



# Regular Council Meeting **AMENDED**

## Minutes

Thursday, February 25, 2021 at 6:30 PM

Rescheduled from February 16, 2021

8301 Westview Drive, Houston, Texas 77055

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In accordance with the order of the Office of the Governor issued on March 16, 2020, as amended, this meeting was conducted via telephonic conference.

### 1. **CALL TO ORDER**

Mayor Herron called the City of Hilshire Village Regular Council Meeting to order at 6:32 P.M.

#### 1.A. **Pledge of Allegiance**

1.B. **Invocation** was given by Council Member Maddock.

1.C. **Present were:** Mayor Herron, Mayor Pro Tem Maddock, Council Member Byrne, Council Member Carey, Council Member Schwarz. Also present were Captain Schulze, City Engineer Him, Building Official Taylor, Deputy City Building Official DuVall, City Attorney Bounds and Katie Rutherford with Olson & Olson. Council Member Gordy was tardy.

### 2. **CITIZEN'S COMMENTS:** None

### 3. **REPORTS TO COUNCIL**

3.A. **Police Report:** Captain Schulze said there were 211 calls for service in the month of January, and of those two (2) were traffic violations.

Captain Schulze stated there was an aggravated robbery in the 1200 block of Wirt Road. He said that the incident is currently under investigation and the suspects have been identified. Captain Schulze stated that the suspects are involved in a juvenile gang and have been charged with the robbery among other charges from multiple enforcement agencies. He said the juveniles were released to their parents until their court trial and currently live in the Spring Branch neighborhood. Council Member Carey asked if the suspects have committed any acts of violence or just property damage. Captain Schulze said they have multiple charges with multiple enforcement agencies.

Captain Schulze said in the month of January, 14 parking violation tickets were written with three (3) of those being in the 1000 block of Ridgeley. He stated that so far this month there have been three (3) warnings issued but no tickets at this time.

Captain Schulze said the winter storm caused 41 calls for service in Hilshire Village alone. He said most of the calls were welfare checks on elderly and disabled citizens and for help with shutting off individual water systems. City Administrator

Blevins thanked Captain Schulze and the department for responding to calls while Inframark was unable to access the area due to road conditions.

Captain Schulze announced that officer Justin Lane was promoted from Lieutenant to Captain and will take over reporting during city council meetings. He also said there was a new officer on patrol.

**3.B. Building Official's Report:** Deputy Building Official DuVall said emergency minor plumbing repairs due to the winter storm can be made without a permit. He said if an entire system re-pipe is needed then a permit will be required.

**3.C. Engineer's Report:** Engineer Him stated that drainage plan reviews continue for several construction projects. He said there were two (2) properties on Mallie Court where the owners are requesting information for erosion control improvements. Engineer Him stated that the City and Harris County Flood Control will review the plans and coordinate inspections if approved.

Engineer Him said he has reviewed the agreement for the Verizon Small Cell Nodes & MCIMetro Conduit Plans and Permits. He stated that a field meeting has been scheduled.

**Amended Item** – Possible need for an emergency generator at the lift station on Ridgeley Drive.

Administrator Blevins said the power to the lift station was interrupted during the recent winter storm and the level became high enough to warrant the need for a sump truck. She said the charges for the truck is substantial and recurring every time power is lost for a lengthy amount of time. Administrator Blevins proposed an emergency backup generator or quick-connection to allow for a portable generator to power the lift station during outages.

Engineer Him said the lift station's power was able to be restored before the situation became too serious. He said there is not enough room in the area of the lift station for a generator. Engineer Him said there are two (2) options for temporary power: purchase, store and maintain a portable generator at City Hall or contract with a company to deliver and connect a generator to the lift station prior to possible outages.

Council Member Carey raised concerns about the logistics to tow the generator to the lift station. Engineer Him said Inframark could tow it to the lift station using a service truck.

Council Member Gordy asked how much power the lift station needs from the generator. Engineer Him responded that it would be similar to the generator size installed at the city office. Council Member Gordy said a small generator might fit in the area, possibly on a stand with footings. He said a portable generator would require someone to pick it up from city hall, fuel it, tow it and connect it which may present problems during significant natural disaster events. Engineer Him said there was enough of a warning notice on the freeze where Inframark could have prepared the generator in place a few days beforehand. Council Member Gordy said he would like to explore options for a small generator to be installed in the lift station area as opposed to a portable option.

Engineer Him said he would suggest natural gas for a permanent generator instead of using diesel fuel. Council Member Gordy said natural gas was a better option for

reliability. He said even though there was a shortage during the winter storm he did not run out at his house.

#### 4. **DISCUSSION AND POSSIBLE ACTION**

##### 4.A. **Resolution Number 2021-211**

Mayor Pro Tem Maddock made a motion to approve the City of Hilshire Village Resolution 2021-211 authorizing the Mayor to execute, and the City Secretary to attest respectively, a Concealed Network Node Deployment Agreement with GTE Mobilnet of South Texas, LP D.B.A. Verizon Wireless for the installation of certain network nodes and related equipment subject to the city's Right-of-Way Management Ordinance, seconded by Council Member Gordy.

**Katie Rutherford, Olson & Olson**, said a couple years ago the FCC and Federal Regulations were revised in an effort to provide better service coverage and make way for new technology. She said this gave telecommunications providers unbridled access to city's rights-of-way. She said the agreement presented to the Council is to work with those providers to get an idea of where the 5G network nodes will be located, and to facilitate approval and authorization of the design and location of new poles.

**Jackie Parker, Manager, RE/Regulatory Network with Verizon Wireless**, said the plan for Hilshire Village includes four (4) cell nodes. She stated that three (3) of those locations are existing CenterPoint Energy poles, and the remaining will be a new concealed pole. Ms. Parker said at this time all locations will be installed to densify the 5G network.

Mayor Herron asked if the term "ground furniture" means the box and equipment installed on the ground near the poles. Ms. Parker confirmed and further stated that the three (3) co-locations that require ground furniture will have shrubbery installed to help hide the equipment. The ground furniture stands 43.5 inches tall, 24 inches wide and 14 inches deep and can be painted. Council Member Byrne asked if the homeowner will be responsible for maintaining the shrubbery hiding the ground furniture. Ms. Parker said they will provide the shrubbery but maintenance would be either the City or homeowner's responsibility.

Council Member Gordy said the proposed location of the concealed pole should be place in a location that would avoid being near large trees and nearby parking areas. He said other poles are installed further back near the property line. Council Member Byrne said the pole is too close to the roadway and asked if any barrier will be installed to protect the pole. Ms. Parker said they have not had issues in the past but will review the location for better placement options. Council Member Gordy said Mr. Hermes, the homeowner of 1205 Archley Drive, should also be consulted on the location. Engineer Him said he suggests that the pole be placed at least three (3) feet from the edge of the pavement to avoid vehicle accidents. He said there have been incidents with knocked over street signs in the city. Ms. Parker said they will revisit the site and coordinate with Administrator Blevins. **Sean Jackson, Verizon Wireless**, said they only have access to the public right-of-way and asked how far from the edge of the pavement does the right-of-way extend? Engineer Him was able to share his screen virtually and reviewed record drawings of the section of Archley Drive in question. He stated that he would send this information to the Verizon representatives.

Mayor Herron questioned if a city as small as Hilshire Village needs four (4) cell locations. Ms. Parker said that 5G doesn't travel very far so trees and homes affect the signal strength. She said some areas need more cells than others depending on the topography.

Council Member Byrne asked if other telecommunication carriers will benefit from these Verizon cells. Ms. Parker said that other providers will install their own equipment and poles under separate agreements. She said included in the agreement is language about spacing requirements to prevent poles from crowding an area. Mayor Herron said co-locations would mitigate the need for a lot of new pole installations. Ms. Parker said Verizon targets co-locations as a priority over installing new poles.

Mayor Herron said the streets on the east side of the city have a right-of-way that is built out. He asked if a pole might be installed there in the future and said it might be more complicated. Ms. Parker said at this time they only have plans for the four (4) proposed locations based on the need of extra capacity. She said the agreement is that they will continue to consult with the city for future projects.

**Bill Bristow, 1233 Pine Chase Drive**, said he sent the city an email expressing his concerns about attaching equipment to the top of the pole near his property. He said the pole has an electrical and telephone line that services his house and there is a gas meter that is near the base of the pole. Mr. Bristow stated that he is concerned that a lightning strike would cause his house to catch on fire and suggested a different location on Ridgeley Drive. He said he had a Pine tree that was struck by lightning and it arced to his house causing damage to appliances and the tree caught on fire.

Council Member Gordy asked if a ground rod is going to be installed for the ground wires that run up the pole. Ms. Parker said she is not familiar with the construction engineering but she will find out. City Administrator Blevins stated the City had the specs on the installation and Council Member Gordy said he but would like to make sure appropriate grounded was included.

**A roll call vote was taken to approve the motion to approving the City of Hilshire Village Resolution 2021-211 authorizing the Mayor to execute, and the City Secretary to attest respectively, a Concealed Network Node Deployment Agreement with GTE Mobilnet of South Texas, LP D.B.A. Verizon Wireless for the installation of certain network nodes and related equipment subject to the city's Right-of-Way Management Ordinance.**

**Council Member Gordy – Aye**

**Council Member Byrne – Nay**

**Council Member Carey – Aye**

**Mayor Pro Tem Maddock – Aye**

**Council Member Schwarz – Aye**

**The motion passed 4-1.**

#### **4.B. Ordinance 806-2021**

Mayor Pro Tem Maddock made a motion to approve the City of Hilshire Village Ordinance 806-2021 regarding Right of Way Fees, seconded by Council Member Gordy.

**Katie Rutherford, Olson & Olson**, said this ordinance updates the permit requirements and fees for all telecommunication providers should they choose not to form an agreement with the city. She said providers can choose to make an agreement or go through a permit process and pay the standard fees outlined in the Ordinance. Mayor Herron asked when the state law was implemented. Ms. Rutherford said the law was revised in 2017 in response to federal regulations and the Ordinance represents the state fees allowed per that revision.

**A roll call vote was taken to approve the motion approving the City of Hilshire Village Ordinance 806-2021 regarding Right of Way Fees.**

**Council Member Gordy – Aye**

**Council Member Byrne – Abstained**

**Council Member Carey – Aye**

**Mayor Pro Tem Maddock – Aye**

**Council Member Schwarz – Aye**

**The motion passed 4-1.**

#### **4.C. Ordinance 805-2021**

Mayor Pro Tem Maddock made a motion to approve the City of Hilshire Village Ordinance 805-2021 approving Budget Amendment # 1 for FYE 2020, seconded by David Schwarz.

Administrator Blevins said this Ordinance balances the budget in order to close out the most recent fiscal year audit. She said the transfers were between general fund accounts and no additional funds were needed.

Administrator Blevins said the largest overage is the ledger account for engineering services. She said the City Hall repairs have been put on hold and there was no Village Independence Day Festival last year. Administrator Blevins said there was no election and contingency funds were not used. Additionally, she stated that insurance and education costs were down.

**A vote was taken to approve the motion approving the City of Hilshire Village Ordinance 805-2021 approving Budget Amendment # 1 for FYE 2020.**

**The motion passed unanimously.**

#### **4.D. Alternate Board of Adjustment Member**

Council Member Gordy made a motion to discuss the Alternate Board of Adjustment position, seconded by Council Member Carey.

Administrator Blevins said the Council appointed one (1) of the previous applicants to Board of Adjustment positions and had considered two other applicants, Justin Crawford and Cali Schwarz. She said Cali Schwarz confirmed she was interested in the open alternate position.

Council Member Carey said he spoke with applicant Justin Crawford who was appointed to the Hilshire Village Cultural Education and Finance Facilities Corporation and therefore supported Cali Schwarz to fill the position.

Council Member Gordy amended his motion to approve Cali Schwarz as the Alternate Board of Adjustment Member.

**A vote was taken to approve the amended motion approving Cali Schwarz as the Alternate Board of Adjustment Member.**

**The motion passed 4-1. Council Member Schwarz abstained from voting.**

**4.F. OUT OF ORDER Amended Item - Resolution Number 2021-212**

Mayor Pro Tem Maddock made a motion to approve the Board of Directors for the HVCEFFC and HVHEFFC for a two (2) year term, seconded by Council Member Byrne.

Administrator Blevins stated that the Council recently voted in members Marcus Dotson and Justin Crawford and now needs to vote for the remaining committee members, Wes Shields, Mike Appling and David Schwarz, for a two-year term.

**A vote was taken to approve the motion approving the Board of Directors for the HVCEFFC and HVHEFFC for a two (2) year term.**

**The motion passed unanimously.**

**4.E. Amended Item - Ordinance 807-2021**

Administrator Blevins asked for a motion to include correction of Council Member Schwarz's position from position two (2) to position five (5).

Mayor Pro Tem Maddock made a motion to approve the City of Hilshire Village Ordinance 807-2021 cancelling the May 1, 2021 Election, with the correction of Council Member Schwarz's position to be position five, seconded by Council Member Byrne.

**A vote was taken to approve the motion approving the City of Hilshire Village Ordinance 807-2021 cancelling the May 1, 2021 Election with the correction of Council Member Schwarz's position.**

**The motion passed unanimously.**

**5. CLOSED EXECUTIVE SESSION:** Council did not convene into executive session.

**6. DISCUSSION:** None

**7. REPORTS TO COUNCIL**

**7.A. Zoning Committee Report:** Mayor Herron said the Planning and Zoning Committee has been working on recommendations for changes to the Habitability Ordinance. He stated that the Committee is also working on reconciling the language to distinguish between restoration and renovation. Mayor Herron said he believes that what has been prepared is in line with the conversations that the Council has had.

**7.B. Fire Commissioner's Report:** Commissioner Byrne stated that the Fire Station Renovation Project is dealing with discovery issues with plumbing and slab work. He said the north wall suffered water damage and needs replacement. He stated

that there is a plumbing issue with the way water drains from the remodeled bathroom and is affecting the dispatch office. Commissioner Byrne said the contingency fund will be used for repair items.

Commissioner Byrne said the housing and office trailers were without water and power for several days and the ladder truck was damaged during the winter storm. He said a replacement ladder truck is on its way from Alabama and the damaged truck is being used as a pumper until it can go for repairs. Commissioner Byrne said some of the other vehicles had damages to valves.

Council Member Gordy asked if the Fire Department has a plan for supply of food and water for future events that may last a week or more. Commissioner Byrne said that topic was brought up in the commission meeting last night and the Fire Chief is going to develop a plan with the department staff.

Commissioner Byrne said that he and Mayor Pro Tem Maddock have a candidate for the Alternate Fire Commissioner position but are waiting on confirmation from the candidate about their time availability.

**7.C. Mayor Herron's Report:** Mayor Herron thanked Council Member Byrne for his time helping the Village Fire Department during the winter storm. He also thanked Council Member Gordy for preparing the pipes at City Hall prior to the freeze. Mayor Herron acknowledged City Administrator Blevins for being vigilant and keeping citizens updated while she was dealing with her own power and water outage.

Council Member Gordy said he went to the four (4) backflow preventers and found that one (1) of the valves did not have water or pressure. Engineer Him asked if this was observed during the freeze or after the ice melted and which location was not working. Council Member Gordy stated that when the water pressure started coming back, he checked them and only one (1) did not release water when he opened the valve. He said the backflow preventer at the end of Pine Chase is the one that did not have water pressure. Engineer Him said the backflow preventers are tested annually, but the City can call the company to check for issues. He also said that the source of water for that location is different from the rest of the city's distribution system and may have been affected by City of Houston losing surface water pressure.

Mayor Herron said he has heard from citizens that when water service was restored after the freeze their pressure was better than it has ever been. He said this may be in part due to the fact that there are still homes in the City with the water service turned off. Administrator Blevins said she spoke with the City of Houston Public Works who said they cannot guarantee that the increased pressure will continue but will bring it up with other department officials.

Council Member Gordy said while he was preparing City Hall before the freeze, he noticed that the exterior lights stay on all day and said we need to find out why. Mayor Herron said the lights should be on a photocell trigger. Council Member Byrne said the light to the flag pole has been on for over a year. Administrator Blevins said both lights will be investigated.

**7.D. City Administrator's Report:** Administrator Blevins stated that there were a lot of calls regarding power and water outages from the winter storm on the Complaint & Issues Report. She said she had trouble working with the City of Houston Public Works Department because they did not recognize Hilshire Village as a customer.

Administrator Blevins stated that she escalated her calls for assistance to upper management and was able to get in contact with someone to help. She said they are now aware that management needs to assist with contracted entities when public works is busy with City of Houston problems. She also stated that Hilshire Village has been added to contact groups for future events.

Administrator Blevins said Hickory Shadows experienced sewer problems after the storm. She said Inframark had the lines pressure cleaned but there is still a smell and it is being investigated.

Administrator Blevins said the computers for the Council are waiting on Microsoft to correct the City's accounts. The City was placed in a commercial cloud instead of the government cloud.

Administrator Blevins said the Fiscal Year End 2020 Audit is almost complete. She said the Ordinance passed earlier in this meeting is one of the last steps.

Council Member Byrne asked if the homeowner of a tree in question on Anadell Street was informed of the City Arborist's findings. Administrator Blevins answered yes, the report was given to them. Council Member Byrne also asked about the complaint regarding a Noise Ordinance for the city and asked for comparisons of the other cities.

Administrator Blevins said the Portable Storage Container Ordinance provides that the City Administrator can allow the permit to extend up to thirty days in the case of an emergency or disaster. She said she anticipates that a lot of these containers will be needed.

**7.E. Treasurer's Report:** Report was provided to the Council. There were no comments or questions.

## **8. CONSENT AGENDA**

**8.A. Disbursements**

**8.B. Minutes from the Regular Council Meeting, January 19, 2021**

**8.C. Check Register for January 2021**

**8.D. FYE 2021 1st Quarter Investment Report**

Mayor Pro Tem Maddock made a motion to approve the Consent Agenda as presented to Council, seconded by Council Member Byrne.

**A vote was taken to approve the motion to approve the Consent Agenda as presented to Council.**

**The motion passed unanimously.**

**9. ADDITIONAL COUNCIL COMMENTS:** Council Member Schwarz said he is interested in increasing the street lighting in the City. He stated that it would benefit the safety of citizens and help to reduce petty crimes. Mayor Pro Tem Maddock said more lighting could be used particularly at the north end of Glourie and the south curve of Ridgeley Drive. Mayor Herron asked if there is an existing power pole in those areas that CenterPoint can add a light to. Council Member Schwarz said he would also like to discuss changing the bulbs to LED. Mayor Herron said Spring Valley did a big project of installing antique style LED lights. He said he asked citizens of their opinions and has received mixed results. Council Member Byrne stated that he would like to see a questionnaire go out to Hilshire



Village citizens to gauge their preferences and opinions. Council Member Gordy said citizen cooperation is important but safety should be considered first. He said public safety is more important than a homeowner being offended about lighting in their area. Council Member Gordy also suggested seeking a grant or incentive to update the lighting to LED. He said if decorative poles with lights are installed then the City will have to pay those bills and maintain the equipment. City Administrator Blevins said she would research funding opportunities and Council Member Schwarz offered to assist. Mayor Herron stated that congruent research can be done to determine the dangerous areas that need additional lighting as well as conducting a survey of citizen interest for a more comprehensive street lighting plan.

Council Member Schwarz said he was reviewing other city websites and noticed that they have posted photos of the Councilmembers and Mayor and suggested that Hilshire Village do the same. Council agreed that a uniform photo style would be better.

- 10. FUTURE AGENDA TOPICS: Sidewalk on Wirt Road:** Mayor Herron suggested that Council Members walk the west side of Wirt Road where the previously requested sidewalk would be installed in order to experience what it would feel like near the traffic. Mayor Pro Tem Maddock said it would be even worse walking a dog.

**11. ANNOUNCEMENTS:**

**12. ADJOURNMENT:**

Mayor Pro Tem Maddock made a motion to adjourn the meeting, seconded by Council Member Byrne.

**A vote was taken to approve the motion to adjourn the meeting.**

**The motion passed unanimously.**

**The meeting was adjourned at 8:43 P.M.**

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Russell Herron, Mayor

ATTEST:

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Susan Blevins, City Secretary