



**CITY OF HEDWIG VILLAGE, TEXAS
REGULAR MONTHLY CITY COUNCIL MEETING
THURSDAY, APRIL 18, 2019
6:30 P.M. - 955 PINEY POINT ROAD**

MINUTES

1. CALL TO ORDER

Mayor Pro-Tem Woodruff called the meeting to order at 6:30 p.m.

Present: Councilmember Harry J. Folloder Kelly Johnson, City Admin./Sec.-Treasurer
Councilmember Dane Johnson Alan Petrov, City Attorney
Councilmember Barry Putterman David Gott, Police Chief
Councilmember Shirley Rouse Kevin Taylor, Building Official
Councilmember Matt Woodruff Evan DuVall, Building Official

Absent: Mayor Brian Muecke Lisa Modisette, Assistant City Secretary

2. CITIZEN/VISITOR COMMENTS

Andrea Hermann, 930 Karos Lane, asked if the City had a procedure for clean-up of a vacant lot. She stated there is a lot on Denise that is starting to get overgrown and has fallen limbs.

Kevin Taylor, Building Official, stated the City is attempting to contact the property owner to facilitate the clean-up of the lot. The City has sent several notice letters to the property owner and has received no response. The City will issue a citation to the property owner if the matter is not addressed.

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

January 17, 2019 Regular Council Meeting
February 21, 2019 Regular Council Meeting

B. Approval of General Fund Bills

General Fund Bills - #40031 - #40091
Voided Checks – #40047 & 40051

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

Wells Fargo - \$2,784.69 Accutek - \$8,768.03
Johnson Petrov - \$15,161.09 BBG Consulting, Inc - \$15,466.50

Statewide Traffic Signal - \$28,900.00

Mesa Mechanical - \$2,647.92

Councilmember Johnson moved, Councilmember Folloder seconded, to approve the Consent Agenda.

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

MOTION CARRIED UNANIMOUSLY

4. REPORTS

A. Financial Report – March 2019 – Kelly Johnson

Kelly Johnson discussed the following:

- The City has \$2.2 million in available funds and \$2.9 million in restricted funds for a total of \$5.1 million. The City is fully collateralized through March 2019.
- The City’s funds have been transferred to Frost Bank except for a small amount to cover any outstanding checks written on the Wells Fargo account. The Wells Fargo account should be closed out shortly.
- Sales tax is approximately 6% lower through the end of March 2019 compared to March 2018. The City’s sales tax collection rate for 2019 is trending closer to the collection rates of 2017.

Councilmember Putterman asked if internet sales are listed in the Sales Tax Report.

Kelly Johnson stated internet sales are listed in a detailed confidential report the City receives from the Texas Comptroller’s Office.

Councilmember Folloder asked how the City verifies that internet companies who deliver to Hedwig Village addresses properly report the sales tax to Hedwig Village.

Kelly Johnson stated Sales Tax Assurance attempted to track that type of sales tax for the City under the original agreement the City had with them. She stated it would be difficult for the City to know how internet companies are reporting their sales tax.

Councilmember Woodruff stated reporting sales tax to the correct city would be the responsibility of the internet company.

- The City is 25% through the 2019 Budget. Revenues are at 52.02% of budget and expenses are at 22.21% of budget.
- The Permit Department is at 122% of the expected budgeted revenue as of March 2019. The permits issued for the Moody Project, on the west side of the City, was approximately \$200,000.

- The City has purchased an additional module through Incode for Positive Pay for Frost Bank. Frost Bank required Positive Pay in order to support anti-fraud on the City's bank accounts. The cost of the Incode Positive Pay was offset by the start-up credit that Frost Bank offered to the City as part of the Depository Agreement.

B. Police Report – March 2019 Crime Report & Statistics – Chief David Gott

Chief Gott discussed the following:

- The March 2019 crime rate is slightly higher than March 2018 but slightly less than March 2017.
- A vehicle was stolen from an address on Dunbeath. The vehicle was later spotted by officers at the McDonalds. The suspect attempted to flee. The suspect was arrested and charged with Aggravated Robbery and Felony Evading.
- Sergeant Darryl Kessner is in critical condition in a hospital in Louisiana. Sergeant Kessner is vital to the department. He is the department's day shift sergeant as well as the court security coordinator, the jail coordinator, takes cares of the department vehicles, gun range trainer and safety officer, in addition to several other duties.

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

Commissioner Johnson discussed the following:

- The department is performing very well in regards to response times.
- The fire department is slightly under budget for the first quarter of the year.
- The Fire Station Renovation Committee chose an architectural firm that has experience building fire stations throughout the country. The Committee was unable to negotiate a contract. The Committee chose a second architectural firm and will finalize the contract soon. Fire Commissioner Johnson thanked the Committee for their hard work.
- An Update on the City of Bunker Hill Village:
 1. The Fire Commission has provided the City of Bunker Hill Village with a non-binding Letter of Intent for the future relationship between the Village Fire Department and the City of Bunker Hill Village. The Letter of Intent was agreed to by the mayors of the remaining cities. Fire Commissioner Johnson thanked the City of Hedwig Village Mayor Muecke and the City of Piney Point Village Mayor Kobelan for their work in drafting the Letter of Intent.
 2. Currently, the City of Bunker Hill Village will cease receiving services from the Village Fire Department at the end of 2019. The Letter of Intent will extend the period of full service to the end of December 2023.

3. The City of Bunker Hill Village will pay their share (19%) of the fire department budget but will not be a member of the fire department during the four year extension and will not have any vote on any issue. The Letter of Intent does include a provision to allow the City of Bunker Hill Village to return to full member status at the beginning of 2024. They will return under the inter-local agreement in place at that time.
 4. The City of Bunker Hill and the Village Fire Department agreed to cease all litigation claims.
 5. The City of Bunker Hill Village attempted to negotiate with the commission over several minor issues, mainly for clarification. The City of Bunker Hill Village may decide not to return to the fire department after this four year service extension. If they decide not to return, they want the buy-out option that is in the current version of the inter-local agreement. The current inter-local agreement may be amended to include amending the buy-out option to state that if a city leaves the fire department voluntarily that city loses all equity in the department and equipment.
 6. The City of Bunker Hill Village City Council has approved the Letter of Intent. The remaining cities will need to be a part of the negotiations for a binding contract with the City of Bunker Hill Village.
- The next commission meeting will be held on April 24, 2019.
 - The roof replacement is complete. The previous rains indicated several leaks. The leaks were repaired under warranty.

D. Beautification – Update – Bob Wiener, Chairperson

Chairperson Wiener discussed the following:

- The committee held a meeting on April 17, 2019.
- Tree Planting - Trees of Houston will be in the City on May 2, 2019 at 9:30 a.m. to review the areas along the frontage road where the trees will be planted. The City Forester has been asked to attend the meeting. City Council was invited to attend the meeting. There is a possibility of planting fruit trees by the Memorial Village Water Authority.
- Campbell Road Esplanade - The seasonal flowers on the Campbell Road esplanade were changed April 17, 2019. The flowers will be changed once more this year. Kathryn Schenk will assume responsibility for the maintenance of the flower beds on the esplanade.
- City Park - There is a desire for additional equipment for the City Park. The City Forester will be responsibility for the decisions regarding cutting and thinning of the trees in the park. There is concern regarding parking at the park. Residents

from the apartment complex across the street are parking at the park for longer periods than the allowed three hour parking limit.

- City Markers - Replacement of the City marker signs is still under discussion. The disbanded Hedwig Village Garden Club donated funds for this purpose.

E. Mayor – Monthly Report – Brian Muecke

No report.

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

Kevin Taylor discussed the following:

- The monthly permit report will be different than in previous years. The new report is more accurate in regards to permits issued and fees collected.
- The Moody Project was issued a permit for the first office building. The demolition of the previous buildings on the site is complete and the clean-up is continuing. Construction of the parking garage and the first office building should begin soon.
- The Stream Project developer has started to paint the exterior of the parking garage to be more aesthetically pleasing. Office build-outs on the second, fourth, and fifth floors should begin soon. The building should be completed by July 2019.
- The asbestos abatement at Memorial Inn and Suites has begun. The abatement should take approximately forty five days to complete. Once the abatement is completed on half of the building the demolition will begin on that portion.
- The construction on the “white building” has stalled. Attempts to contact the owner and the developer have been made.
- Memorial High School Renovation Project will be discussed later in the meeting under agenda item 5A.
- The City Forester has begun to review tree removal applications for the City. A new tree removal application has been created.
- There will be a major construction project in the near future for repairs on Magdalene.
- The City is attempting to control the work by contractors in the City right-of-way. Permits issued for the right-of-way work should be onsite during the construction work hours. A citation will be issued if the permit is not produced when asked for by city staff or police officers.
- A new commercial packet has been suggested but is not complete.

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

Councilmember Rouse discussed the following:

- Planning and Zoning (P&Z) met on April 2, 2019.
- The main topic under discussion was the Planned Unit Development (PUD) for churches, schools, and city use in residential districts.

H. City Administrator – Monthly Update – Kelly Johnson

Kelly Johnson discussed the following:

- The Beautification Committee held a meeting on April 17, 2019.
- A resident notified City Hall in regards to trees on Brogden that were cut down by Centerpoint. The City Forester agreed the trees should have been removed and recommended replacement trees be planted. The City will attempt to get Centerpoint to pay for the replacement trees.
- Terry Vick and his crew have raked the park. The wooden fence on the west side of the park has been replaced. New equipment has been installed and other equipment has been cleaned. New trash cans have been installed. Two recycling cans have been added to the park.
- Councilmember Folloder and Kelly Johnson attended a meeting with Accutek. Councilmember Folloder suggested replacement of the computer equipment at City Hall and the Police Department. Several servers may need to be replaced. Discussions are ongoing to shift some computer functions to the cloud.
- The first sets of Memorial Tree Plaques are on order. The base will be a concrete paver with granite placed on top of the paver. The plaque will be placed on top of the granite.
- The Court conversion to Incode is ongoing.
- The auditors have completed their field work at City Hall. The balance of the audit work will be conducted from their offices. The report should be ready for presentation at the City Council meeting next month.
- There is an ongoing discussion to move the Municipal Court from an evening court to a day court several times a month.
- Planning has begun on the third annual recycling event. The date will be October 26, 2019 from 8:00 a.m. to noon in the parking lot at City Hall.

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

- A. An Ordinance calling for a Joint Public Hearing to be held before the City Council and the Planning and Zoning Commission of the City of Hedwig Village, Texas, for the purpose of considering amendments to Article V, Zoning Regulations, Section 509,

Planned Unit Developments, of the Hedwig Village Planning and Zoning Code to allow Planned Unit Developments for schools in the Residential A Zoning District of the City.

Susan Mathews, Planning and Zoning Commission Chairperson, discussed the proposed renovations to Memorial High School. The City's current code would not allow several aspects of the high school renovations. The proposed ordinance would allow a Planned Unit Development (PUD) for schools in Residential District A. The renovations will take place on the existing high school campus.

The proposed renovations include building a new building on the area of the campus where the tennis courts are currently located. The tennis courts would be relocated. The proposed building would be a "T" shape. The top of the "T" would run north/south. The proposed building height would be approximately sixty feet with potentially an additional fifteen feet at the top for mechanical, electrical, and elevator overruns. The proposed school building will be 161,000 square feet and would be approximately three hundred seventy five feet from the closest residence. The school district has not submitted any plans for review and approval.

The school district requested several meetings with City Officials to discuss the proposed renovations. The current Code of Ordinances would allow the new school building a maximum height of thirty five feet due to the school's location in Residential District A. A PUD would be the best option available to allow the proposed renovations of the high school to move forward. The renovations would potentially begin in April 2020 with a two year construction timeline.

A PUD would allow the City to address several issues with the school district including, but not limited to, building height, parking, and lighting. The school district is not required to follow the current Parking Ordinance because the parking code applies to the commercial district only.

The Proposed PUD Ordinance was drafted specifically for schools in Residential District A and would apply to property at a minimum size of thirteen contiguous acres. The Proposed PUD Ordinance would allow for a building height of sixty feet if the building was at a distance of three hundred seventy five feet or greater from the closest residential lot. The proposed building height would apply to buildings with an educational purpose only and would not include parking garages, gymnasiums, theaters, auditoriums, and other non-educational uses. The Proposed PUD Ordinance would have a maximum lot coverage requirement in regards to buildings over thirty five feet in height. The Proposed PUD Ordinance would include several requirements for information that would need to be submitted prior to review and approval of plans. Those requirements include a traffic study, a fencing plan, and a parking plan among others.

Planning and Zoning should vote on the Proposed PUD ordinance at their next scheduled meeting.

Susan Mathews recommended setting a public hearing for the Proposed PUD Ordinance.

Councilmember Putterman suggested City Council think about the various aspects of the Proposed PUD Ordinance that the City would be able to control such as building height, landscaping, setbacks, and lot coverage as well as other aspects the City can and cannot regulate for a school.

Councilmember Folloder moved, Councilmember Johnson seconded, to adopt the Ordinance to call a public hearing to be held on May 16, 2019 at 6:00 p.m. as stated in the agenda caption.

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

MOTION CARRIED

- B. An Resolution of the City of Hedwig Village, Texas, suspending the May 10, 2019 effective date of Centerpoint Energy Houston Electric, LLC’s requested rate change to permit the City time to study the request and to establish reasonable rates; approving continued cooperation with the Gulf Coast Coalition of Cities; hiring Lloyd Gosselink Attorneys and Consulting Services to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement for Cities’ rate case expenses; 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.

Kelly Johnson, City Administrator, stated the approval of this resolution would suspend the requested Centerpoint Energy rate change for ninety days to allow the Gulf Coast Coalition of Cities to review the rate change.

Councilmember Johnson moved, Councilmember Rouse seconded, to approve the ordinance as stated in the agenda caption.

Councilmembers Folloder, Johnson, Rouse, and Woodruff voted “Aye”, “Noes” none. Councilmember Putterman abstained from the vote.

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. Receive a report of 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 thereto.

Kevin Taylor, Building Official, stated the asbestos abatement of the building has begun. Demolition of the building may begin approximately on April 24, 2019. The building department will remain vigilant in regards to the demolition.

Councilmember Johnson requested this item remain as a discussion and possible action agenda item for the May 2019 City Council meeting if there has been no progress towards demolition by the May meeting date.

Alan Petrov, City Attorney, will review the language on the order that was issued to the property in question. The future agenda item will have the appropriate language for any action as necessary.

B. Proposed Amendment No.1 to the Personnel Policy, regarding Section 12.04 Appeal.

Kelly Johnson, City Administrator, stated the proposed change to the Disciplinary Action, Appeal, and Grievance Procedures would state an employee may appeal a termination, demotion, or suspension disciplinary action to the mayor. The mayor would then conduct an appeal hearing. The decision of the mayor may be appealed to City Council whose decision would be final.

Councilmember Putterman moved, Councilmember Johnson seconded, to approve the Amendment to the Personnel Policy as stated in the agenda caption.

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

MOTION CARRIED

8. DISCUSSION ITEMS/PRESENTATION OF SPECIAL REPORTS

A. Commercial Garbage Collection in Hedwig Village

Kevin Atkinson, Texas Pride Disposal, spoke in regards to the possible franchise for commercial garbage collection within the City of Hedwig Village. He stated that currently there are seven commercial haulers working within the City of Hedwig Village, including Texas Pride. He stated there is a safety benefit for the City due to less commercial haulers on the streets in Hedwig Village. The billing for the trash collection service will be more transparent. The total number of dumpsters in the commercial district is of a high enough capacity that the trash would most likely need to be collected more often than once a week. There might be a reduction in the trash collection fee to the consumer if one company is responsible for the collection of the entire commercial districts.

Councilmember Woodruff asked if the franchise agreement would apply to roll-off containers at construction sites in the residential districts. He stated the City has an ordinance that prohibits roll-off containers from being placed on the street. The prohibition protects the street from unnecessary damage.

Kevin Atkinson stated the agreement could include a provision for temporary work, such as construction sites.

Kevin Atkinson stated he was aware of the reasons for the prohibition. He stated the City would benefit from having just one trash hauler because the hauler would be aware of the ordinances. He stated Texas Pride, if awarded the franchise, would work with the City to collect trash at a reasonable hour on collection days.

Councilmember Folloder asked about the compactors that some commercial businesses have on their property. He asked if the compactors would be included in the contract between the trash hauler and the business owner.

Kevin Atkinson stated the compactors would be included in the contract between the business owner and the trash hauler. He stated Texas Pride, if chosen for the franchise, would replace the compactors that are leased by business owners in the commercial districts.

Councilmember Woodruff thanked Kevin Atkinson for providing insight in the process from the prospective of the hauler.

- 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 Putterman moved, Councilmember Rouse seconded, to adjourn the meeting at 8:22 p.m.

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

MOTION CARRIED UNANIMOUSLY

Approved and accepted on July 18, 2019.


Matt Woodruff, Mayor Pro-Tem

ATTEST:


Lisa Modisette, Asst. City Secretary