



**CITY OF HEDWIG VILLAGE, TEXAS
REGULAR MONTHLY CITY COUNCIL MEETING
THURSDAY, JANUARY 17, 2019
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 Dane Johnson
(left at 8:00 p.m.)

Councilmember Barry Putterman
Councilmember Shirley Rouse
Councilmember Matt Woodruff

Kelly Johnson, City Admin./Secr.-Treasurer

Alan Petrov, City Attorney

David Gott, Police Chief

David Foster, Fire Chief

Kevin Taylor, Building Official

Lisa Modisette, Assistant City Secretary

Absent: Councilmember Harry J. Folloder

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

October 18, 2018 Regular Council Meeting

November 15, 2018 Regular Council Meeting

B. Approval of General Fund Bills

General Fund Bills - #33883 - #33955

Voided Checks – #33818

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

Wells Fargo Credit Card - \$2,722.84

City of Houston - \$18,594.00

BBG Consulting - \$17,901.00

RF Tree Service - \$7,850.00

Houston Racquet Club - \$4,988.51

Johnson Petrov - \$4,758.23

Houston Plumbing Specialist - \$38,600.00

Bright Landscaping Design - \$6,711.32

Mesa Mechanical – \$2,684.22

D. Approval of the 4th Quarter 2018 Investment Report

Councilmember Putterman moved, Councilmember Rouse seconded, to table this agenda item until the next Council meeting on February 21, 2019.

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

MOTION CARRIED UNANIMOUSLY

4. REPORTS

- **Financial Report** – December 2018 (preliminary) – Kelly Johnson

No report given.

- **Police Report** – December 2018 Crime Report & Statistics – Chief David Gott

Chief Gott discussed the following:

- The 2018 crime rate is down approximately 27% compared to 2017.
- There was an assault/road rage incident at the McDonalds. There are no suspects.
- Two purses were stolen at Kroger. The two incidents are probably not connected. There has been one arrest.

- **Fire Department** – Meeting – Bill Johnson, Fire Commissioner

Bill Johnson discussed the following:

- The new roof is completed.
- The Commission has advertised for a project manager for the fire station renovation.
- The Commissioners held a meeting in December 2018. City of Bunker Hill made a presentation. The two major points from the presentation included:
 1. The City of Bunker Hill wants to return to the Village Fire Department without restrictions and will approve the budget in full. They are current on all financial obligations to the fire department.
 2. The City of Bunker Hill wants an evaluation of a second station for possible future expansion. They offered to pay the capital expenses of the second station through a thirty year bond with the fire department repaying the bond.
- The Commission appointed a two-person sub-committee to propose an amendment to the interlocal agreement to allow a city to return as a member. The amendment will need the approval of the remaining five cities.
- Response times for 2018 for the City of Bunker Hill Village are under the national standard for both basic response and advance life support response.

Mayor Muecke clarified that the sub-committee will recommend interlocal language to reenter a city into the interlocal agreement. The sub-committee will create language to extend service to the City of Bunker Hill Village beyond 2019. There has been several meetings and progress with the discussions.

Bill Johnson stated the Commissioners do not want to end service to the City of Bunker Hill Village after 2019.

D. Beautification – Update – Andrea Hermann, Committee Member

No report given.

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

No report given.

F. Building Official – Monthly Report – Kevin Taylor, Building Official.

No report given.

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

No report given.

H. City Administrator – Monthly Update – Kelly Johnson

No report given.

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; Providing for the Holding of a General Election to be Held on May 4, 2019, for the Purpose of Electing a Mayor and Two (2) Council Members and Providing Details Relating to the Holding of Such Election.

Councilmember Woodruff moved, Councilmember Putterman seconded, to approve the ordinance calling for a General Election to be held on May 4, 2019.

Councilmembers Johnson, Putterman, Rouse and Woodruff 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 502, Permitted Uses, and Article V, Zoning Regulations, Section 505, Residential Districts A and C, of the Hedwig Village Planning and Zoning Code Relating to Nonconformity of Residential Properties.

Alan Petrov, City Attorney stated the Planning and Zoning Commission voted unanimously to recommend adoption of the ordinance.

Kevin Taylor, Building Official, stated this ordinance would allow some lawfully permitted non-conforming properties to make permitted changes to property and structures.

Evan DuVall stated some homes were adversely affected by the deed restriction exception of April 1955. He stated this ordinance would affect Spriggs Way only.

Councilmember Putterman moved, Councilmember Rouse seconded, to approve the ordinance as stated in the agenda caption.

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

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 Collections 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 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.

Councilmember Putterman moved, Councilmember Rouse seconded, to table this agenda item until the next Council meeting on February 21, 2019.

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

MOTION CARRIED UNANIMOUSLY

- D. A Resolution of the City Council of the City of Hedwig Village, Texas, Declaring Official Intent to Reimburse Expenditures from Proceeds of Tax-Exempt Obligations.

Councilmember Putterman moved, Councilmember Rouse seconded, to table this agenda item until the next Council meeting on February 21, 2019.

Councilmembers Johnson, Putterman, Rouse 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. Appointment of City Administrator/City Sec.-City Treasurer to complete the Police Seizure Audit for 2018.

Councilmember Woodruff moved, Councilmember Rouse seconded, to appoint the City Administrator/City Secretary-Treasurer to complete the Police Seizure Audit for 2018.

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

MOTION CARRIED UNANIMOUSLY

- B. A Proclamation of the City Council of Hedwig Village pertaining to the present state of the University of Texas Longhorn Football Team.

Councilmember Putterman moved, Councilmember Rouse seconded, to table this agenda item until the next Council meeting on February 21, 2019.

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

MOTION CARRIED UNANIMOUSLY

ADDENDEUM TO AGENDA

- C. Consideration and Possible Action on an Order Finding the Property Located at 9533 Katy Freeway #157, Houston, Texas 77024 (HCAD #410770000558 and Mailing Address: 9535 Katy Freeway, Houston, Texas 77024) also Known as the Memorial Inn and Suites to Constitute an Immediate and Serious Danger to Life, Public Safety or Property, Declaring an Emergency and Ordering Emergency Measures Pursuant to Section 14.100 of the Hedwig Village City Code.

Alan Petrov, City Attorney, stated the City has the authority to take certain actions if there is a substandard structure within the City. Those actions include ordering the building vacated, repairing the building, and demolition of the building. In certain cases the City has the power to take emergency action when there is an imminent threat to health and safety of the public. The emergency action does not require the notice of a public hearing upon certain findings as listed in the Code of Ordinances Section 14-100. The findings as listed in Section 14-100 include a substandard building or structure that constitutes an immediate and serious danger to life, public safety, or property. The actions City Council can take include immediate vacate of the structure, vacate the areas surrounding the structure, temporary shoring and bracing a building in imminent danger of collapse, and posting a notice notifying the public of the danger and ordering all individuals to stay out of the building or area. The Council is required to hold a public hearing within ten days of any emergency action taken. The public hearing will afford the

City Council the opportunity to discuss further action such as ordering repair or demolishing.

David Foster, Fire Chief, stated that on Monday, January 14, 2019 the manager of the Memorial Inn and Suites asked for a letter stating that the motel only had seventy-five rooms that were habitable. The manager invited the fire department to the property to inspect the building. The motel manager agreed to provide a diagram of the building with the rentable rooms clearly marked. Rusty Kattner, Fire Marshall, agreed to conduct the inspection on Tuesday, January 15, 2019 at 1:00 p.m. in the afternoon. Chief Foster also contacted Mayor Muecke. Mayor Muecke arranged for the City's Building Official to participate in the inspection of the motel. On Tuesday, January 15, 2019 at 1:00 p.m. Chief Foster, two fire inspectors, a ladder company crew, and four city building officials, including an electrical inspector, arrived to conduct the inspections. The motel was inspected by the fire and the city personnel present. There were several rooms that the inspection teams were unable to enter due to "Do Not Disturb" signs on the doors. The inspection took approximately three hours. Chief Foster stated the motel is in really bad shape, worse shape than they anticipated. He stated the motel does not have seventy five rooms, possibly not even fifty rooms that are rentable. The other rooms are being used for storage for items such as boxes of paper, furniture, mattresses, air conditioning units, and televisions. The rooms are filled with the items. It was unclear if the fire alarm for the motel was working. There were several error codes displayed on the screen and the LCD screen was unreadable. There were rooms that had the smoke detectors removed. The emergency exit lights were not working. Many of the rooms had openings in the wall where the A/C unit had been removed and the electrical lines still had power. Many of the electrical outlets in the rooms were not covered and the exposed wires still had power. The fire department wrote a letter to the motel listing the various Fire Code violations. The boilers had not been inspected since 2013. The fire department gave the motel two directives.

- The motel was given seventy-two hours, from January 17, 2019 at 11:44 a.m., to correct the fire alarm issue. A licensed fire alarm technician must inspect the fire alarm and, if it is not working, the system must be red-tagged. The technician must then immediately notify the fire department. If the fire alarm system can be repaired within the seventy-two hour deadline, the technician will blue-tag the system. If the system cannot be repaired within the seventy-two hour deadline, the motel will be required to hire a fire fighter for a twenty-four hour a day fire watch.
- The other Fire Code violations must be repaired or corrected and re-inspected within ten days. If the violations are not corrected within the ten day deadline, there will be a \$2,000 a day fine for each violation.

Chief Foster stated the fire department could not issue the letter the manager originally requested because no rooms at the motel are safe to be habitable. The fire department has taken every action allowed by statute unless the building was on fire.

Kevin Taylor, Building Official, stated pictures were taken of every room they had access to. He stated his inspection on the motel was to determine if the motel met the requirements of a substandard structure as defined in Section 14-97 of the Code of Ordinances. Section 14-97 of the Code of Ordinances lists five defects to determine if a building or structure is substandard. Meeting any one of those five items will deem the building or structure substandard. The motel meets the requirements of a substandard building or structure based on Section 14-97(1), 14-97(4), 14-97(5)a, and 14-97(5)c.

- Section 14-97(1) states “any building or structure that has become deteriorated or damaged through exposure to the elements...” - The motel has extensive water damage. The A/C units had been removed in several rooms leaving the exposed wires as well as an opening in the wall which exposes the room to the elements and pests. Roughly eighty percent of the rooms have this condition. Several windows are broken at the motel. The exhaust fan opening in the boiler room is not protected against rodents or insects.
- Section 14-97(4) states “any building or structure not constructed or maintained in conformity with applicable ... codes of the city, ... constitutes a serious hazard to the safety of persons or property” - The motel has several rooms that have combustible materials stored near live electrical wiring or other ignition sources. The motel has a large corridor that connects the entire building with a possible inoperable fire alarm system, fire extinguishers that are past their inspection date by four years, and no fire suppression system in the building. The motel has exposed electrical wiring throughout the building, electrical plugs that are incorrectly wired or not grounded properly or open neutrals or GFCI functions not working correctly. The motel, in several locations, has plumbing fixtures that have been removed and the pipes not capped off and hose bibs without a back flow protection. The violations listed here at the meeting are just an overview of the issues found during the inspection. The inspection lasted approximately three hours and not all violations were found. A longer more exhaustive inspection, including opening up the walls, would be needed to uncover all violations.
- Section 14-97(5)a states “all conditions conducive to the harboring of rats, ... or insects reasonably expected to spread disease” - The motel had evidence of rodent and insect infestation.
- Section 14-97(5)c states “conditions constituting an attractive nuisance ...of minors” - The motel has several rooms with easy access through broken windows or an opening in the exterior wall. The motel is a large building and almost entirely unoccupied. Access to any of the rooms would be undetected. The city has no evidence unauthorized access has occurred but the potential is there.

Kevin Taylor stated the building may meet the requirement of Section 14-97(2) which stated “any building or structure ...so structurally deteriorated or damaged ...which cannot be expected to withstand the reasonably anticipated storms”. A structural engineer would need to conduct an inspection to verify the structural integrity of the building.

Kevin Taylor stated the inspection showed a serious roof leak. The city has video from a drone that shows standing water on the roof in several locations. There appeared to be an attempt to repair a portion of the roof. The roof repair took place in the portion of the building where the residents live. There appeared to be no attempt to repair the roof in the non-habitable portions of the building. He would like to see an environmental report verifying no toxic mold in the building in addition to the structural report. He stated the most severe water damage was in the two most southern “wings” of the building. There is significant ponding on the roof of these two “wings”.

The video of the roof was shown to those in attendance.

Councilmember Johnson asked if the building was one structure.

Kevin Taylor stated the building is one continuous structure with one roof line and one open corridor that connects everything.

Kevin Taylor stated there was evidence of possible structural damage in one of the corridors where the floor was buckling and sloped due to possible structural damage.

Alan Petrov, City Attorney, stated if City Council determines the building to be substandard based on the defects listed in Section 14-97 and if City Council finds there is an imminent threat to life, public safety, or property, the use of emergency action is justified.

Councilmember Johnson asked what options were available to City Council relating to the emergency action.

Alan Petrov stated the city can order vacating the building, vacating the surrounding area, order temporary shoring and bracing of the walls, roofs, and supports to eliminate the possible collapse of the structure, and post notices notifying the public of the order and ordering all persons to keep out of the building.

Councilmember Putterman asked if the city could order that the gas be turned off.

Alan Petrov stated no, not as a part of the emergency measure.

Councilmember Woodruff asked Kevin Taylor if the pictures taken at the motel by Kevin Taylor and Evan DuVall fairly and accurately depict the conditions at the motel as seen by both Mr. Taylor and Mr. DuVall. He asked when the pictures were taken. He asked if the pictures had been altered or edited and can be made available at city hall if needed.

Kevin Taylor answered the pictures depict the conditions of the motel at the time they were taken. He stated the pictures were taken on Tuesday, January 15, 2019 from 1:00 p.m. to 4:00 p.m. He stated the pictures have not been altered or edited and are available at city hall.

Councilmember Woodruff asked about the electrical wires seen in several of the pictures. The electrical wires are seen hanging out of the walls and ceiling. He asked if that was up to code.

Kevin Taylor stated the condition of the electrical wire in several of the rooms is not up to code as well as against the manufacturer's instructions.

Councilmember Woodruff stated that City Council could presume inspections were completed and passed prior to a Certificate of Occupancy being issued for this address. He asked if electrical work required a permit.

Kevin Taylor stated a permit would be required depending on the scope of the work being done.

Councilmember Woodruff asked if the conditions depicted in the pictures in regards to electrical wires would pass inspection.

Kevin Taylor stated no, the conditions would not pass inspection.

Councilmember Woodruff stated the pictures show not only deterioration but also shows active electrical work done that does not comply with the Electrical Code. He stated the pictures show improper actions someone took on the property.

Kevin Taylor agreed.

Councilmember Woodruff verified that Kevin Taylor already stated that the building is damaged and the roof, broken windows, doors, and openings in the walls will no longer reasonably protect the building from the weather. He verified that the building has multiple fire, electric, plumbing, mechanical, and other building code violations. He stated he wanted to confirm that the conditions at the motel were an immediate and serious danger to life, public safety, or property. He verified that the A/C unit in several of the rooms had been removed leaving openings in the walls. The openings had live electrical wires exposed. He asked if a small child could crawl through the opening into a room. He asked if a teenager could get access into the room through the same opening. He asked if serious bodily injury or death could occur if someone gained entry into the room and stepped on a live electrical wire.

Kevin Taylor stated a grate on the exterior of the A/C unit opening would prevent a small child from crawling through the exterior of the motel into the interior of a room. He stated a teenager could make entry into the room through the same opening by removing the grate or could make entry through the window. He stated injury or death is possible due to the exposed live electrical wires.

Councilmember Woodruff asked Chief Foster if, in his experience as a firefighter, exposure to live electrical wires posed a threat of injury or death. He asked if the exposed

live wires would put the firefighters in danger if they were called to the motel to fight a fire.

Chief Foster agreed.

Councilmember Woodruff asked if the rodents and insect infestation was a threat to life and public safety or just a problem needing correction.

Kevin Taylor stated that, without knowing the full extent and type of the infestation, he would view the rodent and insect issue as a problem needing correction.

Councilmember Woodruff asked if the common corridor in the motel makes a fire spread more quickly.

Chief Foster agreed. Chief Foster stated there are gaps in the space between the first floor ceiling and the upstairs floor. The gaps can also spread a fire quickly.

Councilmember Woodruff asked if the original design for fire protection built into the building has been compromised.

Chief Foster agreed.

Councilmember Woodruff asked about some of the electrical code violations, such as the GFCI near bathroom fixtures. He asked if the lack of GFCI posed a serious risk to life. He asked about the electrical outlets where there are bad neutrals or bad grounds. He asked if the bad neutrals or bad grounds could cause a fire if somethings were to short out.

Chief Foster agreed about the danger of the lack of GFCI near bathroom fixtures.

Kevin Taylor stated the bad neutrals and bad grounds in the electrical outlets could lead to an electrical shock to someone. He agreed the bad wiring could cause a fire in the event of a short.

Councilmember Woodruff asked if there were any other issues with the electrical wiring at the motel, such as breaker boxes and electrical panels.

Kevin Taylor stated several electrical panels were missing covers, leaving exposed wiring. Some of the wiring are exposed to moisture or water.

Councilmember Woodruff asked if breaker boxes and panels in that condition posed a threat to someone getting shocked by touching an exposed live wire.

Kevin Taylor agreed, however the electrical panels and breaker boxes were in a locked room and entry was allowed only to qualified personnel.

Councilmember Woodruff asked if there was any indication that whoever was doing electrical work at the motel was qualified to perform such work.

Kevin Taylor stated he did not see or know of anyone at the motel who was qualified to perform electrical work.

Councilmember Woodruff asked Chief Foster if the open connections could pose a serious risk of flash fire which in turn could cause serious injury. He asked if the reason the fire department closed all the open connections on the electrical panel was to reduce the risk of a flash fire.

Chief Foster agreed. He stated the inspection of the motel showed gasoline stored in several rooms. He stated there was gas powered equipment such as lawn mowers, leaf blowers, etc. and a five gallon container of gasoline. All the equipment and gas was immediately brought outside of the rooms.

Councilmember Woodruff asked if an operable smoke alarm should be in every room for the safety of the guests. He stated it is just as important to have an operating fire and smoke detection system in the unoccupied rooms as in the occupied rooms. He stated without a working fire/smoke detection system a fire could engulf the building before anyone realized there was a threat.

Chief Foster agreed. He stated anyone checking in to the motel would expect the motel to meet the fire code. He stated an operating fire/smoke detector system is required in all the rooms. He stated the motel has residents in all wings of the motel. Most of the rooms are unusable and unsafe surrounding the few rooms that are leased to residents.

Councilmember Woodruff stated he is comfortable stating that this building, Memorial Inn and Suites, does meet the standards of a substandard building. He stated Council also needs to determine if the building is an immediate and serious danger to life, public safety, and property before Council can act in an emergency manner. He asked Chief Foster if, in his forty years of fire experience, this structure in its current conditions poses an immediate and serious threat to life, public safety, or property.

Chief Foster agreed. He stated the fire department took action this morning based on the threat. He stated the fire department did not want to delay the actions that might alleviate this problem. He stated this building is a very unsafe building for the people staying there and it is an immediate and serious danger to their lives.

Councilmember Woodruff asked Kevin Taylor, in his thirteen years of experience, if there was an immediate and serious danger to the life, public safety, and property based on the current condition of the building.

Kevin Taylor stated, in his professional opinion, that immediate action needs to be taken in regards to fire hazards and combustible materials in the rooms. There is also a need for

immediate action in regard to assessing the structural stability and structural integrity of the building, including the roof. He agreed that, in his professional opinion, the building, in its current condition, poses an immediate and serious danger to life, public safety, and property.

Councilmember Johnson clarified with Chief Foster that the building is one structure. He asked if the building was connected by a single roofline.

Chief Foster stated there are five wings connected by one hallway and one roofline. It is one structure.

Councilmember Johnson asked if there has been any effort by the property owners to pull permits to attempt to bring the building up to code.

Kevin Taylor stated the most recent permit pulled for this site was the demolition of Prince's Hamburgers and new signs in 1998. He stated no permits have been pulled that appear to address the maintenance or remodel of the property.

Councilmember Johnson asked if the fact that some of the rooms are occupied have any bearing on how dangerous the building is.

Chief Foster stated the entire structure is dangerous whether anyone is living there or not.

Councilmember Johnson verified that Chief Foster considers this structure to be a serious danger to life, public safety, and property.

Chief Foster agreed. He stated the condition of the building would probably not be a danger to neighboring properties but he believes the building itself is a serious danger.

Councilmember Putterman stated the fire department inspection report stated the boilers in the building did not have current inspection certificates. He asked for an explanation of any danger regarding the boilers, such as the conditions of the boilers, any gas or electrical issues, or any device around the boilers.

Kevin Taylor stated the stair access to the boiler room made him uncomfortable. The time spent in the boiler room was very brief. The property manager could not provide any proof of any inspection since 2013. The manager did say an inspection had been done recently but could not find any proof. He stated it is very dangerous that the boilers have not been inspected and maintained properly. He stated if the pressure or temperature relief valve is not properly maintained the boilers are capable of doing significant damage.

Councilmember Putterman asked for clarification that if a relief valve on the boiler does not work properly the boiler can explode.

Kevin Taylor agreed. He acknowledged he is not a licensed boiler inspector but his knowledge, in general, is that boilers and water heaters all have a temperature and pressure relief valve that must be maintained and checked. If the relief valve is not operating correctly, the boiler does run the risk of explosion.

Councilmember Putterman asked if the lack of inspection or proof of inspection causes apprehension regarding safety and potential threats.

Kevin Taylor stated that after several years of not having inspections and based on the conditions he observed there is cause for apprehension regarding the boiler.

Councilmember Putterman stated one of the issues City Council is considering is the order to vacate the premise. He asked Kevin Taylor if, in his opinion, based on the observations of the vacant rooms, does it matter how many occupants there are in the building in regards to a safety issue.

Kevin Taylor stated no, the number of occupants does not lessen the safety issue. He stated the City should consider their safety.

Councilmember Rouse asked if the building had any fire doors and would it be typical if fire doors were in a structure like this.

Chief Foster stated the building was designed and built to meet the fire code but removing the ceiling tiles removes the fire protection integrity of the building. The building itself has cinder block walls. The floor of the second level is concrete. He stated he has not seen the roof but it appears to be a flat top roof. He stated that there are so many holes that any fire integrity the building had is now seriously compromised. He stated he was concerned about several residents on the ground floor who have disabilities. He stated that even if these residents were aware of an emergency at the motel, they probably could not get out on their own.

Councilmember Rouse clarified that the fire department report states the fire alarm is nonfunctional.

Chief Foster stated he does not know if the fire alarm is functional because it has not been inspected and the control panel is nonfunctional. He stated that if the fire alarm had been inspected the system would have a blue tag. The fire alarm does not have a blue tag. The police department is currently doing a patrol through the entire parking lot every hour to look for fire or other safety issues. These patrols started after the inspection.

Councilmember Woodruff stated the options available to City Council, if a determination of the building is an immediate and serious danger to life, public safety, or property, is to order the property vacated, order the surrounding area vacated, order shoring or bracing of building if necessary, and posting notice of the danger. He asked if there is anything

that could provide for the safety of the residents in the building other than ordering the vacating of the building.

Chief Foster stated the property owners were made aware that they must hire a qualified firefighter to perform a fire watch twenty four hours a day if the fire alarm system could not be or was not repaired.

Councilmember Woodruff asked if having a qualified firefighter on the premise would keep everyone safe, keep anyone from being electrocuted, keep anyone from starting a fire, or prevent minors from trespassing onto the property. He stated all these pose an immediate danger to public safety.

Chief Foster stated having a firefighter would provide an early alert system but would not stop any of the issues raised by Councilmember Woodruff. He agreed that the issues raised by Councilmember Woodruff do pose an immediate danger to public safety.

Councilmember Woodruff stated that to abate the safety issues the residents of the motel need to be removed and notices would need to be posted warning others of the danger.

Chief Foster agreed. He stated that eventually the power and gas would need to be turned off because the power and gas create part of the issues.

Councilmember Woodruff asked if Chief Foster believes the surrounding areas need to be vacated.

Chief Foster stated the boilers need to be inspected to make sure it is safe because it is gas powered.

Mayor Muecke asked Kevin Taylor if he was able to assess, given his lack of access to the roof, whether or not bracing is required.

Kevin Taylor stated he was not able to assess the condition of the roof at this time. He would like to see a letter from an engineer clarifying that the roof can withstand the loads that are placed upon it. He thinks the roof might need some additional bracing but he cannot verify that.

Councilmember Rouse stated Kevin Taylor said he was uncomfortable on the stairs to the boiler room. She asked if that was because of any structural issue.

Kevin Taylor stated the staircase to the boiler room is freestanding and not well connected.

Councilmember Johnson asked, hypothetically if the City ordered the property vacated who would be responsible for notifying the residents and who would be responsible for enforcing the order. He asked what the procedure was.

Alan Petrov, City Attorney, stated the city would be required to give notice to the property owner. The property owner would be required to have the residents vacate the premises. The City would enforce the order if the residents do not vacate.

Councilmember Johnson asked if enforcement would be through landlord/tenant law or through the police department.

Alan Petrov stated the police would handle enforcement.

Mayor Muecke asked Alan Petrov if City Council must first determine that the building is substandard and then determine which of the four available actions Council may take.

Alan Petrov stated City Council must determine that the building is substandard and an immediate threat to life, public safety, or property then Council can determine which actions they will take.

Councilmember Woodruff moved, Councilmember Johnson seconded, that City Council determine that the structure at 9533 Katy Freeway #157 or 9535 Katy Freeway, the property known as Memorial Inn and Suites and by whatever other designation it might be known, be determined by Council as being a substandard building or structure in accordance with Section 14-97 of the Hedwig Village Code of Ordinances.

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

MOTION CARRIED UNANIMOUSLY

Councilmember Woodruff moved, Councilmember Rouse seconded, that City Council make a determination that the substandard condition of the property at 9535 Katy Freeway, the Memorial Inns and Suites, constitutes an immediate and serious danger to life, public safety, or property.

Councilmember Putterman stated the property has been an immediate and serious danger for a long time. He stated the danger is not altered or lessened because Council did not act sooner.

Councilmember Woodruff stated the City has various duties, such as filling pot holes and picking up trash, but there is no higher duty as a Council than the protection of human life, public safety, or property within the City. City Council has the duty to abate danger to human life when presented with information and evidence by the City's experts.

Councilmember Johnson stated residents may have assumed the property was in this condition. Council now has confirmation of the condition and will act accordingly to protect the citizens.

Councilmember Woodruff stated some of the residents of the motel are vulnerable and unable to protect themselves. He stated that he expected the motel to meet basic minimum requirements of sanitation, fire safety, electrical code, building code, and other codes. He did not expect the condition of the building to be as bad as presented.

Councilmember Rouse stated the evidence and information presented to Council show the condition of the building to be much worse than she would have thought. She stated Council has an obligation to act on an emergency basis based on the scope of the evidence given.

Councilmember Johnson asked if the inspection was done on the request of the property owner or the property owner's representative.

Chief Foster stated the inspection was done at the request of the property manager. Chief Foster asked Kevin Taylor to join the inspection team. He made it clear to the property manager that the individuals without uniforms were city officials and permission was given by the property manager for the city officials to inspect the property.

Kevin Taylor stated that upon arrival he introduced the city's officials to the manager. The city officials involved in the inspection included Kevin Taylor, Evan DuVall, City Inspector Jason Bienek, and City Inspector Bob Baldwin.

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

MOTION CARRIED UNANIMOUSLY

Councilmember Woodruff moved, Councilmember Johnson seconded, that the City Council determine that it is necessary, in order to abate the immediate and serious danger to life, public safety, or property that has been determined to exist at the address known as 9535 Katy Freeway, the Memorial Inn and Suites, to order the structure to be vacated and order that notices be posted warning of the danger and instructing all persons to remain clear of the property.

Councilmember Putterman asked if the ordering of the notice to vacate the building and posting of the notice of danger allow the City to take action if the notices are not followed or should such language be specified in the motion.

Alan Petrov, City Attorney, stated the City, by ordering the building vacated and ordering the posting of notice of the danger, has the authority to enforce the notices.

Councilmember Putterman suggested amending the motion to include the date the building must be vacated.

Councilmember Woodruff agreed the motion might be amended to reflect the date to vacate the building as well as authorizing city staff to take action if needed.

Alan Petrov stated the motion does not need to give authority to city staff to act if necessary. The Notice to Vacate will have the appropriate language.

Councilmember Woodruff stated he would prefer that his motion not to be specific as to date and time for vacating the building. He suggested city staff move quickly to create the Order to Vacate and to post the necessary notices at the property. He stated city staff should recognize the need to balance the threat posed by this structure against the threat to the safety of those residents being vacated without adequate steps being taken to ensure a safe place for them to go, especially if some of the residents have health or mental disabilities.

Councilmember Woodruff stated he does not want to amend his motion.

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

MOTION CARRIED UNANIMOUSLY

- D. Establish Hearing Date on Any Emergency Order Adopted Concerning the Property at 9533 Katy Freeway #157, Houston, Texas 77024 ((HCAD #410770000558 and Mailing Address: 9535 Katy Freeway, Houston, Texas 77024) also Known as the Memorial Inn and Suites within Hedwig Village, Texas.

Alan Petrov, City Attorney, stated the City must hold a public hearing to allow the property owners to provide testimony to Council as to why the property should not be vacated, repaired, or demolished. The public hearing must be held within ten days of the emergency action that just occurred. The public hearing must be held on or before Sunday, January 27, 2019.

Councilmember Rouse asked if the Order to Vacate the building should wait until after the public hearing.

Alan Petrov stated the Order to Vacate does not need to wait. The Order will be issued immediately. He stated moving the residents may take several days but the process will start immediately.

Councilmember Johnson moved, Councilmember Rouse seconded, to schedule the Public Hearing on Wednesday, January 23, 2019 at 7:00 p.m. on the emergency order adopted concerning the property at 9533 Katy Freeway #157 and or 9535 Katy Freeway, Houston, Texas, also known as Memorial Inn and Suites, within Hedwig Village, Texas.

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

MOTION CARRIED UNANIMOUSLY

Mayor Muecke requested Council agree to cover just the pertinent items on the agenda and table the remaining items until the next council meeting on February 21, 2019.

There was no discussion.

8. DISCUSSION ITEMS/PRESENTATION OF SPECIAL REPORTS

A. Presentation by Crown Castle Regarding Small Cell Nodes.

Mayor Muecke stated Council passed an Ordinance in August 2017 regarding small cell nodes. He stated the approved Ordinance is restrictive, by design, on location, sizes, and types of small cell nodes.

Mr. Mandy Derr, Government Affairs Manager with Crown Castle, and Kathryn Smith, Government Relations Specialist with Crown Castle, discussed their company, what small cell nodes are, and what they can do. He stated Crown Castle would like to deploy four small cell nodes in the public right-of-way within Hedwig Village. He stated the small cell nodes will be capable of 5G wireless internet. He stated a state law went into effect in September 2017 which allows for the deployment of small cell nodes throughout right-of-ways in the State of Texas. A federal law went into effect January 14, 2019 regarding the deployment of the small cell nodes throughout the United States.

Evan DuVall stated Centerpoint Energy has established criteria that does not allow for the placement of small nodes on Centerpoint Energy poles. He stated Crown Castle has been in discussion with city staff regarding the aesthetics and placement of small cell nodes. He stated the city should work with small cell node companies to place poles within the city that meet the established design guide and to be as less intrusive as possible.

Councilmember Putterman asked if the small cell nodes would fit on the existing poles in the City.

Evan DuVall stated Crown Castle would replace the existing street light poles with new light poles. He stated the replacement poles would have a slightly bigger diameter than the existing pole but the city could control the design of the pole.

Mandy Derr stated Crown Castle would pay for and maintain the poles they install. He stated the small cell nodes would be placed on the new poles.

Evan DuVall stated state law would allow cities to determine certain aspects of the new poles; however the city cannot control the height of the poles.

Councilmember Putterman asked how many carriers could co-locate on a pole.

Mandy Derr stated four carriers, as of now, could co-locate but technology could improve to allow more than four.

Councilmember Rouse asked if the underground fiber optics to the pole would need to be installed. She asked how the locations in the City were selected and if future locations would be in Hedwig Village.

Mandy Derr stated the underground fiber optics to the street light poles are already in place. He stated Crown Castle and the wireless carriers chose the four locations based on current wireless density and potential future density. He stated there would be more locations within the public right-of-way in Hedwig Village.

Councilmember Rouse asked if this subject would fall under the Planning and Zoning (P&Z) Code.

Alan Petrov, City Attorney, stated small cell nodes do not fall under the P&Z Code.

Mayor Muecke asked Mandy Derr to discuss the timeline for Crown Castle.

Mandy Derr stated Crown Castle has been working on this project for about one year and should be completed by the end of the second quarter of this year.

Alan Petrov stated the federal law that just passed in January 2019 would mean the City must act quickly in order to have any say on the topic.

Councilmember Rouse stated this is an opportunity to work on the design guide to assist in future placement.

Alan Petrov stated the City would need to amend the current Small Cell Node Ordinance and the design guide in the ordinance to allow greater City control.

Evan DuVall suggested amending the design guide in the ordinance to reflect a commercial design guide and a residential design guide. He stated if the amended design guide is done correctly most of the street light poles in the City will be replaced with a cohesive look throughout the City. He stated there may be areas in the City where the City would have to install street light poles to fill in blank areas.

Councilmember Woodruff stated the City would need to be mindful of the expense to match the poles.

Mayor Muecke suggested creating a sub-committee to assist with amending the design guide.

- 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

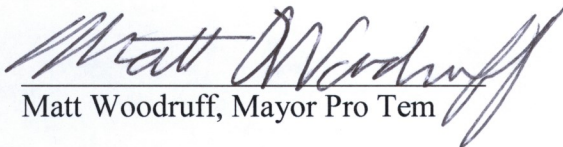
Councilmember Woodruff moved, Councilmember Johnson seconded, to adjourn the meeting at 8:43 p.m.

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

MOTION CARRIED UNANIMOUSLY

Approved and accepted on April 18, 2019.

ATTEST:


Matt Woodruff, Mayor Pro Tem


Lisa Modisette, Asst. City Secretary