

**MINUTES  
THE CITY OF PINEY POINT VILLAGE  
REGULAR COUNCIL MEETING / PUBLIC HEARING  
MONDAY, OCTOBER 24, 2016**

**THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE MET IN A REGULAR MEETING AND PUBLIC HEARING ON MONDAY, OCTOBER 24, 2016 AT 6:30 P.M. AT CITY HALL, 7676 WOODWAY, SUITE 300, HOUSTON, TEXAS, TO DISCUSS THE AGENDA ITEMS LISTED BELOW.**

**COUNCIL MEMBERS PRESENT:** Dale Dodds, Henry Kollenberg, Mayor Mark Kobelan, Mayor Pro Tem John Ebeling, Joel Bender, Brian Thompson

**CITY STAFF:** Roger Nelson, City Administrator; Maggie Carty, City Secretary; Annette Arriaga, Director of Planning, Development & Permits; David Olson, City Attorney with Olson & Olson; Joe Moore and Aaron Croley, City Engineers with HDR Engineering.

**DECLARATION OF QUORUM AND CALL TO ORDER**

Mayor Kobelan called the meeting to order at 6:30 p.m.

**CITIZENS WISHING TO ADDRESS COUNCIL**

Robert Mann, representing VF Waste, introduced himself to Council and the audience as the person to contact to address any issues. No one had any questions or concerns at the time.

**Pledge of Allegiance**

Mayor Kobelan gave an update regarding the Oktoberfest held on October 22<sup>nd</sup> at the First Congregational Church. Approximately 150 people attended. It was a success and he hopes to plan another Oktoberfest next year.

**1. Discuss and take possible action on the Memorial Police Department monthly report.**

Chief Schultz gave a brief update on the September monthly activities. There were no crimes against persons, 15 property crimes, 68 petty crimes, 18 arrests, and 222 citations issued, of which 50 citations were in Piney Point Village. The department continues to operate under budget. They are completely staffed, but did receive an Intent to Retire notice today. The previously approved AEDs have now been installed in all vehicles. An order has been placed for the electric motorcycle and it should be in by the end of the week.

Councilman Thompson congratulated the department for being voted the number one safest city in and around Houston.

**2. Discuss and take possible action on the Village Fire Department monthly report.**

No report or update given. There was no meeting in the previous month.

**3. Discuss and take possible action on Ordinance 2016.10.24.F, the Kinkaid School's SUP request to demolish the Milby house, its surrounding buildings, and the swimming pool.**

Gene Werlin addressed Council regarding Kinkaid's plans to demolish the Milby house and fill in the pool. Councilman Bender made a motion to approve Ordinance 2016.10.24F. Councilman Ebeling seconded the motion and it passed.

**4. Discuss and take possible action on historic trails.**

Mayor Kobelan asked the Council to support a heritage trail located in Arrowwood Circle and along N. Piney Point Road. Two historical signs and three interpretive panels would be installed along the route. Private funding has been raised for half of the project. Mayor Kobelan requested the City to support and fund the other half which would cost \$7500. Mr. Jim Cole, a resident on Arrowwood, also addressed Council and reviewed the proposal from Dan Worrall with the Harris County Historical Commission. Councilman Kollenberg expressed concern about the lack of details regarding the sign placement. Councilman Thompson made a motion to approve \$7500 subject to the details being provided. Councilman Ebeling seconded the motion and it passed.

**5. Open Public Hearing on ordinance changes, specifically:**

Mayor Kobelan opened the public hearing on the first four proposed ordinance changes at 6:48 PM.

**An ordinance amending chapter 74 of the code of ordinances of the City of Piney Point Village, Texas, by deleting subsection (1) of section 74-280 in its entirety and adding a new subsection (1) to section 74-280, establishing exceptions to the provisions and regulations of article v of chapter 74; providing for other matters related to the subject; providing for a penalty in an amount not to exceed \$2,000 for each day of violation; and providing for severability. (*Signage placed in private rights-of-way by residents of a private street*)**

David Olson explained the proposed ordinance change would allow residents on private streets to put up street or traffic signs.

**An ordinance amending chapter 74 of the code of ordinances of the City of Piney Point Village, Texas, by deleting the definition of "80% fence" in section 74-1 in its entirety and adding a new definition of "80% fence," clarifying the definition of such 80% fence; providing for other matters related to the subject; providing for a penalty in an amount not to exceed \$2,000 for each day of violation; and providing for severability. (*Revised definition of 80% fence*)**

David Olson explained the proposed definition of an 80% fence would be 7 ft. see-through sections with a maximum of 2 ft. width columns between each 7 ft. section.

**An ordinance amending chapter 74 of the code of ordinances of the City of Piney Point Village, Texas, by deleting subsections (b) and (c) of section 74-212 in its entirety and adding new subsections (b) and (c) to section 74-212, establishing regulations for the termination of nonconforming structures and the calculation of damage or obsolescence to nonconforming structures, respectively; and by adding a new subsection (d) of section 74-212, establishing a regulation for the**

replacement of nonconforming existing driveways; providing for other matters related to the subject; providing for a penalty in an amount not to exceed \$2,000 for each day of violation; and providing for severability. (*Change to the thresholds for nonconforming and damaged or obsolete structures and a new section regarding replacement of existing driveways not creating a nonconformity*)

David Olson explained the proposed change would allow the homeowner of an older home to stay in nonconformity after a remodel if the homeowner can prove the value of the home. Also the change would exempt existing driveways from creating a nonconformity.

**An ordinance amending chapter 74 of the code of ordinances of the City of Piney Point Village, Texas, by deleting paragraph (4) of subsection (a) of section 74-244 in its entirety and adding a new paragraph (4) of subsection (a) to section 74-244, establishing regulations for the location of generators; providing for other matters related to the subject; providing for a penalty in an amount not to exceed \$2,000 for each day of violation; and providing for severability. (*Revised standards for placement of generators*)**

David Olson explained that the change would allow homeowners to place a generator next to the HVAC, but not less than 10 ft. from the side yard line and 5 ft. from the building.

The floor was opened to the public for questions or comments. Council answered a few questions clarifying the proposed changes. The public hearing was closed at 7:01 PM.

**6. Discuss and take possible action on Ordinance 2016.10.24.A - Signage placed in private rights-of-way by residents of a private street.**

Councilman Kollenberg made a motion to approve Ordinance 2016.10.24.A. Councilman Dodds seconded the motion and it passed.

**7. Discuss and take possible action on Ordinance 2016.10.24.B - Revised definition of 80% fence.**

Councilman Bender made a motion to approve Ordinance 2016.10.24.B. Councilman Dodds seconded the motion and it passed.

**8. Discuss and take possible action on Ordinance 2016.10.24.C - Change to the thresholds for nonconforming and damaged or obsolete structures and a new section regarding replacement of existing driveways not creating a nonconformity.**

Councilman Kollenberg made a motion to approve Ordinance 2016.10.24.C. Councilman Ebeling seconded the motion and it passed.

**9. Discuss and take possible action on Ordinance 2016.10.24.D - Revised standards for placement of generators.**

Councilman Dodds made a motion to approve Ordinance 2016.10.24.D. Councilman Thompson seconded the motion and it passed.

Mayor Kobelan opened the public hearing on the proposed Ordinance 2016.10.24.E, 80% fences not required in side yards and rear yards abutting a street, at 7:03 PM.

**An ordinance amending chapter 74 of the code of ordinances of the City of Piney Point Village, Texas, by deleting paragraph (3) of subsection (i) of section 74-245**

**in its entirety and adding a new paragraph (3) of subsection (i) to section 74-245, establishing fence requirements for side and rear yard adjacent to a street; providing for other matters related to the subject; providing for a penalty in an amount not to exceed \$2,000 for each day of violation; and providing for severability. (80% fences not required in side yards or rear yards abutting a street)**

David Olson explained that approval of this proposed ordinance would remove the requirement that a rear yard and side yard fence adjacent to a street be constructed as an 80% fences.

Mayor Kobelan opened the floor for questions and comments. He went row by row through the audience asking for comments. Many citizens addressed Council in support of the new ordinance stating they wanted more privacy and security in their back yards. Some citizens spoke against the ordinance in order to preserve the open, green concept of Piney Point.

Mayor Kobelan closed the public hearing at 8:06 PM.

**10. Discuss and take possible action on Ordinance 2016.10.24.E - 80% fences not required in side yards or rear yards abutting a street.**

Councilman Bender made a motion to approve Ordinance 2016.10.24.E with an 8 ft. fence height. Councilman Thompson seconded the motion. A vote was taken resulting in 2 votes for approval and 3 votes against. The motion failed.

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

- **September 2016 Financials**
- **Bonded Indebtedness**

Roger Nelson briefly reviewed the September financials. The discussion on Bond Indebtedness will be postponed until a future meeting.

**12. Discuss and take possible action on an Interlocal agreement between the Memorial Villages Police Department's tri-cities, which include the City of Piney Point Village, the City of Hunters Creek Village, and the City of Bunker Hill Village, for the evaluation and consideration of a smart cities virtual gate project – preliminary engineering report.**

Councilman Dodds made a motion to approve \$20,000 for a PER. Councilman Thompson seconded the motion and it passed unanimously.

**13. Appointment of one Representative and one Alternate to the Houston-Galveston Area Council.**

Councilman Kollenberg made a motion to appoint Councilman Dodds to the Houston-Galveston Area Council and Councilman Bender as the alternate. Councilman Thompson seconded the motion and it passed unanimously.

**14. Discuss and take possible action on implementing a Temporary Certificate of Occupancy. (Councilman Thompson)**

Councilman Thompson addressed Council regarding issuing temporary certificates of occupancy to accommodate homeowners moving in to a new construction house that still has pending items to complete, including landscaping, pools, sprinkler systems, etc. Options were discussed including a 30 day timeframe with penalties. The item was tabled, no action was taken.

**15. Discuss and take possible action on the Engineer's monthly report.**  
Joe Moore, City Engineer, briefly reviewed the Engineer's monthly report. S. Piney Point / Blalock intersection will be open later this week. Beinhorn Paving project is almost complete. Hydro mulching will take place next week. Smithdale Estates is under review with Harris County. Tynewood Ditch Washout completed the final walkthrough.

**16. Discuss and take possible action on awarding a contract to the low bidder on the Lanecrest Drainage Improvements Project.**  
Joe Moore informed Council there were 12 bidders on the project. The low bidder was TransTex Construction with a bid of \$416,408.00. Councilman Kollenberg made a motion to award the bid to TransTex. Councilman Bender seconded the motion and it passed. Project should start in mid-November.

**17. Discuss and take possible action on the various options for the N. Piney Point Road Project.**  
A few citizens requested to speak on this item. Mr. Herminghaus, resident on Raintree Circle, addressed two items concerning this project. The first is the sidewalk on the west side of Piney Point. He would like Council to consider adding a sidewalk on both sides of N. Piney Point. The second item concerned the ditch that runs perpendicular N. Piney Point, on the north side of Raintree Circle. It has been neglected for 20 years. There is always standing water and debris. He asked Council to please replace the ditch with a storm sewer. Mr. Kemple also addressed Council regarding adding curbs and "no head-in parking" signs in front of St. Francis for protection and security. Mr. John Driscoll, resident on Cheska, submitted to Council materials regarding the tie-ins on N. Piney Point being paid for by the City even though the connections are on private property.

Joe Moore reviewed the options for this project: two way traffic the entire time, a sidewalk on the west side, expand sidewalk on east side to 7ft. Discussion followed.

Councilman Dodds made a motion to authorize the N. Piney Point Project option with a 7 ft. sidewalk on both sides of the street in addition to getting a cost estimate and recommendation for cleaning out or filling the ditch behind Raintree. Councilman Ebeling seconded the motion and it passed.

**18. Discuss and take possible action on the request to advertise and bid the N. Piney Point Road Project.**  
Councilman Kollenberg made a motion to authorize the Mayor to authorize HDR to go out to bid on the N. Piney Point Project when the time is appropriate before the next meeting. Councilman Bender seconded the motion and it passed unanimously.

**19. Discuss and take possible action on approval of the minutes of the September 19<sup>th</sup>, September 22<sup>nd</sup>, September 26<sup>th</sup>, and October 6<sup>th</sup> council meetings.**  
Councilman Bender made a motion to approve the minutes of the September 19, 22, 26 and October 6 meetings. Councilman Ebeling seconded and the motion passed. Absent from the vote was Councilman Dale Dodds.

20. **Discuss and take possible action on any future agenda items and future meeting dates.**

The next Strategic Planning Workshop will be on November 7, 2016 at 5:00 PM. The next Regular Council Meeting will be on November 21, 2016. The December Regular Council Meeting will be on December 19, 2016.

21. **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 litigation; and pursuant to Section 551.072 of the Texas Government Code (DELIBERATION ABOUT REAL PROPERTY), specifically to deliberate the purchase, exchange, lease or value of real property, and pursuant to Section 551.074 (PERSONNEL), specifically to discuss the position of Receptionist.

Council adjourned into Closed Executive Session at 10:00 PM.

Council reconvened in Open Session at 10:15 PM.

No formal action was taken on any item.

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

Councilman Bender made a motion to authorize the City Administrator to hire a Receptionist. Councilman Thompson seconded the motion and it passed unanimously.

23. **Adjourn**

Councilman Bender made a motion to adjourn. Councilman Ebeling seconded the motion and the meeting adjourned.

**PASSED AND APPROVED this 21<sup>st</sup> day of November, 2016.**

  
Mark Kobelan  
Mayor

  
Maggie Carty  
City Secretary

