

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF BUNKER HILL VILLAGE, TEXAS
August 18, 2020 at 5:30 P.M.**

I. CALL TO ORDER

Mayor Robert Lord called the meeting to order at 5:31 p.m. in the Council Chambers of City Hall, 11977 Memorial Drive, Houston, Texas.

Those Present:

Mayor Robert Lord at City Council Chambers
Councilmember Eric Thode at City Council Chambers
Councilmember Susan Schwartz at City Council Chambers
Councilmember Jay Smyre via Zoom
Councilmember Keith Brown via Zoom
Councilmember Laurie Rosenbaum via Zoom

Also in Attendance:

Karen Glynn, City Administrator at City Council Chambers
Steve Smith, Dir. of Public Works/Bldg. Official at City Council Chambers
Loren Smith, City Attorney at City Council Chambers
Jennifer Namie, Assistant to the City Secretary via Zoom
Ray Schultz, MVPD, Chief of Police at City Council Chambers
Claire Bogard, Interim Finance Director at City Council Chambers

II. PLEDGE OF ALLEGIANCE

Chief Schultz led the Pledge of Allegiance.

III. PROCLAMATION FOR LULA BELLE "COOKY" MAYS

Mayor Robert Lord recognized the death of former Councilmember Lula Belle "Cooky" Mays. He read the Recognition Proclamation that will be shared with Councilmember Mays' family. Councilmember Rosenbaum noted that a tree will be planted in Councilmember Mays' honor by the City and the Beautification Committee.

IV. CITIZEN COMMENTS

Attorney Scott Porsche addressed Council regarding allegations of misconduct by Commander Jones of the Memorial Villages Police Department.

V. PRESENTATION AND PUBLIC HEARING

A REQUEST FOR A SPECIFIC USE PERMIT FOR PARATUS MEMORIAL, 11750 MEMORIAL DRIVE FOR RELIGIOUS AND EDUCATIONAL PURPOSES

- Karen Glynn, City Administrator and Representative from Paratus Memorial

Karen Glynn, City Administrator introduced the project and Mr. Beau Dollins, the applicant for Paratus Memorial (via Zoom). Mr. Dollins presented his application to the Council for a Specific Use Permit (SUP) to develop a school and to continue the existing uses for religious and pre-school activities at the site. This proposed change triggers the Specific Use Permit

(SUP) Process which requires a recommendation by the Planning and Zoning Commission and approval by City Council.

Notifications for the public hearing were provided in the City's newspaper of record and those properties in the City within 200 feet of the site were notified by letter, hand delivered.

Open Public Hearing

ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO APPEAR AND BE HEARD ON THE ITEM LISTED BELOW:

A PUBLIC HEARING REGARDING A REQUEST FOR A SPECIFIC USE PERMIT FOR PARATUS MEMORIAL, 11750 MEMORIAL DRIVE FOR RELIGIOUS AND EDUCATIONAL PURPOSES

Close Public Hearing

Mayor Lord opened the public hearing at 5:56 p.m.

Mariam Jacob spoke and also posted the following via "Chat":

- What is the relationship between Paratus and the Church?
- Is there a long term or short term lease?
- What are the proposed grade levels for the school?
- Is the school religious or secular?

Mr. Dollins responded that Paratus Memorial is purchasing the property. He outlined the grade levels offered by Paratus. The school is private.

Mayor Lord closed the public hearing at 6.01 p.m.

CONSIDERATION AND POSSIBLE ACTION REGARDING A WRITTEN RECOMMENDATION TO THE CITY COUNCIL CONCERNING A SPECIFIC USE PERMIT FOR PARATUS MEMORIAL, 11750 MEMORIAL DRIVE FOR RELIGIOUS AND EDUCATIONAL PURPOSES AS PROVIDED BY THE PLANNING AND ZONING COMMISSION - *Karen Glynn, City Administrator*

Karen Glynn outlined the proposed ordinance and exhibits and the process.

The Memorial Drive Christian Church is located at 11750 Memorial Drive and has operated at this location for over 40 years. The Church also operates a pre-school at the location. There is no Specific Use Permit for the site. Records show that the Church proposed various needs such as lot coverage and signage over the years through the Zoning Board of Adjustments.

The purpose of the SUP Process is to look at individual sites on a case by case basis and determine if the proposal would negatively impact adjacent properties and the City as a whole.

The Church property has been in operation since the City was established. There is a Church School at the site now. The proposal includes adding a private school to the site.

This item was workshopped with the Planning and Zoning Commission on April 15, 2020. The Commission provided input and recommended continuation of the process. A public hearing was held before the Commission on July 7, 2020. No one spoke at the hearing. A recommendation to approve an Ordinance for the Paratus Memorial Specific Use Permit was voted unanimously in favor by the Planning and Zoning Commission on July 7, 2020 and a written recommendation was provided to the City Council.

Councilmember Rosenbaum asked if the school was willing to contribute to the cost of re-treering the area and maintaining the trees. Mr. Dollins indicated that the school would definitely be willing to contribute financially and work with the Beautification Committee on this matter.

A motion was made by Councilmember Thode and seconded by Councilmember Schwartz to approve the Specific Use Permit as presented.

The motion carried 5 - 0.

VI. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NUMBER 20-527, AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, EXTENDING A PUBLIC HEALTH EMERGENCY AND EXTENDING A STATE OF DISASTER DUE TO THE OUTBREAK OF COVID-19; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE – *Mayor Robert P. Lord*

The Mayor, Public Safety Officials and the City Administrator have been working with various agencies in monitoring the impact of the COVID-19 Virus and the impact to the City of Bunker Hill Village. An Ordinance Declaring an Emergency was approved by the City Council on March 24, 2020 for a 30 day period and was extended an additional 30 days by Ordinance in April, May and by 63 days in June. This action includes an additional extension for 30 days and ensures that any additional support needed from other agencies would be available to the City.

A motion was made by Councilmember Schwartz and seconded by Councilmember Thode to adopt Ordinance Number 20-529, to extend the Public Health Emergency and State of Disaster for 30 days due to the outbreak of COVID-19.

The motion carried 5– 0.

VII. POLICE COMMISSIONER REPORT

- A. Update on Activities – Police Commissioner, Jay Smyre gave an update on activities, including personnel, calls for service, and the 2020 Budget to date. Several items were highlighted as part of the report:
- The MVPD is running over budget currently due mainly to the COVID-19 pandemic and the replacement of the Texas Database server. Staff is working with FEMA on these additional costs.
 - The Department now has 28 ALPRs installed.
 - The Chief reported on current investigations.
- B. Discussion and possible action to approve Memorial Villages Police Department Budget Amendment No. 2020-01 to: a) decrease the amount budgeted for health

insurance by \$33,000.00 and b) create a new category for employer contributions to employees' 457b plan, with a budgeted amount of \$33,000.00.

A motion was made by Councilmember Schwartz and seconded by Councilmember Rosenbaum to approve Budget Amendment No. 2020-01.

The motion carried 5 - 0.

VIII. FIRE COMMISSION LIAISON REPORT

A. Update on Activities - Fire Commission Liaison, Keith Brown provided a report from the Fire Chief. The next Commission Meeting is August 26, 2020.

IX. MAYOR'S REPORT

Mayor Lord reported on the following:

A. Report on Activities.

The Village Mayors are watching the Fire Station Reconstruction Budget closely.

There has been goodwill and great communication between Bunker Hill and the other cities in the Villages.

There were no committee reports.

X. CITY ADMINISTRATOR'S REPORT

City Administrator, Karen Glynn presented the following:

A. Report on Activities

The City is working to reopen Court in September. Staff is looking at ways to do this safely and effectively. Some backlog exists from March and April however, staff believes they will be able to catch up very quickly.

The Memorial Villages First Responders Fund has hired an Administrator and will be a separate entity. The Board thanked the City of Bunker Hill for the support offered to the Board and Fund over these past three years.

Karen Glynn and Claire Bogard interviewed a second candidate for the Finance Manager position. The City is working to find the best candidate for both the City's short and long term needs.

B. Planning and Zoning Commission Update

The Planning and Zoning Commission met on August 12, 2020. A public hearing was held for Bunker Hill Elementary School's Specific Use Permit.

C. Public Works Director - Report on Projects

Steve Smith shared the following reports:

- Item P on the consent agenda is the invoice for Water Well No. 1 repair. The City continues to seek reimbursement because of the manufacturing issue; however, this was a necessary payment to the vendor who made the repair.
- The Eagle Scout project is moving along really well and Staff has received numerous compliments from citizens on how nice it looks.
- The City has been in discussion with the City Administrator of Hedwig Village to discuss alternatives to the proposed crosswalk on Taylorcrest. The City Administrator agreed that a sidewalk would be a much better alternative. Staff will draft a letter for the Mayor to send to Hedwig to formalize the City's position.

D. Update on Annual TML Conference

The conference will be virtual this year. Dates of the conference are October 14-16, 2020.

E. Discussion and Direction on Citizen Request regarding Proposed Landscaping Equipment and Noise Requirements

This item was discussed previously with the Council. The City decided to include landscaping contracts with contractor hours which are limited to Monday through Friday 7:00 a.m. to 6:00 p.m. and Saturday from 8:00 a.m. to 5 p.m. No work is allowed on Sunday. With the virus and more residents home, more complaints and concerns have been vocalized. It was the Council's consensus to see how things are going in 6 months.

XI. FILE THE 2021 ANNUAL BUDGET - Karen Glynn, City Administrator and Claire Bogard, Interim Finance Director

Karen Glynn, City Administrator and Claire Bogard, Interim Finance Director presented this item.

In accordance with the Local Government Code, Chapter 102, Texas cities are required to file and adopt an annual budget. This item confirms the filing of the 2021 Budget as revised since the Budget Workshop and Special Council Meeting.

A budget workshop was held with the Mayor and City Council on June 30, 2020 to present and discuss the proposed budget, tax rate, and priorities for 2021. On August 7, 2020, the City Council reviewed and discussed three (3) tax rate options and ultimately approved a proposed tax rate of \$0.27700/\$100 of assessed value pursuant to Senate Bill 2.

Ms. Glynn and Ms. Bogard presented the details of the proposed 2021 Budget based on the proposed 2020 Tax Rate as approved by the City Council on August 7, 2020. It is understood by City Council and by staff that the City will continue to discuss tax rate options and ultimately adopt a tax rate at or below the proposed tax rate in September. Budget and tax rate information are posted on the city's website.

The City will hold public hearings on the budget and the tax rate on September 15, 2020. The Council will vote to adopt the budget and tax rate thereafter.

There was no action needed on this item.

XII. CONSIDERATION AND POSSIBLE ACTION TO: A) AUTHORIZE THE CITY'S PARTICIPATION IN THE CARES ACT, SMALL CITIES ASSISTANCE PROGRAM, ADMINISTERED BY HARRIS COUNTY; AND B) AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS AND MAKE APPLICATIONS FOR GRANT PAYMENTS FROM THE PROGRAM - Karen Glynn, City Administrator

The CARES Act established the Coronavirus Relief Fund (CRF). Harris County received a direct allocation of \$426 million. On April 28, 2020 Commissioners Court authorized forming a committee consisting of a representative from each office of Commissioners Court to work with the Budget Management Department and all relevant departments to make recommendations on the expenditures of the funds.

A recommendation from the committee was developed and presented to Commissioners Court to establish the Small City Assistance Program in an amount not to exceed \$28.5 million. Harris County and their consultant are working with the cities to outline the program and assist cities in participating and submitting requests before the CRF expiration date of December 30, 2020.

This item provides direction by the City Council to participate in the program and to authorize the Mayor to submit any requests and documentation.

A motion was made by Councilmember Schwartz and seconded by Councilmember Rosenbaum to authorize the City's participation in the CARES Act and authorize the Mayor to execute the necessary documents and make applications for grant payments from the program.

The motion carried 5 - 0.

XIII. DISCUSSION, DIRECTION AND POSSIBLE ACTION REGARDING AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY AMENDING SECTION 4-171, STANDARDS APPLICABLE TO ALL RESIDENTIAL CONSTRUCTION, OF DIVISION 4, FLOOD HAZARD REDUCTION, OF ARTICLE V, DRAINAGE AND FLOOD DAMAGE PREVENTION, OF CHAPTER 4, DEVELOPMENT, BUILDING AND CONSTRUCTION, PROVIDING CERTAIN REQUIREMENTS APPLICABLE TO FINISHED FLOOR ELEVATION; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE, WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING FOR SEVERABILITY AS RECOMMENDED BY THE CITY'S DRAINAGE COMMITTEE -- Steve Smith, Director of Public Works/Building Official

The Drainage Committee continues to evaluate the results/impact of various rain events and the City's Development Ordinances. In addition, the City's Drainage Engineer RPS has been keeping the Committee up to date with Harris County's efforts regarding projects and standards.

Harris County is recommending that all cities adopt the County's minimum standards to be consistent across all of Harris County. As a result, the Drainage Committee is recommending

an amendment to the City’s Drainage Ordinance. This requirement adds a minimum foundation elevation requirement based on the NOAA Atlas 14 Rain Data.

Ordinance No. 20-529 adds an additional requirement for the minimum finished floor elevation in Bunker Hill Village. Current, the minimum foundation elevation is based on 12” above the highest of these four factors:

- 1) Top of the nearest sanitary sewer manhole,
- 2) The crown of the street nearest thereto, if the street has curb and gutter,
- 3) The elevation at which water enters the nearest drainage inlet, if the street does not have curb and gutter, or
- 4) The hydraulic grade line as modeled and profiled for the City's major drainage ways based on the 100 year storm event as adopted in the City's Drainage Criteria Manual in 2016.

As discussed and studied with the Drainage Committee, a review of new home foundation elevations in Bunker Hill Village for the last 12 months indicates that previous foundations are meeting the County’s requirement already with the exception of one address currently under design. The foundation elevation for this proposed house was voluntarily increased to meet the Harris County requirement.

After a thorough discussion, the Committee recommends the proposed ordinance which adds the Harris County requirement as a factor to the calculation. This also allows the City to be able to partner with Harris County on projects if this opportunity becomes available.

In addition, language was added to clarify how this ordinance would apply to pier and beam structures. The language is based on FEMA definitions.

A motion was made by Councilmember Thode and seconded by Councilmember Schwartz to approve Ordinance 20-529, amending section 4-171, providing certain requirements applicable to finished floor elevation.

The motion carried 5 - 0.

XIV. DISCUSSION AND DIRECTION REGARDING A RECOMMENDATION BY THE CITY’S TECHNOLOGY COMMITTEE IN REVIEW OF THE CITY’S AGREEMENT WITH AMERICAN TOWER -- *Steve Smith, Director of Public Works/Building Official*

The Technology Committee was established in 2018. One of the items on the Committee’s list of goals was to review and make a recommendation to City Council regarding the City’s Agreement with American Tower regarding the cell tower located at City Hall. A subcommittee was established to review and recommend direction on the agreement.

The agreement currently requires an annual payment of \$16,200 to the City with the next renewal in 2024. The general consensus of the committee is that the rate is typical for the height and type of tower behind City Hall. The tower is an 80 foot high tower which limits the number of carriers on the tower and the range is restricted due to the dense trees in the area.

American Tower has submitted a letter of interest in purchasing the lease. The Subcommittee did not recommend this course.

The Technology Committee is recommending a reply to American Tower that includes that the City does not have an interest in selling the property but would entertain any suggested improvements to the tower and discussion of the lease agreement prior to the 2024 timeframe.

It was Council's consensus to direct staff to contact American Tower and share the recommendations as developed by the Technology Committee.

XV. CONSIDERATION AND POSSIBLE ACTION ON A CITIZEN REQUEST FOR EXTENSION OF TIME FOR A BUILDING PERMIT FOR 201 MAYERLING – *Steve Smith, Director of Public Works/Building Official*

The house at 201 Mayerling has been under construction for many years. Mr. Phillips approached the City Council in January 2020 and requested an additional extension of time for the building permit as required by City Ordinance. The City Council granted him a six-month extension which expired in July 2020.

Staff has been working diligently with Mr. Jacobs to complete the project. A final inspection was conducted on Tuesday, August 18, 2020 and the house and site passed all inspections to issue the Certificate of Occupancy and complete the project.

No action was needed on this item.

XVI. CONSIDERATION AND POSSIBLE ACTION TO APPROVE FUNDING FOR THE INSTALLATION OF EQUIPMENT IN THE COUNCIL/COURT ROOM IN AN AMOUNT NOT TO EXCEED \$5,000 TO BE FUNDED OUT OF THE GENERAL FUND HARDWARE/SOFTWARE ACCOUNT TO IMPROVE ONLINE MEETING OPPORTUNITIES - *Steve Smith, Director of Public Works/Building Official*

As a result of the COVID-19 Pandemic, numerous meetings have been moved to online broadcasts including City Council Meetings, Planning and Zoning Commission Meetings, Committee Meetings, Pre-development Meetings and other needs day to day. It can be very helpful for the Mayor, City Attorney and Staff to join together (with safe distancing) for these meetings in the Council Chambers; however, this continues to create technical difficulties with cameras and sound coordination.

The City of Spring Valley hired a company, FE Solutions, to assist them with these issues for their public meetings. FE Solutions evaluated the Bunker Hill Council room and developed a plan to provide room cameras and broadcast control to make Zoom Meetings work better.

The proposal outlines the equipment and installation for Bunker Hill. The cost of the system is proposed at an amount not to exceed \$5,000.00. Funding for this equipment would be from the City's computer and software funds in 2020.

A motion was made by Councilmember Schwartz and seconded by Councilmember Brown to approve funding for the installation of equipment in Council Chambers in an amount not to exceed \$5,000.00 to be funded out of the General Fund Hardware/Software account to improve online meeting opportunities.

The motion carried 5 - 0.

XVII. PRESENTATION AND DISCUSSION ON THE RECONSTRUCTION OF BUNKER HILL ELEMENTARY SCHOOL – Karen Glynn, City Administrator

Spring Branch Independent School District has been in discussion with the City regarding the redevelopment of Bunker Hill Elementary School at 11950 Taylorcrest. The school is currently scheduled for reconstruction per the District's approved 2017 Bond Referendum.

Staff shared the proposed site plans, construction schedule and details with the City Council to prepare for this project.

This item was for information purposed only. No action was taken.

XVIII. 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 June 16, 2020 City Council Meeting
- B. Minutes of the June 30, 2020 Special City Council Meeting
- C. Minutes of the August 7, 2020 Special City Council Meeting
- D. June 2020 Financials
- E. RPS, Invoice No. 620041 in the amount of \$2,114.79 for professional services rendered from May 30, 2020 to June 30, 2020 under on-call services for site development review
- F. RPS, Invoice No. 620040 in the amount of \$7,810.90 for professional services rendered from May 30, 2020 to June 30, 2020 under on-call services for MS4 Report, Drainage Committee Support, and CIP/Budget Preparation
- G. RPS, Invoice No. 720060 in the amount of \$320.12 for professional services rendered from July 1, 2020 to July 31, 2020 under on-call services for site development review
- H. RPS, Invoice No. 720059 in the amount of \$4,144.94 for professional services rendered from July 1, 2020 to July 31, 2020 under on-call services for MS4 Report, Drainage Committee Support, and CIP/Budget Preparation
- I. Probstfeld & Associates, Invoice No. 61551 in the amount of \$155.00 for professional services rendered in June 2020, for engineering services for drainage site development review
- J. Probstfeld & Associates, Invoice No. 61552 in the amount of \$155.00 for professional services rendered in June 2020, for engineering services for drainage site development review
- K. Probstfeld & Associates, Invoice No. 61560 in the amount of \$305.00 for professional services rendered in June 2020, for engineering services for drainage site development review
- L. Probstfeld & Associates, Invoice No. 61561 in the amount of \$305.00 for professional services rendered in June 2020, for engineering services for drainage site development review

- M. Probstfeld & Associates, Invoice No. 61788 in the amount of \$225.00 for professional services rendered in July 2020, for engineering services for drainage site development review
- N. Probstfeld & Associates, Invoice No. 61789 in the amount of \$80.00 for professional services rendered in July 2020, for engineering services for drainage site development review
- O. Probstfeld & Associates, Invoice No. 61790 in the amount of \$380.00 for professional services rendered in July 2020, for engineering services for drainage site development review
- P. Weisinger Incorporated, Invoice No. 29243 in the amount of \$124,663.00 for the repair of the Taylorcrest Water Well – Well #1
- Q. City of Piney Point Village, Texas, Payment Request dated July 2, 2020 in the amount of \$3,242.50 for the Memorial Drive Landscaping Improvements in accordance with the Interlocal Agreement

A motion was made by Councilmember Thode and seconded by Councilmember Schwartz to approve the consent agenda.

The motion carried 5 – 0.

XIX. ADJOURN

A motion was made by Councilmember Schwartz and seconded by Councilmember Smyre to adjourn the meeting at 8:54 p.m.

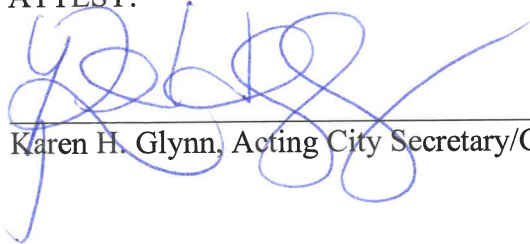
The motion carried 5 – 0.

Approved and accepted on September 15, 2020.



Robert P. Lord, Mayor

ATTEST:



Karen H. Glynn, Acting City Secretary/City Administrator