

MINUTES OF REGULAR MEETING
OF SEPTEMBER 23, 2003
CITY COUNCIL OF THE CITY OF MEADOWS PLACE, TEXAS

The regular meeting of the Meadows Place City Council was called to order at 7:30 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
Leen Zellers

thus constituting a quorum.

Police Sergeant Richard Simmons presented the police report. He said in the past month there were three building burglaries and one burglary of a residence on Alston which resulted in 10 charges. There were three vehicle accidents with one injury. Nine arrests were made. There were 773 calls for service. Councilmember Zellers asked if the opening of West Airport through to Highway 6 has impacted the city. Sgt. Simmons said not as far as accidents that have occurred. Councilmember McCann asked the status of a motorcycle officer. Sgt. Simmons said an officer is currently in training for this position.

Public Works/Public Utilities Director Dan McGraw said in the past month 17.8 million gallons of water were pumped. This compares to 21.3 million gallons pumped in 2002. There were 66 water related service calls and 5 sewer related calls made during the month of August. He noted that the Public Works Department was currently short handed but would be back to full staff by October 1st. This will allow for completion of several pending projects. Councilmember Piwonka asked how many water main brakes were included in the 66 water related calls. Mr. McGraw said about eight to ten. Councilmember McCann wondered how many of the water calls were on the homeowner's side. Mr. McGraw said about 60%. Councilmember Jessup asked if the landscaping of the new monument signs contributed to the back up of public works projects. Mr. McGraw said some, but being full staffed in October would help.

Parks and Recreation Co-Director Monya Keenen reported to Council that groups have been enjoying the Community Center since the 1st of August. It is being used nightly from Monday through Thursday and rented out Friday through Sunday. To date, it has been rented out at least once on each weekend. There are still a few more things that need to be fixed including the kitchen cabinets, front door seals and window tinting. Customers that have rented the building seem pleased. The Parks Department will continue working to make the building better. Mayor McGrath reminded council that the city is still holding over \$20,000 in retainage money.

Parks and Recreation Co-Director Terry Modeland reported on the grant situation. She thanked Councilmember Jessup for attending the meeting with her in Austin. She said she and Monya were excited about being awarded the \$50,000. While the city is committed to matching funds, some will come from the baseball organization and some from Meadows Elementary School PTO. She thanked Bob Duke and Jeannette Difillippo for their assistance with the paperwork. The Parks Department is currently waiting for Mr. Duke's proposal to manage the project and she estimates this cost will be about 10% of the total project. The Parks Department hopes to apply for another matching grant next year. Work will start in October on this. Mayor McGrath congratulated all who helped on this project.

Councilmember Jessup noted it was an amazing process to watch. Out of 36 entities that applied for the funds, only 18 were awarded. Meadows Place was number 13 of 18.

Mrs. Modeland then reported on the up coming golf tournament, September 29th. While reservations are still being taken, currently they have 16 hole sponsors, 3 corporate sponsors and 29 teams.

During audience comments, Ralph Allen, 11714 Cedar Form, said in the past he had submitted 15 addresses for sidewalk repairs. Five of these were repaired and five were not in the city's jurisdiction. Tonight he resubmitted the address of 12311 Monticeto. The driveway at this address has dropped by 4 inches and he believes this was caused by water and sewer repairs at this location. A similar situation exists at 11814 Cedar Form. Mr. Allen congratulated Mayor McGrath on the fine job he is doing as our Mayor.

Florence Crow, 12218 Meadowdale, noted the bird bath in front of her home was more like a fish pond and has been there for the past five years. Each time it rains it fills up and becomes mosquito infested. She asked what the time frame was for repairs to this area. Mayor McGrath said the \$90,000 from bond funds that were spent in Phase 2 of the project was just about depleted. Some bird baths were repaired. A new list was being compiled and currently totals about \$1/2 million. We have \$3 million in bonds to sell and will probably need to do this soon. Selling the bonds is about a 12 month process. Her address is among the areas that will be addressed.

Vithal Mistry, 12214 Meadowdale said he was here for the same problem as Mrs. Crow and his questions have been addressed.

Marti Pattinson, who also signed up to speak, said she would pass in the interest of time.

During Mayor's comments, Mayor McGrath noted there would be a barbeque benefit on Saturday, September 27th from 6 to 10 P.M. benefiting Taylor Wilkins, who will be meeting his blood marrow donor for the first time.

During Council comments, Councilmember Piwonka said he appreciated the Boy Scouts in attendance at tonight's meeting.

Councilmember Jessup thanked everyone for coming and thanked Mayor McGrath for bringing up the benefit. He asked Mr. McGraw about mosquito control. Mr. McGraw noted the city was being sprayed every Friday night but because they were so bad, spraying would be boosted to twice a week.

Councilmember Henley said he was on a TML task force studying school financing reform, an issue that will be addressed next spring. Cities do not want the state to require revenues going for school reform that will affect the amount of revenues that would normally go to cities. In the past ten years, about 15% of taxes paid go to cities, 15% to counties and 70% to schools. While school financing is important, it should not be structured in a way to take revenues away from cities.

Councilmember Henley made a motion, seconded by Councilmember Jessup, to approve the minutes of the August 26, 2003, workshop and regular meetings and the September 9, 2003, special meeting. The motion was unanimously approved.

Mayor McGrath then read a Mayor's Proclamation naming September 26, 2003 as Fort Bend County Fair Day in Meadows Place. Councilmember McCann made a motion to accept the resolution as read. Councilmember Piwonka seconded this motion which was approved unanimously.

Mayor McGrath then read the following proclamation:

A RESOLUTION DESIGNATING A REPRESENTATIVE AND OFFICIAL ALTERNATE TO THE GENERAL ASSEMBLY OF THE HOUSTON-GALVESTON AREA COUNCIL FOR THE YEAR 2004.

Councilmember McCann made a motion to adopt the resolution, numbered **2003-03**, renaming our current representative Terry Henley and official alternate David Piwonka to the general assembly of the Houston-Galveston Area Council for the year 2004. Councilmember Zellers seconded this motion which carried with unanimous approval.

Mayor McGrath then read the caption to the following ordinance:

AN ORDINANCE ADOPTING THE FISCAL 2003-2004 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 noted this 2003-2004 budget was the culmination of a process that began in June with several workshops and ended September 9th with a public hearing. Total revenues for the year are projected at \$3,720,000 and total expenses are projected at \$3,655,000. The budget reflects a continuing effort to see that city employee salaries are competitive with those in surrounding cities. Employees will all receive a 3% raise with several police officers receiving more. Employee benefits are also being updated allowing for a 20 year, any age, retirement and increasing the retirement contribution from 5% to 7%. This year will also be the first year to completely outsource the running of the water and sewer departments to ECO Resources for an estimated savings of \$25,000 to \$30,000 annually. Councilmember Henley made a motion to adopt the ordinance, numbered **2003-25**, as presented by the Mayor. Councilmember McCann seconded this motion which carried unanimously.

Mayor McGrath then read the caption to the following ordinance:

AN ORDINANCE APPROVING THE FISCAL 2003-2004 BUDGET FOR THE CITY OF MEADOWS PLACE ECONOMIC DEVELOPMENT CORPORATION AS ADOPTED BY THE ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS AT THEIR SEPTEMBER 9, 2003, REGULAR MEETING AND APPROPRIATING THE SEVERAL SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED.

Money to fund this budget comes from the ½% sales tax devoted to the EDC. The bulk of the funds are allotted to paying down the interest and principal on the well bonds. \$25,000 has been allocated for a study to decide what can be done with the old Garden Ridge site – to determine what we, as a city, can do to market the site. Councilmember Henley said he, as chairman of the EDC Board, along with the rest of the members – Bob Graf, Harry Hamilton, Ed Peeler and Margaret Sandlin, totally endorsed this project. The budget projects \$181,450 in revenues and \$169,450 in expenses. Councilmember Jessup said he attended the EDC meeting and believes the budget shows very forward thinking by the Mayor and the EDC Board. Councilmember Henley made a motion to adopt the ordinance, numbered **2003-26**, approving the 2003-2004 budget for the Economic Development Corporation as presented. Councilmember Piwonka seconded this motion which carried unanimously.

Mayor McGrath then read the caption to the following ordinance:

AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF MEADOWS PLACE, TEXAS, FOR THE TAX YEAR 2003.

Mayor McGrath said he was proposing a \$0.73 tax rate. This is the same rate the city has levied since 1997 and will be divided between Maintenance and Operation at \$0.467 and Debt Service at \$0.263. Councilmember Piwonka made a motion to adopt the ordinance, numbered **2003-27**, levying the tax rate for the City of Meadows Place, Texas for the tax year 2003 at \$0.73 per \$100 valuation. His motion was seconded by Councilmember Henley and unanimously approved.

Mayor McGrath then read the caption to the following ordinance:

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY SECRETARY OF THE CITY OF MEADOWS PLACE, TEXAS, TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF FORT BEND AND THE CITY OF MEADOWS PLACE FOR POLICE PROTECTION FOR A TWO YEAR TERM BEGINNING ON OCTOBER 1, 2003, AND ENDING ON SEPTEMBER 30, 2005.

Mayor McGrath said this, and the next three agenda items renewed current interlocal agreements between Meadows Place and Fort Bend County. This agreement is for a mutual assistance agreement and is for a two year term. Councilmember Henley made a motion to adopt the ordinance, numbered **2003-28**, as presented. Councilmember Jessup seconded the motion which carried unanimously.

Mayor McGrath then read the caption to the following ordinance:

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY SECRETARY OF THE CITY OF MEADOWS PLACE, TEXAS, TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF FORT BEND AND THE CITY OF MEADOWS PLACE PROVIDING FOR THE HOUSING OF CITY PRISONERS FOR A ONE YEAR TERM BEGINNING ON OCTOBER 1, 2003 AND ENDING ON SEPTEMBER 30, 2004.

This agreement is for a one year term and allows us to house those prisoners taken into custody in Meadows Place at the county jail. Councilmember Jessup made a motion to adopt the ordinance, numbered **2003-29**, as presented. Councilmember McCann seconded the motion which carried unanimously.

Mayor McGrath then read the caption to the following ordinance:

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY SECRETARY OF THE CITY OF MEADOWS PLACE, TEXAS, TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF FORT BEND AND THE CITY OF MEADOWS PLACE FOR USE OF THE COUNTY'S RADIO SYSTEM FOR A ONE YEAR TERM BEGINNING OCTOBER 1, 2003, AND ENDING ON SEPTEMBER 30, 2004.

This agreement is also for a one year term and allows the city to communicate with the county through our police radios enabling the county to provide night and weekend dispatch service for Meadows Place. The cost for this service has increased from \$8.50 to \$9.50 per radio per month. Councilmember McCann made a motion to adopt the ordinance, numbered **2003-30**, as presented. Councilmember Piwonka seconded the motion which carried unanimously.

Mayor McGrath then read the caption to the following ordinance:

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY SECRETARY OF THE CITY OF MEADOWS PLACE, TEXAS, TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF FORT BEND AND THE CITY OF MEADOWS PLACE FOR PURCHASE OF CERTAIN MATERIALS AND SERVICES FOR A TWO YEAR TERM BEGINNING ON OCTOBER 1, 2003, AND ENDING ON SEPTEMBER 30, 2005.

This agreement is for a two year term and allows the county to act as the city's purchasing agent when we ask. It is the same agreement we had in the past. Councilmember Piwonka made a motion to adopt the ordinance, numbered **2003-31**, as presented. Councilmember Henley seconded the motion which carried unanimously.

Mayor McGrath then read the caption to the following ordinance:

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY SECRETARY OF THE CITY OF MEADOWS PLACE, TO ENTER INTO AN AGREEMENT WITH ECO RESOURCES, INC. TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE CITY'S WATER AND WASTEWATER UTILITY SYSTEM.

Last year the city entered into an agreement with ECO Resources for the maintenance of our water and sewer lines. It is estimated that agreement saved the city \$50,000. This year we are contracting with them to operate and maintain the water and sewer treatment plants. As part of the agreement, city employees currently in our Public Utilities Department will be offered positions with ECO. This agreement is for a three year term with a 60 day call notice. Councilmember McCann made a motion to adopt the ordinance, numbered **2003-32**, as discussed. Councilmember Henley seconded this motion. Councilmembers Henley, Jessup, McCann and Piwonka voted "aye." Councilmember Zellers abstained from voting due to a possible conflict of interest.

Council then approved payment to ECO Resources, Inc. for August work preformed for \$5,690.01 with a motion made by Councilmember Piwonka and seconded by Councilmember McCann and unanimously approved. It was council's consensus not to put this monthly bill on the agenda unless it was for an extraordinary amount.

Expenses to the City of Stafford for \$117,000.00 (\$115,000.00 for firefighting services and \$2,000.00 for fire marshal services) and to Floor Works Unlimited for \$5,875.00 for renovations to the field house, patio cover at the Community Center and painting the Kirkwood Office were presented to Council for ratification. Councilmember McCann made a motion, seconded by Councilmember Jessup, to ratify the expenditures as presented. The motion carried unanimously.

Mayor McGrath invited audience comments at this time. Tammy Smith, 12315 Scottsdale, asked what council was studying regarding the Garden Ridge site? Mayor McGrath said he was hoping the city could help market the property, which includes the theater property as well as the vacant property across Dorrance. Perhaps a TRIZ (Tax Re-Investment Zone) could be established. He is hoping some way we, as a city, could get the property moving. There is no guarantee.

Councilmember Henley suggested the city look into adopting a consent agenda, particularly if future agendas run as lengthy as tonight's agenda.

Councilmember Henley then made a motion to recess the regular meeting and enter into Executive Session to discuss and consider with City Attorney pending litigation in the United States District Court for the Southern District of Texas by JULIA RUSSU, JO ANN RUSSU, and CATS AND FRIENDS, INC., a nonprofit corporation, Plaintiffs V. CITY OF MEADOWS PLACE, TEXAS, an aldermanic Texas municipality, BEN W. "BUD" CHILDERS, FORT BEND COUNTY ATTORNEY in his official capacity, HOUSTON HUMANE SOCIETY, INC., a nonprofit Texas Corporation, MARK TIMMERS, in his individual capacity, and TRACEY SPILLER, in her individual capacity, Defendants seeking to declare unconstitutional the ordinance 2003-19 restricting the number of animals to 4 per residence and to return 43 cats to 12342 Scarcella Lane and 12058 Sturdivant. Councilmember McCann seconded this motion and council recessed the regular meeting to enter into executive session at 8:50 p.m.

At 9:40, council reconvened into regular session. Mayor McGrath announced there was no action to be considered on items discussed in executive session.

There being no further business to consider, Councilmember McCann made a motion, seconded by Councilmember Zellers to adjourn the meeting. With unanimous approval the meeting was adjourned at 9:41 p.m.

Elaine Herff, City Secretary