

**CITY OF BUNKER HILL VILLAGE**

**MINUTES OF THE COUNCIL MEETING OF THE CITY COUNCIL  
OF THE CITY OF BUNKER HILL VILLAGE, TEXAS  
MAY 15, 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 Dave Ellis  
Councilwoman Susan Schwartz  
Councilman Jay Smyre  
Councilman Jay Williams

Also in Attendance:

Ruthie Sager, City Administrator  
Kelly Johnson, City Secretary/Dir of Finance  
Steve Smith, Dir of Pblc Wrks/Blding Official  
Loren Smith, City Attorney

**II. CITIZENS' COMMENTS**

No Comments

**III. STATEMENT OF OFFICE – JOHN GLOVER, SUSAN SCHWARTZ AND KEITH BROWN**

**IV. OATH OF OFFICE - JOHN GLOVER, SUSAN SCHWARTZ AND KEITH BROWN**

Mr. Loren Smith, the City Attorney, administered the Oath of Office. Councilman Ellis step down and Councilman Glover took over Councilmember Position 3.

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

Mayor Essary recommended Councilman Williams as Mayor Pro Tem.

Motion was made by Councilman Brown and seconded by Councilman Smyre to appoint Councilman Williams as Mayor Pro Tem for a term of one year. Motion carried 5-0.

**VI. DISCUSSION AND POSSIBLE ACTION TO DELETE DAVID T. ELLIS AND ADD JOHN GLOVER AS AN AUTHORIZED SIGNER ON THE CITY'S BANK ACCOUNTS AT BBVA COMPASS BANK**

Motion was made by Councilman Williams and seconded by Councilwoman Schwartz to delete David T. Ellis and add John Glover as an authorized signer on the city's bank accounts at BBVA Compass Bank. Motion carried 5-0.

**VII. PRESENTATION OF 2011 FINANCIAL AUDIT BY BELT HARRIS PECHACEK, LLLP**

Mr. Belt, with Belt Harris Pechacek, LLLP, presented the 2011 Financial Audit. He said the city is in great financial shape.

Motion was made by Councilman Brown and seconded by Councilman Smyre to approve the 2011 Financial Audit by Belt Harris Pechacek, LLLP. Motion carried 5-0.

### VIII. MAYOR'S REPORT

A. Acknowledge passing of B. A. (Bob) Newman and Gene Roark

B. Frostwood Groundbreaking

Mayor Essary said he attended the groundbreaking on May 8<sup>th</sup> at Frostwood Elementary School. He said that Spring Branch Independent School District is very proud of their new school. He said the demolition should start in mid June and the project should take approximately eighteen months to complete.

C. April 25 Metro Meeting

Mayor Essary said to give a brief history; fourteen multi-cities receive General Mobility Funds from Metro including the City of Bunker Hill Village. He said we receive \$129,000 annually. The City of Hedwig Village receives in excess of \$700,000 and with the potential business development in the City of Spring Valley the amount they receive could be upwards of \$1,000,000.

Mayor Essary said there will be a referendum election in the fall concerning Metro's General Mobility Funding. He said all that read the newspapers know that Metro is short on money. He said Metro would like to put in a new light rail system and they would like to use all funds that are available including General Mobility Funds.

The mayor said the bottom line is that the City of Houston and Harris County are driving the bus on what's going to happen on this issue. He said the fourteen multi-cities are doing everything they can to maintain the General Mobility Funding.

D. Letter from resident regarding tree ordinance

Mayor Essary stated the letter was copied to all of council. Councilman Smyre said he was on Planning and Zoning when they comprised the tree ordinance. Councilman Smyre said they had six or seven public hearings along with benchmarking against other cities to come up with a fair tree ordinance.

Mayor Essary thought the tree ordinance is a well thought out and executed ordinance. He stated he fully supported the continuation of the ordinance.

### 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 April 17, 2012, Regular Council Meeting

B. April 2012 Financials

- C. Klotz Associates, Invoice No. 412085, dated April 26, 2012, in the amount of \$23,400.00 for professional services rendered from March 16, 2012 to April 15, 2012, in connection with East Side Drainage Study alternative W146-00-00 watershed and the west roadside ditch of Blalock Road
- D. Klotz Associates, Invoice No. 412116, dated April 27, 2012, in the amount of \$5,005.00 for professional services rendered from March 16, 2012 to April 15, 2012 in connection with Bunker Hill Village Strey Lane Drainage Improvements Design Bid and Construction Phase Services
- E. AAA Asphalt Paving, Inc. Pay Estimate No. Two, dated May 9, 2012, in the amount of \$279,719.07 for Strey Lane Storm Sewer Improvements
- F. HillCo Partners, LLC, Invoice No. 21395, dated May 2, 2012 in the amount of \$449.00 for professional fees related to Metro general mobility funding agreement
- G. HTS, Inc., Invoice No. 30491, Invoice dates: April 1, 2012-April 30, 2012 in the amount of \$1,640.00 for Strey Lane Sewer Improvements, Klotz Project No. 0159.039.001

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

#### **X. FIRE COMMISSIONER'S REPORT**

- A. Discussion and possible action authorizing the Village Fire Department to retain the 2011 budget surplus and apply it to their capital replacement fund/major equipment fund and an employee 457 plan

Councilman Smyre said as you recall from the last council meeting the Fire Department has a surplus from the 2011 budget. He said it is roughly \$203,000. He said the Fire Commission has met and approved the 2011 budget surplus and to apply it to the Capital Replacement Fund and an employee 457 plan. He said the employee 457 plan is 2% of the employees' 2012 gross salary.

Motion was made by Councilman Smyre and seconded by Councilman Williams to authorize that we utilize the excess from the 2011 budget surplus and apply it to the Village Fire Department Capital Replacement Fund and 2% to an employee 457 plan. Motion carried 5-0.

#### **XI. POLICE COMMISSIONER'S REPORT**

Commissioner Ellis said there has not been a meeting this month, it is scheduled for Monday. The Commissioner said we have the 2013 TMRS rates. He reported the rate is 9.79% which is essentially flat from the 2012 rate.

Chief Walpole said no crime to report for the month of April. He said they have a police officer selected but waiting on approval from the commissioners at the next meeting. He also said they have hired a new dispatcher. Chief also reported by the first part of 2013 the police radios will be purchased. He said the funds to purchase the radios are coming from a grant.

Mayor Essary asked when the GPS will be in the police cars. The chief responded with the first of the year. The mayor encouraged the chief to get those installed as soon as possible. The mayor also asked for additional police enforcement on Bunker Hill Road.

## **XII. CITY ENGINEER REPORT**

### **A. Status of Strey Lane Project**

Mr. Conger, with Klotz Associates, reported the project is ahead of schedule in some areas and behind in others. He said they are behind at the outfall @ Pebble Hill. He said it was not surprising, that area is the most difficult of the whole project. It has taken longer than they thought because the culverts are not lining up. Good news is they have brought additional crews in to speed things up. Mr. Conger said AAA Asphalt is committed to maintaining the original completion date.

### **B. Drainage Analysis – West Roadside Ditch along Blalock Road and W146-00-00**

Mr. Conger, with Klotz Associates, said their recommendations are threefold. He said first, they recommend doing maintenance work to the ditch on the west side of Blalock Road. He said they are estimating the cost to do the maintenance at \$200,000.

The mayor said the second recommendation Klotz Associates originally talked about was a laddering approach going down Flintdale connecting to the Bunker Hill Drainage System. Then it was discovered it would not work because of elevation issues. The mayor said now they are recommending putting in a series of 8 x 10 box culverts at the conversion area at Green Bay, Bunker Hill, and Flintdale.

The last recommendation is to televise W-146. The mayor said Klotz Engineering is estimating \$200,000 in repairs as a result of the televising. This would be to repair blockages, miss-aligned pipes and collapsed pipes.

Mr. Ramsey and Mr. Struzick, with Klotz Associates, were not able to attend the meeting so council decided to table any further discussion.

### **C. Discussion and possible action regarding a letter of agreement for consulting services between Bunker Hill Village and Klotz Associates**

The mayor said this is the contract where he had asked for a fixed price.

Motion was made by Councilman Williams and seconded by Councilman Brown to approve the letter of agreement with Klotz Associates for consulting services. Motion carried 5-0.

## **XIII. DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, BY ADDING A NEW ARTICLE VII TO CHAPTER 10 THEREOF, PROVIDING REGULATIONS FOR SEX OFFENDER RESIDENCY AND MAKING IT UNLAWFUL FOR CERTAIN SEX OFFENDERS TO RESIDE WITHIN 1,000 FEET OF PREMISES WHERE CHILDREN GATHER; PROVIDING EXCEPTIONS; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$500 FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Loren Smith, the City Attorney, said this is the ordinance that was discussed at a previous council meeting. This ordinance regulates the distance a sex offender can reside from a set safety zone in the City of Bunker Hill Village. Mr. Loren Smith reminded council there is an attorney general's opinion that says that the legislature does not give General Law Cities the authority to adopt these kinds of ordinances.

Councilman Brown said he was opposed to the ordinance, he was concerned about the Attorney General's opinion. He said he thinks it's unconstitutional. He said he's opposed to laws on the books that we cannot use.

Motion was made by Councilman Williams and seconded by Councilman Glover to approve the ordinance relating to sex offenders. Motion carried 3-2. (Nay votes were Councilman Brown and Councilman Smyre)

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

Ms. Sager, the City Administrator, said the Investment Policy has been modified to meet the requirements that were passed in the last legislative session. She said we have procedures to monitor rating changes in investments.

Motion was made by Councilwoman Schwartz and seconded by Councilman Brown to accept the Bunker Hill Investment Policy. Motion carried 5-0.

**XV. DISCUSSION AND POSSIBLE ACTION REGARDING AN ALDERMAN, APPOINTED BY THE MAYOR, AND CONFIRMED BY CITY COUNCIL TO SERVE AS A MEMBER OF THE INVESTMENT COMMITTEE**

Mayor Essary recommended Councilman Glover.

Motion was made by Councilman Brown and seconded by Councilman Smyre to nominate Councilman Glover to the position. Motion carried 5-0.

**XVI. 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**

Mayor Essary said the recommendation was all the residential water rates be changed. He said everything between zero and forty thousand gallons of consumption, the changes are fairly modest. He said even from forty thousand gallons to sixty thousand gallons it's still fairly modest with something like a 10% increase. He said over sixty thousand gallons is where you see the major price increase.

Mayor Essary said the rate change is mainly to address higher consumption users. He said we are trying to modify irrigation and watering habits.

Motion was made by Councilman Smyre and seconded by Councilwoman Schwartz to accept and adopt an ordinance amending the Code of Ordinances of the City of Bunker Hill Village by establishing rates to be charged by the city for water, sanitary sewer and solid waste services. Motion carried 5-0.

**XVII. DISCUSSION AND POSSIBLE ACTION AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, BY DELETING FROM CHAPTER 4 ALL OF SECTIONS 4-71, 4-72, 4-73, 4-75, AND 4-76 , BY DELETING FROM CHAPTER 6 THEREOF THE INTRODUCTORY PARAGRAPH OF SECTION 6-151 AND SUBSECTION (b) OF SECTION 6-152, BY ADDING TO CHAPTER 4 THEREOF A NEW INTRODUCTORY PARAGRAPH AND NEW SUBPARAGRAPHS (1) THROUGH (5) FOR SECTION 4-71, A NEW INTRODUCTORY PARAGRAPH FOR SECTION 4-72 AND NEW SUBPARAGRAPHS (1) THROUGH (8) FOR SECTION 4-72, A NEW INTRODUCTORY PARAGRAPH FOR SECTION 4-73 AND NEW SUBPARAGRAPHS (1) THROUGH (8) FOR SECTION 4-73, NEW INTRODUCTORY PARAGRAPHS FOR SECTIONS 4-74 AND NEW SUBPARAGRAPHS (1) THROUGH (6) FOR SECTION 4-74, AND A NEW INTRODUCTORY PARAGRAPH FOR SECTION 4-75 AND NEW SUBPARAGRAPHS (1) THROUGH (7) FOR SECTION 4-75, AND A NEW SECTION 4-76 AND NEW SUBPARAGRAPHS (1) THROUGH (12) FOR SECTION 4-76, AND BY ADDING TO CHAPTER 6 THEREOF A NEW SECTION 6-151 AND A NEW SUBPARAGRAPH (b) FOR SECTION 6-152; PROVIDING FOR ADOPTION OF UNIFORM CONSTRUCTION CODES, INCLUDING THE 2009 EDITIONS OF THE *INTERNATIONAL BUILDING CODE*, INCLUDING APPENDICES E, F, G, AND I, THE *INTERNATIONAL MECHANICAL CODE INCLUDING APPENDIX A*, THE *INTERNATIONAL PLUMBING CODE INCLUDING ALL APPENDICES*, THE *INTERNATIONAL FUEL GAS CODE INCLUDING ALL APPENDICES* , THE *INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS INCLUDING APPENDICES A, B, C, D, E, F, G, H, K, P, Q*, THE *INTERNATIONAL FIRE CODE INCLUDING APPENDICES B THROUGH J*, AND THE *2009 ICC ELECTRICAL CODE*, EACH AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, AND THE 2011 EDITION OF THE *NATIONAL ELECTRICAL CODE*, SAVE AND EXCEPT ANNEX “H” THEREOF, AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, INC.; PROVIDING VARIOUS AMENDMENTS TO SAID CODES; 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, Dir of Pblc Wrks/Blding Official, said we are updating our building codes from 2003 to 2009.

Council wanted Mr. Smith to detail out all the exceptions/changes to the code before they would approve the ordinance. Item was tabled for Mr. Smith to provide the requested information.

**XVIII. DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL**

**VILLAGE, TEXAS, BY DELETING ALL OF CHAPTER 12, SOLID WASTE AND ADDING A NEW CHAPTER 12, SOLID WASTE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY**

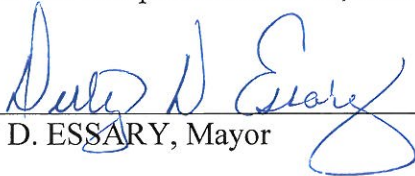
Ms. Sager, the City Administrator, said this is simply cleaning up the ordinance. The old ordinance stated residence had to use paper bags with a maximum limit of 20 bags. The contract we currently have, which it has been this way for sometime, is not specific on the type of bags and the maximum number of bags is 8.

Motion was made by Councilman Williams and seconded by Councilman Glover to approve the ordinance. Motion carried 5-0.

**XIX. ADJOURN**

Motion was made by Mr. Loren Smith and seconded by Councilman Brown to adjourn the meeting at 7:05 p.m. Motion carried 5-0.

Approved and accepted on June 19, 2012.



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DERRY D. ESSARY, Mayor

ATTEST:

  
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Kelly Johnson, City Secretary