



**CITY OF HEDWIG VILLAGE, TEXAS
REGULAR MONTHLY CITY COUNCIL MEETING
DECEMBER 17, 2020
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, and December 6, 2020 relating to the COVID-19 pandemic and the need to minimize face-to-face contact, the City of Hedwig Village held the December 17, 2020 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 (via Zoom)

Councilmember Harry J. Folloder
(via Zoom)

Councilmember Dane Johnson
(via Zoom)

Councilmember Susan Mathews
(via Zoom)

Councilmember Shirley Rouse
(via Zoom)

Councilmember Matt Woodruff
(via Zoom)

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

David Gott, Police Chief
Alan Petrov, City Attorney
(arrived 6:45 p.m.)

Kevin Taylor, Building Official
(via Zoom)

Evan DuVall, Asst. Building Official
(arrived at 6:45 p.m.)

Lisa Modisette, Asst. City Secretary

Absent: None

2. CITIZEN/VISITOR COMMENTS

Pat Murphy, 11510 Echo Hollow, stated he had been a member of the Planning and Zoning Commission for over twenty years. He read his resignation letter into the record. He provided copies of his resignation letter for all Councilmembers.

Gary Schenk, 806 Magdalene, requested a resident meeting with LJA Engineering, Inc. (LJA) regarding the drainage project. He stated the residents have questions.

Mayor Muecke stated City Council will meet to review the preliminary proposal from LJA. A copy of the proposed project will be provided to everyone. An opportunity for a meeting will occur after these steps have been taken.

M. J. Iqbal, property owner of 9135 Katy Freeway, spoke regarding the requirement of retail on the ground floor and lack of parking at his newly renovated building. He stated the City should not have given him a permit to renovate if the parking did not meet the

City's criteria. He stated he will be unable to lease space in his building due to the new parking requirements. He requested to be allowed to use the old parking requirements.

Mark Chiribogal, 18118 Harmony Estates, stated he is an architect working with Mr. Iqbal and the City to assist with fixing the parking issues at 9135 Katy Freeway.

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

November 19, 2020 Regular Meeting Minutes
December 9, 2020 Joint Public Hearing Minutes

B. Approval of General Fund Bills

General Fund Bills	Voided Checks – one electronic payment
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C. Approval of General Fund Bills over \$2,500

8X8, Inc. - \$3,457.52	Accutek - \$2,730.95
City of Bunker Hill Village - \$4,175.34	Denny's Electric - \$3,794.02
HCAD - \$6,865.00	Harris County Library - \$2,500.00
Idemia Identity & Security - \$2,947.00	Johnson Petrov - \$3,419.10
LJA Engineering, Inc. - \$10,582.73	TML Risk Pool - \$12,344.50
Treebeards - \$4,060.00	Wells Fargo Credit Services - \$4,224.70
Wired A/V Solutions, Inc. - \$3,750.00	

D. A Resolution of the City of Hedwig Village, Texas acknowledging review of the City of Hedwig Village's Investment Policy.

Kelly Johnson requested the December 9, 2020 minutes be severed from the consent agenda.

Councilmember Rouse asked if there are any changes to the City of Hedwig Village Investment Policy.

Kelly Johnson stated there are no changes to the investment policy.

Motion was made by Councilmember Johnson and seconded by Councilmember Folloder to approve the Consent Agenda with the removal of the minutes. Motion carried 5-0.

MOTION CARRIED UNANIMOUSLY

4. REPORTS

A. Financial Report – November 2020 – Kelly Johnson, City Admin, Sec.-Treas.

Kelly Johnson discussed the following;

- The City has \$3.4M in restricted funds and \$2.9M in available funds for a total of \$6.3M.
- The City is fully collateralized.
- Sales tax is seven percent lower for the year compared to the same time period in 2019.
- The City is 91.67% through the budget year.
- Revenues for 2020 are approximately one hundred two percent of budget and expenditures for 2020 are approximately eighty-three percent of budget.
- The City has received \$146,795 from the Harris County COVID Small Cities Grant. The paperwork and all necessary documents were submitted to Harris County and were approved for reimbursement.

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

Chief Gott discussed the following:

- Total crime for the month of November is down compared to the same time period last year. Crime for the year is also down compared to 2019.
- The road striping on Gaylord Drive by Treebeards is correct and unable to be changed.
- The department has increased the patrols throughout the parking lots in the City. The increased patrols will continue throughout the remainder of the year.
- The department held its annual awards ceremony on December 11, 2020. The following awards were given out to personnel:
 - Years of service awards were given to four employees – Officer Julie Buhs and Dispatcher Charlie Vyles received their 5 Years of Service Award. Sergeant Stephen Sanford received his 10 Years of Service award, and Civilian Supervisor Amanda Winter received her 15 Years of Service award.
 - Telecommunicator of the Year – Karin Paredes for the second year in a row.
 - Crimefighter of the Year – Street Detective Richard Rulong
 - Hostile Engagement Award – Sergeant Darrell Owens
 - Guardian of the Year – Sergeant Darrell Owens
 - Supervisor of the Year – Sergeant Darrell Owens

Councilmembers Folloder and Rouse thanked the department for the increased patrols throughout the City, including in the residential areas, and for the visibility of police vehicles in the commercial districts.

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

Councilmember Harry Folloder discussed the following:

- Taste of Texas catered dinner for each shift during the annual family dinner and awards ceremony.
- The renovation is on schedule and on budget. Phase 1 of the renovation is complete. Dispatch and the firefighters were moved to the temporary facilities in December 2020 for the start of Phase 2. A temporary tent has been erected in the parking lot to cover the equipment. Dispatch has been upgraded to digital equipment.
- The new pumper was delivered and will be put into service soon. The reserve pumper has been sold to a fire department in Oklahoma.
- Response times for Hedwig Village are well below the national average for fire, medical, and advanced life-saving calls.

D. Beautification – Bob Wiener, Chairperson

Bob Wiener discussed the following:

- A meeting has been scheduled for December 4, 2020 in the morning.
- A new member has joined the committee.
- Bob Wiener decided he would not be chairperson of the committee next year.
- Construction started today for a concrete pad for the placement of a bench on Gaylord Drive.
- Decorative holiday lights were purchased and may be installed by Terry Vick and crew if their schedule permits.
- Another meeting may be planned to discuss the remaining balance of the committee's budget.

E. Mayor – Monthly Report – Brian Muecke

Mayor Muecke discussed the following:

- He voiced his support of the proposed ordinance to amend the limitation of medical offices in the business districts. He stated the approval of the ordinance could lead to prompt and timely development in the commercial districts.
- He stated he did request Pat Murphy's resignation from the Planning and Zoning Commission.

F. Building Official – Evan DuVall, Assistant Building Official

Evan DuVall discussed the following:

- Moody Project – The parking garage and Building A have been finalized. Construction continues on Building B and will be finished next year. A bakery and cookie business may move into the ground floor of the parking garage.
- Memorial High School Main Campus – The work on the steel structure for the main building is ongoing and the concrete floors are being poured. The interior

framing and mechanical, electrical, and plumbing will begin soon. The work on the installation of the traffic light on Gaylord for the student drive is almost complete. The student traffic light will only work during the morning and afternoon hours when school starts and ends. The traffic light will flash yellow at all other times.

- General Update – The City continues to see permits issued for residential projects, such as pools, new homes, and remodels. Tenant improvements for commercial projects seem to be unaffected by the current pandemic. The areas that staff sees slowing down are the large project submittals and for tenant improvements for the large retail spaces.
- St. Cecilia Catholic Church Outdoor Lighting – The City has issued a permit for St. Cecilia Catholic Church’s outdoor lighting in compliance with the City’s Outdoor Lighting Ordinance. The light fixtures are on backorder and will be installed when received. Until then, the church will utilize minimal outdoor lighting.
- Future Small Nodes – The City has received small node streetlights for installation throughout the City. These streetlights will be in compliance with the City’s small node regulations. Additionally, five co-location small node locations are on the agenda this evening.

Councilmembers Folloder and Woodruff stated the new bakery and cookie business is a business that provides employment and workforce training opportunities for individuals with special needs. They both encouraged the City and the residents to support the business when it opens.

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

Councilmember Mathews discussed the following:

- Planning & Zoning (P&Z) held its last meeting on December 8, 2020.
- There was extensive discussion on the following agenda items under consideration by City Council this evening:
 - Proposed ordinance relating to parking
 - Proposed ordinance relating to amending the medical limitations
 - Proposed ordinance relating to monument signs
- A guest speaker discussed the limitations the City imposed on medical offices/services. Another guest speaker discussed, in general terms, matters pertaining to development, building height, and mixed use.
- There was concern about a lack of a comprehensive plan for the City.

Chairperson Roth stated Planning and Zoning recommends the proposed ordinances for approval as presented.

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

Kelly Johnson discussed the following:

- Texas Pride will offer Christmas tree recycling again this year on January 9, 2021. A roll off container will be delivered to City Hall and placed on the street by the tennis courts for the collection of the trees. All decorations and tinsel must be removed from the tree.

Councilmember Woodruff recommended the container be clearly marked for trees only.

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

- A.** An Ordinance of the City Council of the City of Hedwig Village, Texas amending Article V, Zoning Regulations, Section 506, Business District B, Subsection D, Parking, of the Hedwig Village Planning and Zoning Code to require parking spaces to utilize round-ended double striping and allow for a reduction in the required number of parking spaces by providing bicycle parking.

Evan DuVall, Assistant Building Official, explained the purpose behind the proposed amendment to the Planning and Zoning Code for the required parking in the commercial districts. Smaller commercial properties are having difficulties meeting the parking requirement as currently specified in the code. He stated the proposed amendment would allow for the reduction of vehicle parking if the commercial property provided bicycle parking in the form of a bicycle rack. The amendment would reduce the vehicle parking up to twenty-four spaces, or ten percent of the total vehicle parking spaces, whichever is less, with the placement of bicycle parking racks. The reduction must be a one-to-one ratio (one vehicle parking spot reduced for one bicycle parking provided). The bicycle racks must include space for a least four bicycles. Additionally, the proposed amendment will require round-ended parking striping for any new commercial developments. The parking spots will remain at nine-foot widths

Councilmember Folloder thanked Planning and Zoning for thinking of the safety of bicyclists. He believes the double striping will enable easier parking and reduce door dings.

Councilmember Woodruff does not support this amendment to the code. He believes the double striping would be good for the commercial business to do but the City should not require it. He also does not support reducing the vehicle parking in favor of using bicycle racks. He stated the parking in Hedwig Village is difficult as is and the number of vehicle parking spots should not be lowered. He stated the City amended the parking requirement about one year ago. He stated the current parking ordinance requires different parking ratios based on the type of business.

Councilmember Rouse encouraged the use of double striping at City Hall to determine if this manner of striping is feasible. She stated the City has the Planned Unit Development option in place for any parking variance needed by developers.

Evan DuVall stated the double striping for parking spots can be designed to work. He stated the reduction of vehicle parking spots should not create difficulty in finding a parking spot. He stated the Hedwig Village parking requirements are very strict.

No further discussion of this item.

Motion was made by Councilmember Folloder and seconded by Councilmember Johnson to approve the ordinance as presented. Councilmembers Folloder, Johnson, and Mathews voted in favor. Councilmembers Rouse and Woodruff voted against. Motion carried 3-2.

MOTION CARRIED

- B.** An Ordinance of the City Council of the City of Hedwig Village, Texas amending Article V, Zoning Regulations, Section 507, Signs, Subsection 507(C)(1), of the Hedwig Village Planning and Zoning Code to decrease the amount of Highway I-10 Frontage Road required for a large monument sign and decrease the amount of abutting road required for a small monument sign within the Business District B Zoning Districts of the City.

Evan DuVall explained the purpose behind the proposed amendment to the Planning and Zoning Code for large and small monument signs. The amendment would reduce the required road frontage for large and small monument signs. The reduction for a large monument sign would be from four hundred feet to two hundred seventy-five feet. The reduction for a small monument sign would be from three hundred feet to two hundred feet. The amendment would affect approximately six commercial properties. A large monument sign can be no more than sixteen feet wide and ten feet tall. A small monument sign can be no more than six and half feet wide and four feet tall.

Councilmember Rouse asked if there are any projects in the City that would benefit from this amendment. She also asked about the content of the monument signs. She stated the proposed ordinance does not specify or limit sign content.

Evan DuVall stated the commercial property located at 9225 Katy Freeway would benefit from the proposed ordinance and would be able to replace their sign, which was destroyed during a traffic accident. He stated the content of a sign must be a tenant of the building.

Councilmember Woodruff stated the previous sign ordinance amendment was due to Planning and Zoning attempting to limit the number of signs within the City.

Councilmember Folloder asked if the property in question could request a Board of Adjustment (BOA) hearing for a variance.

Kevin Taylor, Building Official, stated the property owner did use the Board of Adjustment process and was denied. He stated BOA referred the issue to Planning and Zoning for possible amendment of the Planning and Zoning Code.

No further discussion of this item.

Motion was made by Councilmember Mathews and seconded by Councilmember Folloder to approve the ordinance as presented. Motion carried 5-0.

MOTION CARRIED UNANIMOUSLY

- C.** An Ordinance of the City Council of the City of Hedwig Village, Texas amending Article V, Zoning Regulations, Section 506, Business District B, Subsection 506(A)(1), and Article II, Definitions and Interpretation, Section 202, Definitions, of the Hedwig Village Planning and Zoning Code, to amend the square footage limitation for medical office in buildings in the Business District B Zoning Districts of the City; restrict social assistance offices and healthcare facilities from being on the first floor of multistory buildings in the Business District B Zoning Districts of the City; and add definitions for medical office and healthcare facility.

Evan DuVall explained the purpose behind the proposed amendment to the Planning Code to amend the limitations for medical and healthcare offices and to add definitions for medical office and healthcare facility. The proposed amendment would not apply to Business District B1. The current requirements for retail on the ground floor of developments within the various business districts would not change. The proposed amendment includes a thirty percent limitation for social services for Business Districts B2, B3, and B4.

Councilmember Mathews stated this is a difficult time for the economy to be making changes. She stated the proposed changes are not consistent with the neighborhood and are not amenities for the residents. She stated there are already a lot of medical buildings in the area and those buildings are not fully leased. She recommended the proposed amendment apply to Business District B4 only.

Councilmembers Woodruff and Folloder clarified that developers currently cannot lease more than thirty percent of space on the upper floors of an office building to medical use and the ground floor leasable space should be retail centric. Retail space should remain retail and should not be leased to a medical office or medical use facility. The City should combine the vision of the City, the property owners, and the residents. The City should have minimal input regarding a developer leasing space on the upper floors of a building. Both Councilmembers are in favor of the amendment.

Councilmember Rouse clarified that Councilmembers Woodruff and Folloder are in favor of restricting medical office on the ground floor of an office building, however, the proposed ordinance does not restrict medical on the ground floor. She recommends limiting social assistance offices, medical offices, and healthcare facilities on the ground floor of a building. She does support allowing certain types of medical office/use on the upper floors of a building. She asked questions relating to the proposed definitions for healthcare facility and medical office. She stated the proposed definition for medical office excludes imaging centers and rehab centers, among others.

Evan DuVall stated the definition for medical office has been amended based on discussions between Councilmembers during the City Council Workshop held on December 9, 2020.

Councilmember Woodruff asked for clarification that certain medical providers, such as a rehab center, would not be allowed on any floor of an office building based on the proposed definitions.

Mayor Muecke reminded Councilmembers that rehab centers already exist in Hedwig Village. He stated he would prefer not to create difficulty for developers to renovate a building that includes certain types of services or renovate existing facilities.

Kevin Taylor stated the ground floor retail requirement is not changing. Medical office could be on the ground floor in the remaining space not required for retail. He stated the intent of the proposed ordinance is not to restrict certain types of offices on the upper floors of a building.

Councilmember Johnson clarified the retail requirement for ground floor leasable space is not changing. He stated the intent of the proposed ordinance was not to change the retail requirement on the ground floor of an office building.

Councilmember Woodruff suggested adjusting the definitions of healthcare facility to read "An institution providing healthcare services such as a hospital, emergency clinic, ambulatory surgery center, imaging center, rehabilitation center, long term acute care hospital, specialty hospital, or other facility that provides or contracts to provide healthcare services including facilities whose hours of operation can extend past normal business hours." He also suggested removing all language in the definition for medical office after the phrase "hours of operation do not exceed 7am to 7pm."

Richard Barbles, Clay Healthcare Development, stated that by limiting certain types of medical on the ground floor it becomes an issue for developers. Certain medical services such as imaging centers should be on the ground floor due to the weight of, and the difficulty in placing, the heavy equipment. He also stated that placing retail on the ground floor could be difficult for developers for many reasons, including signage, accessibility, and visibility.

Councilmember Rouse suggested amending Councilmember Woodruff's proposed definition of healthcare facility to exclude long term acute care facility. She supports the other changes to the proposed definition. She supports limiting the healthcare services and medical offices on the ground floor. She also supports the proposed amendment for Business District B4 but not in B2 and B3.

Mayor Muecke stated that amending the medical limitation in Business District B2 would adversely affect the current businesses already in place in a single level building.

Councilmember Woodruff stated his support for amending the medical limitation in Business District B4 only at this time. He supports amending the medical limitation

for the upper floors of office buildings. He stated the ground floor limitations should remain in place. He asked the reason for creating the definition of medical office and healthcare facility.

Kevin Taylor stated the goal was to distinguish between a medical office and healthcare facility.

Councilmember Woodruff stated City Council needs more time to consider this agenda item.

No further discussion of this item.

Motion was made by Councilmember Woodruff and seconded by Councilmember Johnson to adopt the ordinance without the definitions, the ordinance does not affect Business Districts B2 and B3, and the ordinance removes the language regarding the medical percentage limitation in Business District B4 for the upper floors only of a commercial building so as not to affect the retail requirement on the ground floor. Councilmembers Folloder, Johnson, Rouse, and Woodruff voted in favor. Councilmember Mathews voted against. Motion carried 4-1.

MOTION CARRIED

Councilmember Rouse asked if Councilmember Woodruff's motion included keeping the language regarding the limitations of social assistance and healthcare facilities on the ground floor for Business District B4.

Councilmember Woodruff confirmed that was his intention.

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. Request by Verizon for approval of five (5) small nodes on CenterPoint poles within the City of Hedwig Village.

Evan DuVall stated the placement, or co-location, of small nodes requires City Council approval. Verizon Wireless has requested placement for five small nodes. The co-locations are:

- Two small nodes on Piney Point Road,
- One small node on Mustang Lane,
- One small node on Echo Lane, and
- One small node on Corbindale.

The nodes on Mustang Lane, Echo Lane, and Corbindale will be placed on CenterPoint poles. However, CenterPoint does not allow small node utility cabinets

to be placed on their poles. The utility cabinets will be placed on the ground in the right-of-way by the CenterPoint poles, will be painted black, and will be screened by shrubbery. The remaining nodes will be placed on a pole owned by AT&T and the small node equipment will be painted black. The City is working with Bright Landscaping to create landscaping that will conceal the utility cabinets. The color black was chosen to match the new street signs and new light poles.

Councilmembers Woodruff, Rouse, and Folloder discussed the merits of landscaping. Councilmember Folloder stated the landscaping around the utility cabinet should be standard and should blend into the area. Councilmember Woodruff stated the landscaping should match the landscaping already in place around each utility cabinet. Councilmember Rouse stated the utility cabinets should be painted to match the surrounding area. She would prefer green paint over black paint. She stated shrubbery screening could limit access for maintenance of the equipment by the telecommunication company. Councilmember Woodruff suggested the Building Official have the final decision on the landscaping for the utility cabinets.

Councilmember Johnson suggested the painting and/or landscaping will be subject to the approval of the Building Official.

No further discussion of this item.

Motion was made by Councilmember Johnson and seconded by Councilmember Rouse to approve the request by Verizon with the condition that the painting and/or landscaping be done as needed, be as unobtrusive as possible, and be approved and permitted by the Building Official. Motion carried 5-0.

MOTION CARRIED UNANIMOUSLY

8. DISCUSSION ITEMS/PRESENTATION OF SPECIAL REPORTS

- A.** LJA Engineering, Inc. progress report related to the Hedwig Village Paving and Drainage Project.

No report was given.

9. CLOSED SESSION – The City Council will retire into Closed Session as authorized by Chapter 551, Texas Government Code, to discuss the following matters:

- A.** As authorized by Section 551.071; Consultation with Attorney

No Closed Session was held.

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 Johnson and seconded by Councilmember Folloder to adjourn the meeting at 8:48 p.m. Motion carried 5-0.

MOTION CARRIED UNANIMOUSLY

Approved and accepted on March 18, 2021.

ATTEST:

/s/

Brian T. Muecke, Mayor

/s/

Lisa Modisette, Asst. City Secretary