

**MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF BUNKER HILL VILLAGE, TEXAS  
April 18, 2023 at 5:00 P.M.**

**I. CALL TO ORDER**

Mayor Robert P. Lord called the meeting to order at 5:02 p.m. on Zoom and in the Council Chambers of City Hall, 11977 Memorial Drive, Houston, Texas.

Those Present:

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

*Also in Attendance:*

Gerardo Barrera, City Administrator  
Karen Glynn, Acting City Secretary/ Community Development *via Zoom*  
Loren Smith, City Attorney  
Jennifer Namie, Assistant to the City Secretary  
Susan Grass, Finance Director  
Ray Schultz, MVPD, Chief of Police  
Mallory Pack, Assistant to the City Administrator

**II. PLEDGE OF ALLEGIANCE**

Councilmember Eric Thode led the Pledge of Allegiance.

**III. CITIZEN COMMENTS**

Victor Burk signed up to speak; however, deferred his comments regarding solar panels to Item VIII, City Administrator Report.

**IV. CONSIDERATION AND POSSIBLE ACTION ON AN APPEAL BY ALLEN HUCKABAY AT 323 KNIPP FOREST REGARDING THE REQUIREMENT OF SECTION 4-7 OF THE CODE OF ORDINANCES REQUIRING ELECTRICAL UTILITIES TO A RESIDENCE BE UNDERGROUND – Gerardo Barrera, City Administrator**

Gerardo Barrera introduced Allen Huckabay (323 Knipp Forest) and provided the following:

The City received a request from resident Allen Huckabay to appeal Section 4-7 of the Code of Ordinances regarding the requirement for underground electrical utility service lines.

City Ordinance reads:

**Sec. 4-7. – Underground utilities.**

*All utility service lines for electricity, telephone, gas, cable television and any other such service for individual lots shall be underground unless federal or state law or regulations require otherwise.*

(Ord. No. 14-444, § 3, 10-21-14)

Mr. Huckabay made a presentation and requested that he not be required to put his electrical service line underground as this is simply repairing the panel and not a new service. The existing service line will be used and no changes are needed. This is the only improvement Mr. Huckabay is making to his home. He asked for an appeal of the City's decision.

As part of the permitting process, the City's standard has been that when an electrical panel is being replaced (remodel or new construction), the incoming electrical service must then be put underground from the point of service (pole) from CenterPoint. Section 4-7 of the City's Ordinance has been in-place since 2014 and possibly prior. It is staff's assumption that this ordinance was put in place to better protect the service lines during storms to prevent unnecessary outages due to limbs or wind.

This practice has consistently been enforced when work is being done on the electrical panel. Mr. Huckabay requested to be "grandfathered" to not have to underground his electrical service line. The ordinance outlines that the appeal of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall consist of a board of appeals, which consists of City Council. At the recommendation of the City Attorney, this item was placed on the Council agenda.

The City Council heard the presentation, asked questions of the applicant, discussed the situation and potential changes to the Ordinance including:

- A possible grandfather provision for older homes
- To allow for improvements that only include the installation of a new panel

**A motion was made by Councilmember Brown and seconded by Councilmember Rosenbaum that Mr. Huckabay be granted an appeal to Section 4-7 of the Code of Ordinances regarding the requirement for underground electrical utility service lines.**

**The motion carried 4 – 1**

**V. MEMORIAL VILLAGES POLICE DEPARTMENT REPORT**

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

- The Dispatch Center is under construction
- The radio project is underbudget.
- The Department is in discussions with the Village Fire Department to coordinate dispatch operations during specific times.

- A January 2023 report named the Memorial Villages the number one “safest community in Texas with the best quality of life.”

B. Update on 2024 Annual Budget Process and Discussions

- Chief Schultz reported that the process for the 2024 Budget is underway.

**VI. VILLAGE FIRE DEPARTMENT REPORT**

A. Update on Activities - Fire Commissioner, Keith Brown provided a report on activities, staffing, calls for service and response times, and the 2023 Budget to date.

- A search committee has been formed to fill the Fire Chief position.
- The Department has many ongoing projects:
  - Hydrant testing
  - Annual audit
  - Salary and compensation survey
  - Insurance Services Office (ISO) review preparation

B. Update on 2024 Annual Budget Process and Discussions

- Fire Commissioner Brown reported that the Budget Workshop is scheduled for Wednesday, April 19, 2023.

**VII. MAYOR’S REPORT**

**A. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 23-604, 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**

An Ordinance Declaring an Emergency was approved by the City Council on March 24, 2020 and later extended. The proposed ordinance includes an additional extension through May 2023 and ensures that any support needed from other agencies would be available to the City.

**A motion was made by Councilmember Rosenbaum and seconded by Councilmember Moerer to adopt Ordinance No. 23-604 to extend the Public Health Emergency and State of Disaster due to the outbreak of COVID-19.**

**The motion carried 3 – 2**

**B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTIONS SUPPORTING THE EFFORTS OF THE HARRIS COUNTY MAYORS’ AND COUNCILS’ ASSOCIATION IN THE 88<sup>TH</sup> TEXAS LEGISLATIVE SESSION:**

- Resolution No. 04-18-2023A, A Resolution of the City Council of the City of Bunker Hill Village, Texas expressing opposition to Senate Bill 175, and House Bill 3538 which are being considered in the 88<sup>th</sup> Texas Legislature, that would

adversely impact the ability of Texas Cities to advocate for their communities and communicate with Legislators.

**A motion was made by Councilmember Thode and seconded by Councilmember Rosenbaum to approve Resolution No. 04-18-2023A.**

**The motion carried 5 – 0**

- Resolution No. 04-18-2023B, A Resolution of the City Council of the City of Bunker Hill Village, Texas expressing opposition to House Bill 2127, Senate Bill 814, and Senate Bill 149 which are being considered in the 88<sup>th</sup> Texas Legislature, that would adversely impact the ability of Texas Cities to make decisions directly impacting their residents and communities.

**A motion was made by Councilmember Brown and seconded by Councilmember Thode to approve Resolution 04-18-2023B.**

**The motion carried 5 – 0**

C. Proclamations – Mayor Lord shared the following proclamations that are being issued this month:

- A Proclamation Naming April 2023 "*Child Abuse Prevention Month*" recognizing child-welfare professionals and allies who work to protect Texas children.
- A Proclamation Naming Wednesday, April 26, 2023 "*Administrative Professionals Day in the City of Bunker Hill*" honoring the City's administrative staff.
- A Proclamation Naming the week of April 9-15, 2023 "*National Public Safety Telecommunicators Week*" honoring the dispatchers at MVPD and VFD.

D. Report on Activities and Upcoming Events

- Mayors' Meetings – Mayors continue to work to coordinate a meeting date.
- Water Well No. 5 Ribbon Cutting – *Friday, May 12, 2023* – The event will celebrate the completion of Water Well No. 5 and thank SBISD representatives and neighboring residents for their partnership throughout the project.
- Memorial High School Senior Parade – *Saturday, May 13, 2023* – The Mayor and family will be participating in the parade.
- Retirement Reception for Karen Glynn, City Administrator – *Tuesday, May 23, 2023* – The event will honor Karen Glynn for her ten years of committed service to the City.
- Villages Independence Day Parade – *Tuesday, July 4, 2023* – City staff will coordinate parade logistics with the other Villages and MVPD.

## VIII. CITY ADMINISTRATOR'S REPORT

### A. Report on Activities and Upcoming Events

- Planning and Zoning Commission Meeting – *Tuesday, April 25, 2023* – The Commission will review a preliminary plat and an application for an amendment to the Specific Use Permit (SUP) for Memorial Drive Presbyterian Church.
- Discussion and Direction on the Installation of Solar Panels in the City – The City has received several inquiries regarding the regulation of solar panels. Per state law, the City cannot restrict solar panels but may regulate.

Victor Burk, 9 Dunnam Ln., lives across the street from a home where solar panels were recently installed. Mr. Burk noted that he is not as concerned with the visibility of the panels on the roof, but rather the visibility of ground level solar panel accessory equipment on the side of the home. He recommended the City explore the screening of accessory equipment as is required for other items, such as generators.

The City Attorney noted that there are limits on the City's ability to regulate solar panels. Council discussed solar panel installation and visibility of equipment:

- Restrict solar panels from being installed on the front roof of a house.
- Require solar panel equipment to be screened as is required for a generator.

Council directed the solar panel consideration to the Planning and Zoning Commission for further discussion with support from the City Attorney regarding solar panel regulations.

- Verizon Cell Node Update – The tower will be removed from Williamsburg and possibly relocated to Bunker Hill Rd.
- Personnel Update – Recruitment efforts continue for the Public Works Director position.

### B. Report on Capital Projects

- Public Works and Emergency Operations Building – The contractor is experiencing delays with CenterPoint and window installation.
- Taylorcrest Ct. Landscaping – Two shrubs are still expected to be planted.
- Memorial Sidewalk Construction and Landscaping Improvements – Construction of the sidewalk is complete. City staff is working with the resident on finalizing a landscape plan.
- Water Well No. 5 Landscaping – Landscaping is complete.
- Water and Wastewater Rehabilitation – A plan for televising existing infrastructure is in process.

C. Finance Director Report

- Annual Audit – Audit fieldwork has been completed.
- Investments and Opportunities – Staff is managing the City’s two banking contracts with the opportunity for increased interest rates.
- 2024 Budget – Proposed Calendar was shared with the Council.

**IX. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 23-605 OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, ADOPTING AMENDMENT NO. 5 AND NO. 6 TO THE ORIGINAL BUDGET OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, FOR THE FISCAL YEAR 2023; PROVIDING DETAILED LINE ITEM INCREASES OR DECREASES; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT – *Susan Grass, Finance Director***

City Staff submitted for City Council consideration and approval a budget amendment to the Fiscal Year 2023 Budget.

The City budgeted in 2022 and 2023 for Capital Projects General Fund and Utility Construction Fund based on a projected percentage of completion at year end. The amounts proposed for the 2023 year are funds not expended in the 2022 year and will fall to the fund balance in 2022.

Staff recommended amending the 2023 budget to include the following:

**General Fund Construction**

\$13,290 Chapel Belle

**Utility Fund Construction**

\$22,000 Water Well #5

\$ 3,400 Transmission Line – Taylorcrest

**A motion was made by Councilmember Thode and seconded by Councilmember Rosenbaum to approve Ordinance No. 23-605, adopting Amendments No. 5 and No. 6 to the Original Budget of the City of Bunker Hill Village, Texas for the Fiscal Year 2023.**

**The motion carried 5 – 0**

**X. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE CHANGE ORDER NO. 2 TO THE CURRENT CONTRACT WITH JLA CONSTRUCTION SOLUTIONS LLC FOR THE PUBLIC WORKS AND DISASTER OPERATIONS BUILDING AT NO ADDITIONAL COST FOR A TIME EXTENSION TO THE CONTRACT FOR AN ADDITIONAL 45 CALENDAR DAYS AFTER CENTERPOINT ENERGY PROVIDES NEEDED POWER TO THE BUILDING – *Gerardo Barrera, City Administrator***

JLA Construction Solutions LLC, the contractor for the construction of the Public Works and Disaster Operations Building, has been delayed due to CenterPoint Energy lead times.

CenterPoint has recommended that power come from Memorial Drive to power both City Hall and the new Public Works Building. Power from Memorial to the building is being designed and will be installed by CenterPoint. JLA has revised the schedule to continue with the exterior of the building while waiting on the installation of windows and doors and interior finishings.

JLA has requested a 45 calendar day, time extension to the contract at no additional cost.

Staff have continued to stay in communication with CenterPoint representatives in an effort to minimize further delay. The 45 calendar day delay will also result in the need to extend the temporary building rental for the Public Works Staff. Staff is working to outline any other costs as a result of the CenterPoint delay.

**A motion was made by Councilmember Thode and seconded by Councilmember Brown to approve Change Order No. 2 to the current contract with JLA Construction Solutions LLC for a time extension for an additional 45 calendar days.**

**The motion carried 5 – 0**

- XI. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 04-18-2023C, A RESOLUTION OF THE CITY OF BUNKER HILL VILLAGE, TEXAS FINDING THAT CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL - Karen Glynn, Acting City Secretary/ Community Development**

The City has received a request from CenterPoint Energy regarding utility rates. The City participates in the Gulf Coast Coalition of Cities (GCCC), a coalition of similarly situated cities served by CenterPoint that have joined together to efficiently and cost effectively review and respond to issues affecting rates charged in the CenterPoint service area. The legal counsel for the GCCC and the City Attorney recommended all cities act on the request.

The following has been provided by the legal counsel for the GCCC:

On April 5, 2023, CenterPoint filed an Application for Approval to Amend its Distribution Cost Recovery Factor (DCRF) Pursuant to 16 Tex. Admin. Code § 25.243 to increase distribution rates with each of the GCCC in the service area. In the filing, CenterPoint is

seeking an increase in distribution revenues of \$84,571,868.00 compared to the revenues approved in its most recent DCRF proceeding.

The GCCC engaged the services of a consultant to review CenterPoint's filing. GCCC legal counsel recommended that all GCCC members adopt a Resolution denying the requested relief. Once the Resolution is adopted, CenterPoint will have 30 days to appeal the decision to the Public Utility Commission where the appeal will be consolidated with CenterPoint's filing for the environs and those cities that have relinquished their original jurisdiction currently pending at the Commission.

Staff recommended that City Council approve Resolution 04-18-2023C to deny the DCRF application proposed by CenterPoint.

**A motion was made by Councilmember Schwartz and seconded by Councilmember Thode to approve Resolution No. 04-18-2023C.**

**The motion carried 5 – 0**

**XII. CONSIDERATION AND POSSIBLE ACTION ON RESOLUTION NO. 04-18-2023D OF THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, ADOPTING A SCHEDULE OF FEES, RATES, DEPOSITS, AND OTHER CHARGES FOR PUBLIC SERVICES, INCLUDING THOSE RELATING TO DEVELOPMENT, BUILDING AND CONSTRUCTION, ELECTRICAL, PLUMBING, LICENSING AND REGISTRATIONS, REGULATORY INSPECTIONS, PERMITTING, APPLICATIONS, HEARINGS AND OTHER MATTERS – *Gerardo Barrera, City Administrator and Karen Glynn, Acting City Secretary/ Community Development***

On an annual basis, City Staff reviews the building and development fees to ensure that the rates are sufficient to cover the cost of services. The City's fees were adopted in November 2022 with no significant changes; however, at the time staff recommended a comprehensive review in early 2023.

Staff have worked to evaluate the development fees as City costs have increased due to contracting for more of these services over the past year. Staff performed an analysis to assist in setting new fees based on the actual costs of providing such services.

The proposed fee schedule included a 5% increase in development fees in addition to a 3% increase to balance credit card fees. In addition, it is recommended that the base increase per inspection be increased from \$65 to \$100 for all other permits, which are based on the number of inspections required. There is no fee recommended for the application and review for all other permits or for contractor registration and processing.

The development fees were last adjusted in 2019 when state law required fees to be based on square foot rather than valuation. The per inspection fee has not been changed since 2013.



Staff recommended that Council approve Resolution No. 04-18-2023D adopting the proposed Fee Schedule with an effective date of June 1, 2023.

**A motion was made by Councilmember Thode and seconded by Councilmember Schwartz to approve Resolution No. 04-18-2023D of the City Council of the City of Bunker Hill Village, Texas, adopting scheduling of fees, rates, deposits, and other charges for public services, including those relating to development, building and construction, electrical, plumbing, licensing and registrations, regulatory inspections, permitting, application, hearings and other matters.**

**The motion carried 5 – 0**

### **XIII. 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 March 21, 2023 Regular Council Meeting.
- B. February 2023 Financials.
- C. March 2023 Financials.
- D. Allied Hydromulch, LLC, Invoice No. 32316 in the amount of \$1,500.00 for landscaping services completed in March 2023 for the Taylorcrest Ct. Landscaping project.
- E. Bownds Wholesale Nursery, Invoice No. 14017 in the amount of \$14,100.00 for the installation of landscaping for the Taylorcrest Ct. Landscaping project.
- F. Cary M. Moran, Consulting Forester Invoice dated April 6, 2023 in the amount of \$400.00 for Forestry Consultation services rendered from December 2022 to March 2023.
- G. The Goodman Corporation, Invoice No. 1-2023-6 in the amount of \$465.00 for professional services rendered in January 2023 for the Memorial Drive and Gessner Road Grant Application.
- H. The Goodman Corporation, Invoice No. 3-2023-11 in the amount of \$5,000.00 for professional services rendered in March 2023 for the Memorial Drive and Gessner Road Grant Application.
- I. Neil Technical Services, Invoice No. 116551 in the amount of \$660.00 for Water Well No. 5 SCADA system services completed in March 2023.
- J. Probstfeld & Associates, Invoice No. 67167 in the amount of \$150.00 for Drainage Plan Review services completed in February 2023.
- K. RPS, Invoice No. 223033 in the amount of \$1,753.26 for General On-Call professional services for Chapel Belle Development Review, Staff Planning Meetings and Updates on projects performed from January 28, 2023 to February 24, 2023.
- L. RPS, Invoice No. 223034 in the amount of \$1,199.21 for Site Development Review for Drainage Impacts services completed from January 28, 2023 to February 24, 2023.
- M. RPS, Invoice No. 223035 in the amount of \$970.32 for City of Bunker Hill Village Drainage Committee services rendered from January 28, 2023 to February 24, 2023.
- N. Willscot, Invoice No. 9017223247 in the amount of \$1,234.98 for March 2023 facility rental (Public Works Team).

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

**The motion carried 5 – 0**

**XIV. EXECUTIVE SESSION**

**PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, THE CITY COUNCIL WILL MEET IN CLOSED EXECUTIVE SESSION TO CONSULT WITH THE CITY ATTORNEY REGARDING A MATTER THAT THE ATTORNEY’S DUTY REQUIRES TO BE HELD IN CLOSED SESSION.**

**SECTION 551.074 – PERSONNEL MATTERS – THE CITY COUNCIL WILL MEET IN CLOSED EXECUTIVE SESSION TO DELIBERATE REGARDING THE APPOINTMENT, ASSIGNMENT AND DUTIES OF THE CITY’S COMMISSIONER TO THE VILLAGE FIRE COMMISSION AND SEARCH FOR THE PUBLIC WORKS DIRECTOR.**

*Mayor Lord stated that no Executive Session was needed at this time.*

**XV. ADJOURN**

**A motion was made by Councilmember Thode and seconded by Councilmember Brown to adjourn the meeting at 7:42 p.m.**

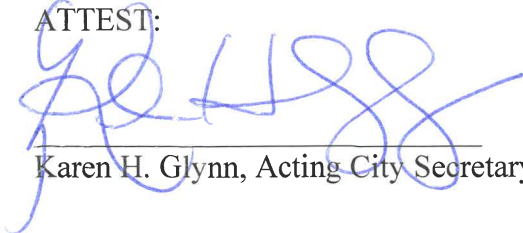
**The motion carried 5 - 0**

Approved and accepted on May 16, 2023.



Robert P. Lord, Mayor

ATTEST:



Karen H. Glynn, Acting City Secretary