

**MINUTES  
THE CITY OF PINEY POINT VILLAGE  
REGULAR COUNCIL MEETING  
MONDAY, AUGUST 26, 2019**

**THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE MET IN A REGULAR MEETING ON MONDAY, AUGUST 26, 2019 AT 6:30 P.M. AT CITY HALL, 7676 WOODWAY, SUITE 300 HOUSTON, TEXAS, 77063 TO DISCUSS THE AGENDA ITEMS LISTED BELOW.**

**COUNCIL MEMBERS PRESENT:** Mayor Mark Kobelan, Michael Herminghaus, Henry Kollenberg, Brian Thompson

**ABSENT:** Dale Dodds, Joel Bender

**CITY STAFF:** Roger Nelson, City Administrator; Karen Farris, City Secretary; Annette Arriaga, Director of Planning & Development; David Olson, City Attorney; Joe Moore, City Engineer

**DECLARATION OF QUORUM AND CALL TO ORDER**

Mayor Kobelan called the meeting to order at 6:31 p.m.

**PLEDGE OF ALLEGIANCE**

**CITIZENS WISHING TO ADDRESS COUNCIL** – *At this time, any person with city related business may speak to the Council. In compliance with the Texas Open Meetings Act, if a member of the public comments or inquiries about a subject that is not specifically identified on the agenda, a member of Council or a Staff Member may only respond by giving a statement of specific factual information or by reciting existing policy. The City Council may not deliberate or vote on the matter.*

There were no citizens wishing to address council.

- 1. Discuss and take possible action on the MVPD monthly report to include: Discussion and possible action on proposed amendment to the Interlocal Agreement for the Memorial Villages Police Department related to intra-budget transfers of funds.**

Commander Eric Jones presented the monthly report. For the month of July, the City of Piney Point had a total of 4,450 calls, 3,955 House Watches, 4 traffic accidents, 322 citations; and the response time was 3 minutes and 56 seconds. The police department has 2 openings and is moving forward with contracts for body worn cameras and in-car video equipment.

Commissioner Huguenard announced one additional item that needed approval. The Board of Commissioners voted to recommend adoption of a proposed amendment to the MVPD Interlocal Agreement which revises the provision governing the approval requirements for intra-budget transfers. The existing agreement allows the Board of Commissioners the authority to approve intra-budget

transfers of \$10,000 or less without the approval of the three member cities. Under the proposed amendment, the authority is increased to an amount equal to 1% or less of the approved annual budget. A new requirement is added that any such transfer must be approved by a unanimous vote of the Board of Commissioners at a meeting at which all three cities are represented.

Council Member Kollenberg made a motion to approve the Interlocal Agreement Amendment and authorize the Mayor to sign. Council Member Herminghaus seconded the motion and it passed unanimously.

**2. Discuss and take possible action on the VFD monthly report:**

Chief Foster presented the monthly report. Year to date there have been 104 fire type calls, 83 EMS calls; 27 of the 83 EMS calls have been life threatening calls. For the response times the national standard has been 6 minutes 30 seconds. The Village Fire Department response time has been 3 minutes 39 seconds for the first unit on the scene. For Fire type calls, there have been 10 life threatening calls. The response times have all been below the national standard.

The Fire Department did not have a maternity policy in place. A policy has been created and will be on the next Commission Agenda. The Fire Department also will have on the agenda a request to approve the purchase of a replacement fire engine.

**Discussion and possible action to approve Amendment #5 to the Village Fire Department Interlocal Agreement to authorize the Village Fire Department to enter into a fire protection and emergency services contract with the City of Bunker Hill Village.**

There was discussion. Council Member Kollenberg made a motion to authorize the Mayor to sign Amendment #5 to the Village Fire Department Interlocal Agreement to authorize the Village Fire Department to enter into a fire protection and emergency services contract with the City of Bunker Hill Village. Council Member Thompson seconded the motion and it passed unanimously.

**Discussion and possible action to approve a mutual release agreement with the cities of Bunker Hill Village, Hedwig Village, Hilshire Village, Piney Point Village, and Spring Valley Village concerning the release of certain potential claims associated with the dispute over the relationship of Bunker Hill Village to the Village Fire Department.**

Council Member Kollenberg made a motion to approve and authorize the Mayor to sign when appropriate a mutual release agreement with the Cities of Bunker Hill Village, Hedwig Village, Hilshire Village, Piney Point Village, and Spring Valley concerning the release of certain potential claims associated with the dispute over the relationship of Bunker Hill Village to the Village Fire Department. Council Member Thompson seconded the motion and it passed unanimously.

**2019 Budget Amendment**

Council discussed the budget amendment. Council Member Kollenberg made a motion to approve VFD to retain \$130,829 surplus funds per the 2018 Audit. \$70,000 to be retained in the 2019 budget as an amendment to replace dispatch

software and approximately \$60,829 to be placed in the Facility Fund. Council Member Thompson seconded the motion and it passed unanimously.

### **2020 Proposed Budget Approval**

Council Member Kollenberg made a motion to approve the proposed 2020 Budget. Council Member Herminghaus seconded the motion and it passed unanimously.

Council Member Kollenberg wished to reflect in the minutes that City Council has indicated their strong support for both the ongoing renovation and for the proposed resolution of the documented issue.

### **Discussion and possible action to consider consenting to the law firm of Olson & Olson, LLP, acting as intermediary for the cities of Bunker Hill Village, Hilshire Village, Hunters Creek Village, Piney Point Village, and Spring Valley Village in connection with the dispute over the relationship of Bunker Hill Village to the Village Fire Department.**

The City Attorney explained that acting as intermediary allows Olson & Olson to review the documents and to provide thoughts and opinions. Olson & Olson will not engage in any negotiations. There was discussion regarding the use of the word "intermediary". It was understood that intermediary was a legal scrivener to advise on the use of words. The City Attorney explained that if Olson & Olson's role ever shifts to something other than legal advise on words, the City Attorney will advise the Mayor to rescind consent and no party will be able to participate in this agreement. Council Member Kollenberg made a motion to approve, with the condition that Olson & Olson acting as intermediary will advise on the use of words only, for the cities of Bunker Hill Village, Hilshire Village, Hunters Creek Village, Piney Point Village, and Spring Valley Village in connection with the dispute over the relationship of Bunker Hill Village to the Village Fire Department. Council Member Thompson seconded the motion and it passed unanimously.

### **3. Discuss and take possible action on a proposed property tax rate of 0.255140 per \$100, the proposed 2020 budget and setting the dates for the City's required tax rate hearings and tax rate vote**

Council Member Herminghaus made a motion to approve the 2019 Proposed Property Tax Rate of \$0.25514 per \$100 of value. The rate has remained at this level since the 2013 tax year. Based on the estimate from Spring Branch ISD, the proposed rate will generate \$7,141,171 in revenues. Council Member Thompson seconded the motion. The roll call vote was as follows:

Council Member Thompson	-	Aye
Council Member Herminghaus	-	Aye
Council Member Kollenberg	-	Aye

The motion passed unanimously.

Council Member Herminghaus made a motion to approve the schedule of two public hearings for the tax rate and the budget. The first public hearing is September 16<sup>th</sup> at Ecclesia Church at 6:30 p.m. The second public hearing is September 19<sup>th</sup> at

5:30 p.m. at Ecclesia Church. Council Member Thompson seconded the motion and it passed unanimously.

Council Member Kollenberg made a motion to schedule the date and location for approval of the tax rate and the budget. These items will be a part of the September 23<sup>rd</sup> City Council Meeting to be held at 6:30 p.m. at Memorial Drive Elementary School. Council Member Thompson seconded the motion and it passed unanimously.

**4. Discuss and take possible action on pothole at North Piney Point Road and Greenbay**

There was discussion regarding repairs to potholes in various locations throughout the City of Piney Point Village. Council Member Kollenberg made a motion to approve the proposal from AAA Asphalt Paving for a total of \$15,975. Council Member Thompson seconded the motion and it passed unanimously.

**5. Discuss and take possible action on Arbor Day event proposed for October 12, 2019.**

The City Forester, Cary Moran was present to discuss setting Arbor Day for October 12, 2019. The estimated cost is \$650 for 50 five-gallon trees that will be given away at the event. There will be a \$50 fee for delivering the trees. Funds are available in the City's Budget under Community Celebrations. The event will be held at Ecclesia Church from 10 a.m. to Noon. Council Member Kollenberg made a motion to approve October 12, 2019 as Arbor Day, and to approve the budget for Arbor Day. Council Member Kollenberg also thanked Cary Moran for serving as the City Arborist. Council Member Thompson seconded the motion and it passed unanimously.

**6. Discuss and take possible action on Signal Light requests**

Council discussed considering:

- Installing a left turn permitted on flashing yellow light at the intersection of Blalock/Memorial/South Piney Point. This was a Council discussion item during the July 22<sup>nd</sup> meeting.
- Replacing existing green right arrow with a full green light fixture at the intersection of San Felipe and Stillforest. This item was requested by a Stillforest resident in order to reduce the amount of turning onto Stillforest.
- Installing a left turn permitted on flashing yellow light at the intersection of Farnham Park and San Felipe. This item was requested by a Farnham Park resident that indicated that residents routinely wait to turn left when there are no vehicles travelling from the west on San Felipe.

This item was tabled.

**7. Mayor's Report**

Mayor Kobelan reported that Kinkaid School planted Japanese Ewes along the fence as was required and it looks good.

**8. Discuss and take possible action on the City Administrator's monthly report, including but not limited to:**

- July 2019 Financials

The City Administrator reported working on the budget and securing the actual amount of revenue received each year. There will be discussions with the auditor and the company that performs the monthly bank reconciliations vs. what SBISD is stating the amount of revenue received each year.

**9. Discuss and take possible action on the City Engineer's monthly report**

- **Surrey Oaks Paving & Drainage Improvements:** currently out for bid; bid opening is scheduled for September 12<sup>th</sup>, at 10:00 a.m. Submit for Council approval at the next Council Meeting. Construction starting in October.
- **Beinhorn Drainage & Sidewalk Improvements Project:** The design phase is nearly complete. The plans have been submitted to the Memorial Village Water Authority for review. This is a separate agenda item.
- **Wilding Lane Drainage & Paving Improvements Project:** The PER is being presented in a separate agenda item.
- **City of Houston – Windermere Project:** The City of Houston reported they have begun the condemnation process to resolve issues with #17 Windermere. The process may take 4-6 months. The City of Houston plans on asking the contractor to demobilize and remove their equipment from the site as well as reestablish an 8-foot tall wooden fence along the easement at #18 Windermere.
- **2019 Maintenance Project (#2 White Pillars & various concrete point repairs):** HDR has processed the survey data and drawn backgrounds in CADD.
- **Illuminated Crosswalk Signage:** Council approved the installation of the illuminated crosswalk signage at the previous Council meeting depending upon a 50/50 split in cost with the City of Bunker Hill Village. The City Engineer will contact the City of Bunker Hill Village regarding a timeline.
- **North Piney Point Road Asphalt Repair:** previously discussed regarding small pothole
- **Future Projects:** potential streets for paving improvements
- **Current Anticipated Piney Point Project Schedules**
  - Surrey Oaks Paving & Drainage Improvements:** Anticipated start date is October
  - Beinhorn Drainage & Sidewalk Improvements Project:** Anticipated start date is November
  - Wilding Lane Drainage & Paving Improvements Project:** Will be discussing tonight.
  - 2019 Maintenance Project (#2 White Pillars & Various Concrete Point Repairs):** Construction should begin in January.

**Council moved Agenda Item #12 after Agenda Item #9**

**12. Discuss and take possible action on Wilding Lane Drainage and Paving Improvements PER Presentation**

The City Engineer presented the Preliminary Engineering Report (PER) and has completed 30% design for the Wilding Lane Drainage and Paving Improvements Project. There was discussion. No action was taken.

**10. Discuss and take possible action on request to advertise and bid Beinhorn Drainage and Sidewalk Improvements**

HDR completed the design of the Beinhorn Drainage and Sidewalk Improvements Project and is requesting permission to advertise and bid the Contract Documents. Terrie Lenert of 11320 Bothwell Way was present to discuss trees, their roots and the growth of the roots and potential damage to the trees and roots from digging open trenches or ditches. Council Member Kollenberg made a motion to authorize to advertise and bid the Beinhorn Drainage and Sidewalk Improvements Project. Council Member Thompson seconded the motion and it passed unanimously.

**11. Discuss and take possible action on authorizing Bidding Phase Services for Beinhorn Draining and Paving Improvements Project**

Council Member Kollenberg made a motion to authorize the Bidding Phase Services for the Beinhorn Drainage and Paving Improvements Project. Council Member Herminghaus seconded the motion and it passed unanimously.

**13. Discuss and take possible action on the minutes of the July 22, 2019 Council meeting.**

Council Member Herminghaus made a motion to approve the minutes of the July 22, 2019 Council Meeting. Council Member Thompson seconded the motion and it passed unanimously.

**14. Discuss and take possible action on any future agenda items, meeting dates, etc.**

The City Engineer will provide dates for Wilding Lane and Surrey Oaks at a later date.

**15. EXECUTIVE SESSION: The City Council will adjourn into closed executive session pursuant to Section 551.071 of the Texas Government Code (CONSULTATION WITH ATTORNEY), specifically regarding pending and potential litigation; and pursuant to Section 551.072 of the Texas Government Code**

Executive Session was not needed.

**16. Action outside of Executive Session, if any**

N/A

**17. Adjourn**

Council Member Thompson made a motion to adjourn. Council Member Herminghaus seconded the motion and it passed unanimously. The meeting adjourned at 8:44 p.m.

**PASSED AND APPROVED this 23rd day of September, 2019**

  
Mark Kobelan  
Mayor



  
Karen Farris  
City Secretary