

**Minutes of
THE CITY OF PINEY POINT VILLAGE
SPECIAL COUNCIL MEETING
MONDAY, JANUARY 10, 2011**

THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE MET IN A SPECIAL MEETING ON MONDAY, JANUARY 10, 2011 AT 6:00 P.M. AT CITY HALL, 7676 WOODWAY, SUITE 300 HOUSTON, TEXAS, 77063 TO DISCUSS THE AGENDA ITEMS LISTED BELOW.

DECLARATION OF QUORUM AND CALL TO ORDER Mayor Nemeth called the meeting to order at 6:00 p.m. Those present were: Mayor Nemeth, Mayor Pro Tem Ebeling, Henry Kollenberg, Julie Goodall, Dale Dodds, Joel Bender, City Administrator Terri Johnson, City Secretary Amanda Davenport, City Attorney David Olson and City Engineer John Peterson.

PLEDGE OF ALLEGIANCE Mayor Nemeth led the pledge to the United States flag.

CITY ANNOUNCEMENTS: Terri Johnson introduced the new Court Administrator, Annie Haun, to City Council.

CITIZENS WISHING TO ADDRESS COUNCIL - no citizens were in attendance to address council.

2. Consider and take action on the 2010 & 2011 Fiscal Year Inter-Budget transfers to purchase an emergency back-up generator for the police facility.

Chief Brye presented this item to Council.

Motion was made by Council member Dodds to approve the inter-budgetary transfers to purchase an emergency back-up generator for the Police facility. The motion was seconded by Council member Bender

The motion passed unanimously.

3. Consider and take action on the TMRS unfunded liability issues including amending the FY 2010 budget to include that any excess funds be deposited to a separate account and dedicating such account to reduce the MVPD's unfunded liability with TMRS.

Chief Brye presented this item.

Motion was made by Mayor Pro Tem Ebeling to deposit any excess funds from the FY 2010 Budget to an account dedicated for use towards the TMRS Unfunded Liability.

The motion died due to lack of a second.

4. Consider and take action on creating a body of individuals whose purpose is to develop and identify a long-term comprehensive solution to address the unfunded liability at TMRS.

Chief Brye presented this item to Council. City Council agreed that this group is a good idea and would support the creation of a qualified TMRS advisory group consisting of one volunteer from each City.

1. Consider and take action on the recommendation for the Memorial Village Police Department hiring practices.

Discussion took place between City Council, the Police Commissioners and Chief Brye.

Motion was made by Mayor Pro Tem Ebeling to instruct the Police Commissioner not to vote on any hiring practices brought before the Police Commission without first bringing the changes to City Council.
The motion was seconded by Councilmember Goodall.

The motion was passed unanimously.

7. Consider and take action on financing drainage improvements including a potential bond election.

Mr. Drew Masterson with First Southwest discussed the finances of the City and potential bond issues for drainage improvements. Mr. Alan Raynor discussed the calendar and requirements to conduct a bond election in the year 2011.

Motion was made by Council member Bender to authorize the Financial Advisor to proceed with the preparation of the Offering documentation and to select an Underwriter.

The motion was seconded by Council member Goodall.

The motion was passed unanimously.

Motion was made by Council member Bender to retain Alan Raynor as Bond Council.

The motion was seconded by Council member Goodall

The motion was passed unanimously.

6. Consider and take action on possible changes to Smithdale and Claymore projects for MVWA.

John Peterson presented this item to Council. Mr. Peterson has been in discussion with the Memorial Villages Water Authority and they are interested in including the necessary sanitary sewer upgrades under Smithdale and Claymore streets while the City already has the street under construction. City Council agrees to consider an Interlocal Agreement with MVWA for this purpose at its next meeting.

5. Consider and take action on approval of amendment to 2011 budget for the Village Fire Department.

The motion was made by Mayor Pro Tem Ebeling to approve the amendment to the FY 2011 budget of the Village Fire Department.
The motion was seconded by Council member Bender.

The motion was passed unanimously.

8. Consider and take action on Ordinance 2011.01.10 regarding Building Official approval to issue citations.

The motion was made by Mayor Pro Tem Ebeling to adopt Ordinance 2011.1.10 as amended to add the language "or his/her designee".
The motion was seconded by Council member Goodall.

The motion passed unanimously.

ORDINANCE NO. 2011.01.10

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY ADDING A NEW DIVISION 3 TO ARTICLE III OF CHAPTER 2 THEREOF, PROVIDING FOR THE CREATION OF A CODE OFFICER, CREATING DUTIES FOR THE CODE OFFICER, AND AUTHORIZING THE CODE OFFICER TO ISSUE MUNICIPAL CIVIL CITATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PINEY POINT VILLAGE, STATE OF TEXAS:

Section 1. The Code of Ordinances of the City of Piney Point Village, Texas is hereby amended by adding a new Division 3 to Article III of Chapter 2 thereof, to provide as follows:

"Division 3. CITY CODE OFFICER.

Section 2-130. Office created.

The office of City Code Officer is hereby created, and the duties of such Code Officer, as outlined in this Division, shall be the responsibility of the City's Building Official, or his or her designee.

Section 2-131. Duties.

The Code Officer shall:

- (1) Be responsible for inspecting and investigating possible City Code of Ordinance violations throughout the City of Piney Point Village, and*
- (2) Issue municipal civil citations for violations of one or more provisions of the City Code of Ordinances.*

Section 2-132. Citations.

Citations issued by the Code Officer shall comply with the following requirements:

- (1) The original citation issued pursuant to this Division shall be filed with the Clerk of the Municipal Court, the Code Officer shall retain a copy of the citation, and the responsible party, whose action or actions caused or contributed to a violation or violations of the City Code of Ordinances, shall receive the remaining copy, and*
- (2) The prosecuting attorney may seek the issuance of an arrest warrant for any person who fails to appear as directed by a citation or summons issued pursuant to this Division. This Division shall not be construed to limit the authority of a peace officer to issue citations to appear in the Municipal Court, or to confer any power of arrest upon any person who is not a peace officer."*

Section 2. *All ordinances and parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.*

Section 3. *In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Board of Aldermen of the City of Piney Point Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.*

PASSED, APPROVED, AND ADOPTED on first and final reading this 10th day of January, 2011.

/s/ Peter G. Nemeth

Peter G. Nemeth

Mayor

ATTEST:

/s/ Amanda Davenport
Amanda Davenport
City Secretary

9. Consider and take action on City Prisoner Contracts with the Harris County Sheriff's Department.

The motion was made by Mayor Pro Tem Ebeling to approve the contract with HCSD and to authorize Mayor Nemeth to execute the contract.
The motion was seconded by Council member Bender.

The motion passed unanimously.

10. Consider and take action on setting a date for the 2011 Holiday Celebration at Carol Tree Park.

The motion was made by Mayor Pro Tem Ebeling to designate December 4, 2011 as the date for the Carol Tree Park Holiday Celebration.
The motion was seconded by Council member Goodall.

The motion passed unanimously.

11. Adjourn.

The meeting was adjourned at 8:08 p.m.

Passed and approved this 24th day of January 2011.



Peter G. Nemeth
Mayor



Amanda Davenport
City Secretary