

**MINUTES
PINEY POINT VILLAGE
SPECIAL COUNCIL MEETING
MONDAY, OCTOBER 10, 2011**

The City Council of The City of Piney Point Village held a Special Meeting on Monday, October 10, 2011 at 6:00 p.m. at Memorial Drive Elementary, 11202 Smithdale, Houston, Texas 77024.

Mayor Nemeth announced that a quorum of the Council was present and called the meeting to order at 6:00 p.m. In attendance were Mayor Peter Nemeth, Mayor Pro Tem John Ebeling, Councilman Henry Kollenberg, Councilman Dale Dodds, Councilman Joel Bender, Councilman Ron Goodwine, City Administrator Terri Johnson, City Secretary Amanda Davenport, City Engineers John Peterson, Chris Claunch and Joe Moore and City Attorney David Olson.

Mayor Nemeth led those in attendance in the Pledge of Allegiance.

Mr. Roland Sauermann thanked Council for the new storm sewer line on Hermosa Court.

Mayor Nemeth called for any citizens wishing to speak to Council and Mr. Tom Roth of Hedwig Village stated that Mrs. Sumner had accepted the invitation to participate in the Carol Tree Park celebration.

Mr. Mike Plank who lives on Hedwig Road addressed Council regarding the generator ordinance and generator placement issues at his residence.

1. Open Public Hearing regarding the 2011 Tax Rate.

Mayor Nemeth opened the public hearing on the 2011 tax rate at 6:15 p.m. No person was in the audience to speak for or against the proposed 2011 tax rate of \$0.21514. Mayor Nemeth closed the public hearing at 6:16 p.m.

9. Executive Session: The City Council will adjourn into closed executive session pursuant to section 551.071 of the Texas Local Government Code (CONSULTATION WITH ATTORNEY): specifically to discuss the Smithdale/Claymore project bid hearing.

Mayor Nemeth recessed the open session at 6:17 p.m. and reconvened the open session at 6:31 p.m. No formal action was taken at this time.

2. Discussion concerning an agreement proposed by the Kinkaid School regarding entering into a contract between the City and Kinkaid that will outline platting requirements for future specific use permits on Reserve B of the proposed replat of the Kinkaid property.

City Attorney David Olson addressed Council regarding an agreement with The Kinkaid School regarding the special use permit (SUP) process and recording such on the plat for Reserve B. The Council had no objections to considering such an agreement in the future.

No action was taken on this item at this time.

3. Consider and take action on a hearing concerning the lowest bidder's responsibility and the possible award of the Smithdale / Claymore Project contract to a bidder who is not the lowest bidder.

Mayor Nemeth opened the hearing regarding the low bidder, Triple B Services on the Smithdale/Claymore project at 6:41 p.m.

Mr. Randhir Sahni spoke against the low bidder, Triple B Services and reminded Council of the many complaints against this company when they were repaving Blalock Road.

Mr. Keith Burke, President and Managing Partner of Triple B Services, provided Council with a Contractor's Qualification Statement along with many letters of recommendation. Mr. Burke read a letter addressing previous issues and assuring Council that those issues have been addressed. He also stated that the responsibility and quality of work on the Smithdale/Claymore project would be done with quality people and quality workmanship.

The public hearing was closed at 7:07 p.m.

4. Consider and take action on a proposal regarding Green Point Court drainage.

John Peterson presented the proposal for the Green Point Court drainage as an amendment to the Smithdale/Claymore project in the amount of \$29,870.00.

Motion was made by Councilman Dodds to accept the proposal for the design phase of Green Point Court drainage as an amendment to the Claymore/Smithdale project in the amount of \$29,870.00. The motion was seconded by Mayor Pro Tem Ebeling and the motion passed unanimously.

5. Discussion of progress of Batch 1 Projects (Jamestown, Green Oak, Wendover, Ditch behind St. Francis, Gingham, Calico, and Jan Kelly).

John Peterson gave Council a brief update on the status of these roads: Jamestown, Green Oak, Wendover, the ditch behind St. Francis, Gingham, Calico, and Jan Kelly.

6. Consider and take action on Ordinance 2011.10.10 amending Ordinance 2009.12.14 Division 4.

City Attorney David Olson explained that this amendment corrects some anomalies in Ordinance 2009.12.14, and assured Council that those anomalies in no way effected the validity of the original ordinance.

Motion was made by Councilman Kollenberg to adopt Ordinance 2011.10.10. The motion was seconded by Councilman Dodds and the motion passed unanimously.

ORDINANCE NO. 2011.10.10

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AMENDING CHAPTER 34, FLOODS, ARTICLE II, FLOOD DAMAGE PREVENTION, TO ADD A NEW DIVISION IV PROVIDING FOR THE MANAGEMENT OF FLOOD PLAINS WITHIN THE CITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

See Exhibit A

7. Consider and take action on retention of Lloyd Gosselink law firm as counsel for ERCOT representation.

Mayor Nemeth and David Olson explained this item.

Motion was made by Councilman Bender to retain the Lloyd Gosselink Law firm as council for the ERCOT representation. The motion was seconded by Mayor Pro Tem Ebeling and passed unanimously.

8. Consider and take action on the 3rd Quarter Investment Report.

Terri Johnson explained the report.

Motion was made by Mayor Pro Tem Ebeling to accept the 3rd quarter investment report. The motion was seconded by Councilman Goodwine and passed unanimously.

9. Executive Session:

The City Council will adjourn into closed executive session pursuant to section 551.071 of the Texas Local Government Code (CONSULTATION

WITH ATTORNEY): specifically to discuss the Smithdale/Claymore project bid hearing.

Mayor Nemeth recessed into executive session at 7:22 p.m.

Mayor Nemeth re-convened the special meeting at 7:35 p.m.

10. Executive Session:

The City Council will adjourn into closed executive session pursuant to section 551.071 of the Texas Local Government Code (CONSULTATION WITH ATTORNEY): specifically to discuss the Kemwood/Hunter's Creek drainage issue, enforcement actions related to City ordinances, and prosecutor in municipal court.

Mayor Nemeth recessed into executive session at 7:37 p.m.

Mayor Nemeth re-adjourned the special meeting at 8:09 p.m.

David Olson was in attendance for the city ordinance and municipal court prosecutor discussion only and left at 8:09 p.m.

Mayor Nemeth recessed back into executive session at 8:10 p.m. and Attorney Barry Abrams attended this meeting via speaker phone specifically to discuss the Kemwood/Hunter's Creek drainage issue.

14. Action, if any, taken out of executive session regarding a prosecutor in municipal court.

Motion was made by Councilman Kollenberg to authorize Mayor Nemeth to engage such prosecutors as he deems appropriate for the enforcement of City Ordinances. Motion was seconded by Mayor Pro Tem Ebeling and passed unanimously.

11. Action, if any, taken out of executive session regarding the Smithdale/Claymore project bid hearing.

Councilman Kollenberg suggested that there be no formal action taken at this time but to advise the City Engineer and City Attorney to work with the contractor, Triple B, to get their promises into some appropriate written form to make the Council comfortable enough to make a decision in the near future regarding awarding the Smithdale/Claymore bid.

Mayor Nemeth reconvened back into the special meeting at 8:25 p.m.

12. Action, if any, taken out of executive session regarding the Kemwood/Hunter's Creek drainage issue.

No formal action was taken at this time.

13. Action, if any, taken out of executive session regarding enforcement actions related to City ordinances.

See item #14.

15. Adjourn

Motion was made by Mayor Pro Tem Ebeling to adjourn at 8:26 p.m. Motion was seconded by Councilman Bender and passed unanimously.

PASSED AND APPROVED this 14th day of November, 2011.

Peter G. Nemeth
Mayor

Attest:

Amanda Davenport
City Secretary