

MINUTES OF A CITY OF PINEY POINT VILLAGE REGULAR COUNCIL MEETING TUESDAY, MAY 28, 2024, 6:00 P.M. AT ECCLESIA CHURCH, 325 PINEY POINT ROAD, PINEY POINT VILLAGE, TEXAS.

Councilmembers Present: Aliza Dutt, Michael Herminghaus, Dale Dodds, Joel Bender, Jonathan Curth, and Margaret Rohde.

City Representatives Present: Bobby Pennington, City Administrator; David Olson, City Attorney; James Huguenard, Police Commissioner; Solace Southwick, Police Commissioner; Ray Shultz, Police Chief; Henry Kollenberg, Fire Commissioner; Howard Miller, Fire Chief; Joe Moore, City Engineer; Annette Arriaga, Building Official Director; Michelle Yi, Finance Director.

I. Call To Order

- At 6:01 p.m., Mayor Dutt declared a quorum and called the meeting to order.

II. Pledge of Allegiance

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

III. Citizens Wishing to Address Council

- During the Council meeting, Councilmember Herminghaus (Raintree), speaking as a concerned citizen, brought up the issue of homelessness. He mentioned an incident involving a homeless person who had used a stolen shopping cart and was found sleeping in the park. He urged the Council to consider proposing an ordinance to address overnight camping in the parks.
- Zeb Nash (Wilding) commended the mayor, police, and fire chiefs for their response during the disaster. He suggested that the city post a list of contractors for residents to reference in cases of debris removal or home repair following a disaster.
- Laura Horn (Oaklawn) expressed her appreciation and communication with the city during the disaster.
- There were no further requests addressed to Council.

IV. Public Hearing

1. Public Hearing on the Specific Use Permit Request for Extended Hours at Memorial Drive Elementary School, 11202 Smithdale Road. Spring Branch Independent School District is seeking approval from the Planning and Zoning Commission and City Council to extend its work hours within the city. This extension is necessary to provide additional time for the builder, Marshall Construction, to meet the crucial timeline for the final completion of Memorial Drive Elementary School.

- Mayor Dutt opened the public hearing at 6:08 PM to allow the public to provide comments, testimony, or opinions on a proposed plan for Marshall Construction and Spring Branch Independent School District to extend its work hours at MDE.
- No one requested to address the council after the call.
- Mayor Dutt closed the hearing at 6:10 PM.

V. New Business

2. Consideration and possible action on an ordinance (ORD 05.2024-D) related to amending the Specific Use Permit Request for extended hours at Memorial Drive Elementary School, 11202 Smithdale Road.

- Geoff Bay (SBISD) and Travis Strickland (SBISD) presented information and addressed inquiries regarding the project timeline. Mr. Bay stated that the project is on schedule, only requesting additional time for unknown delays, such as the recent storm.
- The city received a letter from Jacqueline Wright (Wexford) regarding "extra hours" at MDE. City officials met with Ms. Wright, who firmly stated that she did not agree to extended work on Sundays within the village. The redline draft presented in the council packet addressed many of her other concerns.
- A proposed amendment to the ordinance has been presented, delineating the recommended work hours as follows: Monday through Friday from 6:00 am to 10:00 pm, Saturday from 6:00 am to 10:00 pm, and no work on Sunday. It is stipulated that no exterior work or construction activities shall take place outside the school building, irrespective of the noise level generated.

Furthermore, all vehicles are required to be parked on resident-only streets, and all worker breaks must occur within the confines of the building. It is mandated that all lights be deactivated by the conclusion of the Extended Hours period. Additionally, the workforce is to oversee adherence to the stipulated work hours and noise levels. It is proposed that fines be doubled.

- Councilmembers Bender and Curth led a discussion that the council reassess the timeline in July, to decide whether to extend the extended hours through September. After further deliberation, it was also made clear that the current ordinance will remain unchanged from the presented redline. However, an update is to be provided due to the time and notice required to make any amendments to the ordinance.
 - Councilmember Bender proposed approval of an ordinance (ORD. 2024.05-D) to modify the Specific Use Permit Request for extended hours at Memorial Drive Elementary School; as part of the proposal, SBISD is to present a status of extended hours requirements at the July council meeting. Seconded by Councilmember Dodds.
 - AYES: Herminghaus, Dodds, Bender, Rohde, and Curth.
 - NAYS: None.
 - The motion carried.
 - After the action, Councilmember Rohde inquired about the Temporary Certificate of Occupancy (TCO) status to complete the final landscaping. Attorney Olson confirmed that any topography requirements would be treated like any other TCO issue and would not impede the occupation of the facility.
- 3. Consideration and possible action on approval of the Council Meeting Minutes for; a) Regular Session Meeting Minutes held on April 15, 2024; b) Special Session Meeting Minutes held on May 14, 2024; and c) Special Session Meeting Minutes held on May 20, 2024.**
- Councilmember Herminghaus requested that May 20 minutes reflect on exploring the feasibility of converting utilities to underground infrastructure.
 - Councilmember Herminghaus moved to approve the Council Meeting Minutes for; a) Regular Session Meeting Minutes held on April 15, 2024; b) Special Session Meeting Minutes held on May 14, 2024; and c) Special Session Meeting Minutes held on May 20, 2024, as presented with the inclusion of Council's discussion in exploring underground utilities. Bender seconded the motion.
 - AYES: Herminghaus, Dodds, Bender, Rohde, and Curth.
 - NAYS: None.
 - The motion carried.
- 4. Hear and accept the City of Piney Point Village's annual financial report and audit presentation for fiscal year 2023 by independent auditor BrooksWatson & Co.**
- Luis Breedlove from Brooks-Watson delivered the presentation. The city received an unmodified or clean opinion.
 - Councilmember Bender motioned to accept the annual financial report. Herminghaus seconded the motion.
 - AYES: Herminghaus, Dodds, Bender, Rohde, and Curth.
 - NAYS: None.
 - The motion carried.
- 5. Consideration and possible action on the Memorial Villages Police Department, a) Update on activities, b) MVPD 2023 Audit, c) MVPD 2025 Budget, d) E-Bicycles (ORD 2024.04).**
- In April, the MVPD responded to and handled 1,168 calls and incidents for Piney Point Village alone. Additionally, 746 house watch checks were conducted, and 263 citations, with 155 as warnings, were issued during this period.
 - Several council members sought Chief Sultz's advice on safeguarding the city against transient activities, such as camping in the parks. It was emphasized that homelessness is not a criminal offense. However, the implementation of restricted park hours and the prohibition of alcohol within the parks were proposed as measures to address potential concerns associated with transient behavior.
 - Chief Shultz informed the council that the MVPD 2023 audit, presented to the Police Commission, received an unmodified or clean opinion. As a result, each participating city is

expected to receive a budgetary refund of approximately \$45,000 based on the audit report and annual transfers back to the cities.

- Chief Shultz provided the 2025 MVPD budget materials, which were unanimously approved by the commission for presentation to the participating cities. The police commission is recommending that the council review and provide any feedback or questions before June 10. The city is scheduled to approve the budget at the July meeting.
- The council inquired about VLINC, and it was reported that approximately 90% subscribe. The council suggested ways to increase participation and awareness.
- E-Bicycles (ORD 2024.04) was discussed further after being tabled from the prior meeting. Councilmember Rohde offered to complete a further review before presenting it for a final vote. The council further recommended that we advertise the ordinance to the public.

6. Consideration and possible action on the Village Fire Department. a) Update on activities, b) VFD Audit, c) VFD 2025 Budget, d) VFD Financials, e) VFD Agendas & Minutes.

- For the month, the VFD responded to 219 calls, with the storm-related calls at 122 and response time at 4:51.
- Commissioner Kollenberg informed the council that the VFD 2023 audit, presented to the Fire Commission, received an unmodified or clean opinion.
- Commissioner Kollenberg presented a draft of the VFD 2025 budget to the Fire Commission, proposing a total budget of \$10,325,920. The budget to be assessed is \$10,075,920, which reflects a 1.64% increase over last year. It is important to note that \$250,000 from EMS Revenue will be retained for capital replacement contribution. This matter will be brought to a vote at the next council meeting.

7. Consideration and possible action regarding the Mayor's Monthly Report: a) Emergency Management of Storm Related Activities.

- The mayor provided a detailed briefing to both the council and the public regarding the response to the recent storm. The mayor expressed admiration for the collaborative efforts of neighbors, staff, officials, utility crews, and public safety in effectively clearing the roadways.

8. Consideration and possible action regarding the City Administrator's Monthly Report, including a) Financial Related Items. b) Update on Current Specific Use Permit Projects. c) Update on Phase I Traffic Signal Rebuild.

- Disbursements presented included On Par at \$79,268.27 for work on Williamsburg, T-Construction at \$28,200 for S. Country Squire Storm Sewer Point Repair & CCTV, TCO Reimbursement at \$25,000 for 11311 Piney Point Circle. Also, Emergency debris removal from Tree Service Design was in addition to the packet information for \$10,490.
- Councilmember Bender motioned to approve the disbursements presented. Herminghaus seconded the motion.
 - AYES: Herminghaus, Dodds, Bender, Rohde, and Curth.
 - NAYS: None.
- The motion carried.
- The budget calendar for the fiscal year 2025 was provided.
- Councilmember Bender motioned to approve the budget calendar for fiscal year 2025 as presented. Dodds seconded the motion.
 - AYES: Herminghaus, Dodds, Bender, Rohde, and Curth.
 - NAYS: None.
- The motion carried.
- Councilmember Bender motioned to approve the resolutions for the City Administrator, Finance Director, Mayor, and Councilmember Herminghaus as account signatories at Amegy Bank, TexPool Investments, and Texas Class Investments. Dodds seconded the motion.
 - AYES: Herminghaus, Dodds, Bender, Rohde, and Curth.
 - NAYS: None.
- The motion carried.

→ **NOTE:** ITEM #12 was brought forward for discussion.

12. Consideration and possible action on the Engineer's Report. a) School Zones. b) Fence Request – 11303 Somerland Way.

- Joe briefed the council on an upcoming meeting with SBISD as well as the HGAC quote details on the proposed school zone signage.
- A presentation was provided by the developer and owner of 11303 Somerland Way on the proposed fence details.
- Councilmember Curth moved to approve the fence request at 11303 Somerland Way. Herminghaus seconded the motion.
 - AYES: Herminghaus, Dodds, Rohde, and Curth.
 - NAYS: None.
- Bender was absent from the vote. The motion carried.

9. Consideration and possible action on resolutions authorizing changes in depository and investment account signatories for the city. a) Amegy Bank (RES 05.2024-E), b) TexPool Investments (RES 05.2024-F). c) Texas Class Investments (RES 05.2024-G).

- Financial institutions require all account holders to sign a signature card when making changes to the account. This is included on the agenda for authorization due to the election of our new mayor.
- It was recommended to maintain the authorization of the City Administrator and the Finance Director. It was further suggested that two members of the council be included as the primary authorized signatories.

10. Consideration and possible action on a reduction of fee permits related to storm damage from June 17, 2024.

- The council deliberated on the potential waiver of fees associated with the recent storm. Further review has been deemed necessary for the generator permit and its placement. The consensus was reached that the electrical permits are to remain unchanged.
- No further action was taken.

11. Consideration and possible action regarding a resolution (RES 2024.05-H), the appointment to the Planning and Zoning Commission.

- The mayor recommended Chris DeZevallos and Micheal Phillips to the Commission.
- In accordance with the city ordinance, the Planning and Zoning Commission consists of eight members, who are appointed by the mayor and approved by the council. However, City Attorney Olson has indicated that Texas law only requires five members. He suggests designating five active members and three alternates.
- The council agreed to postpone discussion of the item, and no action was taken.

13. Discuss and consider possible action on any future agenda items, meeting dates, and similar matters.

- The council agreed that a special meeting proposed for Monday, June 10, is unnecessary. The Beautification Meeting will take place on June 10 at the regular time. The Engineering Meeting is scheduled for Wednesday, June 12. The regular Council Meeting is set for Monday, June 24. The City Holiday falls on Thursday, July 4.
- No further action was taken.

VI. Executive Session

14. Executive Session.

- There was no call for an executive session.

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

- There was no executive session.

VII. Adjournment

- Councilmember Bender made a motion for adjournment, seconded by Councilmember Dodds.
- Mayor Dutt adjourned the meeting at 8:44 p.m.

