

MINUTES OF THE SPECIAL MEETING
OF THE CITY COUNCIL
OF THE CITY OF BUNKER HILL VILLAGE, TEXAS
MARCH 25, 2014 AT 5:00 P.M.

I. CALL TO ORDER

Mayor Williams called the meeting to order at 5:04 p.m. in the Council Chambers of City Hall, 11977 Memorial Drive, Houston, Texas.

Present:

Mayor Jay Williams

Councilman John Glover

Councilman Jay Janecek

Councilwoman Laurie Rosenbaum*

Councilwoman Susan Schwartz

Also in Attendance:

Karen Glynn, City Administrator

Kelly Johnson, City Secretary/Dir of Finance

Steve Smith, Dir of Public Wrks/Bldg Official

Loren Smith, City Attorney

*arrived at 5:53 p.m.

Absent: Councilman Keith Brown

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. POLICE COMMISSIONER REPORT

A. Financial Report

Chief Sanders said as of the last commission meeting he was happy to report that their new Finance Director has all of the bank statements reconciled through February 2014. He also reported the auditors are scheduled to be in the week of April 21st. Chief also reported the police commission scheduled their first budget workshop on April 7th.

Chief said tentatively they have 2013 closed out and it looks like a surplus of \$11,000.

B. Update on Activities

Chief Sanders said they are continuing to work the bugs out of their new CAD system. They have already seen an improvement from the old system.

Chief also reported that the council may be seeing different officers out on patrol. He said they have essentially switched the shifts. He said the ones that were on nights most have been moved to days and most of day time officers have been moved to nights.

C. Discussion and possible action on Racial Profiling Report

Chief Sanders said the state requires the Racial Profiling Report to be posted and approved by the police commission. Chief Sanders said even though the commission had approved the report they wanted each city to approve the report.

Motion was made by Councilman Janecek and seconded by Councilwoman Schwartz to approve the Racial Profiling Report. Motion carried 3-0.

V. FIRE COMMISSIONER REPORT

A. Financial Report

Commissioner Smyre reported that the auditor was in last week and expects the 2013 audit to be in at the end of April. He said year to date through February they are 1% under budget. He said the adjusted pay schedule that council voted on last month was adjusted and implemented.

B. Update on Activities

Commissioner Smyre reported the following activities:

1. Fire engine #1 is back online temporarily, four of the six brackets that hold the body to the frame are cracked. He said that Chief Foster has been able to negotiate to get the truck fixed under warranty.
2. Four vacancies and two long term injuries. Captain Green, one of the long term injured, is due back at the doctor next week and he may be released to come back to work. Chief Foster said that Captain Green may be too weak to return and he might retire. He said with the four vacancies we have received 28 applications, which is a lot better than before we did the adjusted pay schedule.
3. Year-to-date Bunker Hill Village has had 33 calls with 16 being EMS calls and 17 being fire calls. He said average response time is 5.03 minutes for Bunker Hill Village. He also reported that 11% of all the responses have been less than 4 minutes and 100% have been under 8 minutes. The time is based on travel time, it does not include dispatch time.
4. City of Hedwig Village has been managing the fire departments payroll system since 2011 through their Incode. The City of Hedwig Village has given notice to terminate the agreement. He said they will be in search of a new payroll system.

Mayor Williams said last night at the City of Piney Point Village Council Meeting they unanimously approved the idea of a second fire station and endorsed starting that process. Mayor Williams said the City of Bunker Hill Village obviously endorses the idea because it would probably benefit our city the most. He said the estimated cost not including the land would be 1.7 million dollars.

- VI. DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, DECLARING THE UNOPPOSED CANDIDATES FOR COUNCILMEMBER'S, POSITIONS 1, 2, AND 3 ELECTED; PROVIDING THAT THE MAY 10, 2014 GENERAL MUNICIPAL OFFICERS ELECTION SHALL NOT BE HELD; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH.** *Kelly Johnson, City Secretary/Finance Director*

Kelly Johnson said this ordinance simply states we are canceling our election.

Motion was made by Councilman Janecek and seconded by Councilman Glover to approve the ordinance. Motion carried 3-0.

- VII. CONSIDERATION AND POSSIBLE ACTION OF AN ORDINANCE AUTHORIZING AND ORDERING THE ISSUANCE, SALE AND DELIVERY OF CITY OF BUNKER HILL VILLAGE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014; AND OTHER MATTERS RELATED THERETO.** *Kelly Johnson, City Secretary/Finance Director and Drew Masterson, Managing Director First Southwest*

Kelly Johnson said we have an opportunity to refinance our 2005 bond in the amount of \$2,140,000 for a potential savings of \$160,000. She said this would not change the duration of the bond, it would be a savings in the interest.

Kelly Johnson said the market changes constantly so the ordinance gives the City Administrator, Mayor or Mayor Pro Tem the authority to “pull the trigger” when the rates meet a certain criteria. That criteria is a savings of at least 5% and interest cost of no more than 3%.

Motion was made by Councilman Glover and seconded by Councilwoman Schwartz to approve the ordinance. Motion carried 3-0.

- VIII. CONSIDERATION AND POSSIBLE ACTION ON AWARDING A CONTRACT WITH YARDWORKS, INC. FOR LANDSCAPE SERVICES INCLUDING RIGHT-OF-WAY MAINTENANCE, ESPLANADES, AND CITY HALL/MEMORIAL VILLAGES POLICE DEPARTMENT FOR A BASE AMOUNT OF \$71,250.00 AND NOT TO EXCEED \$85,250.00 FOR ADDITIONAL WORK AS DEEMED NECESSARY AND REJECTING ALL PROPOSALS FOR AREA 6, TREE PRUNING.** *Steve Smith, Director of Public Works/Building Official*

Steve Smith said we did solicit proposals for landscape services. We received three proposals. He said the second phase of the process was to interview the companies, which we narrowed down to two companies. Based on the interviews and the proposals we are recommending Yardworks, Inc. He said Yardworks was not the low bid. He said they were the best overall in our selection process. He said during the interview process the low bidder raised some red flags in addition to they were not based in Houston. He said Yardworks is one of our current landscapers.

Steve Smith said the reason for asking to reject Area 6, tree pruning, was during the interview process we discovered the companies did not have a clear understanding of what the city was expecting.

Councilman Brown was absent but did send an email stating he wanted to add the following to the contract:

1. The indemnity language in Article 5 moved into a separate paragraph and embolden. Additional indemnity language should be added to address negligent claims against the city arising out of or related to work performed under the contract, including coverage for both third party claims and any claims against the city by employees, contractors or sub contractors of the Contractor.
2. Require proof of purchase of insurance, including CGL, automotive and workers compensation coverage.
3. A standard clause clearly stating that the contractor is an independent contractor.
4. There is no service warranty in the contract.

Loren Smith, City Attorney, said he had no problem with adding the language to the contract. Mayor Williams said when the motion is made we need to make sure we state to add the four points submitted by Councilman Brown.

Motion was made by Councilman Glover and seconded by Councilwoman Schwartz to approve the contract subject to adding the four items outlined by Councilman Brown, with Yardworks, Inc. for landscape services and rejecting all proposals for Area 6, tree pruning. Motion carried 3-0.

IX. DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE FUNDING AND RATIFY EXPENDITURES IN AN AMOUNT NOT TO EXCEED \$ 80,000 FOR REPAIRS TO WELL NO. 1 AT 11700 TAYLORCREST. THIS ITEM IS AUTHORIZED BY SECTION 252.002 OF THE TEXAS LOCAL GOVERNMENT CODE BECAUSE IT IS NECESSARY TO PRESERVE OR PROTECT THE PUBLIC HEALTH OR SAFETY OF THE RESIDENTS. Steve Smith, Director of Public Works/ Building Official

Steve Smith said we had a problem with well #1 at Taylorcrest. He said we had the well removed and inspected and pretty much all the bearings and shaft services were destroyed due to lack of lubrication. He said we discovered that the oil was going into the well but not getting to the right places. He said the cost to repair plus an oil injection monitoring system is \$80,000. He said there is no way to determine how far the oil goes. He said what we can do is add the monitoring system to our SCADA system.

Steve said the oil was going in the well down to the first two bearings but after that something happened and it was exiting the oil drip path. Steve said they do not know why. Councilman Janecek asked if there is a way to monitor the oil. Steve Smith said he asked all the experts and they all tell him there is no way to monitor it until it's too late. He said the pumps are too far down in the well to know until it's too late if there is a problem.

Motion was made by Councilwoman Schwartz and seconded by Councilman Glover to approve the expenditures in an amount not to exceed \$80,000 for repairs to well #1 at 11700 Taylorcrest. Motion carried 3-0.

X. 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 9-229; ESTABLISHING A "NO PARKING, STANDING OR STOPPING – TOW AWAY ZONE" FROM 7:30 A.M. TO 8:15 A.M., AND 2:45 P.M. TO 3:15 P.M., MONDAY

THROUGH FRIDAY, ON DAYS THAT SCHOOL IS BEING HELD DURING THE SBISD SCHOOL YEAR ON TARA DRIVE AND RHETT DRIVE WITHIN THE CITY LIMITS OF THE CITY OF BUNKER HILL VILLAGE; 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. *Steve Smith, Director of Public Works/ Building Official*

Steve Smith said this is the second step in trying to resolve parking issues with the re-opening of Frostwood Elementary. He said with the new traffic design at Frostwood Elementary they are seeing a higher number of parents dropping their children off on side streets. He said SBISD has widened the entry off of Plantation in preparation of the City of Bunker Hill Village passing this ordinance.

Motion was made by Councilman Janecek and seconded by Councilman Glover to approve the ordinance as presented. Motion carried 3-0.

XI. CONSIDERATION AND POSSIBLE ACTION ON BEAUTIFICATION COMMITTEE'S RECOMMENDATION REGARDING THE INSTALLATION OF ENTRY SIGNS IN THE CITY. *Karen Glynn, City Administrator*

Karen Glynn said they have met with the insurance company, GEICO, and they have agreed to pay the city \$7,000 to replace the brick monument entry sign that was destroyed at Taylorcrest and Bunker Hill. She said after the sign is replaced then GEICO will come back and repair/replace the lighting.

Karen Glynn said they have been talking with the Beautification Committee and they were recommending because of all the accidents at Taylorcrest and Bunker Hill, to replace that sign with a cheaper metal sign and put the brick monument entry sign on the Gessner esplanade facing north bound. This would be keeping with the existing sign that is there facing south bound. Mayor Williams said he was in favor of putting the metal sign up at Taylorcrest and Bunker Hill. He said it does not make any sense putting a brick sign back only to have it run over again, and next time the person may not have insurance. Karen Glynn said it's the second time this year we have had an accident at that location.

Councilman Glover wanted the brick monument entry sign put back like it was at Taylorcrest and Bunker Hill. Mayor Williams said we have been lucky that the last two accidents at this location had insurance, next time they may not and the city would have to pay to replace the sign. Again Councilman Glover still wanted the brick monument entry sign put back at Taylorcrest and Bunker Hill.

Motion was made by Councilman Glover and seconded by Councilman Janecek to table the item and bring back to council in April. Motion carried 4-0.

XII. DISCUSSION AND POSSIBLE ACTION CONCERNING NOTICE OF APPLICATION FROM TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR MUNICIPAL SETTING DESIGNATIONS. *Steve Smith, Director of Public Works/ Building Official*

- A. Weingarten Realty Investors, LLC, 5858 South Gessner Road, Houston, TX; MSD No. 231; VCP No. 1673/TCEQ SWR No. 90719
- B. Davis Holdings, LP, 10516 Old Katy Road, Houston, TX; MSD No. 247; VCP No. 563/TCEQ SWR No. 30315

Loren Smith, City Attorney, said because we sell potable water the property owners are required by TCEQ to notify us. If the city feels there is no risk to the city, the city would take no action.

No action taken on this item.

XIII. 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 February 2014 Regular Council Meeting
- B. February 2014 Financials
- C. Klotz Associates, Invoice No. 214114 in the amount of \$45,523.50 for professional services from December 16, 2013 to January 15, 2014 in connection with East Side Drainage Project
- D. Klotz Associates, Invoice No. 114052 in the amount of \$32,307.00 for professional services from January 16, 2014 to February 15, 2014 in connection with East Side Drainage Project
- E. AAA Asphalt Paving, Inc., Invoice No. 20 in the amount of \$4,318.75 for Change Orders 1-5 and 8-10 miscellaneous repairs including inlet adjustments
- F. Request from Verizon Wireless to exercise the second of four allowable 10-year extensions for a Cell Tower Lease at City Hall
- G. Annual agreement between the City and Harris County Public Library 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
- H. Monthly IT Service Contract with Net Sales Direct for the period January 1, 2014 through December 31, 2014.

Motion was made by Councilman Glover and seconded by Councilwoman Schwartz to approve the consent agenda. Motion carried 4-0.

XIV. REPORT ON 2013 FISCAL YEAR UNAUDITED FINANCIALS. *Kelly Johnson, City Secretary/Finance Director*

Kelly Johnson referred to the information in the council packets. She said available cash in all five funds totaled \$4.8 million and in the replacement reserves \$4.1 million for a total cash balance of \$8.9 million. Kelly Johnson then went into a brief detail by fund.

Kelly Johnson did remind council of the Cash Balance Policy of a six month balance for General Fund and three month balance for Utility Fund.

XV. MAYOR'S REPORT

- A. Appointment of Member to the Zoning Board of Adjustment

Mayor Williams said the last member needed to be added to ZBOA as an alternate, Monica Muschalik. He asked council for a motion to approve.

Motion was made by Councilman Janecek and seconded by Councilman Glover to approve Monica Muschalik as an alternate to the Zoning Board of Adjustment. Motion carried 4-0.

B. Discussion and Possible Action on Regular Council Meetings for the months of May through August

The mayor said he wanted everyone to check their schedules and see if they are going to be out of town during the next few months. He said typically we cancel one council meeting during the summer. Mayor said Councilman Brown will miss the meeting in May.

Kelly Johnson, City Secretary/Dir of Finance, reminded council that August and September are months we typically are on a tight schedule with adopting the tax rate and budget.

Councilwoman Rosenbaum said she will not be at the September meeting. Councilman Glover said he will miss June and Councilwoman Schwartz said she will miss the July's meetings. Mayor Williams asked council to look at their calendars over the next 24 hours and let Karen Glynn, City Administrator, know if there is a month other than what has been noted, that they are going to miss.

No action taken

C. Update on Neighborhood Meeting Activities; Meeting with Kyle Sears, Subsidence District Representative; and Meeting with State Representative Jim Murphy.

The mayor said he has met with Kyle Sears, our Harris Galveston Subsidence District (HGSD) Representative and expressed our concerns with HGSD forcing us to buy 80% of our water from City of Houston. Mayor Williams said he thinks that is unreasonable and that HGSD needs to open its line of communication to see if there is something we can do.

The mayor said he met with State Representative Jim Murphy on the same subject. He was very sympathetic and wants to help. Representative Jim Murphy was told there is a new chairman of the HGSD and the new chairman is very receptive to listening to our concerns.

The mayor said our aquifer that we draw water from has risen 200 feet since we have been forced to conserve. He said obviously water conservation is working but we are hoping we can back off of it a little.

Mayor Williams said he also talked about sex offenders. He said State Representative Jim Murphy was very supportive with making more laws for small cities. The mayor said Representative Murphy advised we go through TML in trying to pass laws relating to this subject.

XVI. CITY ADMINISTRATOR'S REPORT

A. Notice Of City Of Houston 1.2% Annual Rate Adjustment For Contract Treated Water To Be Effective April 1, 2014

Karen Glynn said we received our annual rate adjustment from the City of Houston for surface water. The rate is increasing 1.2% effective April 1, 2014. She said we budgeted 3%.

B. Update on East Side Drainage Project

Karen Glynn said we are meeting next week to finalize construction plans for the East Side Drainage Project. Karen Glynn said letters were sent last week to residents that will be effected by the Pod Detention Project. She said the letters were to let residents know before they start landscaping projects in the city right-of-way that could potentially be destroyed during the project.

Karen Glynn said we hope to go to bid in April and award the construction contract in May. She said the city will be holding resident meetings in April to let the residents affected by the construction know what is going on.

Karen Glynn also added that we will be adding some utility work, replacing water and sewer lines, while the contractor is onsite and the area is torn up.

C. Update on Harris County Mayors' & Councils' Association Meeting

Karen Glynn, Councilwoman Rosenbaum, and Councilwoman Schwartz attended the association meeting last week and Metro was the speaker. She said Metro talked a lot about the partnership among the cities.

D. Zoning Board of Adjustment - Upcoming Meeting, Notice to adjacent property owners
Next meeting is scheduled for Monday, March 31, 2014 at 7:00 p.m.

E. Planning and Zoning Commission - Upcoming Meeting

Karen Glynn said we have our next meeting on April 1, 2014 at 7:30 a.m. and they are continuing their work and hopefully can bring everything back to city council in April.

F. Meetings and Calendar for Municipal Court

Karen Glynn said the three cities, Bunker Hill, Piney Point Village, and Hunters Creek Village, all met with all the judges, clerks, and City Administrators. She said the meeting was good and were going to try and meet quarterly.

Karen Glynn also reported that we are going down to one court night a month as part of managing the dockets.

G. Eagle Scout Project at City Hall

Karen Glynn said an eagle scout that attends Memorial High School is going to do a project in the City of Bunker Hill Village. He is going to pour a concrete base close to the flag poles out front and set a canon he purchased on it. He also is going to be doing landscape work and installing handicap parking signs in our parking lot. This is scheduled for April 5th and April 12th. As soon as that project is complete we will do our annual planting at city hall.

H. Run for the Arts Event

Karen Glynn said she has been talking with Spring Branch Education Foundation about their annual run on May 3, 2014. She said we have been able to re-route the run off of Rhett and Tara through Frostwood Elementary parking lot. She said she was very pleased with the new route.

XVII. PRESENTATION: STATE OF THE CITY - *Mayor Jay Williams*

MEMBERS OF THE PLANNING & ZONING COMMISSION and ZONING BOARD OF ADJUSTMENT MAY BE IN ATTENDANCE AT THIS MEETING.

Presentation started at 7:00 p.m.

XVIII. ADJOURN

Motion was made by Councilwoman Rosenbaum and seconded by Councilman Janecek to adjourn the meeting at 7:54 p.m. Motion carried 4-0.

Approved and accepted on April 15, 2014.



JAY WILLIAMS, Mayor

ATTEST:



Kelly Johnson, City Secretary