

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF BUNKER HILL VILLAGE, TEXAS
OCTOBER 17, 2023 at 5:00 P.M.**

I. CALL TO ORDER

Mayor Robert Lord called the meeting to order at 5:01 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 Keith Brown
Councilmember Eric Thode
Councilmember Laurie Rosenbaum
Councilmember Carl Moerer

Also in Attendance:

Gerardo Barrera, City Administrator
Susan Engels, Finance Director
Elvin Hernandez, Director of Public Works
Loren Smith, City Attorney
Philip Boedeker, Olson & Olson, LLP
Mallory Pack, Management Analyst

II. PLEDGE OF ALLEGIANCE

Philip Boedeker led the Pledge of Allegiance.

III. CITIZEN COMMENTS

Judith Hungerford and David Carol, members of the Christ the King Lutheran Church asked how to request the Fire Department help them set up a Christmas Tree and lights. They also asked if permits were required and the process to obtain those permits.

IV. MEMORIAL VILLAGES POLICE DEPARTMENT REPORT

- A. Update on Activities – Commander Baker gave an update on activities including personnel, calls for service, and the 2023 Budget.
- The department continues to pursue proactive traffic enforcement.
 - The department is expected to be under budget for 2023.
 - The Automatic License Plate Reader (ALPR) System continues to be an effective tool to solve crimes and recover property.

V. VILLAGE FIRE DEPARTMENT REPORT

- A. Update on Activities – Chief Howard Miller and Fire Commissioner Keith Brown provided a report on activities, staffing, calls for service, and response times.
- The department received the final report from the Insurance Services Office (ISO) will maintain an ISO Grade 1.
 - The annex building roof overlay is expected to begin soon.

VI. MAYOR'S REPORT

- A. Consideration and Possible Action to Approve Resolution No. 10-17-2023A, a Resolution of the City Council of the City of Bunker Hill Village, Texas, Designating a Representative and Alternate to the General Assembly of the Houston-Galveston Area Council for the Year 2024

A motion was made by Councilmember Rosenbaum and seconded by Councilmember Brown to designate Councilmember Schwartz as representative and Councilmember Thode as alternate to the General Assembly of the Houston-Galveston Area Council for the Year 2024.

The motion carried 5 – 0

- B. Report on Activities and Upcoming Events

- TML Conference – Volunteer Encouragement Ideas; Turf; City Engineer; IT Services – The Mayor and City Administrator attended TML and connected with several vendors regarding the delivery of city services.
- Metro Bridge Ribbon Cutting – The Mayor attended a ribbon cutting event for a new Metro pedestrian bridge.
- Family Movie Night – *Friday, November 3, 2023* – Staff will coordinate with MVPD to plan the event.
- Holiday Reception Event – *Tuesday, December 12, 2023*
- Twinkle Light Parade – *Thursday, December 14, 2023*

VII. CITY ADMINISTRATOR'S REPORT

- A. Report on Activities and Upcoming Events

- 2023 TML Conference – *October 5-7, 2023* – Mayor Lord and City Administrator Gerardo Barrera attended the conference.
- Zoning Board of Adjustments Meeting – *Wednesday, October 18, 2023* – The Board will hear two variance requests.
- Planning and Zoning Commission Meetings – *Tuesday, September 26 & Tuesday, October 24, 2023* – The Commission continues to discuss the definition and installation requirements of synthetic turf to make a recommendation to City Council.
- Annual Villages Recycling Event – *Saturday, October 28, 2023* – The event will be hosted at Hedwig Village City Hall.
- November Meeting and Holiday Schedule
 - The November City Council meeting was rescheduled for Tuesday, November 14, 2023 to accommodate the Thanksgiving holiday. However, Council noted their preference to keep the meeting scheduled for November 21.
 - 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, 2023.
 - New Year's – Monday, January 1, 2024.

B. Director of Public Works Report

- Development Report – Director of Public Works Elvin Hernandez provided a report on permits issued in the month of September and development to date.
- Personnel – The Public Works Operator position has been filled.
- Wastewater Televising – The project is ongoing.
- Public Works and Disaster Operations Building – The contractor continues to install interior hardware, doors, tile, and millwork.

C. Finance Director Report

- Interim Audit – Interim audit work is scheduled for November 13 - 17, 2023.
- Investments and Opportunities – The City continues to take advantage of favorable interest rates.

VIII. DISCUSSION, FEEDBACK AND POSSIBLE ACTION ON RESOLUTION NO. 10-17-2023B 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*

The use of credit cards to pay for services has increased significantly throughout the year and is expected to continue into 2024. The City already supplements the fees associated per transaction through funds budgeted annually in the General and Utility Fund. The City's merchant services provider (Open Edge) has also increased transaction costs by almost 75% to date, which is expected to result in having to supplement nearly \$100,000 (\$40,000 above FY 2023 budgeted amount) by the end of the year.

As a measure to recoup the fees, staff recommended a 3% per transaction fee for processing payments by credit card. The City will continue to offer payment methods that do not incur additional fees, such as check and ACH payments.

Council noted concerns regarding a transaction fee and directed staff to explore alternate bank merchant vendors and perform a rate study. Staff will present the results of the rate study at a future meeting date.

No action was taken on this item.

IX. CONSIDERATION AND POSSIBLE ACTION REGARDING ORDINANCE NO. 23-614 AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, BY DELETING SECTION 16-26, (1) - (4) OF ARTICLE II OF CHAPTER 16 THEREOF AND SUBSTITUTING THEREFORE A NEW SECTION 16-26, (1) - (4); ESTABLISHING RATES TO BE CHARGED BY THE CITY FOR WATER AND SANITARY SEWER SERVICES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY – *Susan Engels, Finance Director*

During the annual budget process, staff reviews utility rates to determine if charges will generate adequate revenue to operate and maintain city utilities and associated infrastructure. Following adoption of the Fiscal Year (FY) Budget, City Council must set the annual utility rates for Water and Wastewater Services. The approved 2024 Budget included a 6% increase for residential water and wastewater rates, and an 8% increase for non-residential water and wastewater rates, and irrigation-only accounts.

Staff recommended an effective date of December 13, 2023 for the new rates.

A motion was made by Councilmember Thode and seconded by Councilmember Brown to approve Ordinance No. 23-614, amending the Code of Ordinances for the City of Bunker Hill Village, Texas, by deleting Section 16-26; (1) – (5) of Article II of Chapter 16 thereof and substituting therefore a new Section 16-26; (1) – (5); establishing rates to be charged by the City for water and sanitary sewer services; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability.

The motion carried 5 – 0

- X. CONSIDERATION AND POSSIBLE ACTION REGARDING ORDINANCE NO. 23-615 AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, BY DELETING SECTION 16-26 (5) OF ARTICLE II OF CHAPTER 16 THEREOF AND SUBSTITUTING THEREFORE A NEW SECTION 16-26 (5); ESTABLISHING RATES TO BE CHARGED BY THE CITY FOR SOLID WASTE AND RECYCLING SERVICES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY – Susan Engels, Finance Director**

Following the adoption of the Fiscal Year (FY) Budget, City Council must set the annual rate for solid waste and recycling collection services. The rate is based on the 6 ½ year contract with Texas Pride approved in June 2022 with no proposed increase for FY 2024.

The proposed rate for FY 2024 will remain at \$72.62 (same as FY 2023). The rate accounts for two months of services and includes required taxes and administration costs.

A motion was made by Councilmember Thode and seconded by Councilmember Brown to approve Ordinance No. 23-615, amending the Code of Ordinances for the City of Bunker Hill Village, Texas, by deleting Section 16-26 (5) of Article II of Chapter 16 thereof and substituting therefore a new Section 16-26 (5); establishing rates to be charged by the City for solid waste and recycling services; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability.

The motion carried 5 – 0

XI. CONSIDERATION AND POSSIBLE ACTION REGARDING ORDINANCE NO. 23-616, REGARDING THE CITY OF BUNKER HILL VILLAGE’S TEXAS MUNICIPAL RETIREMENT SYSTEM BENEFITS: (1) ADOPTING NON-RETROACTIVE REPEATING COLAS, FOR RETIREES AND THEIR BENEFICIARIES UNDER TMRS ACT §853.404(f) AND (f-1), AND (2) AUTHORIZING ANNUALLY ACCRUING UPDATED SERVICE CREDITS AND TRANSFER UPDATED SERVICE CREDITS – Gerardo Barrera, City Administrator

As part of the FY 2024 Budget, the Memorial Villages Police Department (MVPD) included a reinstatement of Updated Services Credits (USC) and a Cost of Living Adjustment (COLA) to their benefits package. USC is a financial credit that can increase benefits at retirement based on changes in salary and retirement plan. COLA is an optional benefit that helps protect benefits from the effects of inflation. A City may choose to change, adopt, or rescind COLA amounts 30%, 50% or 70% of the CPI change and can be calculated either retroactively or non-retroactively. It has been customary for the City to mirror the MVPD benefits package for its employees.

The FY 2024 Adopted Budget included an annually repeating 100% USC with associated transfers for staff, which remains unchanged from 2023.

Currently, a COLA must be calculated by looking back to the cumulative change in CPI since each retiree’s retirement date, commonly called the “catch up.” Effective May 27, 2023, the Texas Legislature amended the TMRS Act to provide cities a new repeating COLA option. The City’s new COLA change is the adoption of a 50% non-retroactive increase. This eliminates the retroactive calculation and makes it less expensive than a repeating COLA calculated retroactively. The City’s contribution rate to the Texas Municipal Retirement System (TMRS) for 2024 is 18.67% (a 7.35% increase from FY 2023).

Staff recommended an effective date of January 1, 2024 for these measures.

A motion was made by Councilmember Rosenbaum and seconded by Councilmember Schwartz to approve Ordinance No. 23-616.

The motion carried 5 – 0

XII. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT BETWEEN THE CITY OF BUNKER HILL VILLAGE AND RPS IN THE AMOUNT OF \$29,000.00 FOR GEOTECHNICAL SERVICES OF ASPHALT STREETS ON KNIPP ROAD, STREY LANE, TAYLORCREST ROAD, AND BUNKER HILL ROAD – Gerardo Barrera, City Administrator and Elvin Hernandez, Director of Public Works

The approved FY 2023 Capital Improvement Plan included a new asphalt overlay project for the following streets: Knipp Rd, Strey Ln., Bunker Hill Rd and Taylorcrest Rd. To evaluate the current condition of the existing roadways and sub-base, staff recommended commissioning an engineering geotechnical study. As previously discussed with Council, all roadway work has been rescheduled to 2024 to complete this study prior to construction.

The Geotechnical Engineer will provide the summary of findings that will include the current thickness of the roadway, the condition of the sub-base and identify potential causes of existing failures. Additionally, the final report will provide the City with recommendations of a milling & overlay plan for all roads identified, including proper sub-base work as necessary.

All testing work and the report is expected to be completed within six (6) weeks from receipt of Notice to Proceed. Design, Project Management Coordination and Construction Phase Services will also be required and will be brought to Council for approval at a later time.

Staff recommended approval of task 1 geotechnical services.

A motion was made by Councilmember Thode and seconded by Councilmember Brown to approve a contract between the City of Bunker Hill Village, Texas and RPS in the amount of \$29,000.00 for task 1 geotechnical services on Knipp Rd., Strey Ln., Taylorcrest Rd., and Bunker Hill Rd.

The motion carried 5 – 0

XIII. DISCUSSION, FEEDBACK AND POSSIBLE ACTION TO AMEND THE CONTRACT BETWEEN THE CITY OF BUNKER HILL VILLAGE AND AMERICAN TOWER REGARDING INSTALLATION OF TELECOMMUNICATION EQUIPMENT ON THE EXISTING EQUIPMENT BUILDING NEXT TO THE CELL TOWER AT CITY HALL – *Gerardo Barrera, City Administrator*

In March 15, 1994, the City entered into an agreement with GTE Mobilnet of South Texas LP (now property of American Tower with rights approved by City in November 1, 2022 to sublease to DISH Wireless, LLC) and authorized the use and occupation of the premises located behind City Hall for the purpose of installing, constructing, and operating a transmission tower, radio and microwave communications equipment.

American Tower has submitted proposed plans to install two new microwave dish antennas atop the existing equipment building. The proposed installation includes enclosures to prevent direct view of the antennas, however the height of both enclosures would extend beyond the current screening barrier of the equipment building.

Per the agreement, the purpose of the equipment building is to “house” (and not “support”) additional equipment necessary for communication operations. After consultation with the City Attorney, any installation of equipment affixed to the exterior of the building does not meet the terms of the agreement, therefore would require an amendment to the agreement.

The agreement extends for four (4) ten-year terms. March 2024 will be the end of the 3rd renewal term.

This item was for discussion and consideration to request additional compensation from American Tower should Council take action to approve an amendment to the contract.

Council directed staff to:

- Obtain a written amendment from American Tower
- Communicate with American Tower that equipment should not be visible over the fence to residential neighbors
- Recommend that American Tower explore alternate locations for antennas

No action was taken on this item

XIV. 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 September 19, 2023, City Council Meeting.
- B. September 2023 Financials.
- C. The Goodman Corporation, Invoice No. 9-2023-5 in the amount of \$310.00 for professional services rendered in September 2023 for the Memorial Drive and Gessner Road grant application.
- D. Harris-Galveston Subsidence District, Invoice No. 355255 in the amount of \$9,120.00 for water conservation education program.
- E. Neil Technical Services, Invoice No. 119198-2 in the amount of \$8,722.00 for pump installation at Water Plant #2.
- F. Probstfeld & Associates, Invoice No. 68351 in the amount of \$355.00 for drainage plan review completed in September 2023.
- G. Probstfeld & Associates, Invoice No. 68433 in the amount of \$530.00 for drainage plan review and site visit completed in September 2023.

Mayor Lord removed item E for separate discussion.

A motion was made by Councilmember Rosenbaum and seconded by Councilmember Schwartz to approve the consent agenda as presented with the exception of Item E.

The motion carried 5 – 0

PULLED FROM CONSENT - ITEM E – DISCUSSION AND COUNCIL ACTION

Mayor Lord questioned if the cost of the pump replacement was covered by the City’s insurance. The pump was replaced due to end of its useful life versus damage or negligence. The FY 2023 Budget included funding for pump replacement as part of the proactive equipment maintenance schedule. Had the pump been damaged by others, it would have been investigated as a potential insurance claim.

A motion was made by Councilmember Thode and seconded by Councilmember Moerer to approve item E as presented.

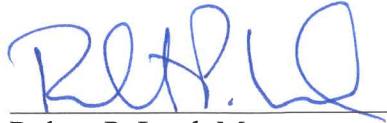
The motion carried 5 – 0

XV. ADJOURN

A motion was made by Councilmember Rosenbaum and seconded by Councilmember Moerer to adjourn the meeting at 7:33 p.m.

The motion carried 5 - 0

Approved and accepted on November 21, 2023.



Robert P. Lord, Mayor

ATTEST:



Gerardo Barrera, City Administrator/ Acting City Secretary