

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF BUNKER HILL VILLAGE, TEXAS
NOVEMBER 21, 2023 at 5:00 P.M.**

I. CALL TO ORDER

Mayor Robert Lord called the meeting to order at 5:00 p.m. on Zoom and in the Council Chambers of City Hall, 11977 Memorial Drive, Houston, Texas.

Present

Mayor Robert Lord
Councilmember Susan Schwartz
Councilmember Eric Thode
Councilmember Carl Moerer
Councilmember Keith Brown

Also in Attendance

Gerardo Barrera, City Administrator
Loren Smith, City Attorney *via Zoom*
Susan Engles, Finance Director
Elvin Hernandez, Director of Public Works
Jennifer Namie, Assistant to the City Secretary
Mallory Pack, Management Analyst

Absent

Councilmember Laurie Rosenbaum

II. PLEDGE OF ALLEGIANCE

Mayor Lord led the Pledge of Allegiance.

III. CITIZEN COMMENTS

There were no citizen comments.

IV. MEMORIAL VILLAGES POLICE DEPARTMENT REPORT

A. Update on Activities – Chief Schultz gave an update on activities including personnel, calls for service, and the 2023 Budget.

- Refunded money from the radio project. Estimated surplus in budget of \$200K.
- Purchase of three (3) new vehicles, VIN numbers assigned for 2024 vehicle purchase.
- Two officers passed TCOLE certification.
- Preliminary review to replace roof in Spring 2024.
- The Department continues to pursue proactive traffic enforcement.

V. VILLAGE FIRE DEPARTMENT REPORT

A. Chief Miller and Fire Commissioner Brown provided a report on activities, staffing, calls for service, and response times.

- Average response time for Bunker Hill Village is 5:10 minutes.
- Three new personnel will begin in January 2024.
- Roof work on the annex building is expected to begin soon.
- TML increased the value of vehicles by \$7,000.00.

B. Consideration and Possible Action to Authorize Budget Amendment 2023-05 for an Intra-Budgetary Transfer for the Village Fire Department Related to Capital Expenditures, Personnel Expenditures, and Operational Expenditures as Recommended by the Fire Commission

At the November 7, 2023 Fire Commission special meeting, the Fire Commission unanimously approved intra-budgetary transfers in the amount of \$146,651.00 for Capital Expenditures, Personnel Expenditures, and Operational Expenditures. Formal approval is required by the Villages. This will not result in additional assessments in 2023 for the City. Therefore, a budget amendment is not required.

A motion was made by Councilmember Brown and seconded by Councilmember Thode to approve Budget Amendment 2023-05 as recommended by the Fire Commission.

The motion carried 4-0

C. Status of Special Audit

Village City Administrators met with the auditor to discuss scope of work. The proposed scope will go to the Commission for final review and approval.

VI. MAYOR'S REPORT

A. Report on Activities and Upcoming Events

- Family Movie Night – *Friday, November 3, 2023* – Mayor Lord thanked Officer Boggus and MVPD for their assistance in coordinating the successful event.
- Holiday Reception Event – *Tuesday, December 12, 2023*
- Twinkle Light Parade – *Thursday, December 14, 2023*

B. Metro Multi-Cities Mayor Meeting

- The meeting discussed Metro expansion plans.

C. Various Villages Holiday Celebrations

- The Mayor and Council will attend holiday celebrations throughout the Villages.

Councilmember Moerer left the meeting at 6:00 p.m.

VII. CITY ADMINISTRATOR'S REPORT

A. Report on Activities and Upcoming Events

- Utility Billing and Water Consumption – During the most recent billing cycle (August 15-October 15), staff noticed there were many high water bills being processed. Most of the increased usage is a result of leaks and/ or changes in water usage habits. Staff implemented an education campaign to effectively address concerns and questions from residents.
- Annual Villages Recycling Event – *Saturday, October 28, 2023* – The event was hosted at Hedwig Village City Hall and attended by City Administrator and PW Director.
- Planning and Zoning Commission Meeting – *Tuesday, November 28, 2023* – The Commission will hold public hearings regarding an application for an amendment to the Specific Use Permit (SUP) for Memorial Drive Presbyterian Church to install (2) pickle ball courts and on amending the City's Zoning ordinance regarding screening of utility equipment.
- City Hall Holiday Schedule – In observance of upcoming holidays, City Hall will be closed as follows:
 - Thanksgiving – Thursday, November 23 & Friday, November 24 (offices close at noon on Wednesday, November 22)
 - Christmas – Monday, December 25 & Tuesday, December 26
 - New Year's – Monday, January 1, 2024

B. Director of Public Works Report

- Development Report – Director of Public Works Elvin Hernandez reported on permits issued in the month of October and development to date.
- Wastewater Televising – The contractor has requested to be released from the project. A formal release of contract is on this agenda.
- RFQ for City Engineer Services – An RFQ for City Engineer Services has been issued.
- Public Works and Disaster Operations Building – The contractor continues to complete punch-list items. After inspection from Fire Marshal, it was determined sprinklers are required. Staff is working with architect and contractor for a proposed plan to install a fire sprinkler and alarm system.

C. Finance Director Report

- Finance Audit Committee Meeting – *Monday, November 13, 2023* – The Committee reviewed the City's Investment Policy.
- Interim Audit – *Week of November 13 – 17, 2023* – All field work has been completed.

- Investments and Opportunities – The City continues to take advantage of favorable interest rates.

VIII. DISCUSSION, FEEDBACK AND POSSIBLE ACTION ON BEAUTIFICATION COMMITTEE RESPONSIBILITIES AND LANDSCAPING CONTRACT REVIEW – Gerardo Barrera, City Administrator

Throughout the year, the Beautification Committee identifies projects for landscape enhancements around the City funded through annual appropriations made by Council during the Annual Budget process. Upon completion of the new projects, the on-going maintenance costs are absorbed through the annual landscaping budget.

In 2021, the City contracted with Yardworks, Inc. for landscaping services for the contract period beginning April 1, 2021 and ending March 31, 2023. The contract included the option for two (2) - one year extensions. At the March 2023 meeting, Council approved the first extension for the period of April 1, 2023 to March 31, 2024. At the end of this period, the City has the option to either award the second extension, or solicit new proposals for all landscaping work.

The contract maintains six areas based on specific landscape services:

- Area 1 – Landscaped Esplanades at Strey, Briar Forest and Bunker Hill Rd
- Area 2 – Irrigated Esplanades and Trails
- Area 3 – City Facilities (City Hall, MVPD, Water Well sites)
- Area 4 – Seasonal Plantings and Associated Maintenance
- Area 5 – Hike and Bike Trails and City Rights-of-Way (not irrigated)
- Area 6 – Ditch Right of Way (ROW) Maintenance

This item was placed on the agenda at the request of the Mayor. Staff requested additional feedback, direction and review of Beautification Committee responsibilities.

Discussion included background of landscape contract and beautification projects. Throughout the year there has been concerns regarding aesthetics and responsibility of maintenance after beautification project has been completed. It was recommended that prior to a new contract, the scope be reviewed with the beautification committee and prepare and RFP for FY 2024.

No action was taken on this item.

IX. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A TERMINATION AND RELEASE OF CONTRACT WITH SWEEPING CORPORATION OF AMERICA, LLC FOR THE SANITARY SEWER CLEANING AND TELEVISIONING PROJECT – Gerardo Barrera, City Administrator

At the June 2023 meeting, Council approved a contract with Sweeping Corporation of America (SCA) in the amount of \$34,316.00 for the Sanitary Sewer Cleaning and Televisioning project. The purpose of the project is to determine the existing condition of wastewater lines, identify any deficiencies to plan for future maintenance and/or replacement of the lines.

On November 1, 2023, SCA submitted a letter to Langford Engineers requesting to be released from the contract due to their error in underbidding the job and incurring costs beyond the total contract amount. SCA completed an estimated 2,200-2400 liner feet (approximately 30% of the overall scope of work). The City will receive the video of the completed section and no invoice will be generated for any work done.

Staff will work with Langford Engineering to draft and solicit new bids for this project. The earliest possible date to award a new contract will be January-February 2024.

A motion was made by Councilmember Brown and seconded by Councilmember Thode to approve the termination and release of contract with Sweeping Corporation of America for the Sanitary Sewer Cleaning and Televising project subject to clean-up responsibilities.

The motion passed 3-0

X. CONSIDERATION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE A FINAL PLAT FOR 11831 STUCKEY LANE AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION – *Elvin Hernandez, Director of Public Works*

A preliminary plat for 11831 Stuckey Lane was presented to the Planning and Zoning Commission at the September 26, 2023 meeting. The Commission unanimously recommended that the platting process move forward to the submission of a final plat. At the October 24, 2023 meeting, the Commission recommended the final plat to City Council for approval.

During the plan review of a new home at 11831 Stuckey Lane, it was found that no final plat was recorded with Harris County. The property did not qualify for a short term final plat as the property is on a private street and not within an existing public street circulation.

Staff and the City's consultant have reviewed the final plat and determined that it meets all City requirements.

A motion was made by Councilmember Thode and seconded by Councilmember Brown to approve a final plat for 11831 Stuckey Lane, as recommended by the Planning and Zoning Commission.

The motion passed 3-0

XI. CONSIDERATION AND POSSIBLE ACTION REGARDING RESOLUTION NO. 11-21-2023A OF THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, ACKNOWLEDGING REVIEW AND APPROVAL OF THE PUBLIC FUNDS INVESTMENT POLICY AND THE INCORPORATED INVESTMENT STRATEGY – *Susan Engels, Finance Director*

Texas Government Code Section 2256.005(e) requires annual review and adoption of the City's Investment Policy. The City Council previously adopted the Investment Policy at the November 2022 City Council meeting.

Annual adoption of the City's investment policy provides an opportunity to regularly review the policy to ensure consistency with the overall objectives of safety, liquidity, and yield.

The City's Finance Audit Committee met on Monday, November 13, 2023, to review the Investment Policy. The Committee is comprised of Mayor Robert Lord, Mayor Pro-Tem Susan Schwartz, and City Administrator Gerardo Barrera. Finance Director, Susan Engels serves as the City's Investment Officer. The Committee unanimously approved the policy with no changes from the adopted November 2022 version, and recommend Council approve and adopt the City's Investment Policy as presented.

A motion was made by Councilmember Brown and seconded by Councilmember Schwartz to adopt Resolution No. 11-21-2023A, approving the City's Investment Policy governing the investment of municipal funds.

The motion passed 3-0

XII. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BUNKER HILL VILLAGE, TEXAS, AND SPRING BRANCH INDEPENDENT SCHOOL DISTRICT TO PROVIDE FOR MUNICIPAL ELECTION SERVICES – *Gerardo Barrera, City Administrator*

Chapter 271 of the Texas Election Code provides that a City may enter into an agreement with other political jurisdictions that may be conducting elections on the same day in election precincts that can be served by common polling places.

At the November 2022 meeting, Council authorized the Mayor to execute an agreement with Spring Branch Independent School District (SBISD) to provide municipal election services. Bunker Hill Village will handle the filing documents at City Hall and SBISD the ballot, early election, and election day duties. The agreement automatically renews annually.

SBISD will provide election services for the City's next upcoming general election on May 4, 2024 for City Council positions 1, 2, and 3. Contracting with SBISD allows the City to leverage SBISD's expertise and resources (i.e., electronic voting equipment) to facilitate the entire election process. Additionally, participation in a joint election enables the City

to share costs, significantly reducing overall expense. The expected cost for a May joint election is \$250.

A motion was made by Councilmember Schwartz and seconded by Councilmember Brown to authorize the Mayor to execute a contract between the City of Bunker Hill Village, Texas, and Spring Branch Independent School District to provide municipal election services.

The motion passed 3-0

XIII. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE CALENDAR OF EVENTS FOR 2024 – *Gerardo Barrera, City Administrator*

The City's Calendar of Events is reviewed annually and adopted by City Council ahead of the next fiscal year. Setting a Calendar of Events provides advanced notice to the public of Council meeting dates and times, and special events – supporting the City's efforts for transparency and encouraging community engagement.

Staff recommended Council approve the Calendar of Events for 2024.

A motion was made by Councilmember Thode and seconded by Councilmember Schwartz to approve the Calendar of Events for 2024.

The motion passed 3-0

XIV. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 11-21-2023B OF THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AS A SETTLEMENT CLASS MEMBER IN REFERENCE TO THE AQUEOUS FILM-FORMING FOAMS PRODUCTS LIABILITY LITIGATION; AND DIRECTING THE CITY ADMINISTRATOR TO PROVIDE NOTICE OF THE SAME – *Gerardo Barrera, City Administrator and Loren Smith, City Attorney*

The City has received notice of class action settlements against chemical companies that manufacture perfluoroalkyl and polyfluoroalkyl substances (PFAS) – a family of toxic chemicals. PFAS is a key component in firefighting foam. Known as “forever chemicals,” PFAS dissolves in water, which allows it to seep into the soil and groundwater.

Twenty-three state attorney generals (including Texas) have negotiated a proposed settlement with 3M Company and Dow Chemical of a class-action lawsuit related to the production of PFAS. Litigation is pending in the US District Court in South Carolina. The settlement is intended to provide money for water utilities to test and treat PFAS in public water systems.

The settlement also limits the potential financial liability of 3M and Dow for their production of those chemicals. The Court gave notice to all public water systems that

unless they opt out of the lawsuits by December 4 and 11, the public water system would be bound by the settlement agreement.

The City of Houston (COH), whom is the City's surface water supplier, has not decided on opting out of the lawsuit. If COH chooses to opt out, it is recommended that Bunker Hill Village opt out, otherwise by taking no action, the City will remain a party to the lawsuit.

As of June 22, 2023, the City's water supply is not impacted by PFAS.

Staff recommended Council opt-out of the litigation.

A motion was made by Councilmember Brown and seconded by Councilmember Thode to approve Resolution No. 11-21-2023B to opt-out of the PFAS litigation.

The motion passed 3-0

XV. 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 October 17, 2023, City Council Meeting.
- B. Minutes of the November 13, 2023, Finance Audit Committee Meeting.
- C. October 2023 Financials.
- D. CenterPoint Energy, Work Order No. 108993299 in the amount of \$643.00 for the removal of street lights on Memorial Drive in October 2023.
- E. CenterPoint Energy, Work Order No. 108993431 in the amount of \$17,078.00 for the installation of street lights on Memorial Drive in October 2023.
- F. The Goodman Corporation, Invoice No. 7-2023-8 in the amount of \$1,085.00 for professional services rendered in July 2023 for the Memorial Drive and Gessner Road grant application.
- G. JLA Construction Solutions, Application for Payment No. 10 in the amount of \$69,350.00 for construction of the Public Works and Disaster Operations Building from August 1, 2023 to August 31, 2023.
- H. Yardworks, Invoice No. 33557 in the amount of \$4,144.00 for October 2023 Beautification Committee landscaping project at bench area across City Hall.
- I. Yardworks, Invoice No. 33558 in the amount of \$4,142.00 for October 2023 Beautification Committee landscaping project in the city right-of-way at Memorial Forest Club.
- J. Yardworks, Invoice No. 33559 in the amount of \$5,068.50 for October 2023 Beautification Committee landscaping project in the city right-of-way west of Paratus School.
- K. Yardworks, Invoice No. 33560 in the amount of \$11,835.00 for October 2023 Beautification Committee landscaping project at the intersection of Taylorcrest and Bunker Hill Road along fence line.
- L. Ratification of Harris County Interlocal Agreement to House Prisoners for the period of December 13, 2023 to December 12, 2024.

M. Houston Community Newspapers and Media Group Contract for publishing notices and other matters as required by law for the period of January 1, 2024 to December 31, 2024 at set amounts.

Mayor Pro-Tem Schwartz removed items G-K for separate discussion.

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

The motion carried 3-0

PULLED FROM CONSENT AGENDA – ITEMS G-K – DISCUSSION AND COUNCIL ACTION

Item G - Mayor Pro-Tem Schwartz asked for clarification regarding expenditures that are considered for action on the regular agenda versus the consent agenda. At the August 2022 meeting, Council directed staff to report expenditures over \$150,000.00 as separate line items on the regular agenda. Direction was given to City Administrator to report expenditures over \$50,000 as a separate line item on the regular agenda.

Item H-K – Mayor Pro-Tem Schwartz asked if the landscaping items had been completed and as well as the cost associated with the installation of irrigation system. City Administrator confirmed work was completed and the irrigation system was labor intensive and unable to be installed by in-house staff due to staff availability.

A motion was made by Councilmember Thode and seconded by Councilmember Brown to approve Items G-K.

The motion carried 3-0

XVI. ADJOURN

A motion was made by Councilmember Thode and seconded by Councilmember Brown to adjourn the meeting at 7:05 p.m.

The motion carried 3-0

Approved and accepted on January 16, 2024.



Robert P. Lord, Mayor

ATTEST:



Gerardo Barrera, City Administrator/Acting City Secretary