

## **CITY OF BUNKER HILL VILLAGE**

### **MINUTES OF THE REGULAR MEETING AND PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS JUNE 15, 2010 – 5:00 P.M.**

#### **I. PLEDGE OF ALLEGIANCE**

The mayor suspended with the pledge.

#### **II. CALL TO ORDER**

Mayor Essary called the meeting to order at 5:02 p.m. in the Council Chambers of City Hall, 11977 Memorial Drive, Houston, Texas.

##### **Present:**

Mayor Derry D. Essary  
Councilman Keith Brown  
Councilman Dave Ellis  
Councilwoman Cooky Mays arrived @ 5:04  
Councilwoman Susan Schwartz

##### **Also in Attendance:**

Ruthie Sager, City Administrator  
Loren Smith, City Attorney  
Kelly Johnson, City Secretary/Dir of Finance  
Steve Smith, Dir of Public Wks/Blding Official  
Tom Ramsey, City Engineer

##### **Absent:**

Councilman Jay Smyre

#### **III. MAYOR'S REPORT**

##### **A. Meeting with McGrath Consultants**

Discussed under item XIV and XV.

##### **B. Meeting with Mayor Parker**

Mayor Essary said about two weeks ago the fourteen small city mayors met with City of Houston's Mayor Parker regarding METRO funding. The current funding the City of Bunker Hill Village receives will continue through 2014. The mayor said not to count on anymore funding after that.

##### **C. Mayor & City Council Meeting Regarding Village Fire Department 2011 Budget**

Discussed under item XIV.

##### **D. Village Independence Festival**

The Village's Independence Festival will be on July 3rd this year. The mayor said we have raised within \$3,000 of last year's donations. The mayor also said the food will be a little different this year; there will be hot dogs and pizza.

#### **IV. CITIZENS' COMMENTS**

This is an opportunity for citizens to speak to council relating to agenda and non-agenda items. Comments are limited to three minutes. If the topic the speaker wishes to address is on the

agenda, the speaker can either speak at this time or defer comments until such time the item is discussed.

Speakers are required to address council at the microphone and give their name and address before addressing their concerns.

Note: To comply with provisions of the Open Meetings Act, the City Council may not deliberate on items discussed under this agenda item. Items that cannot be referred to the city staff for action may be placed on the agenda of a future City Council Meeting.

Bill Purifoy at #1 Branch Bend Circle was the election judge at the May 8, 2010 election. He thanked all the workers that helped in the election.

Donna Freedman at 11930 Surrey Lane complained about her next door neighbor. Her complaints were the pool gate is left open, the pool is green, a barking dog, and the number of cars parked at that address exceeds the allowable number. She wants the city to do something.

**V. DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTMENT OF MAYOR PRO TEMPORE FOR A TERM OF ONE YEAR**

Mayor Essary said he would like to continue with Dave Ellis as Mayor Pro Tempore because of his experience and some of the issues we are facing in the upcoming year.

Motion was made by Councilwoman Mays and seconded by Councilwoman Schwartz to appoint Councilman Dave Ellis as Mayor Pro Tempore for the City Council of Bunker Hill Village for a term of one year. Motion carried 4-0.

**VI. DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTMENT OF A COMMUNICATION COMMITTEE**

The mayor said he would like to recommend the following for the Communication Committee:

- Ruthie Sager - staff member
- Jay Smyre - council liaison
- Jo Soanes – east side resident
- Rita Morico – west side resident

Mayor Essary said this is subject to the members' acceptance.

Motion was made by Councilwoman Mays and seconded by Councilwoman Schwartz to approve the establishment of a Communication Committee with Ruthie Sager, Jay Smyre, Jo Soanes, and Rita Morico, subject to their acceptance. Motion carried 4-0.

**VII. DISCUSSION AND POSSIBLE ACTION REGARDING CANCELLATION OF THE JULY 2010 REGULAR COUNCIL MEETING**

Mayor Essary said this is something we've done on a regular routine basis.

Motion was made by Councilman Ellis and seconded by Councilman Brown to cancel the regularly scheduled July 20, 2010, Council Meeting. Motion carried 4-0.

**VIII. CONSENT AGENDA**

**“ALL MATTERS LISTED UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION, THERE WILL NOT BE SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.”**

- A. Minutes of the May 18, 2010 Regular City Council Meeting
- B. Minutes of the May 24, 2010 Special City Council Meeting

- C. May 2010 Financials
- D. Calco Contracting, Inc., Estimate #2 dated June 2, 2010, in the amount of \$334,048.39 for Carolane Trail Improvements
- E. Kingsley Constructors, Inc., Estimate #3, for The Surface Water Supply Line to Water Plant No. 2 and Modifications to Water Plant No. 1, in the amount of \$92,745.00

Motion was made by Councilwoman Mays and seconded by Councilman Ellis to approve the Consent Agenda. Motion carried 4-0.

**IX. DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY ADDING TO ARTICLE IV, CONSTRUCTION CODES, OF CHAPTER 4, BUILDINGS AND CONSTRUCTION, OF SAID CODE A NEW SECTION 4-70, APPLICABILITY, PROVIDING CIRCUMSTANCES UNDER WHICH THE CITY'S CONSTRUCTION CODES ARE APPLICABLE TO REPAIR, MODIFICATION AND ALTERATION OF EXISTING STRUCTURES; BY DELETING ALL OF SECTION 6-152 (b) OF ARTICLE IV, FIRE CODE, OF CHAPTER 6, FIRE PREVENTION AND PROTECTION REGULATIONS, OF THE CODE OF ORDINANCES, AND ADDING A NEW SECTION 6-152 (b) PROVIDING CIRCUMSTANCES UNDER WHICH FIRE SPRINKLER SYSTEMS SHALL BE REQUIRED IN REPAIRS, ALTERATIONS, AND MODIFICATIONS OF EXISTING STRUCTURES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY**

Mr. Steve Smith, Public Works Director/Building Official, said this is the second half of the amendment to the remodeling rules. The first half dealt with the planning and zoning related issues, remodeling of a non-conforming structure. This half deals with remodeling a conforming structure. This would mean the criteria that apply to a non-conforming structure would now be the same as a conforming structure. Mr. Smith said this ordinance gets us back to a real live value of the structure.

Motion was made by Councilman Brown and seconded by Councilman Ellis to approve the ordinance as amending the Code of Ordinances of the City of Bunker Hill Village, Texas by adding to Article IV, Construction Codes, of Chapter 4, Buildings and Construction, of said code a new section 4-70, relating to the installation of fire prevention devices in existing structures as described under item IX. Motion carried 4-0.

**X. DISCUSSION AND POSSIBLE ACTION REGARDING PRELIMINARY ENGINEERING ON W151 DRAINAGE STRUCTURE**

The mayor referred back to the rain event last Sunday and said with nine-tenths of an inch of rain within an hour period, W151 was to the top of its banks between the first and second steps.

The mayor said what is occurring is we went from a six lane and frontage road I-10 corridor to a sixteen lane I-10 corridor. He said the way TXDOT designed the drainage for the sixteen lane I-10 corridor was they did not want to send anymore water through W151. He said we all know there is a restrictor at the headwater at the open W151. TXDOT designed the drainage for the sixteen lane concrete structure and used the culverts under Memorial City and the headwater of W151 as the governor. So when it rains on the sixteen lane concrete structure it fills the culverts under Memorial City and fills up the restrictor at the headwater very, very quickly and then W151 rises very, very quickly.

With the water rising very quickly in W151 it closes off the drainage for Bunker Hill Village. In conjunction with the major rain event in Bunker Hill Village, we have the sheet flow plus the

drainage from the north that basically surcharges in the western part of our city. The mayor said we all know the answer to the drainage issue, it's retainage north of Bunker Hill Village.

Tom Ramsey, City Engineer, said how quickly the water gets to Bunker Hill Village is the issue. He said it's a timing issue. TXDOT put in a lot of underground detention North of I-10 to mitigate the I-10 corridor expansion. Another thing that has happened in the last ten years is the plugging of those outlets that use to go into Frostwood. He thinks that also contributes to the rising water in W151.

The mayor said he knows that deepening of W151 would have a significant impact, but he's not sure if that is the only thing that would have an impact. Mayor Essary said he would like to build W151 wider but he's not at all sure if we're building someone else's capacity.

Mayor Essary stated he is ready to say we are done with W151. We can protect the homeowners in Bunker Hill Village, it will be expensive and not something he wants to do. He said he has watched Harris County Flood Control (HCFC) and others pay for study after study. He stated he is ready to go outside the ditch. The mayor is ready to go over to Strey Lane and put the box culverts in and bring it over to Pebble Hill and protect the residents of Bunker Hill Village. He said we can do it quicker and probably more cost effective.

Gary Struzick, with Klotz Engineering, said they met with Alan Potok with HCFC. Mr. Struzick said he is new to HCFC and took over for Mr. Fitzgerald. He said Mr. Potok wants to get a handle on things and meet with Bunker Hill Village. Councilman Brown said he met with HCFC when he first got on council three terms ago, and nothing has been done. The council said they are tired of waiting. The mayor reminded council that a year ago he made it known to all the parties involved that Bunker Hill Village was committed to spending six million dollars on the drainage issue and has heard nothing but let's do more studies.

Mr. Ramsey said we have to get a permit from HCFC to move forward on the project to put box culverts under Strey Lane to Pebble Hill out to Buffalo Bayou.

Councilman Ellis said with the proposed project, Bunker Hill Village will still be putting water into W151, it will be in a different place, a better place, and it will block the ability of W151 to backflow and flood Bunker Hill Village.

The mayor said he is asking council tonight to give the approval for the mayor to enter into discussions with Klotz Associates to prepare a RFP for an engineering study to do what is being discussed tonight. To bring a box culvert down Strey Lane to Pebble Hill across to W151 and put flood gates on the Eastern side of W151 to close off Bunker Hill and create a timeline on how we implement and get a cost estimate. The minute that is done, the mayor said, he will call a special meeting and ask for approval based on the condition he can negotiate.

Motion was made by Councilman Ellis and seconded by Councilwoman Schwartz to authorize the mayor to enter into and finalize a RFP with Klotz Associates for the engineering proposal to accomplish the objectives relative to the Strey Lane Drainage Project as discussed. Motion carried 4-0.

**XI. DISCUSSION AND POSSIBLE ACTION REGARDING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, ACKNOWLEDGING REVIEW OF THE PUBLIC FUNDS MANAGEMENT AND INVESTMENT POLICY INCLUDING APPOINTMENT OF THE INVESTMENT COMMITTEE**

Ruthie Sager, City Administrator, stated that the Investment Committee consisted of the Mayor, Mayor Pro-tem, and the City Administrator. Mayor Essary said that Ruthie Sager and himself

reviewed the Investment Policy and it's consistent with the way it has been in the past eighteen months.

Motion was made by Councilman Brown and seconded by Councilwoman Mays to approve the Investment Policy including the appointment of the Investment Committee consisting of the Mayor, Mayor Pro-Tem and City Administrator. Motion carried 4-0.

**XII. NOTICE OF TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) ACCEPTANCE OF BUNKER HILL VILLAGE EMERGENCY PREPAREDNESS PLAN WHICH IS NOT SUBJECT TO DISCLOSURE UNDER CHAPTER 552 OF THE GOVERNMENT CODE**

Mr. John Davis, with Langford Engineering, said anyone that services more than one person water has to comply with the Emergency Preparedness Plan. Mr. Davis said this spells out Bunker Hill Village's emergency contact information. Mr. Davis said after city council approves the plan it has to be filed with various agencies. Ms. Sager, City Administrator said it's not disclosed to the public because of Homeland Security.

**XIII. CITY ADMINISTRATOR'S REPORT**

**A. Preliminary Report of Appraised & Taxable Values as of May 20, 2010**

Ms. Sager, City Administrator, said we expected a 2.42% decrease in our property values but preliminary numbers came in showing a twelve million dollar increase in taxable value. Ms. Sager called Harris County Appraisal District and was told they expected quite a few people to protest their values and she is hoping we end up with a taxable value pretty close to last year.

**B. City of Houston Contract Water Rate Change Effective January 1, 2011**

Ms. Sager, City Administrator, said there will be an increase on January 1, 2011, for surface water from the City of Houston from \$2.19 per thousand to \$2.467 per thousand. Mayor Essary said in the third quarter of this year we will begin the process of reviewing Bunker Hill's water rates.

**XIV. FIRE COMMISSIONER'S REPORT**

**A. Discussion and possible action regarding 2011 Village Fire Department Budget**

Councilman Brown thanked the mayor and council for coming to the budget workshop. He said they anticipate having a flat budget from last year. He said unless council has any questions or objections, Councilman Brown said he plans on voting for the budget that was presented at the meeting.

No action taken, the budget will be presented at the August 2010 Regular Council Meeting.

**XV. DISCUSSION AND POSSIBLE ACTION REGARDING THE CITY'S ENGAGEMENT OF MCGRATH & ASSOCIATES TO PROVIDE PERSONNEL FOR AN OPERATIONAL AUDIT AND PERFORMANCE REVIEW OF VILLAGE FIRE DEPARTMENT MANAGEMENT**

Mayor Essary said our fire department is very different. Being different in staffing levels, budget levels, etc. He said this has developed over a twenty year period of time. Mayor Essary said the operational audit and performance review is probably long overdue.

The mayor said we want our staffing, structure, equipment, nature of the fire department, in all about ten items reviewed. He said the person we found is a professional in the fire service and we would like to bring him in as an Interim Fire Chief.

Mayor Essary said he does not know the total amount for the operational audit and performance review but it will not exceed the amount that was approved previously. The mayor said he is basically asking approval of the resolution to appoint the individual that is outlined in the council packet to the position of Interim Fire Chief for the Villages Fire Department until we fill the permanent Fire Chief position. The Interim Fire Chief is to perform and report an operational audit and performance review of the department. Mr. Loren Smith, City Attorney, clarified that the resolution would authorize Councilman Brown, as fire commissioner for Bunker Hill Village, to approve the Interim Fire Chief and the performance and audit report.

The mayor said that Hedwig Village and Hunters Creek have already approved the resolution and Bunker Hill Village and Spring Valley meet on it tonight and he said they are also expecting a positive response from Hilshire Village.

Councilman Brown said he did not think this audit was going to be earth shattering as some might think. He said as far as he could tell an operational audit and performance review has never been done.

The mayor said that the interim chief is available to start June 21, 2010. He also said the interim chief will be given a ticket to go home every thirty days.

Motion was made by Councilman Ellis and seconded by Councilwoman Mays to also direct and therefore approve our fire commission representatives including within the duties of the interim fire chief the conducting of an operational audit and performance review of the Village Fire Department management as further outlined under item XV. Motion carried 4-0.

**XVI. DISCUSSION AND POSSIBLE ACTION REGARDING A RESOLUTION DIRECTING THE CITY'S REPRESENTATIVES TO THE VILLAGE FIRE DEPARTMENT BOARD OF COMMISSIONERS TO VOTE FOR THE APPOINTMENT OF AN INTERIM FIRE CHIEF**

Discussion under item XV.

Motion was made by Councilwoman Mays and seconded by Councilwoman Schwartz to give our fire commission representative the authority to vote in favor of appointing an Interim Fire Chief. Motion carried 4-0.

**XVII. DISCUSSION AND POSSIBLE ACTION REGARDING INVOICE #433 DATED MAY 27, 2010, IN THE AMOUNT OF \$3,000 FROM MCGRATH CONSULTING GROUP, INC. FOR DEVELOPMENT AND DISCUSSION OF DRAFT VILLAGE FIRE DEPARTMENT GOVERNANCE REGULATIONS. (BUNKER HILL VILLAGE PORTION OF THE INVOICE IS 1/3 OF THE TOTAL)**

Motion was made by Councilman Ellis and seconded by Councilwoman Mays to approve the payment of Bunker Hill Villages share of \$1,000 under item XVII. Motion carried 4-0.

**XVIII. POLICE COMMISSIONER'S REPORT**

**A. Police Department Activities**

Councilman Ellis said there was no commission meeting because the way the calendar ended up, it will be this coming Monday night. He said he suspects the police department has received the message that the 2011 budget is to be a flat budget.

**XIX. DIRECTOR OF PUBLIC WORKS REPORT**

**A. Update on Carolane Trail Improvements**

Mr. Smith, Public Works Director/Building Official, said the project is going great. He stated that we are 100% complete with the sanitary sewer, 99% complete with the drainage, and 100% complete with the street base. Mr. Smith said he hoped to have the water system

complete with the exception of the meters by the end of this week. He said we are still waiting on Centerpoint regarding the gas main. After the gas line is complete we can lay the asphalt.

B. Update on Installation of Surface Water Supply Line

Mr. Smith, Public Works Director/Building Official, said the pavement is complete on Stoney Creek and the contractor continues to work on the above ground pipe. John Davis, with Langford Engineering, said the completion date is July 25, 2010 but they are running ahead of schedule.

Mr. Smith said Ms. Sager, City Administrator, has been working very hard on getting the city a grant to help pay for certain portions of the Surface Water Project. He said we have been approved to receive \$23,000 of the \$26,000 we applied for. This will help pay for the computer upgrades that control all the new valves that are needed in the new surface water line.

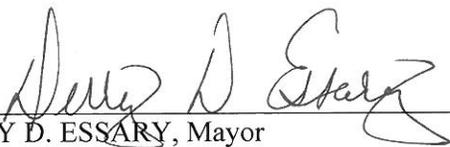
C. Update on Street Paving Project

Mr. Smith said we've had roughly twelve contractors pick up bid packages. The bids are due back on June 17<sup>th</sup>.

**XX. ADJOURN**

Motion was made by Mr. Loren Smith and seconded by Councilman Ellis to adjourn the meeting at 6:40 p.m. Motion carried 5-0.

Approved and accepted on August 17, 2010.

  
DERRY D. ESSARY, Mayor

ATTEST:

  
Kelly Johnson, City Secretary