

**MINUTES OF  
THE CITY OF PINEY POINT VILLAGE  
REGULAR COUNCIL MEETING  
MONDAY, FEBRUARY 28, 2011**

**THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE HELD A REGULAR MEETING ON MONDAY, FEBRUARY 28, 2011 AT 6:00 P.M. AT CITY HALL, 7676 WOODWAY, SUITE 300 HOUSTON, TEXAS, 77063 TO DISCUSS THE AGENDA ITEMS LISTED BELOW. ALL AGENDA ITEMS ARE SUBJECT TO ACTION.**

DECLARATION OF QUORUM AND CALL TO ORDER – Mayor Nemeth call the meeting to order and announced there was a quorum present at 6:01 p.m. all council members present except for Mr. Kollenberg at this time. Mr. Kollenberg arrived at 6:05 p.m.

PLEDGE OF ALLEGIANCE - The Pledge was led by Mayor Nemeth

CITY ANNOUNCEMENTS – City Administrator Johnson stated that the City has received the franchise checks from CenterPoint Energy.

CITIZENS WISHING TO ADDRESS COUNCIL – There were no citizens in attendance wishing to address the Council.

1. Consider and take action on the Memorial Villages Police Department monthly report.

Chief Gary Brye addressed council and gave the monthly report.

2. Consider and take action on the Village Fire Department report and workshop items regarding benefits.

Henry Kollenberg gave a report on the Village Fire Department and the recent benefits workshop.

3. Consider and take action on appointing Mr. Zeb Nash to be the Alternate Village Fire Commissioner for the City of Piney Point Village.

Mr. Kollenberg introduced Mr. Zeb Nash to Council.

Motion was made by Henry Kollenberg to appoint Mr. Nash as the alternate Fire Commissioner. The motion was seconded by Mayor Pro Tem Ebeling and the motion passed unanimously.

Mayor Nemeth expressed his appreciation to Janet Zimmermann and thanked her for the time she had spent as Fire Commissioner.

4. Consider and take action on bidding out project on Hermosa Court.

Motion was made by Council member Dodds to authorize to advertise for bids on Hermosa Court. The motion was seconded by Council member Goodall and the motion was passed unanimously.

5. Open public hearing regarding Special Use Permit requests from St. Francis and Memorial Drive Elementary.

Mayor Nemeth opened the public hearing at 6:27 p.m. Mr. Lair spoke on the behalf of the St. Francis school.

Annette Arriaga gave a summary of the Memorial Drive Elementary School request and reported the planning and zoning commission recommended approval of the special use permit.

Mayor Nemeth closed the hearing at 6:40 p.m.

6. Consider and take action on a Special Use Permit request from St. Francis.

Motion was made by Council member Goodall to approve the special use permit for St. Francis contingent on the approval from staff of the construction plans. Mayor Pro Tem Ebeling seconded the motion and the motion passed unanimously.

7. Consider and take action on a Special Use Permit request from Memorial Drive Elementary.

Motion was made by Mayor Pro Tem Ebeling to approve the MDE special use permit and the motion was seconded by Council member Goodall. The motion passed unanimously.

8. Consider and take action on Section 3 CDBG Housing Resolution.

Motion was made by Council member Dodds to approve Resolution 11.02.07 and the motion was seconded by Council member Bender. The motion passed unanimously.

*Resolution No. 11.02.07*  
*Section 3 Policy Resolution*

*A resolution of the City of Piney Point Village, Texas, to adopt a Section 3 Policy in accordance with 12 U.S.C. 1701u, (Section 3).*

*WHEREAS, the City's participation in the TxCDBG Program requires that it strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and by contracting with Section 3 residents and businesses within its jurisdictional boundaries in accordance with an adopted Section 3 Policy.*

*THEREFORE, the City Council hereby resolves to adopt a Section 3 Policy attached hereto and incorporated herein.*

*Passed and adopted by the City Council of The City of Piney Point Village, State of Texas, on the 7th day of February 2011.*

9. Consider and take action on Resolution 11.02.28 calling the May 2011 General City Council Election.

Motion was made by Council member Kollenberg to adopt Resolution 11.02.28A. The motion was seconded by Mayor Pro Tem Ebeling and was passed unanimously.

**RESOLUTION NO. 11.02.28**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AUTHORIZING A GENERAL MUNICIPAL ELECTION TO BE HELD ON MAY 14, 2011, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO ALDERMAN; APPOINTING ELECTION OFFICIALS; ESTABLISHING PAY RATES FOR ELECTION WORKERS; PROVIDING FOR THE USE OF DIRECT RECORDING VOTING DEVICES; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR EARLY VOTING HOURS AND PROVIDING AN EFFECTIVE DATE.**

10. Consider and take action on Ordinance number 2011.02.28A calling a bond election to be held within City of Piney Point Village on May 14, 2011; making provisions for the conduct of the election; and containing other provisions incidental thereto.

Motion was made by Mayor Pro Tem Ebeling to adopt Ordinance 2011.02.28A. The motion was seconded by Council member Bender and was passed unanimously.

**ORDINANCE NO. 2011.02.28A**

**ORDINANCE BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS, CALLING A BOND ELECTION TO BE HELD WITHIN SAID CITY ON MAY 14, 2011; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; AND CONTAINING OTHER PROVISIONS INCIDENTAL THERETO.**

*WHEREAS, this City Council of the City of Piney Point Village, Texas (the "City") deems it advisable to call the election hereinafter ordered; and*

*WHEREAS, it is hereby officially found and determined that holding the hereinafter called election on the date set forth below is in the public interest; and that said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.*

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:**

*Section 1. Election Ordered; Polling Place. An election shall be held between the hours of 7:00 A.M. and 7:00 P.M. on May 14, 2011, in the City. The polling place for the election on election day shall be:*

**MEMORIAL DRIVE ELEMENTARY SCHOOL  
11202 SMITHDALE ROAD  
HOUSTON, TEXAS 77024**

*Section 2. Election Judges. The Presiding Election Judge shall be Rob Potosky, and the*

*Alternate Presiding Judge shall be Cary Moran. The City Council approves and concurs in the appointment of the aforesaid election judges. The Presiding Judge shall appoint a sufficient number of qualified election clerks to serve and assist in conducting said election.*

*Section 3. Early Voting.*

*(a) Early voting by personal appearance shall be conducted at the early voting polling place which is:*

*PINEY POINT VILLAGE CITY HALL  
7676 WOODWAY DRIVE, SUITE 300  
HOUSTON, TEXAS, 77063.*

*(b) Early voting by personal appearance shall take place on weekdays beginning May 2, 2011 and ending May 10, 2011 from 8:00 am to 4:00 pm, except that on Monday May 9, 2011 and Tuesday May 10, 2011, early voting by personal appearance will be conducted from 7:00 a.m. to 7:00 p.m.*

*(c) The Early Voting Clerk for said election shall be Amanda Davenport, City Secretary.*

*d) Applications for early voting by mail shall be delivered to the Early Voting Clerk at the following address:*

*PINEY POINT VILLAGE CITY HALL  
ATTN: EARLY VOTING CLERK  
7676 WOODWAY DRIVE, SUITE 300  
HOUSTON, TEXAS, 77063*

*Section 4. Early Voting Ballot Board. An early ballot board is hereby created to process early voting results, and Diane Wege is hereby appointed the presiding judge of such board. The Presiding Judge shall appoint at least two other members of the Board.*

*Section 5. Electors. All resident, qualified electors of said City shall be entitled to vote at said election.*

*Section 6. Notice of Election. (a) Notice of said election shall be given by posting an election notice on the bulletin board used for posting notices of the meetings of the City Council, and at three other places in said City, not less than 21 days prior to the date set for said election; and an election notice and sample ballot also shall be published on the same day in each of two successive weeks in a newspaper of general circulation published in said City, the date of the first publication to be not earlier than the 30th day or later than the 14th day prior to the date set for said election.*

*(b) Such notice, as posted and published, shall include and constitute a schedule stating the location of the temporary branch early voting polling places for said election, the election precincts served by the temporary branch polling places and the dates and hours that temporary branch voting will be conducted.*

*(c) The City Council shall cause the City Secretary to deliver notice of the election to the Harris County Clerk and Voter Registrar of Harris County not later than the 60th day before election day.*

*Section 7. Proposition. At said election the following PROPOSITION shall be submitted in accordance with law:*

**PROPOSITION**

*Shall the City Council of the City of Piney Point Village, Texas, be authorized to issue the bonds of said City, in one or more series or issues, in the aggregate principal amount of \$8,000,000, with the bonds of each such series or issue to mature within not to exceed 40 years from their date, and to be sold at such prices and bear interest at such rates as shall be determined within the discretion of the City Council, for the public purpose of designing, engineering and constructing citywide storm water drainage and flood control improvements,*

*including related paving, sidewalks, and utility relocation incident to such improvements, and the acquisition of land and interests in land necessary for said improvements, and shall said City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes in an amount sufficient to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?*

*Section 8. Ballot. That the official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITION, with the ballots to contain such provisions, markings and language as required by law, and with such PROPOSITION to be expressed substantially as follows:*

*4*

*PROPOSITION*

*FOR ) THE ISSUANCE OF 8,000,000 TAX BONDS FOR STORMWATER  
DRAINAGE AND FLOOD CONTROL IMPROVEMENTS*

*AGAINST )*

*Section 9. Conduct of Election. In all respects said election shall be conducted in accordance with the Texas Election Code. Pursuant to the federal Help America Vote Act and the Texas Election Code, each polling place shall be provided at least one voting system equipped for individuals with disabilities.*

*Sufficient voting equipment to accommodate the voters shall be provided for early voting and at each of the polling places on election day.*

*Section 10. Effectiveness. In accordance with the provisions of Texas Government Code, Section 1201.028, this Ordinance shall be effective immediately upon its adoption by the City Council.*

11. Consider and take action on an ordinance number 2011.02.28B authorizing the issuance of City of Piney Point Village, Texas, General Obligation Refunding Bonds; establishing procedures for the sale and delivery of the bonds; levying an annual ad valorem tax for the payment of said bonds; providing an effective date; and enacting other provisions relating to the subject.

Motion was made by Mayor Pro Tem Ebeling to approve Ordinance 2011.02.28B to refinance bonds. The motion was seconded by Council member Kollenberg and was passed unanimously.

*Ordinance No. 2011.02.28B*

*AUTHORIZING THE ISSUANCE OF CITY OF PINEY POINT VILLAGE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF THE BONDS; LEVYING AN ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT*

12. Consider and take action on calling a public hearing on April 25 to discuss future drainage plans.

Motion was made by Mayor Pro Tem Ebeling to hold a public meeting on April 25, 2011 at Memorial Drive Elementary Cafeteria. The motion was seconded by Council member Bender and was passed unanimously.

13. Consider and take action on minutes from the January 24, 2011 City Council meeting.

Motion was made by Council member Bender to approve the minutes as presented. The motion was seconded by Council member Kollenberg and was passed unanimously.

14. Consider and take action to appoint Special Counsel for the City of Piney Point concerning the Kemwood drainage issue with Hunter's Creek Village.

Motion was made by Council member Goodall to approve Mr. Abrams for purposes of special counsel for this executive session. The motion was seconded by Mayor Pro Tem Ebeling and passed unanimously.

15. 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 Drainage Issues.


The Council adjourned into Executive session at 7:15 p.m.  
The Council reconvened at 9:00 p.m. into regular session.

16. Consider and take action, if any, out of executive session.

Motion was made by Council member Kollenberg to authorize Mayor Nemeth to contract with special counsel at his discretion. The motion was seconded by Council member Goodall and passed unanimously.

17. The meeting was adjourned at 9:02 p.m. with a motion by Council member Kollenberg and a second by Council member Goodall. Motion passed unanimously.

PASSED AND APPROVED THIS 28<sup>th</sup> DAY OF MARCH, 2011

  
\_\_\_\_\_  
Peter G. Nemeth  
Mayor

  
\_\_\_\_\_  
Amanda Davenport  
City Secretary

