



**CITY OF HEDWIG VILLAGE, TEXAS
REGULAR MONTHLY CITY COUNCIL MEETING
THURSDAY, SEPTEMBER 20, 2018
6:30 P.M. - 955 PINEY POINT ROAD**

MINUTES

1. CALL TO ORDER

Mayor Muecke called the meeting to order at 6:31 p.m.

Present: Mayor Brian Muecke

Councilmember Harry J. Folloder
(arrived 6:38 p.m.)

Councilmember Dane Johnson
Councilmember Barry Putterman
Councilmember Shirley Rouse

Kelly Johnson, City Admin./Secr.-Treasurer
David Gott, Police Chief

Alan Petrov, City Attorney (left at 7:41 p.m.
to attend the P&Z meeting, returned to
the council meeting at 8:35 p.m., left again
at 8:45 p.m. for the P&Z meeting, returned
to the council meeting at 9:01 p.m.)

Lisa Modisette, Assistant City Secretary

Absent: Councilmember Matt Woodruff

2. CITIZEN/VISITOR COMMENTS

Russell Hankins, 806 Saybrook, referenced the Memorial Examiner article about the fire department's response times. He stated the City of Bunker Hill Village wants special treatment regarding the Village Fire Department (VFD). He stated the area villages are overprotected and over insured. He stated council should consider leaving the VFD and creating our own fire department.

Boy Scouts Luke Jackson, Ethan Nguyen, Brandan Davin, and Keel ten Wolde, Troop #152, attended the meeting to meet requirements for the Communication Merit Badge.

- 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

June 20, 2018 Joint Public Hearing
August 13, 2018 Budget Workshop
August 16, 2018 Regular Council Meeting
August 22, 2018 Budget Workshop

B. Approval of General Fund Bills

General Fund Bills - #33604 - #33669
Voided Checks – none

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

Village Fire Department - \$2,641.22	HCAD - \$2,553.00
Constellation Energy - \$4,809.98	Johnson Petrov - \$3,846.82
Angler Construction - \$14,226.20	Accutek - \$5,180.00
Idemia Identify & Security - \$2,569.00	
American Municipal Corp - \$2,586.42	

D. A Resolution designating a Representative and Alternate to the Houston-Galveston Area Council (H-GAC) General Assembly for 2019.

Mayor Brian T. Muecke will serve as Hedwig Village Representative and Councilmember Barry Putterman will serve as Hedwig Village Alternate Representative to the 2019 General Assembly for Houston-Galveston Area Council (H-GAC).

E. Consideration and Possible Action to allocate FEMA Funds and the 3rd Quarter 2018 Ambulance Funds towards the previously approved Roof Replacement at the Village Fire Department.

Commissioner Bill Johnson stated the FEMA Funds are approximately \$165,000 and the 3rd Quarter Ambulance Reimbursement Funds are unknown at this time. Both funds will be retained by the fire department and placed in the Facility Fund to be applied to the cost of the roof replacement.

F. Consideration and Possible Action on an Agreement with Harris County pertaining to the City's donation of \$2,500 to the Spring Branch Memorial Library to share in the cost of purchasing library materials.

Hedwig Village donates \$2,500 to the Spring Branch Memorial Library for the purpose of purchasing library materials.

Councilmember Putterman moved, Councilmember Johnson seconded, to sever the minutes from the consent agenda.

Councilmember Folloder moved, Councilmember Rouse seconded, for the approval of the Consent Agenda without the minutes.

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

MOTION CARRIED UNANIMOUSLY

Councilmember Putterman requested the following corrections to the minutes:

- August 16, 2018 minutes – page 3, first bullet point, item (b) - add “possible EMS” before “substation”
- August 16, 2018 minutes – page 5, last paragraph, second sentence – strike the word “could” and replace with “might” and add “be able to” after the word “not”

Councilmember Rouse requested the following corrections to the minutes:

- August 13, 2018 – page 2, last paragraph, last sentence – add “excluding the fire department,” after “She stated”

Mayor Muecke requested the following corrections to the minutes:

- August 16, 2018 – page 3, middle of page - insert “year to date average continuing” after “Mayor Muecke requested the”
- August 16, 2018 - Page 4, agenda item F, Mayor’s Report, first bullet point – correct the spelling from “Rlection” to “Election”
- August 16, 2018 - Page 6, first paragraph – strike the first sentence and replace with “Mayor Muecke questioned if the prohibition of churches was legal? He said he thought it was not.”
- August 22, 2018 – page 2, second paragraph, first sentence – insert “for drainage and road work” after the word “issuance”
- August 22, 2018 – page 3, first paragraph, second sentence – replace the word “comparable” with “far less than.”

Councilmember Rouse moved, Council member Putterman seconded, to approve the minutes as corrected by the council.

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

MOTION CARRIED UNANIMOUSLY

4. REPORTS

A. Financial Report – August 2018 – Kelly Johnson

Kelly Johnson discussed the following:

- The city has approximately \$1.1 Million in available funds and \$1.2 Million in restricted funds. Total funds available are \$2.3 Million.
- The city is fully collateralized.
- The sales tax for September is up 22% over September 2017. The sales tax for year to date is up 5.63%.
- Revenues received are 79.56% of budget and expenses are 60.44% of budget.
- The city received approximately \$40,000 from FEMA for reimbursement for expenses incurred during Hurricane Harvey.

B. Police Report –August 2018 Crime Report & Statistics – Chief David Gott

Chief Gott discussed the following:

- The city had nineteen total crimes in August 2018 with three assault crimes. The year-to-date total for crime for the city is one hundred thirty three.
- There were forty three arrests in August 2018.
- The department is “Recognized” through the Texas Police Chief Association Certification Program. There are one hundred seventy rigorous standards to be met in order to receive the “Recognized” status. The department was first “Recognized” in 2010 and has maintained the status through several re-certifications. The department must re-certify every four years.
- Chief Gott stated the training simulator has been received and installed. The officers have begun training.
- The Open House may be scheduled for late October or early November.

C. Fire Department – Meeting –Fire Commissioner Bill Johnson

Fire Commissioner Bill Johnson discussed the following:

- The Village Fire Department (VFD) budget is presented to the Villages by June 30 of each year. Per the Inter-local agreement, if four villages approve the budget, it becomes the working budget for the department. Any village that did not approve the budget will have until September 30 to either approve the budget or decide to leave the department. If a village decides to leave the department there are two options:
 - a. Withdraw as of December 31, 2019, continue to receive service from the department, and pay their portion of the budget through December 31, 2019, or
 - b. Withdraw completely on December 31, 2018 and receive no service. The decision needs to be made by October 15.
- The fire department submitted one budget to the villages for approval. The budget included the Facility Fund. All the villages but Bunker Hill had approved the budget.
- Commissioner Johnson requests that the FEMA reimbursement funds and the 3rd Quarter Ambulance Reimbursement Funds be applied to the roof replacement costs.

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

Councilmember Rouse discussed the following:

- Planning & Zoning (P&Z) held a regular meeting on September 4, 2018.
- Several P&Z agenda items are on the council agenda for this evening
 - a. Call for a Joint Public Hearing on the Moody National PUD.
 - b. Call for a Joint Public Hearing on amendments to the Planned Unit Development Enabling Ordinance for building heights.
 - c. Approve P&Z recommendation for amended business uses.
 - d. Approve P&Z recommendation for amendments to the PUD Enabling Ordinance.

Steve Woods, with Moody National, presented their PUD application to P&Z. Kevin Taylor, Acting Building Official, P&Z, and Mr. Woods discussed the various aspects of the proposed building plans.

Councilmember Putterman met with several P&Z members to review the proposed amendments to the business uses. P&Z incorporated suggestions from Councilmember Putterman into their recommendations on business uses to council.

Councilmember Folloder suggested P&Z look into the lighting regulations from the City of Fulshear. He stated that the City of Fulshear has very good regulations on this topic.

E. Beautification – Update – Chairman Bob Wiener

Chairperson Bob Wiener discussed the following:

- Bob Wiener summarized the meeting held on September 19, 2018:
 - a. Cost estimate for the proposed work at the Campbell Road Esplanade – \$10,000
 - b. Authorized cost for site landscaping plan for Campbell Road Esplanade – \$1,000
 - c. Cost estimate for one or two benches at the historical marker - \$1,000/bench
 - d. Cost estimate for nine dog waste stations with receptacles (purchase and installation) - \$2,300
 - e. Cost estimate for one year weekly maintenance for dog waste stations - \$4,300
 - f. Ten trees for east side of Echo Lane - \$1,000
 - g. Three Live Oak trees for Clifford - \$1,125
 - h. Some of the proposed trees could be designated as Memorial Trees for residents to purchase.
 - i. Total cost of all estimates - \$20,725
 - j. The committee is looking into planting an orchard possibly by the Memorial Villages Water Authority.

Bob Wiener recommends starting some of the projects this budget year and spacing the remaining projects over two more budget years.

F. Mayor – Mayor’s Monthly Report – Brian Muecke

Mayor Muecke reported on the following:

- City of Bunker Hill Village will make their decision regarding the Village Fire Department within the next ten days on if they will remain with the department.

G. Building Official – Monthly Report – Kevin Taylor, Acting Building Official

Kevin Taylor discussed the following:

- Kevin Taylor stated he has been in contact with Crown Properties regarding the remodel at 9135 Katy Freeway. The engineers on the project are reviewing the foundation design and continued use of the CMU walls. The permit for the work may expire before a resolution on the issues can be reached.
- The Stream PUD project is moving forward. The contractors are working with the city and Memorial Villages Water Authority to ensure the project meets the requirements of the PUD.
- Pending council approval at this meeting, the business uses have been clarified.
- Moody National PUD project is still under review and a joint public hearing is scheduled at this meeting.
- The new permit fees have been entered into the permit software. New permit applications for commercial construction have been uploaded to the website and are ready for use.
- A solution has been identified for the drainage backup on Monticello. A new curb inlet will be installed to solve the problem of debris clogging the inlet grate already in place.
- Fifteen permits totaling \$6,900 have been issued for August.

H. City Administrator – TML Conference, Health Insurance Update, Recycle Day – Kelly Johnson

Kelly Johnson reported on the following:

- TML Conference will be held in Ft. Worth on October 10-12, 2018.
- The Insurance Co-op representative cautioned the insurance rate for next year may increase by more than twenty percent.
- The Recycle/Reuse/Shred Event is scheduled for October 27, 2018 from 8 a.m. to 12 p.m. The location will be Hedwig Village City Hall parking lot.

Councilmember Folloder moved, Councilmember Putterman seconded, to recess the Regular City Council Meeting at 7:30 p.m. to conduct three public hearings.

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

MOTION CARRIED UNANIMOUSLY

Mayor Muecke reconvened the City Council meeting at 7:42 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 506, Business District B, Subsection A, Use of Property, of the Hedwig Village Planning and Zoning Code relating to uses of property within the Business Districts of the City.

Susan Mathews, Chairperson of the Planning and Zoning (P&Z) Commission, P&Z recommends approving the ordinance to update the allowable business uses for the business districts within the city. She reviewed the uses that were deleted, amended, added, and/or retained from the current business uses list. P&Z created categories and combined several related uses in those categories. She stated she created a definition for business use and for incidental sales. The proposed ordinance will mandate a percentage of aggregate net leasable space on the ground floor of an office building that shall be used for sales tax generating businesses as follows:

- Business District B-1 – eighty-five percent
- Business District B-2 – fifty percent
- Business District B-3 – eighty-five percent

Mayor Muecke suggested adding language to Appendix A (A)(1)(f)(39) – “Public Administration Services” to include the words “that serve the City”.

Councilmembers discussed prohibiting vape shops, removing the indoor gun range from the list, changing “Building Inspector” to “Building Official”, and increasing the allowable distance between a bar and a school. Kevin Taylor stated city staff understands that vape shops are prohibited. The distance between a bar and a school is regulated by state law and this ordinance will not address that issue.

Councilmember Putterman suggested adding “Business Uses” to the Council and P&Z agendas annually for a review of any uses that may need to be added or removed.

Councilmember Putterman reviewed the corrections to the ordinance as follows:

- Change “Building Inspector” to Building Official”
- Delete “Indoor Gun Range”
- Add the language “performing municipal responsibilities for the City of Hedwig Village” to “Public Administration Services”

Councilmember Rouse stated P&Z added single family homes as an allowable use in Business District B-3.

Councilmember Putterman moved, Councilmember Folloder seconded, to approve the Ordinance relating to Business Uses with the corrections as discussed.

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

MOTION CARRIED UNANIMOUSLY

- B. An Ordinance of the City Council of the City of Hedwig Village, Texas amending Article V, Zoning Regulations, Section 505, Residential Districts A and C, Subsection B, Limitations, Paragraph 10, Fences, of the Hedwig Village Planning and Zoning Code relating to fence height and materials within the Residential Districts A and C of the City.

Susan Mathews, Chairperson for the Planning & Zoning (P&Z) Commission, stated P&Z recommends three additional changes as follows:

- In Appendix A, Section B (10)(a) – strike the sentence that begins with “Six (6) feet and six (6) inches”
- In Appendix A, Section B (10)(b)(1) – add “or” between the words “stained” and “natural”
- In Appendix A, Section B (10)(b)(5) – change the word “should” to “shall”

Susan Mathews stated P&Z recommends the passage of the proposed fence ordinance with the listed changes.

Councilmember Johnson asked about current fences that are taller than the proposed change of eight feet. He asked if the city would force compliance. The taller fences that are currently in the city would be grandfathered. The taller fence must be maintained. The resident would have the opportunity to request a variance from the Board of Adjustment if the taller fence needed to be replaced.

Alan Petrov, City Attorney, stated that a variance is generally difficult to get approved. However, the city could grant a “special exception”. The “hardship test” of a variance request would not be considered for a special exception. He stated language would need to be added to include a “special exception” as an option. He also stated the city could include language in the proposed ordinance allowing taller fences along certain boundaries. The city would need to identify those boundaries in order to include them in the ordinance. The city would need to call another public hearing to include the boundaries for taller fences.

Alan Petrov, City Attorney, stated the proposed fence ordinance prohibits chain link fencing. He stated the schools in the city have chain link fencing as does the city park.

Councilmember Rouse suggested adding language to Appendix A (B)(10)(b)(10) stating “synthetic material may be used as approved by the City Building Official.”

Councilmember Putterman suggested removing all mention of “residential districts” from the ordinance. This ordinance pertains to residential areas only.

Councilmember Rouse moved, Councilmember Putterman seconded, to approve the ordinance relating to residential fences to include the additional corrections as stated.

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

MOTION CARRIED

- C. 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 Hedwig Village Planning and Zoning Code relating to the size, retail requirement, and green space and amenity requirements of Planned Unit Developments within the Business Districts of the City.

Councilmember Putterman moved, Councilmember Johnson seconded, to table this ordinance until after the Joint Public Hearing scheduled for October 18, 2018.

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

MOTION CARRIED UNANIMOUSLY

- D. An Ordinance calling a Joint Public Hearing to be held before the City Council and the Planning and Zoning Commission of the City of Hedwig Village, Texas, for the purpose of considering a possible ordinance to approve a Planned Unit Development to construct a commercial development consisting of two office buildings and a parking garage, to be located on a 9.72 acre site located at 9655 Katy Freeway, Hedwig Village, Texas, in the Business District B-3.

Mayor Muecke stated the city must hold a Public Hearing to provide Moody National an opportunity to present their Planned Unit Development (PUD) to the city. The residents of the city will also be given an opportunity to state their opinion on the PUD.

Mayor Muecke expressed a concern regarding calling a Joint Public Hearing in reference to the Moody National PUD application if the proposed buildings in the PUD do not conform with the current PUD Enabling Ordinance as it relates to building height.

Alan Petrov, City Attorney, stated the City Council could call the Joint Public Hearing for the Moody National PUD application. He stated Moody National assumes the risk of the amendment to the PUD Enabling Ordinance concerning building height may not be approved.

A Joint Public Hearing will be held on October 18, 2018 to allow comments for an increase in building height. The increase in height will affect the Planned Unit Development (PUD) requested by Moody National.

Councilmember Putterman moved, Councilmember Rouse seconded, to call a Joint Public Hearing to consider approval of a Planned Unit Development (PUD) to be held on October 18, 2018 at 6:00 p.m.

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

MOTION CARRIED UNANIMOUSLY

- E. An Ordinance authorizing the issuance of Hedwig Village, Texas, Tax Notes, Series 2018.

James Gilley, US Capital Advisors, stated his firm received six competitive bids for the tax notes in the amount of \$1,020,000 dollars. BB&T submitted the lowest debt service bid to the city. The bid was made after an analysis of the market in order to submit a competitive rate. The interest rate will be 2.93%. The final maturity will be in 2021 and there is no pre-payment penalty clause. The sale closes on approximately October 11, 2018. Closing cost will be approximately \$20,000. This is a direct placement, meaning BB&T cannot re-sell this debt to another financial institution. BB&T is a frequent bidder for municipal debt.

Tom Sage, Hunton Andrews Kurth, stated approval of the ordinance authorizing the sale of the tax notes is the only action the city council will need to make. He stated Hunton Andrews Kurth will submit the required paperwork to the Texas Attorney General’s office for approval. He stated council’s approval of the ordinance will bind BB&T. He stated the city is required to accept the entire \$1,020,000.

Councilmember Johnson moved, Councilmember Putterman seconded, to adopt the Ordinance authorizing the issuance of Hedwig Village Tax Notes, Series 2018.

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

MOTION CARRIED UNANIMOUSLY

- F. An Ordinance calling a Joint Public Hearing to be held before the City Council and the Planning and Zoning Commission of the City of Hedwig Village, Texas, for the purpose of considering amendments to Article V, Zoning Regulations, Section 509, Planned Unit Developments, of the Hedwig Village Planning and Zoning Code relating to building height.

Mayor Muecke stated the Public Hearing held earlier this evening on the amendments to the Planned Unit Developments (PUD) Enabling Ordinance did not include an amendment to the height of buildings within the PUD. Another Joint Public Hearing will be required to consider an increase in building heights.

Councilmember Rouse stated the increase in building height would only affect the parapet at the roof level to screen any equipment placed on the roof of the buildings.

Councilmember Rouse moved, Councilmember Putterman seconded, to call a Joint Public Hearing relating to building height to be held on October 18, 2018 at 6:00 p.m.

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

MOTION CARRIED UNANIMOUSLY

Councilmember Rouse moved, Councilmember Putterman seconded, to reopen agenda item 5F for further discussion.

Alan Petrov, City Attorney, suggested adding language to the Ordinance in Appendix A, last paragraph, first sentence “and allow a hearing to be heard on a substantially complete application”.

Councilmember Folloder moved, Councilmember Rouse seconded, to amend the notice to call a Joint Public Hearing to include the additional language as stated by City Attorney Alan Petrov.

Councilmembers Folloder, Johnson, Putterman, and Rouse 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. Consideration and Possible Action on an Official Ballot from Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election for Places 11-14.

Councilmember Johnson moved, Councilmember Putterman seconded, to table this agenda item.

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

MOTION CARRIED UNANIMOUSLY

- B. Consideration and Possible Action on an Agreement with Sales Tax Assurance LLC, for Reporting and Consulting Services.

The city will contract with Sales Tax Assurance LLC for reporting and consulting service in relation to the sales tax the city collects. The reports Sales Tax Assurance has provided in the past have been helpful to city staff and council. The annual cost of the contract will be \$3,600. The contract will also cover Sales Tax Assurance’s continued monitoring of the city’s sales tax.

Councilmember Putterman recommends adding an amendment to the contract to allow the city to terminate the contract with ninety days written notice at any time. The proposed contract states either party can terminate after the first auto renewal.

Councilmember Folloder moved, Councilmember Johnson seconded, to approve the contract with Sales Tax Assurance LLC.

Councilmembers Folloder, Johnson, Putterman, and Rouse 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. Reschedule the Regular Council Meeting on December 20, 2018 to December 13, 2018.

Mayor Muecke stated rescheduling the December 20, 2018 city council meeting will dispense with any conflict due to the holiday. The rescheduled date will be December 12, 2018 at 6:30 p.m.

Councilmember Putterman moved, Councilmember Rouse seconded, to reschedule the December 20, 2018 City Council meeting to December 12, 2018 at 6:30 p.m.

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

MOTION CARRIED UNANIMOUSLY

- B. Authorization for the Destruction of Records according to the City of Hedwig Village’s Records Management Retention Schedule.

Kelly Johnson, City Administrator, stated the city records have been reviewed based on the approved records retention schedule. The records that have met their retention period have been pulled for destruction. The city follows the Texas State Library and Archive Commission’s record retention schedules. Records can be retained longer than the retention period if the city believes the records have value and should be kept longer.

Councilmember Rouse suggested retaining several records for informational value.

The city will have the records destroyed on October 27, 2018 during the Recycle/Reuse/Shred Event once council approves the records list. There will be no additional cost to the city to have the records destroyed at this event.

Councilmember Johnson moved, Councilmember Putterman seconded, to table this agenda item.

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

MOTION CARRIED UNANIMOUSLY

8. DISCUSSION ITEMS/PRESENTATION OF SPECIAL REPORTS

A. Discussion regarding the 2019 Proposed Budget

No discussion

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, Consultation with Attorney, of the Texas Open Meeting Act, concerning possible litigation regarding the Village Fire Department.

City Council did not have an executive session.

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

None

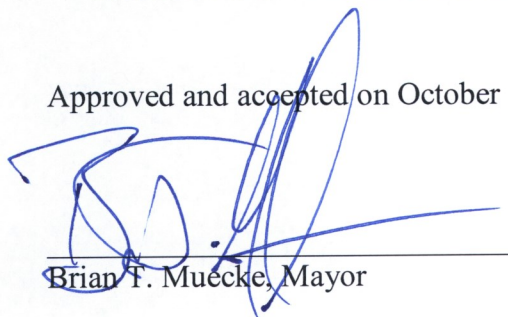
11. ADJOURN

Councilmember Johnson moved, Councilmember Rouse seconded, to adjourn the meeting at 10:07 p.m.

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

MOTION CARRIED UNANIMOUSLY

Approved and accepted on October 18, 2018.



Brian F. Muecke, Mayor

ATTEST:



Lisa Modisette, Asst. City Secretary