

**MINUTES OF THE SPECIAL MEETING
OF THE CITY COUNCIL
OF THE CITY OF BUNKER HILL VILLAGE, TEXAS
AUGUST 5, 2024**

I. CALL TO ORDER

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

Present

Mayor Robert Lord
Mayor Pro-Tem Susan Schwartz
Councilmember Eric Thode
Councilmember Carl Moerer
Councilmember Keith Brown
Councilmember Andrew Poor

Staff in Attendance

Gerardo Barrera, City Administrator
Susan Engels, Finance Director
Elvin Hernandez, Director of Public Works
Paige Bailey, City Attorney
Mallory Pack, Management Analyst

II. PLEDGE OF ALLEGIANCE

Councilmember Poor led the Pledge of Allegiance.

III. CITIZENS' COMMENTS

There were no public comments.

IV. BUDGET WORKSHOP – *Susan Engels, Finance Director*

PRESENTATION AND DISCUSSION OF CERTIFIED VALUES AND TAX CALCULATIONS FOR THE CITY'S PROPOSED FISCAL YEAR 2025 BUDGET AND 2024 TAX RATE

Finance Director Engels presented the certified values received from Harris Central Appraisal District (HCAD). The values were lower than the estimated values by nearly 2%. A tax rate of \$0.271 per \$100 of assessed value was recommended. Council will hold a public hearing to vote on the proposed tax rate at the September 2024 meeting.

No action was taken on this item.

V. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A RESOLUTION OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, APPROVING AN ENGAGEMENT LETTER WITH CROWE LLP FOR FISCAL YEAR 2024 AUDIT SERVICES – *Susan Engels, Finance Director*

At the September 2022 meeting, Council approved an engagement letter with Belt Harris Pechacek, LLLP for audit services for fiscal year 2022, with the option to renew annually for fiscal years 2023 and 2024. The second-year renewal option was approved by Council at the August 2023 meeting.

Crowe LLP has since acquired Belt Harris Pechacek, LLLP and is honoring all existing terms. FY 2024 audit will be the final year renewal per the previous agreement. The estimated fee for audit services is \$31,000.00. This is a 5% increase from the 2023 fiscal year audit fees of \$29,395. Additionally, there is a fee structure for Single Audit work, with a base fee of \$4,120 and an additional \$5,215 for each major program. A Single Audit is required if the City's total grant expenditures for fiscal year 2024 exceed \$750,000. The City anticipates having one major program in 2024.

Staff was pleased with the audit services Belt Harris Pechacek, LLLP provided. Ben Cohen, now with Crowe LLP, will continue as the Audit Manager. Staff recommended that the Council approve the engagement letter for fiscal year 2024 audit services.

A motion was made by Councilmember Schwartz and seconded by Councilmember Thode to approve Resolution No. 08-05-2024, authorizing an engagement letter with Crowe LLP for Fiscal Year 2024 audit services.

The motion carried 5 - 0

VI. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT BETWEEN THE CITY OF BUNKER HILL VILLAGE, TEXAS, AND GRANT WORKS IN AN AMOUNT NOT TO EXCEED \$48,500.00 FOR GRANT MANAGEMENT SERVICES REGARDING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS – *Gerardo Barrera, City Administrator*

The American Rescue Plan Act (ARPA) is an economic package signed into law in March 2021 to disperse federal funds to state and local governments to respond to the economic and public health impacts of the COVID-19 pandemic. The City received \$976,964.69 through ARPA.

The federal government established rules for how the funds can be used. Eligible expenditures include:

- Supporting the public health response.
- Addressing negative economic impacts caused by the pandemic.
- Replacing local government revenue loss.
- Investing in water, sewer, and broadband infrastructure.

In June 2024, the City solicited bids for grant management services to ensure compliance with federal regulations while maximizing the use of ARPA funds in the community. During the July 24, 2024, Special City Council meeting, staff recommended Grant Works be awarded the bid in an amount of \$48,500.00. Grant management services include, but are not limited to, consultation, project management, assistance with reporting, and ancillary services needed for ARPA-eligible activities. No action was taken at the July meeting. Council directed staff and the City Attorney to include an errors and omission coverage policy in the contract and to present the full contract provisions at this meeting.

The contract was revised by the City Attorney and includes all provisions per Council direction.

Grant Works demonstrates a high level of technical knowledge and familiarity with managing major ARPA funds and has provided successful grant management compliance services to several local agencies.

A motion was made by Councilmember Brown and seconded by Councilmember Moerer to approve a contract between the City of Bunker Hill Village, Texas, and Grant Works in an amount not to exceed \$48,500.00 for grant management services related to ARPA funds.

The motion carried 5 - 0

VII. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING THE DISTANCE OF A GENERATOR PAD FROM A STRUCTURE AND CONSIDER ENCROACHMENT INTO SETBACK/ RESTRICTED GREENSPACE REQUIREMENTS – Mayor Robert P. Lord and Gerardo Barrera, City Administrator

Generator installation must comply with Article IV, Section 4-76 (11) of the City's Code of Ordinances. At the July 24, 2024, Special Meeting, Council heard an appeal request from a resident against subsections (d) and (f) of the ordinance.

Appeal of Section 4-76 (11)(D)

Section 4-76 (11)(D) of the City's Code of Ordinances requires a minimum clearance of 24" inches between the generator foundation and any other structures. The property owner requested to install a generator with a 12" inch clearance between the generator foundation and the main structure.

Appeal of Section 4-76 (11)(F)

Section 4-76 (11)(F) of the City's Code of Ordinances prohibits the placement of a generator in any restricted area or required green space. The property owner requested to install a generator that encroaches 7" inches into the 5' foot greenspace.

Sec. 4-76. International Residential Code for One- and Two-Family Dwellings.

- (11) Standby and emergency generators shall be installed in accordance with the National Electrical Code, 2020 and the following restrictions:
- a. All wiring shall meet all requirements outlined in this code.
 - b. Maximum sound level at anytime shall be 70db or less measured at the property line.
 - c. Generator shall be positioned so that no structure, roof or overhang is over any portion of the generator enclosure.
 - d. Minimum clearance between generator foundation and other structures shall be twenty-four (24) inches or greater as determined by manufacturers' specifications. At no time shall the clearance be less than twenty-four (24) inches.
 - e. No portion of the generator or wiring may be located in an easement or right-of-way.

- f. Generator may not be located in any restricted area or required green space.
- g. Generator may not be located within the required front yard of a lot.
- h. A generator cannot be visible from view from a public or private street.
- i. A load analysis, generator specifications and one-line electrical diagram must be posted with the permit on the project site.

At the July meeting, Council voted 0-4 to grant the appeal request, noting potential safety concerns related to fire hazards and ventilation. To consider potential amendments to the ordinance, Council directed staff to consult with the Fire Marshal to determine safety standards for the distance between a generator and a structure and encroachment into setback and greenspace requirements.

Council discussion included the following:

- Consider amending the minimum clearance between the generator foundation and other structures to 18” inches, in line with manufacturer specifications and the Fire Marshal & NFPA standards.
- Explore the possibility of allowing the generator to encroach at least 1’ foot into the restricted greenspace. This would apply only to generator pads and not to any other accessory structures.

City Council referred this item to the Planning and Zoning Commission for further discussion on proposed amendments.

Additionally, Council directed staff to investigate whether there is a limit on the number of generators that can be installed before it affects the natural gas supply. They requested that staff contact gas providers to find engineering data to ensure adequate supply.

No action was taken on this item.

VIII. EXECUTIVE SESSION

PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, THE CITY COUNCIL WILL CONVENE INTO CLOSED EXECUTIVE SESSION TO CONSULT WITH THE CITY ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION

Mayor Lord convened into closed executive session at 5:41 p.m.

Mayor Lord left the room and gave proxy to Mayor Pro-Tem Schwartz.

Mayor Pro-Tem Schwartz reconvened the meeting at 6:49 p.m.

IX. ADJOURN

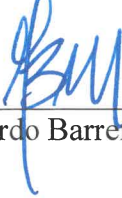
Mayor Pro-Tem Schwartz adjourned the meeting at 6:49 p.m.

Approved and accepted on August 20, 2024.

A handwritten signature in black ink, appearing to read "R. P. Lord", written over a horizontal line.

Robert P. Lord, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "GB", written over a horizontal line.

Gerardo Barrera, City Administrator/ Acting City Secretary