



**CITY OF HEDWIG VILLAGE, TEXAS
REGULAR MONTHLY CITY COUNCIL MEETING
THURSDAY, MAY 16, 2019
6:30 P.M. - 955 PINEY POINT ROAD**

MINUTES

1. CALL TO ORDER

Mayor Brian Muecke called the meeting to order at 7:38 p.m.

Present: Mayor Brian T. Muecke

Councilmember Harry J. Folloder	Kelly Johnson, City Admin./Sec.-Treasurer
Councilmember Dane Johnson	Alan Petrov, City Attorney
Councilmember Barry Putterman	Paul Warner, Police Captain
Councilmember Shirley Rouse	Kevin Taylor, Building Official
Councilmember Matt Woodruff	Evan DuVall, Building Official
	Lisa Modisette, Assistant City Secretary

Absent: None

2. CITIZEN/VISITOR COMMENTS

Bob Wiener, 931 Magdalene Drive, thanked City Council for holding the Joint Public Hearing for citizen comments. He stated there were two items from the school presentation at the hearing that were not explained very clearly, the access road on the west side of the school property and the building heights.

Jennifer Blaine, Associate Superintendent of Talent and Operations with Spring Branch I.S.D., introduced herself to the City Council.

Travis Stanford, Planning and Construction Department with Spring Branch I.S.D., introduced himself to City Council.

Harry Grant, Project Manager, with Spring Branch I.S.D. introduced himself.

Pam Goodson, Spring Branch I.S.D. Board of Trustees Member introduced herself.

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

March 21, 2019 Regular Council Meeting

B. Approval of General Fund Bills

General Fund Bills - #40092 - #40173
Voided Checks – #40103 & #40139

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

Accutek - \$4,316.60	Axon Enterprise - \$15,072.00
BBG Consulting - \$11,845.00	Village Independence Festival - \$5,000.00
Idemia Identity & Security - \$2,697.00	Miracle Recreation Equipment - \$17,568.62
Construction Masters of Houston - \$2,750.00	

D. Approval of the 1st Quarter 2019 Investment Report.

E. A Resolution of the City of Hedwig Village, Texas designating the City of Hedwig Village's Commissioner and Alternate Commissioner to the Village Fire Department Board of Commissioners.

F. Designation of the Spring Branch I.S.D. Tax Assessor-Collector to calculate the 2019 effective tax rate and rollback tax rate for the City of Hedwig Village for fiscal year 2020.

G. Approval of appointments to the Planning and Zoning Commission for two year terms.

Councilmember Woodruff moved, Councilmember Johnson seconded, to table the appointments to the Planning and Zoning Commission.

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

MOTION CARRIED UNANIMOUSLY

H. Approval of appointments to the Board of Adjustments for two year terms.

Mayor Muecke recommends re-appointing Gary Schenk, Charles Matthews, and Sam Searcy to the Board of Adjustments, appointing Jeremy Sanders and Harlan Bergen as Members for Board of Adjustment, and appointing Larry Abrams and David Lam as Alternate Members of the Board of Adjustment.

Councilmember Johnson moved, Councilmember Rouse seconded, to appoint members to the Board of Adjustment as presented.

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

MOTION CARRIED UNANIMOUSLY

Councilmember Folloder moved, Councilmember Rouse seconded, to approve the Consent Agenda with the removal of the approval of the appointments to the Planning and Zoning Commission (Item G) and the removal of the appointments to the Board of Adjustment (Item H).

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

MOTION CARRIED UNANIMOUSLY

4. REPORTS

A. Financial Report – April 2019 – Kelly Johnson

Kelly Johnson discussed the following:

- The City has \$2.2 million in available funds and \$2.6 million in restricted funds for a total of \$4.9 million. The City is fully collateralized through March 2019.
- Sales tax is approximately 3% lower through the end of May 2019 compared to May 2018. The City’s sales tax collection rate continues to trend closer to the collection rates of 2017.
- The City is 33% through the 2019 Budget. Revenues are at 57.93% of budget and expenses are at 29.44% of budget.
- The interest earned on City funds is higher so far this year than the previous year due to the change in depository banks.

Councilmember Folloder asked if the transition to Frost Bank is complete.

Kelly Johnson, City Administrator, stated all funds have been transferred.

B. Police Report – April 2019 Crime Report & Statistics – Captain Paul Warner

Captain Warner discussed the following:

- The April 2019 crime rate is down from the previous month.
- The department is fully staffed. Two new officers were hired and are currently in training.
- Sergeant Darryl Kessner is doing better but not out of the woods yet. He is able to recognize people.
- The department had five reported Burglary of a Motor Vehicle (BMV) for the month.
- The department arrested thirty people in April 2019.

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

Commissioner Johnson discussed the following:

Commissioner Johnson congratulated Councilmember Putterman on his retirement.

- The Board of Commissioners met three times since the April City Council meeting.
- A budget workshop was held. There is significant work to do to finalize the 2020 Budget. The Operating Budget will increase approximately four to four and one half percent. A majority of the increase will be due to personnel expenses. The budget will be presented to the Cities by the end of June 2019 per the interlocal agreement.
- The Fire Station Renovation Committee held a renovation planning meeting. The meeting was a discussion meeting between the committee, the architect, and the project manager. The construction timeline would be approximately ten months starting in November 2019. There will be several changes to the conceptual design that was presented to the Cities last year. The three and a half million dollar budget should still work.
- Mayor Muecke reported on the regular meeting. He stated the fire department will be looking into replacing the older of the two pumpers the department has. The price of the new pumper will be approximately half a million dollars.

D. Beautification – Update – Bob Wiener, Chairperson

Chairperson Wiener discussed the following:

- Tree Planting - Trees of Houston will plant one hundred and forty trees for the City along the south side of the I-10 feeder road. The City will be responsible for watering the trees once planted. The budget to water the trees will be approximately \$20,000 per year. Cary Moran, City Forester, recommends planting a variety of trees. TxDOT may require a letter from the City outlining the locations of the trees to be planted.

E. Mayor – Monthly Report – Brian Muecke

Mayor Muecke reported on the following:

- House Bill 2 came out of committee without an attack on Certificates of Obligations. House Bill 2 appears to be moving forward. A representative from the Dallas area may introduce a separate bill that would require an election prior to issuance of Certificates of Obligations. Mayor Muecke requested citizens call their representatives regarding this matter.
- House Bill 583 is the bill sponsored by Representative Jim Murphy regarding burglary alarm notifications is still in committee. It is unclear if that bill will move forward.

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

Kevin Taylor was in the meeting with the Planning and Zoning Committee and unable to present his report. Mayor Muecke urged Council to read the Building Official report.

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. There was discussion of building height with no building adjacent to the high school property taller than thirty five feet. The commercial district, Business District 1 (B1), directly to the north of the high school does not have a PUD enabling ordinance and the maximum height in B1 is thirty five feet. The building heights in the surrounding residential districts are capped at thirty five feet. All P&Z members in attendance voted in favor of allowing the proposed school building to be fifty feet. The prohibition on windows above the second floor is in the residential code and would apply to any structure built in any residential district.

Councilmember Johnson stated the resident comments from the Joint Public Hearing tonight focused mainly on the drainage and water flow. He stated the school district could either be allowed to build a taller building and displace less water or limit the building to a lower height which would displace more water.

- There is a draft ordinance regarding shared parking and will be discussed at the next meeting.

H. City Administrator – Monthly Update – Kelly Johnson

Kelly Johnson discussed the following:

- The project on Magdalene Drive will start soon. The drainage issue on a section of sidewalk on Piney Point Road near Chatten Way and a sink hole on Dunbeath is in the process of being repaired. The proposed budget for the three projects is approximately \$21,000.
- City Council discussed the various dates recommended for the budget workshops and hearings.
- Terry Vick will start spraying for mosquitos next week.
- The court software conversion is ongoing.
- There is a need for a special meeting for City Council to approve a proposed contract with Tyler Technologies for software hosting for court and the financial software used by the City.

- Two evening court dockets will be moved to days. The move is in process.
- The Village Independence Festival is scheduled for Thursday, July 4th. Postcards will be mailed to the residents.
- The City has scheduled CPR training for two days next week if councilmembers are interested in attending.

Councilmember Rouse moved, Councilmember Putterman seconded, to recess the City Council meeting at 9:28 p.m. until the Planning and Zoning Commission is able to make their recommendations regarding the proposed amended Planned Unit Development Ordinance.

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

MOTION CARRIED UNANIMOUSLY

The City Council meeting was reopened at 9:39 p.m.

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 Article V, Zoning Regulations, Section 509, Planned Unit Developments, of the Planning and Zoning Code of the City of Hedwig Village, Texas to allow for Planned Unit Developments for school uses in the Residential A Zoning District.

Susan Mathews, Planning and Zoning Commission (P&Z) Chairperson, stated several citizens spoke regarding drainage and the potential loss of trees and green space during the Joint Public Hearing regarding the proposed renovations of Memorial High School. The school district also gave a presentation regarding the proposed renovations to the high school. P&Z considered the comments from the citizens and from the school district during their discussion on the P&Z recommendations to the proposed Planned Unit Development (PUD) Ordinance.

Susan Mathews stated the Planning and Zoning (P&Z) recommendations to the proposed PUD Ordinance are as follows:

- The minimum lot size would be twenty five contiguous acres.
- No increase to the allowable building height above the proposed fifty feet.
- Change the language regarding the slab from “average natural grade” to “ground level slab (not to exceed 2 feet)”.
- Add language regarding windows above thirty five feet – add “unless approved by City Council” at the end of the sentence.
- Change the tall building lot coverage percentage from ten to twelve percent.

- Add a green space requirement – “At least twenty percent of the PUD site shall be dedicated to green space and outdoor site amenities.”
- Add a prohibition against any new driveways – “No new driveway shall be constructed within three hundred seventy five feet of the nearest point of any residential lot in zoning districts A or C.”

Susan Mathews, P&Z Chairperson, stated P&Z recommends approval of the amended PUD ordinance with the above stated changes.

Councilmember Johnson asked if P&Z considered the drainage impact to the surrounding residential areas if the school district were not allowed to build a taller building. The school district is requesting an allowable building height of seventy five feet. The school district would need to increase the footprint of the proposed new building if the allowable building height were not increased. An increased building footprint would reduce the percentage of green space on the site and could potentially increase the drainage issue. He stated limiting the building height to fifty feet would limit the City ability to negotiate for other issues.

Susan Mathews stated P&Z did not address the drainage for the proposed renovations to the high school. She stated a drainage study is required to be submitted during the application process.

Mayor Muecke stated the PUD process would allow the City and the school district to work together to ensure both parties would benefit from the proposed renovations.

Councilmember Woodruff had several questions, concerns, or suggestions.

- Would the prohibition on driveways affect the driveways the property currently has?
- Adding language requiring Council approval to have windows above thirty five feet in the new buildings is unnecessary. Council has final approval on the PUD application as a whole.

Alan Petrov, City Attorney, stated the prohibition was for new driveways. Current driveways would not be affected. He stated the intent of the prohibition on windows over thirty five feet would ensure the PUD applicant complies with the residential zoning regulations unless an exception is justified.

Councilmember Johnson stated he was concerned the proposed PUD, as currently written with the P&Z recommendations, was very limiting and would not give the City any room to negotiate with the PUD applicant in order to receive any benefits such as extra drainage work.

Councilmember Woodruff moved, Councilmember Rouse seconded, to adopt the proposed Planned Unit Development (PUD) Ordinance with the recommendations by the Planning and Zoning Commission.

Councilmember Johnson moved to remove the prohibition regarding no new driveways.

Councilmember Rouse stated several citizens expressed concern regarding the proposed new driveways. She stated the limitation on new driveway construction within three hundred seventy five feet of a residential area may be too large of a distance. She suggested a distance limitation of one hundred feet.

Mayor Muecke and Councilmember Johnson agree that deciding on a distance limitation would not give the City the ability to negotiate with the applicant.

Councilmember Rouse stated City Council has an opportunity to clearly tell the citizens that their concerns about the driveway have been heard and to tell the school district that a driveway in that location on the west side of the property cannot be within a set distance from any residential area.

Mayor Muecke and Councilmembers agreed to add the language “within an approved distance from the nearest residential lot in Residential District A or C” regarding the proposed new driveway. The approval would be from City Council.

Councilmember Putterman moved, Councilmember Folloder seconded, to amend the P&Z recommendation regarding the new driveway to read “No new driveway should be constructed closer than an approved distance from the nearest residential lot in zoning districts A or C.”

Councilmembers Folloder, Putterman, Rouse and Woodruff voted “Aye”, Councilmember Johnson voted “No”.

MOTION CARRIED

Councilmember Putterman moved, Councilmember Folloder seconded, to remove the word “of” from the second sentence in 2, Size.

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

MOTION CARRIED UNANIMOUSLY

Councilmember Woodruff suggested changing the language in 2, Building Height, regarding ground level slab versus average natural grade.

Kevin Taylor, Building Official, recommended the following language: City Council approved building height “above finished floor level with the slab reveal of no greater than two feet above adjacent natural grade”.

Councilmember Woodruff moved, Councilmember Johnson seconded, to accept Kevin Taylor’s suggested language regarding the building slab.

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

MOTION CARRIED UNANIMOUSLY

Councilmember Johnson moved to change the building height from fifty feet to seventy feet. He stated the increase in the building height would give the City the ability to negotiate.

Councilmember Putterman asked if a seventy foot building is possible within the framework of the project.

Mark Jackson with Stantec stated a seventy foot building height would not allow for an additional floor.

Councilmember Johnson amended his motion, Councilmember Putterman seconded, to change the building height to sixty five feet.

Councilmembers Folloder, Johnson, Putterman, and Woodruff voted “Aye”, Councilmember Rouse voted “No”.

MOTION CARRIED

Councilmember Putterman moved, Councilmember Rouse seconded, to add the language “unless a variance is granted by City Council” to 2, Windows Above Thirty Five Feet.

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

MOTION CARRIED UNANIMOUSLY

Councilmember Johnson moved, Councilmember Folloder seconded, to remove gymnasiums, theaters, and auditoriums from the building height exclusion.

Councilmembers Folloder, Johnson, Putterman, and Woodruff voted “Aye”, Councilmember Rouse voted “No”.

MOTION CARRIED

Councilmember Putterman moved, Councilmember Woodruff seconded, to add the language “as if the property were in the commercial district, unless a variance is granted by City Council” to the PUD parking plan.

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

MOTION CARRIED UNANIMOUSLY

Councilmember Woodruff moved, Councilmember Putterman seconded, to adopt the Ordinance to amend the Planned Unit Development for school uses in Residential A Zoning District with the amendments made by the Planning and Zoning Commission and the City Council as listed above.

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:

- A. Letter of Engagement to provide the City of Hedwig Village, Texas auditing services for the years ending December 31, 2019 and December 31, 2020.

Councilmember Woodruff moved, Councilmember Rouse seconded, to authorize Mayor Muecke to execute the Letter of Engagement for auditing service with Belt Harris Pechacek.

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

MOTION CARRIED UNANIMOUSLY

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 Memorial Inn and Suites is approximately two thirds demolished. The demolition started several weeks ago and should take another couple of weeks to finish.

- B. Audit Report – 2018 Financial Statements.

Robert Belt, Belt Harris Pechacek, discussed the financial audit for the fiscal year ending December 31, 2018. The audit report presented to the City Council is a clean and unmodified opinion by the auditors stating the financial statements listed in the audit are materially correct. The ending fund balance for the year for the General Operating Account was \$1,516,199. All other ending fund balances for the various other accounts the City has are also in good shape. The audit of the City's 2018 financial data was very good.

C. Discussion and possible action regarding appointment of Mayor Pro Tempore.

Councilmember Johnson moved, Councilmember Rouse seconded, to appoint Councilmember Woodruff as Mayor Pro Tempore.

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

MOTION CARRIED UNANIMOUSLY

D. Discuss availability of City Council for attendance to summer Regular Council meetings and reschedule if necessary.

Kelly Johnson, City Administrator, stated the Councilmembers Folloder and Johnson are unable to attend the June 20, 2019 City Council meeting due to travel plans.

Councilmember Rouse expressed concerns regarding not having a City Council meeting for sixty days and not having an avenue for citizens to hear any updates to City business. She requested the reports normally available to Councilmembers in their packets be emailed to Councilmembers in June 2019. She also requested the City website be updated with a notice of cancellation for the June meeting.

Councilmember Johnson moved, Councilmember Folloder seconded, to cancel the June 20, 2019 City Council meeting.

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

MOTION CARRIED UNANIMOUSLY

8. DISCUSSION ITEMS/PRESENTATION OF SPECIAL REPORTS

A. Recognition of Councilmember Barry Putterman

Mayor Muecke stated Councilmember Putterman is retiring from the City Council. He has served the City for approximately twenty one years, first on the Planning and Zoning Commission then as a Councilmember. He thanked Councilmember Putterman for his continued support of important ordinances for the ongoing redevelopment of the City.

Councilmember Putterman thanked the City's elected and appointed volunteers and the City staff for their time and dedication.

City Council and City staff stated that Councilmember Putterman would be missed.

Mayor Muecke presented Councilmember Putterman with two limestone bookends and a State flag from the State House of Representatives in honor of his many years of service to the City. The flag was flown over the State Capital Building. Representative Jim Murphy also included a letter in recognition of his years of service.

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

A. As authorized by Section 551.071, to receive advice from the City Attorney concerning the City's zoning authority.

City Council recessed into executive session at 8:35 p.m.

The City Council meeting reopened at 9:16 p.m.

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

None

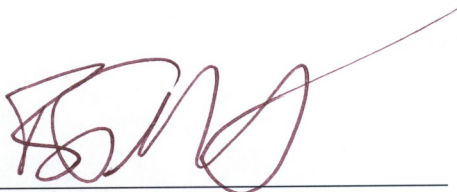
11. ADJOURN

Councilmember Rouse moved, Councilmember Folloder seconded, to adjourn the meeting at 11:17 p.m.

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

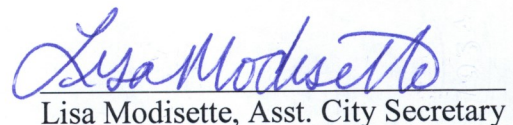
MOTION CARRIED UNANIMOUSLY

Approved and accepted on July 18, 2019.



Brian T. Muecke, Mayor

ATTEST:



Lisa Modisette, Asst. City Secretary