

CITY OF BUNKER HILL VILLAGE

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS FEBRUARY 19, 2013 AT 5:00 P.M.

I. PLEDGE OF ALLEGIANCE

Andrew "Drew" Young, a Boy Scout and a seventh grade student at Second Baptist School, was asked to lead the Pledge of Allegiance.

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 John Glover

Councilwoman Susan Schwartz

Councilman Jay Smyre arrived @ 5:09

Councilman Jay Williams

Also in Attendance:

Ruthie Sager, City Administrator

Kelly Johnson, City Secretary/Dir of Finance

Steve Smith, Dir of Public Wrks/Bldg Official

Loren Smith, City Attorney

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.

No comments

IV. MAYOR'S REPORT

A. Monthly meeting with Frostwood Elementary contractor on January 30, 2013

Mayor Essary said the main issue at the last meeting was the closure of Plantation. He said the City of Bunker Hill Village is very hesitant to have Plantation and Strey Lane closed at the same time. He said we are trying to move back the start date for the closure of Plantation. The mayor said they were met with some resistance from the PTA. He said they found out it all relates to making sure the contractor is finished with Plantation by May 1st so

the entrance to the Memorial Forest Club remains open so the mothers can drop off and pick up their kids from swim team.

The mayor said after a round of emails with mothers and consulting with Carl Smitha, the Strey Lane Project Supervisor, they discussed closing Plantation on March 7th. Then the mayor said SBISD is talking about moving the closure of Plantation to October. The mayor said he would keep all informed of any changes.

B. Meeting with Mayor Lee Butler of Piney Point Village on February 7, 2013 regarding a drainage project

Councilman Williams said he, Councilman Glover, Mayor Essary, and Klotz Engineering met with the City of Piney Point Village's mayor and engineer. Councilman Williams said the City of Piney Point Village approved our Blalock Ditch Maintenance Project with the exception of changing out two culverts from 24" to 30". He said their engineer felt changing the culverts to 30" would have little or no effect on the drainage but if a resident of Piney Point Village saw that and their house flooded it would be a political nightmare. He said they walked out of the meeting with leaving the two culverts at 24".

Councilman Williams said the City of Piney Point Village requested our participation in their plans at the corner of Memorial and Blalock. Councilman Williams reported we told them we are using all our bond funds on the current drainage projects but if they are willing to hold off for a couple of years we might be able to do something then.

C. Meeting with Memorial Forest Homeowners Association February 17, 2013

The mayor said he attended the Memorial Homeowners Association meeting and basically they talked about Frostwood Elementary, Strey Lane Drainage Project, and the closing of Plantation Road.

V. POLICE COMMISSIONER'S REPORT

A. Discussion and possible action regarding proposed amendment to the Memorial Villages Police Department Agreement

Councilman Williams said the way the police commission worked in the past was they had three commissioners and three alternates. The problem with that is two commissioners make a quorum. Two commissioners cannot meet to discuss anything. He said if they go to six commissioners, four commissioners would make a quorum and ultimately two commissioners could meet to discuss thoughts without violating the Open Meetings Act. Councilman Williams said with six commissioners on the board if one commissioner became a problem it would be easier to overcome. The only downside to six commissioners is it takes four commissioners for a quorum. He said the police commission is in favor of the change.

There was discussion if the approval of the budget had to be a unanimous vote. Mr. Loren Smith, the City Attorney, said he would have to check. He also said he was in favor of the proposed change.

Councilman Williams said that some of the commissioners felt that some of the dysfunction on the commission is if you have only three voting members and get two members that have

been there a long time, you can't do anything about it. He said by enlarging the voting members it would stop that.

Councilman Smyre asked about commissioners term limits. Councilman Williams said he was not aware of any limits. He said this agreement is the first step and the commission is thinking about possible term limits.

Councilman Brown said in the original interlocal agreement it stated that any action taken by the commission had to be from a favorable vote. Councilman Brown thought he recalled that the budget had to be approved by all cities. The other concern about the proposed amended interlocal agreement was that it refers to senior members. He said we probably should define what we mean by senior members. He said other than that he supports the concept and it is a step forward.

Mayor Essary said there are a few drafting issues that need to be taken care of. So he will turn it over to the legal powers to make the necessary changes.

Councilman Williams wanted clarification from the council that he could go back to the police commission and state that the City of Bunker Hill Village is in favor of the proposed amendment but there were some clean up issues that needed to be taken care of.

Motion was made by Councilman Smyre and seconded by Councilman Brown to table the proposed amendment until the next council meeting. Motion carried 5-0.

B. Report on accounting issues

Mayor Essary said they have found an accountant that is a QuickBooks trainer that hopefully will be starting soon. He said there are some things that need to happen in the police department. First, we need to pull back from the current consultant and take the accounting back. Second, get through the 12/31/12 audit, and finally get a financial director in place.

VI. FIRE COMMISSIONER'S REPORT

Councilman Smyre reported that the Village Fire Department budget through January 2013 is 1% below budget. He said in the month of January there were 165 emergency response calls with 27 being in Bunker Hill Village. Of those 27 calls 12 were fire and 15 EMS. Councilman Smyre reported they have had a fire fighter out on disability since May 2011 and he has notified the department he is retiring effective February 21, 2013.

Councilman Smyre said Captain Green that was injured two months ago is still wearing a turtle cast around his body. He said in one more month he will be able to start physical therapy.

Also reported was the ambulance grant is still delayed because of Hurricane Sandy. He also reported the ISO rating has been moved to April. Councilman Smyre said they have been using the new radio system and it's working great.

VII. CARL SMITHA, P.E. - UPDATE ON STREY LANE PROJECT

Mr. Smitha reported Strey Lane box culverts are complete as of today. He said they now are working on the side streets. He also reported three crews have been working which is the reason they have had such great progress over the past couple of months. Mr. Smitha said with the additional crews and with the recent rain, mud has become an issue. The good news is one crew

has started on the clean up and sub grade of Strey Lane. He said hopefully by March 15th they could have the north bound side of Strey Lane asphalted.

Mr. Smitha said the contractor has really come around and is doing a good job. He said they started off a little rough but we have seen significant improvements over the past few months.

VIII. UPDATE ON EAST SIDE DRAINAGE PROJECT - KLOTZ ASSOCIATES

Mr. Ramsey, with Klotz Engineering, said they are glad to have the Piney Point meeting behind them and are ready to move forward and finalize the projects. He said they have one remaining coordination meeting on the Flintdale Project. He said they need to discuss the waterline and sidewalk.

There was discussion about bidding the two east side projects together or separately. They discussed bidding the Flintdale Project and including the Blalock Ditch Project as an alternate.

Councilman Williams asked about the televising of W146. Mr. Ramsey said he is working on that currently. He said within the next three weeks we should be able to get the contractor out and televise the line.

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 January 15, 2013 Regular Council Meeting
- B. Minutes of the January 26, 2013 Special Council Meeting
- C. Minutes of the January 30, 2013 Special Council Meeting and Workshop Session
- D. Minutes of the February 7, 2013 Special Council Meeting
- E. January 2013 Financials
- F. Fourth Quarter Investment Report Ending December 31, 2012
- G. Klotz Associates, Invoice No. 113062 in the amount of \$1,481.04 for professional services from December 16, 2012 to January 15, 2013 Blalock Road West Ditch Maintenance Design and Bid Services
- H. Klotz Associates, Invoice No. 113063 in the amount of \$770.00 for professional services from December 16, 2012 to January 15, 2013 in connection with Strey Lane Drainage Improvements Design Bid & Construction Phase Services
- I. Klotz Associates, Invoice No. 113096 in the amount of \$13,720.00 for professional services from December 16, 2012 to January 15, 2013 in connection with East Side Drainage Improvements along Flintdale and Greenbay
- J. AAA Asphalt Paving Inc., Application No. 11 in the amount of \$672,690.61 for Strey Lane Storm Sewer Improvements
- K. AAA Asphalt Paving Inc., Change Order #5 in the amount of \$44,766.66 for changes due to unforeseen utility conflicts and city request
- L. AAA Asphalt Paving Inc., Change Order #6 in the amount of \$18,655.00 to replace deteriorated 2” GIP Waterline on Edgewood
- M. HTS, Inc., Invoice No. 31475 dated December 1, 2012 – December 31, 2012 in the amount of \$284.00 for geotechnical investigation related to the Strey Lane Drainage Project

- N. HTS, Inc., Invoice No. 31633 dated January 1, 2013 – January 31, 2013 in the amount of \$284.00 for geotechnical investigation related to the Strey Lane Drainage Project
- O. Texascal Enterprises, LLC, invoice for the month of January 2013 in the amount of \$4,525.00 for professional services related to Strey Lane Storm Sewer Improvements

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

X. DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY AMENDING SECTION 10-71, DEFINITIONS, OF ARTICLE IV, MISCELLANEOUS NUISANCES, OF CHAPTER 10, OFFENSES AND MISCELLANEOUS PROVISIONS BY ADDING CITY RECOGNIZED HOLIDAYS TO THE DEFINITION OF *AUDITORY* OR *NOISE NUISANCE*; PROVIDING FOR A PENALTY IN THE AMOUNT OF NOT MORE THAN \$2,000.00 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR SEVERABILITY

Mayor Essary said this is correcting our ordinances to include holidays as days contractors cannot work.

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

XI. DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, ADOPTING AMENDMENT NOS. 1 THROUGH 4 TO THE ORIGINAL BUDGET OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, FOR THE FISCAL YEAR 2012; PROVIDING DETAILED LINE ITEM INCREASES OR DECREASES; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

Ms. Johnson, the City Secretary/Dir of Finance, said the four amendments were housekeeping issues. She did an overview of all the amendments and answered questions.

Motion was made by Councilman Smyre and seconded by Councilman Glover to approve amendments 1 through 4. Motion carried 5-0.

XII. EXECUTIVE SESSION

THE CITY COUNCIL WILL CONVENE INTO CLOSED EXECUTIVE MEETING PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE TO CONSULT WITH THE CITY ATTORNEY REGARDING A MATTER IN WHICH THE DUTY OF THE ATTORNEY REQUIRES TO BE DISCUSSED IN CLOSED SESSION; AND

PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO DELIBERATE CONCERNING THE APPOINTMENT, EMPLOYMENT, OF A PUBLIC OFFICER OR EMPLOYEE, TO WIT: CITY ADMINISTRATOR

Mayor Essary convened into closed executive session at 6:13 p.m.

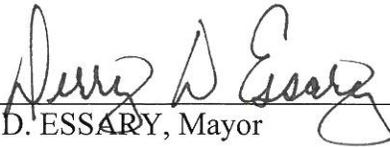
XIII. RECONVENE AND TAKE ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION

Mayor Essary reconvened the meeting at 6:51 p.m.

XIV. ADJOURN

Motion was made by Mr. Loren Smith and seconded by Councilman Brown to adjourn the meeting at 6:52 p.m. Motion carried 5-0.

Approved and accepted on March 19, 2013.



DERRY D. ESSARY, Mayor

ATTEST:



Kelly Johnson, City Secretary