

**MINUTES OF
THE CITY OF PINEY POINT VILLAGE
REGULAR COUNCIL MEETING
MONDAY, MAY 23, 2011**

The City Council of The City of Piney Point Village held a Regular Meeting on Monday, May 23, 2011 at 6:00 p.m. at 7676 Woodway, Suite 300 Houston, Texas, 77063.

Mayor Nemeth called the meeting to order at 6:00 p.m. In attendance were Mr. Ebeling, Mr. Kollenberg, Mr. Dodds, City Attorney Olson, City Administrator Johnson and City Secretary Davenport.

Mayor Nemeth led the Pledge of Allegiance.

Mr. Sorvino congratulated council on a successful election and reminded Council to keep his neighborhood of Piney Point Manor as top priority and volunteered to help in any way that he could.

1. Consider and take action on the canvass of the May 14, 2011 City of Piney Point Village municipal election.

Mayor Nemeth canvassed the May 14, 2011 election returns.

2. Consider and take action on Ordinance 2011.05.23A canvassing the election returns on Proposition No. 1 of the election held on May 14, 2011.

Motion by Councilman Kollenberg to accept canvass of the May 14, 2011 election declaring John Ebeling the winner of Council position #1 with 200 votes to Chris Walker's 179 votes; Dale Dodds the winner of Council position #2 and Ron Goodwine the winner of Council position #5 with 216 votes to Julie Goodall's 112 votes and Carolyn Forney's 36 votes and reflecting the bond election on Ordinance 2011.05.23A the motion was seconded by Councilman Ebeling and the motion passed unanimously.

Ordinance 2011.05.23A included in its entirety and attached to these minutes as Exhibit A.

3. Swearing in of Council members.

Mayor Nemeth swore in Councilman Ebeling, Councilman Dodds and Councilman Goodwine.

4. Consider and take action on appointing the Mayor Pro Tem of the City Council of Piney Point Village.

Motion was made by Councilman Kollenberg to appoint Councilman Ebeling as Mayor Pro Tem. The motion was seconded by Councilman Dodds and approved unanimously.

5. Consider and take action on the Memorial Village Police Department monthly report.

Police Chief Gary Brye reported to Council that Police Commissioner Butler was out of town and couldn't attend tonight. Chief Brye reported to Council on the most recent activities with the Police Department including budget preparation.

6. Consider and take action on the monthly Village Fire Department report.

Fire Commissioner/Councilman Kollenberg reported to council on the last commission meeting.

8. Consider and take action on approval of moving some of Piney Point Village's monies to TexasClass.

Bill Mortiz presented this item to Council and explained what TexasClass has to offer.

Motion was made by Councilman Dodds to authorize TexasClass as an alternative investment vehicle for investing the cities funds at the discretion of the investment committee subject to the approval of the agreement with TexasClass by the City attorney and confirmation that there aren't any RFP requirements. The motion was seconded by Councilman Kollenberg and passed unanimously.

7. Consider and take action on acceptance of Audit for FY 2010.

Kevin Yeaglin with Belt Harris and Pachek presented the FY 2010 Audit to Council and was happy to announce a Clear Unqualified Opinion. Councilman Kollenberg asked several questions of which Mr. Yeaglin answered to satisfaction.

Motion was made by Mayor Pro Tem Ebeling to accept the FY 2010 Audit report as presented and was seconded by Councilman Dodds. The motion passed unanimously.

9. Consider and take action on approval of financial report for April 2011.

Randy Reimer reported on the April Financial statement.

Motion was made by Mayor Pro Tem Ebeling to accept the April financials, the Motion was seconded by Councilman Kollenberg. The motion passed unanimously.

10. Consider and take action on request for approval of placement of a private road sign and a dead end sign on Shady Grove Lane.

Mike Peloquin and Mr. Peterman spoke to Council and explained the necessity for these signs to be erected on Shady Grove Lane.

Council considered the issue. The decision was made that signs of this nature erected on private property and following the transportation guidelines for safety, would not be objected to by the City. City Council is happy to be proactive and work with the residents on private streets.

11. Consider and take action for approval for a dead-end sign to be placed on Derham Parc.

Mike Peloquin and Mr. Aspromonte presented this issue to council.

Council instructed that the sign be replaced on the backside of the Stop Sign pole for a trial period giving enough time for Council to determine the aesthetics of the placement.

12. Consider and take action on approval of changes to dates/times for municipal court.

Motion was made by Mayor Pro Tem Ebeling to approve the time changes as specified from 6 p.m on Tuesdays to 5 p.m. on Wednesdays. The motion was seconded by Councilman Dodds and approved unanimously.

13. Consider and take action on approval of agreement with City of Bunker Hill to hold Piney Point Village Municipal Court at Bunker Hill City Hall.

Motion was made by Councilman Dodds to accept the lease agreement. The motion was seconded by Mayor Pro Tem Ebeling and passed unanimously.

14. Consider and take action on approval of computer software and hardware upgrades needed in Municipal Court.

Mayor Nemeth presented this item to Council.

Motion was made by Mayor Pro Tem Ebeling to approve the computer software and hardware upgrades for Municipal Court, the motion was seconded by Councilman Dodds and passed unanimously.

15. Consider and take action on Ordinance 2011.05.23B authorizing the Code Officer to issue all municipal citations for violations of one or more provisions of the City Code of Ordinances.

Motion was made by Mayor Pro Tem Ebeling to approve Ordinance 2011.05.23B; the motion was seconded by Councilman Dodds and passed unanimously.

Ordinance 2011.05.23B included in its entirety and attached to these minutes as Exhibit B.

16. Consider and take action on the minutes from the Council meeting held on May 9, 2011.

Motion was made by Councilman Kollenberg to approve the minutes as presented; motion was seconded by Mayor Pro Tem Ebeling and passed unanimously.

17. Consider and take action on update from John Peterson regarding drainage projects.

City Engineer John Peterson updated Council on current and upcoming projects.

18. EXECUTIVE SESSION: The City Council will adjourn into closed executive session pursuant to section 551.071 of the Texas Local Government Code (CONSULTATION WITH ATTORNEY): specifically to discuss dispute with Hunter's Creek and municipal citations issued in connection therewith.

The City Council recessed into executive session at 7:55 p.m.
The City Council resumed the regular meeting at 8:56 p.m.

19. Action, if any, out of executive session.

No action was taken out of the execution session.

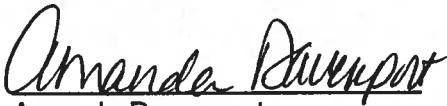
20. Adjourn

Motion was made by Mayor Pro Tem Ebeling to adjourn. The motion was seconded by Councilman Dodds and passed unanimously.
The meeting was adjourned at 8:57 p.m.

Passed and approved this 27th day of June, 2011.



Peter G. Nemeth
Mayor



Amanda Davenport
City Secretary



ORD. NO. 2011.05.23A

ORDINANCE CANVASSING ELECTION RETURNS

THE STATE OF TEXAS §
 COUNTY OF HARRIS §
 CITY OF PINEY POINT VILLAGE §

WHEREAS, this City Council ordered an election to be held in said City on May 14, 2011, on the PROPOSITION hereinafter stated; and

WHEREAS, said City Council has investigated all matters pertaining to said election, including the ordering, giving notice, officers, holding and making returns of said election; and

WHEREAS, the election officers who held said election have duly made the returns of the result thereof, and said returns have been duly delivered to said City Council.

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE:

1. That the City Council officially finds and determines that said election was duly ordered, that proper notice of said election was duly given, that proper election officers were duly appointed prior to said election, that said election was duly held, that the City has complied with the Federal Voting Rights Act and the Texas Election Code, that due returns of the result of said election have been made and delivered, and that the City Council has duly canvassed said returns, all in accordance with law and the Ordinance calling said election.

2. That the City Council officially finds and determines that the following votes were cast at said election, on the submitted PROPOSITION by the resident, qualified electors of said City, who voted at the election:

PROPOSITION

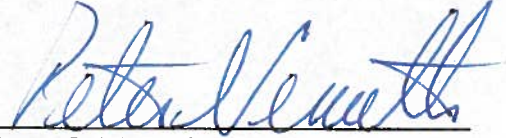
311 VOTES: FOR

THE ISSUANCE OF \$8,000,000 TAX BONDS FOR STORMWATER DRAINAGE AND FLOOD CONTROL IMPROVEMENTS

71 VOTES: AGAINST

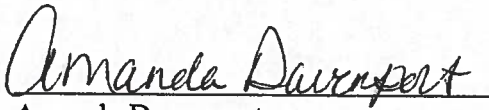
3. That the City Council officially finds, determines and declares the result of said election to be that the aforesaid PROPOSITION has received a favorable majority vote, and that such PROPOSITION therefore has passed, and that the bonds authorized by the aforesaid PROPOSITION may be issued and the aforesaid bond tax supporting said bonds may be levied by the City.

PASSED, APPROVED, AND ADOPTED on this 23rd day of May, 2011.



Peter G. Nemeth
Mayor

ATTEST:



Amanda Davenport
City Secretary



ORDINANCE NO. 2011.05.23B

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY DELETING SUBSECTION (2) OF SECTION 2-131 OF DIVISION 3 TO ARTICLE III OF CHAPTER 2 THEREOF AND SUBSTITUTING THEREFOR A NEW SUBSECTION (2) OF SECTION 2-131, AUTHORIZING THE CODE OFFICER TO ISSUE ALL MUNICIPAL CITATIONS FOR VIOLATIONS OF ONE OR MORE PROVISIONS OF THE CITY CODE OF ORDINANCES; BY DELETING SECTION 2-132 OF DIVISION 3 TO ARTICLE III OF CHAPTER 2 THEREOF AND SUBSTITUTING THEREFOR A NEW SECTION 2-132, PROVIDING REQUIREMENTS FOR CRIMINAL CITATIONS ISSUED BY THE CODE OFFICER; 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 deleting Subsection (2) of Section 2-131 of Division 3 to Article III of Chapter 2 thereof and substituting therefore a new Subsection (2) of Section 2-131, to provide as follows:

“Division 3. CITY CODE OFFICER.

* * *

Section 2-131. Duties.

* * *

- (1) Issue municipal citations, including any and all civil or criminal citations, for violations of one or more provisions of the City Code of Ordinances.”

Section 2. The Code of Ordinances of the City of Piney Point Village, Texas is hereby amended by deleting Section 2-132 of Division 3 to Article III of Chapter 2 thereof and substituting therefore a new Section 2-132, to provide as follows:

“Division 3. CITY CODE OFFICER.

* * *

Section 2-132. Criminal citations.

Criminal citations issued by the Code Officer shall comply with the following requirements:

- (2) The original criminal citation issued pursuant to this Division shall be filed with the Clerk of the Municipal Court, the Code Officer shall retain a copy

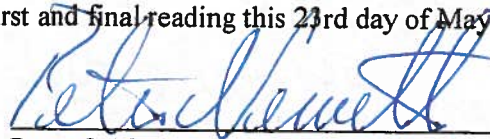
of such citation, and the responsible party, whose action or actions caused or contributed to a violation or violations of the City Code of Ordinances, shall receive the remaining copy, and

- (3) The prosecuting attorney may seek the issuance of an arrest warrant for any person who fails to appear as directed by a criminal 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 23rd day of May, 2011.



Peter G. Nemeth
Mayor

ATTEST:



Amanda Davenport
City Secretary

