



**CITY OF HEDWIG VILLAGE, TEXAS  
REGULAR MONTHLY CITY COUNCIL MEETING  
THURSDAY, MARCH 21, 2019  
6:30 P.M. - 955 PINEY POINT ROAD**

**MINUTES**

**1. CALL TO ORDER**

Mayor Pro-Tem Woodruff called the meeting to order at 6:30 p.m.

Present: Mayor Brian Muecke (arrived at 7:19 p.m.)

Councilmember Harry J. Folloder	Kelly Johnson, City Admin./Sec.-Treasurer
Councilmember Dane Johnson	Carter Dean, Acting City Attorney
Councilmember Barry Putterman	David Gott, Police Chief
Councilmember Shirley Rouse	Kevin Taylor, Building Official
Councilmember Matt Woodruff	Evan DuVall, Building Official
	Lisa Modisette, Assistant City Secretary

Absent: None

**2. CITIZEN/VISITOR COMMENTS**

Jennifer Finch, Spring Branch Memorial Library, introduced herself to Council as the new branch manager at the library.

Andrea Hermann, 930 Karos Lane, asked if the City could assist with the traffic light at Bunker Hill Road and Gaylord. She also asked if rat traps could be placed along Gaylord due to the infestation since the Toys R Us Building was demolished.

Boy Scout Declan Barbosa, Troop 673 at St. Cecilia Catholic Church, attended the meeting to complete 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**

January 17, 2019 Emergency Council Meeting  
January 17, 2019 Joint Public Hearing  
January 23, 2019 Public Hearing

**B. Approval of General Fund Bills**

General Fund Bills - #34036 - #40029

Voided Checks – #34046

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

Tyler Technologies - \$3,712.50	Accutek - \$3,407.49
Bright Landscaping - \$9,465.24	BBG Consulting, Inc - \$26,062.50
Houston Plumbing Specialist - \$3,860.00	Wells Fargo - \$3,998.22

Councilmember Putterman moved, Councilmember Folloder seconded, to approve the Consent Agenda.

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

**MOTION CARRIED UNANIMOUSLY**

**4. REPORTS**

**A. Financial Report – February 2019 – Kelly Johnson**

Kelly Johnson discussed the following:

- The City has \$2.2 million in available funds and \$2.9 million in restricted funds for a total of \$5.1 million.
- The City is 16.67% through the 2019 Budget. Revenues are at 45.82% of budget and expenses are at 15.07% of budget.
- Sales tax is approximately 10% lower through the end of March 2019 compared to March 2018.

**B. Police Report – February 2019 Crime Report & Statistics – Chief David Gott**

Chief Gott discussed the following:

- The February 2019 crime rate is similar to the previous month.
- There was a minor crime spree by a Hispanic male in early March 2019. The suspect attempted to steal a car from a woman at the Independence Bank, attempted to steal a truck at 970 Bunker Hill Road and assaulted the vehicle owner, broke into another vehicle at 9575 Katy Freeway and stole clothes, then stole a bicycle. The suspect was caught by officers near the library. The suspect was arrested for aggravated robbery.
- Sergeant Bill Wright is retiring. He has been an officer in Hedwig Village for thirty one years. A party will be held on Monday, March 25, 2019 at 11:00 a.m. at City Hall in his honor.
- The hiring process is underway to fill two open positions.
- Steve Packard has been promoted to Sergeant to fill the position left open by Bill Wright.

**C. Fire Department – Meeting – Mayor Muecke, Alternate Fire Commissioner**

Mayor Muecke discussed the following:

- The fire department is 16.6% through the budget and expenditures are 15.07% of budget.
- The response times are within the standard. First responder response time is four minutes and thirty four seconds. Advance life support response time is four minutes and fifty seven seconds. Fire call response times are five minutes and four seconds.
- The fire station renovation project has requested qualifications for architects. The deadline is March 31, 2019.
- The City of Bunker Hill Village is reviewing the letter of intent to return to the Village Fire Department.

Councilmember Rouse asked about the possible closure of City of Houston Fire Stations and how that would affect the Village Fire Department.

Mayor Muecke stated the closure of City of Houston fire stations would impact the Village Fire Department but it is unclear how that impact would be felt by the department.

**D. Beautification – Update – Bob Wiener, Chairperson**

Chairperson Wiener discussed the following:

- A plaque for the disbanded Hedwig Village Garden Club will be placed at the northeast corner of Echo Lane and Taylorcrest.
- The Committee will reserve funds to complete the Campbell Road Esplanade Project later in the year.
- Trees of Houston will plant trees along the south side of the I-10 Frontage Road. The City must agree to water the newly planted trees for two years. Chairperson Wiener stated TxDOT has agreed to the tree planting.
- Six trees have been planted on Gaylord close to the Memorial Village Water Authority. The trees are forty five gallon and it is a good location for memorial trees.

Councilmember Johnson is in favor of trees along the I-10 Frontage Road but is concerned about the liability.

Councilmember Woodruff asked about the cost of watering the trees.

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

Mayor Muecke discussed the following:

- Senate Bill 2 is a revenue cap bill that has been filed in the legislature. The current bill would not affect cities with combined sales tax and ad valorem revenue below \$15 million.

- There is a bill filed to allow residents to register their burglar alarms with the police department instead of an alarm company. The bill would affect the area villages, police departments, and the fire department.

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

Kevin Taylor discussed the following:

- The Memorial Inn and Suites demolition is delayed due to asbestos abatement. The cost of abatement is higher than the owners anticipated. They are requesting additional time to receive more bids for this work.
- The City is looking at possible repairs to Magdalene Drive. There are concerns regarding repairs because of the high volume of traffic. The estimated budget is approximately \$30,000 - \$40,000.
- The Stream Project has agreed to paint the parking garage a slate gray in response to complaints from the residents. An application has been received by the City for build outs on the second, fourth and fifth floors.
- A permit has been issued to the Moody Project for the parking garage. A permit for one of the two office buildings will be issued soon.
- The construction of the “white building” on Katy Freeway is ongoing.
- The Building Department will institute a Certificate of Occupancy process for new businesses in the Commercial Districts.

Councilmember Folloder suggested a new commercial packet for all new businesses moving into the City.

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

Councilmember Rouse discussed the following:

- Planning and Zoning (P&Z) met on March 5, 2019.
- Spring Branch I.S.D. presented the renovation project for Memorial High School. The project will be built in phases.
- P&Z created a sub-committee to discuss a possible Planned Unit Development (PUD) for the renovation of the high school.
- P&Z discussed shared parking and there may be a possible vote at the next meeting.

**H. City Administrator** – Monthly Update – Kelly Johnson

Kelly Johnson discussed the following:

- Kelly Johnson and several members of the Beautification Committee walked the City Park on March 6, 2019. There is a list of items to work on. Two toddler swings and other equipment for the park have been ordered. The park will be closed for approximately one week in April 2019 to make the necessary repairs and install the new equipment.
- The entrance sign at Campbell Road is missing several tiles. The City is trying to find replacements.
- A meeting with a staff representative from Representative Jim Murphy's Houston office was held on March 20, 2019. The topics discussed included the revenue cap bill that has been filed and a bill filed by Representative Murphy to allow residents to register their burglar alarm systems with the police department instead of an alarm company.
- County Judge Hidalgo suggested changes to the selection criteria for drainage projects from the bond election approved by voters in 2018.
- The court conversion to Incode is ongoing.
- A new traffic control box has been installed at Echo Lane and Gaylord and moved away from the corner.

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

- A. An Ordinance of the City of Hedwig Village, Texas declaring the unopposed candidates for Mayor and Council Position Nos. 1 and 5 elected; Providing that the May 4, 2019 General Municipal Officers Election shall not be held; Containing other provisions relating to the subject; Providing for severability; and Replacing all Ordinances or parts of Ordinances inconsistent or in conflict herewith.

Kelly Johnson stated the unopposed candidates will take office at the May 2019 Council Meeting. She stated the May 2019 election would be cancelled.

Councilmember Johnson moved, Councilmember Folloder seconded, to adopt the Ordinance to declare the unopposed candidates elected and cancel the May election.

Councilmembers Folloder, Johnson, Putterman, and Rouse voted "Aye", "Noes" none. Councilmember Woodruff was out of the room during the discussion and voting.

**MOTION CARRIED**

- B. An Ordinance of the City of Hedwig Village, Texas, Adopting Amendment No. 1 to the Original Budget of the City of Hedwig Village, Texas, for the Year 2018; Providing detailed line item increases or decreases; Providing for severability; and Containing other provisions relating to the subject.

Mayor Muecke stated the City is required to pass a budget and must amend the budget if any line items are over budget.

Councilmember Putterman moved, Councilmember Johnson seconded, to approve the ordinance amending the 2018 Budget.

Councilmembers Folloder, Johnson, Putterman, and Rouse voted "Aye", "Noes" none. Councilmember Woodruff was out of the room during the discussion and voting.

**MOTION CARRIED UNANIMOUSLY**

- C. An Ordinance of the City Council of the City of Hedwig Village, Texas, Amending Chapter 42, Health and Safety, Article III, Regulation of Commercial Solid Waste Collection and Disposal, by revising Section 42-80 and adding Sections 42-86 through 42-91, to the Code of Ordinances of the City of Hedwig Village, Texas, for the purpose of requiring commercial solid waste haulers to obtain a Franchise Agreement or License from the City, and Amending Appendix C to the Code of Ordinances of the City of Hedwig Village, Texas, Franchises, by adding Article V, for the purpose of proposing an Exclusive Commercial Solid Waste Franchise Agreement.

Mayor Muecke stated this proposed ordinance would allow the City to have an exclusive franchise with a single solid waste hauler for the commercial districts. The Ordinance must have a transition period to allow current contracts between the commercial businesses and a solid waste company to expire. Alan Petrov, City Attorney, has previously stated that six months for a transition period is adequate. Any solid waste hauler can come to city hall by April 1, 2019 to apply for a permit or license to haul solid waste from the commercial districts. The haulers that are issued a permit or license must pay the City a franchise fee in order to continue hauling solid waste during the transition period. The franchise fee during the transition period has not yet been determined. The issued permit or license would expire on October 31, 2019. The City would choose a solid waste hauler to be the exclusive hauler for the commercial district within Hedwig Village after October 31, 2019. The agreement between Hedwig Village and the exclusive hauler would be codified in a franchise agreement.

Carter Dean, Acting City Attorney, clarified that the expiration date of the permit or license would be October 31, 2019 or the contract expiration date, whichever is sooner.

Councilmember Johnson stated the proposed Ordinance for an exclusive hauler would be in effect prior to the busy holiday season at the end of the year. The six month period between April 1, 2019 and October 31, 2019 should allow for a smooth transition from multiple haulers to a single hauler.

Councilmember Putterman asked if the opt-out option deadline of April 1, 2019 is too soon. He stated the City would need to notify all businesses in the commercial districts in a short period of time in order for the businesses to opt-out by the deadline.

Councilmember Johnson stated the letter from the City should go to the haulers only. He stated the intent of the opt-out option was for the hauler only.

The Councilmembers agreed that the opt-out deadline of April 1, 2019 is too short a time for the businesses in the City to make a decision.

Carter Dean stated the City would need to notify the haulers and the businesses of the opt-out option and the short time period to do that would be unfair. He stated there is not a law that requires the City to give the businesses an option to opt-out.

Councilmember Johnson stated the businesses do not have the option to opt-out. When the contract they currently have for solid waste collection expires, the business will have to use the exclusive hauler the City chooses in the franchise agreement.

Councilmember Putterman suggested changing the language to allow the existing contracts to expire as soon as possible without penalty to either party to the contract.

Councilmember Woodruff stated the opt-out option, as written, would require the City to notify all businesses within the City and give them a drastically short period of time to opt-out.

Councilmember Woodruff suggested adding language to the definition of “commercial user” to include “or an owner or occupant of any property used primarily for non-residential use in any other district of the City”.

Councilmember Rouse suggested changing “City Manager” to “City Administrator”.

Carter Dean stated the options for the opt-out section include changing the deadline date to a later date on the calendar or to delete the section entirely.

Mayor and Councilmember agreed the opt-out section should be deleted.

Councilmember Woodruff moved, Councilmember Putterman seconded, to adopt the Ordinance with the following amendments: change the definition of commercial user, the deletion of Section 42-87e, the deletion of Section 42.91 in its entirety, and other conforming changes to effectuate the removal of those sections, and the change of “City Manager” to “City Administrator”.

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

#### **MOTION CARRIED UNANIMOUSLY**

Councilmember Folloder suggested including this ordinance in the new Commercial Business Packet that will be prepared and given to all new businesses in the City.

- D. An Ordinance of the City Council of the City of Hedwig Village, Texas, amending Article VII, Chapter 14, Trees, of Hedwig Village Buildings and Building Regulations to clarify definition of protected trees within the City of Hedwig Village.

Mayor Muecke stated the City's current Tree Ordinance is difficult to enforce.

Kevin Taylor, Building Official, stated this proposed amended ordinance would enable the City to enforce the Ordinance.

Mayor Muecke stated the proposed amended ordinance changes the definitions of a protected tree by deleting the reference to its circumference and adding the reference to its diameter at breast height. The proposed amended ordinance would be in conformance with recent changes in state law regarding protected trees. A protected tree is only those trees on the City's approved Replacement Tree List.

Kevin Taylor stated the enforcement issues stem from Section 14-241 (2) a and 14-241 (2) b. This Section will be deleted in its entirety. He stated that by removing Section 14-241(2) a and 14-241 (2) b the City would be able to enforce the requirement of having a minimum number of trees on all properties. This proposed amended ordinance removes a perceived loophole and requires a certain number of trees in the front yard and in the back yard of a house. He also discussed the removal of the density requirement in the proposed amended ordinance. The density requirement would require all residential property owners in the City to maintain a minimum density of protected and replacement trees on their lot at all times. This portion of the ordinance will be deleted due to the difficulty in enforcement.

Councilmember Woodruff stated the requirement of a minimum density should not be removed from the ordinance until a similar requirement is ready to replace it in the ordinance. He also questioned the removal of Sweetgum Trees from the protected or replacement list.

Kevin Taylor stated the removal of Sweetgum Trees from the list was based on a recommendation from the proposed City Forester.

Mayor Muecke suggested Council consider if the City is interested in protecting all large trees or just certain large trees of good quality.

Councilmember Woodruff stated the protected or replacement tree list is too narrow. He stated there are good quality trees that should be protected but are not on the list such as Black Walnut. He stated there should be a distinction between protected trees and trees eligible to be replacement trees. He stated a replacement tree list should not be used as a guide for trees that cannot be removed.

Councilmember Folloder suggested utilizing the proposed City Forester to create a list of trees to be protected.

Councilmember Woodruff moved, Councilmember Putterman seconded, to adopt the ordinance with the following corrections: remove the added language in the definition of a protected tree after the word “more”, retain (d)(1), and retain the wording in (d)(2).

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

**MOTION CARRIED UNANIMOUSLY**

- E. An Ordinance of the City Council of the City of Hedwig Village, Texas appointing Cary Moran as the City Forester Official of the City.

Kelly Johnson stated Cary Moran, proposed City Forester, has an agreement with several of the area villages.

Councilmember Folloder moved, Councilmember Putterman seconded, to appoint Cary Moran as the City Forester Official of the City.

Councilmembers Folloder, Johnson, Putterman, and Rouse voted “Aye”, “Noes” none. Councilmember Woodruff was out of the room during the discussion and voting.

**MOTION CARRIED**

- F. An Ordinance of the City Council of the City of Hedwig Village, Texas, (a) Amending Chapter 70, Streets, Sidewalks, and Other Public Places, of the City of Hedwig Village, Texas Code of Ordinances by Amending Article II, Construction Standards, Division 2, Minimum Standards and Requirements, to add a new Section 70-56, Streetlight Spacing, to provide a minimum streetlight spacing within Residential and Commercial Districts, and (b) By amending Article VI, Use of Public Right-of-Way, Division 1, Permit Required for Work in Right-of-Way, Section 70-172, Registration and Construction Permits, to clarify the process for applying for permits to install small nodes in the City; and (c) Amending the Design Manual adopted under Chapter 484 of the Texas Local Code.

Evan DuVall, Building Official, stated this proposed ordinance would amend the current Code of Ordinances to require specific spacing of streetlights in the residential and the commercial districts of the City, would clarify the permit process for work done in the City’s right-of-way, and would amend the Design Manual previously passed by Council in 2017. These additions or amendments to the Code of Ordinances would allow the City some control in the placement of small nodes within the City’s boundaries.

Evan DuVall stated a small node company could replace an existing streetlight with a new decorative streetlight pole and place the small node on the new pole. The small node company would pay for the new pole, would pay for the installation and the maintenance of the new pole, and would pay the monthly electric bill for the new pole. The new decorative streetlight pole would be of a type to limit the lumen output in order to stay in compliance with the proposed dark skies initiative.

Councilmember Folloder stated the proposed changes include a requirement that any meters and/or other types of equipment must be installed underground. He also requested that the small nodes placed on Centerpoint poles would not use support or guide wires to stabilize the pole.

Evan DuVall stated small node companies would come before City Council for placement approval within the City.

Councilmember Woodruff suggested changing the language in Exhibit A, Section 70-56(a) and 70-56(b) to replace the phrase “a minimum of” with “no more densely than”.

Evan DuVall recommended adding item “O” to the Design Manual in Section II to address placing electric meters and equipment in an underground vault.

Councilmember Johnson moved, Councilmember Folloder seconded, to adopt the ordinance with the following corrections: change the language in Exhibit A, Section 70-56(a) and (b), amend language in Exhibit C, II N to address downward facing lights, and add item “O” in Exhibit C, II to address placing meters and equipment underground.

Councilmembers Folloder, Johnson, Putterman, and Rouse voted “Aye”, “Noes” none. Councilmember Woodruff was out of the room during the voting.

#### **MOTION CARRIED**

- G. A Resolution of the City Council of the City of Hedwig Village, Texas declaring surplus property and authorizing the sale of surplus property.

Mayor Muecke stated a police department in Alabama purchased one of the City’s police vehicles at auction and would like to purchase another through the City. City Council is required to approve the sale. The purchase price would be \$7,100.00.

Councilmember Johnson moved, Councilmember Folloder seconded, to approve the resolution to declare surplus property and to authorize the sale of such surplus property.

Councilmembers Folloder, Johnson, Putterman, and Rouse voted “Aye”, “Noes” none. Councilmember Woodruff was out of the room during the discussion and voting.

#### **MOTION CARRIED**

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

- A. An Agreement with Cary Moran for City Forester Services.

The agreement specifies a fee of \$80.00 per hour paid to Cary Moran. The fee will be offset by an additional plan review fee paid by the property owner. The City Forester will have enforcement capabilities.

Councilmember Putterman moved, Councilmember Folloder seconded, to approve the agreement between the City of Hedwig Village and Cary Moran for City Forester services.

Councilmembers Folloder, Johnson, Putterman, and Rouse voted “Aye”, “Noes” none. Councilmember Woodruff was out of the room during the discussion and voting.

**MOTION CARRIED**

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

- A. Receive a report of the property located at 9533 Katy Freeway #157, Houston, Texas 77024 (HCAD #0410770000558 and mailing address: 9535 Katy Freeway, Houston, Texas 77024) also known as the Memorial Inn and Suites within Hedwig Village, Texas; review compliance with the emergency order issued concerning the property and take any action necessary related thereto.

See Building Official’s report.

- B. Request from the Village Fire Department Board of Commissioners to approve retaining the 4<sup>th</sup> Quarter Ambulance revenue of \$39,780 and to be placed in Facility Fund 4.

Councilmember Johnson moved, Councilmember Folloder seconded, to approve the request by the Village Fire Department to retain the 4<sup>th</sup> Quarter Ambulance revenue for placement in Facility Fund 4.

Councilmembers Folloder, Johnson, Putterman, and Rouse voted “Aye”, “Noes” none. Councilmember Woodruff was out of the room during the discussion and voting.

**MOTION CARRIED**

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

None

**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**

Councilmember Folloder moved, Councilmember Johnson seconded, to adjourn the meeting at 8:52 p.m.

Councilmembers Folloder, Johnson, Putterman, and Rouse, voted "Aye", "Noes" none.  
Councilmember Woodruff was out of the room during voting.

**MOTION CARRIED UNANIMOUSLY**

Approved and accepted on March 21, 2019.



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Brian T. Muecke, Mayor

ATTEST:



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Lisa Modisette, Asst. City Secretary