



**CITY OF HEDWIG VILLAGE, TEXAS
REGULAR MONTHLY CITY COUNCIL MEETING
DECEMBER 9, 2021
6:30 P.M. - 955 PINEY POINT ROAD**

MINUTES

1. CALL TO ORDER

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

Present: Mayor Tom Jinks

Councilmember Scott Davis
Councilmember Harry J. Folloder
Councilmember Dane Johnson
Councilmember Shirley Rouse
Councilmember Matt Woodruff

David Gott, Police Chief
Lisa Modisette, Asst. City Secretary
Alan Petrov, City Attorney
Kevin Taylor, Building Official
Evan DuVall, Asst. Building Official

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

2. PLEDGE OF ALLEGIANCE

Mayor Jinks led the Councilmembers, City staff, and visitors in the Pledge of Allegiance.

3. CITIZEN/VISITOR COMMENTS

Brian T. Muecke, 811 Hedwig Way, attended the Village Fire Department (VFD) Ribbon Cutting Event earlier this afternoon. He wanted to thank several people for their work in getting the fire station renovation project off the ground and to the finish line. Former Hedwig Village Councilmember and former Hedwig Village VFD Commissioner Barry Putterman, former Hedwig Village Councilmember, former Chairman of the Village Fire Commission, and former Hedwig Village VFD Commissioner Bill Johnson, Hedwig Village Councilmember and current Hedwig Village VFD Commissioner Harry Folloder, former Mayor of Spring Valley Village and current Harris County Commissioner Pct. 3 Tom Ramsey, Mayor Jim Pappas of Hunters Creek Village, and Mayor Mark Kobelan of Piney Point Village.

Andrea Hermann, 930 Karos Lane, requested a report and update from the Streets and Drainage Committee. She stated federal and state funds are available to assist in the funding of the drainage project but there is a timeline that needs to be met to use the funds.

Peggy Hemus, 711 Glen Echo, requested Mayor and Council save the trees within the City.

DuVal Dickey, 710 Magdalene Drive, stated he opposes the removal of the oak tree located at 902 Constance. He stated the tree is marked for removal to make room for a big house. He sent a letter to the mayor in September 2021 expressing his concern over the removal of this large oak tree. He stated he submitted an open records request for additional information regarding the construction at 902 Constance.

Melanie Wolfram, 1331 Neeley Drive, opposes the removal of the tree at 902 Constance.

Ludmila Dickey, 710 Magdalene, stated a petition was started by resident Yvonne Puig that has been signed by 450 people. She proposed a moratorium on development of 902 Constance while the City reviews other options. She requested the City hire an independent forester to represent the City regarding this property. She is dissatisfied with the current City forester. She also addressed concerns regarding the proposed Westside Drainage Project. She stated there are more questions than answers regarding this drainage project. She stated the residents need the cost of the project.

John Irwin, 918 Constance, opposes the removal of the tree at 902 Constance. He stated trees are important to the community. He also expressed concern regarding the flooding issues in the City. He stated the residents need more information about the drainage project but the City should not rush.

Dwayne Mallard, 11610 N. Lou Al Drive, stated that trees are a landmark of the community and should be preserved. He stated he is an architect and offered to redesign the proposed house at 902 Constance for free to save the tree.

Kelly Collier, 11755 Duart Drive, opposes the removal of the tree at 902 Constance and agrees the City should hire a new City forester.

Tom Roth, 854 Pecanwood, stated the Village Fire Department is among the top 100 fire departments out of approximately 19,000 around the country.

Harry Craig, 839 Merridel, would prefer the tree remain but he stated the State of Texas legislature has made the enforcement of the tree ordinance difficult. He stated the property owner has options.

Matt Woodruff, 810 Heather Court, requested a report from the City Attorney regarding the difficulty for the City to enforce the tree ordinance. He asked for the City's options after the legislature restricted the ability of cities to regulate trees. He stated the City has amended the tree ordinance numerous times to try to protect the trees within the City.

Margarita Mitchell, 818 Magdalene Drive, asked if the tree could be declared an historical landmark.

Maria Grillo, 818 Magdalene Drive, suggested her daughter and son-in-law purchase the property to save the tree.

Saad Masrur, the developer of the property for the owner, stated the owner is willing to sell the property for \$2.5 million. He stated he has received harassing phone calls and someone has left pet feces on the porch on the house on the property. He asked for respect and requested an end to the harassment. The owner will consider any serious offer for the property.

Mayor Jinks suggested a five minute break at 7:25 p.m. The meeting resumed at 7:34 p.m.

4. REPORTS

A. Financial Report – November 2021 – Kelly Johnson, City Administrator/City Sec.-Treas.
No report.

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

Chief Gott discussed the following:

- Crime within the City remains low for the year.
- A suspect has been stealing items from offices in some of the office buildings. The suspect has been identified and charged but not yet arrested.
- The Tyler Technologies software installation is complete. Training is underway.
- The department issued its annual awards to several officers.
 - Detective Sergeant Collins received his fifteen year service award.
 - Sergeant Owens received his twenty year service award.
 - The Unit Citation was awarded to the entire telecommunication staff.
 - Guardian of the Year was awarded to Officer Sadikin.
 - Officer of the Year was awarded to Officer Bloodworth.
 - Supervisor of the Year was awarded to Sergeant Packard.

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

Councilmember Folloder discussed the following:

- The department has responded to four hundred twenty nine calls for service in the City for the year. Two hundred six of those calls were for life threatening incidents and thirty four were for life threatening fire incidents.
- Response times for Hedwig Village are well below the national average for fire, medical, and advanced life-saving calls. All firefighting personnel are also fully qualified as Emergency Medical Services (EMS).
- The department held a ribbon cutting ceremony for elected officials and city staff. The fire station is significantly complete. The renovation project is under budget but over schedule.
- The City of Bunker Hill Village is expected soon to request to become a voting member again on the Fire Commission. The Board of Commissioners will require approval from the cities.

D. Beautification – Kathryn Schenk, Committee Chairperson

No report.

E. Streets and Drainage Committee – Councilmember Rouse

No report.

F. Building Official –Evan DuVall, Assistant Building Official

Evan DuVall discussed the following:

- Moody Project – A certificate of occupancy has been issued for Office Building B. A total of three tenant improvements have been approved for this building.

- Memorial High School – The new high school building has passed all their building inspections and is awaiting final approval from the Fire Marshall for issuance of a temporary certificate of occupancy. The bus loop will begin with the demolition of older buildings when the new student building is occupied. The City Forester has been meeting with the school district’s contractor to ensure the tree plan is being followed. The two traffic lights on Echo Lane have been adjusted to be timed to be in sync together. Approval has been given to install a sensor that will automatically update the timing of the two lights.
- A remodel permit has been issued for 8915 Gaylord Drive.
- A building permit has been issued for 9412 Gaylord #C for a tapioca and tea house.
- Permits have been issued for two new residences.
- DWS Shoe Warehouse submitted plans for a remodel of their retail space.

G. Planning & Zoning Commission – Councilmember Scott Davis, Council Liaison
See agenda item 5A.

H. City Administrator – Monthly Update – Lisa Modisette, Assistant City Secretary
Lisa Modisette discussed the following:

- The Board of Adjustment (BOA) held a hearing on Tuesday, November 16, 2021. The resident requested a variance for ground coverage. The variance was denied.
- The City’s holiday dinner was successful. Approximately 85 people attended.

I. Mayor – Monthly Report – Mayor Tom Jinks
Mayor Jinks discussed the following:

- A Special City Council Meeting will be held on December 14, 2021 at 6:30 p.m. related to trees.
- Requested residents to sign up for email notification on the website. City staff emails the agenda and other important notices to residents who have signed up.

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 regarding possible amendments to Article II, Definitions and Interpretation, Section 202, Definitions; Article V, Zoning Regulations, Section 505, Residential Districts A and C, Subsection B.10, Fences, and Subsection B.17, Mechanical Equipment Screening; and Article V, Zoning Regulations, Section 506, Business District B, Subsection E.7, Fences, of the Hedwig Village Planning and Zoning Code regarding the requirements related to fences and screening within the City.

Clay Trozzo, Planning and Zoning Chairperson, discussed the recommended changes to the fence ordinance. The changes include the following:

- No fence may impede sight visibility.

- A perimeter fence that faces a street may tie into the residence side elevation at six and half feet in height.
- The finished side of the fence must face the street on a public or private road.
- Front yard fences are allowed along Beinhorn Road, Brogden Road, Echo Lane, Piney Point Road, and Taylorcrest Road in the residential districts. The front yard fence must be eighty percent open and will be limited to four feet in height. Vehicle gates may be up to five feet in height. Front yard fences must be decorative, utilize similar materials as the house, and must complement the existing or proposed residence. Decorative lighting will be allowed. Vehicle gates must be setback at least ten feet from the front property line.
- Front yard fences along Bunker Hill Road may be up to six feet in height. Decorative lighting will be allowed.
- Residential property that abuts non-residential property, such as schools, churches, and public use, may be allowed rear and side fences up to ten feet in height.
- Residential property that abuts commercial property may be allowed rear and side yard fences up to fourteen feet. A fourteen foot fence must be engineered.
- Mechanical equipment, whether ground or roof mounted or otherwise attached to a building, and trash cans must be screened from view from the street by fencing, building design, or landscaping. Evan DuVall, Assistant Building Official, clarified this requirement will only apply to new construction.
- Commercial district fences will have a maximum height of eight feet. An increase in height may be allowed for screening of mechanical equipment, trash containers, or provide additional screening of non-residential uses from Residential Districts A and C.
- Commercial fences shall not prohibit access to parking lots and must not block visibility.
- Temporary construction fencing will be allowed if an active building permit is issued. Major construction sites must have temporary construction fencing.
- Temporary security fencing will be allowed for vacant lots if permitted by the Building Official.
- Fences in the commercial districts will have an approved list of allowable materials to construct the fence.
- No barbed wire, sharp points, or razor wire will be allowed.
- All swinging gates will not be allowed to encroach into a public right of way.
- No vinyl or plastic slats will be allowed as a screening material.

Councilmember Rouse suggested using the term “roadway” instead of “street”.

Councilmember Folloder suggested adding language about conforming to a dark sky initiative relating to decorative lighting on a vehicle gate or a fence. He stated any lights added to the fence or gate should be downward facing. Councilmember Folloder

suggested requiring a Knox box to allow easier access for emergency vehicles if vehicle gates are allowed.

Councilmember Woodruff suggested adding language regarding a fence over eight feet must be engineered. Councilmember Woodruff also suggested adding language regarding trash can screening would apply only to new, additions, or remodel construction greater than fifty percent of the residential home after the date of adoption of this ordinance. Councilmember Woodruff suggested allowing vehicle gates to be twenty two feet from the roadway, not the property line, to accommodate longer vehicles. However, the vehicle gate on Bunker Hill Road can be at the property line. Councilmember Woodruff suggested a front yard fence should be one foot inside the property line to accommodate any right of way. Councilmember Woodruff suggested removing Brogden Road from the list of allowed streets for front yard fences.

Motion was made by Councilmember Johnson and seconded by Councilmember Rouse to approve the amended fence ordinance with the changes recommended by Planning and Zoning and City Council. Motion carried 5-0.

MOTION CARRIED UNANIMOUSLY

- B. An Ordinance of the City Council of the City of Hedwig Village, Texas to increase the rate of deposits to the Texas Municipal Retirement System by the employees of the City of Hedwig Village.

Lisa Modisette, Assistant City Secretary, stated participation into the Texas Municipal Retirement System (TMRS) is mandatory for City employees. The employees currently contribute five percent of their pay. If approved, the employees' contribution would increase to seven percent. The City's portion would increase from 6.83% to 8.63%. This increase was included in the 2022 Budget as approved.

Motion was made by Councilmember Woodruff and seconded by Councilmember Rouse to approve the ordinance to increase the TMRS contributions. Motion carried 5-0.

MOTION CARRIED UNANIMOUSLY

- C. A Resolution of the City Council of the City of Hedwig Village, Texas casting its ballot for the election of a person to the Board of Directors of the Harris County Appraisal District.

Motion was made by Councilmember Johnson and seconded by Councilmember Folloder to approve the Resolution to cast the City's ballot for Mike Sullivan to the Board of Directors to the Harris County Appraisal District. Motion carried 5-0.

MOTION CARRIED UNANIMOUSLY

- D. A Resolution of the City Council of the City of Hedwig Village, Texas authorizing participation in the National Opioid Settlement Agreements secured by the Office of the Attorney General as a "Non-Litigating Subdivision"; and authorizing the Mayor to execute certain settlement participation documents.

Motion was made by Councilmember Johnson and seconded by Councilmember Rouse to approve the Resolution to participate in the National Opioid Settlement Agreements. Motion carried 5-0.

MOTION CARRIED UNANIMOUSLY

6. **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 11, 2021 Regular Council Meeting

B. Approval of General Fund Bills

General Fund Bills

Voided Checks – none

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

Village Fire Department - \$107,320.36

Terry Vick - \$15,467.36

Tyler Technologies, Inc. - \$65,495.00

City of Bunker Hill Village - \$4,858.43

Axon Enterprises, Inc. - \$3,559.74

Johnson Petrov - \$3,525.97

BBG Consulting, Inc. - \$12,500.00

Constellation New Energy - \$3,337.58

Wells Fargo credit card - \$3,294.87

Accutek, Inc. - \$5,700.00

Bright Landscaping - \$2,504.94

HCAD - \$8,141.00

Motion was made by Councilmember Folloder and seconded by Councilmember Johnson to approve the consent agenda as presented. Motion carried 5-0.

MOTION CARRIED UNANIMOUSLY

7. CLOSED SESSION

- A. As authorized by Section 551.074, Personnel Matters, to discuss matters relating to City personnel.

City Council adjourned into Closed Session at 8:35 p.m.

City Council re-convened into Open Session at 9:45 p.m.

8. ACTION – CLOSED SESSION

There was no action taken.

9. ADJOURN

Motion was made by Councilmember Woodruff and seconded by Councilmember Johnson to adjourn the meeting at 8:45 p.m. Motion carried 5-0.

MOTION CARRIED UNANIMOUSLY

Approved and accepted on January 11, 2022.



Tom Jinks, Mayor

ATTEST:



Lisa Modisette, Asst. City Secretary