



Regular Council Meeting Minutes

Tuesday, November 15, 2022 at 6:30 PM
8301 Westview Drive, Houston, Texas 77055

This meeting was held in person with remote attendees present.

1. CALL TO ORDER

Mayor Buesinger called to order the Regular Council Meeting at 6:30 P.M.

1.A. Invocation was given by Council Member Gordy.

1.B. Pledge of Allegiance

1.C. PRESENT

Mayor Buesinger
Council Member Gordy
Council Member Crawford
Council Member Carey
Mayor Pro Tem Maddock
Council Member Schwarz

Also present were: City Attorney Bounds, City Engineer Him, City Engineer Vasquez*, City Building Official Taylor, Spring Valley Police Captain Lane, Village Fire Chief Foster, Fire Commissioner Presswood, Alternate Fire Commissioner Cooper, City Administrator Blevins, City Secretary Stephens, and City Clerk Ray.

*Present remotely.

2. Bill Swann, 1302 Bridle Spur Lane, said that there was a bill passed in the last legislative session regarding solar panels that might conflict with the City's current ordinance. He said that the City of Spring Valley has amended its ordinance to comply and asked that the City Attorney review the bill language.

Ron Presswood, 8202 Burkhart Road, said that he is exercising his right to an open discussion of agenda item 8.A. under the Texas Government Code as his position as Fire Commissioner is the topic of discussion.

Brian Muecke, Hedwig Village, said that a letter was circulated which includes allegations against Village Fire Chief Foster. He stated that Chief Foster responded to the allegations in a six (6) page document to the Villages and did not receive a reply. Mr. Muecke said that Chief Foster subsequently retained an attorney who issued a letter on his behalf, which Mr. Muecke read aloud.

Allen Carpenter, Spring Valley, stated that he has been a Spring Valley Council Member for 13 years, Mayor Pro Tem for the last 12 years, has served as Fire Commissioner for 13 years, being the entire tenure of Chief Foster, and has been the Commission Chair twice. He said he feels an obligation to speak on the behalf of his Fire Chief, who works for the Fire Commission, not the Cities. He said it is contradictory to have a resolution in support of the Fire Department and a closed executive session regarding the Fire Commissioner. Mr. Carpenter stated that the Council, not the Mayor, has the right to appoint the city's fire commissioner. He said that Hilshire Village owes an apology to the Fire Chief for the accusations in the letter, some of which he said were decisions made by the Fire Commissioners.

John Cooper, 1214 Ridgeley Drive, said that he has been the Alternate Fire Commissioner for the last two and a half months. He stated that he has spent time at the Fire Department and the employees are happy. He said that no one except Fire Commissioner Presswood should give a directive to the Fire Chief per the Interlocal Agreement, that the Fire Commissioner speaks on behalf of the City. Mr. Cooper said that gossip is being spread without giving the opportunity to respond with facts, and it is likely going to be subject of a libel lawsuit, which the citizens will be paying for. He said that if Commissioner Presswood is removed from the commission then he should also be removed because he doesn't want to be a part of it.

Robert Byrne, 1305 Bridle Spur Lane, stated that recently there has been information allowed to enter the public domain that accuses the Village Fire Chief of lack of transparency, mismanagement of the department's budget and resources, inaccurately reporting operations and misappropriating funds. He said that this has been taken out of context in an effort to undermine the character and employment of the person in charge of directing operations that protect lives and property. He stated that his past experience as a Council Member and fire commissioner has allowed him to have personal knowledge that rebukes the allegations in the letter. He suggested that the Council have conversations with Commissioners and Fire Chief Foster to address the accusations before taking any action. Mr. Byrne said that the Council's understanding of the Interlocal Agreement, the actions of the governing commissioners and how the Fire Chief receives orders and takes action on those orders is critical.

David Foster, Village Fire Chief, said that he has been with the Village Fire Department for 12 years and for 43 years he has been putting on his uniform with the sole intent to protect residents and property. He said that his administrator received a letter from Hilshire Village with serious allegations which are easily proven to be false including that he stole \$20,000. He said he understands there is a movement between three (3) of the Memorial Village Mayors to terminate his employment and stated that he is 61 years old and will have difficulty finding another fire chief job especially with a letter like this in the public. Chief Foster said that if an investigation is needed, he thinks it would be fair to have the State Patrol and State Rangers get involved.

Bill Bristow, 1233 Pine Chase Drive, said that he is interested in updates on the drainage channel at 1209 Pine Chase Drive. He stated that he is interested in the agenda discussion regarding items in the front yard. Mr. Bristow asked that a summary discussion be had after the executive session for the public to hear. He also stated that he still has trouble hearing the speakers and asked that the City make arrangements for him or he will

contact the State of Texas to make a complaint.

Michael Autenrieth, 7903 Hilshire Green Drive, said that he encourages the Council to get to the bottom of the issues with the Fire Chief. He also stated that the ordinance prohibiting parking between the hours of 1:00 A.M. and 5:00 A.M. has unintended consequences. He said that an amendment should be made to allow for circumstances when City Hall is not open, and you cannot purchase a parking pass.

3. REPORTS TO COUNCIL

3.A. Police Report: Police Captain Lane said that there were 214 calls for service last month, 89 being business checks, 61 public relations, and 12 traffic stops. He stated that there was six (6) burglary of motor vehicle incidents. The night shift patrol was able to locate and identify the suspects and is working with surrounding agencies on those cases.

Captain Lane said the new Flock cameras for Pine Creek Lane, Friarcreek Lane, and Hickory Shadows are scheduled to be installed in late November.

3.B. Building Official Report: Building Official Taylor said that residential construction has been steady, and job site violations are being addressed. He stated that the inspectors will continue to monitor the sites weekly.

Building Official Taylor said that BBG Consulting has merged with SAFEbuilt, a national group. He stated that the City's inspectors and leadership will remain the same.

3.C. Engineer Report: Engineer Vasquez said that his observation of the vegetation around the drainage channel at **1209 Pine Chase Drive** did not cause concern. Engineer Him said that he will schedule a meeting with Mr. Bristow to discuss the area and determine any necessary action.

Council Member Carey said that the new drainage pattern from the construction at **7907 Hilshire Green Drive** is highlighting the issue of the street not draining properly.

Mayor Pro Tem Maddock asked if the **City of Houston water quality** issue has been resolved. Engineer Him said that the sample test results have come back at normal levels. He also stated that the City is getting new contacts for the City of Houston Public Works Department.

4. REPORTS TO COUNCIL

4.A. Fire Commissioner's Report: Commissioner Presswood said that the **fire station roof** needs to be replaced, and during the construction, the vehicles will need to be stored elsewhere. He said the repair of the roof on the back of the building has estimates that are above the budgeted amount, but the commission is looking at alternatives such as a coating on the roof with a 20-year warranty. Robert Byrne, a fire department committee member, said that they met with the architect, general contractor, subcontractor, and HVAC contractor to make a plan

for the roof to be repaired at the expense of the general contractor and his subcontractor. He stated that the work is estimated to start in the middle of December with as minimal impact to operations as possible.

Commissioner Presswood said that four (4) of the six (6) Memorial Villages have approved the **Bunker Gear** replacement costs. He stated that the original request was for \$150,000 but the quote came in at \$121,000. Commissioner Presswood said that there is \$50,000 allocated to bunker gear in the 2023 Budget, and approximately \$70,000 will be transferred from the Ambulance Revenue Fund. Council Member Gordy asked if this purchase would replace all of the bunker gear suits, and if the new suits have any carcinogenic materials. Commissioner Presswood said that the department has 13 sets of the newer generation which don't need to be replaced at this time. He said in the new gear the PFA material is encapsulated.

Commissioner Presswood said that the department is over budget by less than one (1) percent and the Fire Chief is taking actions to limit spending for the rest of the year.

Council Member Carey said that the budget does not appear to include contingencies for unexpected disasters. Council Member Crawford asked if there were any anticipated major expenses for this year. Commissioner Presswood answered, "Not that I am aware of."

4.B. Mayor Buesinger's Report: Mayor Buesinger apologized for missing the last council meeting, he was out of town on a business meeting. He did not have any items to report.

4.C. City Administrator's Report: Administrator Blevins said that the property owner of 1209 Pine Chase Drive has been asked to trim the vegetation around the drainage channel. She said that there was a **water line break** caused by Verizon right-of-way work which has been repaired and the City will be reimbursed. Administrator Blevins stated that a late arrival invoice from Inframark was added to the consent agenda.

Council Member Carey said that there was a flickering streetlight on Archley Drive. Secretary Stephens asked for the pole number to report to CenterPoint for repairs.

4.D. City Treasurer's Report: Administrator Blevins presented the fund balance statements. She said that the second half of the American Rescue Grant in the amount of \$103,000 was received. Administrator Blevins said that the newly opened TexPool account is earning interest. She stated that the City is now fully protected with positive pay on all accounts to prevent fraud attempts. This process requires online verification of physical checks and electronic payments issued before the funds are released.

5. DISCUSSION

5.A. Discussion of front yard obstructions

Secretary Stephens said that the document presented is a summary of different types of items that could be in a front yard.

Mayor Pro Tem Maddock said that recreation in front yards should be allowed as long as it doesn't create an eye sore, specifically large items.

Bill Bristow, 1233 Pine Chase Drive, said that the sports equipment should be brought out when in use and then put back away. He said that when he was younger, they played in backyards.

Attorney Bounds said that some cities have ordinances against fixed structures with exceptions of basketball goals, or requirements that they are in the backyard, while others don't restrict these items at all. He said that sound and lighting are also concerns.

Council Member Carey said that basketball goals are an exception, but other things need to be temporary or in the backyard.

Council Member Gordy said that the reason this came up is because of the batting cage at Pine Chase Grove. He stated that when COVID had everyone at home families were spending more time in their front yards with play equipment. He said basketball goals and rope swings are not as unappealing as the batting cage.

Mayor Pro Tem Maddock said the demographics of the City are changing, and more young families are moving in.

Council Member Schwarz said that it seems like the size of the batting cage is the issue.

Robert Byrne, 1305 Bridle Spur Lane, said that the Planning and Zoning Committee previously discussed this issue, and he would share what they had prepared.

6. CONSENT AGENDA

Motion made by Mayor Pro Tem Maddock, Seconded by Council Member Gordy.

- 6.A. Disbursements
- 6.B. Minutes from the Regular Council Meeting October 18, 2022
- 6.C. Minutes from the Special Council Meeting November 7, 2022
- 6.D. Check Registers

Voting Yea: Council Member Gordy, Council Member Crawford, Council Member Carey, Mayor Pro Tem Maddock, Council Member Schwarz

The motion carried 5-0.

7. DISCUSSION AND POSSIBLE ACTION

- 7.A. Discussion and Possible Action to Approve recommendations by the Villages Mutual Insurance Cooperative Board for 2023 Insurance Carriers being Blue Cross Blue Shield (Medical, dental, life and long-term disability), and Superior Vision (Vision) for the City of Hilshire Village's Employee Benefits**

Motion made by Council Member Gordy, Seconded by Council Member Crawford.

Administrator Blevins said that the 2023 Budget took in account a rate increase.

Voting Yea: Council Member Gordy, Council Member Crawford, Council Member Carey, Mayor Pro Tem Maddock, Council Member Schwarz

Motion carried 5-0.

- 7.B. Discussion and Possible Approval of Resolution Number 2022-239 showing support of the Village Fire Department Employees**

Motion made by Council Member Gordy, Seconded by Mayor Pro Tem Maddock.

Commissioner Presswood asked that an amendment be made to strike the words "fiscal responsibility" from the Resolution.

Bill Bristow, 1233 Pine Chase Drive, said that he appreciates the Village Fire Department and everything they do for the City.

Council Member Gordy amended his motion to approve Resolution Number 2022-239 with the words "and fiscal prudence" stricken, seconded by Mayor Pro Tem Maddock.

Voting Yea on the amended motion: Council Member Gordy, Council Member Crawford, Council Member Carey, Mayor Pro Tem Maddock, Council Member Schwarz

Motion carried 5-0.

8. CLOSED EXECUTIVE SESSION:

- 8.A. Recess to closed meeting to deliberate the appointment, evaluation and duties of a public officer, the Fire Commissioner, as permitted by Tex. Gov't Code 551.074.**

Ron Presswood, Fire Commissioner, exercised his right to an open session per TEXAS GOVERNMENT CODE Sec. 551.074. PERSONNEL MATTERS; CLOSED MEETING. (b).

Mayor Buesinger asked Commissioner Presswood if he had hired legal

representation. Commissioner Presswood answered, "No". Mayor Buesinger said that he received a letter that appeared to be drafted by an attorney.

Mayor Buesinger said that the Village Fire Department's 2023 Budget was presented at the same time as a request for approval of amendments to the 2021 and 2022 Budgets for overages. He stated that he was surprised by these amendments and their causes. Mayor Buesinger said that there was considerable discussion about why the City was not informed earlier. He said that the City has the highest property tax rate of the Memorial Villages and has to plan the budget very carefully as there is not a large commercial area to bring in sales tax revenue.

Mayor Buesinger stated that he attended a Village Fire Department Commission meeting along with other Memorial Village Mayors, where the topic of discussion was budget exceedance in the case of a major event. He said that the meeting did not result in any action, but his interpretation of the message from the commissioners to the department was not to worry, the cities would find a way to fund it. Mayor Buesinger said that he did not think it was in the fire commissioner's authority to approve transfers or increases in the budget. He stated that he later received a call from a Memorial Village Mayor asking about a letter issued by Commissioner Presswood. He said the attorney from Hunters Creek wrote a response to the Village Fire Department that the letter is in conflict with the Interlocal Agreement. Mayor Buesinger said that because of these issues a new direction is needed and therefore is nominating himself as the fire commissioner for the City.

Council Member Carey asked what letter was issued by Commissioner Presswood. Attorney Bounds said that the letter is dated October 5, 2022. Secretary Stephens displayed the letter on the screen in council chambers. Mayor Buesinger said that the letter appears to give the Fire Chief the authority to spend necessary funds possibly exceeding the budget which is not what the Interlocal Agreement says.

Council Member Carey asked what happens if there is an emergency situation. Mayor Buesinger said that the Council will be notified and will conduct an emergency meeting. Council Member Carey asked if the Home Depot is burning down, they will have to meet? Attorney Bounds said the budget should be prepared to include situations like that. Mayor Buesinger said that the Interlocal Agreement states that if the budget is exceeded then it needs to be approved by all six (6) cities. Mayor Buesinger said that minor emergency funds need to be built into the budget, and it doesn't seem to be happening that way.

Council Member Gordy said that the Council was not informed as early as they should have been when the budget overages started, and a change in commission representation was made because of that lack of communication. He stated that the City has a very tight budget, and the Council works hard to maintain the fund balance. He said that there was no time to prepare for these amendments, a failure at the commission level to report to the City. Council Member Gordy said that when the City requested a copy of the budget in excel format it was refused. He stated that he has spent a lot of time at the Fire Department volunteering to help with the construction of the fire station and can tell that it is organized, but he has a concern

with the way the budget is managed.

Mayor Pro Tem Maddock said when the line of communication is not working, you shorten the line of communication. He stated that Former Mayor Whiting was appointed the fire commissioner and was very involved. Council Member Schwarz asked if the other Memorial Villages are having the same conversation. Mayor Buesinger said that other city leaders are present and attending virtually.

Council Member Crawford said that the letter issued by Commissioner Presswood is not in line with the Interlocal Agreement which is what should be referred to for process and procedure in the case of an emergency. He said that he was confused about why the letter was issued in the first place, and the additional document provided tonight is new to him. Administrator Blevins said that she did not distribute the document regarding Chief Foster and that it was sent by accident to a Fire Department staff member. She said she called that person and asked that the email be deleted, but it was not. Attorney Bounds said that the document given to the Council tonight was not the original email that was sent, it had been changed.

Council Member Carey asked if there were enough funds in the current budget to cover a significant emergency. Council Member Crawford said at this point in the year and considering the usage of funds at this time there is not enough money for a major incident. Council Member Crawford said a contingency fund should be created. Attorney Bounds said that there is a certain spending power that administrators have in the case of emergencies and that an emergency meeting can be called within one (1) hour to authorize funds beyond that or to generate a plan.

Council Member Gordy said that this excess money was spent before it was brought to the Council and did not understand how that could happen.

9. DISCUSSION AND POSSIBLE ACTION

9.A. Discuss and act on items discussed in the closed meeting: Consider approval of a Resolution Number 2022-240 appointing a Fire Commissioner

Motion made by Mayor Pro Tem Maddock, Seconded by Council Member Gordy.

Bill Bristow, 1233 Pine Chase Drive, said the Council was elected to serve at all times and asked that anyone who is appointed or elected be in attendance at all meetings.

Commissioner Presswood said that the letter he sent as chairman was based on commission discussions that the Chief was concerned about staffing the second ambulance and exceeding the budget. He said he thought they were clear on the direction they were going. Commissioner Presswood stated that this and next year's budgets are zero (0) sum budgets and that in previous years the participating cities did not want a contingency account. He said that the reason that the Excel version of the budget was not provided is that there was a prior incident where the budget was changed and distributed which caused issues. It was decided by the

commission, not Fire Department Staff, that it would no longer be provided in that format.

Council Member Carey asked if the budget was prepared to accommodate for major fires. Commissioner Presswood said there are overtime funds, but they were depleted by staffing the second ambulance. Council Member Crawford asked if there is budgeting for disaster response beyond basic operations. Commissioner Presswood said it is a zero (0) sum budget.

Council Member Gordy said the commission should come back to the cities and request a budget amendment as issues arise. Commissioner Presswood said that if the budget is exceeded, at the next commission meeting it would be discussed and brought to the cities. Council Member Crawford said that he did not think the commission adhered to that process, the City was not informed until several months later. Commissioner Presswood said that during the pandemic the commission was faced with a lot of overtime but could not predict the effect it would cause and kept rolling the issue to the next meeting. He said the commissioners are in agreement that they should have gone to the cities for a budget amendment. Commissioner Presswood said that he did not write the letter he issued, but he read it and thought it was clear.

Allen Carpenter, Spring Valley, said that the budget amendment for overtime was significant due to staffing the second ambulance. He stated that the 2023 Budget has a permanent staff on the second ambulance. Fire Commissioner Carpenter said that the commission advised the Fire Chief to staff the second ambulance and then they would figure out the funding. He said that budget amendments are not made until the end of the year after the audit is complete. Council Member Gordy said that is not how Hilshire Village operates, and that is the root of the problem. Council Member Carey said that process needs to change. Council Member Gordy said that Spring Valley has the ability to collect revenue that Hilshire Village cannot. He said budget amendments hit the City harder than other Memorial Villages. Commissioner Carpenter said that although he is a Council Member for Spring Valley when he is at the fire station, he works for the Fire Department. Council Member Gordy said that the commissioners serve at the discretion of the Council and have more than one job to do. He said the City was informed of amendments late in the fiscal year and did not appreciate how it was presented Commissioner. Carpenter said that historically the Fire Department has run on an extremely lean budget. Administrator Blevins said that this is the first time she can remember that the Fire Department has come back for more money and that usually there is a transfer which is a normal practice. Commissioner Carpenter said that in the past the commission was able to use EMS revenue to cover overages, but because it was assigned to the capital improvement project there were no extra funds available. He stated that when Spring Valley has an overage they dip into their reserve, which is "huge".

Brian Muecke, Hedwig Village, said that there appear to be ulterior motives and not of the charitable variety. He said that he has not been to Hilshire Village since former Mayor Whiting and has never seen four (4) mayors present at a meeting. He asked if the Council had ever been informed of these documents and why there is a quorum of mayors with all eyes on Hilshire Village. He stated there are ulterior motives.

Amended motion was to approve Resolution Number 2022-240 appointing the Fire Commissioner to be Robert Buesinger

Voting Yea: Council Member Gordy, Council Member Crawford, Council Member Carey, Mayor Pro Tem Maddock, Council Member Schwarz

The motion carried 5-0.

10. ADDITIONAL COUNCIL COMMENTS None

11. FUTURE AGENDA TOPICS

Play equipment discussion.
Alternate Fire Commissioner opening.

12. ANNOUNCEMENTS None

13. ADJOURNMENT

Motion made by Mayor Pro Tem Maddock, Seconded by Council Member Schwarz.

Voting Yea: Council Member Gordy, Council Member Crawford, Council Member Carey, Mayor Pro Tem Maddock, Council Member Schwarz

The motion carried 5-0.

The meeting was adjourned at 9:12 P.M.

Robert F. Buesinger, Mayor

ATTEST:

Cassie Stephens, City Secretary