

CITY OF BUNKER HILL VILLAGE

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS SEPTEMBER 20, 2011 – 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/Bldg Official
Loren Smith, City Attorney
Tom Ramsey, City Engineer

**arrived at 5:25 p.m.

III. PUBLIC HEARING – ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO BE HEARD ON THE SUBJECT

Mayor opened the Public Hearing at 5:01 p.m.

AN ORDINANCE AMENDING APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, SAID APPENDIX A BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AS AMENDED, BY AMENDING SECTION 8.02, USES REQUIRING PERMITS, OF ARTICLE VIII, SPECIFIC USE PERMITS, TO ADD EDUCATIONAL INSTITUTIONS AS A USE REQUIRING A SPECIFIC USE PERMIT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Mayor Essary explained the ordinance and said this will assist Frostwood Elementary in their reconstruction. The mayor said he knows of three areas where Frostwood Elementary will need to get a Specific Use Permit. He said the three areas are height, fencing around the school, and for an informational sign.

No comments from the audience.

IV. ADJOURN THE PUBLIC HEARING

Mayor adjourned the Public Hearing at 5:03 p.m.

V. DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE AMENDING APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL

VILLAGE, TEXAS, SAID APPENDIX A BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AS AMENDED, BY AMENDING SECTION 8.02, USES REQUIRING PERMITS, OF ARTICLE VIII, SPECIFIC USE PERMITS, TO ADD EDUCATIONAL INSTITUTIONS AS A USE REQUIRING A SPECIFIC USE PERMIT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; 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 Ellis asked if Spring Branch Independent School District was aware that council was considering this ordinance. Mayor Essary answered “yes”.

Motion was made by Councilman Ellis and seconded by Councilman Smyre to adopt and approve the ordinance as set forth under tab V. Motion carried 4-0.

VI. 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 before 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. Inga Smith, at 222 Stoney Creek Drive, spoke of her concerns with the safety and well being of the children on her street and wants the speed bump replaced. She said there was a drainage project done on her street approximately 12 to 18 months ago, the speed bump was not replaced when the project was completed.

Mrs. Donna Freedman, at 11930 Surrey Lane, said she attended a TIRZ meeting on August 30th and a representative with LAN, the engineering firm for the TIRZ, stated it appears we have reached a regional agreement with the City of Bunker Hill Village. Mrs. Freedman expressed her concern about the potential partnership with the TIRZ on the Strey Lane Drainage Project.

VII. MAYOR’S REPORT

A. Winshire Homeowners Association meeting held on September 18, 2011

Mayor Essary said he attended the Winshire Homeowners Association Meeting on Sunday. He said their number one issue was drainage on the east side of Bunker Hill. He said they continue to be very focused and wanted to know what the city was doing about the problem.

B. Increased water usage due to drought

Mayor Essary said a lot of citizens still don’t understand we are on mandatory water rationing. He said staff has put together a list of the top 100 users and he planned on sending a letter out to them. The mayor also said because of control box issues with sprinkler systems we are going to change the watering schedule. He said addresses ending with an even number can water on Tuesday, Thursday, and Saturday and addresses ending in an odd number can water Wednesday, Friday, and Sunday. He said unless we have a significant rain

event in the next couple weeks we will begin steps to notify residents of enforcement proceedings.

C. Proposed tax rate and dates for public hearings (9-27-11 at 6 p.m. & 10-4-11 at 8:00 a.m.)

The mayor said if everyone will remember during public hearings for the bond election we said the approval of the bonds would effectively increase our tax rate to \$0.32 for the 2012 budget. Staff recommends for the 2012 budget a tax rate of \$0.307712.

D. Status of Strey Lane Project

The mayor reported to council that the Strey Lane Drainage Project is on schedule and final engineering has been completed. He said final engineering has been submitted to Harris County Flood Control District (HCFCD) for final approval. Mr. Tom Ramsey, with Klotz Engineering, said we have received the plans back this afternoon from HCFCD with some minor comments. He said they still have the model and it's still in review. Mr. Ramsey said that HCFCD said they will have the model back to them in two to three weeks.

The mayor clarified the project by saying the final engineering was complete and submitted to HCFCD. He said this is the project that starts with 6x4 box culverts at the north end of Taylorcrest and very quickly turns into 5x7 box culverts all the way down Strey Lane continuing down Memorial to Pebble Hill taking a western turn at Pebble Hill into W151 at the deep portion of Buffalo Bayou. Mayor Essary said this is the plan whereby we would cut off all inlets and outlets to W151 used by Bunker Hill Village on the west side of Strey Lane. He said we would take all that water, which represents roughly 15% - 20% of the water that goes into W151, and carry it independently down Strey Lane to Memorial down to Pebble Hill and dumping into W151 at Pebble Hill.

Mayor Essary said over the last 24 hours he has been forwarded an estimated fifteen copies of a letter that was put forth. He said any suggestion that the current Mayor does not return phone calls is absolutely false. He said any citizen of Bunker Hill Village that wants to talk to the mayor calls Ms. Ruthie Sager and within 24 hours the meeting will be scheduled. He said if you want a call back, you get a call back.

Mayor Essary said any suggestion that any member of city staff or an elected official has in some way hidden contacts with TIRZ 17 or any other entity concerning the drainage project in W151 is misinformed. He said these meetings and discussion of these meetings have occurred in this council chamber over the past year in seven different council meetings supported by minutes shown on the city website. In addition, when we did the bond election we had two public meetings and in both meetings we openly discussed the comparison of what the TIRZ 17 would like to do down Strey Lane versus the Bunker Hill Village Project. The mayor said also, Rusty Graham, Robin Foster, and Carissa Lamkahouan have all done newspaper articles about our discussions with the TIRZ 17.

The mayor asked the question why we would even begin to discuss things with TIRZ 17. He said the TIRZ 17, City of Houston, City of Hedwig Village, City of Bunker Hill Village and HCFCD approximately a year ago began discussions for a regional solution to W151. He said he believes it's a travesty that the taxpayers of the City of Bunker Hill Village have to fund what we are doing at W151. He said it's a problem that is not our making. He said we have to deal with the problem. He said that this is a solution this council took up. He said we are trying to construct a drainage system that handles Bunker Hill's water.

The mayor again asked the question of why we would talk to the TIRZ 17, City of Houston, and the City of Hedwig Village. He said he cannot unilaterally turn down a project that basically offsets Bunker Hill Village's cost. He said he at least has to take it to council. He said we can do this project no matter what but what is the unattended consequence? The mayor said there is only so many ways the TIRZ and other people north of us can do with water they need to get out of their city or district, it's to come down W151. The mayor said he knows what he would do if he had no interest in the neighborhood, the quality of life, and with what goes on in Bunker Hill Village. The mayor said it would be to concrete W151 from Memorial south. So is it in Bunker Hill's best interest to handle the City of Hedwig Village's water or maybe the Riedel Subdivision water? He said we are a small fish in a great big pond. He asked guess who we need to get to the bayou in every case except the Strey Lane Drainage Project? We need the City of Houston. He said we have to look at things at a more global stand point. So with all that being said, we continue to listen.

The mayor said we continue to move forward with our project but if there is a way that an entity may participate without slowing us down and does not endanger our neighborhood in Bunker Hill Village, we listen. He said that is the philosophy of this council.

VIII. RECOMMENDATION FROM PLANNING AND ZONING COMMISSION CONCERNING AMENDING THE ZONING ORDINANCE TO ALLOW A FENCE ALONG THE FRONT PROPERTY LINE OF ANY HOUSE FRONTING THE FOUR LANE PORTION OF MEMORIAL DRIVE BETWEEN BLALOCK AND BRIAR FOREST

Mr. Gerald Teel, a member of Planning and Zoning, said Planning and Zoning took up the task of making a recommendation to council regarding lots that faced Memorial Drive. He said it could potentially affect 11 lots. Mr. Teel said the concern of Planning & Zoning was the corner lot and Planning and Zoning only addressed the corner lot.

Mr. Teel said there were five members present and three voted to recommend a fence ordinance for those lots fronting a four lane boulevard between the Presbyterian Church and Briar Forest. He said the vote was 3-2, with 2 voting against the motion.

Mr. Teel said he voted against the motion and wanted to explain why. He said he felt like the city should consider an ordinance that would allow a front fence to all the lots that face Memorial Drive.

Council clarified that the recommendation by Planning and Zoning only addressed one house.

After further discussion council decided they wanted to address all the lots that face Memorial Drive.

IX. CONSIDERATION AND POSSIBLE ACTION TO REQUEST THE CITY ATTORNEY TO PREPARE AN AMENDMENT TO THE ZONING ORDINANCE CONCERNING FENCES

Motion was made by Councilman Brown and seconded by Councilwoman Schwartz to move that the council request our city attorney to prepare a proposed amendment to the zoning ordinance concerning the construction of fences along the front yards of houses facing Memorial only and research the other villages to see what they have in drawing up the proposed amendment. 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 August 16, 2011 Regular City Council Meeting
- B. Minutes of the September 8, 2011 Special City Council Meeting
- C. August 2011 Financials
- D. Investment activity for the second quarter ending June 30, 2011
- E. Klotz Associate’s invoice #811095 dated August 26, 2011 in the amount of \$54,540.00 in connection with Strey Lane Drainage Improvements Design Bid and Construction Phase Services
- F. Authorize the mayor to execute the Public Funds Depositor Collateral Security Agreement

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

XI. DISCUSSION AND POSSIBLE ACTION CONCERNING A REQUEST FOR INSTALLATION OF A NEW SPEED BUMP ON STONEY CREEK

Lieutenant Walpole said his opinion was speed bumps in the road typically divert traffic to another road. He said it will always slow down emergency response. He said the best solution would be to get those kids off the street with possible sidewalks. Mayor Essary said it’s a balancing act. He said it’s a public safety concern and the safety of the neighborhood children.

Councilman Ellis said this is somewhat a unique situation that it is one of the few subdivisions in Bunker Hill Village that does not have any sidewalks. He also said this is one neighborhood that we have lowered the speed limit. Stoney Creek is used as a cut through from or to Gessner.

Mrs. Inga Smith said they are simply asking for the speed bump to be replaced. She said it was there before the water repair, but was not replaced when the city fixed the water leak.

Council discussed where do they start or where do they stop. Mayor Essary said one reason this is different is there was a speed bump before the city fixed the water leak. The mayor said he did not want a policy where we put speed bumps back in but this particular speed bump was there and do we put one back in?

Motion was made by Councilwoman Schwartz and seconded by Councilman Jay Williams to put the speed bump back. No vote was called, will continue to next meeting as a pending motion.

Motion was made by Councilman Brown and seconded by Councilman Ellis to table the previous motion and make a new motion to request the policy department and the city engineer to report back to city council what is the best alternative to providing safety for the children along Stoney Creek. Motion carried 3-2. (Nay voting, Councilwoman Schwartz and Councilman Williams)

XII. CHARLES S. TURET, CHAIRMAN OF TIRZ 17 REDEVELOPMENT AUTHORITY – PRESENTATION REGARDING A PROPOSAL FOR A REGIONAL DRAINAGE SOLUTION BETWEEN THE CITY AND TIRZ 17

Chuck Turet, Chairman of TIRZ 17, said what Mayor Essary had said earlier in the meeting about discussions for a regional solution starting approximately a year ago was accurate. Mr. Turet said at the time the TIRZ took a back seat because they were prohibited from spending any money on any improvement outside the TIRZ zone. In June of this year the legislature passed a bill that redevelopment zones can spend money outside their boundaries if they can show evidence of a benefit within their boundaries. Mr. Turet said with that change it freed up their money to help with a regional solution for W151.

The proposal Mr. Turet presented:

Joint Strey Lane Drainage Project

Estimated Total Cost of:	\$ 10,000,000
TIRZ 17 share:	\$ 4,200,000
BHV share:	\$ 3,800,000
Hedwig Village share:	\$ 2,000,000

Mr. Turet said they thought an advantage to the City of Bunker Hill Village in doing a joint venture would be the increase from a 10 year rain event to a 25 to 50 year rain event. Also the TIRZ is willing to contribute a larger portion than the City of Bunker Hill Village to the project. Mr. Turet said the TIRZ contribution amount might be able to be adjusted.

Mr. Turet said their proposal would increase the box culverts from a 5 x 7 box culvert to two (2) 10 x 8 box culverts down Strey Lane with the outfall at Pebble Hill.

The mayor asked Mr. Turet why did the TIRZ 17 and or Metro National not put detention in north of W151? Mr. Turet responded by saying the area that you are talking about would have had to be condemned and the TIRZ does not have condemnation authority. He said the TIRZ has the authority to install, in the public rights of way, storm drainage and mobility improvements. He said they do not have the authority nor does anyone have to consult them if a development is happening within their zone.

Mr. Turet answered a question from Councilman Ellis regarding detention south of Interstate 10 with stating those requirements and approvals are something that has to come from the City of Houston, he said we have nothing to do with that.

Councilman Ellis said that until there is a significant amount of upstream detention it's inconceivable that any project is acceptable. Councilman Ellis also said that he was committed, without injuring the Bunker Hill residences, to figuring out how to work with the TIRZ 17 and the other people to help them get their water to Buffalo Bayou because we need others to work with us to get our water to Buffalo Bayou but not down Strey Lane. Councilman Ellis said the residents that are redeveloping the Riedel Estates and our friends at the City of Hedwig Village, we are going to figure out how to work together to get the water through Bunker Hill Village without injuring Bunker Hill but it must be combined with detention.

The mayor said as we move forward one of our big issues is surcharging. He said one of the big things that we are doing with the system we have designed is deepening it to the point surcharging should not be a problem unless we have an unbelievable rain event. Mayor Essary said the TIRZ proposal of two (2) 8x10 box culverts coming down Strey Lane with 80% of the water coming from outside of Bunker Hill, he said it smells like a problem in terms of surcharging back into Bunker Hill. Mr. Turet said if we are going from a 10 year rain event to a 25 year rain event the backflow could not be the same as a 10 year event to a 25 year event. He said in other words there is more of a chance of it back flowing with the Bunker Hill solution versus the regional solution.

Councilman Brown said he does not see any advantage to Bunker Hill other than saving one million dollars to open up Strey Lane.

Mr. Turet said the City of Houston has to approve all projects by the TIRZ and they have approved the current proposal. He stated from the beginning they knew this was going to be difficult and were told that Bunker Hill Village was on a train and the train had left the station. Mr. Turet said they knew that but were trying to catch up.

Mr. Lusignan, at 2 Beebe Lane, said you have the money and advised council to stay strong and don't lose the control.

XIII. DISCUSSION AND POSSIBLE ACTION CONCERNING A REQUEST ON BEHALF OF REALBLUE INVESTMENTS LLC, ANTHONY KOUZOUNIS, OWNER, PHASE ENGINEERING, INC FOR THE CITY COUNCIL OF BUNKER HILL VILLAGE TO SUPPORT THE CITY OF HOUSTON, TEXAS ORDINANCE NO. 2009-1261, A MUNICIPAL SETTING DESIGNATION (MSD) ORDINANCE PROHIBITING THE USE OF DESIGNATED GROUNDWATER BENEATH A TRACT OF LAND CONTAINING 3.4231 ACRES AND SUPPORTING ISSUANCE OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION OF ENVIRONMENTAL QUALITY

No representative from Real Blue Investment LLC was present.

Mr. Michael Marcon, with InControl Technologies, Inc., said the way a Municipal Setting Designation (MSD) Ordinance used to work was a representative would have to come to council and request support in the form of an ordinance or resolution. He said legislation has changed and now we don't have to have a resolution or ordinance of support. Mr. Marcon said the new law states you only have to have an ordinance or resolution if you object to the MSD. He said if you do nothing with the request after 120 days it automatically passes.

No action taken

XIV. DISCUSSION AND POSSIBLE ACTION REGARDING DESIGNATION OF REPRESENTATIVE AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2012 GENERAL ASSEMBLY

Mayor Essary requested Councilwoman Schwartz as Bunker Hill Villages representative and Councilman Williams as the alternate.

Motion was made by Councilman Ellis and seconded by Councilman Smyre to appoint Councilwoman Schwartz as our primary representative to HGAC and Councilman Williams as our alternate. Motion carried 5-0.

XV. DISCUSSION AND POSSIBLE ACTION CONCERNING THE ANNUAL HOLIDAY RECEPTION AT THE HOUSTON RACQUET CLUB THURSDAY, DECEMBER 15

Ms. Sager said the annual holiday reception will be at the Houston Racquet Club this year.

XVI. POLICE COMMISSIONER'S REPORT

A. Police Department Activities

Lieutenant Walpole reported there was no crime in Bunker Hill Village last month. He also reported that National Night Out will be held on October 4th from 6:00 p.m. to 9:00 p.m. at the Memorial Village Police Department.

Councilman Ellis reported that the Memorial Villages Police Department budget was \$90,000 under budget for the year.

XVII. FIRE DEPARTMENT REPORT

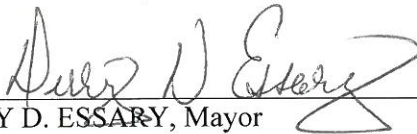
A. Discussion regarding the Interlocal Agreement

The mayor reported that five villages are prepared to move forward in modifying the Village Fire Department Interlocal Agreement.

XVIII. ADJOURN

Motion was made by Mr. Loren Smith and seconded by Councilman Ellis to adjourn the meeting at 7:20 p.m. Motion carried 5-0.

Approved and accepted on October 18, 2011.



DERRY D. ESSARY, Mayor

ATTEST:



Kelly Johnson, City Secretary