



**CITY OF HEDWIG VILLAGE, TEXAS  
REGULAR MONTHLY CITY COUNCIL MEETING  
THURSDAY, MAY 11, 2017  
6:30 P.M. - 955 PINEY POINT ROAD**

**MINUTES**

**1. CALL TO ORDER**

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

Present: Mayor Brian Muecke

|                               |  |
|-------------------------------|--|
| Councilmember Carrol McGinnis | Kelly Johnson, City Admin./Secr.-Treasurer |
| Councilmember Barry Putterman | Lane Standley, Building Official           |
| Councilmember Bob Wiener      | David Gott, Police Chief                   |
| Councilmember William Johnson | Zack Petrov, Acting City Attorney          |
| Councilmember Shirley Rouse   | Brandy Worthington, Permit Clk/P&Z Secr.   |
| Councilmember Matt Woodruff   |  |

Absent: None

**CANVASSING THE MAY 6, 2017 ELECTION**

A. Discussion and possible action regarding an ordinance canvassing the returns and declaring the results of the General Election held in the City of Hedwig Village, Texas, on May 6, 2017; and containing findings and provisions related to the subject.

Kelly Johnson, City Administrator, stated the General Election was held in the City on May 6, 2017, results as follows:

| <b><u>Mayor</u></b>                               | <b><u>Early Voting</u></b> | <b><u>Election Day</u></b> | <b><u>Total</u></b> |
|---|----------------------------|----------------------------|---------------------|
| Mayor   | 66                         | 58                         | <b>124</b>          |
| <b><u>Councilmember Pos. #1</u></b>               |                            |                            |                     |
| Barry E. Putterman                                | 67                         | 59                         | <b>126</b>          |
| <b><u>Councilmember Pos. #5</u></b>               |                            |                            |                     |
| Tom Roth  | 26                         | 19                         | <b>45</b>           |
| Shirley Rouse                                     | 68                         | 67                         | <b>135</b>          |
| <b>Invalid Write-In Vote</b>                      | 1                          | 0                          | <b>1</b>            |
| <b>Provisional</b>                                |                            |                            | <b>0</b>            |
| <b>Total Ballots Cast</b>                         | <b>94</b>                  | <b>86</b>                  | <b>180</b>          |
| <b>Percentage of registered voters that voted</b> |                            |                            | <b>11%</b>          |

Councilmember McGinnis moved, Councilmember Johnson seconded, for the approval of the Ordinance Canvassing the General Election held on May 6, 2017.

Councilmembers Johnson, McGinnis, Putterman, Wiener, and Woodruff voted “Aye”, “Noes” none.

**MOTION CARRIED UNANIMOUSLY**

**B. Statement of Officer – Mayor, Council Position No. 1, and Council Position No. 5**

Mayor Muecke, Councilmember Putterman, and Shirley Rouse signed the Statement of Officer prior to taking the Oath of Office.

**C. Oath of Office – Mayor, Council Position No. 1, and Council Position No. 5**

Kelly Johnson, City Administrator, administered the Oath of Office to Brian Muecke, Mayor, Barry Putterman, Council Position No. 1, and Shirley Rouse, Council Position No. 5.

**2. CITIZEN/VISITOR COMMENTS**

None

**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 9, 2017 Regular Council Meeting  
April 13, 2017 Regular Council Meeting

Councilmember Putterman requested the following correction to the April 13, 2017 Minutes under agenda item #5B:

- Councilmember Putterman abstained from the vote.

**B. Approval of General Fund Bills**

General Fund Bills - #32458 - #32527  
Voided Checks – \$32484 - 32505

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

|                               |                                   |
|-------------------------------|-----------------------------------|
| State of Texas - \$30,103.92  | Bob Baldwin - \$2,906.00          |
| Jason Bienek - \$2,825.00     | Trinity Paving - \$32,500.00      |
| Accutek - \$7,880.00          | Belt Harris Pechacek - \$5,180.00 |
| LJA Engineering - \$33,662.10 |                                   |

**D. Approval of Construction Fund Bills**

0 Items - \$0.00

**E. Approval of Police Seizure Bills**

0 Items - \$0.00

Councilmember Putterman moved, Councilmember McGinnis seconded, for the approval of the Consent Agenda with the correction to the April 13, 2017 Minutes.

Councilmembers McGinnis, Putterman, Rouse, Wiener, and Woodruff voted “Aye”, “Noes” none.

**MOTION CARRIED UNANIMOUSLY**

**4. REPORTS**

**A. Financial Report – April 2017 – Kelly Johnson, City Administrator/City Secretary-Treasurer**

Kelly Johnson discussed the financial report:

- Sales tax figures were discussed by Richard Fletcher under agenda item #8B. There was a slight decrease in the sales tax for April 2017.
- As of April 30, 2017, Ad Valorem revenue collections were at 98%. Expenses through April 2017 were at 33.3% with revenue collections at 48%.

**B. Police Report – April 2017 Crime Report & Statistics, HVPD Open House – Police Chief Gott**

Chief Gott discussed the police report:

- Total crime numbers within the city are trending in the right direction.
- A woman was knocked to the ground at the Memorial Inn & Suite. The victim’s purse, containing \$3,250 cash, was taken. Investigation is ongoing.
- The 2<sup>nd</sup> Annual Hedwig Village Police Department Open House will be on June 8<sup>th</sup> from 4:00 p.m. – 6:00 p.m.

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

Fire Commissioner Bill Johnson discussed the Fire Department Commissioners Meeting:

- The fire department sent out a newsletter along with each councilmember receiving a copy.
- The response times remain good.
- There will be delay in the delivery of the new ladder truck. The department requires the truck to have the ability to use foam. The use of foam affects the department’s ISO rating.

- The Commissioners will approve the 2018 Budget at the next meeting.

Kelly Johnson stated the Fire Department newsletter was sent out through the city's e-notification system and urged residents to sign up for the service from the city website.

**D. Drainage Committee** – Update – Mayor Muecke

Mayor Muecke discussed the following:

- The Drainage Committee held a meeting on April 20th.
- LJA Engineering, Inc. (LJA) completed the survey work.
- LJA created computerized simulations, based on a 100 year rainfall event, with the survey results. LJA gave a presentation on overland flow.
- LJA is of the opinion that the drainage area for Soldier's Creek is incorrect and suggested that Hedwig Village request Harris County Flood Control District to review the boundary area.
- LJA was requested to prioritize two simulations for the west side of the city. One simulation would re-engineer Magdalene Drive as a "river of last resort" for the water to flow north over land to the drainage system the city already has in place. The other simulation would mitigate the water flowing into the city from the west.
- The next meeting will be scheduled when the priority simulations are complete.

**E. Planning & Zoning Commission** – Meeting Update – Councilmember Bob Wiener

Councilmember Wiener discussed the following:

- The Planning & Zoning update was discussed during agenda items #5A and #8D.
- He commended P&Z for sending a committee member to the council meeting to update council directly.

**F. Mayor** – Mayor's Monthly Report, Appointment of Chairman to the Parks, Trails, and Beautification Committee – Brian Muecke

Mayor Muecke discussed the following:

- Mayor's Monthly Report –
  1. The city hosted a successful Texas Parks and Wildlife Hunter Education class held in the Police Department training room. 33 people completed the state required course. The city will try to host another class within the next six months as well as a Boater Safety class in the fall.
- Appointment of Chairman to the Parks, Trails, and Beautification Committee –

1. Mayor Muecke appointed Councilmember Bob Wiener as Chairman. He stated several residents have shown an interest in serving on this committee. There is a budget allocation of \$25,000 for this committee.

**G. Building Official** – Monthly Report, Update on Noise Abatement – Lane Standley

Lane Standley discussed the following:

- Permit Department had a slow month. No new residential construction was permitted in April.
- Noise Abatement – TxDOT is still working on the I-10 Noise Abatement Project. The completion date is projected to be in August 2017. TxDOT has received complaints concerning the temporary stripping on the roadway is difficult to see in wet conditions. TxDOT's solutions may be to add additional stripping on the road.
- Lane Standley has requested that TxDOT take better care of the north side of the south frontage road. TxDOT is willing for Hedwig Village to assume responsibility for said section which would include landscaping and mowing. Lane Standley stated the city would spend considerable time, effort, and money to maintain the landscaping along the frontage road if the city assumed responsibility. Mayor Muecke suggested Lane Standley consider outsourcing the landscape maintenance of this section of the frontage road.

**H. City Administrator** – Municipal Court, New Office Hours, Village Independence Festival (VIF), BOA meeting, April 27, 2017 – Kelly Johnson

Kelly Johnson reported on the following:

- Municipal Court – Cardinal, the city's Municipal Court software, sent a representative at the city's request to properly train the city's court clerk. Kelly Johnson is considering adding the ability for defendants to pay fines and fees online.
- New Office Hours – The new office hours are 7:00 a.m. to 4:00 p.m. Monday through Thursday and 7:00 a.m. to 1:00 p.m. on Friday. The new hours appear to be working well.
- Village Independence Festival (VIF) – The festival will be held on July 4 this year. This year is the 25<sup>th</sup> anniversary of the festival. Hedwig Village will have a float again this year.
- Board of Adjustments (BOA) Meeting, April 27, 2017 – The meeting was held to hear a variance request concerning setbacks due to the fault line. The variance request was denied. It is thought the property owner will appeal the BOA decision.
- Zack Petrov stated the city filed a corrected order with the court today. The property owner has 10 days to respond to the order. If the property owner decides to appeal, council will discuss the matter with the city attorney in closed session.

**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 II, Definitions and Interpretations, Section 202, Definitions, and Article V, Zoning Regulations, Section 506, Business District B, Subsection D, Parking of the Hedwig Village Planning and Zoning Code relating to the regulation of parking requirements for restaurants within the City.

Councilmember Rouse explained the hard work Planning & Zoning (P&Z) had put into researching the information concerning parking ratios for restaurants. She stated the next parking requirements P&Z will discuss will include shared parking, cross parking, and drive-thru's. She stated the research P&Z has conducted includes, among other things, looking at parking ordinances in other cities.

Councilmember Putterman suggested adding the term “to the public” as a language change to the definition for a restaurant in the P&Z recommendation to council regarding parking for restaurants.

Councilmember Wiener moved, Councilmember Putterman seconded, to postpone this agenda item until the next council meeting.

Councilmembers McGinnis, Putterman, Rouse, Wiener, and Woodruff voted “Aye”, “Noes” none.

**MOTION CARRIED UNANIMOUSLY**

- B.** An Ordinance of the City of Hedwig Village, Texas repealing the local sales and use tax exemption on telecommunications services; providing notice to the Comptroller of Public Accounts for the State of Texas; providing for an effective date; making findings and other provisions related to the subject; and providing saving and severability clauses.

Richard Fletcher, with Sales Tax Assurance, stated that the residents are paying 6.25% sales tax to the state on their telecommunication bill. He believes some residents are paying the additional 2% local sales and use tax but it would be difficult to identify which residents are paying it. He stated the city can repeal the exemption in order for the additional 2% tax to be applied fairly. He stated it would be difficult to estimate what the sales tax increase would be on the residents' bill due to some services are taxable and other services are not taxable.

Councilmember Woodruff stated he would be in favor of this ordinance in the interest of ensuring the sales and use tax is fairly collected.

Councilmember Putterman moved, Councilmember McGinnis seconded, to approve the Ordinance repealing the local sales and use tax exemption on telecommunication services.

Councilmembers McGinnis, Putterman, Rouse, Wiener, and Woodruff voted “Aye”, “Noes” none.

**MOTION CARRIED UNANIMOUSLY**

Richard Fletcher stated the city would need to notify the Comptroller of Public Accounts of the Ordinance repealing the sales and use tax exemption. The city should start to see results in December 2017.

Richard Fletcher confirmed the city is receiving sales and use tax from major online retailers. He also stated the decrease in sales tax collection for February 2017 could be explained by some companies reporting and paying the sales tax in a different manner than previously reported. He explained several aspects of the sales tax reports that Sales Tax Assurance provides to Council every month.

- C. An Ordinance of the City Council of the City of Hedwig Village, Texas re-imposing the sales and use tax on gas and electricity for residential use and repealing the local sales and use tax exemption on telecommunications services; providing notice to the Comptroller of Public Accounts of the State of Texas; providing for an effective date; making findings and other provisions related to the subject; and providing saving and severability clauses.

Richard Fletcher, with Sales Tax Assurance, stated the sales and use tax exemption for gas and electric service is similar to the exemption for telecommunication providers with the exception that gas and electric providers are most likely not collecting the 2% local sales and use tax. He stated the commercial businesses that use gas and electric are paying the local sales and use tax. The exemption applies only to residential gas and electric use.

Councilmember Woodruff stated he is against raising the residents’ taxes in order to generate revenue for the city. He stated he would not be in favor of this ordinance if revenue was the only reason.

No motion for this agenda item.

- D. 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.

Mayor Muecke recommended Bill Johnson as the Hedwig Village Commissioner and Barry Putterman as the Alternate Commissioner.

Councilmember McGinnis moved, Councilmember Wiener seconded, to approve the Resolution to Designate a Commissioner and an Alternate Commissioner to the Village Fire Department Board of Commissioners.

Councilmembers McGinnis, Putterman, Rouse, Wiener, 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.** Discussion and possible action regarding appointment of Mayor Pro-Tempore.

Mayor Muecke nominated Councilmember Woodruff as Mayor Pro-Tempore for a one year term.

Councilmember McGinnis moved, Councilmember Putterman seconded, to approve Councilmember Woodruff as Mayor Pro-Tempore.

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

**MOTION CARRIED UNANIMOUSLY**

- B.** Discussion and possible action regarding appointments for the Planning and Zoning Commission for one and two year terms.

Mayor Muecke stated Kelly Johnson mailed letters to all members of Planning & Zoning to inquire if the members were still willing to serve on the committee. The results are two vacancies with one member requesting not to remain on the commission and Ms. Rouse stepping down and she was elected to Council Position 5.

Councilmember Wiener stated that achieving a quorum for a meeting of the P&Z members has been a problem for the past several years.

Mayor Muecke stated he would nominate Minh Ly, who has developed an interest in city government. Mr. Ly also serves on the Drainage Committee.

Zack Petrov stated the city could reduce the number of members on P&Z from nine to seven, with a quorum being a simple majority.



Councilmember Wiener stated P&Z created guidelines and internal procedures for the meetings.

Councilmember McGinnis moved, Councilmember Wiener seconded, to postpone this agenda item until the next council meeting.

Councilmembers McGinnis, Putterman, Rouse, Wiener, and Woodruff voted "Aye", "Noes" none.

**MOTION CARRIED UNANIMOUSLY**

- A. Discussion and possible action regarding the appointment of the Council Liaison for Planning and Zoning.

Mayor Muecke recommended Councilmember Rouse as Council Liaison for P&Z.

Councilmember Woodruff moved, Councilmember Wiener seconded, to approve Councilmember Rouse as the Council Liaison to P&Z.

Councilmembers McGinnis, Putterman, Wiener, and Woodruff voted "Aye", "Noes" none. Councilmember Rouse abstained from the vote.

**MOTION CARRIED UNANIMOUSLY**

- B. Discussion and possible action regarding appointments for the Board of Adjustments for a one and two year periods.

Councilmember Putterman moved, Councilmember Woodruff seconded, to postpone this agenda item until the next council meeting.

Councilmembers McGinnis, Putterman, Rouse, Wiener, and Woodruff voted "Aye", "Noes" none.

**MOTION CARRIED UNANIMOUSLY**

- C. Discussion and possible action regarding the appointment of the Council Liaison for Board of Adjustments.

Councilmember Putterman moved, Councilmember Woodruff seconded, to postpone this agenda item until the next council meeting.

Councilmembers McGinnis, Putterman, Rouse, Wiener, and Woodruff voted "Aye", "Noes" none.

**MOTION CARRIED UNANIMOUSLY**

**8. DISCUSSION ITEMS/PRESENTATION OF SPECIAL REPORTS**

- A. Proclamation recognizing Councilmember Bill Johnson

Mayor Muecke stated that in the two years he has been Mayor, he has enjoyed working alongside Mr. Johnson. He stated he has learned from Mr. Johnson how a city should be run. Mr. Johnson has been an outstanding resource for other councilmembers throughout his tenure. Mayor Muecke thanked Mr. Johnson for his assistance.

Councilmember Putterman stated Mr. Johnson has served as a good steward of the city and will continue to serve as the city's representative to the Fire Commission. Councilmember Putterman stated that Mr. Johnson has added to the community, has great people skills, and the city should be proud of the efforts Mr. Johnson puts into his commitments for the city, including his upcoming term as Chair of the Fire Commission.

Councilmember Woodruff stated he never had to worry about the financial condition of the city due to Mr. Johnson's analytical mind looking over the numbers.

Councilmember Wiener stated Mr. Johnson is a solid member of the community and there was never a worry about things running properly if he was involved.

Councilmember McGinnis stated the city is a better place to live due to the efforts of Mr. Johnson. He continued by saying Mr. Johnson has been a major asset to the city and other citizens should volunteer for city service using Mr. Johnson as an example. He stated he appreciates Mr. Johnson for his efforts on council.

Councilmember Rouse stated she appreciates the encouragement she received from Mr. Johnson in running for this council position.

Mayor Muecke read the resolution honoring Mr. Johnson for the record. Mayor Muecke presented Mr. Johnson with gifts from the city in appreciation of his years of service. Mr. Johnson was also presented with a Texas flag that was flown over the House of Representative in the Texas capital on May 8, 2017.

Bill Johnson stated it has been his pleasure and honor to serve the city. He stated he will remain active within the city. He thanked everyone for the kind words and gifts.

**B. Certificate of Special Recognition to Marguerite Holm**

Mayor Muecke read into the record the Certificate of Special Recognition for Marguerite Holm in honor of her 100<sup>th</sup> birthday. He thanked Tom Roth, P&Z member, for bringing this milestone to his attention. Ms. Holm has lived at the same location within the city since 1952.

**C. Proclamation for Motorcycle Awareness Month**

Mayor Muecke read the Proclamation into the record.

Kim Monette thanks Mayor and Council for the Proclamation in recognition of Motorcycle Awareness Month.

**D. Discussion with Planning & Zoning representative to provide council's guidance and direction on certain P&Z proposals.**

Pat Murphy, Planning & Zoning (P&Z) member, discussed a 2014 letter to council from Bob Wiener, then Chair of P&Z, a 2017 letter from Pat Murphy, P&Z member, as well as a 2017 letter from Sylvie Bucci, current Chair of P&Z. He stated P&Z had, in the past, submitted recommendations to council and had not received any feedback from council nor had any item been placed on council's agenda as an actionable item. He stated P&Z unanimously voted in 2014 to submit six items to council, in addition to a design guide and a PUD (Planned Unit Development), for discussion. P&Z believed that the design guide and the PUD should be looked at in terms of long-term planning. P&Z has reviewed these six items at a previous meeting and still believe these items are vital for discussion and updating.

Councilmember Putterman stated Council did discuss Dark Skies.

Councilmember Woodruff stated Council did discuss allowable business uses. Pat Murphy stated P&Z presented to Council an updated list of allowable business uses to guide redevelopment.

Pat Murphy recommended Council review the list of six items presented by P&Z and give feedback on the priority of these items. He stated the Code of Ordinances should be updated due to the business districts being redeveloped.

Pat Murphy stated P&Z could discuss and accomplish quite a bit with the six items already submitted to council. One of those discussion items was burying the power lines in the business districts.

Councilmember McGinnis stated Council discussed that very issue several years ago. Centerpoint Energy told the city that in order to bury the existing power lines, the city would have to provide the funds to do so and that it would be very expensive. He stated new power lines could be buried as part of the construction process.

Mayor Muecke asked Zack Petrov, Acting City Attorney, to clarify what the city had the authority to enforce in regards to the code.

Zack Petrov stated the city could not dictate what materials a contractor could use in a structure and the city cannot dictate the "look" of a structure. He stated the city could dictate standards in regard to public safety.

Pat Murphy explained the LEED Silver standard is an energy efficient office building that the property owners could receive certification for. He stated that if the city does not mandate certain things within the Code for the betterment of the city, developers will

redevelop the business districts with little thought for the residents and citizens of the city.

Councilmember Putterman stated if the city were to approve the PUD concept, the city could mandate certain requirements, such as 20% retail, as a compromise for slightly taller buildings.

Mayor Muecke stated the section of the code that was changed in 2013-2014 included taller buildings with the inclusion of business uses already approved by the city. The approved business uses does include non-sales tax generating businesses.

Pat Murphy stated P&Z submitted to Council in the past a redistricting of the business districts and an updated list of allowable business uses. Council did not act on the submitted information at that time.

Mayor Muecke asked Zack Petrov if the city could mandate a percentage of retail space for sales tax generating businesses to developers.

Zack Petrov stated the city could mandate a sales tax requirement in a PUD but not in a business district as a whole.

Councilmember Woodruff stated a PUD ordinance would not compel the city to agree with any design submitted by a developer, it would just give the city an added flexibility for the future. He suggested getting copies of PUD ordinances from other cities to use as a guide in constructing the city's PUD ordinance.

Councilmember Putterman stated the PUD ordinance would need to be worded in such a way as to be clear what the city's intentions are for the business districts and what the city would be willing to negotiate.

Mayor Muecke stated he is interested in the idea of a PUD but does not believe the city would be agreeable to any increase in building height. He asked Zack Petrov to circulate to the members of council the 2014 list of updated business uses for review.

Pat Murphy reminded councilmembers that sales tax should not be the only guiding factor in updating the code for commercial redevelopment but ad valorem tax should also be considered. He stated a redeveloped commercial property would generate more in ad valorem taxes than the property currently generates.

Mayor Muecke stated Council and P&Z should review the proposed comprehensive plan. He stated the city was originally designed for the benefit of the residents with the commercial districts as a bonus.

Zack Petrov stated the comprehensive plan would need to be developed first and would act as a guide for any changes to the code. The code should only change as allowed by the comprehensive plan.

Councilmember Woodruff suggested P&Z choose one topic to work on, finish, and recommend to council then move on to another topic.

Councilmember Putterman stated the proposed comprehensive plan and parking ratios as well as the PUD should be the priority for P&Z.

**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. ADJOURNMENT**

Councilmember Wiener moved, Councilmember Putterman seconded, to adjourn the meeting at 9:29 p.m.

Councilmembers McGinnis, Putterman, Rouse, Wiener, and Woodruff voted “Aye”, “Noes” none.

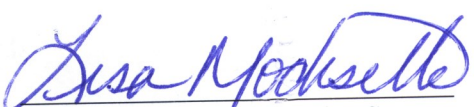
**MOTION CARRIED UNANIMOUSLY**

Approved and accepted on May 11, 2017.



\_\_\_\_\_  
Brian T. Muecke, Mayor

ATTEST:



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Lisa Modisette, Asst. City Secretary