

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF BUNKER HILL VILLAGE, TEXAS  
MAY 19, 2015 AT 5:00 P.M.

**I. CALL TO ORDER**

Mayor Pro-Tem Brown called the meeting to order at 5:01 p.m. in the Council Chambers of City Hall, 11977 Memorial Drive, Houston, Texas

Present:

Mayor Pro-Tem Keith Brown  
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 Works/Bldg Official  
Loren Smith, City Attorney

Absent: Mayor Jay Williams

**II. PLEDGE OF ALLEGIANCE**

Mayor Pro-Tem Brown suspended with the pledge.

**III. STATEMENT OF OFFICER - Councilmember Position 4 - Jay Janecek and Councilmember Position 5 – Laurie Rosenbaum**

Jay Janecek and Laurie Rosenbaum signed their Statement of Officer Form.

**IV. OATH OF OFFICE - Councilmember Position 4 - Jay Janecek and Councilmember Position 5 - Laurie Rosenbaum**

Mr. Loren Smith administered the Oath of Office to Jay Janecek and Laurie Rosenbaum.

The Mayor was not present at the Meeting; the Mayor will take his oath at the June Meeting.

**V. 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.

Mrs. Ann Tidwell of 142 Plantation Road, spoke regarding Tealwood and Whispering Oaks Homeowner's Association (HOA) event/notification signs. She said the signs are for children's events. She understands the city's concern about putting the signs in the city's right-of-way. However, she said according to our sign ordinance the signs could be placed in homeowners' yards, which their lots all have approximately a ten foot easement. She said the reason for the

signs are not to solicit, it's for information. Ann Tidwell asked council if there was some way they could move the signs to the edge of homeowner's yards, placing them in the city's right-of-way.

## **VI. POLICE COMMISSIONER REPORT**

### **A. Update on Activities**

Commissioner Smyre reported that the police department was at full staff with sworn officers. They did have two openings, one dispatcher and one administrative assistant.

Commissioner Smyre reported in April there were a total of 3,979 events/responses and Bunker Hill Village had 1,294. Average response time for the villages was 3:07 minute and average response time for Bunker Hill Village was 1:11 minutes.

Year-to-date the budget through April is 4.4% below budget or \$168,292. Commissioner Smyre reported they will be replacing the phone system, it's the original phone system when the building was built.

Councilman Glover asked what the police department was doing about cyber crime. Assistant Chief Schulz said they have an officer that is training on data recovery and when she is certified, they will have access to the regional FBI forensic lab.

Assistant Chief Schulz said they have joined the Memorial Area Task Force. The task force area includes Clay Road to Beltway 8 to the west, 610 to the east, and to the southern edge of the Memorial Villages. He said the task force works together on sharing information 24 hours a day that is beneficial to the area, not just to a specific law enforcement agency.

Assistant Chief Schulz also reported that one of their reserve officers noticed suspicious activity in her neighborhood and notified local law enforcement. As a result the sheriff department responded and found that there had been a home invasion and they were able to apprehend the suspects and make an arrest.

### **B. 2014 Audit and Surplus Discussion**

Commissioner Smyre said they finished up the 2014 Audit and there were five comments/suggestions the auditors made.

1. An accounting change to the Unfunded Liability: Changing from "Unfunded Liability" to be referred as "Net Pension Liability". The change will start in 2016 and all the cities will have to show the Net Pension Liability on their balance sheet. Commissioner Smyre said currently it's noted in each cities annual audit but not actually recorded on the cities balance sheet. He said this doesn't hurt the cities, it's a part of government being transparent.
2. Change to retiree's health benefits: Currently in the police department when a retiree reaches eligibility they will receive 100% paid retiree health care coverage and 50% paid dependent health care coverage until they reach 65 years of age. The commission has agreed to stop offering that benefit and the current retiree's that are receiving the benefit will be phased out.

3. Change in health care administrators: Currently the police department administers all the health benefits for the Memorial Villages Police Department, City of Bunker Hill Village, and the City of Piney Point Village. The auditors recommend that one of the two cities take over the administration of benefits.
4. Human Resources: Recommended outsourcing to a third party to handle/maintain human resources.
5. 2014 Surplus: Commissioner Smyre said the surplus from the 2014 Audit is \$52,362. He said the commission just received the information and has not had time to make a formal recommendation.

C. Budget Planning for the 2016 Memorial Villages Police Department

Commissioner Smyre said they are 95% complete with the 2016 Budget and will have it to council for approval at June's regular council meeting. He said they are proposing an increase of 2% in maintenance and operations and 1% increase in capital. He said they are working very hard to get the total increase down to 2%.

**VII. FIRE COMMISSIONER REPORT**

A. Update of Activities

Commissioner Teel reported through the first quarter of 2015 they were 1.25% under budget. Total calls through February for all the villages combined were 255. Bunker Hill Village had 76 of those calls with 39 being EMS and 37 fire. The average response time is 4:00 minutes with Bunker Hill Village being 4:40 minutes.

Commissioner Teel reported they had lost a fire fighter to the City of Baytown for better pay. He also reported they officially retained the services of Reynolds Watford in the amount of \$13,300 for a facility assessment for code compliance, structural integrity, and facility adequacy for current staffing requirements.

B. Budget Planning for the 2016 Village Fire Department

Commissioner Teel said the Compensation Committee had met and is recommending a 2% pay increase and a 2% increase in deferred compensation in the 2016 Budget. He said it is looking like an increase of 4% - 4-1/2% increase in the 2016 Budget. He said the commission should vote on the budget on the 27<sup>th</sup> of this month and he would be able to bring the approved 2016 Budget to council for approval in June.

**VIII. UPDATE ON THE EAST SIDE DRAINAGE PROJECT AND ADDITIONAL WORK -  
*Steve Smith, Director of Public Works/Building Official and Karen Glynn, City Administrator***

A. Update on Initial Drainage Project and Costs to Date

Kelly Johnson, the City Secr./Dir. of Finance, did a cost summary review of the 2011 Bond Funds.

Karen Glynn reported that Eastside has been a good project with very few change orders. She said the expenditures have stayed within the budgeted amount and we may even see a savings when everything is completed.

Karen Glynn said she met with AAA Asphalt and went over the cost on the project and what was remaining to be billed. From what AAA Asphalt is telling her, there will still be a contingency in the Bond Funds and approximately \$60,000 left in the Utility Fund Contingency.

- B. Change Order No. 4 which includes Costs and Schedule for Bunker Hill and Memorial Intersection Safety Improvements, Bunker Hill Point Repairs, Powderhorn and Bunker Hill Overlay

As discussed with the City Council at the April meeting, the Eastside Drainage Project is now substantially complete. The only part of the original project that remains is the asphalt paving of Powderhorn. This is being delayed as a result of two proposed items:

1. The Change Order approved at the April meeting which included paving the entire length of Powderhorn, point repairs and repaving Bunker Hill Road, and Bunker Hill Road and the Memorial Intersection safety improvements.
2. The recommendation (see below) to rehabilitate the existing wastewater line on Powderhorn.

Funding for Bunker Hill Road (including the intersection improvements) is available at \$300,000 in the 2015 CIP utilizing Metro Funds. The Powderhorn overlay will be funded out of the Eastside Contingency Budget.

The weather conditions and additional survey has delayed getting this final information.

- C. Discussion and Possible Action on Wastewater Rehabilitation on Powderhorn in an amount not to exceed \$ 51,500.

Karen Glynn said a small section of wastewater line on Powderhorn was included to be replaced with the POD project. Based on the actual field conditions, relocation and replacement of this section was not needed. However, now that the entire street is being re-paved, it is recommended that we replace the entire old concrete wastewater line. This can be completed prior to repaving. The cost to replace this line is approximately \$49,000 as quoted by Nerie Construction. We recommend including a 5% contingency in the total cost of the project making the not to exceed amount \$51,500. There is funding available in the Eastside Contingency Fund for utilities and the City's Utility Infrastructure Management Fund.

Motion was made by Councilman Glover and seconded by Councilwoman Rosenbaum to approve the item as presented. Motion carried 5-0.

- D. Discussion and Possible Action on supplemental construction management services with Lloyd, Smitha and Associates, LLC in an amount not to exceed \$6,500.00.

Karen Glynn said Carl Smitha has done an excellent job in providing construction management services for the Eastside Project. His initial management contract has been completed with substantial completion of the Eastside Project. She said we are requesting a supplemental contract with Carl Smitha to complete the work in Change Order No. 4. He has provided a proposal for an amount not to exceed \$6,500.00.

Motion was made by Councilman Janecek and seconded by Councilman Glover to approve the item as presented. Motion carried 5-0.

E. Discussion on other Potential Change Orders

There has been previous discussion on the opportunity for some additional change orders to the Eastside Project, in particular some drainage work on Rhett and Tara and on Chapel Belle. We continue to work through design issues on these projects and plan to present these projects at the June Meeting.

**IX. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, DESIGNATING A PORTION OF TAYLORCREST AND THE GREENBAY/COACHMAN TRAIL AS PART OF THE CITY'S DEDICATION AREA FOR THE DONATION OF TREES AND BENCHES AND NAMING THIS AREA AS "ARBOR TRIBUTE WALK" - Steve Smith, Director of Public Works/Building Official**

Karen Glynn said in February 2015 the Beautification Committee presented their recommendations for projects for the 2015 fiscal year. One of the recommendations included adding several locations in the City for the City's Arbor Tribute Walk. The proposed areas included:

- Taylorcrest at Strey Lane near Bunker Hill Elementary School  
*The area adjacent to the two lots fronting Huntington Park Court*
- Greenbay/Coachman Trail

Karen Glynn said at this meeting the City Council agreed this would be a good opportunity; however, they asked that we contact the adjacent residents to ensure this addition would be compatible to the residential area.

Staff has contacted the residents and all are in agreement to the proposed locations and understand the program.

Motion was made by Councilwoman Rosenbaum and seconded by Councilwoman Schwartz to approve as presented. Motion carried 5-0.

**X. DISCUSSION AND POSSIBLE ACTION REGARDING A RESOLUTION OF THE CITY OF BUNKER HILL VILLAGE, TEXAS DESIGNATING CERTAIN TRACTS OF LAND OUT OF TEALWOOD SECTION TWO CONTAINING 3,684 SQUARE FEET OF LAND (TRACT 1A), 8,644 SQUARE FEET OF LAND (TRACT 1), 8,658 SQUARE FEET OF LAND (TRACT 2), 20,154 SQUARE FEET OF LAND (TRACT 3), 7,288 SQUARE FEET OF LAND (TRACT 4), AND 1,366 SQUARE FEET OF LAND (TRACT 5) AS A PARK OF THE CITY OF BUNKER HILLVILLAGE, TEXAS AND CONFIRMING THE SOUTHERN PARKLAND TO BE NAMED AS THE "BILL MARSHALL PARK" - Karen Glynn, City Administrator**

At the March City Council Meeting, the Council adopted a resolution dedicating certain areas within the median of Gessner Road south of Memorial Drive as parkland and naming this the Bill Marshall Park. This action was in accordance with action taken in 2008 in working together with the Tealwood Homeowners Association to make intersection improvements and reconstruct the "Tealwood" Neighborhood Sign. The City Council voted to move forward with the

dedication of this area as parkland and installed additional landscaping and a trail in the esplanade to complement the neighborhood sign and preserve the green space area for the future. At the March meeting, City Council asked the staff to look into the opportunity to establish the park area to include the entire length from the north city limit line to the south city limit line since we have installed landscaping and entry signs in these areas and have plans to continue to enhance this area with trees and plantings. A proposal by Prejean & Company (who performed this work in 2008) was approved at the April meeting.

Prejean & Company has completed the metes and bounds for the entire area. Modifications were made to several of the medians since the original survey. As a result, staff is recommending that the areas be readopted as outlined on the attached resolution and rescind the previous resolution. In addition, staff recommends the naming of the Bill Marshall Park to be included for the area south of Gessner Road.

Motion was made by Councilman Glover and seconded by Councilman Janecek to approve as presented. Motion carried 5-0.

**XI. CONSIDERATION AND POSSIBLE ACTION REGARDING A REQUEST FROM AMERICAN TOWER CORPORATION TO CONSENT FOR THE SUBLEASE OF GROUND LEASE 27620 AND SUBSEQUENT LEASEBACK OF A PORTION OF SITE 108860, LOCATED AT 11977 MEMORIAL DRIVE, HOUSTON TEXAS - Karen Glynn, City Administrator and Loren Smith, City Attorney**

This item was tabled at the City Council Meeting on April 21, 2015 pending additional information requested from American Tower. American Tower provided their Annual Report for the fiscal year ended December 31, 2014 pursuant to the Securities Exchange Act of 1934. Karen Glynn said this was provided electronically to the Council because of the size of the document. Karen Glynn said based on this information, we are recommending the city's consent with the opportunity to renegotiate the lease agreement within the next two years.

***The following background information was provided at last month's meeting:***

The city has had a license agreement with Verizon Communications since 1994 for the cell tower on the city's property at City Hall. This was a 10 year agreement with the opportunity for 4 additional 10 year renewals. It was renewed for the second time in 2014.

American Tower and Verizon have recently entered into an agreement regarding a portion of Verizon's tower portfolio which includes the city's ground license on the site. American Tower is asking for the city's consent to their agreement. Per contract, the city should consent to the agreement; however, in working with the City Attorney we are requesting that our consent be contingent upon renegotiation of our current agreement within the next 24 months. The cell tower industry has significantly changed over the past 20 years since the original agreement was approved and we believe some renegotiation are reasonable and should be acknowledged.

The City Attorney has drafted language which has been added to American Tower's signature page.

Motion was made by Councilwoman Rosenbaum and seconded by Councilwoman Schwartz to approve as presented. Motion carried 5-0.

**XII. 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 April 21, 2015 Regular Council Meeting
- B. April 2015 Financials
- C. Lloyd, Smitha, & Associates, LLC, Invoice No. CMBH14-08 for professional services rendered from April 1, 2015 to April 30, 2015 in the amount of \$3,737.50 for professional services related to East Side Drainage Project.
- D. AAA Asphalt Paving, Inc. Application No. 8 in the amount of \$298,982.61 for construction services rendered for April 2015 in connection with East Side Drainage Project.

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

**XIII. CITY ADMINISTRATOR'S REPORT**

- A. Information from Harris County Appraisal District

Karen Glynn referred to a handout from Harris County Appraisal District showing 2015 taxable values are up 13% over prior year.

- B. Update on the Village Independence Festival

Karen Glynn said they had a meeting last Friday and the committee selected a t-shirt design for the 2015 Festival. Karen Glynn said staff is working on the design of the Bunker Hill Village float. She said we have challenged the other villages to have a float. She also said they have reached out to businesses and encouraged them to have a float in the parade.

- C. Report on Proposed Closure of Roadways North of Bunker Hill Elementary School

Karen Glynn said she talked with Dr. Hernandez, the Principal of Bunker Hill Elementary, and they are in favor of the street closures. The proposal would close Strey and another street that goes through the apartment complex. She said the proposal redirects all school traffic from Kimberly to Barryknoll. From discussions between the school administration and residents along Kimberly, it is our understanding that the residents prefer to deal with school traffic versus additional traffic from the existing and proposed commercial area.

Karen Glynn said that Bunker Hill Village would support the school and to let the City know if there is anything we need to do.

- D. Update on Legislative Agenda Item for Sexual Predators in General Law Cities

Karen Glynn said the bill came out of committee with some modifications. She said there was concern about the churches and driving to and from work. The modifications would

eliminate the churches from the bill and it would work harder on the loitering side of things. It's not about driving by a school it's more about loitering at a school.

Karen Glynn would let council know when the bill proceeds.

E. Upcoming Planning and Zoning Commission Meeting

Karen Glynn said we have had a submittal from Memorial Drive Lutheran Church for some modifications to an existing sign. They are wanting to update the sign to an electronic sign, like Frostwood Elementary. She said there is a meeting scheduled with Planning and Zoning on June 22, 2015. She said it would probably come to council for approval in August since we are not having a July meeting.

**XIV. ADJOURN**

Motion was made by Councilman Janecek and seconded by Councilman Glover to adjourn the meeting at 6:20 p.m. Motion carried 5-0.

Approved and accepted on June 16, 2015.



Keith Brown, Mayor Pro-Tem

ATTEST:



Kelly Johnson, City Secretary/Dir. of Finance