

**MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF BUNKER HILL VILLAGE, TEXAS  
JANUARY 16, 2024 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 Eric Thode  
Councilmember Carl Moerer  
Councilmember Keith Brown  
Councilmember Laurie Rosenbaum

Also in Attendance

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

**II. PLEDGE OF ALLEGIANCE**

Commander Baker led the Pledge of Allegiance.

**III. CITIZEN COMMENTS**

Mary Johnson deferred comments until discussion of Agenda Item IV.

**IV. PRESENTATION, DISCUSSION, AND REVIEW OF AN APPLICATION FOR A SPECIFIC USE PERMIT:**

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX "A" OF THE CODE OF ORDINANCES OF THE CITY, SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY, BY GRANTING A SPECIFIC USE PERMIT FOR CONSTRUCTION AND USE OF PICKLE BALL COURTS, A TRELLIS SHADE STRUCTURE, FENCING AND ASSOCIATED LIGHTING ON THE PREMISES OF MEMORIAL DRIVE PRESBYTERIAN CHURCH, AND OTHER INCIDENTAL IMPROVEMENTS; PROVIDING FOR REPEAL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2000 FOR

EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND  
PROVIDING FOR SEVERABILITY.

Memorial Drive Presbyterian Church (MDPC), located at 11612 Memorial Drive, operates under a specific use permit (SUP). The SUP outlines a detailed site plan and specific conditions on MDPC property.

At the April 2023 Planning and Zoning Commission Meeting, MDPC presented an application for an amendment to the SUP for Commission review, discussion, and direction for the following:

1. Replacement of existing signs (3 total)
2. New pickleball courts (2 total) with covered structure and site amenities

The Commission discussed the items and provided direction, including separating the two requests. In discussions with the Commission and staff, MDPC representatives expressed that the pickleball courts are the highest priority and will pursue replacing the existing signage at a later time.

As a result, the proposed ordinance reflects the pickleball courts, structure, and amenities only.

A public hearing on the proposed pickleball courts was held at the June 2023 Planning and Zoning Commission (P&Z) meeting. MDPC presented the proposed location of the courts and pavilion that were to be constructed over the existing asphalt parking lot. During the hearing, several residents spoke against the court placement citing disruption of noise, lighting, and hours of operation. No action was taken. The applicants were instructed to complete a formal sound study prior to any final decision from P&Z.

At the November 2023 meeting, P&Z held a second public hearing on the proposed pickleball courts. MDPC presented the results of a formal sound study, as well as a new proposed site that moved the courts to a more centralized location further away from the residential area (away from Bylane Dr. residents). The new proposed location also included an updated lighting study and new rendering drawings of the new location.

The Planning and Zoning Commission voted 6-1 to recommend approval of amending the SUP for MDPC to install new pickleball courts with a covered structure and site amenities as presented.

Katherine Tees, the architect for the project, made a formal presentation to Council regarding the proposed site of the pickleball courts, structure, and amenities. The purpose of this item was to give Council the opportunity to provide feedback and ask the architect questions prior to the item being brought back for a formal Public Hearing and formal action at the February 2024 City Council meeting.

Council requested the complete sound study report prior to the February 2024 meeting.

**No action was taken on this item.**

## **PUBLIC COMMENT**

Mary Johnson, 225 Bylane, stated that she was not in favor of the proposed pickleball courts at Memorial Drive Presbyterian Church because it would bring increased vehicle and pedestrian traffic to the community. She also stated she can hear ballfield noise from her backyard now. She is concerned about language and the hours of operation from 9a-9p. She commented that all the neighbors on Bylane are against the court being built.

## **V. 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.

- The Department is expected to be underbudget for FY 2023 and the City will receive a refund.
- The Police Commission is working on a proposed ordinance to regulate e-bikes.
- The Department published RFP's for 2024 Capital Projects (roof and HVAC).
- Health insurance bids were solicited and due last week. One bid was received with an expected high increase. The proposal is being reviewed by Chief Schultz and a consultant to explore options.

## **VI. 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 4:46 minutes.
- Hydrant testing is scheduled to begin in February and last through May.
- The Department received a donated drone from MVPD to use for emergency management practices.
- Three new personnel were hired.
- Surplus ambulance was sold for \$57,000.

B. Discussion on Apparatus Replacement Cost Schedule

- Chief Miller presented projected costs for upcoming apparatus replacement schedule. Cost increases are to be expected for future replacement of equipment. Capital equipment will be a large portion of future budgets.

## **VII. MAYOR'S REPORT**

A. Consideration and Possible Action Regarding Appointing Beth Wing to Serve as Municipal Court Associate Prosecutor for a Two-Year Period

The City's Municipal Court currently has one Prosecutor and one Associate Prosecutor. Both prosecutors have indicated potential scheduling conflicts. Staff recommended appointing Beth Wing as a third Associate Prosecutor.

**A motion was made by Councilmember Moerer and seconded by Councilmember Brown to approve the appointment of Beth Wing to serve as Associate Prosecutor.**

**The motion carried 5-0**

**B. Report of Activities and Upcoming Events**

- Mayors' Meetings – Mayors continue to coordinate a meeting date.
- Proposed Town Hall on Utility Billing and Water Consumption – This item was not discussed.
- Holiday Reception Event – *Tuesday, December 12, 2023; Invitation for 2024* – Mayor Lord thanked those who attended the event. No changes to invitation of guest that include; Council, staff, volunteers and consultants.
- Twinkle Light Parade – *Thursday, December 14, 2023* – Mayor Lord recognized MVPD, VFD, and other community partners who participated in the parade. There was open discussion about if Council wanted to change to the parade route, but preference was to leave the current route unchanged.

**VIII. CITY ADMINISTRATOR'S REPORT**

**A. Report on Activities and Upcoming Events**

- Discussion and Direction on Screening of Ground Equipment – The proposed ordinance will be brought for a formal Public Hearing and formal action at the February 2024 City Council meeting.
- Planning and Zoning Commission Meetings – *Tuesday, November 28, 2023* – The Commission held public hearings regarding an application for an amendment to the Specific Use Permit (SUP) for Memorial Drive Presbyterian Church to construct two pickleball courts and on amending the City's Zoning ordinance regarding screening of utility equipment. Both items will be presented at the February 2024 meeting for formal Council action.
- American Tower Lease Contract – American Tower has renewed the lease agreement for an additional 10-year term.
- RFQ for City Engineer Services – The Evaluation Committee has completed their final assessments. A recommendation will be presented for formal Council action at the February meeting.
- 2024 CIP Project Update – Staff is working with engineers to develop a project schedule.
- City Hall Administration Office Closure – *Thursday, February 1 – Friday, February 2* – City Hall will be closed to the general public to complete year-end administration.

B. Director of Public Works Report

- Development Report – Director of Public Works Elvin Hernandez reported on permits issued in the months of November and December 2023.
- Public Works and Disaster Operations Building – The contractor continues to install the stairway. Staff is working to obtain final quotes for interior furniture.

C. Finance Director Report

- Investments and Opportunities – The City continues to take advantage of favorable interest rates.
- Workers Compensation Audit – The City received a refund of \$100.
- Annual Audit – Field work is scheduled to start Monday, March 25, 2024, and extend to Friday, March 29, 2024.

**IX. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT BETWEEN THE CITY OF BUNKER HILL VILLAGE, TEXAS, AND CORE & MAIN IN THE AMOUNT OF \$60,100.00 FOR THE PURCHASE AND INSTALLATION OF GATEWAY EQUIPMENT FOR THE WATER METER REPLACEMENT PROJECT – *Elvin Hernandez, Director of Public Works***

The FY 2024 Capital Improvement Plan includes funding for water meter replacements and associated infrastructure. In an effort to improve how the City reads meters, staff began exploring the conversion from Automatic Meter Reading (AMR) to Advanced Metering Infrastructure (AMI). The City's current meter reading process through AMR requires Public Works crews to drive-by properties to capture meter data. This process can often be time-consuming and takes one staff member out of service to complete the reads. This does not include time dedicated to complete meter re-reads, downloads, or manual check of a non-reading meter.

AMI will allow a more frequent collection and accurate water usage data to improve billing, advance leak detection, and overall improve water management. This system requires the installation of two gateway antennas and equipment at strategic locations identified by a propagation study that identifies the coverage area. The two locations include Water Plant #1 (Taylorcrest Rd.) and Water Plant #2 (City Hall).

This conversion also accounts for recent software upgrades made that will provide residents the option to sign up to their own portal to view daily usage and the ability to set usage alerts. Staff will also be able to monitor usage and will assist better when explaining billing matters.

The total estimated cost for the purchase and installation of AMI gateway equipment is \$60,100.00. Funding for this system is included as part of the overall meter replacement project identified and approved in both the FY 2023 and FY 2024 Annual Budgets. The City Hall site will utilize an existing abandoned pole that meets height requirements. Construction will be required to install a mono pole at Water Plant #1 and will be presented to Council separately for approval at a later time.



Core and Main is the sole source authorized provider of the City's meters and software (Neptune) and is exempt from formal bid requirements per Local Government Code Chapter 252.022. Staff will work with provider on attaining lead times for equipment and schedule installation accordingly.

**A motion was made by Councilmember Brown and seconded by Councilmember Rosenbaum to approve a contract with Core & Main in the amount of \$60,100.00 for the purchase and installation of gateway equipment for the water meter replacement project.**

**The motion passed 5-0**

**X. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING THE CITY'S TREE ORDINANCE – *Elvin Hernandez, Director of Public Works***

The purpose of the City's tree ordinance is to preserve and enhance the desirability of the city by requiring careful site planning; the protection of trees during construction to contribute to the long-term viability of existing trees; prohibiting indiscriminate cutting or clearing of trees; and encouraging the increase of the urban canopy.

In response to feedback received from the Planning and Zoning Commission, residents, and building developers, staff is in the preliminary phase of reviewing the City's tree ordinance to identify sections that may benefit from updates and eliminate any ambiguity in the language. Staff recommended addressing and clarifying any discrepancies to ensure that the code is clear, concise, and effective.

In discussions with the City Forester, staff identified sections for review and potential updates under Chapter 4, Article VI of the Code of Ordinances:

- Sec. 4-183 - Minimum tree requirement
- Sec. 4-185 - Tree preservation, removal and replacement

Council discussion included:

- Incorporate provisions imposing a penalty/ punitive actions (ex. include penalty if a tree was removed that was not approved in the tree survey/ include penalty for failure to follow tree survey as approved) to deter contractors from having to pay low fines for failure to comply with ordinance requirements.
- Require proof from a qualified Urban Forester to remove a dead and/or diseased tree.
- Explore the options to ban and/or suspend builders that have blatantly violated City ordinances.

Staff will work with the Planning and Zoning Commission to review the ordinance and discuss possible updates to the entire Tree Ordinance.

**No action was taken on this item.**

**XI. CONSIDERATION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE A FINAL PLAT FOR 11730 WOOD LANE AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION – *Elvin Hernandez, Director of Public Works***

*This item was taken out of order.*

A preliminary plat for 11730 Wood Lane was presented to the Planning and Zoning Commission at the April 2023 meeting. During the plan review of a new home at 11730 Wood 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. The Commission unanimously recommended that the platting process move forward to the submission of a final plat.

At the November 2023 meeting, the Commission approved the final plat and recommended it be taken to City Council for approval.

**A motion was made by Councilmember Thode and seconded by Councilmember Schwartz to approve a final plat for 11730 Wood Lane, as recommended by the Planning and Zoning Commission.**

**The motion passed 5-0**

**XII. CONSIDERATION AND POSSIBLE ACTION TO ADOPT AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 4, 2024, FOR THE PURPOSE OF ELECTING THREE COUNCILMEMBERS (POSITION NOS. 1, 2, AND 3); PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT – *Gerardo Barrera, City Administrator***

The City of Bunker Hill Village holds its election on the first Saturday in May of each year. The election for Councilmember Positions 1, 2, and 3 are held in even-numbered years, and the election for Mayor and Councilmember Positions 4 and 5 are held in odd-numbered years.

The City will hold a Joint Election with Spring Branch Independent School District (SBISD) to conduct the City's General Election on Saturday, May 4, 2024, to elect Councilmember Positions 1, 2, and 3.

Filing for a place on the ballot will begin January 17, 2024, and will end February 16, 2024.

Staff recommended City Council approve an ordinance calling for the May 4, 2024 election.

**A motion was made by Councilmember Brown and seconded by Councilmember Thode to approve an ordinance calling for a general election to be held on Saturday, May 2, 2024.**

**The motion passed 5-0**

**XIII. CONSIDERATION AND POSSIBLE ACTION TO ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, BY DELETING ALL OF SECTION 2-4, OFFICIAL NEWSPAPER, OF ARTICLE I, IN GENERAL, OF CHAPTER 2, ADMINISTRATION, AND ADDING A NEW SECTION 2-4, OFFICIAL NEWSPAPER, OF ARTICLE I, IN GENERAL, OF CHAPTER 2, ADMINISTRATION, SAID SECTION DESIGNATING THE MEMORIAL EXAMINER (HOUSTON COMMUNITY NEWSPAPER) AS THE OFFICIAL NEWSPAPER OF THE CITY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT – *Gerardo Barrera, City Administrator***

Chapter 52.004 of the Texas Local Government Code requires municipalities to designate a public newspaper to be the municipality's official newspaper for all official publications for the year.

In previous years, the City has contracted with the Houston Community Newspaper (Memorial Examiner) as the designated official newspaper. Staff recommended the City continue with this publication.

At the November 2023 meeting, City Council unanimously approved a contract with Houston Community Newspaper for the period of January 1, 2024, to December 31, 2024, as part of the consent agenda.

**A motion was made by Councilmember Rosenbaum and seconded by Councilmember Brown to approve an ordinance designating the Memorial Examiner (Houston Community Newspaper) as the official newspaper of the City.**

**The motion passed 5-0**

**XIV. CONSIDERATION AND POSSIBLE ACTION TO RATIFY THE FOLLOWING PAYMENT(S) THAT EXCEED \$50,000.00:**

A. JLA Construction Solutions, Application for Payment No. 11 in the amount of \$70,665.20 for Public Works and Disaster Operations Building construction from September 1, 2023, to October 31, 2023.

At the November 2023 meeting, Council directed staff to remove expenditures exceeding \$50,000 from the consent agenda and present them as separate line item(s) on the regular agenda for consideration and possible action.



The invoice presented was for work completed in September-October that also included partial payment for a new generator that was unanimously approved via Change Order No. 4 at the June 2023 City Council meeting. The invoice has been paid.

**A motion was made by Councilmember Brown and seconded by Councilmember Thode to ratify payments that exceed \$50,000.00.**

**The motion passed 5-0**

**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 November 21, 2023, City Council Meeting.
- B. November 2023 Financials.
- C. The Goodman Corporation, Invoice No. 12-2023-5 in the amount of \$1,860.00 for professional services rendered through December 31, 2023, for the Memorial Drive and Gessner Road grant application.
- D. Langford Engineering, Invoice No. 26847 in the amount of \$233.98 for Water Well #5 warranty work performed through September 29, 2023.
- E. Langford Engineering, Invoice No. 26848 in the amount of \$635.16 for design and construction phase work completed through September 29, 2023, for sanitary sewer cleaning and televising.
- F. Langford Engineering, Invoice No. 26920 in the amount of \$1,548.75 for design and construction phase work completed through October 27, 2023, for sanitary sewer cleaning and televising.
- G. Langford Engineering, Invoice No. 26921 in the amount of \$2,076.74 for engineering services rendered through October 27, 2023.
- H. Langford Engineering, Invoice No. 27089 in the amount of \$2,076.88 for design and construction phase work completed through December 29, 2023, for sanitary sewer cleaning and televising.
- I. Langford Engineering, Invoice No. 27090 in the amount of \$3,337.93 for emergency repair work completed on Mockingbird Lane through December 29, 2023.
- J. Neil Technical Services, Invoice No. 119198 in the amount of \$700.00 for SCADA system services completed at City Hall Water Plant July 2023.
- K. Neil Technical Services, Invoice No. 122219 in the amount of \$1,050.00 for power disconnection from construction trailer completed November 2023.
- L. PGAL, Invoice No. 10059398 in the amount of \$900.00 for professional services rendered from May 1, 2023, to May 31, 2023, for City Hall Exterior Improvements and the Public Works and Disaster Operations Building.
- M. PGAL, Invoice No. 10059880 in the amount of \$300.00 for professional services rendered from July 1, 2023, to July 31, 2023 for City Hall Exterior Improvements and the Public Works and Disaster Operations Building.
- N. Probstfeld & Associates, Invoice No. 68550 in the amount of \$355.00 for drainage plan review services completed in October 2023.

- O. Probstfeld & Associates, Invoice No. 68551 in the amount of \$360.00 for drainage plan review services completed in October 2023.
- P. Probstfeld & Associates, Invoice No. 68738 in the amount of \$530.00 for drainage plan review services completed in November 2023.
- Q. Probstfeld & Associates, Invoice No. 68781 in the amount of \$175.00 for drainage plan review services completed in November 2023.
- R. Probstfeld & Associates, Invoice No. 68856 in the amount of \$355.00 for drainage plan review services completed in December 2023.
- S. RPS, Invoice No. 1023012 in the amount of \$710.36 for on-call engineering services performed from September 30, 2023, to October 27, 2023.
- T. RPS, Invoice No. 1023014 in the amount of \$3,651.51 for site development review services completed from September 30, 2023, to October 27, 2023.
- U. RPS, Invoice No. 1023015 in the amount of \$1,867.91 for on-call Drainage Committee services rendered from September 30, 2023, to October 27, 2023.
- V. RPS, Invoice No. 1123023 in the amount of \$698.89 for on-call engineering services performed from October 28, 2023, to November 24, 2023.
- W. RPS, Invoice No. 1123025 in the amount of \$4,019.59 for site development review services completed from October 28, 2023, to November 24, 2023.
- X. RPS, Invoice No. 1123026 in the amount of \$1,204.23 for on-call engineering services completed from October 28, 2023, to November 24, 2023.
- Y. Willscot, Invoice No. 9019063836 in the amount of \$1,594.80 for October 6, 2023, to November 2, 2023 facility rental (Public Works team).

**A motion was made by Councilmember Rosenbaum and seconded by Councilmember Brown to approve the Consent Agenda.**

**The motion carried 5-0**

## **XVI. EXECUTIVE SESSION**

- A. THE CITY COUNCIL WILL CONVENE INTO CLOSED EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, OR DUTIES OF THE CITY ADMINISTRATOR AND FINANCE DIRECTOR**
- B. THE CITY COUNCIL WILL CONVENE INTO CLOSED EXECUTIVE SESSION PURSUANT TO SECTIONS 551.074 AND 551.071 OF THE TEXAS GOVERNMENT CODE TO DELIBERATE THE APPOINTMENT, ASSIGNMENT, AND DUTIES OF THE CITY'S COMMISSIONER TO THE VILLAGE FIRE COMMISSION AND CONSULT WITH THE CITY ATTORNEY RELATED TO A MATTER THAT THE ATTORNEY'S DUTY REQUIRES TO BE DISCUSSED IN CLOSED SESSION**

*Mayor Lord convened into Executive Session at 7:45 p.m.*

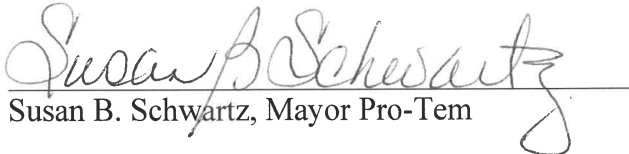
*Mayor Lord reconvened the Regular City Council meeting at 8:37 p.m.*

**XVII. ADJOURN**

**A motion was made by Councilmember Rosenbaum and seconded by Councilmember Brown to adjourn the meeting at 8:39 p.m.**

**The motion carried 5-0**

Approved and accepted on February 20, 2024.

  
Susan B. Schwartz, Mayor Pro-Tem

ATTEST:

  
Gerardo Barrera, City Administrator/Acting City Secretary