

TUESDAY, August 15, 2017  
REGULAR COUNCIL MEETING  
6:30 P.M

**REGULAR COUNCIL MEETING**

**1. CALL TO ORDER:** Mayor Herron called the City of Hilshire Village Regular Council Meeting to order at 6:33 P.M. at 8301 Westview, Houston, Texas 77055.

**1.1 Invocation:** was given by Council Member Gunn

**1.2 Pledge of Allegiance:**

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

**2. REPORTS TO COUNCIL:**

**2.1 Police Report:** Captain Schultze stated there were no new incidents for the month of July. Mayor Herron stated that since the City of Houston has passed an ordinance on soliciting on the streets is there anything Spring Valley Police Department can do to restrict the solicitors at Wirt and I-10. Captain Schultze stated that would be the City of Houston. He also stated there were no new incidents for the month of August.

**3. CITIZEN'S COMMENTS:**

**3.1 Bill Bristow, 1233 Pine Chase,** stated that the storm water drainage needed to be on a future agenda. He stated it had not been looked at or monitored and it could become a City litigation case if it were to flood.

**4. COUNCIL DISCUSSION: None**

**5. REPORTS TO COUNCIL:**

**5.1 Engineers Report:** City Engineer Efrain Him stated ICS, Schwab's Contractor for the **Hilshire Villas Subdivision** was 100% complete with the installation of the paving and water line, storm sewer, and sanitary sewer systems. Also, the storm water pollution prevention plan measurements around the new storm sewer inlets throughout the concrete pavement restoration work was completed. The water line interconnection with the City of Houston was completed. HDR is currently waiting for ICS to submit copies of all the material testing reports, the City of Houston Inspection Reports and the As-Built Drawings for the City of Hilshire Village's review and records.

City Engineer Him stated HDR is providing on-going assistance to the City regarding the **Mennonite Church Re-Development Project**. HDR conducted a Cover Inspection for the City on July 14, 2017, for the segment of the storm sewer system located behind the proposed church building, a Cover Inspection for the outfall segment of the storm sewer system, the sanitary sewer system and their connections to the City of Houston on July 19, 2017. City Engineer Him stated the City of Houston is also conducting inspections of the storm sewer and the sanitary sewer lines because the Mennonite Church will be tied into the City of Houston drainage and wastewater collection system.

City Engineer Him stated that on July 17, 2017, HDR reviewed and returned to the City the Drainage Plan amendment Resubmittal for **1210 Archley Drive**, due to changes to the pool area drainage.

City Engineer Him stated on July 18, 2017 HDR met with the subcontractor Mike Capstick regarding the installation of the proposed drainage system at **1306 Friarcreek**. Mr. Capstick noted that the ditch is silted and the out-fall pipe will be approximately 12 inches below the current flow line. HDR recommended that the drainage plan be revised by the Engineer of Record and resubmitted to the City for review and approval.

City Engineer Him stated Mr. Capstick proceeded forward with the installation of the storm sewer system and excavated the roadside ditch without contacting the Engineer of record. The property owner, Mr. Ben Melancon, noticed the subcontractor only excavated the roadside ditch in front of 1306 Friarcreek and the water would not drain and it remains at the bottom of the ditch.

HDR met in the field with Mr. Melancon, the surveyor and the Engineer of record on August 1, 2017. HDR recommended that the surveyor take flow line elevation shots on the upstream and downstream ends of the ditch system and provide this additional information to the Engineer of record in order to restore the ditch at 1306 Friarcreek to its preconstruction condition and amend the drainage plan to address the preconstruction field conditions. HDR reviewed and returned to the City the Drainage Plan Amendment for 1306 Friarcreek on August 9, 2017. The drainage plan amendment was approved with exceptions noted.

City Engineer Him stated HDR has been providing on-going assistance to the City regarding the **Pine Creek Lane back lot easement and emergency access** through the west end of Pine Creek Lane. The City has contracted DonMar Grading to remove the concrete at the west end of Pine Creek Lane in order to provide emergency access to the Pine Creek Subdivision through Pech Road.

HDR is currently updating the **Water and Waste Water Utility Maps** previously prepared for the 2004 Comprehensive Underground Utility Assessment Report, to incorporate all the system changes that have been completed since construction of the Ridgeley Drive project. Once completed the City will forward the updated Utility Maps to Severn Trent Services and the Village Fire Department for their records.

City Engineer Him stated that HDR has been providing on-going assistance to the City regarding the **TCEQ's copper and lead exceedance issue** and associated Agreed Order. The City Attorney, Scott Bounds, recommended the City contact Mr. Brad Castleberry (Lloyd Gosselink's Law Firm) who specializes on TCEQ matters to provide counseling to the City regarding the TCEQ Agreed Order Issue.

City Engineer Him stated that the City and HDR met with Ms. Vanessa Chapa with Severn Trent on August 14, 2017, to discuss the details of all the services provided by Severn Trent and related to TCEQ's copper and lead issue to be able to provide accurate information to Mr. Castleberry.

## **6. ACTION ITEMS:**

**6.1** Mayor Pro Tem Maddock made a motion to authorize HDR's engineering services associated with the Archley Drive Reconstruction, Friarcreek Subdivision Sanitary Sewer Rehabilitation, and the optional Burkhart Road Water Line Replacement, seconded by Council Member Byrne.

City Engineer Him stated the proposed Archley Drive improvements included the following: Abandonment of the existing six (6) inch water lines and valves, installation of approximately 1,350 LF of eight (8) inch water lines, installation of fire hydrants and valves; rehabilitation of approximately 1,200 LF of existing six (6) inch and eight (8) inch sanitary sewers, rehabilitation of sanitary sewer manholes, transfer and re-connection of approximately twenty-three (23) water and sanitary sewer services to the new lines, associated appurtenances and reconstruction of approximately 1,265 LF of 20-ft wide asphalt roadway and associated drainage system.

The proposed Friarcreek Subdivision improvements include the rehabilitation of approximately 1,075 LF of existing six (6) inch and eight (8) inch sanitary sewers, rehabilitation of sanitary sewer manholes, transfer and reconnection of approximately twenty-one (21) sanitary sewer services to the new lines.

City Engineer Him stated the proposed Burkhart Road improvements, between Ridgeley Drive and Glourie Drive, include the abandonment of the existing six (6) inch and eight (8) inch water lines and valves, installation of approximately 800 LF of eight (8) inch water line, installation of fire hydrants and valves and associated appurtenances.

City Engineer Him stated trenchless methods of construction were recommended for this project area, similar to the methods used in the Pine Creek, Bridle Spur, Friarcreek, Pine Chase, Glourie, Guinea and Ridgeley project areas, in order to minimize the impact to residents and traffic. The water lines will be constructed by auger methods wherever possible and the existing sanitary sewer system would be rehabilitated by pipe bursting or cured-in-place methods. Some portions of the water and sanitary sewer system may be open-cut, when necessary.

City Engineer Him stated that in this proposal the paving, drainage and utility improvements within Archley Drive, the sanitary sewer rehabilitation work within the Friarcreek Subdivision and the water line replacement work within Burkhart Road would

be designed and built as one (1) project, with an engineer's opinion of probable construction cost (OPCC) of \$1,285,000.00. He also stated this was an estimate of probable construction cost based on preliminary and limited information available at this time, as well as current market conditions. Changes in the market conditions could potentially increase or decrease. Once the design is completed, HDR will furnish a more accurate OPCC.

Mayor Herron asked the Council if they wanted to go out for financing. Mayor Pro Tem Maddock stated he felt the City should look for financing and not make any decisions tonight. Council Member Swanson stated he felt Council agreed they wanted to do the design phase. City Attorney Bounds stated if the City was considering going out for financing then the City may want to approve a Resolution to capture the design cost.

Mayor Pro Tem Maddock made a motion to table the motion to authorize HDR's engineering services associated with Archley Drive Reconstruction, Friarcreek Subdivision Sanitary Sewer Rehabilitation and Optional Burkhart Road Water Line Replacement, seconded by Council Member Byrne. **A vote was taken to Table the motion authorizing HDR's engineering services associated with Archley Drive Reconstruction, Friarcreek Subdivision Sanitary Sewer Rehabilitation and Optional Burkhart Road Water Line Replacement. The vote passed unanimously.**

**6.2** Mayor Pro Tem Maddock made a motion to authorize the Mayor to sign an Engagement Letter with Lloyd Gosselink, Attorneys at Law in respect to responding to alleged drinking water violations from the Texas Commission on Environmental Quality, seconded by Council Member Swanson.

Council Member Gordy stated he wants to know the pro and cons of the chemical before it is placed into the City's Water System. City Attorney Bounds suggested that the City ask Mr. Brad Castleberry (Lloyd Gosselink Law Firm) to request an extension of time so that the City can study their options. Mayor Herron stated that the City could sign the Engagement Letter to Lloyd Gosselink Attorneys at Law requesting they file for an extension of time. Council Member Byrne stated that he would like City Engineer Him to supply Council with the name of the chemical that TCEQ is requesting to be put in the City's water so that the Council Members can do their own research. **A vote was taken to authorize the Mayor to sign an Engagement Letter with Lloyd Gosselink Attorneys at Law requesting for an extension for extra time in respect to responding to alleged drinking water violations from the Texas Commission on Environmental Quality. The vote passed unanimously.**

**6.3** Mayor Pro Tem Maddock made a motion to authorize the City to have the 20' long curb across the end of Pine Creek Lane and numerous pieces of broken concrete and concrete slabs adjacent to Pine Creek Lane removed and where possible deposit the debris into the local ravines for erosion control or discarded properly if unable to use for erosion control, seconded by Council Member Byrne.

**Chris Mineo, 10 Pine Creek Lane**, stated when the concrete at the end of Pine Creek Lane gets removed does it include having the concrete under the fence to be removed at the same time? If so, then the fence would need to come down and how long would it

be down? Mr. Mineo was concerned with the timeframe between the time the fence was taken down and a new one would be installed. He stated it could be months or longer, and that was not acceptable.

**Bill Bristow, 1233 Pine Chase Drive**, asked if the gate would be open at the end of Pine Creek Lane.

Mayor Pro Tem Maddock amended his original motion to read only include removing the 20' long curb across the end of Pine Creek lane and the numerous pieces of broken concrete and concrete slabs adjacent to Pine Creek Lane be removed at a later date.

**A vote was taken to approve the amended motion approving the City to have the 20' long curb across the end of Pine Creek Lane removed and where possible deposit the debris into the local ravines for erosion control or discarded properly if unable to use for erosion control. The vote passed unanimously.**

**The City Engineer was excused.**

**Mayor Herron recessed the Regular Council Meeting at 7:46 P.M.**

## **7. PUBLIC HEARING:**

### **7.1 Public hearing on the proposed **Sign Ordinance.****

Mayor Herron stated the Zoning Committee worked over a year rewriting the Sign Ordinance to organize it and clarify the wording so that everyone could have a better understanding of what it said.

**Judy Shields, 1302 Glourie**, stated the way the new Sign Ordinance was written the Civic Club would not be able to post their signs. She asked if the Council could make an exception for the Civic Club. Council Member Gordy stated the signs could be placed on private property with the permission of the homeowner. City Attorney Bounds stated if the City makes exceptions for anyone to put the signs in the Right-of-Way then they would have to allow everyone to put up their signs in the Right-of-Way. Ms. Shields asked what about the Real Estate signs? The City Attorney Bounds stated the real estate signs are on private property. City Administrator Blevins asked if the Committee could explain the real estate signs as far as, how many real estate signs can be put on the property. Mayor Pro Tem Maddock stated the ordinance stated one (1) sign on the property and the Council agreed.

**Bill Bristow, 1233 Pine Chase**, asked if the City could write the definitions for each Zone. He also asked if the lost dog/cat signs on the poles were allowed. Mayor Herron stated the signs on the poles were not allowed. City Attorney Bounds stated the City could show the definitions as an instructional aid and not for each ordinance.

**Mayor Herron closed the Public Hearing at 8:00 P.M.**

**Mayor Herron Reconvened the Regular Council Meeting at 8:01 PM.**

## **8. DISCUSSION AND POSSIBLE ACTION ITEMS:**

**8.1** Mayor Pro Tem Maddock made a motion to approve the City of Hilshire Village Ordinance Number 747 replacing in its entirety Chapter 12, Zoning and Planning, Exhibit "A" Article 12.200 Sign Regulations and Restrictions for the use of land within all districts in the City, seconded by Council Member Swanson.

Mayor Pro Tem Maddock stated the Sign Ordinance was well written. He stated the Sign Administrator would be the City's office staff and he asked the City Administrator how she felt about handling it. City Administrator stated she was fine with it. She also stated that was why she asked about how many real estate signs could be placed on a property, so that the office staff would have the right understanding.

**A vote was taken to approve the motion approving the City of Hilshire Village Ordinance Number 747 replacing in its entirety Chapter 12, Zoning and Planning, Exhibit "A" Article 12.200 Sign Regulations and Restrictions for the use of land within all districts in the City. The vote passed unanimously.**

**8.2** Mayor Pro Tem Maddock made a motion to approve the City of Hilshire Village Ordinance Number 745 replacing Article No. 7.700 in its entirety from Chapter 7 Offences and Nuisance of the Code of Ordinances and deleting Article 3.700, Tree Protection of Chapter 3, Building and Construction in its entirety, seconded by Council Member Byrne.

Mayor Herron stated the reasoning behind the Tree Ordinance was to protect the Canopy trees and the appearance of the Village. The City has hired a forester by the name of Cary Moran also works for Piney Point as well. She recommended that the City change the ordinance where it states you have to plant a tree every 1500 square feet to every 2000 square feet so that the lots do not get over crowded.

Mayor Herron stated some of the concerns of the Citizens were that you have to get a Tree Survey every time a tree is cut down. He stated that a Tree Survey is only needed for new construction and that is a requirement with the City already. The deposit to pull a Tree Removal Permit has been taken out of the ordinance. The citizens felt they should not have to go to the City Council for the approval to plant a tree and felt the approved tree list should be a suggested tree list not a required tree list. Another concern was who will enforce the Tree Ordinance and Mayor Herron stated the City Staff would be enforcing the Tree Ordinance.

Mayor Herron stated the forester, Cary Moran, suggested the Crepe Myrtle and Red Bud should be added to the approved tree list and to drop the Flowering Dogwood.

**Bill Bristow, 1233 Pine Chase**, stated when he first bought in the Hilshire Village that every lot had a Dogwood planted on it.

**Judy Shields, 1302 Glourie**, stated that the City Council might want to wait on passing the Tree Ordinance because Senate Bill 12 if passed would ban Tree Ordinances.

City Attorney Bounds stated that Senate Bill 12 died but Senate Bill 7 passed which does not allow a City to charge a fee to remove a dead or diseased tree. The City of Hilshire Village does not have a fee to remove dead or diseased trees.

**Diane Rager, 8213 Mallie Court**, stated she is wanting the 75/25 high canopy rule taken out of the Tree Ordinance. Ms. Rager does not feel the rule is fair.

**Wallie Partridge, 1301 Glourie Drive**, stated Section 770.4 #4 regarding the tree protection of 4 ft. could be impossible if the trees are close to the ditch and property line. Council Member Byrne stated the Zoning Board has revised that part of the ordinance to read, "Adequate protection."

**Bill Bristow, 1233 Pine Chase**, stated that he did not agree with someone coming on his property without permission to check if a tree has been replaced.

Mayor Pro Tem Maddock made a motion to table his original motion approving the City of Hilshire Village Ordinance Number 745 replacing Article No. 7.700 in its entirety from Chapter 7 Offences and Nuisance of the Code of Ordinances and deleting Article 3.700, Tree Protection of Chapter 3, Building and Construction in its entirety, seconded by Council Member Gordy. **A vote was taken to approve the motion tabling the original motion to approve the City of Hilshire Village Ordinance Number 745 replacing Article No. 7.700 in its entirety from Chapter 7 Offences and Nuisance of the Code of Ordinances and deleting Article 3.700, Tree Protection of Chapter 3, Building and Construction in its entirety. The vote passed unanimously.**

## **9. DISCUSSION:**

**9.1 Status of Clean-up of Commercial Area:** Mayor Herron stated the City is still working with the Houston Korean 7th Day Adventist Church on the location of the fence to be placed in the easement of Pine Creek Lane.

**9.2 Current Priorities for Planning and Zoning:** Mayor Herron stated they have not changed.

## **10. DISCUSSION AND POSSIBLE ACTION ITEMS:**

**10.1 CLOSED EXECUTIVE SESSION: None**

## **11. REPORTS TO COUNCIL: (CON'T)**

**11.1 Fire Commissioner Report:** Fire Commissioner Byrne stated the Fire Commissioners were considering remodeling the existing Village Fire House, which is about 40 years old. He stated they lease the land from Spring Branch ISD for \$1.00 a year. He also stated the City of Bunker Hill was very concerned with their response time. Fire Commissioner Byrne also stated the bigger plan might be to remodel at this time and later build another building near the City of Bunker Hill as a sub-station.

**City Attorney Bounds** stated the Legislation has passed a Bill effective September 31, 2017, allowing wireless companies the right to place infrastructure in the City's Right-of-Ways. He stated it will be a tin can that fits on top of telephone poles and it will be required to have a transformer at the bottom of the pole to provide power. He recommended the City consider adopting an ordinance prior to September 1, 2017, so that it could be regulated with a fixed fee amount.

**11.2 City Administrator:** Council Member Byrne asked about Hilshire Villas on the Agenda and City Administrator Blevins stated the infrastructure was almost done and Mr. Schwab would like to pull a permit to put up the fence and she wanted to advise Council ahead of time. City Administrator Blevins stated the City Engineer would decide if the one (1) inch gap at the bottom of the fence would be required or if it would be in the best interest of the neighbors not to have the gap. Hilshire Villa's property sits higher than the residents on Hilshire Green and Glourie Drive.

**11.3 Treasurer:** Information is in Council's Packet

## **12. CONSENT AGENDA:**

**12.1** Mayor Pro Tem Maddock made a motion to approve the Consent Agenda as presented including the disbursements presented to Council, the Minutes from the Regular Council Meeting of July 18, 2017, and the Minutes from the Tree Workshop Meeting July 12, 2017, seconded by Council Member Byrne.

**A vote was taken to approve the motion approving the Consent Agenda as presented including the disbursements presented to Council, the Minutes from the Regular Council Meeting of July 18, 2017 and the Minutes from the Tree Workshop Meeting July 12, 2017. The vote passed unanimously.**

## **13. REPORTS FROM COUNCIL:**

**13.1 Mayor Herron: None**

**14. ADDITIONAL COUNCIL COMMENTS: None**

## **15. FUTURE AGENDA TOPICS:**

Code Enforcement  
YTD Budget Review (add Fire Station Renovations)  
Capital Improvements  
City Hall Maintenance  
Wirt Road/Westview Traffic Safety

**16. ANNOUNCEMENTS: None**

**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 at 9:38 P.M.**

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Russell Herron, Mayor

ATTEST:

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Susan Blevins, City Secretary