



**CITY OF HEDWIG VILLAGE, TEXAS
REGULAR MONTHLY CITY COUNCIL MEETING
THURSDAY, FEBRUARY 21, 2019
6:30 P.M. - 955 PINEY POINT ROAD**

MINUTES

1. CALL TO ORDER

Mayor Muecke called the meeting to order at 6:32 p.m.

Present: Mayor Brian Muecke

Councilmember Harry J. Folloder
Councilmember Dane Johnson
Councilmember Barry Putterman
Councilmember Shirley Rouse
Councilmember Matt Woodruff

Kelly Johnson, City Admin./Secr.-Treasurer
Alan Petrov, City Attorney
David Gott, Police Chief
Kevin Taylor, Building Official
Evan DuVall, Building Official
Lisa Modisette, Assistant City Secretary

Absent: None

2. CITIZEN/VISITOR COMMENTS

Andrea Hermann, 930 Karos Lane, requested an update on the following items:

- Who would be responsible for any damage to the City's right-of-way during installation or repair of fiber optics?
- An update on the Drainage Committee.
- An update on demolition at 9535 Katy Freeway.
- When the Toys R Us demolition would be completed.
- Requested the Planning and Zoning Commission allow residents to place parking pads in the right-of-way in front of their homes.

Mayor Muecke stated the residents are allowed to put parking pads in the right-of-way in front of their homes. He also stated City Council will receive an update on 9535 Katy Freeway (Memorial Inn and Suites) property later at this meeting.

Kevin Taylor will speak regarding the maintenance of the City's right-of-way after work by contractors and the Toys R Us demolition.

- 3. CONSENT AGENDA** – All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a councilmember so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

A. Approval of Minutes

October 18, 2018 Regular Council Meeting
November 15, 2018 Regular Council Meeting
December 12, 2018 Regular Council Meeting

B. Approval of General Fund Bills

General Fund Bills - #33883 - #34035
Voided Checks – #33969, 33978, 34013

C. Approval of General Fund Bills over \$2,500

Constellation New Energy - \$3,673.10	State Treasurer - \$28,074.94
Accutek - \$18,695.00	Helfman Ford - \$50,732.00
Axon Enterprise - \$13,038.00	Bright Landscaping Design - \$6,475.21
BBG Consulting - \$5,760.00	TML - \$22,675.75
American Municipal Services – \$3,141.34	Johnson Petrov - \$4,529.55
Houston Fitness Depot - \$2,687.76	

D. Approval of the 4th Quarter 2018 Investment Report

Councilmember Folloder moved, Councilmember Rouse seconded, to remove the listed minutes from the Consent Agenda.

Councilmembers Folloder, Johnson, Putterman, Rouse, and Woodruff voted “Aye”, “Noes” none.

MOTION CARRIED UNANIMOUSLY

Councilmember Woodruff moved, Councilmember Putterman seconded, to approve the Consent Agenda with the removal of the minutes.

Councilmembers Folloder, Johnson, Putterman, Rouse, and Woodruff voted “Aye”, “Noes” none.

MOTION CARRIED UNANIMOUSLY

Mayor Muecke provided City Council with a written list of corrections for the listed minutes.

Councilmember Rouse requested a correction to the November 15, 2018 minutes.

Lisa Modisette, Assistant City Secretary, will make the necessary corrections.

Councilmember Putterman moved, Councilmember Johnson seconded, to approve the minutes with the suggested corrections.

Councilmembers Folloder, Johnson, Putterman, Rouse, and Woodruff voted “Aye”, “Noes” none.

MOTION CARRIED UNANIMOUSLY

4. REPORTS

A. Financial Report – January 2019 – Kelly Johnson

Kelly Johnson discussed the following:

- The City has \$1.9 million in available funds and \$2.8 million in restricted funds for a total of \$4.7 million.
- The City’s funds are in the process of being transferred from Wells Fargo Bank to Frost Bank.
- The City is fully collateralized.
- The City is 8.33% through the 2019 Budget. Revenues are at 31.23% of budget and expenses are at 8.13% of budget.
- The Ad Valorem Tax Collections so far this year are slightly lower than previous years. There does not appear to be an issue at this time.
- Sales tax is approximately 8% lower through the end of February 2019 compared to February 2018.
- There will be an amendment to the 2018 Budget at the March 2019 City Council Meeting.

B. Police Report – 2018 Racial Profiling Report, 2018 Annual Report, and January 2019 Crime Report & Statistics – Chief David Gott

Chief Gott discussed the following:

- The January 2019 crime rate is slightly higher compared to December 2018 due to an increase in vehicle burglaries.
- The Racial Profiling Report, as required by law, must be submitted to the state and to City Council. The department does not have an issue with racial profiling. The new ticket writers capture the required data necessary to complete the report.

Councilmember Johnson asked about the arrests from the traffic stops.

Chief Gott stated any offense can lead to an arrest but usually the arrests are for no driver’s license and other similar offenses.

Councilmember Woodruff asked about the education regarding the complaint process.

Chief Gott stated there are pamphlets available to the public.
Councilmember Rouse asked if ethnicity is asked during a traffic stop.

Chief Gott stated ethnicity is determined by observation only.

- The Police Department Annual Report is complete and available on the City's website. The report highlights what the department has done in 2018.

C. Fire Department – Meeting – Bill Johnson, Fire Commissioner

Bill Johnson discussed the following:

- The fire station renovation will begin soon. The project manager has been chosen. He has experience with fire stations. He will help select an architect.
- The Commission asked for guidance on how to rehabilitate the City of Bunker Hill Village's relationship with the fire department.
 1. Option 1 - support fire and EMS services to the City of Bunker Hill Village beyond 2019. Commissioner Johnson recommends this option with the City of Bunker Hill Village paying their full share of the entire fire department budget including the renovation expenses.
 2. Option 2 – support the City of Bunker Hill Village returning to full status on the Commission. Commissioner Johnson recommends this option but after the renovation.

Depending on which option the cities agree on, the interlocal agreement would be amended only to address the City of Bunker Hill Village issue. The cities would then approve the amendment.

Mayor Muecke stated the two questions regarding the City of Bunker Hill Village are:

1. What is the cost to come back in to the fire department and would the City of Bunker Hill Village be allowed back into the governance of the fire department, and
2. At what time to allow re-entry.

The City of Bunker Hill Village gave a presentation at the December 2018 Fire Commissioner Meeting and offered several options to be allowed back in the fire department:

1. The City of Bunker Hill Village would approve and pay all disputed costs and asks that they be recognized as a full member. They ask that the Fire Commission work in good faith to build a second station with a second ambulance fully staffed by the department.
2. The City of Bunker Hill Village contracts with the fire department for fire services and the City of Bunker Hill Village provides its own EMS service.

3. The City of Bunker Hill Village contracts with the fire department for fire and EMS services for four additional years after December 31, 2019. The City of Bunker Hill Village has the right to opt in to membership at the end of the fourth year with eighteen months' notice.

Mayor Muecke and Councilmembers discussed the three options as presented by the City of Bunker Hill Village at the Fire Commission Meeting in December 2018. Mayor Muecke stated Option #1 would mean the City of Bunker Hill Village would receive full services from the department and would pay their full 19%, but would not have a vote on any Fire Commission matters. He stated there is a consensus among the commissioners regarding waiting until after the renovation of the fire station is complete and paid for before allowing the City of Bunker Hill Village back in. He stated Option #3 would most likely be the option the cities would approve.

Councilmember Woodruff stated his duty is to the residents of Hedwig Village and not to the residents of the other cities. He is concerned about making a decision now that would bind any future Councils. He is concerned that the City of Bunker Hill Village will not act responsibly in the future if allowed back in right now.

Commissioner Johnson stated the cities would make any changes, in the future, that are necessary. He stated all cities, at one time or another, have made decisions that were not considered neighborly toward the other cities.

Commissioner Johnson stated he would report to the Commission that Hedwig Village is in favor of both options as outlined earlier in the Fire Report by Commissioner Johnson.

Commissioner Johnson stated the interlocal agreement between the villages should be amended to clearly state that if a city leaves the fire department voluntarily they leave all their equity with the fire department. There would no longer be a buy-out.

Mayor Muecke stated the Fire Commission needs to get a four plus year contract in place for the City of Bunker Hill Village. The agreement would be separate from the interlocal agreement between the remaining five villages. He stated any amendment to the interlocal agreement would need to take place before the end of the year.

D. Beautification – Update – Bob Wiener, Chairperson

Chairperson Wiener discussed the following:

- The Beautification Committee met on February 14, 2019. There was input from citizens.
- The Campbell Road Esplanade Project Phase 1 is complete. Phase 2 will begin around the end of the year. Bright Landscaping will change out the seasonal flowers for a cost of \$4,000.
- The benches for the historical area need to be ordered.

- The portion of land by the Memorial Village Water Authority has room for about five trees. He stated five oak trees will cost approximately \$5,000.
- A plaque for the disbanded Hedwig Village Garden Club will be installed at the corner of Echo Lane at Taylorcrest. The cost will be approximately \$1,000.
- There is discussion to replace the small City entrance signs. Mayor Muecke and Councilmember Folloder will attend the next meeting to discuss this topic.
- There is approximately 7,000 feet along the I-10 frontage road on the south side in the Hedwig Village right-of-way to plant trees. The cost will be approximately \$50,000. Councilmember Johnson asked Chairperson Wiener to speak with TxDOT regarding alternative funding for this expense.

E. Mayor – Mayor’s Monthly Report – Brian Muecke

Mayor Muecke discussed the following:

- There will possibly be a Drainage Improvement referendum for Hedwig Village on the November Election date. He stated it would possibly be a long term bond and possibly no tax increase.
- There is the possibility of starting the City Council Meetings earlier in the evening. Mayor Muecke asked if the Councilmembers were interested.

Councilmember Rouse asked if it would be possible to shorten the meetings by eliminating the discussion of the reports section.

Councilmembers Woodruff and Johnson stated an earlier start time would be more difficult due to work schedules.

Councilmember Folloder asked about video attendance.

F. Building Official – Monthly Report – Kevin Taylor, Building Official, and Evan DuVall, Building Official

Evan DuVall discussed the following:

- There is a new permit process for work in the City’s right-of-way. A bond for the contractor would be required, the contractor must have liability insurance, and an inspection would be required. The contractors’ insurance would reimburse the City for any expenses to replace or repair any damage caused by the contractor. A permit would not be required if a contractor is maintaining any equipment already in the right-of-way.

Kevin Taylor discussed the following:

- The Moody Project has submitted plans for review for one of the two buildings.

- The Stream Project re-plat has been approved by the Planning and Zoning Commission and should be filed with the County Clerk prior to the next City Council Meeting.
- There are new procedures in place for job site maintenance.
- There are new procedures in place for inspections of projects in the City.
- There is progress in the discussions with the Memorial High School Project.
- The drainage project on South Chestwood is complete.
- The demolition of the Toys R Us Building will take approximately two to three weeks.
- The Small Node Sub-Committee will consist of Councilmember Folloder, Evan DuVall, and Russell Apshire.

G. Planning & Zoning Commission – Meeting Update – Council Liaison Shirley Rouse

Councilmember Rouse discussed the following:

- Planning and Zoning discussed shared parking at the last meeting and will discuss again at the next meeting.

H. City Administrator – Monthly Update – Kelly Johnson

Kelly Johnson discussed the following:

- The May Election will be cancelled. An Ordinance to cancel will be on the March City Council Meeting agenda.
- The Court conversion to Incode is ongoing.
- There may be a change in the credit card processing company and the court/warrant collection company the City uses.

5. CONSIDERATION OF ORDINANCES / RESOLUTIONS – The City Council will discuss and consider possible action of the following:

- A. An Ordinance of the City Council of the City of Hedwig Village, Texas Amending Chapter 42, Health and Safety, Article III, Regulations of Commercial Solid Waste Collections and Disposal, by Revising Section 42-80 and Adding Sections 42-86 through 42-91, to the Code of Ordinances of the City of Hedwig Village, Texas, for the Purpose of Requiring Commercial Solid Waste Haulers to Obtain a Franchise Agreement or License from the City, and Amending Appendix C to the Code of Ordinances of the City of Hedwig Village, Texas, Franchises, by Adding Article V, for the Purpose of Proposing an Exclusive Commercial Solid Waste Franchise Agreement.

Mayor Muecke stated the City has the ability to grant a solid waste collection company an exclusive right to collect commercial trash and the city can charge a franchise fee.

Alan Petrov, City Attorney, stated the proposed ordinance would be placed in Chapter 42 of the Code of Ordinances. He stated there are two options the city can discuss.

- Option #1 – The City can require any trash collection provider to have a permit issued by the City in order to collect commercial trash in the City. The City would collect a fee for the permit. The City would not have any control over the trash collection provider.
- Option #2 – the City could offer one trash collection provider an exclusive franchise to collect commercial trash. The City would offer a franchise and would collect a franchise fee.

Alan Petrov stated both options would allow any current trash collection contracts that are already in place to run its course. The fees collected would offset the City's expense to repair any damage to the City's streets. The average franchise fee is 5%. The City would not be required to go out for bids due to the Public Health exception to the bidding requirements. The City would negotiate with the trash collection provider to reach an agreement.

Mayor Muecke stated that if the City agreed to a franchise agreement with a specific trash collection company the provider may be able to provide this service at a cheaper rate than the market rate. The City could charge a nominal franchise fee that would be neither punitive nor taxing. The franchise fee collected would offset the cost of maintaining several streets such as Gaylord, Corbindale, and other neighboring streets.

Councilmember Johnson and Folloder are in support of this ordinance.

Councilmember Putterman questioned the implementation of the ordinance. He stated the property owners and/or tenants in the commercial districts may already have a trash collection agreement in place. There would need to be a phase-in provision in the ordinance to allow any current agreement to run to its expiration date.

Councilmember Rouse clarified that the City could collect a fee from the various trash collection providers during the phase-in period. She also clarified that the ordinance would apply to schools and churches.

Councilmember Woodruff stated the City would have more control over the hours and the route of the trash collection with this ordinance. He stated this ordinance would allow the City to provide a trash collection service that would be more efficient to the commercial districts.

Mayor Muecke stated more information would be provided at the March 2019 City Council Meeting.

No action was taken.

- B. An Ordinance of the City Council of the City of Hedwig Village, Texas, Appointing Kevin Taylor as the Building Official of the City.

Councilmember Woodruff moved, Councilmember Folloder seconded, to approve the ordinance appointing Kevin Taylor as the City's Building Official.

Councilmembers Folloder, Johnson, Putterman, Rouse, and Woodruff voted "Aye", "Noes" none.

MOTION CARRIED UNANIMOUSLY

- C. An Ordinance of the City Council of the City of Hedwig Village, Texas, Amending Chapter 14, Buildings and Building Regulations, Article III, Building Standards, Division 2, Codes and Standards, Section 14-76, the International Building Code, Section 14-77, Other Codes, and Section 14-78, Certain Provisions of the National Electrical Code, of the Code of Ordinances of the City of Hedwig Village, Texas, for the Purpose of Adopting the 2018 Editions of the International Building Code, International Fuel and Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Conservation Code, National Life Safety Code, National Health Care Facilities Code, and the 2017 Edition of the National Electrical Code and Repealing the International Electrical Code, International Green Construction Code, and Certain Conduit Joints in Branch Lighting, Garbage Receptacle, Swimming Pool Bonding, and Oven and Cooktop Amendments to the National Electrical Code.

Councilmember Woodruff stated the City Council should review each code every year prior to adoption. He recommended removal of the automatic adoption of all subsequent versions of each code.

Mayor Muecke stated Kevin Taylor would review all newer versions of the codes and advise City Council of any changes.

Councilmember Folloder moved, Councilmember Woodruff seconded, to approve the ordinance adopting the most recent versions of the Building Codes as listed in the agenda caption with the removal of the phrase "and subsequent editions".

Councilmembers Folloder, Johnson, Putterman, Rouse, and Woodruff voted "Aye", "Noes" none.

MOTION CARRIED UNANIMOUSLY

- D. A Resolution of the City Council of the City of Hedwig Village, Texas, Declaring Official Intent to Reimburse Expenditures from Proceeds of Tax-Exempt Obligations.

Mayor Muecke stated City Council approved a similar Resolution in 2018. He stated adoption of this Resolution does not bind the City in any way. It will preserve the ability

to issue debt to reimburse the City for certain expenses made prior to issuance of the debt.

Councilmember Woodruff moved, Councilmember Folloder seconded, to approve the Resolution as stated in the agenda caption with the removal of the Fire Department Renovation expenses.

Councilmembers Folloder, Johnson, Putterman, Rouse, and Woodruff voted “Aye”, “Noes” none.

MOTION CARRIED UNANIMOUSLY

- 6. CONSIDERATION OF CONTRACTS/AGREEMENTS** – The City Council will discuss and consider possible action on the following:

None

- 7. CONSIDERATION FOR REQUESTS FOR COUNCIL AUTHORIZATION** - The City Council will discuss and consider possible action on the following:

- A. A Proclamation by the Mayor of Hedwig Village pertaining to the present state of the University of Texas Longhorn Football Team.

Mayor Muecke discussed the University of Texas (UT) Longhorn Football Team. The football team participated in the Sugar Bowl in New Orleans in early 2019. The UT football team dominated in the game over opponent University of Georgia. He stated the UT football program is back and looking forward to the 2019 season.

- B. Receive a report on the property located at 9533 Katy Freeway #157, Houston, Texas 77024 (HCAD #0410770000558 and mailing address: 9535 Katy Freeway, Houston, Texas 77024) also known as the Memorial Inn and Suites within Hedwig Village, Texas; review compliance with the emergency order issued concerning the property and take any action necessary related hereto.

Kevin Taylor stated he met with the property owners, Anwar and Khalid Kajani. The owners plan to demolish the building on the property. The City is working with them to achieve that end.

The property owners are on schedule to vacate the building. The electric service and the water service have been disconnected. The sewer has not been disconnected because the contractor needs to pull a permit. Memorial Village Water Authority has approved the plans to disconnect the water and sewer and the City has approved the plans to demolish the building. The fence has been installed and has emergency personnel access in the front and back of the property. The broken windows have been boarded up.

Khalid Kajani, property owner, stated they have hired a contractor to demolish the building. They are doing all necessary steps to demolish the building. The demolition

should take several weeks. They are in the process of getting the environmental issues taken care of.

Councilmember Johnson asked what exactly the property owners are waiting on in regards to demolition.

Khalid Kajani stated they are waiting for the environmental reports. He stated samples of the roof have been taken and they are waiting for the results. The asbestos report to the State of Texas takes ten days. He stated they can move forward after they receive a response from the state.

Councilmember Rouse asked about pest infestation.

Kevin Taylor stated there is evidence of rodents but the City is keeping the owners focused on the demolition.

Khalid Kajani stated all the rooms have been cleared of the fire load.

Mayor Muecke stated the property owners have done everything the City has asked of them in regards to the building.

8. DISCUSSION ITEMS/PRESENTATION OF SPECIAL REPORTS

None

9. CLOSED SESSION – The City Council will retire into Closed Session as authorized by Chapter 551, Texas Government Code, to discuss the following matters:

None

10. ACTION – CLOSED SESSION - The City Council will discuss and consider any action necessary on items discussed in Closed Session.

None

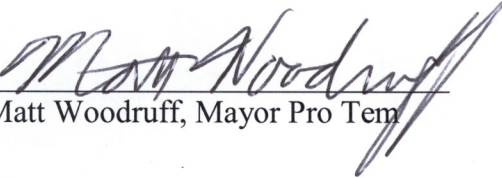
11. ADJOURN

Councilmember Folloder moved, Councilmember Woodruff seconded, to adjourn the meeting at 8:31 p.m.

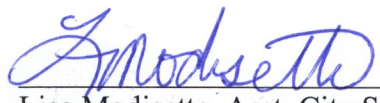
Councilmembers Folloder, Johnson, Putterman, Rouse, and Woodruff voted “Aye”, “Noes” none.

MOTION CARRIED UNANIMOUSLY

Approved and accepted on April 18, 2019.


Matt Woodruff, Mayor Pro Tem

ATTEST:


Lisa Modisette, Asst. City Secretary