

**MINUTES OF  
CITY COUNCIL MEETING  
CITY OF PINEY POINT VILLAGE  
7676 Woodway, Suite 300  
Tuesday May 24, 2010**

**DECLARATION OF QUORUM AND CALL TO ORDER**

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

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

**CITY ANNOUNCEMENTS** – There were no announcements at this time.

**CITIZENS WISHING TO ADDRESS COUNCIL** – No citizens requested to address council.

2. Receive monthly report from Police Commissioner Chris Walker.

Police Commissioner Chris Walker reported to Council that there has been no major criminal activity in Piney Point and that the police department is running smoothly. He also stated that the budget process has been started along with work on the health insurance plan.

Police Chief Gary Brye was in attendance and stated that they are working on maintaining a flat budget for the 2011 fiscal year as requested by Bunker Hill and Hunter's Creek Villages. He also said that a draft budget would be presented at the June 21, 2010 Commissioner's meeting. Traditionally the budget is approved at the regular July meeting of the Police Commissioners and submitted to the Villages for approval by July 31.

3. Receive April 2010 financial reports from City Administrator Johnson.

City Administrator Johnson reported that the revenues are over the projected budget and that the expenses for this time of the year are right on track and the finances are looking good.

She also stated that the Municipal Court Clerk will start including a monthly report in the Council packet regarding court activity.

5. Consider and take possible action on approval of City's contract with Erosion Control Systems regarding 8B and 9A Woods Edge drainage pipe project.

The motion was made by Councilmember Kollenberg to approve the Mayor to sign the agreement and make any corrections as he sees necessary.

The motion was seconded by Councilmember Goodall

Motion passed: all for

1. Consider and take possible action on update from Fire Commissioner Janet Zimmermann regarding the Villages Fire Department.

Fire Commissioner Zimmermann stated that the Fire Commission met last week and passed a preliminary draft flat budget. This budget does not include any raises for the Firefighters and does not include the annual contribution to the fund for the rolling stock that allows the department to buy major equipment. There will be a meeting on June 7 at Hilshire City Hall to review this budget with the Mayors and anyone else that would like to attend.

Mrs. Zimmermann also stated that there will be a meeting on June 3<sup>rd</sup> to discuss the candidates for the Fire Chief position. She reported that the morale among the men is very low and it is imperative that this position is filled as soon as possible.

4. Consider and take possible action regarding property at 9A Woods Edge Lane.

A summary from Claunch & Miller, the city's engineer of record was read to council setting out Raj Patel's findings from the reports and information that Bellagio had provided to him, according to the terms of the Order that was set out at the April 26, 2010 Council meeting. Mr. Patel stated that in his opinion, the report doesn't seem to be complete and some information was completely left off.

11. 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 fencing issues at 4 Hedwig Court and property issues at 9A Woods Edge Lane.

Mayor Nemeth announced that City Council would adjourn into executive session regarding this matter at 7:18 p.m.

The City Council re-convened into regular session at 7:33 p.m.

12. Action, if any, as a result of the executive session.

Action from the executive session is set out in item #4 above Mayor Nemeth inquired from both the builder's engineer and the city's engineer if, according to the evidence that has been presented today along with everything presented to Council, can the council conclude that the piers as they stand today are structurally viable for continued construction. The Builder's engineer answered "not all of them" and the city's engineer answered "no".

Mayor Nemeth inquired, again from both engineers, if the builder has presented the city's engineer with an acceptable plan for repair for those piers and both engineers answered "no".

The Motion was made by Councilmember Dodds that from the information presented here today, the Council cannot conclude that the piers are structurally viable.

The motion was seconded by Councilmember Goodall

Motion passed: all for

The Motion was made by Councilmember Bender concluding that the builder has not presented our engineer with an acceptable plan for repairs of the existing piers

The motion was seconded by Councilmember Goodall

Motion passed: all for

Mayor Nemeth explained that when the order was issued on April 26, the Council left itself only three options. The Council is bound by that Order and those three options. The only option that applies according to the evidence presented tonight is the third option which is demolishing the structure. Mr. John Peterson explained the best way to demolish the existing structure so the property isn't damaged permanently. A permit will be required from the City for demolition and a plan for demolishing will be required before the permit is issued.

The Motion was made by Councilmember Dodds that City council has found that the substandard structures are not structurally viable for continued construction and the integrity of such structure is deemed unacceptable and there being no plan for repair having been presented that is acceptable to the city's engineers and to the City that the owner shall demolish the structures within thirty days from today's date. If the owner fails to comply with this demolition order, the City may demolish the structures and access all expenses incurred and file a lien reflecting such expenses on the property.

The motion was seconded by Mayor Pro Tem Ebeling

Mr. Emerson, the property lien-holder, asked the Council for reconsideration and asked if there was any appeal process available.

Motion passed: all for

6. Consider and take possible action on the approval of the Hedwig Bridge replacement that was designed by TXDOT's Engineers.

John Peterson presented this item to Council. He stated that the plans have been reviewed and approved. Mr. Peterson pointed out that the guardrail will be a standard TXDOT guardrail and due to the shape of the ditch along Hedwig, they have elected to run the guardrail all along the side of it, which will be a very long guardrail.

The Motion was made by Councilmember Kollenberg to authorize Mayor Nemeth to sign the appropriate documentation to approve the plans. The motion was seconded by Mayor Pro Tem Ebeling

Motion passed: all for

7. Consider and take action on reducing length of probation period for Public Works/Code Officer Mike Peloquin.

The motion was made by Mayor Pro Tem Ebeling to end the probation period with the five thousand dollar increase effective May 24, 2010. The motion was seconded by Councilmember Goodall

Motion passed: 4 for; 1 against (Kollenberg)

8. Consider and take action on electing a Mayor Pro Tem.

The Motion was made by Councilmember Kollenberg to nominate John Ebeling for Mayor Pro Tem  
The motion was seconded by Councilmember Dodds

Motion passed: all for

9. Consider and take possible action on approval of renovations to office space at City Hall.

After lengthy discussion, it was decided that Councilmember Bender will talk to the current building management regarding lease renewal.

10. Consider and take action on approval of City Council meeting minutes from May 11, 2010.

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

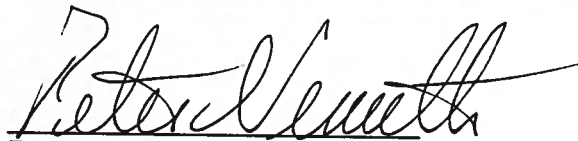
The motion was seconded by Mayor Pro Tem Ebeling

Motion passed: all for

13. The motion was made by Mayor Pro Tem Ebeling to adjourn at 8:13 p.m.  
The motion was seconded by Councilmember Bender

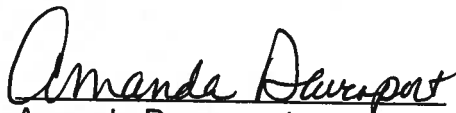
Motion passed: all for

PASSED and approved this 26<sup>th</sup> day of July, 2010.



Peter G. Nemeth  
Mayor

Attest:



Amanda Davenport  
City Secretary

