

**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.*

/s/ Peter G. Nemeth  
Peter G. Nemeth  
Mayor

ATTEST:

/s/ Amanda Davenport  
Amanda Davenport  
City Secretary

2. Discussion and update regarding brick pavers and other results of construction on Smithdale.

City Engineer John Peterson presented a large colored print of the proposed parking area on Smithdale at the Elementary School. Discussion took place regarding the handicapped parking area, widening of the road including replacing the sidewalk and removing the hedges.

3. Consider and take action on amendment of sign ordinance to restrict location of signs with LED lights and calling for public hearing on same.

Mayor Nemeth explained that this item stems from the discussions that have been taking place in the Planning and Zoning Commission meetings.

This item died due to lack of motion.

4. Consider and take action on Mayor Nemeth's appointments to fill vacancies on the Board of Adjustment and to set or ratify the terms for all members.

Mayor Nemeth appointed Rob Potosky to the Board of Adjustment.

Mayor Pro Tem Ebeling made the motion to approve the appointment of Rob Potosky to the Board of Adjustment with his term ending in June of 2012.

The motion was seconded by Councilmember Bender

Motion passed: all for

Motion was made by Councilmember Dodds to confirm the terms for the Board of Adjustment for the current members of the Board.

The motion was seconded by Mayor Pro Tem Ebeling

Motion passed: all for

**BOARD OF ADJUSTMENTS**

**Full Members:**

Larry Chapman	term expired 01/2010 – re-appoint until 06/2012 – current Chair
Vickie Driscoll	term expires 05/2010 – re-appoint until 06/2012
Roland Sauermann	term expires 05/2010 – re-appoint until 06/2012
Kevin Risley	term expires 03/2010 – re-appoint until 06/2011
Scott Bender	term expires 11/14/2010 – re-appoint until 06/2011

**Alternate Members:**

John Brennan	re-appointed until 06/2011
Michael Cooper	re-appointed until 06/2011
Robert Potosky	appointed 08/09/10 - term to expire 06/2012
Vacancy	term to expire 06/2012

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

Mayor Nemeth summarized the reasons for this item on the agenda explaining that there is no question that street and drainage improvements are an authorized use for the tax notes. He also discussed the need for conducting a bond referendum election in November 2010 or May 2011. The City would utilize the two million dollars that is already in the bank for a seven million dollar drainage project on Piney Point Road,

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

Motion was made by Mayor Pro Tem Ebeling to approve the \$21,928.50 expenditure for the city entrance signs.

The motion was seconded by Councilmember Bender

Motion passed: 4 for; 1 against (HK)

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

Motion was made by Mayor Pro Tem Ebeling to approve the minutes.

The motion was seconded by Councilmember Dodds.

Motion passed: all for

9. Receive update and take action regarding 9A Woods Edge issue.

Building Official Arriaga stated that Bellagio pulled a permit on August 3, 2010. They dropped off a survey and Annette verified the permit with the MVWA and verified current insurance policy with their insurance company. Bellagio is aware of the 21 day deadline from that date and she stated that at this time all that has been done on the property is a bit of weed-eating.

10. 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.

No executive session at this time.

11. Action, if any, out of executive session.

No action was taken.

12. Fiscal Year 2011 Budget Workshop regarding General Revenues and General Government Expenses.

City Council entered the budget workshop and discussed general revenues and general government expenses of the City of Piney Point Village.

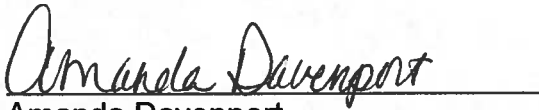
13. Adjourn.

The meeting was adjourned at 8:15 p.m.

Passed and approved this 23rd day of August, 2010.



Peter G. Nemeth  
Peter G. Nemeth  
Mayor



Amanda Davenport  
Amanda Davenport  
City Secretary

