



**CITY OF HEDWIG VILLAGE, TEXAS
MONTHLY CITY COUNCIL MEETING
NOVEMBER 10, 2022
6:30 P.M. - 955 PINEY POINT ROAD**

MINUTES

1. CALL TO ORDER

Mayor Jinks called the meeting to order at 6:30 p.m.

Present: Mayor Tom Jinks

Councilmember Patrick J. Breckon (left at 7:29 p.m., returned at 9:42 p.m.)	Wendy Baimbridge, City Administrator David Gott, Police Chief
Councilmember Scott Davis	Lisa Modisette, City Secretary
Councilmember Shirley Rouse	Alan Petrov, City Attorney
Councilmember Clay Trozzo	Evan DuVall, Assistant Building Official
Councilmember Matt Woodruff	

Absent: None

2. PLEDGE OF ALLEGIANCE

Mayor Jinks led the City Council, City staff, and visitors in the Pledge of Allegiance.

3. CITIZEN/VISITOR COMMENTS – Mayor Jinks requested comments be limited to 3 minutes.

Andrea Hermann, 930 Karos Lane, thanked the police department for their assistance with a recent credit card theft. She requested an update on the drainage. City of Houston denied her request for a traffic light at Bunker Hill Road at Woodsage. However, City of Houston is still looking into adding a turn signal on Bunker Hill Road to the traffic light at Bunker Hill Road at Gaylord Drive.

Brian Muecke, 811 Hedwig Way, "Tuesday morning, Election Day, I started getting calls on my cell phone from people saying Brian, do you have any idea what's going on in Hedwig Village. I said I do not because I am retired, very happily. And I've had a couple of folks call me that are civilians in the Village Fire Department curious about the executive session that is on y'all's agenda for tonight. So I looked at the agenda and said Well, there's a lot of discussion on the fire department and I decided, or I speculated, that it could be for one of two things. Sorry to speculate but it is either this document, the Village Fire Department Interlocal Agreement or this document titled Personnel Issues Chief David Foster of the Village Fire Department. An eight bullet point indictment of the Chief's performance there. So, I wanted to come and share some of my experience with the Village Fire Department, developed throughout the time we spent through the Bunker Hill situation and specifically the interlocal agreement. This interlocal agreement which you can get off the Village Fire Department's website is what I call the Reader's Digest version. It is not signed and it was compiled by an attorney around the turn of the millennium in an attempt to make easy to understand this, the actual interlocal agreement dated 1978 and amended in 1983, and amended in 1985, in 1995, and in 2000, by my signature in 2019, and perhaps yours, Tom, I think, in 2021. Umm, when we were going through the issue with Bunker Hill, we spent a lot of time trying to determine the nature by which the budget of the Village Fire Department is set. And I can say, having

read through all this, not only the additions to the document but also the strikes from the original document, which are extensive. You really get a good feel the thought of how this document was developed and the rationale for some of these amendments. And after spending more time on this document than probably any other person on the planet, I reached the conclusion that it probably takes a unanimous vote of member cities to make a budget amendment to the Village Fire Department. Now, some people will tell you that it takes 4, some people will tell you differently, I would say that this document is certainly ambiguous enough to where we don't know that answer. I'm not a lawyer but I've spent a lot of time with it. I don't believe that any member city, and this is how I led, would face any contractual consequences of not amending, of not approving a budget amendment. That's my opinion. However, that is a legal matter and it's not terribly relevant. Because when the City of Bunker Hill, after Hurricane Harvey came and poured rain all over our fire department, flooding the EOC, Matt you were there, rendering their electronic communication device inoperable because there was literally water falling from the ceiling. After that event, the six villages came together and said guys, we need to fix this damn roof. And it was going to cost \$300,000 grand. So, we said OK, this is about the most noncontroversial decision we could possibly make. And everyone said, Yea, let's do it. So, we come around, we come up with a budget amendment and we pass it around. Yes vote, yes vote, yes vote, yes vote, yes vote, Bunker Hill says no, we are not going to appropriate those monies for the fire department because of what was a separate agenda of theirs at the time. Um, but nonetheless they did not approve it. So, yet a new roof was put on the fire station. How did that happen? That happened because the five cities that voted yes said OK, we really don't care what Bunker Hill thinks, this is wholly noncontroversial and we're just going to fund, we're going to gross it up and fund their share. And we did that. And then someone put Bunker Hill on notice that they were not supporting what was such an obvious noncontroversial improvement to the fire department. So, I say all that to say that at the end of the day, legal analysis doesn't really matter. What matters is the political consequences of taking the action. That is something that you should consider. So, now having said my piece from my experience on that, on the matter of this document, Personnel Issues Chief David Foster, Village Fire Department. I don't know if you guys have seen this or not, but if I've seen it, I'm assuming y'all have seen it. Like I said, this is a, I mean, hackneyed is being polite frankly, indictment of Chief Foster's performance. Um, and it is, I suppose possible, this could be what you're discussing in executive session. To the degree that you are, I would just like to comment that the allegations are dubious at best, at best, and libelous at worst, and I do not think that this is type of document, this is the type of conversation that should go on in executive session in the City of Hedwig Village. And here is why. My understanding that there are specific reasons why we can go back there and talk about things like this in executive session - Attorney Client Privilege or Personnel Matters meaning city personnel matters. Chief Foster is not personnel of the City of Hedwig Village. The only entity, in my mind, that is authorized to have a behind closed doors meeting on the effectiveness or ineffectiveness of the fire chief is the Board of Commissioners of the Village Fire Department. To the degree that the member cities have an issue or there is some controversy, those discussions need to be had on that dais so that everybody can see what is being discussed. Again, sorry to speculate, there might be a third reason you're going back there, but I wanted to firmly say what I just said on the record so you have the benefit of my experience. Thank you. And with regard to the Chief, I will say that I worked with him for six years. He did an admirable job of everything we ever asked him to do. And I can say for an absolute fact that were it not for Chief David Foster and his cleverness and initiative, the Memorial Inn and Suites would still be standing on I-10. Although this body is the one that actually took action, we would have been unable to take any of the actions we took to remove

that eyesore from our City without the work done by that man at the outset. I've said that on the record. Thank you for your time."

Tom Roth, 854 Pecanwood, stated the VFD CPR training was well received. He also appreciates the service call to his residence recently. He thanked the VFD for their assistance to an elderly library patron recently.

Allen Carpenter, 8611 Merlin, "Mayor Jinks, Council, I have to tell you upfront, can I get more than three minutes?"

Mayor Jinks agreed.

Allen Carpenter continued, "Thank you. My name is Allen Carpenter. I'm a resident of Spring Valley. I live at 8611 Merlin. I'm one of the six commissioners on the Board of the fire department named by my City Council. I'm compelled to execute and advocate the will of my City Council."

Mayor Jinks asked if Mr. Carpenter was also on Spring Valley Village's City Council.

Allen Carpenter said, "Yes and the Mayor Pro-Tem. You don't need to know all that. I'm here as a resident of Spring Valley and I'm here as a Commissioner to the Board."

Mayor Jinks stated he wanted them (Councilmembers and attendees of the meeting) to know that.

Allen Carpenter continued, "I feel an obligation to be here. I don't want to be here. I didn't want to go to Hilshire and talk over there. I didn't want to stay up until 2 a.m. in the morning writing these notes. But I had to write them all down because I have a lot of information I want to share with you. Which is why I asked for more than 3 minutes. So, bear with me. I'm one of the six Commissioners on the Board. I'm named by my City Council. It's their direction as to what I do or advocate on the Board. If I'm not doing that, my Council can and should replace me at any time as per the terms of the interlocal. In 1978, the six Memorial Villages signed an interlocal cooperation agreement. Back then and now, 44 years later, still obligates all of us under state law to the terms of this agreement. It's a contract. We're obligated to the terms as specified. It's irrelevant what one city or one or more elected officials likes or doesn't like about the agreement or in some cases, simply doesn't believe what it states. The City of Bunker Hill and its residents unfortunately discovered this when they found themselves outside the participating status for several years. That was extremely unfortunate. This was not a good period of time for the department, the relationship between cities, elected officials, or the residents. It certainly was not for the first responders employed by the department. This type of chaos and disruption creates fear, uncertainty, instability, makes it hard to hire good staff, makes it hard to keep good staff, it damages morale, the esprit de corps that is vital to a highly effective para-military type organization, such as our fire department. I'm truly relieved and grateful we've turned the page on those unfortunate circumstances and Bunker Hill returned as a fully participating member. We're far better off together than we are apart. The VFD is a highly effective, highly functioning fire department where people want to work and they stay to work. They like it here. This, on this, you can certainly hold that man, Chief Foster, responsible because he did that. You can blame him for that. Over the course of twelve years, he developed that culture, that environment, where highly qualified good people want to come and where they want to stay. Demand a tremendous competition of highly qualified and highly effective fire fighters and paramedics is very real. These professionals do not want

to work at a disruptive, disorganized, or unstable department. Their skills are, in many cases, very transferrable. They will pick up and leave. They do and will. Bad department, they seek out a highly organized, highly effective, motivated department like ours. This organization we collectively share is a tremendous asset to all our residents in all six villages. It's a jewel. It took many years to put this highly functioning organization together. Our fire department should not be allowed to be damaged or tarnished by rumor, innuendo or just flat-out bad information. In the last week, there have been some emails and conversation about the performance and continued employment of the fire chief, which is interesting as he works for and is employed by the Board, which I am a member. And the Board has not had these conversations. We, the Board, have never discussed these inflammatory accusations. The worst was that Chief Foster somehow received pay or compensation as a project manager that should have been returned and did not. And that's just wrong on so many levels. This compensation was an incentive that Chief Foster never solicited, he never sought it. In fact, the desire to do such a thing was initiated by the Commissioners that were working closely with the Chief for almost three years, as members of our Building Steering Committee, to include your Commissioner, Hedwig. The Chief had nothing to do with it, other than receiving what his employer provided. Chief Foster saved the fire department more money than the cost of this incentive by taking on a role that the fire department had been paying AGCM to previously perform. On the 25th of May of this year, at a posted Board meeting, the Board considered this plan and the Board unanimously approved it, everyone, every Commissioner approved it. I approved it on behalf of Spring Valley. The meeting is recorded, you can listen to it yourself. I question how some parties might be advocating an end to our relationship with Chief Foster while the entity that actually employs him, works with him on a regular basis, and directs him, had just so recently recognized his outstanding contribution to the successful completion of the fire house renovation. The factual actions of the board, his employer, seems to contradict this allegation. If you've never met Chief Foster or spoken with him at length, I highly encourage you to do so. Go to the fire station, take a tour. They're always open, they're always open. Have them introduce you to whoever is on the shift at the time. The chief or someone on the shift, they'll give you a tour. Ask those people what they think of the place, what they think of working there. Don't trust me in what I'm telling you. Ask them what they think of the place. Go see for yourself, come to your own conclusions. Don't listen to me, the proof is what you can see and what you can experience. Go over there. Talk to the chief, talk to the firefighters over there. The bottom line is this: the ultimate responsibility, whatever the fire department does or doesn't do, belongs to the board. Why? Because that is what the board members have been tasked to do and empowered to do by you, the cities, through the terms of the interlocal. I'm not making this stuff up. You gotta read the interlocal. Don't have a copy of it? Read it. That's what we go by. The Board of Commissioners administers the fire department and all its personnel. All fire department personnel essentially report to, and work for, the Board of Commissioners. They're not City employees. If a Council, a City, a Mayor, a City Administrator doesn't like what we've been doing or being done at the fire department, budget increases, additional staff, uneditable budget spreadsheets, amending a budget to allow for a CPI adjustment, that is not Chief Foster, That's me and that's you, sending your representative over there to the board. My thirteen years on the board and Chief Foster's entire tenure of twelve years, I've never recollect him telling us what to do. He makes recommendations, he provides options, he makes suggestions, based on over forty years of experience as a firefighter. The board weighs those options and then the board instructs him what to do. He works for the Board of Commissioners. Thank you"

4. REPORTS

A. Police Report – October 2022 Crime Report & Statistics – Chief David Gott

Chief Gott discussed the following:

- Crime numbers are similar to the same time period as last year.
- A sexual assault occurred at an office building on Katy Freeway. The investigation is ongoing.
- Sergeant Khan has resigned from the department. The department has two individuals to potentially fill the two vacant positions.
- Brian Jefferies, former police officer, passed away several weeks ago. He was a multi-year veteran of the City's police department and Houston Police Department.

B. Fire Department – Councilmember Woodruff, Commissioner

Councilmember Woodruff discussed the following:

- The spouse of a firefighter recently passed away. An email notification was sent out to residents with a link to a GoFundMe page.
- Updated financial information was given to all Councilmembers prior to the start of the meeting.
- Budget procedures and processes will be added to the Board of Commissioners meeting agenda for discussion.

C. Beautification – Andrea Hermann, Committee Member

Andrea Hermann discussed the following:

- Bright Landscaping updated the landscaping at the Campbell Road esplanade.
- Trees for Houston donated trees for the Recycle Event. All trees were given away. The committee will start looking for volunteers early for next year's event.
- The irises planted on Taylorcrest are looking good.
- A project for next year would be to plant trees on Echo Lane between Lou Al and Taylorcrest.
- The butterfly garden project at the park entrance is ongoing.
- Eagle Scout Colton Ritchey was featured in the Hedwig Village magazine. Colton created the butterfly sculpture in the butterfly garden.

D. Streets and Drainage Committee – Councilmember Rouse, Chairperson

Councilmember Rouse discussed the following:

- No committee meeting was held due to the ongoing work of LJA Engineering to complete the Drainage Impact Analysis (DIA). A meeting will be scheduled when the DIA is ready for review.

E. Building Official – Evan DuVall, Building Official

Evan DuVall discussed the following:

- Ian Knox was introduced to City Council. Ian will be assisting BBG with building official duties in Hedwig Village.
- A meeting was held with Paradigm regarding the traffic light coordination at the high school. Data and reports will be available to city staff. There is an issue with the lights syncing together. The issue is being worked on.
- Two quotes were received for the scope of work for the Hedwig Village Design Guide for the commercial districts. Planning & Zoning will review and recommend one quote to City Council for approval.
- Several tenant improvements have been approved for the Moody Project, Buildings A and B.
- A new residential construction has been approved.
- Verizon has sent letters notifying the residents regarding installation and placement of small nodes. An article may possibly be placed in the next newsletter.
- The renovation of St. Cecilia Church is ongoing.

Councilmembers addressed issues at several construction sites in the City. BBG will conduct inspections of the locations.

There was discussion of possibly changing the traffic patterns at the light by the high school to allow for a more efficient traffic flow.

F. Planning & Zoning Commission – Councilmember Trozzo, Council Liaison

Councilmember Trozzo discussed the following:

- The Hedwig Village Design Guide has been the main discussion item for P&Z.
- An agenda item this evening is the appointment of a new member to the commission. The potential new member is Russell Abshire.

G. Financial Report – November 2022, Wendy Baimbridge - City Administrator

Wendy Baimbridge discussed the following:

- The City has \$5.0 million in available funds and \$7.1 million in restricted funds for a total of \$12.1 million.
- The City is 83% through the budget year.
- Sales tax is 0.15% higher year to date compared to the same period as last year. The City has paid back approximately \$100,000 in sales tax that was improperly paid to the City.
- Mixed beverage tax received by the City for August is \$12,279.

H. City Administrator – Monthly Update – Wendy Baimbridge - City Administrator

Wendy Baimbridge discussed the following:

- The Investment Quarterly Report is on the agenda for approval. The interest rate at the City's bank is low. The City is looking at an investment firm to review the

accounts for possible diversification. Alan Petrov, City Attorney, is reviewing the investment policy for possible amendments.

I. Mayor – Monthly Report – Mayor Tom Jinks

Mayor Jinks discussed the following:

- There are multiple building projects ongoing in the City.
- Yolanda Lopez, Accounting/Billing Specialist, has completed professional development training. City Hall staff is undergoing cross training of several positions.
- New residents continue to move into the City. Most are families with young school age children.
- Residents can access a complaint form on the homepage of the City's website to bring City staff attention to issues throughout the City.
- The Mayor conducted a ride-along with Officer Jorge with the police department.
- The Recycle Event was successful again this year. 74 pounds of medication were collected for destruction, 6.5 tons of paper were shredded, 8,975 pounds of electronic items were collected for recycling, and 125 trees were given to area residents for planting.

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

- A.** A Resolution of the City of Hedwig Village, Texas regarding a request from the Village Fire Department Board of Commissioners to approve the Proposed 2022 Budget Amendment in the amount of \$150,000 for the purpose of purchasing safety equipment (turn-out gear) for firefighters.

Councilmember Woodruff stated the current protective gear worn by the firefighters has PFAS chemicals, which is a possible cancer risk when worn long periods of time. The fire chief has requested an additional \$150,000 to purchase new gear that have a low amount of the PFAS chemicals. The new gear will have the PFAS on material that will be “sandwiched” between two other layers of material without the chemicals. The fire department already purchased 13 new sets (trouser and coat) of gear but will need to purchase thirty more sets to outfit all the firefighters. The requested \$150,000 would be paid by the ambulance reimbursement fund.

Chief Foster spoke regarding the cancer risk potential and the possibility of purchasing new gear with low PFAS exposure. The department purchased long sleeve cotton t-shirts and require the firefighters to wear them under the gear to minimize the risk. Chief Foster stated the department has already purchased several set of the new gear and the amount needed should be less than the requested \$150,000.

Motion was made by Councilmember Woodruff and seconded by Councilmember Rouse to approve the Resolution as presented. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

6. DISCUSSION ITEMS/PRESENTATION OF SPECIAL REPORTS

A. Discussion of the Village Fire Department Budget.

Councilmember Woodruff stated the Board of Commissioners meeting agenda will include a discussion item on the budget process and procedures. The process should be clear to all the commissioners and the six village's councils. The budget should be done with reasonable expectations of known possible expenses. He stated he advocates for a reasonable budget with expected expenses and potential unknown expenses. The City should plan for a budget with expected fire department expenses instead of the fire department requesting multiple budget amendments throughout the year. He does not believe the fire department budget should include a contingency line item. Budget line items should include reasonable expected expenses. He stated the budget should be determined and the ambulance reimbursement funds should be used to offset the six Villages portions to cover expected expenses.

Councilmember Rouse suggested a contingency or disaster budget line item with possible contributions each year to offset the expenses incurred in the event of any emergency.

Chief Foster stated the fire department does not currently have contingency funds to cover expenses in the event of an emergency.

Councilmember Rouse asked Councilmember Woodruff to comment on budget tracking reports.

Chief Foster stated the fire department sends the monthly financials to the department's CPA. The CPA reviews the budget monthly.

City Council took a break, beginning at 8:33 p.m. and resuming at 8:43 p.m.

B. A Resolution in Support of the Village Fire Department Employees.

Mayor Jinks read the resolution into the record.

Motion was made by Councilmember Woodruff and seconded by Councilmember Rouse to approve the resolution as presented. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

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

A. Proposed recommendations by the Village Mutual Insurance Cooperative Board for 2023 insurance carriers to provide medical, dental, vision, life, AD&D, long term disability, and supplemental life coverage for the City employees.

Wendy Baimbridge, City Administrator, stated the medical, dental, life, AD&D, long term disability, and supplemental life insurance for the employees will be offered through Blue Cross Blue Shield with an increase of four percent over last year's cost. The vision insurance will remain with Superior Insurance with no increase.

Motion was made by Councilmember Davis and seconded by Councilmember Trozzo to approve this agenda item as presented. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

- 8. 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 13, 2022 Regular Council Meeting

B. Approval of General Fund Bills

General Fund Bills

Voided Checks – two

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

Texas Comptroller - \$108,350.72

Village Fire Department - \$5,514.45

Wells Fargo credit card - \$3,066.00

State of Texas Treasurer - \$38,357.64

TML Intergovernmental - \$26,649.75

Johnson Petrov - \$3,709.26

Bright Landscaping - \$5,622.98

GenSolutions - \$6,089.31

CDW Government - \$7,920.00

Accutek - \$4,837.50

IDS Engineering, Inc. - \$4,430.98

- D.** Approval of Agreement with Harris County to house, support, maintain, and confine City prisoners in Harris County jails.
- E.** A Resolution of the City of Hedwig Village, Texas designating the Hedwig Village Alternate Commissioner to the Village Fire Department Board of Commissioners.
- F.** A Resolution of the City of Hedwig Village, Texas designating a Representative and Alternate to the Houston-Galveston Area Council (H-GAC) General Assembly for 2023.
- G.** Approval of appointment to the Planning and Zoning Commission for a two year term.
- H.** Approval of 3rd Quarter 2022 Investment Report.

Councilmember Rouse requested agenda item 8F be removed from the consent agenda for separate discussion and vote.

Motion was made by Councilmember Rouse and seconded by Councilmember Woodruff to approve agenda item 8F, as presented. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

Mayor Jinks is the City's recommended Alternate Representative to the Village Fire Department Board of Commissioners.

Mayor Jinks is the City's recommended Representative and Councilmember Breckon is the City's recommended Alternate Representative to the Houston-Galveston Area Council (H-GAC) General Assembly for 2023.

Motion was made by Councilmember Trozzo and seconded by Councilmember Rouse to approve the consent agenda, with the removal of agenda item 8F, as presented. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

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

A. As authorized by Section 551.071, Consultation with Attorney, to discuss matters related to the Village Fire Department.

City Council adjourned into Closed Session at 8:48 p.m.

City Council re-convened into Open Session at 9:56 p.m.

10. ACTION – CLOSED SESSION – The City Council will reconvene in open session and take action, if necessary, on the matter discussed in closed session.

No action taken.

11. ADJOURN

Motion was made by Councilmember Rouse and seconded by Councilmember Trozzo to adjourn the meeting at 9:57 p.m. Motion carried 5-0.

MOTION CARRIED UNANIMOUSLY

Approved and accepted on December 8, 2022.

ATTEST:

Tom Jinks, Mayor

Lisa Modisette, City Secretary