

From: Jon Hundley [REDACTED] 
Subject: Drainage Concerns Related to 401 Vale and Bettis/305 Vale
Date: May 25, 2025 at 1:14 PM
To: Wendi Hundley [REDACTED]



Dear Mr. Thomas,

Thank you for your help with this issue and for including my public comment in the City Council agenda packet. I am sorry to hear that 305 Vale is experiencing drainage issues, and I hope a thoughtful and equitable solution can be found to protect all affected properties.

After watching the City Council meeting, I had a few follow-up questions that I hope you can help me with:

1. There was a drainage test conducted near my property, where limestone rocks were placed to redirect water flow toward [REDACTED]. Could you please confirm who authorized or directed this test, and what its purpose and findings were? Were any City officers or elected officials—including Council Member Sara Hutson—involved in initiating, approving, or supervising this test? Around the time of the test, we observed Council Member Hutson meeting with the property owners at 305 Vale. In hindsight, it appears this meeting may have been related to the drainage concerns later discussed at the Council meeting. However, we were not contacted or informed about the issue, even though our home at 401 Vale is directly adjacent and may be equally or more affected by any redirection of water. If this was a coordinated City effort, I would appreciate clarification on why nearby property owners like us were not included. While the meeting may not have been formal, the fact that one property owner received direct engagement while others—whose homes are also vulnerable—were excluded raises concerns about transparency and fairness. All potentially affected residents should be equally informed and included in any process that could impact their property.
2. Council Member Hutson mentioned that the property owners at 305 Vale have recently made some landscape changes, including grading and the addition of large berms along the front of the property, with an opening for a sidewalk that leads to their front door. I'd appreciate if the engineers could take a look at whether this newer landscaping might be unintentionally concentrating water in one area of the yard and directing it toward their entry. There may be opportunities to adjust the layout to help distribute the water more evenly and improve the situation for them—without creating new issues downstream. We're not entirely sure how or where the water is pooling or jumping the curb into their yard, as was discussed at the meeting, but we do wonder whether private property improvements may have unintentionally contributed to the current challenge.
3. During the meeting, it was implied that the intent is to direct water straight down Bettis into Eanes Creek, avoiding the turn onto Vale. Is that an accurate understanding of the Council's directive? It was also suggested that this might involve installing a valley gutter, speed bump, or other surface-level diversionary structure. If that is the direction being pursued, I would like to understand whether the proposed infrastructure will be engineered to manage the full volume and velocity of stormwater during significant rain events—such as a 25- or 100-year flood—or whether it would merely deflect water toward a new location without effectively containing or conveying it. Redirection without adequate capacity or planning could significantly increase the risk of flooding at downstream properties, including ours at 401 Vale. Will this risk be modeled and fully accounted for as part of the engineering analysis?
4. Given the natural slope of the area, even small amounts of overflow can cross the street and flow downhill toward 401 Vale. This is not a theoretical concern—we have both video and photo evidence of water backing up near our property after the April 22 drainage test. During that test, we observed that the diversion altered the typical path of water. Instead of turning onto Vale as it normally does, the water continued down Bettis but crossed to the other side of the road at the intersection as sheet flow, flowing downhill and joining the existing runoff in the curb and gutter along the south side of the street—directly along the side of our home—rather than remaining on the north side, where it has historically flowed. This caused a noticeable buildup of water at the Bettis/Vale intersection and along our curb. Our property already receives stormwater from the curb and gutter system that carries water north along the east side of Vale. The diverted water from Bettis compounded this existing flow, creating a much larger volume and velocity of runoff concentrated along the south side. The attached photo, taken the following day, shows the debris line marking the highest water level we have ever seen at that location. The water came dangerously close to overtopping the original raised section of our driveway apron, which was constructed in the 1950s and intentionally preserved during our construction because our property has never previously experienced water crossing over it. Had the rain lasted even slightly longer or been more intense, it likely would have resulted in water entering our basement, pool equipment area, and backyard. This experience underscores the very real and immediate risk that a redirection of flow—without properly engineered conveyance—could create for our property. I would like confirmation that the engineering review will include a comprehensive hydrologic and hydraulic (H&H) analysis and that the City will take all necessary steps to ensure flood risk is not shifted to our home.
5. Council Member Hutson mentioned diversionary structures and road crowns. However, from what we can see, Bettis lacks a sufficient crown to reliably keep water within the gutter during heavy rainfall. If water is redirected down Bettis and overflows to the south side, it could directly impact our basement, pool equipment, and yard. Will this risk be fully evaluated as part of the proposed engineering solution?
6. Redirecting water using a valley gutter or other surface-level structure as part of a repaving project does not appear to meet the engineering standards typically required for altering stormwater flow. Without a formal H&H analysis, changes like this can inadvertently increase flood risk for downstream properties. In our case, runoff redirected to the south side could overwhelm our lot, which sits below street level. Any permanent drainage changes should follow generally accepted engineering practices and be based on a hydrologic and hydraulic (H&H) study. Proceeding without that level of review would not meet the professional standard of care expected in municipal stormwater design and could expose the City to liability if those changes cause damage to private property.
7. We have a complete drainage assessment of our property, which shows that all water flows toward the southeast corner of our lot—adjoining 403 Vale. Our garage, basement, pool equipment, and backyard are directly in the path of this natural drainage. I would like to formally submit this drainage map, elevation information, and other relevant documentation to the engineers. Could you please let me know the best way to do that?
8. Will the engineers be reviewing topographic maps and conducting elevation surveys of Bettis, Vale, and surrounding properties to model water movement accurately? These tools are essential for identifying risk and designing appropriate infrastructure.
9. I would also like confirmation that the engineers engaged by the City will be permitted to make fully independent, expert determinations regarding any drainage changes—free from direction or influence by individual Council Members. I am especially concerned about the potential conflict posed by Council Member Sara Hutson, who is both a licensed drainage engineer and an elected official. Unless she is formally acting as the engineer of record for this project (with legal responsibility and regulatory oversight), she should not be informally guiding drainage design. These decisions must be made by professionals retained by the City and documented through a transparent, unbiased process. I also ask that the engineers receive my public comment and all supporting materials.
10. During the meeting, Council Member Hutson referred to a 2006 memo regarding 305 Vale. Could you please share a copy of that memo so I can better understand the context and whether it informs the current project?

11. The drainage flow patterns in this area have remained largely unchanged for over 20 years. Our property at 401 Vale has never flooded in nearly 70 years, despite sitting at a lower elevation than 305 Vale. It's possible that the existing drainage arrangement—though imperfect—has remained in place because it effectively balances water flow between multiple properties and prevents a cascading or domino effect that could cause water to back up on all the homes south of 401 Vale. Any proposed change should be reviewed carefully to avoid disrupting this balance and shifting unintended risk to downstream or upstream homeowners.

12. Now that these concerns have been raised, I respectfully ask that the City commit to notifying affected property owners before any drainage modifications are approved or implemented. How will notice be provided, and can you confirm that I will be included on any relevant communication list?

13. Under Texas Water Code § 11.086(a), no person—including a municipality—may divert or impound the natural flow of surface water in a manner that causes overflow and damages another property. If drainage changes lead to flooding at 401 Vale, the City could be in violation of this statute and subject to liability.

14. Article I, Section 17 of the Texas Constitution prohibits the taking, damaging, or destruction of private property for public use without compensation. If changes to City infrastructure redirect stormwater toward our property and result in flooding, this could constitute a taking. We do not consent to our land being used to receive public water flow and reserve all rights under the law.

15. If the City makes a change that shifts the flooding problem to our property, it would constitute negligence and the City would be responsible for any resulting damage to our home and land. As has been the case in prior instances, when the City acts negligently, TML insurance does not provide coverage. As a resident, I do not want to be placed in the position of having no other option but to pursue legal action against the City to protect our property if preventable flooding is redirected to 401 Vale.

I am raising these concerns in good faith and before any construction begins so that the City has a full and fair opportunity to evaluate the risks and consider alternative solutions. If drainage changes are implemented in a way that causes flooding or damage to our home, we will be able to show that this outcome was both foreseeable and avoidable. My goal in writing this letter is to help prevent that scenario and to ensure that any solution protects not just one property, but the entire affected area.

Thank you for your attention to this important matter.

J.E. Hundley [REDACTED]





