



**CITY OF HEDWIG VILLAGE, TEXAS  
REGULAR MONTHLY CITY COUNCIL MEETING  
MAY 21, 2020  
6:30 P.M. - 955 PINEY POINT ROAD**

**MINUTES**

In accordance with Governor Abbott's Executive Order dated March 16, 2020 and continued by Executive Orders dated April 12, 2020 and May 12, 2020 relating to the COVID-19 pandemic and the need to minimize face-to-face contact, the City of Hedwig Village held the May 21, 2020 meeting in person with several participants joining the meeting via Zoom, as noted below.

**1. CALL TO ORDER**

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

Present: Mayor Brian T. Muecke (left at 8:18 p.m., called in at 8:30 p.m.)

Councilmember Harry J. Folloder	Alan Petrov, City Attorney (via phone)
Councilmember Dane Johnson (via phone)	David Gott, Police Chief
Councilmember Susan Mathews	Kevin Taylor, Building Official
Councilmember Shirley Rouse	Lisa Modisette, Assistant City Secretary
Councilmember Matt Woodruff	

Absent: Kelly Johnson, City Admin./Secr.-Treas.

**A. Statement of Officer**

Councilmembers Folloder, Johnson, and Woodruff read and signed the Statement of Officer.

**B. Oath of Office**

Mayor Muecke performed the Oath of Office for Councilmembers Folloder, Johnson, and Woodruff.

**2. CITIZEN/VISITOR COMMENTS**

Kathryn Schenk, member of the Beautification Committee, spoke regarding the Beautification projects. See the Beautification report for details.

**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 31, 2020 Special Meeting Minutes  
March 12, 2020 Regular Meeting Minutes  
April 16, 2020 Regular Meeting Minutes  
April 30, 2020 Special Meeting Minutes

**B. Approval of General Fund Bills**

General Fund Bills

Voided Checks –three

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

Accutek - \$3,790.00

Axon Enterprise, Inc. - \$15,072.00

AG/CM Inc. - \$7,515.00

LJA Engineering, Inc. - \$64,870.85

Schaumburg & Polk, Inc. - \$3,680.00

TML - \$22,165.50

TexNet payment - \$35,427.83

Texas Workforce Commission - \$4,319.69

**D. Approval of the 1<sup>st</sup> Quarter 2020 Investment Report**

**E. To ratify 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 2020 effective tax rate and rollback tax rate for the City of Hedwig Village for fiscal year 2021.**

Councilmember Rouse requested a correction to the March 12, 2020 minutes.

Mayor Muecke requested corrections to the March 12, 2020 minutes and the April 16, 2020 minutes.

Motion was made by Councilmember Rouse and seconded by Councilmember Folloder to approve the Consent Agenda as presented with the corrections to the minutes as stated. Motion carried 5-0.

**MOTION CARRIED UNANIMOUSLY**

**4. REPORTS**

**A. Financial Report – April 2020 (before audit) – Mayor Muecke**

Mayor Muecke discussed the following;

- Sales tax for May 2020 is approximately 32.32% lower for the month compared to the same time period in 2019.
- The City is fully collateralized.
- The City has \$2.55M in restricted funds and \$3.58M in available funds.
- Revenues for 2020 are approximately 69% of budget and expenditures for 2020 are approximately 30% of budget.

Councilmember Rouse asked if HdL Companies (formerly Sales Tax Assurance) is tracking the mixed beverage tax received by the City. She also requested the mixed beverage tax be separate from the sales tax in the financial report.

Mayor Muecke stated he will request Kelly Johnson look into Councilmember Rouse's request regarding the mixed beverage tax.

Councilmember Mathews asked what businesses in the City are open.

Kevin Taylor, Building Official, stated he would attempt to create a list of the City's businesses that are open.

**B. Police Report – April 2020 Crime Report & Statistics – Chief David Gott**

Chief Gott discussed the following:

- The department is fully staffed.
- Officer Richard Rulong has been promoted to the vacant Detective position.
- The department has not had any loss of time due to COVID-19.
- Chief Gott has taken control of the department's Facebook page. The page was created by Facebook years ago. Chief Gott will be the only person posting to the page.
- The crime rate has been low. The City had only thirteen total crimes for the month of April. There have been no arrests and the traffic stops are minimal.
- Chief Gott warned that mail theft is occurring in the area.

**C. Fire Department – Councilmember Folloder, Fire Commissioner**

Councilmember Harry Folloder discussed the following:

- The department received fewer calls in April 2020 due to the COVID-19 crisis.
- The Commissioners held a special meeting on May 13, 2020 and voted to proceed with the renovation of the fire station. The renovation bid was awarded to Construction Masters. Construction Masters has experience building fire stations. AG/CM, Inc. will continue to serve as the Construction Project Manager. The building sub-committee has been dissolved. A steering committee has been formed to oversee the project and communicate to the Fire Commission and the Villages.

**D. Beautification – Kathryn Schenk, Member**

- The Beautification Committee has an ongoing project to remove trees along Gaylord Road from Piney Point to Bunker Hill Road. The tree removal will be complete in the beginning of June 2020 and the crew will return to grind the tree stumps down to ground level. The City will plant new trees. The new trees must be watered every day for the first two weeks.
- The flowers on the Campbell esplanade will be replaced soon.

**E. Mayor – Monthly Report – Brian Muecke**

- No report.

**F. Building Official – Kevin Taylor, Building Official**

Kevin Taylor, Building Official, discussed the following:

- Moody Project – Three restaurants continue their improvements and could possibly open in July 2020. Construction continues on the two office buildings. The right-of-way work has begun for the relocation of the driveways. Landscaping has begun.
- Insurance Services Office (ISO) rating – The ISO representative has provided an ISO rating of 3 for the residential and commercial districts in the City. The rating assists insurance companies in establishing rates for the community.
- McDonalds was issued a permit to renovate their space. The renovation will include a slight change to the drive-thru lane to allow more stacking of cars.
- Memorial High School – The roadway work will be completed during the summer months prior to the start of school. Storm sewer, sanitary, and water utility construction work has begun on the west campus. The drainage pipe will be increased in size to a sixty inch pipe. A right-of-way permit is being expediated for the City’s storm sewer tie-ins on Gaylord Drive. A section of Gaylord will be closed due to the construction for approximately ten to fifteen days. The contractors may be able to start work on the drainage pipe on May 25, 2020.
- Tennis Courts – The tennis courts are mostly completed, and the field building is still under construction.
- Jobsite maintenance – inspections are ongoing.
- There is interest in redeveloping the property located at Piney Point Road and I-10 Frontage Road. The property could be developed into a coffee shop.

Councilmember Rouse asked about the partial closure of Gaylord between Echo Lane and Bunker Hill Road due to the Moody Project.

Kevin Taylor stated the road closure is temporary and the work should be completed in the next couple of days.

Councilmember Rouse asked about the closure of the pass through gate, through the school property, from the pocket park on Denise Drive. She expressed concern for the excessive signage for the construction company.

Mayor Muecke stated the closure is temporary due to the construction at the high school.

Kevin Taylor stated he would speak with the construction company regarding their signs.

Councilmember Woodruff expressed concern regarding a possible drive through, and the resulting traffic, at the Piney Point and I-10 Frontage Road location.

Councilmember Rouse stated any traffic study completed at this time for the Piney Point Road/I-10 Frontage Road location would not include the school traffic and would be inaccurate.

Kevin Taylor stated the City would have the ability to reject any traffic study that does not include all the possible variables such as school traffic.

**G. Planning & Zoning Commission** – Pat Murphy, Chairperson, and Councilmember Susan Mathews, Council Liaison

Pat Murphy discussed the following:

- There has not been a Planning & Zoning (P&Z) meeting since February 2020.
- The next P&Z meeting will be June 2, 2020.
- Two members of P&Z have resigned. There are four members remaining. All four remaining members would be required to attend the meetings to meet the quorum requirements.
- P&Z will continue to look at the possibilities of burying the powerlines along the I-10 Frontage Road or moving the powerlines toward the back of the commercial properties.
- P&Z is considering allowing single family homes in Commercial District B2.
- P&Z will continue to look at the possibilities of Management District in the Cities.
- P&Z is considering a mobility plan for the City to include hike and bike trails.

Councilmember Rouse and P&Z Chairperson Pat Murphy stated the City has several residential and commercial districts that are vacant. Councilmember Rouse asked if the City had the ability to encourage redevelopment of those vacant lots. She stated there is a vacant lot on the east side of the City that has construction fencing but no ongoing construction. Chairperson Murphy asked if the City could order the property owner to tear down any structures and turn the lots into green space.

Alan Petrov, City Attorney, stated the City could force demolition of any structure only if the structure was unsafe.

Kevin Taylor stated it is difficult to prove a structure is substandard. He stated the City would investigate if a complaint was received.

Mayor Muecke stated he would have a list of possible citizens to nominate to P&Z at the next City Council Meeting.

**H. City Administrator** – Monthly Update – Lisa Modisette, Assistant City Secretary

Lisa Modisette discussed the following:

- A draft schedule for the 2021 Fiscal Budget workshop and public hearing dates was completed by Kelly Johnson and presented to Council. The Mayor and Councilmembers were requested to check their personal calendars and let Kelly Johnson know if any dates and times on the draft budget calendar needed to be adjusted.
- The Village Independence Parade and Festival (VIF) was cancelled by the VIF chairperson, Bunker Hill Village Councilmember Susan Schwartz. Mayor Muecke and Councilmember Woodruff stated the Village's Mayors are in favor of holding the parade.

**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, for consideration and possible action regarding an amendment to the Village Fire Department's 2019 Budget to cover a deficit in the General Fund by moving \$115,864 from the Ambulance Billing Fund.

Councilmember Folloder stated the Fire Commission is requesting a budgetary transfer of funds from the Ambulance Billing Fund to cover a deficit of \$115,864 in the General Fund.

No further discussion on this item.

Motion was made by Councilmember Woodruff and seconded by Councilmember Mathews to adopt the resolution as presented. Motion carried 5-0.

**MOTION CARRIED UNANIMOUSLY**

- B. A Resolution of the City of Hedwig Village, Texas regarding a request from the Village Fire Department Commission to approve the Proposed 2021 Village Fire Department Budget in the amount of \$6,961,314 with Hedwig Village's 2021 assessment being \$1,287,843.09 (18.50%).

Councilmember Folloder stated the Fire Commission is requesting approval of the 2021 Village Fire Department Budget in the amount of \$6,961,314 with Hedwig Village's assessment being \$1,287,843.09 (18.50%). He stated the 2021 Budget has a decrease of 13.26% in the General Fund compared to last year's budget. However, there is an increase in the overall budget due to maintenance and equipment expenses. The biggest expense in the budget is personnel costs. The personnel costs have increased approximately 2% in order to remain competitive with other area departments.

Councilmember Woodruff asked about the replacement cost of the pumper.

Councilmember Folloder stated the pumper to be purchased in 2020 will be modified to fit on the streets in the Villages that are narrow.

Councilmember Rouse asked for a review of the participation of the City of Bunker Hill Village.

Councilmember Folloder stated the City of Bunker Hill Village has an agreement with the Village Fire Department for fire and EMS services. They have no vote on the Board of Commissioners but contribute their financial percentage of the annual fire department budget.

No further discussion on this item.

Motion was made by Councilmember Woodruff and seconded by Councilmember Johnson to adopt the resolution as presented. Motion carried 5-0.

**MOTION CARRIED UNANIMOUSLY**

- C. A Resolution of the City of Hedwig Village accepting all of Volume 1 and the City's portion of Volume 2 of the Harris County Multi-Hazard Mitigation Action Plan.

Kevin Taylor stated the proposed Interlocal Agreement with Harris County and other area Cities pertains to the adoption of the Harris County Multi-Hazard Mitigation Plan. Adoption of the Plan would be required in order to qualify for FEMA funding.

Alan Petrov stated the City of Hedwig Village and the other area Cities will adopt the same Interlocal Agreement with Harris County.

Councilmember Woodruff asked if the City would give up any sovereignty if the Plan were adopted.

Lisa Modisette stated the City currently has a Multi-Hazard Mitigation Plan Agreement with Harris County. The agreement under consideration would continue the agreement already in effect with Harris County.

Alan Petrov stated the City would not give up any sovereignty if the Plan were adopted. The City would not be part of the Plan if the Resolution and agreement are not adopted.

Councilmember Woodruff expressed concern regarding the County government issuing directives or orders that are broad and over-reaching without consultation with the City.

Councilmember Rouse questioned the locations of the critical facilities on the map included with the agreement. She also questioned the language in the agreement regarding the City's authority and regulatory capability.

Councilmember Mathews stated she would prefer more time to review the Resolution and the agreement.

Mayor Muecke suggested Council approve the Resolution pending corrections to the documents.

Motion was made by Councilmember Folloder and seconded by Councilmember Johnson to adopt the Resolution pending corrections.

Kevin Taylor and Lisa Modisette stated the document cannot be changed or altered.

Motion was made by Councilmember Folloder and seconded by Councilmember Johnson to conditionally approve the Resolution pending clarification of facts in the agreement and authorizing the Mayor to execute the agreement.

Councilmember Folloder withdrew his motions.

No further discussion of this item.

Motion was made by Councilmember Folloder and seconded by Councilmember Rouse to table the Resolution. Motion carried 5-0.

**MOTION CARRIED UNANIMOUSLY**

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

- A. Discussion and possible action on an Interlocal Agreement between the City of Bunker Hill Village and Hedwig Village for Improvements to crosswalk on Taylorcrest Road.

Councilmember Folloder stated Hedwig Village residents have requested a crosswalk on Taylorcrest Road west of Magdalene Drive. Taylorcrest Road is in the City of Bunker Hill Village. The City of Bunker Hill Village agreed to the crosswalk and will oversee the installation of the crosswalk. The City of Bunker Hill Village has agreed to pay \$10,000.00 toward the cost of the crosswalk. The balance of \$25,941.40 for the installation would be paid by the City of Hedwig Village. The maintenance cost would be shared between the City of Bunker Hill Village at 28% and the City of Hedwig Village at 72%. The crosswalk will include lighted signage and roadway embedded lights. The City of Hedwig Village has the funds available for this project through the Child Safety Fund.

Councilmembers Mathews and Rouse stated the City of Bunker Hill Village should pay more toward the cost of the crosswalk installation and maintenance.

Councilmember Mathews stated she would prefer to have more time to review the interlocal agreement. She asked who negotiated the agreement with the City of Bunker Hill Village.

Mayor Muecke stated there is a need for the crosswalk and the City of Bunker Hill agreed to contribute \$10,000.00 toward the cost of installation. He stated the proposed crosswalk will allow Hedwig Village residents to safely cross Taylorcrest Road in order to use the sidewalk on the south side of Taylorcrest Road.

Councilmember Rouse asked if City staff has done its due diligence on the cost of the equipment and the installment.

Councilmember Mathews asked if the crosswalk lights would be operational at all times or only during school hours.

Councilmember Folloder stated the crosswalk lights will always be operational.

Chief Gott stated he is in support of the crosswalk.

No further discussion of this item.

Motion was made by Councilmember Folloder and seconded by Councilmember Rouse to approve the interlocal agreement as presented. Motion carried 5-0.

**MOTION CARRIED UNANIMOUSLY**

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

- A. Audit Report – 2019 Financial Statements – presented by Belt Harris Pechacek.



Stephanie Harris, Managing Partner with Belt Harris Pechacek, presented the City's 2019 Financial Statements. She discussed the following:

- The City had approximately \$25.9M in total assets and \$6M in total liabilities. The City's net position as of December 31, 2019 is approximately \$16.9M. (page 13 of audit report)
- The City had approximately \$5.7M in net expenses and approximately \$5.7 in total revenue for Fiscal Year 2019. (page 20-21 of audit report)

Motion was made by Councilmember Woodruff and seconded by Councilmember Folloder to accept the 2019 Financial Audit as presented. Motion carried 5-0.

**MOTION CARRIED UNANIMOUSLY**

- B.** To approve the continuation of the April 23, 2020 Disaster Declaration for the City of Hedwig Village, Texas resulting from COVID-19 (novel coronavirus).

Mayor Muecke stated the continuation of the disaster declaration would remain in effect until June 28, 2020. The declaration may be extended at the next Council meeting.

Motion was made by Councilmember Woodruff and seconded by Councilmember Folloder to approve the continuation of the disaster declaration. Motion carried 5-0.

**MOTION CARRIED UNANIMOUSLY**

- C.** Approval of appointment of Mayor Pro Tempore.

Mayor Muecke recommended Councilmember Woodruff for Mayor Pro Tempore.

Motion was made by Councilmember Rouse and seconded by Councilmember Folloder to nominate Councilmember Woodruff as Mayor Pro Tempore. Councilmember Woodruff abstained from the vote. Motion carried 4-0.

**MOTION CARRIED**

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

- A.** Proclamation honoring Emma Doan, a long-time resident, on her 95<sup>th</sup> birthday.

Mayor Muecke read the proclamation into the record. Mrs. Doan and family were unable to attend the Council Meeting to receive the proclamation due to the current global health crisis.

Councilmember Rouse stated Mrs. Doan is an outstanding member of the community. She will present the proclamation to Mrs. Doan.

- B.** AG/CM progress report related to the Hedwig Village Paving and Draining Project.

Michael Medwedeff, Project Manager with AG/CM, discussed the following project progress:

- A geotechnical soil testing is complete.
- A revised pay application has been received from LJA Engineering, Inc.

- The electronic report is 95% complete and LJA is finalizing the annotating of the existing surface features on the main/original section.
- AG/CM has coordinated with David Garza, from ING Garza, to go over the LJA report.
- An open records request was submitted to Harris County Flood Control District (HCFCD) for sub-area boundaries of watersheds of Hedwig Village and adjacent areas.
- HCFCD responded to the open records request. AG/CM is requesting further detail.
- The projected time to meet with LJA, AG/CM, and Hedwig Village to discuss the electronic report is in June 2020. The discussion will focus on existing features and proposed sections of each roadway that the City wishes to entertain possibilities for the project. Once approved, this will be shared with Hedwig Village for further discussion and direction.

Councilmember Rouse requested the qualifications of David Garza. She asked if the City hired him to consult. She asked what Mr. Garza is charged to do.

Michael Medwedeff stated AG/CM utilizes the expertise of Mr. Garza on various projects. He stated the City did not hire Mr. Garza.

Michael Medwedeff stated the report will include the information from the base survey agreement as well as the change order survey agreement.

Councilmember Rouse asked about a Harris County evaluation project to be done in the area.

Michael Medwedeff stated the Harris County project will include a small section of Hedwig Village. He stated the Harris County project will be just an evaluation study with no construction work.

- C. Discussion of financial impact to Hedwig Village of Judge Hidalgo's 03/16/20 order closing restaurants and 03/24/20 order closing other businesses in Hedwig Village. Discussion of financing alternatives including use of tax notes to provide needed liquidity to Hedwig Village.

Mayor Muecke stated, that due to spread of COVID-19, several businesses within Harris County, including within Hedwig Village, were ordered closed by County Judge Lena Hidalgo. He stated the City's budget relies on transactional tax such as sales tax. Due to the closure of most types of sales tax generating businesses, the reduction in transactional tax is estimated to be approximately sixty percent. City Council discussed the possibility of issuing tax notes to ensure the City can continue to provide services. The City can use tax notes in an amount up to \$1.8M to cover expenses if the loss of revenue from sales tax is too great. Council would need to decide to use tax notes, and the amount of the tax notes, by July 1, 2020 due to the various legal requirements and steps the City would need to take prior to funding/selling the tax notes.

James Gilley, U.S. Capital Advisors, stated the City is considering a tax note in the amount \$1,865,000. The tax note will be a direct placement meaning the tax note will be marketed to banking/financial institutions and will be held by the institution until the tax note matures. The City could add a condition to the tax note to pay the debt in full prior to maturity with no

penalty. The City would accept bids in mid June under the tentative timeline. The City would make annual payments on the principal of the debt with the final payment due in March 2027. The City would make payments on the interest of the debt twice annually until the debt is paid in full. The tax note would be paid from ad valorem taxes. If the City decides to move forward, the bids would be due by June 18, 2020 and Council would decide to accept a bid at the Council meeting scheduled for the evening of June 18, 2020. The proceeds from the sale of the tax note would occur mid July 2020.

Mayor Muecke asked if there is the approval process from the Texas Attorney General Office.

James Gilley stated there have been no delays in the Attorney General process.

Alan Petrov, City Attorney, stated the Attorney General Office has transitioned to online filing which could possibly speed up the approval process.

Councilmember Folloder asked if the current interest rates are expected to decrease. He asked if the City could reject the bids that would be received.

James Gilley stated it would be difficult to predict the interest rates due to the current global health crisis. He stated the City would be under no obligation to accept any of the bids that were received.

Councilmember Rouse asked if the bids would have an itemized list of conditions. She asked if the City would have the ability to repay the debt early without penalty.

James Gilley stated the term sheet from the City would list the conditions from the City. The financial institution could also include additional conditions.

Mayor Muecke stated the condition to repay the debt early is included in the draft term sheet provided to Councilmembers.

Councilmember Mathews asked if the tentative calendar provided to the Councilmembers was the most current calendar available. She also asked if the sale of the tax note would be placed with one buyer or split between multiple buyers.

Mayor Muecke stated the timeline does not change for the City. City Council could decide on the tax note at the June 18, 2020 Council Meeting.

James Gilley stated a single bidder would purchase the entire tax note.

Councilmembers discussed the continuing uncertain tax revenue and the favorable position the City could be in with the tax note. All Councilmembers were in favor of moving forward with the tax note.

Mayor Muecke stated City Council would vote on the tax note at the June 2020 Council Meeting.

**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**

Motion was made by Councilmember Rouse and seconded by Councilmember Folloder to adjourn the meeting at 9:39 p.m. Motion carried 5-0.

**MOTION CARRIED UNANIMOUSLY**

Approved and accepted on June 18, 2020.

  
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Brian T. Muecke, Mayor

ATTEST:

  
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Lisa Modisette, Asst. City Secretary