

**MINUTES OF
THE CITY OF PINEY POINT VILLAGE
REGULAR COUNCIL MEETING
MONDAY, JULY 26, 2010**

THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE HELD A REGULAR MEETING ON MONDAY, JULY 26, 2010 AT 6:00 P.M. AT CITY HALL, 7676 WOODWAY, SUITE 300 HOUSTON, TEXAS, 77063 TO DISCUSS THE AGENDA ITEMS LISTED BELOW.

Mayor Nemeth called the meeting to order. Those present were: Mayor Nemeth, Mayor Pro Tem Ebeling, Julie Goodall, Dale Dodds, Joel Bender, City Administrator Johnson, City Secretary Davenport, City Attorney David Olson and City Engineer John Peterson. Henry Kollenberg was absent.

PLEDGE OF ALLEGIANCE Mayor Nemeth led the pledge to the United States flag.

CITY ANNOUNCEMENTS - none

CITIZENS WISHING TO ADDRESS COUNCIL - Ms. Andrea Savino who lives on Jan Kelly, asked for an update on the finding of the recent survey that was performed on Jan Kelly. City Engineer John Peterson responded that there are several issues out there and mopping the ditches would be a short-term fix to the problem. Any other remedies would have to go before Council and would be longer term more permanent fix.

2. Receive report on Memorial Villages Police Department issues, including status of budget, and take action and/or provide direction in connection therewith.

Police Commissioner Walker was in attendance along with Chief Bbye. Mr. Walker stated that the department is running well and everything is relatively calm. Chief Bbye said that they made a burglary arrest that should solve numerous cases around the area and there have no more burglaries since this arrest was made.

Mayor Nemeth questioned the proposed budget that was passed by the Commission. The Mayor stated that cutting the supplemental death benefit has been brought to his and other council members' attention. Mayor Nemeth discussed what the alternatives were and asked why the commission felt this was a necessary budget cut. Mr. Walker replied that this cut or another cut was necessary to keep the 14% threshold for retirement benefits. The supplemental death benefit would cost the three cities a total of \$2737.00.

Mayor Nemeth went on record and stated that Chris Walker does a very fine job of sticking to a budget.

Motion was made by Mayor Pro Tem Ebeling to authorize the expenditure for Piney Point Village's share of the \$2737.00 expenditure to be included in the MVPD Budget and request that the budget be taken back to the Police Commission and the other cities to have this item included.

The Motion was seconded by Councilmember Goodall,

Motion passed: all for (1 absent)

1. Receive report on Village Fire Department issues, including status of budget, and take action and/or provide direction in connection therewith.

Commissioner Zimmermann reported that the Fire Department has passed a flat budget for 2011. This budget reflects no raises for the men, the pension stayed the same and the capital fund for large equipment was not contributed to in this 2011 budget. The commission hopes to be able to again contribute to the capital fund starting in 2012.

Chief Berousek, Interim Fire Chief, is helping to evaluate what equipment is needed or will be needed in the next few years. Chief Berousek is working out well with the Fire Department, the morale in the department is up and there is mutual respect between the chief and the firemen. The Village Coop has selected a new agent for health insurance this year and will be searching for a less expensive policy. Mrs. Zimmermann requested that a letter be written from Piney Point to the Insurance Coop requesting that they explore joining the police department's insurance group.

3. Consider and take action on proposal for the tv'ing of 131 Radney Road Storm Sewer.

Mr. Peterson presented this item and reported that he went and looked at this property. There is a 24" pipe that is at ground level and pieces of it are exposed. They've built two new houses and have put bull rock on top of this corrugated pipe and there is a suspicion that this pipe has collapsed. The tv'ing will show us if there is a problem, where the problem is and where there are manholes that have been covered by flower beds and such. Cleaning out of the pipe will take place at this time also.

Motion by Councilmember Bender to approve an amount up to \$2650 for tving and cleaning out 131 Radney Road Storm Sewer.

The motion was seconded by Mayor Pro Tem Ebeling

Motion passed: all for

4. Consider and take action on choosing colors on Smithdale pavers for regular and handicap parking stalls.

John Peterson presented this item and asked for council opinion on the colors of the paver and recommended the antique red with pewter border. He also explained that the handicap spaces must be marked in blue, according to the ADA requirements. We can use blue brick or we could paint the brick blue with a pewter in-lay, although the blue brick is substantially more expensive per brick.

Mr. Peterson was instructed to bring back to the Council a rendition drawing of what this would look like when finished with the antique red for normal parking and crosswalk with pewter border and blue brick for handicapped parking stalls with the pewter handicap inlay.

5. Consider and take action to amend City Code Article II. Streets - Section 46-31. Motor vehicle areas; regarding parking in the City.

David Olson explained the reason for this item on the agenda. The current ordinance is a bit ambiguous and staff is asking for clarification on the intent. As written the current ordinance is hard to enforce. According to Police Chief Brye, it needs to be consistent all over the City.

Dr. Haber who lives on Magnolia Circle was in attendance and stated that parking on the street on Magnolia Circle is the reason that his neighborhood lost an old Magnolia tree and they are afraid of losing another.

David Olson will bring back a suggested ordinance at the next meeting after getting with Chief Brye and working something that will be satisfactory to all parties.

6. Consider and take action on approval of the mowing agreement with Bio Landscape.

Piney Point Village hasn't had a contract since 2006 and we've been billed at a monthly cost, so we asked for a contract price from three separate companies. We received three quotes and Bio Landscape came back with the lowest quote.

Motion was made by Councilmember Dodds to approve the contract with Bio Landscape for a two year contract.

The motion was seconded by Mayor pro Tem Ebeling

Motion passed: all for

7. Consider and take possible action to award a contract for the demolition of substandard structures located at 9A Woods Edge.

Mike Peloquin, Public Works Director presented bids that he has received to do the demolition at 9A Woods Edge. John Peterson stated that the first proposal received from Cherry Demolition was for the basic demolition but we added removal of the retaining wall and cut the fill behind the retaining wall to keep it stabilized and remove some of the fill to add the capacity back to the flood way. Hauling off that dirt and fill has increased the bid pricing.

Mr. Peterson recommends that a survey be done on the property, after the piers have been cut off at least 24" lower than lot grade, to locate the piers for future development. He also recommended that for inhibiting erosion purposes, hydro-mulching should be performed on the newly demolished lot.

Mr. George May, attorney for Bellagio requested that the Council allow the owner of the property to handle the demolition of the structure and making the lot sound for future development.

Mr. Shelton McDonald, attorney for the lender Third Coast Bank, concurred that it is in the best interest of the lender for the lot to be made suitable for redevelopment and for the lender and the owner to be held responsible for these efforts. The bank agrees to take responsibility for the demolition if the City decides that progress is not being made in a timely manner or sufficient manner.

Mayor Nemeth announced that Council would adjourn into Executive session at 7:20 p.m. regarding this matter.

13. *The City Council of the City of Piney Point Village may adjourn into closed executive session for discussion pursuant to Texas Local Government Code § 551.071 Consultation with City Attorney regarding 9A Woods Edge; and/or #4 Hedwig Court.*

At 7:31 p.m. Mayor Nemeth reconvened the meeting back into regular session.

Councilmember Joel Bender left the meeting at 7:33 p.m.

14. *Action, if any, out of executive session.*

Motion was made by Mayor Pro Tem Ebeling to allow the owner of the property or the lien holder be given until August 4, 2010 to deliver a new survey showing the location of the piers and to have pulled a demolition permit. The survey must show the location of the piers, the permit must provide the cutting of the piers 24" below grade, re-grading of the property and hydro-mulching the property. If compliance is met, they will be given three weeks to complete the work. Failing the August 4th deadline or the three weeks completion, Council authorizes Mayor Nemeth to enter into contracts for the survey and for the hydro-mulching not to exceed 6k, and for demolition of the structure. Motion was seconded by Councilmember Goodall.

Motion passed: all for (2) absent.

8. Consider and take action on approval of Resolution #10.07.26 authorizing participation in the Gulf Coast Coalition of Cities to review CenterPoint Energy Houston Electric LLC's requested rate change, hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals.

Motion was made by Councilmember Dodds to approve resolution #10.07.26
Motion was seconded by Mayor Pro Tem Ebeling

Motion passed: all for (2 absent)

RESOLUTION NO. 10.07.26

***RESOLUTION OF THE CITY OF PINEY POINT VILLAGE
APPROVING COOPERATION WITH THE GULF COAST
COALITION OF CITIES TO REVIEW CENTERPOINT
ENERGY HOUSTON ELECTRIC LLC'S REQUESTED RATE
CHANGE, HIRE LEGAL AND CONSULTING SERVICES
AND TO NEGOTIATE WITH THE COMPANY AND DIRECT
ANY NECESSARY LITIGATION AND APPEALS; FINDING
THAT THE MEETING AT WHICH THIS RESOLUTION IS
PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY
LAW; REQUIRING NOTICE OF THIS RESOLUTION TO
THE COMPANY AND LEGAL COUNSEL***

WHEREAS, on or about June 30, 2010, CenterPoint Energy Houston Electric ("CenterPoint" or "Company"), pursuant to PURA §§ 33.001 and 36.001 filed with the Public Utility Commission of Texas a Statement of Intent to change electric delivery rates and seeking a

\$94 million rate increase within its service area; and

WHEREAS, the City of Piney Point Village is served by CenterPoint and will cooperate with the Gulf Coast Coalition of Cities ("GCCC") in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, working with the GCCC to review the rates charged by CenterPoint allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, the GCCC has a nearly twenty year history of participation in Public Utility Commission dockets and projects, as well as court proceedings, affecting transmission and distribution utility rates in CenterPoint's service area to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, PURA § 33.023 provides that costs incurred by GCCC in ratemaking activities are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:

- 1. That the City is authorized to participate in the GCCC with other cities served by CenterPoint to coordinate efforts to protect the interests of the City and protect the interests of CenterPoint's end-use customers residing and conducting business within municipal limits.*
- 2. Subject to the right to terminate employment at any time, the City of Piney Point Village hereby authorizes the hiring of Thomas Brocato of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.*
- 3. That the City's reasonable rate case expenses shall be reimbursed by CenterPoint on a monthly basis.*
- 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.*
- 5. A copy of this Resolution shall be sent to CenterPoint, care of Stephen Bezecny, Director, Regulatory Relations, CenterPoint Energy, Inc., 1111 Louisiana St., Houston, Texas, 77002 and to Thomas Brocato, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.*

/s/ Peter G. Nemeth
PETER G. NEMETH, Mayor, City of Piney Point Village

ATTEST: /s/ Amanda Davenport

AMANDA DAVENPORT, City Secretary

9. Consider and take action on Mayor Nemeth's appointments to the Board of Adjustment.

Tabled by Mayor Nemeth

10. Discussion of Ordinance 941 and whether proposed street and drainage projects are proper expenditures for use of proceeds from 2005 Tax Notes.

Tabled by Mayor Nemeth

11. Consider and take action regarding the City of Piney Point Village entrance signs.

Tabled by Mayor Nemeth

12. Consider and take action on Minutes of meeting from June 28, 2010, July 12, 2010 and May 24, 2010.

Tabled until the Special meeting in August.

17. Discussion of procedures related to amending the Zoning Ordinance and approving a Specific Use Permit.

Mayor Pro Tem Ebeling moved to have a public hearing
Second by Councilmember Goodall

Motion passed: all for

15. Personnel Policy Workshop on General Policies, Employee Responsibilities and Employment Practices

Discussion ensued regarding the general policies, employee responsibilities and employment practices. Councilmember Dodds asked for more work on the chain of command portion and his concerns were addressed and explained that there is more to this manual than what is laid out in these few chapters.

16. Adjourn.

Motion to adjourn by Mayor Pro Tem Ebeling
Motion seconded by Councilmember Goodall

Motion passed: all for

PASSED AND APPROVED the 23rd day of August, 2010.

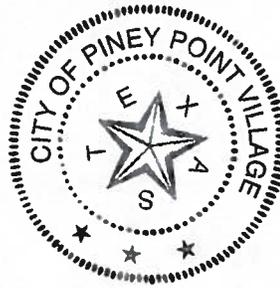
Peter G. Nemeth

Peter G. Nemeth
Mayor

Attest:

Amanda Davenport

Amanda Davenport
Amanda Davenport



**MINUTES of
THE CITY OF PINEY POINT VILLAGE
SPECIAL COUNCIL MEETING
MONDAY, AUGUST 9, 2010**

THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE MET IN A SPECIAL MEETING ON MONDAY, AUGUST 9, 2010 AT 6:00 P.M. AT CITY HALL, 7676 WOODWAY, SUITE 300 HOUSTON, TEXAS, 77063 TO DISCUSS THE AGENDA ITEMS LISTED BELOW.

DECLARATION OF QUORUM AND CALL TO ORDER Mayor Nemeth called the meeting to order. Those present were: Mayor Nemeth, Mayor Pro Tem Ebeling, Henry Kollenberg, Julie Goodall, Dale Dodds, Joel Bender, City Administrator Johnson, City Secretary Davenport, City Attorney David Olson and City Engineer John Peterson.

PLEDGE OF ALLEGIANCE Mayor Nemeth led the pledge to the United States flag.

CITY COUNCIL CALENDAR REVIEW – no changes

CITIZENS WISHING TO ADDRESS COUNCIL

Mrs. Mimi Korhonen who lives on Marchmont Street said that she is representing the residents of Marchmont Street and stated that she would like a timetable to take care of their drainage problems. She also asked if the city knows when HCFCD would be cleaning Soldier's Creek. Mike Peloquin has been in touch with Harris County regarding the cleaning of Soldiers Creek. Mr. Peterson, the City Engineer, addressed the Marchmont concerns.

Mr. Gene Werlin addressed council and reported that Kinkaid is trying to purchase the 24.6 acre tract of property adjacent to the school property.

Mr. Brian Savino who lives on Jan Kelly thanked the council for the surveying that he has watched taking place in his neighborhood and on Piney Point Manor. Mr. John Peterson gave an update regarding status on the ditch regrading in that area.

1. Consider and take action on the 2011 VFD proposed budget and receive update regarding status of the Village Fire Department.

Fire Commissioner Zimmermann reported to Council that the budget is flat and slightly under the 2010 budget. She stated that Piney Point Village's portion of the budget is 21%.

Motion was made by Councilmember Dodds to approve the 2011 VFD budget.

The Motion was seconded by Mayor Pro Tem Ebeling.

Motion passed: all for

Mrs. Zimmermann gave a summary of the progress that the Interim Fire Chief has made with the department and his evaluation of the department. Later this month the committee will be doing the assessment process with the candidates for the Fire Chief position.

8. Consider and take action on approval of Ordinance amending Article II of Chapter 46 thereof, providing for hours of prohibited parking on Magnolia Circle; and direct staff to place "No Parking Zone" signs at the entrance to Magnolia Circle.

This item was tabled at 6:22 p.m.

Dr. Haber came in at 7:21 and this issue was reopened.

Dr. Haber reported that he was in contact with the residents of Magnolia Circle and every resident was in agreement with this no parking plan.

Motion was made by Councilmember Dodds to approve Ordinance No. 2010.08.09. The Motion was seconded by Mayor Pro Tem Ebeling.

Motion passed: all for

ORDINANCE NO. 2010.08.09

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY ADDING A NEW SECTION 46-33 OF DIVISION I OF ARTICLE II OF CHAPTER 46 THEREOF, PROVIDING FOR THE PROHIBITION OF PARKING ON MAGNOLIA CIRCLE DURING THE HOURS OF 7:00 A.M. AND 4:00 P.M., MONDAY THROUGH FRIDAY; AND PROVIDING A PENALTY IN AN AMOUNT NOT LESS THAN ONE DOLLAR (\$1.00) NOR MORE THAN TWO HUNDRED DOLLARS (\$200.00); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PINEY POINT VILLAGE, STATE OF TEXAS:

Section 1. *The Code of Ordinances of the City of Piney Point Village, Texas is hereby amended by adding a new Section 46-33, Prohibited Parking, to Division I of Article II, of Chapter 46, hereof, to provide as follows:*

"46.33 Prohibited Parking.

- (a) *It shall be unlawful for any person, having registered in his name or owning or operating or having charge of any vehicle, to allow or permit the same to be parked or stopped upon Magnolia Circle between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday, except on school holidays and when school is not in session, when signs are in place giving notice of such prohibition ("No Parking Zones").*
- (b) *It is presumed that the registered owner of the motor vehicle is the person who parked or stopped the vehicle at the time and place of the offense charged; and the Texas Department of Motor Vehicles' computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.*

Section 2. *Any person violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00).*

Section 3. *All ordinances and parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.*

Section 4. *In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Board of Aldermen of the City of Piney Point Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.*

PASSED, APPROVED, AND ADOPTED on first and final reading this 9th day of August 2010.