

CITY OF BUNKER HILL VILLAGE

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS JANUARY 17, 2012 – 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 5:00 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 Susan Schwartz
Councilman Jay Smyre
Councilman Jay Williams

Also in Attendance:

Ruthie Sager, City Administrator
Kelly Johnson, City Secretary/Director of Finance
Steve Smith, Dir of Public Works/Blding Official
Loren Smith, City Attorney left @ 5:35 p.m.
Tom Ramsey, City Engineer

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.

Mrs. Donna Freedman, at 11930 Surrey Lane, spoke regarding her being on the Memorial City TIRZ Ad Hoc Committee.

IV. MAYOR'S REPORT

A. Discussion of water rate adjustment

Mr. Smith, Dir of Public Works/Blding Official, said we had a very dry summer and used record amounts of water in our city. He said as a result we are substantially out of the 50-50% ratio mandated by Harris Galveston Subsidence District (HGSD). Mr. Smith clarified by saying we are suppose to pump 50% of our total water out of the ground and the other 50% surface water. He said if we don't stay within that 50-50% range HGSD has disincentive fees of \$5.00 per thousand gallon.

Mr. Smith said the preliminary numbers on water usage ending April 30, 2012, submitted to HGSD came back with the city owing \$635,000 in disincentive fees. Mr. Smith said he went back and did projections and as a result, turned off the city wells totally effective November

1, 2011. He said with totally taking surface water our disincentive fees would reduce down to \$43,000.

Mr. Smith said we have also searched the region in hopes of buying class “A” credits. He said we have been unsuccessful in finding any.

Mr. Smith said for our region the average water usage is 60,000 gallons per billing period. Mayor Essary said 50% of water users in Bunker Hill Village use in excess of 70,000 gallons in a billing period. Mayor Essary said we will probably institute a rate increase in April that will be aimed at the people that are using more than 70,000 gallons.

The mayor reminded council that we are changing meters out with the new radio read meters. He said they are 10% - 15% more accurate than the old meters.

B. Meeting with the architect designing the Frostwood Elementary Project

Mayor Essary said the architects and engineers should be in front of council in February or March with a design. He said they are currently planning on moving out of the Frostwood campus in May. Mayor Essary said they are negotiating with the Lutheran Church for parking for the contractors.

Mayor Essary said they are designing the drainage at Frostwood Elementary so that the storm water would be stored onsite and evacuated in the Houston Gessner system. He said the intersection of Plantation at Memorial would be widened as part of the new design of Frostwood Elementary.

C. Update on issues related to W151 drainage structure

Councilman Ellis said with last week’s rain event W151 filled very quickly. He said the good news is once the rain stopped the level dropped and the water drained very quickly into Buffalo Bayou.

D. Meeting with residents regarding the Strey Lane Project

Mayor Essary said the rain event from last week caused a number of residents adjacent and abutting W151, that have been watching the water levels and at the same time they have been watching the newspaper talk about the City of Hedwig Village, City of Houston, and TIRZ 17, consider W151 as a conduit to Buffalo Bayou. They mayor said with some degree of assurance if we take 10-15% of water out of W151, they are considering putting substantially more water than that back into it.

Mayor Essary said that Bunker Hill Village is going to write a letter to Harris County Flood Control District (HCFCD) basically saying we are highly confident that HCFCD is going to hold the City of Hedwig Village, the City of Houston, and the TIRZ 17 to the same standard as they did the City of Bunker Hill Village. That standard is zero impact downstream.

V. **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 November 15, 2011 Regular Council Meeting
- B. November & December 2011 Financials
- C. Fourth Quarter Investment Report

- D. Klotz Associates, Invoice No. 1111079 dated November 30, 2011, in the amount of \$4,000.00 for professional services rendered from October 16, 2011 to November 15, 2011, in connection with Strey Lane Drainage Improvement Project
- E. Klotz Associates, Invoice No. 1211102 dated December 28, 2011, in the amount of \$2,020.00 for professional services rendered from November 16, 2011 to December 15, 2011, in connection with Strey Lane Drainage Improvement Project
- F. Langford Engineering, Inc., Invoice No. 15933 dated December 7, 2011, in the amount of \$404.23 for professional services related to the water system
- G. Resignation letter from Ben Winkelman, Chairman of the Board of Adjustment, effective December 26, 2011
- H. Resignation letter from Jean Winkelman, Election Judge, effective December 26, 2011
- I. Authorize Mayor Essary to submit a letter to the comptroller stating that Bunker Hill Village is authorized by the state to exercise the power of eminent domain and identifying each provision of the law which grants the entity that authority

Motion was made by Councilman Williams and seconded by Councilman Smyre to approve the consent agenda as presented. Motion carried 5-0.

VI. DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON MAY 12, 2012, FOR THE PURPOSE OF ELECTING THREE COUNCILMEMBERS (POSITION NOS. 1, 2, AND 3); PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTIONS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Motion was made by Councilman Williams and seconded by Councilman Ellis to accept the ordinance as written. Motion carried 5-0.

VII. DISCUSSION AND POSSIBLE ACTION REGARDING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, NAMING SAID CITY'S COMMISSIONER ON THE BOARD OF COMMISSIONERS OF THE VILLAGE FIRE DEPARTMENT

Mayor requested council to approve, effective immediately, Councilman Smyre as the Fire Commissioner.

Motion was made by Councilman Ellis and seconded by Councilman Brown to approve the resolution that Councilman Smyre be and is hereby appointed Fire Commissioner for the City of Bunker Hill Village. Motion carried 5-0.

VIII. DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, BY DELETING ALL OF SECTION 16-26 OF ARTICLE II OF CHAPTER 16 THEREOF AND SUBSTITUTING THEREFOR A NEW SECTION 16-26; ESTABLISHING RATES TO BE CHARGED BY THE CITY FOR WATER, SANITARY SEWER AND SOLID WASTE SERVICES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY (The only change is the increase in the bi-monthly fee for solid waste collection from \$59.25 in 2011 to \$60.65 in 2012)

Motion was made by Councilman Williams and seconded by Councilman Ellis to accept. Motion carried 5-0.

IX. DISCUSSION AND POSSIBLE ACTION REGARDING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, ELECTING NOT TO

REQUIRE THE REMITTANCE OF A PEG FEE BY HOLDERS OF A STATE ISSUED CERTIFICATE OF FRANCHISE AUTHORITY

Loren Smith, the City Attorney, said in the last legislative session the legislature adopted an amendment that provides Public Education Government (PEG) Fees collected by any municipality, a 1% fee, now be accounted for separately and only to be used for PEG services. Loren Smith said the fee is used for things like a public access channel.

Loren Smith said the City of Bunker Hill Village currently does not have any PEG services. He said it was recommended that we drop the pass-through fee. Loren Smith stated by dropping this fee it would not change the 1% PEG fee that is currently being collected.

Motion was made by Councilman Ellis and seconded by Councilwoman Schwartz to approve the resolution under tab IV, electing not to require the remittance of a Peg Fee. Motion carried 5-0.

X. DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSAL FROM KLOTZ ASSOCIATES FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE WHOLESALE SURFACE WATER CONTRACT BETWEEN THE CITY OF BUNKER HILL VILLAGE AND THE CITY OF HOUSTON IN THE AMOUNT NOT TO EXCEED \$5,000.00

Mayor Essary said we are getting tremendously mixed signals from the City of Houston and Harris Galveston Subsidence District (HGSD). The mayor said he would like to send a high representative from Klotz Engineering to speak with both the City of Houston and HGSD to see if we can get some clarity on what is going on. He said to try and see what the long term plan is with both agencies.

Mr. Ramsey, the Klotz Engineer, said what is facing Bunker Hill is facing all the non City of Houston entities in the area. He said as a region, we came real close to running out of water this summer. The compelling question is when we get into the situation we got into this summer is it reasonable to make use of every source of water, including ground water, for a period of time. Is that going to impact a long term program relating to subsidence? Wayne Klotz, with Klotz Engineering, having served on the subsidence district board, plus Wayne worked with City of Houston on many water related issues and currently serving as chairman/president of the Coastal Water Authority can at least ask the questions that are pertinent to the City of Bunker Hill Village.

Motion was made by Councilman Ellis and seconded by Councilwoman Schwartz to authorize expenditures up to \$5,000 as referenced under tab X and described by Mayor Essary and Tom Ramsey. Motion carried 5-0.

XI. DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSAL FROM KLOTZ ASSOCIATES FOR BROAD BRUSH ALTERNATIVES EVALUATION PHASE OF EAST SIDE DRAINAGE FOR W146-00-00 WATERSHED AND FOR PORTIONS OF BLALOCK ROAD WATERSHED WITH A RECOMMENDED BUDGET OF \$45,000.00

Councilman Williams said what is being proposed is not the updated proposal.

He said what we are asking Klotz Engineering to do is to look at the Blalock Road ditch and evaluate where we are on that. He said from a maintenance stand point Klotz Engineering was going to recommend what we could do on more of a maintenance type basis to correct any problems along the ditch. He said we are required to maintain that ditch.

Councilman Williams said Klotz Engineering was also going to look at a possible looping system on W146. He said something to loop some of the drainage around W146 to relieve W146, possibly down Flintdale or some other streets parallel to W146.

Councilman Williams requested to table this item so Klotz Engineering can revise and update their proposal.

XII. DISCUSSION AND POSSIBLE ACTION REGARDING AWARD OF STREY LANE DRAINAGE PROJECT

Mr. Ramsey, with Klotz Engineering, said we had seven bidders on the Strey Lane Drainage Project. He said the lowest bid was from AAA Asphalt for \$5,127,504.09. Mr. Ramsey said they had reviewed their bid and checked for any mathematical errors. The bid came in lower than the engineer's estimate of \$5,500,000.

Mr. Ramsey said after checking references and reports, they do good work and have a good rapport with residents. It is Klotz Engineering's recommendation to award the bid to AAA Asphalt.

Motion was made by Councilman Brown and seconded by Councilman Smyre to accept the bid of AAA Asphalt for the construction and completion of the Strey Lane Project. Motion carried 5-0.

XIII. DISCUSSION AND POSSIBLE ACTION REGARDING AWARD OF TWO YEAR LANDSCAPE MAINTENANCE BID

Ms. Ruthie Sager, City Administrator, recommended awarding Area 1 which includes esplanades, Area 2 which includes city hall, Area 3 which includes the water well sites to Yardworks. She recommended awarding Area 4 which includes right of ways, hike and bike trails and semi-annual trimming to Bio Landscape.

Motion was made by Councilwoman Schwartz and seconded by Councilman Williams to approve Yardworks for Area's 1, 2, 3 and Bio Landscape for Area 4. Motion carried 5-0.

XIV. POLICE COMMISSIONER'S REPORT

A. Discussion and possible action on a request to make an intrabudget transfer of funds in the department's 2011 fiscal year budget of \$28,944.00 from the M&O account to the auto replacement account

Commissioner Soanes said Chief Walpole made a request for the purchase of a vehicle in the amount of \$28,944.00. Commissioner Soanes said Chief Brye received a car allowance in the amount of \$9,000 annually. Commissioner Soanes said purchasing a vehicle for Chief Walpole in lieu of car allowance would save the department roughly \$4,500 annually. The commission approved the purchase.

Motion was made by Councilman Ellis and seconded by Councilman Schwartz to approve the Memorial Villages Police Department request to make an intrabudget transfer for \$28,944.00. Motion carried 5-0.

B. Discussion and possible action to approve the department's personal services contract with Gary Brye be funded out of the 2011 fiscal year budget

Commissioner Soanes said the Police Commission approved unanimously a three month consulting contract in the amount of \$10,500.00 to help with the transition.

Motion was made by Councilman Smyre and seconded by Councilwoman Schwartz to approve Memorial Villages Police Department request for a services contract with outgoing Chief Gary Brye in the amount of \$10,500 to be funded out of the 2011 fiscal year budget. Motion carried 5-0.

XV. FIRE COMMISSIONER'S REPORT

Commissioner Smyre said at the December meeting it was reported that the annual budget came in about 2% under budget. Cities should be receiving their refund checks.

Commissioner Smyre reported they moved to quarterly meetings.

Mayor Essary said they are in the middle of having a new ambulance built. The ambulance will be a much different look, it's on a bigger chassis and capable of carrying heavier people.

XVI. ADJOURN

Motion was made by Councilman Smyre and seconded by Councilman Ellis to adjourn the meeting at 6:06 p.m. Motion carried 5-0.

Approved and accepted on February 21, 2012.



DERRY D. ESSARY, Mayor

ATTEST:



Kelly Johnson, City Secretary