

**MINUTES OF A CITY OF PINEY POINT VILLAGE REGULAR COUNCIL MEETING ON MONDAY, FEBRUARY 24, 2025, AT 6:00 P.M. AT 7660 WOODWAY DR. SUITE 460, HOUSTON, TEXAS.**

**Councilmembers Present:** Aliza Dutt, Michael Herminghaus, Dale Dodds, Joel Bender, and Margaret Rohde (via Zoom, Telephone).

**Councilmembers Absent:** Jonathan Curth.

**City Representatives Present:** Bobby Pennington, City Administrator; David Olson, City Attorney; Police Commissioner; Ray Schultz, Police Chief; Henry Kollenberg, Fire Commissioner; Timothy Miller, Deputy Fire Chief; John Peterson, City Engineering; Gracie Moylan, City Engineering; and Annette Arriaga, Development Services Director; Frederick Johnson, Public Works Manager; and Celina Rodriguez, Municipal Clerk.

**Call To Order**

At 6:04 p.m., Mayor Aliza Dutt declared a quorum and called the meeting to order.

**Pledge of Allegiance**

The Council led the Pledge of Allegiance to the United States of America Flag.

**Citizens Wishing to Address Council**

- Kathryn Smyser (Wickwood) shared her intention to learn about maintenance requests for the local drainage tributaries leading to the bayou.
- Ron Coben (Raintree) announced he favors the proposed leash law.
- Michael Cooper (Raintree) announced he favors the proposed leash law and would like to hear about the Ecclesia Church compliance issues related to the fenced area designated for dog enclosure and restrictions on frisbee golf course hours.
- Kitty Oldham (Jan Kelly) announced she does not favor changing the current dog ordinance.
- Betsy McKean (Lanecrest) supports using an e-collar. Furthermore, leash use will deter community interactions.

**Agenda Items**

- 1. Consideration and possible action on a resolution (RES 2025.02) to designate a municipal court clerk and perform the Oath of Office.**
  - The City Administrator announced that Celina Rodriguez officially took her Oath of Office and Anti-bribery statement before the meeting, witnessed under legal protocol requirements.
  - Councilmember Herminghaus moved to approve the Resolution 2025.02 to designate Celina Rodriguez as the Municipal Court Clerk for Piney Point Village. Dodds seconded the motion.  
AYES: Herminghaus, Dodds, and Bender.  
NAYS: None.  
Absent: Rohde.
  - The motion carried, 3-0.
  
- 2. Consideration and possible action on approval of the Council Meeting Minutes held on January 27, 2025.**
  - A typographic correction was identified in the draft regarding Citizens Wishing to Address Council.

- Councilmember Herminghaus proposed approving the minutes from the Council Meeting on January 27, 2025, with the noted correction. Bender seconded the motion.  
AYES: Herminghaus, Dodds, and Bender.  
NAYS: None.  
Absent: Rohde.
- The motion carried, 3-0.

**3. Consideration and possible action on the Memorial Villages Police Department: a) Update on activities, b) 2024 Racial Profiling Data and Report.**

- Chief Schultz provided the most recent update for the monthly report, outlining information on various organized burglaries. In January, the MVPD responded to and handled 1,525 calls and incidents for Piney Point Village alone. Additionally, 1,122 house watch checks were conducted, and 290 citations, with 134 as warnings, were issued during this period.
- Chief Schultz presented the 2024 Racial Profiling Report.
- Councilmember Bender motioned to accept the 2024 Racial Profiling Data and Report. Dodds seconded the motion.  
AYES: Herminghaus, Dodds, and Bender.  
NAYS: None.  
Absent: Rohde.
- The motion carried, 3-0
- No further formal actions were taken.

**4. Consideration and possible action on the Village Fire Department, including (a) Updates on activities.**

- In January, the VFD responded to and handled 144 calls and incidents across all cities. Piney Point Village accounted for 16 of those calls.
- Deputy Chief T. Miller and Commissioner Kollenberg reported on various VFD activities, including the confirmation of the insured ladder truck with a \$2 million replacement value.
- No further actions were taken into consideration.

**➔ *The council agreed to change the order of discussion items and addressed Item #6 at approximately 6:41 PM.***

**6. Discussion and possible action regarding the Ecclesia Church Specific Use Permit, addressing compliance issues related to the fenced area designated for dog enclosure, trolley bus storage, and restrictions on frisbee golf course hours.**

- Ecclesia COO Ron Smith addressed the council regarding the fenced area designated for dog enclosure, trolley bus storage, and the restrictions on frisbee golf course hours.
- Marget Rohde logged in on Zoom at 6:45 PM.
- After several questions about the fenced areas and the trolley bus, Michael Herminghaus made a motion to request that the city ask Ecclesia to remove the dog park and the trolley within 30 days; Furthermore, the Church apply for a fence permit for the playground and a permit for the frisbee golf course during daylight hours. Council Member Dodds seconded the motion.
- Discussion on the motion commenced, during which council members suggested possible amendments; however, no amendments to the main motion were approved.

- The calls for a vote on the main motion passed with a 3-0 tally, along with the following outcome:
  - AYES: Herminghaus, Dodds, and Bender.
  - NAYS: None.
  - Abstain: Rohde. She noted she was not present for the full duration of the conversation.

**5. Consideration and possible action on an ordinance (ORD. 2025.02-A) of the City of Piney Point Village, Texas, amending Chapter 6, Article III, Division 2, Section 6-99, Failure to Control Dogs of the code of ordinances regarding controlling a dog under leash.**

- The City Administration provided background and statistical information, as several citizens had requested this data during the original public hearing.
- Chief Schultz addressed questions about the leash law from a law enforcement standpoint, covering using an e-collar.
- Dale Dodds contacted several village residents, reporting that the majority favor the leash law.
- Bender observed that, based on the feedback received, residents desire additional forms of control and are amenable to implementing the electronic collar, provided it is appropriately utilized.
- Rohde agrees with Bender about including the e-collar in the proposed leash ordinance.
- Councilmember Herminghaus proposed a motion to approve Ordinance (ORD. 2025.02-A) of the City of Piney Point Village, Texas, which amends Chapter 6, Article III, Division 2, Section 6-99, concerning the failure to control dogs. This amendment addresses the requirement for dogs to be leashed, excluding any e-collar provision. Dodds seconded the motion.
  - AYES: Herminghaus and Dodds.
  - NAYS: Bender and Rohde.
  - Abstain: Dutt.
- The motion fails, 2-2.
- Councilmember Rohde proposed a second motion to approve Ordinance (ORD. 2025.02-A) of the City of Piney Point Village, Texas, which amends Chapter 6, Article III, Division 2, Section 6-99 regarding the failure to control dogs with the e-collar provision and further amending “c, 2” as proposed by legal counsel. Bender seconded the motion.
  - AYES: Bender and Rohde.
  - NAYS: Herminghaus and Dodds.
  - Abstain: Dutt.
- The second motion fails, 2-2.
- Bender asked for the item to be included in the next agenda so that the entire council can cast their votes. No additional actions were taken.

**7. Consideration and possible action on City Engineering; a) Chuckanut Drainage & Paving Improvements; b) Drainage Criteria; c) Shadow Way Court Drainage Improvements; d) Windermere Outfall; e) 2023 Paving Improvements Change Order; f) 2023 Paving Improvements Material Testing; g) Engineer’s Report.**

- **Recommendation (1)**: Councilmember Dodds moved to approve the costs for redesigning the Chuckanut Drainage and Paving Improvements, contingent upon full reimbursement from the homeowner for the extra expenses. Bender seconded the motion. The motion passed with the following results:
  - AYES: Herminghaus, Dodds, Rohde and Bender.
  - NAYS: None.

- The resident at 11317 Greenvale formally notified city engineers regarding the issue of standing water at the drainage inlet. HDR reported that Thompson Construction has undertaken the task of lowering the inlet at a cost of \$600. The company will submit an invoice to the city for the improvements made to the street drainage system, which received general consent without objection.
- **Recommendation (2):** Councilmember Bender moved to approve the recommended changes to the Drainage Criteria. Dodds seconded the motion. The motion passed with the following results:
  - AYES: Herminghaus, Dodds, Rohde and Bender.
  - NAYS: None.
- **Recommendation (3):** Councilmember Dodds moved to approve the proposal from C. N. Koehl Urban Forestry for \$1,236.40 for Shadow Way Court Drainage. Bender seconded the motion. The motion passed with the following results:
  - AYES: Herminghaus, Dodds, Rohde and Bender.
  - NAYS: None.
- **Recommendation (4):** Councilmember Bender moved to approve a supplementary survey, specifically the 100-foot option, conducted by Landtech, at a cost of \$5,800.00 for the Windermere Outfall (PPV Outfall Only). Councilmember Dodds seconded the motion. The motion passed with the following results:
  - AYES: Herminghaus, Dodds, Rohde and Bender.
  - NAYS: None.
- **Recommendation (5):** Councilmember Dodds proposed approval of up to \$3,500 for the installation of the inlet as a final drainage modification near 610 Grecian Way. This action is recommended as a change order to the 2023 Paving Improvements Project. Councilmember Bender seconded the motion. The motion passed with the following results:
  - AYES: Herminghaus, Dodds, Rohde and Bender.
  - NAYS: None.
- **Recommendation (5):** Councilmember Dodds proposed the approval of an additional \$2,000 for material testing related to the 2023 Paving Improvements Project. Councilmember Bender seconded the motion. The motion passed with the following results:
  - AYES: Herminghaus, Dodds, Rohde and Bender.
  - NAYS: None.
- HDR reported a comprehensive series of site visits to evaluate the existing conditions of the ditches and ravines throughout the city on the request of residents. As of February 18, 2025, HDR has specifically examined the Kinkaid and Tynewood ditches, along with their associated tributaries, and has documented the current conditions using Geographic Information System (GIS) technology. Resident Kathren Smyser has expressed support for the city's initiative to prompt Flood Control to undertake necessary maintenance activities. The responsibility for this maintenance lies with the Selective Clearing Department. Furthermore, Bender recommended that the city reach out to the County Commissioner for additional support. The city has requested an update to be provided at the next engineering meeting.

- 8. Consideration and possible action regarding the purchase of a Public Works Truck.**
- Councilmember Dodds proposed the approval of the 2022 Ram 1500 Big Horn for \$29,998. Councilmember Herminghaus seconded the motion. The motion passed with the following results:  
AYES: Herminghaus, Dodds, Rohde and Bender.  
NAYS: None.
- 9. Consideration and Possible action on Budget Amendment PPV25-01, related to the proposed full-time Development Manager position.**
- Staff recommends that the Council endorse the proposed budget amendment to effectively address the City's current needs.
  - Councilmember Bender proposed an \$83,242 budget amendment for a position with a probationary period. To allow dismissal for underperformance, ensuring the city hires someone capable of fulfilling the responsibilities effectively. Councilmember Dodds seconded the motion. The motion passed with the following results:  
AYES: Herminghaus, Dodds, Rohde and Bender.  
NAYS: None.
- 10. Consideration and possible action regarding the appointment and confirmation of commissioners serving on the Planning & Zoning Commission (RES. 2025.02-B).**
- Councilmember Bender motioned to accept resolution 2025.02-B with the placement correction of Bill Ogden as P&Z Position 5. Councilmember Dodds seconded the motion. The motion passed with the following results:  
AYES: Herminghaus, Dodds, Rohde and Bender.  
NAYS: None.
- 11. Consideration and possible action on a resolution (RES. 2025.02-C) regarding CenterPoint Energy 2025 Annual GRIP Adjustment.**
- Councilmember Bender motioned to accept resolution 2025.02-C regarding CenterPoint Energy 2025 Annual GRIP Adjustment. Councilmember Dodds seconded the motion. The motion passed with the following results:  
AYES: Herminghaus, Dodds, Rohde and Bender.  
NAYS: None.
- 12. Consideration and possible action regarding Mayor's Monthly Report.**
- The mayor provided an update on the Beautification Action Plan and a proposal to design a historical walking map for the community.
- 13. Consideration and possible action regarding the City Administrator's Monthly Report, including but not limited to: (a) Financial Related Items: Financial Report – January 2025, Property Tax Report, Disbursements (greater than \$10,000); (b) Meadowick ALPR/FLOCK Safety Equipment Installation.**
- Herminghaus stated the current month and year to date is not the same. Staff will confirm collections with SBISD.
  - Councilmember Bender motioned to accept disbursements with On-Par Pay Estimate #1 at \$28,850.99; AAA Asphalt Paving, Inc. Payment Estimate No. 1 for \$30,442.50; AAA Asphalt Paving, Inc. Payment Estimate No. 2 for \$244,488.11; and Partners in Building

TCO Reimbursement for \$25,000. for 518 Gingham Drive. Councilmember Dodds seconded the motion. The motion passed with the following results:

AYES: Herminghaus, Dodds, Rohde and Bender.

NAYS: None.

**14. Discuss and consider possible action on future agenda items, meeting dates, and similar matters.**

- The schedule includes the Beautification Meeting on March 3 and 10, the Engineering Meeting on March 12, and the Regular Council Meeting on March 24.
- Councilmember Bender informed the council about a preliminary meeting with Kinkaid to discuss city-related topics with the school.
- The council confirmed that the proposed Leash Ordinance is to be placed back on the next agenda.

**Workshop**

**A. Discuss proposed revisions to the organization's mission, vision, and strategies to achieve the organization's objectives.**

- The city administrator submitted the document for the council's review. The council plans to allocate time for independent review before scheduling an early workshop to include additional objectives.

**Executive Session**

**15. The City Council will now hold a closed executive meeting pursuant to the provision of Chapter 551, Texas Government Code, in accordance with the authority contained in Section 551.071, Legal Consultation - to obtain confidential legal counsel from the City Attorney concerning matters that fall within the attorney-client privilege; Section 551.074, Fire Commissioner Review - to deliberate on the duties and responsibilities of the Fire Commissioner; Section 551.074, City Administrator Review - to deliberate the duties, responsibilities, and contract terms pertaining to the City Administrator.**

- An executive session was officially called to order at 8:13 PM.
- The Council resumed the regular session at 9:25 PM.

**16. Consideration and possible action on items discussed in the Executive Session.**

- Councilmember Bender proposed a motion to approve a three-year extension of the City Administrator's contract term as presented. Additionally, it was requested that annual performance measures be incorporated to establish clear benchmarks for assessing progress towards the defined goals. Councilmember Dodds seconded the motion. The motion passed with the following results:

AYES: Herminghaus, Dodds, Rohde and Bender.

NAYS: None.

- No further formal action was taken.

**Adjournment**

- Councilmember Bender made a motion for adjournment, seconded by Councilmember Herminghaus.
- Mayor Dutt adjourned the meeting at 9:26 p.m.