

**CITY OF BUNKER HILL VILLAGE**

**MINUTES OF THE COUNCIL MEETING OF THE CITY COUNCIL  
OF THE CITY OF BUNKER HILL VILLAGE, TEXAS  
APRIL 17, 2012 AT 5:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

Pledge was lead by Will Ottens, a boy scout from Memorial High School.

**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/Dir of Finance  
Steve Smith, Dir of Pblc Wrks/Blding Official  
Loren Smith, City Attorney  
Tom Ramsey, City Engineer

\*\*arrived at 5:06 p.m.

**III. PLANNING AND ZONING COMMISSION REPORT BY ROBERT CROYLE, VICE CHAIRMAN, ON THEIR RECOMMENDATION TO CITY COUNCIL REGARDING THE PLANS FOR REDEVELOPMENT OF FROSTWOOD ELEMENTARY**

Vice Chairman, Robert Croyle, said the Planning and Zoning Commission met on April 4, 2012 to consider a recommendation regarding the redevelopment of Frostwood Elementary School. He stated the commission's recommendation is to approve the plans for the reconstruction of Frostwood Elementary School as submitted, subject to the sign lighting and grid being a monochromatic, subdued color, such as amber or other color approved by the city engineer, and to be turned on only from dawn to dusk.

**IV. PUBLIC HEARING – REDEVELOPMENT OF FROSTWOOD ELEMENTARY SCHOOL LOCATED AT 12214 MEMORIAL DRIVE**

At said hearing all interested parties shall have the right and opportunity to appear and be heard on the subject.

Mayor opened the Public Hearing at 5:04 p.m.

No comments

Mayor closed the Public Hearing at 5:05 p.m.

- V. DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX “A” OF THE CODE OF ORDINANCES OF THE CITY, SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY, BY GRANTING A SPECIFIC USE PERMIT TO THE SPRING BRANCH INDEPENDENT SCHOOL DISTRICT, AUTHORIZING CONSTRUCTION OF FROSTWOOD ELEMENTARY SCHOOL, 12214 MEMORIAL DRIVE; PROVIDING FOR REPEAL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY**

Motion was made by Councilman Ellis and seconded by Councilman Williams to approve the ordinance granting a Specific Use Permit to the Spring Branch Independent School District, authorizing construction of Frostwood Elementary School. Motion carried 5-0.

- VI. DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, BY ADDING TO ARTICLE VII OF CHAPTER 9 THEREOF A NEW SECTION 9-228; ESTABLISHING A “NO PARKING, STANDING OR STOPPING – TOW AWAY ZONE”, FROM THE NORTHERN CITY LIMITS BOUNDARY OF PLANTATION ROAD ON THE EAST AND WEST SIDES OF THE STREET TO A DISTANCE OF SIX HUNDRED EIGHT FEET (608’) SOUTH TO MEMORIAL DRIVE; AUTHORIZING AND DIRECTING THE PLACEMENT OF OFFICIAL TRAFFIC CONTROL DEVICES NOTIFYING THE PUBLIC OF THE ZONES ESTABLISHED HEREBY; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN \$1.00 NOR MORE THAN \$200.00 FOR EACH VIOLATION OF ANY PROVISION HEREOF; AUTHORIZING THE REMOVAL AND IMPOUNDMENT OF UNLAWFULLY PARKED VEHICLES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY**

Mayor Essary requested to make the ordinance effective June 1, 2012.

The mayor said this is basically to control the construction traffic during the reconstruction of Frostwood Elementary School. This will keep construction workers off of Plantation Road.

Councilman Ellis encouraged the city to have the No Parking signs up by June 1, 2012.

Motion was made by Councilman Brown and seconded by Councilwoman Schwartz to adopt the ordinance amending our Code of Ordinances by adding to Article VII of Chapter 9 establishing a “No Parking, Standing or Stopping – Tow Away Zone” on Plantation Road. Motion carried 5-0.

**VII. 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

## **VIII. MAYOR'S REPORT**

### **A. Mayors' Proclamation**

The mayor presented Councilman Ellis with a proclamation and plaque in appreciation for his service to the City of Bunker Hill Village.

### **B. April 12 State of the City of Houston**

Mayor Essary said he attended the State of the City of Houston meeting on April 12, 2012. He said the main thing that came out of the meeting was the City of Houston is focusing more on public relations. He said the Houston area is the largest job producer in the United States in the last two year. Houston is among the top twenty metropolitan areas in the world. He also added that Houston is the number one relocation destination in the United States as measured by Uhaul.

### **C. April 17 Multi-cities meeting at Bellaire City Hall regarding Metro funding**

Mayor Essary said Metro is made up of many representatives from the City of Houston, Harris County, and the fourteen small cities. Those small cities range from Katy, Humble, and Missouri City on a larger scale to Hilshire Village and Taylor Lake Village on a smaller scale.

Metro takes one percent of their sales tax and gives back to the cities in general mobility. The mayor said to give an idea of the scale of general mobility given back to the cities; City of Houston receives eighty five million dollars annually, Harris County receives twenty five million dollars annually, and the combined cities of Katy, Missouri City, and Bellaire received three million with the City of Bunker Hill Village receiving one hundred and twenty nine thousand annually.

The mayor said our current contract for general mobility ends in 2014. The mayor said he thought Metro wants to end the general mobility contribution and reallocate to rail and other METRO projects. The mayor said most of the cities in the fourteen small cities receive a pretty substantial amount of funds from Metro and have a deep concern if the funding stops.

### **D. April 25 Metro meeting**

The mayor said the fourteen small cities are going to meet with Mayor Parker on April 25, 2012 to discuss the general mobility funding.

E. 2012 Villages Independence Festival

Councilwoman Schwartz said the committee has met three times and have representatives from all six villages, and the police and fire departments. The DARE officer has all the elementary schools in the area involved in an art contest to design a t-shirt for the festival.

Councilwoman Schwartz said it's the twentieth year for the festival and they expect an estimated 5,000 people to attend.

F. Frostwood Ground Breaking- May 8, 2012

Mayor Essary said the ground breaking for Frostwood Elementary School will be on May 8, 2012 at 4:00 p.m. He invited all of council to attend.

**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 March 20, 2012, Regular Council Meeting

B. Minutes of the March 27, 2012, Workshop Meeting

C. March 2012 Financials

D. Investment activity for the first quarter ending March 31, 2012

E. Klotz Associates, Invoice No. 312095 dated March 26, 2012, in the amount of \$17,550.00 for professional services rendered from February 16, 2012 to March 15, 2012, in connection with East Side Drainage Study alternative W146-00-00 watershed and the west roadside ditch of Blalock Road

F. Klotz Associates, Invoice No. 312085 dated March 23, 2012, in the amount of \$5,775.00 for professional services rendered from February 16, 2012 to March 15, 2012 in connection with Bunker Hill Village Strey Lane Drainage Improvements Design Bid and Construction Phase Services

G. Klotz Associates, Invoice No. 412012, dated April 5, 2012 in the amount of \$2,000.00 in connection with Frostwood Elementary School Civil Plan Review

H. Olson & Olson LLP, Invoice No 1327, dated March 21, 2012 in the amount of \$2,247.00 for legal services through February 29, 2012

I. AAA Asphalt Paving, Inc. Pay Estimate No. 1, dated April 9, 2012, in the amount of \$155,581.50 for Strey Lane Storm Sewer Improvements

J. AAA Asphalt Paving, Inc., Change Order #1 in the amount of \$59,585.00 to overlay Knipp Forest, Musket Lane, Godsey Court, Williamsburg Lane, Fidelia Court, a small section of Blalock Lane and add a 24" drainage pipe at the north end of Williamsburg Lane to connect to the Taylorcrest system. These items were included in the 2012 budget and will not be charged to the Strey Lane Project. By adding the change order we can take advantage of the lower unit pricing.

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

**X. CITY ENGINEER REPORT**

**A. Status of Strey Lane Project**

Mr. Ramsey, the City Engineer, said the project is moving forward as scheduled.

**B. Progress on Eastside Drainage Improvements**

Mr. Ramsey, the City Engineer, said they were seriously looking at making a connection between Bunker Hill Road and W-146 and making a connection at Greenbay at Flintdale. Mr. Ramsey said that area where the pipes come down Flintdale into W-146 at Greenbay is an area we want to address in terms of making improvements. He said after our studies over the past month and analyzing both systems, the pipe at Bunker Hill Road is higher than they anticipated. He said it's a foot to a foot and a half higher than W-146, making that connection not as valuable as they thought last month.

Mr. Ramsey said Plan B is to look at making some specific detention up the Flintdale branch of W-146 to provide relief at the connection between Flintdale and W-146. He said if we can do that we can get to a ten year level of service in W-146. Our objective right now is to get W-146 to a ten year level of service. Mr. Ramsey said they should have their report completed by the end of the week.

Mr. Ramsey said there is another option they have not looked at. The grade at W-146 at Memorial Drive is pretty much flat and if we steepen that grade it would increase the outflow into Buffalo Bayou. Mr. Ramsey said that would require permits from Harris County Flood Control, which at this time they are not recommending.

Mr. Struzick, with Klotz Engineering, said one of their recommendations that will be on the final report is strong defoliation in the area where W-146 leaves the City of Bunker Hill down Memorial Drive into Buffalo Bayou. Mr. Ramsey said another thing they will include in the report is the televising of W-146. He said that more than likely there are some point repairs that need to occur.

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

Mr. Ramsey, with Klotz Engineering, said the agreement is for on-call services.

Mayor Essary wants to see a fixed fee. It was decided that Mr. Ramsey, with Klotz Engineering, will revise the agreement and present it at a future meeting.

No action taken.

**XI. DISCUSSION AND POSSIBLE ACTION REGARDING A LOBBYING PROPOSAL, BETWEEN HILLCO PARTNERS AND MEMBERS OF HARRIS COUNTY MULTI-CITY COALITION, IN CONNECTION WITH METRO GENERAL MOBILITY FUNDING AGREEMENT**

Mayor Essary said this is the lobbying firm that the eleven of the fourteen small cities are entering into. He said our cost will be less than \$10,000. He said the cost benefit would

be \$129,000 a year in general mobility funds for the City of Bunker Hill Village extended for another four to fifteen years.

The mayor requested to enter into the coalition in the amount less than \$10,000.

Motion was made by Councilman Brown and seconded by Councilman Ellis to approve the contract between Hillco Partners and members of Harris County Multi-City Coalition. Motion carried 5-0.

**XII. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL TO APPLY FOR A BUSINESS CREDIT CARD AND AUTHORIZING THE MAYOR TO SIGN THE APPLICATION ACTING ON BEHALF OF THE CITY**

Ms. Sager, City Administrator, said every time staff or council goes to a seminar we have to use our personal credit cards.

Both mayor and council did not like the idea of the city having a credit card. They felt there could be potential for problems.

No action taken.

**XIII. DISCUSSION AND POSSIBLE ACTION REGARDING CONSTRUCTION OF A NEW HOME AT 17 STONEGATE (N/E CORNER LOT AT THE INTERSECTION OF STONEGATE AND TAYLORCREST ROAD) WHICH REQUIRED THE SUBDIVISION SIGN TO BE REMOVED FROM THE CITY RIGHT-OF-WAY**

Mr. Smith, Public Works Director, said the first two lots on Stonegate are in the City of Bunker Hill Village. The vacant lot on the corner has a tall subdivision wall that is on private property. The homeowner has had the wall taken down. Since then the city has gone out and removed the lighting associated with the wall that was in the city right of way. The Stonegate Homeowners Association takes the position that the City of Bunker Hill Village does not have a right of way there. We have received an invoice from the homeowners association regarding the lighting that was taken down.

The mayor said his position on the matter is we have a plat that says we own the right of way and have done nothing questionable regarding the matter.

No action taken.

**XIV. DISCUSSION AND POSSIBLE ACTION REGARDING WATER CONSUMPTION FROM MAY 1, 2011 THROUGH MARCH 31, 2012**

Mr. Smith, Dir of Pblc Wrks/Blding Official, said he estimates through the permit year ending March 31, 2012 that 54% of our water will be pumped from our wells and 46% will come from surface water. He said that would be a total consumption for the period ending March 31, 2012 of 519,702,000 gallons of water. Mr. Smith said we are allowed to take only 20% of our water from the ground and with Class B Credits we can take an additional 30%.

Mr. Smith said based on his projections the City of Bunker Hill Village is going to exceed the 50% rule governed by the Harris County Subsidence District. He said there are two ways to deal with exceeding our limit. We can pay a disincentive fee of \$5.00

per thousand gallons of every gallon we exceed our limit or use our Class A Credits we purchased a few months ago.

By using our Class A Credits we will cover our overage and it would leave in Class A Credits, 4,014,000 gallons.

Mr. Smith said in the new contract year starting May 1, 2012 we will operate in a 50/50 mode. Meaning for each thousand gallons we pump out of the ground we will take the equivalent from the City of Houston.

No action taken.

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

Discussion and possible action authorizing the Village Fire Department to retain the 2011 budget surplus and apply it to their capital replacement fund

Councilman Smyre reported the 2011 unaudited budget surplus amount that can be returned to the cities is roughly \$203,000. The commission is recommending applying those funds to a one-time Employee 457 Plan and the remainder to the Capital Replacement Fund. He said the Employee 457 Plan has nothing to do with TMRS. The plan would be based on putting 2% of the employee's 2012 base salary into a Employee 457 Plan. Councilman Smyre said this would be at a cost of \$58,230.

Councilman Smyre said the Village Fire Department is doing a lot more with less. He reminded council that they had eliminated the retirement health insurance, reduced TMRS contributions from 2:1 to 1-1/2:1, eliminated the assistant chief position, sick pay is down, and reclassified some positions so there is no overtime to attend staff meetings.

Councilman Smyre wants council to give him direction on how they want him to vote at the next commissioner's meeting. The general consensus of council was to vote for the recommendation.

Councilman Ellis said over the years he has been clear about saying any funds left at the end of the year in the police and/or fire department budgets goes back to the cities. It's the cities money, not the police or fire departments to spend as they wish. He wanted to caution council and be clear this is a one-time thing. He said with that being said, he was in support of the idea.

No action taken.

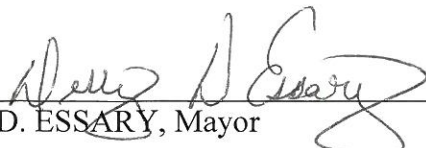
#### **XVI. POLICE COMMISSIONER'S REPORT**

Commissioner Soanes reported the 2012 budget year to date is \$80,000 under budget. He said the police department has been working with Houston Police Department and has been able to apprehend several gang members that have been breaking into homes. He also said the police are focusing on traffic enforcement and it has helped traffic behavior. Commissioner Soanes said as part of a grant, they have been approved to purchase new police radios and those funds should be released soon.

#### **XVII. ADJOURN**

Motion was made by Councilman Ellis and seconded by Councilman Williams to adjourn the meeting at 7:03 p.m. Motion carried 5-0.

Approved and accepted on May 15, 2012.

  
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DERRY D. ESSARY, Mayor

ATTEST:

  
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Kelly Johnson, City Secretary