

**MINUTES OF  
CITY COUNCIL MEETING  
CITY OF PINEY POINT VILLAGE  
7676 Woodway, Suite 300  
Monday, April 26, 2010**

**DECLARATION OF QUORUM AND CALL TO ORDER**

Mayor Bresenhan called the meeting to order at 6:00 p.m. the following were in attendance: Mayor Karey Bresenhan, Mayor Pro-Tem John Ebeling, Mr. Henry Kollenberg, Mr. Peter Nemeth, Mrs. Julie Goodall, Mr. Dale Dodds, City Attorney David Olson, City Administrator Terri Johnson, City Secretary Amanda Davenport and City Engineer John Peterson.

**PLEDGE OF ALLEGIANCE** – Mayor Bresenhan led the Pledge of Allegiance

**CITY ANNOUNCEMENTS -**

- Cary Moran, Urban Forester, presented City Council with the Tree City USA Growth Award.
- Mayor Bresenhan announced the drainage plan workshop for Tuesday April 27, 2010 and she welcomed the Boy Scouts that were in attendance.
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**CITIZENS WISHING TO ADDRESS COUNCIL** – there were no citizens in attendance wishing to speak to council at this time.

1. Open public hearing regarding amending section 74-243(2) of the Code of Ordinances by prohibiting City Hall as a permitted use inside the Piney Point Village city limits.

Mayor Bresenhan opened the public hearing at 6:07 p.m. No person in attendance spoke regarding the issue at hand. Mayor Bresenhan closed the public hearing at 6:09 p.m.

2. Consider and take possible action on amending section 74-243(2) of the Code of Ordinances by prohibiting City Hall as a permitted use inside the Piney Point Village city limits.

Motion was made by Mayor Pro Tem Ebeling to amend section 74-243(2) of the Code of Ordinances by prohibiting City Hall as a permitted use inside the Piney Point Village city limits

Motion was seconded by Councilmember Dodds

Motion passed: 4 voting for; Councilmember Goodall abstained from the vote, which results in 1 vote against.

3. Open public hearing regarding a substandard structure located at 9A Woods Edge Lane.

Mayor Bresenhan opened the public hearing at 6:14 p.m.

Councilmember Kollenberg stated that he and Councilmember Nemeth have filed a Conflict of Interest Disclosure Statement with the City Secretary. They informed all parties involved that their law firm currently does business with JLE Investing/Associated Mortgage Investors and in the past Mr. Kollenberg personally has represented JLE Investing. JLE Investing is a lienholder on this property.

Building Official Arriaga summarized the procedures that the City has been taking to bring this property back into safe conditions. Ms. Arriaga also stated that the builder has been cited numerous times, given deadlines and timelines and still the property remains a safety hazard with unfinished construction since the beginning of the project in 2006.

Bellaggio Properties' attorney, Mr. Wilbanks, reported to Council that Mr. Mohiuddin has hired an engineer and has started procedures to test the piers for degeneration. He also reported that the builder has entered into a new contract with a new buyer and they have a plan to complete the project with an estimate of eighteen months to completion after the issuance of new permits from the City.

Several surrounding homeowners spoke against allowing the company to finish the project citing the safety issues, length of time the property has remained without on-going construction and it is an eyesore for the neighborhood.

Jim Emerson, the first lienholder on the property with JLE Investors/Associated Mortgage Investors, spoke to council stating that he has a large investment in this project, has known the builder for many years and they have done numerous projects together. Mr. Emerson believes that Mr. Mohiuddin will hold true to his word and finish the project and he assured Council that he would personally get involved and bring the property into compliance. Mr. Emerson asked council to grant a thirty day deferment of any action on this item.

A lengthy discussion ensued with Council and Mr. Mohiuddin regarding the property and Bellaggio's plans for it.

Mayor Bresenhan closed the public hearing at 7:15 p.m.

4. Consider and take possible action regarding a substandard structure located at 9A Woods Edge Lane.

After lengthy discussions regarding insurance, an unpermitted retaining wall, piers not fully addressed and other issues on this property, the City Attorney David Olson presented Council with the following Order:

***NO. 2010-01***

<b><i>CITY OF PINEY POINT VILLAGE</i></b>	<b><i>§</i></b>	<b><i>BOARD OF ALDERMEN</i></b>
	<b><i>§</i></b>	
<b><i>V.</i></b>	<b><i>§</i></b>	<b><i>CITY OF</i></b>
	<b><i>§</i></b>	
	<b><i>§</i></b>	
<b><i>OWNER(S)/ LIENHOLDER(S) OF §</i></b>		
<b><i>PROPERTY LOCATED AT</i></b>	<b><i>§</i></b>	
<b><i>9A WOODS EDGE LANE,</i></b>	<b><i>§</i></b>	
<b><i>DEFENDANT(S)</i></b>	<b><i>§</i></b>	<b><i>PINEY POINT VILLAGE</i></b>

***ORDER***

*After notice and hearing before the Board of Aldermen of the City of Piney Point Village on Monday, April 26, 2010, the case of the owner(s)/lienholder(s) of property located at 9A Woods Edge Lane, Piney Point Village, Texas 77024 (the “Property”), Defendant(s), was heard, involving the Property.*

*After considering the evidence and the testimony of witnesses, the Board of Aldermen makes the following FINDINGS:*

1. *That the Defendant(s) was properly notified of the violations of the City ordinances and codes that existed on the Property.*

2. *That after notice of said violations of the City ordinances and codes on the Property, the Defendant(s) failed to take action necessary for compliance with said ordinances.*

3. *That the Defendant(s) was properly notified of the April 26, 2010 hearing before the Board of Aldermen.*

4. *That the structure(s) of Defendant(s) located on the Property is substandard because:*

- a. *The structure(s) creates conditions conducive to the harboring of rats, snakes, mice, other disease carrying animals, or insects reasonably capable of spreading disease;*
- b. *The structure(s) creates conditions hazardous to the safety of persons or property, such as inadequate bracing, structural support, construction, or the presence of deteriorating materials; and*
- c. *The structure(s) creates conditions constituting an attractive nuisance creating a hazard to the health or safety of minors.*

5. *That the structure(s) does therefore constitute a hazard to the health, safety or general welfare and is hereby declared a nuisance.*

*THEREFORE, in compliance with Division 3 of Chapter 10 of the Piney Point Village Code of Ordinances, the Board of Aldermen of the City of Piney Point Village hereby orders the following:*

1. *The Board of Aldermen determines that the substandard structure(s) is in such condition as to make it dangerous to the health, morals, safety or general welfare of the public; therefore, the substandard structure(s) located at 9A Woods Edge Lane is hereby ordered to be secured from unauthorized entry as follows:*

- a. *Proof of Liability shall be presented to the City by April 27, 2010; and*
- b. *A six (6) foot fence, as approved by the City, shall be installed to secure the perimeter of all improvements by 5:00 p.m. on Friday, April 30, 2010.*

2. *The owner of the property shall cause all necessary engineering studies regarding the integrity of the structure(s) and/or all engineering and construction solutions to repair existing structure(s) that are deemed by the City (or the City's consulting engineers) not to be structurally viable for continued construction to be completed within 28 days of the date of this Order or by Monday, May 24<sup>th</sup>, 2010. Additionally, the owner of the property shall give the Board of Aldermen a status report concerning such engineering studies and solutions for repair on Monday, May 11, 2010. All status reports, engineering studies, and/or engineering and construction solutions shall be submitted to the City Secretary on the Wednesday prior to the Board of Aldermen meeting when such report, study or solution is due.*
3. *At the May 24<sup>th</sup>, 2010 Board of Aldermen meeting (or possibly the May 11<sup>th</sup> meeting if the owner submits all necessary engineering studies and/or repair solutions early), the Board of Aldermen shall determine one of the following:*

  - a. If the Board of Aldermen finds the substandard structure(s) to be structurally viable for continued construction and the integrity of such structure(s) is deemed acceptable, then the Board of Aldermen shall require the owner to submit a detailed construction timeline for review and consideration by the Board of Aldermen at the June 28<sup>th</sup>, 2010 Board of Aldermen meeting. Such timeline shall follow construction requirements and guidelines as set forth in the City's Code of Ordinances and Policies of the City. If the owner fails to submit a detailed construction timeline by the June 28<sup>th</sup> Board of Aldermen meeting, then the owner shall demolish the structure(s) within thirty (30) days from the June 28<sup>th</sup> Board of Aldermen meeting. If the owner fails to comply with this demolition order, the City may demolish the structure(s) and assess all expenses incurred and file a lien reflecting such expenses on the property;*
  - b. If the Board of Aldermen finds the substandard structure(s) not to be structurally viable for continued construction and the integrity of such structure(s) is deemed unacceptable, and the owner presents a plan for repair to such structure(s) that is approved by the Board of Aldermen, then such repairs shall be completed by the June 28<sup>th</sup>, 2010 Board of Aldermen meeting or other date established by the Board of Aldermen. Additionally, the Board of Aldermen shall require the owner to submit a detailed construction timeline for review and consideration by the Board of Aldermen at the June 28<sup>th</sup> Board of Aldermen meeting. Such timeline shall follow construction requirements and guidelines as set forth in the City's Code of Ordinances and Policies of the City. If the owner fails to comply with the approved plan for repair, then the owner*

*shall demolish the structure(s) within thirty (30) days from the June 28<sup>th</sup> Board of Aldermen meeting or other date established by City Council for completion of the repairs. If the owner fails to comply with this demolition order, the City may demolish the structure(s) and assess all expenses incurred and file a lien reflecting such expenses on the property; or*

- c. *If the Board of Aldermen finds the substandard structure(s) not to be structurally viable for continued construction and the integrity of such structure(s) is deemed unacceptable, and the owner presents a plan for repair to such structure(s) that is not approved by the Board of Aldermen, then the owner shall demolish the structure(s) within thirty (30) days from the May 24<sup>th</sup>, 2010 Board of Aldermen meeting. If the owner fails to comply with this demolition order, the City may demolish the structure(s) and assess all expenses incurred and file a lien reflecting such expenses on the property.*
4. *As stated in Section 3 above, all repairs to the substandard structure(s) deemed necessary by the Board of Aldermen shall be completed by June 28, 2010, unless the Board of Aldermen determines that more time is necessary and is presented with, and approves, a detailed timeline of when the repairs are expected to be completed. If the owner fails to comply with an approved plan for repair, then the owner shall demolish the structure(s) within thirty (30) days from the June 28<sup>th</sup> Board of Aldermen meeting or other date established by the Board for completion of the repairs. If the owner fails to comply with this demolition order, the City may demolish the structure(s) and assess all expenses incurred and file a lien reflecting such expenses on the property*
5. *The detailed construction timeline shall require reasonable progress throughout the construction period and shall not exceed eighteen (18) months total time to complete construction of the residence, unless the Board of Aldermen finds that a hardship exists and determines that more time is reasonable and necessary. The owner shall have the burden of establishing that any such hardship exists and must present, and have the Board of Aldermen approve, a detailed timeline of when the construction is expected to be completed. The Board of Aldermen shall have full discretion when determining if an extension of the construction timeline is warranted.*

*IT IS SO ORDERED on this the 26th day of April 2010.*

*/s/ Karey Bresenhan*

*Karey Bresenhan*  
*Mayor*

ATTEST:

/s/ Amanda Davenport  
Amanda Davenport  
City Secretary

Motion was made by Councilmember Goodall to accept the Order as presented by David Olson, City Attorney  
Motion was seconded by Councilmember Nemeth

Motion passed: all for

5. Janet Zimmermann – Village Fire Department update

Fire Commissioner Janet Zimmerman reported to Council that a budget meeting will be held on the third Monday in May. The Fire Commissioners are very aware that this budget is of great concern to the Village cities. She also reported that two of the Village cities have requested a flat budget or even 5% under the current budget. Mrs. Zimmerman stated that raises to stay competitive and the pension plan are a great factor in this year's budget. Additionally she stated that they have over twenty candidates for the open Fire Chief position.

6. Chris Walker – Memorial Villages Police Department report

Police Chief Brye gave the police commission report stating that the Villages are still doing very well with very little crime activity. The police department has applied for a grant to do some bullet-proofing in the patrol vehicles.

11. Consider and take possible action regarding the Memorial Villages Police Department first inter-budget transfer.

Motion was made by Councilmember Kollenberg  
Motion was second by Mayor Pro Tem Ebeling

Motion passed: all for

7. Consider and take possible action on the March 2010 and first quarter financial reports from Randy Reimer and discussion of report forms.

Mr. Reimer reported to Council that he has found numerous mistakes in this year's audit and he has a meeting scheduled with the auditor to discuss that report and have the corrections made.

Mr. Reimer stated that the City is still in good condition financially and right on target with the budget year to date. He also presented several different report formats and discussed with Council which format they preferred to see the financial reports.

8. Consider and take possible action regarding awarding the bid for the Innisfree Drainage Improvements project.

John Peterson presented this item and reported that T Construction LLC came in as the low bidder. He stated that this company's references were very good and that T Construction L.L.C. is his recommendation for this project.

Motion was made by Councilmember Dodds to accept and award the bid to T Construction L.L.C. at \$52,975.00

Motion was seconded by Mayor Pro Tem Ebeling

Motion passed: all for

9. Discussion regarding the courtesy notice from Hedwig Village regarding the Echo Lane road closure beginning June 1, 2010.

Mayor Bresenhan stated that she received a letter out of courtesy stating that Hedwig Village was planning an ongoing summer project and our residents could be slightly inconvenienced by the Echo Lane road closure. There will be a meeting in May concerning actual construction plans and City Engineer John Peterson plans to attend.

10. Consider and take possible action regarding the advertising to bid for the Hedwig Waterline relocation project.

TxDOT is replacing the bridge on Hedwig Road and one of Piney Point Village's waterlines is in the way. Mr. Peterson reported that due to the

MVWA requirements the dollar amount on this project has increased to \$130,000.00.

Motion was made by Councilman Dodds to advertise for bids on the Hedwig Waterline relocation project

Motion was seconded by Councilmember Goodall

Motion passed: all for

16. Consider and take action on separating from Harris County and submitting our own application for the CDBG project.

City Administrator Johnson informed council that Piney Point now has the option to do this project on its own with the advantage being able to choose its own engineer and grant administrator.

Motion was made by Councilmember Kollenberg to separate from Harris County and authorize the City Administrator to be the signator, to approve Claunch & Miller as the engineer and to approve Public Management as the Grant Administrator.

Motion was seconded by Mayor Pro Tem Ebeling

Motion passed: all for

12. Consider and take possible action on establishing formal procedures for handling requests for private streets to be given to the city.

Mayor Bresenhan read a letter from a resident of Piney Point Circle requesting that the City take possession of their street. Councilmember Kollenberg stated that it was his opinion that any street the city might consider taking possession of would have to be put into compliance with the city code before the City ever accepted it into the infrastructure. City Attorney David Olson stated that he had set out this same type of opinion in an earlier email and he would forward that email to the resident.

13. Consider and take possible action regarding the City's annual donation of \$1,500 to the Spring Branch Memorial Library.

Motion was made by Councilmember Kollenberg to approve the annual donation of \$1500 to the Spring Branch Memorial Library

Motion was seconded by Councilmember Dodds

Motion passed: all for

14. Consider and take possible action on approval of City Council meeting minutes from April 12, 2010.

Motion was made by Councilmember Kollenberg to approve the minutes as presented

Motion was seconded by Councilmember Dodds

Motion passed: all for

15. Consider and take possible action on the city office space issue.

Mayor Elect Nemeth requested that the new space plan be distributed to all Councilmembers for consideration and also requested that Councilmember Goodall take the lead on this reconfiguration.

17. With no other business to discuss the meeting was adjourned at 9:10 p.m.

Passed and approved this 11<sup>th</sup> day of May, 2010.

/s/ Karey Bresenhan  
Karey Bresenhan, Mayor

Attest:

/s/ Amanda Davenport  
Amanda Davenport, City Secretary