

MINUTES OF REGULAR MEETING
OF JANUARY 25, 2005
CITY COUNCIL OF THE CITY OF MEADOWS PLACE, TEXAS

The regular meeting of the Meadows Place City Council was called to order at 7:33 p.m. by Mayor Mark McGrath at Meadows Place City Hall, One Troyan Drive, Meadows Place, Texas, with notice of said meeting giving the time, place, date and subject thereof having been posted as prescribed by Article 6252-17, V.T.A.C.S. with the following members present and in attendance:

Mayor: Mark McGrath

Aldermen: Terry Henley
Charles Jessup
Joe McCann
David Piwonka
Rick Staigle

thus constituting a quorum.

Mayor McGrath read the caption to the following ordinance:

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF
\$1,295,000 CITY OF MEADOWS PLACE, TEXAS, GENERAL
OBLIGATION BONDS, SERIES 2005.**

Joe Morrow, representing our financial advisors - First Southwest Company, said the city received an 'A-' rating (up from 'BBB+') from Standard & Poor's and a 'Baa1' rating (up from 'Baa2') from Moody's for the sale of the bonds. The increased ratings are due to the favorable way the city has followed prudent and sound financial policies with the loss of two major sales tax revenue providers – Sam's Club and Garden Ridge Pottery in recent years. Mr. Morrow said the city's administration has done a fine job of managing the City's finances. Due to this credit rating, an excellent rate was received from those who bid on the bonds today. The low bidder was A.G. Edwards & Sons, Inc. with a true interest cost of 4.222656%. The bonds can be prepaid after 10 years. Mr. Morrow recommended the city accept the bid of A.G. Edwards & Sons. Councilmember McCann asked Mr. Morrow to explain the fluctuation in coupon rates which start out high then dip then go up a bit before dipping again. Mr. Morrow explained the coupons include the cost to sell the bonds. Short term bonds sell easier than long term bonds. Councilmember Staigle made a motion to approve the ordinance, numbered **2005-03**, authorizing the issuance of \$1,295,000 City of Meadows Place, Texas, General Obligation Bonds, Series 2005 to A. G. Edwards & Sons, Inc. Councilmember McCann seconded this motion which was adopted with unanimous approval.

Terry Maher of Claunch & Miller presented a proposal on street and bird bath repairs to be paid for with the just sold bond funds. He said a careful study showed approximately 160 birdbaths in the city. It is hoped the bond funds will be sufficient to repair 95 of them. The specs are scheduled to be advertised next week with the bidding scheduled for February 23rd. If the bid is awarded in early March construction can begin in mid to late April. Construction costs are expected to be approximately \$1,220,000. The specs will be fashioned in such a way that 80% of the repairs will be in the base bid with an additional 20% in an add-alternate bid. Mr. Maher explained the birdbaths are a result of a variety of reasons. In some places the pavement has sunk, in some cases the pavement has heaved and in other cases the pavement is very flat allowing for no water run off. Mayor McGrath asked if repairing 95 birdbaths would take care of a significant number of the worst birdbaths. Public Works Director Dan McGraw said it would take care of the worst plus quite a bit more.

Discussing the Community Park parking lot, Mr. Maher said the specs should be available next week. If the bid is awarded in early March the parking lot could

conceivably be completed by the end of April. He estimates the cost of the parking lot to be \$80,000.00. Total square footage of the parking lot will be 3000 square yards with room for about 45 vehicles.

Captain Jack Ashton then reported on police department activity since the last City Council meeting. He said there have been seven accidents, five arrests, 1284 calls for service, 273 citations and 155 warnings issued and 51 incident reports. The majority of the accidents were on the US 59 feeder road and on West Airport near the freeway. An individual with an extensive drug and violent history was arrested after making an illegal right turn at C&H Steak House. He was found to have had cocaine hidden on him and should be tried as a habitual violator since this was his third arrest for this type of incident. It is noted he was picked up in a drug free zone. Citation activity was down due to the holiday season. The Police Department was awarded a \$32,000 grant for bullet proof vests. Vehicle computers are currently being programmed at Fort Bend County. Later in the meeting Council will be presented with the 2004 annual Racial Profiling Report. The next Neighborhood Watch Program meeting will take place on Tuesday, February 15th at 7:00 p.m.

Public Works Director Dan McGraw said that in the last month ECO Resources responded to 67 water service calls. Of these 62 were city related and five were on private lines. They also responded to four sewer related calls, two being on city lines and two on private lines. He said Meadows Place Senior's Village Building One will be ready in one week and Building Two has two months before being finished. Cabinets are being installed in the Extended Day Building at Meadows Elementary and a final building inspection is scheduled for the second week in February. Cover and framing inspections at CVS have been completed. Roof, brick, insulation and sheet rock work is in progress. The building should be complete in six to eight weeks. Fence work will start soon. Dead grass under the sound walls has been picked up. Installation of street lights along Kirkwood will begin soon. The Public Works storage tank and building have been painted. Sidewalk repairs are scheduled to start January 26th. Councilmember Jessup thought it might be a good idea to remind residents not to plug up the city storm drains with leaves.

Parks Director Terry Modeland reported on the progress of construction projects in her department. She said construction work being paid for with Grant One is on schedule to be completed by February 25th. Pool decking (Grant Two) is in the design phase. A meeting with school staff indicated they are excited to work with the city on the new Grant Three project. Council is expected to pass a resolution this evening approving the expenditure of funds for Grant Three. Councilmember Jessup said Meadows Place is fortunate to have employees who keep abreast of the rules for these grants which have changed since we were awarded Grant Two. The Parks Department hopes the parking lot will be completed before the scheduled April 22nd Fun Run. The field house has been painted and lighting at McDonald Park has been extended along the new fence.

There were no audience comments at this time.

During Mayor's comments, Mayor McGrath said he appreciated the interest residents were showing in the new Crime Watch Program; a new Rural Transit District was being formed in Fort Bend County; and that a meeting was held on January 10th with representatives from Stafford and Meadows Place to discuss a new fire service contract as well as the new fire station to be built in our city.

During Council comments, Councilmember Henley noted that Rural Transit District funds were currently available through the H-GAC. He also said he recently visited the new Prestige Furniture Gallery in Meadows Place and was truly impressed with its looks and the top quality furniture being sold. He said the owner indicated the city was not perceived as being business friendly. Councilmember Jessup said he was pleased with the diversity of our city's businesses.

Council then received the recommendation from the Planning and Zoning Commission regarding a proposal to amend Chapter 24 of the Code of Ordinances of the City of Meadows Place, entitled "Planning and Zoning Regulations," by specifically amending Article V, entitled "Zoning Regulations," Division 1, entitled "Zoning Districts and Regulations of General Applicability," by adding thereto a new section 24-522, entitled "Window Installed Electrical Mechanical Devices Prohibited," establishing regulations and prohibitions. They recommended the units not be allowed to be visible from the street. Councilmember Piwonka made a motion to accept the recommendation and Councilmember Jessup seconded the motion. The motion carried with Councilmember Henley noting he was concerned about how businesses would feel about the ordinance.

Council then received the recommendation from the Planning and Zoning Commission regarding a proposal to amend Chapter 24 of the Code of Ordinances of the City of Meadows Place, entitled "Planning and Zoning Regulations," by specifically amending Article X, entitled "Signs," by amending section 24-1009, entitled "Signs – Commercial/Office" to regulate the use of electronic display signs. Councilmember Staigle made a motion to accept the recommendation and Councilmember Jessup seconded the motion. The motion carried with Councilmember Henley noting that other cities allow such signs and he is opposed to accepting this recommendation.

Mayor McGrath then read the caption to the following ordinance:

AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES OF THE CITY OF MEADOWS PLACE, ENTITLED "PLANNING AND ZONING REGULATIONS," BY SPECIFICALLY AMENDING ARTICLE V, ENTITLED "ZONING REGULATIONS," DIVISION 1, ENTITLED "ZONING DISTRICTS AND REGULATIONS OF GENERAL APPLICABILITY," BY ADDING THERETO A NEW SECTION 24-522, ENTITLED "WINDOW INSTALLED ELECTRICAL MECHANICAL DEVICES PROHIBITED," ESTABLISHING REGULATIONS AND PROHIBITIONS.

During the discussion that followed, it was noted that Planning & Zoning's intent to make these illegal only if they could be seen from the street was not addressed. Mayor McGrath said with Council's approval he would add wording to that effect to the ordinance. Council's consensus was that the wording should be "It shall be unlawful for any person to keep, maintain or operate within any window or window opening, including holes or openings cut in walls electrical devices of any kind *that can be viewed from the street.*" Councilmember Henley then made a motion to adopt the ordinance, numbered **2005-04**, as amended. Councilmember Staigle seconded this motion which carried unanimously.

Mayor McGrath then read the caption to the following ordinance:

AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES OF THE CITY OF MEADOWS PLACE, TEXAS ENTITLED "PLANNING AND ZONING REGULATIONS," ARTICLE X, ENTITLED "SIGNS," SECTION 24-1009, ENTITLED "SIGNS – COMMERCIAL/OFFICE" BY ADDING THERETO A NEW SECTION 24-1009(14) TO REGULATE THE USE OF DISPLAY SIGNS; AND TO PROVIDE FOR NOTICE AS REQUIRED BY LAW.

Councilmember Jessup said this was a big step for the City to take. It was noted business owners could apply for a variance to the Board of Adjustment. Councilmember Henley said the City needs restrictions but they should not be too controlling. Councilmember Staigle said Sugar Land and Missouri City both have many restrictions and that developers often cry and complain about them but the restrictions are all adhered to by quality developers. Mayor McGrath said it easy to

see the difference from West Bellfort to Dairy Ashford and West Airport to Dairy Ashford. The Planning Commission has put in much time developing this ordinance and he is prone to accept their recommendation. Councilmember Jessup made a motion to adopt the ordinance, numbered **2005-05**, as written. Councilmember McCann seconded this motion which carried unanimously.

Mayor McGrath then read the caption to the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 2004-27, ADOPTING THE FISCAL 2004-2005 BUDGET FOR THE CITY OF MEADOWS PLACE, TEXAS, AND APPROPRIATING THE SEVERAL SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED.

Mayor McGrath said we are training our Police Officers how to react in an active shooter situation. Equipment at a cost of approximately \$5,000 per officer for ten officers is needed. Council felt this amount was too costly for our budget and suggested making a request to the 100 Club for the funds. Councilmember Jessup made a motion, seconded by Councilmember McCann, not to amend the budget for this purpose. The motion carried unanimously.

Police Captain Jack Ashton then presented Council with the Department's Annual Racial Profile report. He noted the Police Department is mandated to provide this report to council each year. The report includes information on the race, sex, and action taken on each officer initiated contact as well as information on whether a citation or warning was issued, if a search was conducted, if an arrest was made and if contraband was involved. This information is collected through the police and court system. Councilmember Henley made a motion to accept the annual Racial Profile Report as presented to City Council. Councilmember Jessup seconded this motion which carried unanimously.

Mayor McGrath then read the caption to the following ordinance:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MEADOWS PLACE BY AMENDING CHAPTER 9, ENTITLED "BUILDINGS," ARTICLE III, ENTITLED "SUBSTANDARD BUILDINGS," BY REPEALING THE PRESENT ARTICLE III AND INSERTING A NEW ARTICLE III IN PLACE THEREOF.

The city has some structures that are currently vacant and should not be occupied without extensive repairs. The Building Standards Commission has not met for several years and several of the members have moved from the city. A sense of urgency exists. Our City Attorney has recommended we abolish the Building Standards Commission and have City Council assume their duties. Council would act as a judicial body after receiving a recommendation from the Building Official. The property owner will be allowed to speak on his/her own behalf. Council will then act as they see fit. Councilmember Piwonka made a motion to adopt the ordinance, numbered **2005-06**, as presented. Councilmember Henley seconded the motion which carried unanimously. Councilmember Jessup felt Council needs to be careful and prudent when handling these matters as it would be easy to be heavy handed.

Mayor McGrath then read the caption to the following resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEADOWS PLACE, TEXAS (HEREINAFTER CALLED THE APPLICANT), DESIGNATING OFFICIALS AS BEING RESPONSIBLE FOR THE APPLICANT IN DEALING WITH TEXAS PARKS & WILDLIFE (TPW), FOR THE PURPOSE OF PARTICIPATING IN THE TEXAS RECREATION AND PARKS ACCOUNT SMALL COMMUNITY GRANTS PROGRAM

(HEREINAFTER CALLED THE PROGRAM); CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT'S MATCHING SHARE IS READILY AVAILABLE; AND DEDICATING THE PROPOSED SITE FOR PERMANENT (OR FOR THE TERM OF THE LEASE FOR LEASED PROPERTY) PUBLIC PARK AND RECREATIONAL USES.

This resolution would show Council's support for the Parks Department to seek Grant Number Three from the Texas Department of Parks and Wildlife. Councilmember Jessup made a motion, seconded by Councilmember Piwonka to approve the resolution, numbered **2005-02**, as presented. The motion carried unanimously.

Mayor McGrath then asked Council if there were any items on the consent agenda they would like to pull for further discussion. There were none. Councilmember Piwonka made a motion to approve **Consent agenda items 16 through 20** as presented. Councilmember Henley seconded this motion which carried unanimously. The approved items are as follows:

Item #16, approval of minutes of November 22, 2004 regular meeting; December 21, 2004 public hearings and regular meeting.

Item #17, approval of Ordinance numbered **2005-07, AN ORDINANCE APPOINTING J. GRADY RANDLE, P.C. AS CITY ATTORNEY FOR THE CITY OF MEADOWS PLACE, TEXAS, (CITY) AND PROVIDING FOR COMPENSATION AND PROVIDING THAT SAID APPOINTMENT SHALL CONTINUE FOR ADDITIONAL TIME THEREAFTER UNLESS OTHER APPOINTMENTS SHALL BE MADE BY ORDINANCE DULY ADOPTED BY THE CITY COUNCIL WHICH SHALL BE IN CONFLICT HEREWITH AND PROVIDING FOR THE POWERS, DUTIES AND AUTHORITY OF THE SAID CITY ATTORNEY.**

Item #18, approval of Ordinance numbered **2005-08, AN ORDINANCE CALLING AN ELECTION FOR THE CITY OF MEADOWS PLACE, TEXAS, TO BE HELD ON SATURDAY, THE 7TH DAY OF MAY, 2005, FOR THE PURPOSE OF ELECTING CITY OFFICIALS, PROVIDING FOR EARLY VOTING AND PROVIDING FOR NOTICE OF SAID ELECTION.**

Item #19, approval of Ordinance numbered **2005-09, AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY SECRETARY OF THE CITY OF MEADOWS PLACE, TEXAS, TO EXECUTE A CONTRACT FOR MOSQUITO ABATEMENT IN THE CITY OF MEADOWS PLACE WITH EXCALIBUR PEST CONTROL, INC.**

Item #20, ratification of expenditures as presented.

There were no comments from the audience at this time.

There being no further business to discuss, Councilmember McCann made a motion to adjourn the meeting. Councilmember Piwonka seconded this motion and with unanimous approval the Council meeting was adjourned at 9:26 p.m.

Elaine Herff, City Secretary