

CITY OF BUNKER HILL VILLAGE

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AUGUST 21, 2012 AT 5:00 P.M.

I. CALL TO ORDER

Mayor Essary called the meeting to order at 5:00 p.m. in the Council Chambers of City Hall, 11977 Memorial Drive, Houston, Texas.

Present:

Mayor Derry D. Essary
Councilman Keith Brown
Councilman John Glover
Councilwoman Susan Schwartz
Councilman Jay Smyre
Councilman Jay Williams

Also in Attendance:

Ruthie Sager, City Administrator
Kelly Johnson, City Secretary/Dir of Finance
Loren Smith, City Attorney
Tom Ramsey, City Engineer

II. PLEDGE OF ALLEGIANCE

Two boy scouts, Jason Daniels an eighth grader at Second Baptist School and Brooks Bell a seventh grader at Second Baptist School, both lead in the pledge.

III. 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 prior to voicing 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.

Mr. Preston Bornman, a resident at 12003 Pebble Hill, discussed how unhappy he was with the construction project and how it related to his street. He said the residents of Pebble Hill were told the construction would last two months on their street and as of today, it has been over five months. He said the street has not been cleaned, trash is all over the street, workers have urinating in their yards, almost all the residents have had plumbing issues since construction started, and construction materials were being dumped in the holes. He said their demands were simple, they want the City of Bunker Hill Village to pay for the repair of their sprinklers and the pea gravel for their driveways.

Mr. John Grubbs, former city supervisor for the Strey Lane Drainage Project, explained to council he simply was not physically able to do the job anymore. He said he sent a

letter to the mayor, one he did not take lightly, saying he was resigning but found a replacement. He said Mr. Carl Smitha is doing a better job than what he was able to do.

Mr. Brian Buckley, a resident at 12002 Pebble Hill, wanted to reiterate what Mr. Bornman said regarding the trash, urinating in the yards, and the length of time of the construction on Pebble Hill. He also spoke of timbers left by the contractor leaning on his brick wall.

IV. MAYOR'S REPORT

A. Host for Village Mayors' luncheon – July 10, 2012

The mayor said they had their first mayors luncheon since the election and there were three new mayors at the luncheon.

B. Meeting with City of Houston Councilmember Helena Brown – July 12, 2012

Mayor Essary said several months ago he and Councilman Brown attended the City of Houston's Councilman Pennington and Councilwoman Brown's roundtable on W-151. After the roundtable, Mayor Essary said he sent a letter to both Councilman Pennington and Councilwoman Brown stating if they want to understand what happened on W-151 he would be glad to meet with them. Mayor Essary said Councilwoman Brown took him up on the offer and they met on July 12, 2012 for about an hour and a half.

C. Update on Metro funding to small cities

Mayor Essary said approximately four years ago he projected that the City of Bunker Hill Village would be losing their Metro funding. The mayor said that is exactly what has happened. He said the City of Houston needs the money and sees the fourteen multi-cities as targets. He said Metro split the fourteen small cities into groups with the first group being the bigger cities; Katy, Humble and Missouri City. The mayor said the first group, Metro basically gave them the majority of what they had been receiving.

The second group was made up of Hedwig, Spring Valley, Bellaire, and West University. They gave that group a higher percentage on their returns. The five cities that don't actually collect sales taxes, Bunker Hill Village being one, Metro was fairly punitive with them. Mayor Essary said it's not final but would be surprised if it changes.

D. Update on Frostwood Elementary School

Mayor Essary said they are just about complete with the demolition work. He said Spring Branch Independent School District (SBISD) opened bids last week and the cost for construction of Frostwood Elementary School came in at \$19,500,000. He said SBISD came up with the additional \$500,000. The construction will begin Tuesday of next week, with it being presented to the school board on Monday for approval.

Mayor said that two SBISD board members have taken the position that the City of Bunker Hill Village held up issuing permits until SBISD handled the drainage. The

mayor said there was negotiation but it certainly was not an extortion. The mayor said we issued the Specific Use Permit in exchange for the traffic and drainage issues being addressed.

V. POLICE COMMISSIONER'S REPORT

- A. Discussion and possible action concerning approval of the 2013 Memorial Villages Police Department budget. Total budget is \$4,052,441.29 (including a capital request of \$116,900.00). Bunker Hill Village obligation is \$1,350,813.76

Commissioner Soanes presented the Memorial Villages Police Department 2013 Budget with a power point presentation. Commissioner Soanes said the 2013 budget was a flat budget to the 2012 budget. He said within the 2013 budget is a contingency of \$66,522 to be earmarked for one or a combination of the following:

1. Cost of living adjustment up to 1.5% at a cost of \$45,000
2. Step program change from 3 years to 2 years
3. Change and/or improvement in the retirement funding

Commissioner Soanes talked about the retirement of two senior officers and not replacing one of those positions by moving personnel around. This would still keep the same amount of officers on the street and it gives the ability to fund the unbudgeted position in dispatch. He also said there is an 8% increase in group health insurance. He said we will not know the actual numbers on group health insurance until November.

Commissioner Soanes said the commission has challenged Chief Walpole to find surplus funds in the 2012 budget to accelerate the purchase of tasers

Council had some discussion about tasers and the possible use and training of the tasers. Chief Walpole said the training is a two day training program with two of his current officers already certified. Chief Walpole spoke positive regarding tasers and the benefits to the department.

Councilman Smyre said he does not like a budget with contingency funds. He asked Commissioner Soanes if he would be able to see the analysis/comparison of the compensation survey of other departments. Commissioner Soanes said hopefully next month they will have that information together and be able to present it to all of council.

Councilman Brown also said he did not like to approve a budget with a contingency fund.

Commissioner Soanes asked for the approval of the 2013 budget as presented to include the contingency of \$66,522, noting that when the police commission decides how to use the contingency funds they will come back to council at that time for approval. He wanted council to know even with the approval of the budget the commission still has some unsolved business with regards to how they were going to shave their personnel costs

Motion was made by Councilman Williams and seconded by Councilman Glover to approve the budget as presented by Commissioner Soanes.

Then a motion was made by Councilman Brown and seconded by Councilman Smyre to table the item until September's meeting or sooner if needed. Motion carried 5-0.

VI. FIRE COMMISSIONER'S REPORT

Councilman Smyre said from grant money received they have finished purchasing all the radios. City of Houston has moved the implementation date to next Tuesday, which with implementation both agencies will be on the same radio frequency and will be able to communicate more effectively.

Councilman Smyre said the fire department had an awards ceremony on August 4, 2012. He said there must have been 200 people in attendance. He said the event was a great morale booster.

Councilman Smyre said the fire department has been notified of an upcoming ISO Rating. ISO is a rating company that insurance companies use to base their fire insurance on. The last time it has been done was twelve years ago. He said they usually come out every ten years, so they are overdue. He said there is a change in how they are going to do the rating this year. The last time they took all six villages collectively and rated them together. This time they have notified us they are taking each city separately. Councilman Smyre said he guesses our rating will change because of the way they are rating each city separately. He said he suspects our rating will go down. He said they are going to discuss this more tomorrow night at the commissioners' meeting and about hiring a consultant to help with the rating.

Mayor Essary said one thing we can't help is our location from the fire department. We are the furthest city from the fire department, which will not help Bunker Hill's rating.

VII. DISCUSSION AND POSSIBLE ACTION REGARDING CONSTRUCTION MANAGEMENT SUPERVISION WITH CONSULTANT TEXASCAL ENTERPRISES, LLC, (CARL W. SMITHA, P.E., CFM) FOR THE STREY LANE DRAINAGE PROJECT IN AN AMOUNT NOT TO EXCEED \$20,000

The mayor said as John Grubbs was telling us earlier, he is no longer physically able to do the construction oversight on the Strey Lane Drainage Project but he gave the City of Bunker Hill Village the name of a former City of Houston employee, Mr. Carl Smitha. The mayor said that Ms. Sager and he had been working with Mr. Smitha for the past few weeks. The mayor said the oversight in the past couple of weeks was impressive.

Councilman Williams asked if we were buying enough of Mr. Smitha's time to effectively manage the Strey Lane Drainage Project. Mr. Smitha responded that under the current contract it averages out to a few hours a day. Mr. Smitha said a few hours a day is a pretty tight contract.

Mayor Essary said the current contract with Mr. Smitha is up to \$20,000, not two hours a day. He said in all probability based on the current contractors we have now, the contract will be more than \$20,000.

Motion was made by Councilwoman Schwartz and seconded by Councilman Williams to hire Texasal Enterprises, LLC, (Carl W. Smitha, P.E., CFM). Motion carried 5-0.

VIII. CITY ENGINEER'S REPORT

A. Status of Strey Lane Project

Mr. Ramsey, the City Engineer, said they are pleased to see Mr. Smitha on the project. He said they have requested from the contractor a schedule and to know what the plan is to get back on schedule. He said they have expectations to have those within the week. Mr. Ramsey said we can work with Mr. Smitha regarding the quality and production issues.

The mayor asked how long this project was going to take giving how long the contractor has taken on Pebble Hill. Mr. Ramsey answered he knows how long it took to get down Strey Lane the first time. Mayor Essary said we have to make a dent in the four to five months they are behind.

Mr. Smitha reported they have found gas lines on Strey Lane that were not marked on the construction plans. He said they are investigating lines ahead of the construction crew so they can be verified as too not slow the construction crew down.

Mr. Ramsey said with school starting back we need to effectively communicate with the school about the traffic control plan.

Mayor asked city council, what can we do for the residents of Pebble Hill? He reminded council what we do for Pebble Hill residents to be prepared to do for all the residents affected by this project.

Councilman Williams said he brought up several months ago about the city paying for sprinkler systems and driveway repairs for Pebble Hill residents. He said these residents have gone through great discomfort with this project. Councilman Williams said he did not think it would be setting precedence for all the residents affected by the project. Ms. Sager, the city administrator, said she thought most if not all the sprinklers damaged on Pebble Hill were on private property and the city's policy was if the city damages something on private property, the city will fix it.

All of council was in agreement that the city needs to do something for the residents on Pebble Hill. The residents have been through too much.

The mayor said we cannot take any action on this item because it's not listed on the agenda. He said let's get a general consensus, we will repair sprinkler systems and replace driveways to its previous as built. Council discussed replacing landscaping but did not get a general consensus. The mayor said he will come back to council with a proposal for Pebble Hill only.

B. Status of East Side Drainage Project

Mr. Ramsey, the City Engineer, said they have received the survey on Blalock Road and they are currently reviewing it. The plan is to have a set of plans by the end of the year and be able to bid the first of next year.

Mr. Ramsey said this is the plans for the drainage ditch on the eastside of Blalock Road and selectively televising W-146. The mayor asked why the delay. Mr. Ramsey said they could bid it earlier if council wanted to. The mayor instructed Mr. Ramsey to get it done and ready to bid.

IX. 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 June 19, 2012, Regular Council Meeting
- B. Minutes of the July 20, 2012, Special Council Meeting
- C. June 2012 Financials
- D. July 2012 Financials
- E. Investment Activity for the 2nd Quarter Ending June 20, 2012
- F. Klotz Associates, Invoice No. 612136, dated June 27, 2012, in the amount of \$2,310.00 for professional services rendered from May 16, 2012 to June 15, 2012, in connection with Strey Lane Drainage Improvements Design Bid Construction Phase Services
- G. Klotz Associates, Invoice No. 712141, dated July 27, 2012, in the amount of \$1,925.00 for professional services rendered from June 16, 2012 to July 15, 2012 in connection with Bunker Hill Village Strey Lane Drainage Improvements Design Bid & Construction Phase Services
- H. AAA Asphalt Paving, Inc., Pay Application No. Four, dated July 17, 2012, in the amount of \$157,403.12 for Strey Lane Storm Sewer Improvements
- I. AAA Asphalt Paving, Inc., Pay Application No. Five, dated August 15, 2012, in the amount of \$265,851.09.12 for Strey Lane Storm Sewer Improvements
- J. HillCo Partners, LLC, Invoice #21615, dated July 1, 2012 in the amount of \$479.91 for professional services related to Metro General Mobility Funding Agreement
- K. HillCo Partners, LLC, Invoice #21823, dated August 1, 2012 in the amount of \$470.05 for professional services related to Metro General Mobility Funding Agreement
- L. HTS, Inc., Invoice 30795 in the amount of \$1,538.75, Invoice Dates: June 1-30, 2012, Strey Lane Drainage Improvements, Klotz Project No. 0159.039.001
- M. HTS, Inc., Invoice 30872 in the amount of \$2,097.00, Invoice Dates: July 1-31, 2012, Strey Lane Drainage Improvements, Klotz Project No. 0159.039.001
- N. Spring Branch ISD invoice, per contract, in the amount of \$8,000 annually for tax collection services rendered for the 2011 tax year
- O. Termination of contract inspection services for the Strey Lane Drainage Project between the city and John D. Grubbs, P.E.
- P. Authorize R. P. Sager, RTA, to calculate and publish the 2012 effective and rollback tax rates

Motion was made by Councilman Smyre and seconded by Councilwoman Schwartz to accept the consent agenda. Motion carried 5-0.

X. DISCUSSION AND POSSIBLE ACTION REGARDING AN INTERLOCAL AGREEMENT BETWEEN BUNKER HILL VILLAGE AND SPRING BRANCH INDEPENDENT SCHOOL DISTRICT FOR BUNKER HILL VILLAGE TO PARTICIPATE IN FUNDING OF THE RIGHT TURN LANE AT THE NORTH INTERSECTION OF PLANTATION AND MEMORIAL DRIVE

The mayor said this item was tabled at June 19, 2012 council meeting because council did not know what Spring Branch Independent School District (SBISD) was going to do. The mayor said it appears that SBISD is doing exactly what they said they were going to do in spending \$1,300,000 worth of drainage and install the traffic lanes at Frostwood Elementary.

Motion was made by Councilwoman Schwartz and seconded by Councilman Williams to contribute \$75,000 from the Metro Fund to SBISD to be used on the turn lane at Plantation. Motion carried 3-0. (Councilman Brown and Councilman Glover stepped out and were not in council chambers for the vote)

XI. DISCUSSION AND POSSIBLE ACTION REGARDING A RESOLUTION OF THE CITY OF BUNKER HILL VILLAGE AUTHORIZING AND APPROVING MEMBERSHIP IN THE GULF COAST COALITION OF CITIES (“GCCC”) FOR THE PURPOSE OF PROTECTING THE INTEREST OF THE CITY AND ITS CITIZENS WITH RESPECT TO ELECTRIC AND GAS UTILITY MATTERS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO LEGAL COUNSEL

Ms. Sager, the City Administrator, said this resolution does not obligate the city to do anything other than approving membership in the coalition. She said we can at anytime withdraw from the coalition.

Mr. Floreslovo, with Centerpoint, said that Centerpoint does not object to the city joining the coalition.

Motion was made by Councilman Brown and seconded by Councilwoman Schwartz to approve the resolution and join the Gulf Coast Coalition of Cities (GCCC). Motion carried 4-0. (Councilman Williams stepped out and was not in council chambers for the vote)

XII. DISCUSSION AND POSSIBLE ACTION REGARDING A CONTRACT BETWEEN THE CITY AND NORTHWEST PEST CONTROL FOR MOSQUITO SPRAYING

Ms. Sager, the City Administrator, said with all the notices we’ve received from the state and emergency management regarding the West Niles Virus, she discussed with the mayor about ground spraying. She said she contacted the same company as Hedwig Village, Hilshire Village, and Hunter’s Creek use for mosquito spraying. Ms. Sager said they are spraying three times a week through August and twice a week in September, unless we specify differently.

Motion was made by Councilman Smyre and seconded by Councilwoman Schwartz to approve the contract between Northwest Pest Control and the City of Bunker Hill Village for mosquito spraying. Motion carried 5-0.

XIII. DISCUSSION AND POSSIBLE ACTION REGARDING AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE TEXAS DEPARTMENT OF PUBLIC SAFETY AND THE CITY OF BUNKER HILL VILLAGE TO PROVIDE INFORMATION NECESSARY TO DENY RENEWAL OF THE DRIVER

LICENSE OF A PERSON WHO FAILS TO APPEAR FOR A COMPLAINT OR CITATION OR FAILS TO PAY OR SATISFY A JUDGMENT ORDERING PAYMENT OF A FINE AND COST IN THE MANNER ORDERED BY THE COURT IN A MATTER INVOLVING ANY OFFENSE THAT A COURT HAS JURISDICTION OF UNDER CHAPTER 4, CODE OF CRIMINAL PROCEDURE

Ms. Sager, the City Administrator, said in the last legislative session they passed a law that instead of waiting up to 5 days to report when a defendant pays a violation, now it states to report it immediately.

Motion was made by Councilman Brown and seconded by Councilwoman Schwartz to approve the interlocal cooperative contract with the Texas Department of Public Safety. Motion carried 5-0.

XIV. DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, BY DELETING ARTICLE IV, MICROGRAPHICS OF RECORDS, OF CHAPTER 2, ADMINISTRATION; BY DELETING ARTICLE V, PROPERTY, OF CHAPTER 2, ADMINISTRATION; BY DELETING ARTICLE IV, AMBULANCE AND WRECKERS, OF CHAPTER 9, MOTOR VEHICLES AND TRAFFIC; BY DELETING SECTIONS 15-27, RATE OF TAX, 15-28, COLLECTION OF TAX, 15-29, DUE DATE FOR TAX, 15-30, PENALTY FOR DELINQUENT AD VALOREM TAXES, ALL OF ARTICLE II, AD VALOREM TAX, OF CHAPTER 15, TAXATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR SEVERABILITY

Ms. Sager, the City Administrator, said these are ordinances in our code that are obsolete.

Motion was made by Councilwoman Schwartz and seconded by Councilman Brown that the obsolete ordinances be deleted. Motion carried 5-0.

XV. CITY ADMINISTRATOR'S REPORT

A. Update on the replacement of the bridge on Memorial Drive just to the east of Gessner

Ms. Sager, the City Administrator, said originally the bridge was to be replaced in 2015. Texas Department of Transportation (TXDOT) has notified the city they would like to replace the bridge in 2014. She said the holdup is trying to find out if the City of Houston will allow the traffic to be diverted through their city.

Ms. Sager also said the City of Bunker Hill Village was told we needed to do some resurfacing under the bridge. She said we originally received quotes starting at \$75,000. After more research, Ms. Sager stated she was able to get the cost down to \$5,000. Then Ms. Sager talked to TXDOT again and asked why we were having to do the resurfacing of the bridge if it's coming down in 2014. TXDOT finally agreed and said not to do the resurfacing.

Ms. Sager said TXDOT will be getting in contact with the city in two to four weeks for a kick off meeting.

Ms. Sager said TXDOT wants to completely shut the bridge down during construction for an estimated 3 months. She said TXDOT has told her the entire project should last 6 months.

XVI. THE CITY COUNCIL WILL NOW CONVENE INTO CLOSED EXECUTIVE MEETING PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO DELIBERATE CONCERNING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE, TO WIT: CITY ADMINISTRATOR AND MAYOR

Mayor, City Council, City Attorney, and Ms. Sager went into executive session at 7:16 p.m.

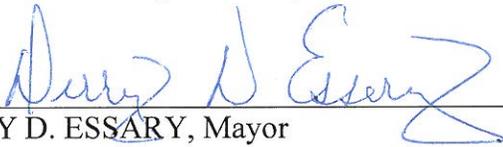
XVII. RECONVENE AND TAKE ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION

Executive session ended at 7:34 p.m.

XVIII. ADJOURN

Motion was made by Mr. Loren Smith and seconded by Councilman Brown to adjourn the meeting at 7:35 p.m. Motion carried 5-0.

Approved and accepted on September 18, 2012.



DERRY D. ESSARY, Mayor

ATTEST:



Kelly Johnson, City Secretary