

**MINUTES
THE CITY OF PINEY POINT VILLAGE
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 28, 2019**

THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE MET IN A REGULAR MEETING ON MONDAY, OCTOBER 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, Joel Bender, Dale Dodds, Michael Herminghaus, Henry Kollenberg, Brian Thompson

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.

Administrative Commander Kyle Sission presented the MPVD monthly report. During September the police department responded to a total of 7,992 calls; 6,331 were house watch checks, 732 were traffic stops with 798 citations for 1,432 violations. Piney Point had 1,934 calls.

Commander Sission provided an update on personnel. MVPD has one vacancy and anticipates fully staffed by Christmas.

ALPR is up and in operation with the installation of the first fixed locations. Unit 168 has been upfitted with equipment and solar panel. This unit is being rotated between the 3 villages along with the radar trailer. They conducted a 30-day test of the trailer checking over 153,000 license plates. There is a total of 8 stationed and 2 rotating license plate readers with one stationed at Corbindale and Piney Point.

Council Member Kollenberg announced that Senate Bill 2 has changed how cities assess taxes. Next year the tax rate will need to be adopted earlier which means the proposed budgets will need to be adopted earlier. The budgets for the Fire

Department and the Police Department will need to be adopted earlier and spaced to allow for discussion. The Mayor requested the City Administrator create a schedule of due dates so they will know in advance when to start adopting the budget and tax rate.

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

Deputy Chief Miller presented the monthly report. He reported on:

- The fire department is fully staffed. They recently hired a new fire medic and 2 dispatchers.
- The new fire engine has been ordered and is expected towards the end of next summer
- IT is working on CAD software
- Contractors are working on a quote for Phase I which consists of tearing down walls of dispatch and the fire marshal's office and working on the electrical system
- The fire department is currently over budget by 1% due to overtime, being understaffed on dispatchers.
- There was a chimney fire in a house in Piney Point off S. Country Squire. The fire was extinguished quickly. It was outside of the structure, in an outside fireplace.
- Response times; there were 139 fire responses and 105 EMS responses. Response times continue to be below the national standard.

Commissioner Nash reported to Council:

- That an anonymous email was received alleging a hostile work environment. An investigation conducted found the allegations were to be without merit.
- Over the next 6-7 weeks they will be finalizing the planning of the renovation
- Actual groundbreaking is undetermined
- The Mayor commented that the Mutual Release Agreement and Contract for Services for Bunker Hill has been signed.
- Council Member Kollenberg commented the timing of payments from the cities may need to be adjusted

3. Discuss and take possible action on Ordinance 2019.10.28.A St. Francis SUP

A representative from St. Francis was present to explain proposed improvements to interior renovations to the kindergarten pod, Library, and Resource Center. The renovations are subject of typical building permits. It does meet all the requirements of the Specific Use Permits as it does not include any external construction. Council Member Bender made a motion to approve Ordinance 2019.10.28A approving the issuance of a Specific Use Permit for interior improvements at St. Francis Episcopal School. Council Member Herminghaus seconded the motion and it passed unanimously.

4. Discuss and take possible action on South Piney Point Road Beautification

Mayor Kobelan explained the installation of 38 Crepe Myrtle trees. The location is on S. Piney Point Road as you head south from Memorial on the west side of the road approximately 40 feet from the road. The total cost for 38 Crepe Myrtle trees, the installation, irrigation and bore, and the design is \$13,000. The Beautification Committee budget has a balance of \$17,000. Council Member Herminghaus made a motion to approve the planting of 38 Crepe Myrtle trees on S. Piney Point Road as proposed by the Beautification Committee. Council Member Thompson seconded the motion and it passed unanimously.

5. Discuss and take possible action on Failure to Appear Program

The Interlocal Cooperation Contract with the Department of Public Safety Failure to Appear Program is renewed each year. The proposed program will allow the State to use the Failure to Appear Program to deny the renewal of a driver's license to a person that has failed to appear in court. Council Member Bender made a motion to approve the Interlocal Cooperation Contract for the Failure to Appear Program. Council Member Dodds seconded the motion and it passed unanimously.

6. Discuss and take possible action on Ordinance 2019.10.28.B regarding the Screening of all Utility Equipment

There was discussion. Piney Point currently has an Ordinance related to generators. Proposed Ordinance 2019.10.28.B expands the scope to include all utility equipment. If equipment is visible from the front yard, side yard, odd shaped lots or odd positioned houses this will require screening of the equipment from the public view, meaning from the right-of-way. There was concern regarding view of equipment from the public view. This item was tabled.

7. Discuss and take possible action on Piney Point Circle

The City Attorney discussed with Council options concerning Piney Point Circle. The street is private. The street has never been dedicated to the public. The question is who owns the street; is it the person who did the original subdivision and their heirs? The street has never been properly dedicated to the sub-divided lots on the street. The title needs to be cleaned up. The City Attorney discussed with Council taking on the project of trying to condemn the street and make it a public right of way. It would be by publication unless they can determine who the heirs are. There is a process called Condemnation by Publication that allows the city to try to contact the heirs and publish the proceedings. It would go through the Commissioners Court process. The road can be condemned and eventually the city would own the road and make it a public street is an option. It was a failure on the initial dedication to properly dedicate an interest to either the property owners or to the public. There was discussion regarding setting a precedent for future private streets. The first step is to have all homeowners in agreement and to locate the heirs. The second step is to get Metes and Bounds.

8. Discuss and take possible action on Sidewalks

Council discussed and had concerns regarding specific situations, and certain conditions requiring the repairing, replacing, and installing of sidewalks as it relates to Ordinance 2019.10.28.C amending the Code of Ordinances of the City of Piney Point Village. This item was tabled to return to the agenda next month or the following month.

9. Discuss and take possible action on the Mayor's monthly report, including but not limited to:

- **Harris County Flood Control**

Mayor Kobelan provided an update regarding Harris County Flood Control and Buffalo Bayou. A study was done to determine methods to alleviate flooding. Raising bridges would lower water levels in the bayou by a couple of inches, locally. Bypasses would have the similar results. Lowering the land, closer to the bayou had a significant improvement by the dam, but not downstream. Detention ponds would be needed.

- **Village Fire Department**

The Mayor's, City Administrator's, and City Secretaries met for lunch to sign two agreements between Village Fire Department and the City of Bunker Hill. All Cities signed. The agreements were given to the David Olson, City Attorney to obtain all City Attorney's signatures.

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

- **September 2019 Financials**

The City Administrator reported the numbers should increase due to the tax revenue.

- **Currently seeking an Administrator's Assistant to include code enforcement.** There are two applicants that meet the qualifications. Mayor Kobelan and Council Member Bender will interview the applicants. Anticipating a start date the week after.

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

The following items listed on the City Engineer's monthly report:

- **Surrey Oaks Paving & Drainage Improvements.** Pipe bursting is a separate item on the agenda. Contracts have been delivered to HDR and are being reviewed. A town hall meeting was held on October 17th to provide information to the residents. Council discussed additional methods to inform residents of upcoming projects and construction.
- **Beinhorn Drainage & Sidewalk Improvements Project.** HDR received comments back from MVWA and is incorporating those changes into the plan set. Surrey Oaks Project and Beinhorn Drainage & Sidewalk Project will overlap.
- **Wilding Lane Drainage & Paving Improvements Project.** A meeting with Wilding Lane residents was held on September 16th to present the findings of the Preliminary Engineering Report. Council Member Dodds and HDR are working with a committee of residents from Wilding Lane to determine residents' requests, review the requests, then present to Council for discussion. HDR will present an update next month.
- **City of Houston – Windermere Project.** Resident #19 and Resident #38 were burglarized. The burglar entered the neighborhood by jumping the 8 ft. fence at #19. They are requesting a taller fence be installed 20 ft. back, on the south side of the easement to block access. City of Houston reports this is a staging area for construction projects, and a taller grander fence would be too expensive. Windermere HOA president requested HDR attend their HOA. The City Administrator and HDR will attend the HOA meeting on November 12th.

- 2019 Maintenance Project (#2 White Pillars & various Concrete Point Repairs). Ready to advertise for bid. HDR discussed concrete cracking on Farnham Park on the cul-de-sac. The Opinion of Probable Cost to replace is approximately \$7,500. The work should begin in January.
- Illuminated Crosswalk Signage. HDR issued the notice to proceed to the Contractor. The Contractor is waiting for the sign to be manufactured.
- North Piney Point Road Asphalt Overlay Repair. The asphalt is cracking in three other locations. Geotechnical engineers, HTS, will provide an analysis of the cause of cracking and recommends cores be obtained of the specific areas of cracking. Council approved HTS proposal to perform Asphalt Coring and Testing at a cost of \$2,114.
- Williamsburg Culvert Replacement. A long-standing issue is that water stands in the ditch along the south side of the road. The recommendation is to replace the culverts. A quote was received from DonMar Grading to reset driveway culverts and regrade the ditch at a cost of \$29,500. The Opinion of Probable Construction cost prepared was \$281,320. The estimation for a full project cost was approximately \$490,000. Council had discussions regarding the north side of the road. Council discussed and will have consider after the engineering meeting. Council took no action.
- Green Oaks Ditch and Ecclesia Inlet Modifications, Magnolia culvert cleanup. During the tropical storm Type E inlets were blocked. DonMar removed the horizontal rebar on the Ecclesia inlet and a vertical rebar on Green Oaks ditch inlet. A grated manhole lid was installed on Green Oaks ditch inlet. A culvert stub was also removed on Magnolia. The cost for the completed work was \$1,450
- Arrowwood Circle. Washout formed on the north side of Arrowwood. After testing and excavating heavy cracking was seen in the storm sewer pipe. Recommendation is to replace the pipe crossing the road. Council discussed and authorized HDR to obtain quotes.

12. Discuss and take possible action on Surrey Oaks Change Order – Additional Mobilization and Pipe Bursting

HDR coordinated with the City, and MWWA, and the contractor to reach an agreement on the unit price of the pipe bursting bid item. Council discussed. Council Member Thompson made a motion to approve the Change Order for mobilization to add \$46,800 for RAC Industries contract. Council Member Dodds seconded the motion and it passed unanimously.

13. Discuss and take possible action on Permission to advertise and bid Beinhorn project

HDR completed the design of the Beinhorn Drainage and Sidewalk Improvements Project. Council discussed. Council Member Thompson made a motion to authorize HDR to publicly advertise and bid the Contract Documents. Council Member Herminghaus seconded the motion and it passed unanimously.

14. Discuss and take possible action on approval of HDR contract for bid phase services for Beinhorn

Council previously approved a portion of HDR proposal for Professional Engineering Services. HDR presented the proposal for the same project for the

Professional Engineering Services to provide bid phase services. HDR is also seeking approval for costs for submitting the plans to the TDLR. Council Member Bender made a motion to approve the additional amount of \$7,900 for TDLR and the Bid Phase. Council Member Herminghaus seconded the motion and it passed unanimously.

15. Discuss and take possible action on approval of HDR contract for construction administration phase for Surrey Oaks

HDR explained the construction administration phase. Council Member Thompson made a motion to approve the contract for construction administration phase for Surrey Oaks at a cost of \$52,200. Council Member Bender seconded the motion and it passed unanimously.

16. Discuss and take possible action on permission to advertise and bid 2019 Maintenance Project

HDR completed the design of the 2019 Maintenance Project. Council Member Bender made a motion to approve the request to publicly advertise and bid the Contract Documents. Council Member Thompson seconded the motion and it passed unanimously.

17. Discuss and take possible action on 20' wide easement at #2 White Pillars

Dr. Light at #2 White Pillars sent a proposed drainage easement document for the drainage improvements included in the 2019 Maintenance Project at his property to the City Attorney. Council discussed and had concerns regarding some of the conditions. This item was tabled to next month.

18. Discuss and take possible action on quotes for asphalt in N. Piney Point ruts at turnoffs

The City previously discussed the problem of ruts forming on North Piney Point Rd. at side street turn-ins. Council Member Kollenberg made a motion to approve the quote from DonMar for installing asphalt to fill in the ruts at a cost of \$26,795. Council Member Bender seconded the motion and it passed with a vote of four in favor and one against.

19. Discuss and take possible action on quote from Uretek to lift pavement on North Piney Point Road, south of Wendover

HDR is coordinating with Uretek to obtain quotes to lift a sagging panel of concrete. Uretek was unable to prepare a quote for this Council meeting so it is tabled to next month.

20. Discuss and take possible action on the minutes of the September 16, September 19, September 23, and October 8, 2019 Council meetings

Council Member Herminghaus made a motion to accept the minutes of the September 16, September 19, September 23, and October 8, 2019 Council meetings. Council Member Bender seconded the motion and it passed unanimously.

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

Suggestions: Discuss Temporary Certificate of Occupancy \$25,000 deposits, Memorial Drive Elementary tear-down and November and December schedules

22. **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.

23. **Action outside of Executive Session, if any**
N/A

24. **Adjourn**

Council Member Bender made a motion to adjourn. Council Member Herminghaus seconded the motion and it passed unanimously. The meeting adjourned at 9:18 p.m.

PASSED AND APPROVED this 25th day of November, 2019



Mark Kobelan
Mayor





Karen Farris
City Secretary