CITY OF BUNKER HILL VILLAGE

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF BUNKER HILL VILLAGE, TEXAS
JUNE 19, 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:	Also in Attendance:
Mayor Derry D. Essary	Ruthie Sager, City Administrator
Councilman Keith Brown	Kelly Johnson, City Secretary/Dir of Finance
Councilman Dave Ellis	Steve Smith, Dir of Pblc Wrks/Blding Official
Councilwoman Susan Schwartz	Loren Smith, City Attorney
Councilman Jay Smyre	Tom Ramsey, City Engineer
Councilman Jay Williams (arrived @ 5:25)	

II. PLEDGE OF ALLEGIANCE

The mayor suspended with 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.

No comments

IV. MAYOR'S REPORT

A. Drainage Coalition Meeting

Mayor said last month he attended a Drainage Coalition Meeting sponsored by Councilmember Brown and Councilmember Pennington, from the City of Houston. Mayor Essary said also in attendance were representatives from Harris County Flood Control, TIRZ 17, City of Houston Public Works Department, and approximately fifteen neighborhoods.

Councilman Brown said most of the attention at the meeting was paid to problems north of the I-10 Freeway. He said there was very little said about the flooding in the Frostwood area. Councilman Brown said that people are finally realizing something that our Mayor said five years ago, that the reconstruction of I-10 contributed a lot to the flooding problems in our area.

Mr. Ramsey, the city engineer, said it was discussed in the meeting that by creating a fifty acre feet of detention on an eight acre site and channel improvements made to Briar Branch; with all that being done, they did not anticipate much if any water flow down W151 to the south. Mr. Ramsey said he got the impression they were keeping all the water flow to the north. Mr. Ramsey said that Mr. Struzick commented that 40% of the watershed in W151 comes from north of I-10.

Mr. Ramsey said a point to note is to make sure no one does anything this far south under the assumption that something significant has happened to the north of I-10 to create capacity in W151.

B. Update on Metro funding to small cities

Mayor Essary said he attended a meeting with the fourteen cities with all six of the villages being represented. He said we are totally dependent on what Mayor Parker and Harris County Judge Ed Emmett decide to do. Mayor Essary thought there would be a cap of our tax rolls in 2014.

C. Cancel the regular city council meeting in July and if needed, a special meeting will be called

V. POLICE COMMISSIONER'S REPORT

Commissioner Soanes reported that the focus continues to be on traffic management. He said they are making more contacts and writing more tickets. Commissioner Soanes said we continue to believe that traffic is slower and safer in the villages. He said at this month's commission meeting they had a review of tasers. He said they are very effective tools in controlling aggressive defendants. The commission unanimously asked to include the tasers in the 2013 budget. He said it would be at a cost of $40,000 per taser. They also challenged the chief to find funding in the 2012 budget to start the process.

Commissioner Soanes said they have started the 2013 budget process. He said the commission will have a budget meeting on July 5, 2012. He said the 2013 budget is looking like a decrease of 1.00% under the current budget. He also said they are looking at reviewing the current STEP Program. He said currently the Step Program states every three years an officer receives a 1.50% across the board pay increase. The commission is looking at changing that to every two years. The driving force behind the change is keeping the department more competitive with other agencies. Commissioner Soanes also said as part of the 2013 budget discussions they are looking at starting a capital fund.

VI. FIRE COMMISSIONER'S REPORT

A. Discussion and possible action regarding 2012/2013 VFD budget
Bunker Hill Village Annual Assessment $924,319.41

Councilman Smyre gave a presentation of the 2012/2013 proposed budget. He said the proposed budget is an increase over the current budget by $123,000 or 2.61% that is driven by two factors. The first factor being a 3% across the board raise. He said they have not had an across the board raise in over four years. The second factor is to bring back the fourteen man shifts.

Motion was made by Councilman Smyre and seconded by Councilwoman Schwartz to adopt the 2012/2013 VFD Budget. Motion carried 5-0.

B. Discussion and possible action regarding 2011 Intra Budgetary Transfers

Councilman Smyre said these are routine post audit intra budgetary transfers. He said this is between line items not funds.

Motion was made by Councilman Smyre and seconded by Councilman Glover to accept the 2011 Intra Budgetary Transfers. Motion carried 5-0.

VII. CITY ENGINEER'S REPORT

A. Status of Strey Lane Project

Mr. Ramsey, the city engineer, said the status is not good. He said they are six weeks behind. The immediate problem is they ran into a large block of concrete on Memorial Drive and Pebble Hill. He said it has taken four weeks to get past that. Mr. Ramsey also said the mayor has met with the contractor to get a clear explanation of what is going to be done to improve the schedule.

The mayor said he asked the contractor what they could do to catch up. The mayor said he asked if they could put several crews on the project but the contractor was hesitant about that idea. The mayor asked Mr. Ramsey if he had hesitation about putting extra crews on the project. Mr. Ramsey said he could see some hesitation until they got up to Strey Lane but after that, he did not see why they could not have several crews working.

Councilman Williams asked if the contract had anything about delay of project due to unforeseen conditions. Mr. Ramsey said he had not heard anything about asking for more money but he had heard they are going to ask for more time. Mr. Ramsey said AAA Asphalt has put us on notice there is going to be a delay.

The mayor said there are two reasons for the delay, one being the large block of concrete and the other is the placement of the sanitary sewer lines.

B. Analysis of alternatives to reduce flooding in the eastern areas of the city along Blalock Road and the W146-00-00 trunk line in the W146-00-00 watershed

Mr. Ramsey, the city engineer, said the plan is to do certain maintenance activities on Blalock Roads westside ditch. He said they are talking to their surveyor and getting a final survey on the westside of the ditch. He said once we get the final survey we can get a better idea of how to define those maintenance activities. He said they should have the design and numbers to city council at the August council meeting.

Mayor Essary said that the City of Piney Point mayor requested to review any plans of the ditch two weeks prior to bid. Councilman Glover asked when would they be

scoping W146. Mr. Ramsey said they are getting bids currently. Councilman Glover also asked if they are going to scope all of W146. Mr. Ramsey responded it depended on the budget and if it makes sense to do that.

VIII. PRESENTATION BY DAVE SCHNEIDER, EXTENET SYSTEMS, INC., DIRECTOR, MUNICIPAL & GOVERNMENTAL RELATIONS, REGARDING PROPOSED TELECOMMUNICATIONS FACILITIES WITHIN CITY RIGHTS-OF-WAY

Mr. Schneider, with Extenet Systems, Inc., said things have changed a little bit. He said they originally were asking to put six nodes but now they are asking for only two new nodes. He said they are also requesting to change out two existing stubs with new pedestals.

IX. CONSIDERATION AND APPROVAL OF FACILITIES LOCATIONS PROPOSED BY EXTENET

Motion was made by Councilman Williams and seconded by Councilman Brown to approve the installation of two new nodes and the replacement of two stubs with two new pedestals. Motion carried 5-0.

X. 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 15, 2012, Regular Council Meeting
B. Minutes of the May 30, 2012 Special Council Meeting
C. May 2012 Financials
D. Klotz Associates, Invoice No. 512052, dated May 23, 2012, in the amount of $4,050.00 for professional services rendered from April 16, 2012 to May 15, 2012, in connection with East Side Drainage Study alternative W146-00-00 watershed and the west roadside ditch of Blalock Road
E. Klotz Associates, Invoice No. 512104, dated May 25, 2012, in the amount of $2,310.00 for professional services rendered from April 16, 2012 to May 15, 2012 in connection with Bunker Hill Village Strey Lane Drainage Improvements Design Bid and Construction Phase Services
F. AAA Asphalt Paving, Inc., pay application No. Three, dated June 11, 2012, in the amount of $234,183.55 for Strey Lane Storm Sewer Improvements
G. HillCo Partners, LLC, Statement date June 1, 2012 in the amount of $471.45 for professional services related to Metro General Mobility Funding Agreement
H. $50.00 for Bunker Hill Village share of a Crystal Baccarat Texas Flag for Representative Woolley as recognition of her retirement

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

XI. DISCUSSION AND POSSIBLE ACTION REGARDING TERMINATION OF CONTRACT WITH BIO FOR LANDSCAPE MAINTENANCE (MOWING THE RIGHTS-OF-WAY AND TWICE A YEAR TRIMMING OF TREES AND BRUSH ALONG HIKE AND BIKE TRAILS

Mr. Purdue, with Bio Landscape Maintenance, apologized for letting the City of Bunker Hill Village down and that things had to get to this level. Mr. Purdue gave an update on the company stating it had been sold in 2008 to a private equity firm in Connecticut. He said the company then went on a stream of building the company up. He said they have had a tremendous amount of growth. He said as a result of building the company up it had diluted the company's management. He said he knew that did not mean much to Bunker Hill Village but the good news was Robert Taylor, the original owner, is buying the company back. He suggested/requested to give until January 2013 to give Bio Landscape Maintenance another opportunity and he would personally take responsibility for the account.

Mayor Essary said he walks the city everyday and sees the diminishing lack of service by Bio Landscape Maintenance. The mayor said the real problem is when someone at the city calls Bio Landscape Maintenance and we get no response back. The mayor said he has no reason to want to spend the additional $12,000 to go to another contractor. But the service we received from Bio Landscape Maintenance has been totally unacceptable.

Mayor Essary said that council voted to terminate Bio Landscape Maintenance at the last council meeting. He said at that point according to the contract it put Bio Landscape Maintenance on notice and gave them an opportunity to appear in front of council. He said with all that being said he was not opposed to giving Bio Landscape one more chance. He said it won't be until January 2013. He said there are no more second chances. He said you get one shot. The mayor said if we have one problem that is not addressed, one phone call that is not returned in one day, it's over. The mayor said there is no probation period, if something is not addressed or a phone call not returned in one day, the contract will be cancelled. Ms. Ruthie Sager, the city administrator, asked Mr. Purdue to give her a call or send her an email the day before they are going to be in the city. Mr. Purdue agreed.

XII. 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

Mayor Essary said this is what we voted on in the Special Council Meeting. Councilman Williams said he heard and read that Spring Branch Independent School District (SBISD) was over budget and they were relooking at the drainage. Councilman Williams asked do we need to wait to approve this until we see what SBISD does about the drainage.

Mr. Loren Smith, the city attorney, said anything SBISD does is subject to approval by the City of Bunker Hill Village. Councilman Williams said he hates to approve this and they come back and cut out two million dollars in drainage and it still meet our requirements. Mayor Essary said according to the Specific Use Permit any changes

SBISD does to the traffic or drainage they have to come back to the City of Bunker Hill Village for approval.

Council talked about approving the interlocal agreement based on conditions. Then it was decided to take no action and wait until the meeting in August to approve.

XIII. DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM HARRIS COUNTY PUBLIC LIBRARY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY AND THE COUNTY TO PARTICIPATE IN FUNDING CERTAIN LIBRARY MATERIALS AT THE SPRING BRANCH MEMORIAL LIBRARY FOR THE BENEFIT OF THE RESIDENTS OF THE CITY AND THE COUNTY AT A COST OF $1,500.00

Ms. Sager, the city administrator, said the only way the city can give the library money is by an agreement and it specifies what the funds will be used for. She stated this agreement does that. Ms. Sager said this is a budgeted item.

Motion was made by Councilwoman Schwartz and seconded by Councilman Brown to approve. Motion carried 5-0.

XIV. DISCUSSION AND POSSIBLE ACTION CONCERNING AN INTERLOCAL AGREEMENT BETWEEN THE HARRIS-GALVESTON SUBSIDENCE DISTRICT AND THE CITY OF BUNKER HILL VILLAGE TO JOINTLY ACHIEVE WATER CONSERVATION GOALS FOR THE 2012-2013 SCHOOL YEAR

Ms. Sager, the city administrator, said this contract authorizes the City of Bunker Hill Village to purchase B credits that will apply towards the 30% of ground water. This cost the city about $96,500 a year. She said we can purchase more class B credits but she does not recommend purchasing anymore at this time.

Motion was made by Councilman Williams and seconded by Councilman Smyre to enter into an interlocal agreement between the Harris-Galveston Subsidence District and the City of Bunker Hill Village to jointly achieve water conservation goals for the 2012-2013 school year. Motion carried 5-0.

XV. DISCUSSION AND POSSIBLE ACTION REGARDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BUNKER HILL VILLAGE AND HARRIS COUNTY FOR THE ADMINISTRATION AND IMPLEMENTATION OF A REGIONAL WATERSHED PROTECTION EDUCATION PROGRAM AT A COST TO THE CITY IN THE AMOUNT OF $1,925.49

Ms. Sager, the city administrator, said this helps the city meet the requirements for the NPDES permit.

Motion was made by Councilman Williams and seconded by Councilman Brown to approve. 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 FROM CHAPTER 4 ALL OF SECTIONS 4-71, 4-72, 4-73, 4-74, 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

Councilman Williams asked Mr. Smith, the Dir of Pblc Wrks/Blding Official, if we go from our current codes to the proposed codes are all the exceptions outlined in the handout. Mr. Smith answered yes.

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

XVII. VILLAGES INDEPENDENCE FESTIVAL UPDATE – COUNCILWOMAN SCHWARTZ

Councilwoman Schwartz wanted to encourage everyone to come out and volunteer at the festival. She said they are still expecting a turnout of 5,000 people.

XVIII. CITY ADMINISTRATOR'S REPORT

A. Texas Department of Transportation 2011-2012 Memorial Bridge Inspection – recommended repairs

Ms. Sager, the city administrator, said that TXDOT sends an engineer out to rate the bridge every two years. Ms. Sager pointed out that in the report from the 2009/2010 to 2011/2012 the rating was better.

Ms. Sager said TXDOT asked us to do two things. First, to replace the delineated post on one side of the bridge, which has been done. Second, to clean and paint the steel beams. She said the city crew had cleaned the beams but have not completed the painting. As soon as both things are completed she said we are required to notify TXDOT.

B. Preliminary Appraised and Taxable Values provided by Harris County Appraisal District

Ms. Sager, the city administrator, said our 2012 budget was based on a taxable value of $1,356,000,000. She said the preliminary taxable values that were received on May 11, 2012 are $91,000,000 more. She said the increase is probably from improvements.

C. Water well at Taylorcrest is temporarily out of service

Ms. Sager, the city administrator, said the water well at Taylorcrest has been down for approximately a month. She said we did a $9,000 repair thinking that would correct the noise but it did not. She said we had the repairman back out and were told the impellors are gone. She said it would cost an estimated $50,000 to repair. Ms. Sager said hopefully within the next two weeks the well will be back online.

D. Ground water pumpage to date as it relates to the annual allowance from the Subsidence District

Ms. Sager, the city administrator, referenced a chart showing current and projected consumption. She said we are probably going to have an amendment to the contract before September to increase our water consumption.

XIX. 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 6:59 p.m.

Executive Session ended at 7:15 p.m.

XX. ADJOURN

Motion was made by Councilman Williams and seconded by Mr. Loren Smith to adjourn the meeting at 7:15 p.m. Motion carried 5-0.

Approved and accepted on August 21, 2012.

DERRY D. ESSARY, Mayor

ATTEST:

Kelly Johnson, City Secretary