



**CITY OF HEDWIG VILLAGE, TEXAS
REGULAR MONTHLY CITY COUNCIL MEETING
MARCH 18, 2021
6:30 P.M. - 955 PINEY POINT ROAD**

MINUTES

In accordance with Governor Abbott's Executive Order or Proclamation dated March 13, 2020 and continued by Executive Orders or Proclamations dated April 12, 2020, May 12, 2020, June 11, 2020, July 10, 2020, August 8, 2020, September 7, 2020, October 7, 2020, November 6, 2020, December 6, 2020, January 5, 2021, February 4, 2021, and March 6, 2021 relating to the COVID-19 pandemic and the need to minimize face-to-face contact, the City of Hedwig Village held the March 18, 2021 City Council meeting in person with several participants joining the meeting via Zoom, as noted below.

1. CALL TO ORDER

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

Present: Mayor Brian T. Muecke (left at 7:18 p.m., returned 7:28 p.m.)

Councilmember Harry J. Folloder
Councilmember Susan Mathews
Councilmember Shirley Rouse
(via Zoom)
Councilmember Matt Woodruff

Kelly Johnson, City Admin./Secr.-
Treas.
David Gott, Police Chief
Alan Petrov, City Attorney
Kevin Taylor, Building Official
Evan DuVall, Asst. Building Official
Lisa Modisette, Asst. City Secretary

Absent: Councilmember Dane Johnson

2. CITIZEN/VISITOR COMMENTS

Tom Roth, 854 Pecanwood, thanked the police and fire departments, city staff, and the Mayor and Councilmembers for their hard work the past couple of weeks.

Patrick Breckon, 930 Deepwell, spoke in favor of an increase in fence height. He stated the lights from the house behind him are very bright at night and shine onto his backyard. A taller fence would eliminate the issue.

Andrea Hermann, 930 Karos Lane, expressed concern regarding the possibility of increasing the height of fences in the backyards in the residential areas of the City. She did not want walls between the residents. She suggested allowing for a vegetative screen above the fence line, if needed.

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

December 9, 2020 Special City Council Meeting
December 17, 2020 Regular City Council Meeting
February 18, 2021 Regular City Council Meeting

B. Approval of General Fund Bills

General Fund Bills Voided Checks – one

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

Accutek - \$3,580.95	Bright Landscaping, Inc. - \$2,691.00
HCAD - \$8,202.00	Houston Plumbing Specialist - \$7,600.00
Johnson Petrov - \$3,301.34	Tyler Technologies - \$20,429.17

Motion was made by Councilmember Folloder and seconded by Councilmember Mathews to sever the minutes from the consent agenda. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

Motion was made by Councilmember Woodruff and seconded by Councilmember Folloder to approve the consent agenda with the removal of the minutes. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

Mayor Muecke requested corrections to the December 17, 2020 Regular City Council Meeting Minutes.

Motion was made by Councilmember Folloder and seconded by Councilmember Woodruff to approve the December 17, 2020 Regular City Council Meeting Minutes with the corrections. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

Mayor Muecke and Councilmember Mathews requested corrections to the February 18, 2021 Regular City Council Meeting Minutes.

Motion was made by Councilmember Mathews and seconded by Councilmember Woodruff to approve the February 18, 2021 Regular City Council Meeting Minutes with the corrections. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

Mayor Muecke stated the December 9, 2020 Special City Council Meeting minutes will be removed from consideration for approval.

4. REPORTS

A. Financial Report – EOY 2020 Update & February 2021 (before audit) – Kelly Johnson, City Admin, Sec.-Treas.

Kelly Johnson discussed the following:

- The City has \$4.4M in restricted funds and \$4.9M in available funds for a total of \$9.3M.
- The City is fully collateralized.
- Sales tax is down twelve percent for the year compared to the same time period in 2020.
- The City is approximately seventeen percent through the budget year.
- Revenues for 2021 are approximately fifty seven percent of budget and expenditures for 2021 are approximately fourteen percent of budget.

B. Police Report – February 2021 Crime Report & Statistics – Chief David Gott

Chief Gott discussed the following:

- There was a total of five crimes for February 2021.
- There was a recent crime spree in the City involving breaking into vehicles. Several of the vehicles were left unlocked.
- A resident was scammed by an individual claiming to be an Apple Company representative. The individual directed the resident to send money through a cash app. The case has been referred to the Department of Homeland Security.

Councilmember Folloder asked about the reduction in citations written. He also stated several residents have complained about the racing on the freeway at night.

Chief Gott stated the officers are making less vehicle stops due to COVID-19 and two employees who are no longer with the department made a lot of traffic stops and wrote a lot of tickets. He stated the Harris County Sheriff's Office has formed a task force to deal with street racing.

C. Fire Department – Councilmember Folloder, Commissioner, & Bill Johnson, Alt. Commissioner

Councilmember Folloder discussed the following:

- The fire station construction project is on time and on budget. The goal is to finish the project before the start of hurricane season.
- Response times for Hedwig Village are well below the national average for fire, medical, and advanced life-saving calls.
- The department is fully staffed.
- The ladder truck was damaged during the winter storm and is currently undergoing repairs. The department has a loaner ladder truck until the repairs are complete.
- The department is on budget.

D. Beautification – Kathryn Schenk, Chairperson

Kathryn Schenk discussed the following:

- The Committee is waiting for the grass to recover from the winter storm before moving forward with the sod purchase from Mata Turf for Gaylord Drive.
- All City signs have been installed. Landscaping around the signs will begin soon.

E. Mayor – Monthly Report – Brian Muecke

No report

F. Building Official – Kevin Taylor, Building Official, and Evan DuVall, Assistant Building Official

Kevin Taylor discussed the following:

- Moody Project – Permits have been issued for Milk and Cookies and Belong Bakery.
- Memorial High School Main Campus – The sheetrock is being hung in the new building for the first three floors. The exterior windows are being installed and the roof has been dried in. The interior work will go quickly until the time to install the finishes and details. The student traffic light on Gaylord is waiting for power and is expected to be turned on for school hours around spring break. There has been significant coordination between the City, the school district contractor, and CenterPoint to have this traffic light in operation. The remodel of the existing traffic light on Echo Lane to a four way stop is expected to be completed during spring break. The traffic control plans are being reviewed by the City's Traffic Engineer.
- A conditional permit has been issued for a coffee shop at the corner of Piney Point Road and the I-10 Frontage Road. The City has been working with the City's Traffic Engineer to ensure that the drive-thru will not affect traffic on the feeder road and Piney Point Road as much as possible.
- Small Nodes – The City has approved a permit for five co-locations within the City. This work should begin within the first or second quarter of this year. The City has also been reviewing street light nodes for compliance with the City's Design Manual and Ordinance. The five co-locations are on Mustang Lane, Echo Lane, Corbindale Road, and two on Piney Point Road.
- Right-of-way permits – The City has approved three right-of-way permits for fiber installation within the City. The work is currently underway and has been going smoothly after a rough start by the contractor.
- Variance request – The variance hearing has been rescheduled for March 30, 2021 at 6:30 p.m.

Mayor Muecke asked about the look of the small node boxes located on the ground.

Evan DuVall stated the City has landscaping requirements regarding the small node boxes. Any small node box located on the ground will have landscaping. The small

nodes located on streetlights will not have boxes placed on the ground. The City is working with Verizon to place the small nodes on street light poles instead of the ground.

G. Planning & Zoning Commission –Tom Roth, Chairperson, and Councilmember Susan Mathews, Council Liaison

Tom Roth discussed the following:

- The main item under discussion during the March meeting was the increase in fence height in the backyard. The Commission could not decide on a definition for a backyard. There was a suggestion to leave the fence height at six feet but allow a two-foot vegetative fence or screen. There was a resident at the meeting who spoke in favor of the fence height increase.

Councilmember Mathews stated Zach Petrov, City Attorney, gave a wonderful presentation on the Planning and Zoning Commission responsibilities.

Kevin Taylor, Building Official, and Evan DuVall, Assistant Building Official, stated the City of West University requires neighbor approval before a resident can increase their fence height from six feet to eight feet. He stated the City of Bellaire only allows fence height of eight feet.

H. City Administrator – Monthly Update – Kelly Johnson, City Admin, Sec.-Treas.

Kelly Johnson discussed the following:

- All municipal court dockets will be conducted through Zoom until further notice by order of the State of Texas Office of Court Administration. There are very few exceptions to this order. Councilmember Woodruff stated the Texas Supreme Court relaxed the restrictions regarding holding court proceedings via Zoom.
- The City will hold a General Election on May 1, 2021. The positions of Mayor, Council Position 1, and Council Position 5 are up for election. The following individuals have filed to run:
 - Mayor – Tom Jinks and Councilmember Matt Woodruff
 - Position 1 – Scott Davis and Mayor Brian T. Muecke
 - Position 5 – Councilmember Shirley Rouse
- Early Voting will be conducted from April 19, 2021 to April 27, 2021, Monday through Friday, from 7:00 a.m. to 4:00 p.m. except for April 21, 2021 and April 27, 2021 which will be from 7:00 a.m. to 7:00 p.m. The last day to register to vote is April 1, 2021. Applications to register to vote are available in the lobby.
- City maintenance crews have been replacing plants throughout the City.
- The City's financial audit will begin the week of April 12, 2021.
- The City is waiting on the electrician to place lights for five City markers.

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, adopting Amendment No. 1 to the Original Budget of the City of Hedwig Village, Texas for the Year 2020; providing detailed line item increases or decreases; providing for severability; and containing other provisions relating to the subject.

Kelly Johnson, City Administrator/City Secretary-Treasurer, discussed the Fiscal Year 2020 Budget Amendment. Budgeted 2020 revenues did not change with the 2020 expenditures increasing by \$239,000 coming from dedicated reserves relating to the engineering for the Westside Drainage and Paving Project.

Kelly Johnson also reviewed the 2020 end of year (EOY) financials.

- The City had \$5.3M in restricted funds and \$1.6M in available funds for a total of \$6.9M.
- 2020 revenues exceeded the budget by \$600K from an increase in construction permits and funds received from a COVID-19 grant.
- 2020 expenditures were lower than budgeted by \$1M from personnel vacancies, savings in healthcare, and maintenance savings.

Motion was made by Councilmember Woodruff and seconded by Councilmember Folloder to approve the ordinance adopting the 2020 Budget Amendment. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

- B. An Ordinance of the City Council of the City of Hedwig Village, Texas amending Chapter 14, Buildings and Building Regulations, Article III, Building Standards, Division 2, Codes and Standards, to add a new Section 14-82, Solar Panels, for the regulation of solar panels within the City.

Kevin Taylor, Building Official, and Evan DuVall, Assistant Building Official, stated the proposed ordinance will allow the City to regulate the installation of solar panels in the City. The City Council discussed this proposed ordinance at the February 18, 2021 City Council Meeting and requested changes to the ordinance. The changes include prohibiting solar panels from being installed on roofs that would be visible on street facing elevations, changed the definition of solar panel, added a definition for solar energy systems, prohibiting ground mounted solar equipment, and removing any reference to flat roofs. Solar panels that look like building material would be allowed.

Councilmember Folloder asked if the proposed ordinance would prohibit the use of solar equipment for road signs, such as school crossings or emergency warning lights.

Evan DuVall stated those types of solar panels for road warning signs would be allowed.

Councilmember Mathews stated the City of Spring Valley Village has a similar ordinance to the proposed ordinance under discussion.

Motion was made by Councilmember Woodruff and seconded by Councilmember Rouse to approve the ordinance regulating solar panels. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

- C. An Ordinance of the City Council of the City of Hedwig Village, Texas amending Chapter 30, Environment, by adding Article VI, Unsanitary Camping, to the Code of Ordinances of the City of Hedwig Village, Texas, for the purpose of declaring certain conduct to be unlawful; containing findings and other provisions relating to the foregoing subject; providing for severability.

Mayor Muecke stated the City does not have an ordinance prohibiting camping within the City other than Hedwig Park.

Alan Petrov, City Attorney, stated the proposed ordinance is similar to a City of Houston ordinance that prohibits camping in public areas. He stated smaller cities do not usually have a problem with camping. Camping usually occurs along the highways and freeways.

Councilmember Woodruff suggested an amendment to the proposed ordinance. He suggested adding a definition of "Use" to read "Use does not include carrying camping equipment or transporting it in a vehicle".

Motion was made by Councilmember Woodruff and seconded by Councilmember Folloder to approve the ordinance prohibiting unsanitary camping with the additional definition as discussed. Motion carried 4-0.

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 amendments to Article II, Definitions and Interpretation, Section 202, Definitions; and Article V, Zoning Regulations, Section 505, Residential Districts A and C, Subsection B.10, Fences, of the Hedwig Village Planning and Zoning Code to add a definition for backyards and allow taller fences between two residential backyards.

Councilmember Mathews stated the issue currently being dealt with by resident Patrick Breckon is not an isolated incident. There is a lack of privacy and light pollution from the neighboring homes. She stated she is in favor of the public hearing to receive comments from the public for a possible solution.

Motion was made by Councilmember Mathews and seconded by Councilmember Folloder to approve the ordinance calling for a Joint Public Hearing on fence height.

Alan Petrov, City Attorney, stated the proposed ordinance, as written, would limit the increase in fence height to ten feet for fences between two backyards only.

Mayor Muecke asked if the City could increase the height of all fences with the current language in the proposed ordinance.

Evan DuVall, Assistant Building Official, stated residents have expressed an interest in increasing the fence height between their houses and the school district property.

Alan Petrov stated the proposed ordinance, as written, would apply only to fences between two backyards. The phrase “between two residential backyards” could be removed to enable the City to consider increasing the height of all fences in the residential districts.

Kevin Taylor, Building Official, stated the definition of a fence in the Planning and Zoning Code would include any vegetative structure such as a hedge fence.

Amended motion was made by Councilmember Mathews and seconded by Councilmember Folloder to approve the ordinance calling for a Joint Public Hearing on fence height with the removal of the language “between two residential backyards”. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

The original motion with amendment carried 4-0.

MOTION CARRIED UNANIMOUSLY

- E. A Resolution supporting legislation for the enhanced structure of the Greater Harris County 9-1-1 System.

Motion was made by Councilmember Folloder and seconded by Councilmember Rouse to approve the resolution in support of the Greater Harris County 9-1-1 Emergency Network. Motion carried 4-0.

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 for approval of an agreement with Tyler Technologies to purchase a Public Safety System.

Pat Murphy, 11510 Echo Hollow, stated Tyler Technologies has a great reputation. Their software is being operated by hundreds of municipalities throughout the state. He stated one employee should go through training to be the City’s trainer. He stated the Request for Proposal (RFP) should include all aspects of the program the City will need.

David Gott, Police Chief, stated the program the department currently uses, Cardinal Badge, is no longer meeting the needs of the department. Tyler Technologies (Tyler) is currently in use at, and recommended by, the City of Spring Valley Village. The initial cost to convert to Tyler’s program is \$156,686, which includes the first year of maintenance. The cost can be divided into two years at a cost of \$91,181 per year,

which would include the maintenance for the first two years. Tyler will replace all aspects of Cardinal Badge, including the computer aided dispatch (CAD), ticket writers, property room, jail, and the records management system (RMS). City Hall also uses Tyler for Court and the financials. The implementation will take approximately four to six months from the time the contract is approved and signed.

Councilmember Woodruff asked if the department was getting hardware and software from Tyler.

Chief Gott stated the department will receive some hardware and will license the software from Tyler.

Councilmember Woodruff asked how the expense will be paid. He asked if METRO funds could be used to pay the expense.

Councilmember Folloder stated he is in favor of approving the contract with Tyler Technologies. He stated Tyler is financially stable. The Court system will integrate with the new police department program seamlessly.

Kelly Johnson stated the expense can be paid from the reserve fund.

Councilmember Rouse asked several questions. First, what is the term of the contract. Second, is there a termination clause in the contract. Lastly, who will be the project manager for the conversion. She also mentioned the contract makes no reference to future pricing.

Councilmember Woodruff stated the contract has a written thirty day termination notice due to lack of available funds.

Alan Petrov, City Attorney, stated the City will pay an annual fee for the use of the software and can terminate the contract at the time the annual fee is due to Tyler.

Chief Gott stated he would be the project manager during the conversion.

Kelly Johnson stated Tyler typically increases their prices by five percent every year.

Motion was made by Councilmember Folloder and seconded by Councilmember Mathews to approve the contract with Tyler Technologies to purchase a Public Safety System. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

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

None

8. DISCUSSION ITEMS/PRESENTATION OF SPECIAL REPORTS

A. LJA Engineering progress report related to the Hedwig Village Paving and Drainage Project.

Mark Havran, LJA Engineering, Inc. (LJA), stated a video regarding the Westside Drainage and Paving Project will be completed soon. Mayor, Councilmembers, and City staff will review the video and forward any comments, questions, or concerns to Mark Havran. The final version of the video will be uploaded to the City's website for the residents to view. The video will explain the work to be done. The project will involve placing drainage pipes and lowering some streets on the westside of the City in order to drain water faster to the eastside drainage pipes already in place. The streets will be repaved with concrete. LJA will coordinate with the Memorial Villages Water Authority (MVWA) for any construction work MVWA needs done.

Councilmember Woodruff asked how the project will benefit Memorial Village Estates.

Mark Havran stated he would add to the video to explain any benefit to Memorial Village Estates.

Councilmember Mathews asked if the City would send out a letter to the residents informing them the video is on the City's website.

Mayor Muecke stated the City would send out an email to all residents on the email distribution list as well as mail out a letter.

Councilmember Folloder asked when the City should expect a cost estimate for the project.

Mark Havran stated the timeline would be determined by City Council. When City Council feels comfortable that the residents have reviewed the video and asked any questions concerning the project, LJA can move forward with preparing the cost estimate.

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. AGENDA REQUESTS FROM COUNCILMEMBERS

None

12. ADJOURN

Motion was made by Councilmember Folloder and seconded by Councilmember Woodruff to adjourn the meeting at 8:26 p.m. Motion carried 4-0.

MOTION CARRIED UNANIMOUSLY

Approved and accepted on April 15, 2021.

ATTEST:

/s/

Brian T. Muecke, Mayor

/s/

Lisa Modisette, Asst. City Secretary