decision making” stays with the Council. Mr. Bristow then asked who pays for the City Engineer, City Attorney or anyone else’s time. The Mayor said the developer pays for their portion of the cost.

**Bob Conklin, 14 Hilshire Grove,** stated he would like to know if there are plans and specifications that are available for a developer for a subdivision. Mayor Whiting said that specifications are in the ordinances but there is not one checklist for a subdivision. Mr. Conklin then said he was thinking of asking Council to reschedule the hearing. Mayor Whiting said this hearing had nothing to do with the developer being approved for either phase. She stated there will be multiple reiterations that Council still has to go through. Mr. Conklin said he was not sure if Council knew how to read plans, read specifications or how to interpret the plans. Council Member Gordy said that the specifications are developed by the builder but there are guidelines in our codes that dictate what his specifications have to be. The City also has an independent company that reviews all plans to make sure that the plans are in compliance with the codes in place.

Mr. Conklin also said that when the Mennonite Church came before Council to amend their Specific Use Permit to build a new church on their property that Council Member Gunn asked for an overall site plan. Mr. Conklin said he was not aware of a land use plan for the entire site being submitted. He said that the City should ask for the land use plan to be given to Council. Mr. Conklin wondered if conversations have taken place with the City of Houston. He is concerned that the Village is not talking to the City of Houston.

Mayor Whiting said that Mr. Schwab and the Mennonite Church are talking to the City of Houston. It is their responsibility. She said storm water will drain to Wirt Road. Mr. Conklin then asked about a traffic flow study of Wirt Rd. Mayor Whiting said his comments were valid but they were not relevant to the matter at hand and asked him to table his comments until next public hearing on Schwab property.

The Public Hearing was adjourned at 6:54 PM.

## **REGULAR COUNCIL MEETING**

**2. CALL TO ORDER:** Mayor Whiting called the City of Hilshire Village Council Meeting to order at 6:55 P.M. at 8301 Westview, Houston, Texas 77055.

**2.1 Invocation:** was given by Council Member Gunn.

**2.2 Pledge of Allegiance:**

**2.3 Present:** were Mayor Shannon Whiting and Council Members Michael Gordy, Edward Davis, Paul Maddock and David Gunn. Also present were City Secretary Susan Blevins, City Engineer Efrain Him, P.E., HDR/Claunch & Miller, Inc., Chief Gary Finkelman, Spring Valley Police Department and City Attorney Loren Smith, Olson & Olson. Mayor Pro Tem Stephanie Post was absent.

## **3. CITIZEN'S COMMENTS:**

**Bill Bristow, 1233 Pine Chase Drive,** asked if citizens have any opportunity at a Council meeting to ask questions of the Chief of Police. He stated he had asked Council several times to amend the police report to separate ordinance violations from other matters. Mayor Whiting answered that it is too difficult to filter through the calls. Chief Finkleman said that there are so many calls, that it would take too much time to cull through the calls to figure out which were ordinance violations.

Mr. Bristow then asked the time of the week when the Court for Hilshire Village was held. The Mayor responded that he would need to ask the City of Spring Valley for their Court schedule since the City has a contract with Spring Valley Police that includes the court. Mr. Bristow then said that Hilshire Village should be holding court for traffic and City ordinance violations. Mr. Loren Smith, Olson & Olson, stated that court can be held in another municipality. He also said that any citations are styled the State of Texas vs.

the defendant. Any monies collected from Hilshire Village citations come back to the City.

#### **4. COUNCILS COMMENTS: None**

#### **5. REPORTS TO COUNCIL:**

**5.1 Police Report:** Chief Finkelman said that the two (2) accidents reported were minor. One was a vehicle in a ditch that the police helped get a wrecker to pull it out and the other was a truck that bumped into a mail box and the parties resolved the matter between themselves.

There was one (1) incident of criminal mischief, where a disgruntled partygoer was leaving the party and slashed a tire. The individual was identified and now faces charges.

Council Member Gunn asked about the police officer's salaries in relation to the other Villages. Chief Finkelman responded that his department was way behind the curve. There had been a plan three (3) years ago to be in the median of the average salary spread with the other Memorial Villages. However, there was a budget problem several years ago that delayed this. Chief Finkelman said the department is now on track. Progress was made with last year's budget and should continue with this year's budget. Chief Finkelman stated there had been reorganization at the City of Spring Valley and the police department is now under the Mayor and Council instead of the City Administrator. David Dixon has been assigned to be the Police Commissioner. He is not a member of Council. Mr. Dixon will be the liaison for the police with the next budget.

**5.2 Engineers Report** – Efrain Him reported that in regard to **Schwab Development**, he had been providing support services to the City on as needed basis regarding platting and engineering requirements.

**Pine Chase and Glourie Drive Reconstruction/HMGP** - Mr. Him stated he has done an eleven (11) month warranty walk-through and a punch list was sent to the contractor.

**Pine Creek & Bridle Spur Reconstruction Project:** Efrain Him has reviewed the "As Built" Drawing submitted by Schohil Construction and will be updating the design drawings to incorporate this new information and make the necessary adjustments to the project. Mr. Him stated that he had been coordinating with the City Attorney, the City and Mr. Stearns on the acquisition of land for the roadway right-of-way and proposed water meter vault site. He stated Mayor Whiting and he met with Mr. Stearns to address his questions, concerns and compensation for the land acquisition. Mr. Stearns asked the City to forward the legal documents to his attorney for review and negotiation and the City Attorney is currently negotiating with Mr. Stearns' attorney on this subject. City Secretary Blevins said she sent Mr. Stearns an email telling him that the Council

Meeting was tonight and that the City had not heard from his attorney and she had not received a response.

**Schwab Development** – Mr. Him said he had been coordinating with the developer and the engineers on the project regarding storm water pollution protection.

Council Member Davis said that in regard to Mr. Conklin’s comment on drainage on Wirt Road, a drainage plan had been done for Wirt Road by the City of Houston and there should be adequate drainage underground that was built years ago to handle drainage issues. Efrain agreed with Council Member Davis.

**Channel Crossing “A” drainage improvements** have been completed and Mr. Him recommends payment to DonMar Grading.

Efrain stated the City has received a complaint regarding a sink hole that has developed on the property at **1306 Friarcreek Lane**. The sink hole has developed due to the work that the City did when a six (6) inch line was installed in the right-of-way through this property to increase water pressure in the Friarcreek Subdivision. He suggested that the City handle this issue along with the Bridle Spur Lane job. Mr. Him stated the situation was not of immediate concern. Council stated if it got worse then the City would need to address it sooner.

## **6. ACTION ITEMS:**

**6.1** Council Member Maddock made a motion to authorize payment of DonMar Grading invoice for drainage improvements at Channel Crossing “A”, Invoice # 3, in the amount of \$1,450.00, seconded by Council Member Gordy. **A vote was taken to approve the motion authorizing payment of DonMar Grading invoice for services provided to the City for drainage improvements at Channel Crossing “A”, Invoice # 3, in the amount of \$1,450.00. The vote passed unanimously.**

**6.2** Council Member Maddock made a motion to authorize the Mayor to execute all necessary documents for the acquisition of the ROW for Pine Creek Lane and a Water Meter Vault Site from Stearns Corporation, seconded by Council Member Davis. Mayor Whiting stated that Council has the documents that the City Attorney drew up for Mr. Stearns to sign. There is one (1) dedication for the road-way and one (1) for the meter vault. The City does not have this agreement at this time. This agenda item authorizes the Mayor to sign if Mr. Stearns signs the agreement. Mayor Whiting stated Council would be authorizing compensation in the next agenda item and she recommends a “not to exceed” amount of \$40,000.00 be voted on and possibly an appraisal to be done. Mayor Whiting said the City wants to be fair with compensation and does not want to go through a condemnation of property. **A vote was taken to approve the motion authorizing the Mayor to execute all necessary documents for**

**the acquisition of the ROW for Pine Creek Lane and a Water Meter Vault Site from Stearns Corporation. The vote passed unanimously.**

**6.3** Council Member Gunn made a motion to authorize payment to Stearns Corporation for the acquisition of the Right-of-Way for Pine Creek Lane and a Water Meter Vault Site with compensation as negotiated by the City, with a “not to exceed” amount of \$40,000.00, seconded by Council Member Maddock. **A vote was taken to approve the motion authorizing payment to Stearns Corporation for the acquisition of the Right-of-Way for Pine Creek Lane and a Water Meter Vault Site with compensation as negotiated by the City, with a “not to exceed” amount of \$40,000.00. The vote passed unanimously.**

**6.4** Council Member Maddock made a motion to approve the City of Hilshire Village Ordinance Number 717 amending section 9.103 by adding language for a two-step subdivision process and amending section 9.109 by adding a new subsection to allow for requests for variances or modifications, seconded by Council Member Davis. This is a procedural change to allow for a two (2) step process. This is the normal procedure. Mayor Whiting said the way it is set up the developer would have to come to the City with full details of utilities; this change allows the first phase is just the delineation of the lots. The second phase will have all the utilities including drainage. **A vote was taken to approve the motion approving the City of Hilshire Village Ordinance Number 717 amending section 9.103 by adding language for a two-step subdivision process and amending section 9.109 by adding a new subsection to allow for request for variances or modifications. The vote passed unanimously.**

The City Engineer was excused at this time.

**6.5** Council Member Maddock made a motion to approve the City of Hilshire Village Resolution Number 140 soliciting support for legislative action to allow General Law Cities to impose residency restrictions for sex offenders, seconded by Council Member Gordy. Mayor Whiting said that the City of Bunker Hill has been working with Representative Murphy supporting this legislation. It was stated that the City of Houston was a Home Rule city and they can legislate laws restricting where sex offenders live. The City of Hilshire Village does not have the power to legislate. There is a bill before the State of Texas. The resolution will show the state legislature that we support this legislation. Mayor Whiting said we need to amend the resolution to correct the name in one paragraph to read “City of Hilshire Village” instead of the “City of Bunker Hill”.

Bill Bristow said he wanted to protest that residents were not being allowed to ask questions during action items, especially Item 6.4. The Council is passing ordinances and resolutions without residents being allowed commentary. Mayor Whiting said that there was a public hearing for citizens to comment on Item 6.4 and Mr. Bristow was commenting now on the resolution. Mr. Bristow then said he would like to see the ordinances and resolutions be made available in their entirety before Council Meetings. His protest was noted.

**A vote was taken to approve the motion approving the City of Hilshire Village Resolution Number 140 soliciting support for legislative action to allow General**

**Law Cities to impose residency restrictions for sex offenders. The vote passed unanimously.**

**6.6** Council Member Maddock made a motion to authorize a disbursement not to exceed \$1,000.00 for the 60<sup>th</sup> Anniversary Celebration coordinated by the Hilshire Village Civic Club, seconded by Council Member Gunn. Mayor Whiting stated the Civic Club would be hosting the event; however, she suggests that the City help with reimbursement of extra honorees that would be invited. She also asked if Council wanted a commemorative gift. **A vote was taken to approve the motion authorizing a disbursement not to exceed \$1,000.00 for the 60<sup>th</sup> Anniversary Celebration coordinated by the Hilshire Village Civic Club. The vote passed unanimously.**

**6.7 CLOSED EXECUTIVE SESSION:** None

## **7. DISCUSSION:**

**7.1 Planning and Zoning:** Mayor Whiting stated Council was given a first draft of the ordinance with notes in the margins. Mayor Whiting asked Council to review and submit recommendations to City Secretary Blevins. City Secretary Blevins stated the City Attorney recommended that she sit down with the Mayor, City Engineer and review, make changes and then submit them to the Committee for review before any public hearings.

**7.2 Public Hearing next month to review the plat application from Mennonite Church and Schwab's Development's Hilshire Villas:** Mayor Whiting stated there will be a Public Hearing at the next month Council Meeting on April 21<sup>st</sup>. She stated the City will first hear commentary from the Mennonite Church on the replat of the Mennonite Church and Schwab property. The second hearing will be for the plat on the Schwab property to divide the individual lots, then both parties could go to stage two. A list of specifics was given to Schwab Development.

**7.3 Garbage Ordinance regarding time to place refuse at the street:** Mayor Whiting said that our City looks trashy. She stated that trash sits out on the street for too long and the timing on the Ordinance does not work with lawn services. Mayor Whiting said it was difficult to enforce the 7:00 PM rule and that lawn companies were not allowed to work on Sundays.

The City Attorney was excused at this time

## **8. REPORTS TO COUNCIL: (Con't)**

**8.1 Fire Commissioner:** Council Member Maddock said there were two items that he felt needed to be mentioned. The first was that one of the Police Chiefs in the area wants residents to call the business line (713) rather than 911. This will create response delays. The current 911 system has the ability to google cell phone locations. The business line does not. **Council Member Maddock said residents should continue to use 911.**

The second item mentioned was the possibility of redoing the fire station. The current station was built to house six (6) people on a shift and is now housing ten (10) people per shift. A proposal will be presented for a redoing the fire station.

Mayor Whiting said the Fire Department meetings are on the fourth Wednesday of the month at 6:00 P.M. She said the agenda was posted on the Fire Department's website.

**8.2 Building:** City Secretary Blevins stated there were twenty (20) permits and forty-four (44) inspections.

**8.3 City Secretary:** City Secretary Blevins stated that the elections were coming up on May 9, 2015 for Council Positions Three, Four and Five. She stated that Russell Herron and Paul Maddock were running un-opposed and that David Gunn and Bill Bristow were running for Position Five.

City Secretary Blevins stated that she had set an appointment with Severn Trent on April 2<sup>nd</sup> to go over how the billing works. She also said that during the change in accounting software Severn Trent discovered one (1) resident had overpaid \$4,000.00 in sewer charges.

**8.4 Treasurer:** City Secretary Blevins went over the financial statement as presented.

## **9. REPORTS FROM COUNCIL**

**10.1 Mayor Whiting: I-10 Noise Abatement:** Mayor Whiting stated that an agreement had been reached between TxDOT, the four (4) Memorial Villages and one (1) Subdivision but excluding the City of Houston to grind and groove I-10 from 610 to Memorial City Way to reduce the noise. TxDOT has agreed to a five (5) year interest free loan. The City's commitment would be \$20,000.00 per year and it would come out of the City's Metro Funds. The contracts are being prepared now.

**State Senate Bill 182:** Mayor Whiting stated this bill was asking for the roll back rate to be limited to 4%. It has been pulled at this time from being heard. The City is opposed to this bill because it would restrain the City's Budget.

**Boy Scout Troop** – Mayor Whiting stated an email was sent to the City from the troop that has provided residents with flags proposing the City contribute \$8,000.00 to place a flag on all the houses in the Village. She stated this would have to be for next year and that there would be some residents that may not want a flag put up. Mayor Whiting said that already sixty percent (60%) of the residents participate at present. Council eluded they were not interested in this being put on an agenda.

## **11. CONSENT AGENDA:**

**11.1** Council Member Maddock made a motion to approve the Consent Agenda, including disbursements, the Minutes from the Regular Council Meeting of February 17, 2015, and a Proclamation recognizing the City of Hilshire Village's 60<sup>th</sup> anniversary and

the closing of Pine Chase Grove for the celebration, seconded by Council Member Davis. **A vote was taken to approve the motion approving the Consent Agenda, including disbursements, the Minutes from the Regular Council Meeting of February 17, 2015, and a Proclamation recognizing the City of Hilshire Village's 60<sup>th</sup> anniversary and the closing of Pine Chase Grove for the celebration. The vote passed unanimously.**

**12. ADDITIONAL COUNCIL COMMENTS:** None

**13. ANNOUNCEMENTS:** None

**14. ADJOURNMENT:** Council Member Maddock made a motion to adjourn. The meeting was adjourned at 8:24 PM.

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Shannon Whiting, Mayor

ATTEST:

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Susan Blevins, City Secretary