MINUTES OF PUBLIC HEARING and REGULAR MEETING

May 26, 2015

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Pro Tem Kirk Jones declared a quorum was present, and called the meeting to order at 6:00 p.m.

Present:	Jon Bickford	Position # 1
	John Champagne	Position # 2
	Kirk Jones	Position # 3 (Mayor Pro Tem)
	Rebecca Huss	Position # 4
	Dave McCorquodale	Position # 5
Absent:	No Members were absent	
Also Present:	Jack Yates	City Administrator
	Larry Foerster	City Attorney

INVOCATION

John Champagne gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARINGS:

Convene into Public Hearings:

1. Public Hearing regarding the annexation of 9.450 acres of land, more or less, in the JOHN H. CORNER SURVEY, Abstract 8, in Montgomery County, Texas, and further described as:

    - Being 6.202 acres of land situated in the JOHN H. CORNER SURVEY, Abstract 8 of Montgomery County, Texas, said tract more particularly described by metes and bounds description filed with the City Secretary of the City of Montgomery, Texas, and recorded owners being Cole E. Komar, Melissa Rampy Arney, Ty C. Rampy and James Clifton Rampy;
    - Being 2.039 acres of land situated in the JOHN H. CORNER SURVEY, Abstract 8 of Montgomery County, Texas, said tract more particularly described by metes and bounds description filed with the City Secretary of the City of Montgomery, Texas, and recorded owners being Cole E. Komar, Melissa Rampy Arney, Ty C. Rampy and James Clifton Rampy;
    - Being 1.209 acres of land situated in the JOHN H. CORNER SURVEY, Abstract 8 of Montgomery County, Texas, said tract more particularly described by metes

and bounds description filed with the City Secretary of the City of Montgomery, Texas, and recorded owner being Cole E. Komar;

Mayor Pro Tem Jones convened the Public Hearing at 6:02 p.m.

Mr. Foerster advised this was the second of two required public hearings to be conducted in connection with the annexation of City property. Mr. Foerster advised the property involved is located on the east side of the City, going from the Lone Star Parkway to Stewart Creek Road along the north side of SH 105. This property includes three tracts of land that total 9.4 acres, owned primarily by the Rampy family heirs. One of the tracts will be a future site for Pizza Shack. Mr. Foerster said City Council will consider accepting an ordinance annexing the 9.4 acres into the City of Montgomery in June.

Mayor Pro Tem Jones adjourned the Public Hearing at 6:04p.m.

Reconvene into regular session:

VISITOR/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. Council may not discuss or take any action on an item, but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

Mr. David Potter stated that he has been dealing with speeding vehicles on Old Plantersville Road for the past three years. Mr. Potter said that he has discussed this matter with several police officers, Council members, and he is fed up because it is not being solved. Mr. Potter said that the high school students and their parents speed up and down Old Plantersville Road. Mr. Potter advised that they had installed a speed bump 50 foot from SH105, which is not doing any good, with another one 150 foot from that location. Mr. Potter said that he felt the speed bumps were a waste of money. Mr. Potter stated that there are small children and pets running up and down the road all the time and there is nothing being done about the speed limit.

Mr. Potter advised that the Chief of Police was nice enough to come out and in five minutes he had stopped five people who were speeding. Mr. Potter said that when you drive on Old Plantersville Road and cross over the railroad tracks, you can't see around the curve because the brush needs to be mowed down. Mr. Potter advised that three children came around the curve and put him in the ditch, which is when he contacted the Chief of Police, because he is fed up with the problem.

Mr. Potter said that when school lets out for the summer the City has two to three months to get something done about the problem. Mr. Potter said that it is high time that something get done before someone gets killed or hurt. Mr. Potter said that he did not know who installed the speed bump in front of City Hall just 50 foot away from SH 105. The Chief of Police had told him that the speed bump was a mistake, which he felt needs to be corrected by putting speed bumps along the road. Mr. Potter

also recommended a stop sign at the intersection of Cemetery Road and Old Plantersville Road. Mr. Potter said that he hoped that something would be done now and thanked Council for listening.

Rebecca Huss stated that speeding on Old Plantersville Road was also an issue for her, which she had been talking about for a year or more. Rebecca Huss said that you could hire a person specifically to work that location, but there really is no enforcement that can stop that behavior. Rebecca Huss said the only thing that can be done is to make it more attractive to stay on SH105. Rebecca Huss said that they need to start doing some of the things previously discussed. Rebecca Huss advised that she had talked to Lt. Belmares before about the traffic control box at 149 and SH105, and to contact TxDOT to see if they have studies on how much longer that light needs to run to allow more cars to pass through. If they do not have people backed up on SH105 there would be no interest in them taking the long way around. Rebecca Huss said that there are also other options, such as taking away parking privileges for people caught speeding 15+ miles per hour over the speed limit in residential areas. Rebecca Huss said that someone will either get hurt or killed from a head on collision, so the issue needs to be taken very seriously.

Mr. Washington commented that when he approaches the curve in the road near the railroad tracks he has to slow down to a crawl to be able to see or get ready to go into the ditch, should there be a kid on an ATV or a school bus.

Mr. Potter also reported that the kids are drag racing on the straight part of Old Plantersville Road.

CONSENT AGENDA:

2. Matters related to the approval of minutes for the public hearing and regular meeting on May 12, 2015.

   Rebecca Huss moved to approve the minutes as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

3. Justice of the Peace Wayne Mack will administer the Oath of Office to the following certified unopposed and duly elected officials from the May 9, 2015, City of Montgomery Cancelled Special and General Elections:

   Kirk Jones - Mayor
   Jon Bickford - City Council Position 1
   T.J. Wilkerson – City Council Position 3
   Dave McCorquodale – City Council Position 5

   Judge Wayne Mack administered the Oath of Office to the Mayor and members of City Council, as follows:

   Kirk Jones - Mayor
   Jon Bickford - City Council Position 1
   T.J. Wilkerson – City Council Position 3
   Dave McCorquodale – City Council Position 5

The newly sworn Mayor and members of City Council took their seats. City Council welcomed newly elected Councilmember T.J. Wilkerson. Mayor Jones and City Council thanked Judge Mack for his services. Judge Mack stated that it was his honor, and how much he appreciated what City Council did each and every day.

4. Consideration and possible action electing the Mayor Pro Tem for the term of one (1) year as provided by Texas Local Government Code §22.037(b).

   Jon Bickford nominated Rebecca Huss for the position of Mayor Pro Tem. By acclamation, City Council unanimously elected Rebecca Huss as Mayor Pro Tem.

5. Presentation regarding Fats, Oils, Grease and Wipes in the sanitary sewer collection system.

   This item will be presented at the next Council Meeting.

6. Consideration and possible action on department reports.

   A. Administrator's report – City Administrator Jack Yates presented his report to Council. John Champagne asked whether the 380 Agreement mentioned in the report as being with Milestone, should instead state Lefco. Mr. Yates said that Lefco was included, but the agreement is with Milestone. John Champagne said that the initial agreement was made with Lefco and asked if the agreement with Milestone would supersede the original agreement with Lefco and the City of Montgomery. Mr. Yates advised that he would let the City Attorney respond to that question.

   Mr. Foerster advised that there were actually two development agreements; one in 2007 and another one in 2011. Mr. Foerster said that the 2007 agreement was based on City tax revenue that would be generated up to, and not exceeding $410,000, for a period of not more than fifteen years.

   Mr. Foerster stated that he had sent emails to Mr. LaFevre and he had not received a clear response regarding the City's commitment was to him. Mr. LaFevre indicated that he thought it was about $400, 000, which Milestone is willing to pay. They want to know exactly what their commitment is, which they are still waiting to get in writing. Mr. Foerster advised that Milestone will be assuming that obligation and in effect indemnifying or making sure that the City is not left with any reimbursement responsibility under that agreement. John Champagne asked whether the City should have that commitment on file at City Hall. Mr. Foerster stated that was what they were working on and it will be part of the development agreement.

   Mr. Foerster advised that the second development agreement was written in 2011 for a utility extension for a piece of property, which would have been paid with property taxes up to $148,000. Mr. Foerster stated that he had asked the previous City Secretary, Carol Langley, if she was aware of any information received from Mr. Phillip LaFevre or his company relating to payment on either of the agreements. Mrs. Langley advised that she was not aware of anything being received.

   John Champagne asked to confirm whether the City could transfer the obligation to Milestone to free the City from any obligation to Lefco. Mr. Foerster advised that the City

could enter into any type of agreement that Mr. LaFevre is willing to enter into. Mr. Foerster stated that Milestone is willing to assume that commitment, but the question is what and how much.

B. Public Works report – Mike Muckleroy, Public Works Foreman, presented his report to Council. John Champagne asked if there would be a report on the Baja ditch project. Mr. Muckleroy advised there would be a report. John Champagne asked why Mr. Muckleroy had been short an employee for a month. Mr. Muckleroy advised that one employee had resigned after being out on sick leave for three weeks. Mr. Muckleroy advised that the position had not been filled.

Frank Garcia with H20 presented the water production report to Council. Dave McCorquodale asked if the well usage was being rotated each month between the different wells. Mr. Garcia advised that they were rotating the wells.

John Champagne asked how Mr. Garcia was handling all the rain that the City has been experiencing. Mr. Garcia advised that the wastewater plant was flowing higher than normal, but staying compliant and not exceeding the limits permitted by TCEQ. Mr. Garcia advised that they had their annual water plant inspection by TCEQ, and they do not anticipate any problems.

Mr. Champagne asked what would be the ideal percentages for usage with Wells No. 2, 3 and 4. Mr. Garcia advised that depending on the weather, they are able to use Well No. 4 more. They are hoping to have no more than 10% percent usage for Well No. 2, 20% percent for Well No. 3, and above that on Well No. 4. John Champagne asked what they were paying the MUD for usage. Mr. Shackleford, City Engineer, advised that for water that comes out of Well No. 2 and 3 it was a rate of $2.80 per 1,000 gallons. The City pays approximately $4,000 per month.

Mayor Jones asked Mr. Garcia to address what should and should not be put into the system. Mr. Garcia stated that they try and discourage people from putting disposable napkins and grease down the drain, because it can cause problems with the system. Mr. Garcia also stated that it is best to dispose of waste in your garbage can versus putting in down the drain. Mr. Garcia advised that oils and fats associated with cooking should be disposed of in the garbage can, and it is illegal to dispose of motor oil into the system.

C. Police Department report – Chief of Police James Napolitano presented his report to Council. Chief Napolitano advised that he would be checking on the problem on Old Plantersville Road to see what can be done regarding speeding vehicles. Chief Napolitano spoke about all of the rain and advised everyone that when they see water running across the road, to not drive across the road, and to either go back the way they came or find another route. Chief Napolitano advised there are four people in Houston who are dead because they decided to drive through high water last night or this morning.

D. Court Department report – Court Administrator Rebecca Lehn presented her report to Council. Ms. Lehn advised that warrants were down during the month, due to the Deputy Court Clerk was on vacation for two and half weeks. So the person handling warrants had to work in her place. Even with the low number of warrants, the Court still had a great

month. Ms. Lehn advised that she was out ill, so next month she will have the warrant report for last month and this month included in the report.

E. Utility/Development report – Ashley Slaughter, Utility Clerk, presented her report to Council. Mrs. Slaughter advised that the matter of the Montgomery High School irrigation fees not being charged correctly had been resolved. Mrs. Slaughter reported that Incode had made an error, stating that the school was not being charged correctly, and after checking all the information with them, the charges were being made correctly from the beginning. They will not have to do the manual bills. John Champagne asked Mr. Muckleroy if they had checked the meters at the school to make sure that the amounts were calculating correctly. Mr. Muckleroy advised that he had checked the meters, and the calculations were correct.

Mrs. Slaughter reported that the amount that was collected last month for use of the community center did not add up to enough to cover the electric bill for the building. Mrs. Slaughter met with Mr. Muckleroy and they are working on a proposal to present to the City Administrator. They propose to create more time blocks for use of the Community Center by splitting up the time into three blocks per day. They also discussed cleaning charges and how they would follow up to make sure that the facility was cleaned properly. Mrs. Slaughter advised that during the week, Mr. Muckleroy could make sure that was taken care of, and the Police Department could check the facility on the weekends.

Engineer's report - Glynn Fleming, Associate Engineer, presented the report to Council. Mr. Fleming advised that at this time, they are tabling any further action on the Baja project. They will work with the City Administrator to track down the people with Montgomery County that were originally involved with the project to try and get some resolution regarding the ditch. Mr. Fleming stated it did not seem the ditch was graded out properly, so before they come to City Council with a recommendation of what needs to be done, they would be remiss if they did not first go back to the County.

Mr. Ed Shackleford, City Engineer, advised that the County Commissioner's staff and County Engineer's staff were not involved in the project, it was all done through the County Community Development Department. Mr. Shackleford stated they had two goals in mind. The first goal is to go to the County Commissioner and let him know what took place on this project and get his guidance on how to go about solving the problem so it does not occur in the future. The second goal would be to see if the County Commissioner can help the City go back through the Community Development Department to get this problem corrected and built per the design, before the City spends any funds.

Mr. Yates advised he has a copy of the survey of the Baja ditch elevation, which shows that the elevation actually peaks. He also has a copy of the survey prior to the project, which shows before and after elevations that do not match. Mr. Yates stated his intention was to speak to the Director of the Department to advise him they either need to resolve the problem, or he will take the matter to County Commissioner's Court, and if they won't do anything, then he will contact the Department of HUD, which funded the project. Mr. Shackleford advised they were going to cover their bases and keep City Council advised of the matter.

Jon Bickford asked about what type of impact this project is having on the residents. Mr. Fleming advised, if you check the ditch after a heavy rain, the impact is quite substantial. Mr. Yates said the City helped the property owner at the end of the ditch by installing a culvert. Jon Bickford asked if there was anything the City can do in the interim to help the residents. Mr. Fleming advised, other than digging, there was nothing else to be done. Mr. Yates advised that no homes had flooded at this point. John Champagne asked to have the project put on a fast track to get resolved. Mr. Shackleford stated he would be contacting the County tomorrow. Mr. Yates advised they would fast track the project.

Mayor Jones asked if Mr. Fleming knew why the Cowboy Church was clearing their property by SH105. Dave McCorquodale asked if it was for the detention facility on their property. Levi Love, Engineer for the project, advised the detention pond for their current project extends down into that acreage, and they are reworking that area to save some trees. Mr. Love advised they will not be grading until they resubmit the plans for the project. They are mainly clearing underbrush and being very selective about the trees being removed.

Mr. Fleming advised they are continuing to have ragging issues at Lift Station No. 8, located on Lone Star Parkway. They have been discussing the possibility of adding an auto dialer to notify when there is a problem at the Lift Station. Jon Bickford said the auto dialer would tell them when something is wrong, but was there a plan to fix the problem, such as another pump, etc. Mr. Fleming said they would eventually get to that point, their idea is to start small and work their way up the chain. Jon Bickford asked whether the Lift Station was supposed to have two pumps, but currently only has one. Mr. Fleming advised that was correct, it was designed to lend itself to expansion. Jon Bickford asked whether having two pumps would help with the problem. Mr. Fleming advised that was possible.

Rebecca Huss asked about the construction fund, and whether they had determined what was owed to the contractor, so they can release the remaining funds for use for other purposes. Mr. Fleming advised they had a meeting last Wednesday regarding that information and the contractor would be finalizing the figures, which they will have in two weeks. Mr. Shackleford advised the contractor was disputing the liquidating damages charge and is providing information to support his argument.

Dave McCorquodale asked about the tap fees for Blazer, and whether it was a staff decision regarding the amount. Mr. Yates advised there was a $75,000 tap fee, but because of the size of the meter installed, they had to add that cost to the $75,000 for a total of $94,000. Mr. Yates stated the City's cost will be $40,000. They used figures that they had received from a previous engineer as the basis for the fees.

F. Financial report - Mrs. Cathy Branco presented her report to Council. Mrs. Branco stated this is the first time they have been able to show revenues over expenditures. Mrs. Branco advised they needed to have a budget meeting sometime between this meeting and the next one. Mrs. Branco stated that the next debt service payment would be in September. Mrs. Branco expressed her appreciation for the plant and flowers that were sent by the City following her surgery.

Jon Bickford stated that in April, there was almost a 30 percent reduction in water sales, and there will probably be a similar loss in May, and if that was being monitored, to see if

there was any impact on the City. Mrs. Branco advised that was one of the reasons for the rate study, budget adjustment, and request for a budget meeting.

Mayor Jones asked if it would be worthwhile for City staff to make recommendations regarding expenditures. Mr. Yates advised that would be a good idea. Jon Bickford said the weather could be over in the next two weeks, but if not, he wants to be prepared. Mayor Jones stated sales tax revenues were not as high as predicted.

John Champagne asked about the water and sewer fund account, which shows receipts of $54,000 and disbursements of $61,000, and asked whether that was typical. Mrs. Branco advised it was typical for the water and sewer fund. John Champagne said shifting the Wells No. 2 and 3 to Well No. 4 has netted the City approximately $6,500 in MUD fees, and asked if there was anything else in the process that can be look at to possibly lower costs.

Mr. Garcia stated as far as operations, they are still doing research, but there is water being used at the wastewater plant, which is roughly 150,000 gallons per month, for disinfection purposes when they could use process pumps versus water from the ground. Another item would be to make sure that the solid level is to a point that the oxygen levels are being met with less power from the blowers. Mr. Garcia advised that all the heavy rain washes a lot of debris into the system. Mr. Garcia said that when everything dries up, they will be able to control the process a lot better. John Champagne said as of right now they are running $7,000 in arrears.

Mr. Garcia said he was going to recommend going out every Monday and cleaning out debris during regular business hours to see how long it will last. Right now, they are doing cleanout twice a week, and the second cleaning ends up being done during the night or on the weekend, which are overtime charges. Mr. Garcia advised he has done this process at another district and it worked out well and slowed down the amount of times he was called out. John Champagne stated he appreciated Mr. Garcia's pro-active position during the last 60-90 days, and he hoped it continues. Mr. Garcia stated he appreciated the support, along with Mr. Muckleroy and Mr. Fleming being on staff.

Mrs. Blanco advised the water plant electrical expenses are over by $10,000, and the lift stations are $1,490 over. Mayor Jones asked if that had to do with the rain. Mr. Garcia advised that the higher electricity costs was due to using Well No. 4, which has a larger pump. Mayor Jones said that while they are using Well No. 4 to save money, it is costing more in utilities.

John Champagne asked about solar power. Mr. Shackleford said they had not looked at the cost for solar power, but they would be happy to check into solar power. Rebecca Huss asked whether Texas allows solar companies to finance solar panels, because in some states, they finance the panels. Jon Bickford said that one area that might be able to use solar would be the blowers at the sewer plant, since they use less current.

Jon Bickford moved to accept the departmental reports, as presented. John Champagne seconded the motion, the motion carried unanimously. (5-0)

7. Consider possible action on approval of Montgomery Economic Development Corporation funding of water and sewer line extension at FM 149 and Lone Star Parkway.

Mr. Yates advised that when the Apache Machine Shop was considering a second building, they held a meeting and asked that they increase the size of their water lines from 6 inch to 12 inch lines, because they are trying to form a 12 inch loop around Lone Star Parkway. The City also asked Apache Machine Shop to increase their sewer lines from 4 inch to 8 inch, which would form a loop around Lone Star Parkway. The City asked that they continue their lines all the way across their property, so it would be easier for a future developer to tie into the line. Mr. Yates stated Apache had presented their report to the Montgomery EDC (MEDC) last week, and their estimated cost for increasing the line size and distance was $58,000. MEDC agreed to spend the $58,000 to fund that project. Mr. Yates advised the request being presented to City Council to approve the use of MEDC funds for the project, because it was not part of the MEDC Budget.

John Champagne asked if in the past, property owners had partnered with the City. Mayor Jones advised they are actually paying approximately 25% percent of the total cost and MEDC is paying 75% percent. Mr. Yates advised $58,000 is the cost of the increase, due to increasing the line size and distance, for a total cost of $79,000. Mayor Jones advised the MEDC funds will come from projects that are not being done this year, such as Clepper Street and quality of life projects that were in the budget. John Champagne asked to confirm the project would be going into a loop and not a dead end line. Mr. Yates stated that right now it is a dead end line, but eventually will be a loop around Lone Star Parkway. John Champagne asked the City Engineer if this project was a logical move. Mr. Shackelford advised it was their suggestion.

John Champagne moved to approve the use of Montgomery Economic Development Corporation funds up to, and not to exceed, $58,000 for the water and sewer line extension at FM 149 and Lone Star Parkway. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

8. Consideration and possible action on the written response from the Signorelli Company regarding the Montgomery Ridge Feasibility. Including a request to pursue an emergency water interconnect with the City, inclusion in the City's groundwater reduction plan, and inclusion in the City's proposed regional detention plan.

Mr. Shackleford advised Signorelli Company is wanting to develop a 132 acre tract, on the southeast corner of FM2854 and SH105, behind the KOA Camp. The property is split in half, with half in the City of Conroe's ETJ and the other half in the City of Montgomery's ETJ. Mr. Shackleford advised they had completed a feasibility study at their request. Signorelli Company felt the cost was a little high for them, so they are considering drilling their own well and having a package sewer plant on site. Mr. Shackleford advised that since their proposed well will not be a Catahoula well, they are required to be part of someone else's Groundwater Reduction Plan (GRP). The Signorelli Company is also asking for an emergency interconnect because they will only have one well.

Mr. Shackleford advised they have not done an analysis on their request. The letter is being brought to Council with the thought that this does require some analysis. There are still funds remaining from their original feasibility study deposit. Mr. Shackleford advised he was recommending that City Council allow them to conduct a quick analysis on the pros and cons

of them joining the City's GRP, and what the cost would be to allocate capacity for the emergency interconnect.

Rebecca Huss said it seems like it would be a free ride for them if they want the emergency interconnect, if they are not paying for any of the capacity, unless they are willing to issue a bond to immediately buy capacity. Mr. Shackleford stated TCEQ would require the City, if they have an emergency interconnect, to set aside a certain amount of capacity. Rebecca Huss said that would be a total free ride. Mr. Shackleford said they have made a request, and they will come back with a recommendation, and it will not be a free ride. Mr. Shackleford also stated the City went on their own GRP to build up early conversion credits, and potentially they would cut into that time period. Mr. Shackleford stated they would want to look at their total usage versus the City's total usage, and the usage the City's wells are permitted through the GRP. John Champagne asked if Mr. Shackleford saw this action as a positive revenue for the City. Mr. Shackleford said there was that potential.

Rebecca Huss said that since they have funds in the account for a real analysis, it would make sense to put the numbers on paper and review the information. Jon Bickford stated as long as they have the funds to pay for it, and the City will pay none of the costs, then study away. Mr. Shackleford said if they get to where they are going to run into additional costs, then they will advise that they need more funds.

Jon Bickford moved to allow the City Engineer to continue using Signorelli's money for an analysis regarding feasibility of the GRP, proposed regional detention plan, and emergency interconnect, until at which point, they either: (a) they run out of funds and choose to not do any more work, or (b) choose to work for free. City Council is not proposing or suggesting that the City is going to fund any of the effort, but is just authorizing the City Engineer to use Signorelli's funds that Signorelli has authorized them to use. John Champagne seconded the motion.

Discussion: Rebecca Huss commented that when Steve Williams, with the City of Conroe, was at a meeting he had made it very clear that the City of Conroe would never allow a 129.846 plan to ever happen, and said they might want to check with Signorelli to see if they had a different size plan in mind, before they do the study regarding the Conroe/Montgomery ETJ.

Dave McCorquodale asked about them giving the City jurisdiction. Mr. Shackleford advised what he thought they were saying was if they came into the City of Montgomery's jurisdiction, they would build their infrastructure based on the City of Montgomery's criteria instead of Conroe's criteria. Mr. Shackleford stated he would defer to Mr. Foerster. Mr. Foerster advised he would have to review the GRP before he could answer that question. Mr. Foerster said Signorelli will have to go with either Conroe or Montgomery's GRP, because they are in both ETJ's, so they might even need a joint agreement on how they are going to play out their obligations to the Lone Star Groundwater Conservation District. Mr. Shackleford advised that he was thinking more along the lines of building code requirements and land design development requirements versus the GRP. Mr. Foerster advised that he would check on exactly what they could require of Signorelli. Mr. Foerster stated if the City did provide an emergency interconnect, it could make the requirement that they comply with the City's codes.

Mayor Jones asked if they did get into an interconnect agreement, since they would be putting infrastructure in, would it benefit the City in any way for future connections. Mr. Shackleford

said potentially the answer would be yes, and referred to a previous feasibility study that proposed an extension for Pizza Shack, which would allow a potential looped line in front of the HEB Store. Mr. Shackleford said that if the City enters into an agreement with Montgomery Ridge, then when other people tied onto the connection that Montgomery Ridge paid for, it would allow them to get some pro rata share back.

The motion carried unanimously. (5-0)

9. Consideration and possible action on proposal from Blazer Building, Inc. regarding City Participation in removal of medians from Flagship Boulevard.

Mr. Fleming made the presentation to Council. Mr. Fleming advised he wanted to get some feedback from City Council on whether Council has an interest in moving forward to modify the medians on Flagship Boulevard, if Council does, then a brief discussion as to what degree they want to do that. Mayor Jones advised that MEDC has budgeted up to $40,000 toward Flagship median renovations, which was approved by City Council. Dave McCorquodale stated when a median is done correctly it looks nice, but someone with traffic engineering would have to look at it to see if what we have left makes sense.

Rebecca Huss asked if they needed approval to start digging up City roads. Mr. Fleming advised it was part of their approved construction plans. Mr. Fleming advised that $60,000 was their rough estimate to remove the medians in their entirety, and they would have to come up with a pro rata share as to what Blazer pays. Rebecca Huss said that it seems like it would be spending a lot of money for something that does not have to be done. Mr. Fleming stated some of the pavement issues on SH105 had been addressed by the public works foreman and his crew.

Mayor Jones said if someone is out there cutting and working on the roadway, they might as well get it done right. John Champagne said they might be looking at $35,000-$40,000 as the City's share of the cost. Mr. Fleming said that was entirely possible, and he wanted to get direction from City Council as to what they wanted removed. Jon Bickford asked whether there was any real need to remove any of it, and what is driving the need to remove it. Mr. Fleming advised removal of the median would improve the trucks turning radius, and would allow them to repair the damaged curb. Jon Bickford said that they want the costs to remove the median to the right of both designated areas in green on the drawing, stopping where yellow area stops and the white area starts again, in both areas. Mr. Yates stated they did want some direction because of timing issues. Mr. Fleming said that due to the recent weather, they are going to be running behind, and the delay should not be a problem.

After discussion, Mayor Jones stated they needed the costs involved to make a decision. Mr. Fleming advised he had enough direction to come back in two weeks with a cost estimate.

Jon Bickford moved to table the item until the next meeting. John Champagne seconded the motion, the motion carried unanimously. (5-0)

10. Presentation of Stewart Creek Regional Drainage Study, Phase II Findings.

Mr. Shackleford made the presentation to City Council and discussed different options for control structures across Stewart Creek. Mr. Shackleford advised the cost of the projects vary anywhere from $3.8 million to $4.6 million.

Mr. Shackleford said they looked at the cost per acre, such as Milestone, which has a total of 50 acres, and to avoid having two different numbers for commercial and residential, they just looked at it singularly. They wanted to be able to give the developers a number that they could budget for their cost. They came up with an approximate cost of $2,900 - $3,400 per acre as a viable number. Mr. Shackleford advised they had run conceptual numbers this morning, and they came up with $3,500 to $4,000 per acre of development. Mr. Shackleford advised they will do a comparison on what the developers costs would be if they did their own detention in the second part of the study.

Dave McCorquodale asked what Mr. Shackleford felt was the best option. Mr. Shackleford said right now they are thinking that Option 1, which has the two control structures with the minimal amount of excavation, was the most cost effective, but he wanted to take one more look at the cost per acre.

John Champagne asked if they could require all new development to utilize this detention. Mr. Shackleford said that would be a goal if the City decides to move forward with this plan. Mr. Shackleford advised this plan would eliminate all the little on site detention facilities that become a maintenance headache.

John Champagne asked if a developer were to go bankrupt and leave the garbage and detention on the property, who would then be responsible for what is left. Mr. Shackleford advised the developer would pay up front to create the control structure, and in that dollar value, maybe there is a long term maintenance to cover that cost.

Mr. Shackleford advised they are near the final stage of the study and their initial goal was to try and keep the limits of the control structures as close as possible with the existing flood plain. They are having to exceed it a little bit, in a few areas, which will require some acquisition over and above the flood plain. They will need inundation easements for where the flood plain is today to incorporate that into the program. Mr. Shackleford advised that he did not feel they could complete this in time for Milestone, but as long as there is a program in place and they know where the City stands, there should not be a problem with Milestone and Kroger getting their certificate of occupancy.

John Champagne asked if they could do the program incrementally. Mr. Shackleford advised they could, by doing one control structure at a time, and acquire the land necessary for each control structure. John Champagne asked if that would be a prudent way to do it. Mr. Shackleford advised it would be prudent.

Jon Bickford asked where $60,000 per acre came from for the flood plain. Mr. Shackleford advised it was not flood plain, it was prime area. Mr. Shackleford talked about the different options for water features, parks, fountains, and a business park, because the dirt under that grass is suitable for those type of structures. Mr. Shackleford advised he would finish the report and present it, hopefully, at the next Council Meeting. John Champagne asked for incremental costs for the project. Mr. Shackleford advised he would provide that information. Mayor Jones asked about the timing with Milestone. Mr. Shackleford advised the initial

development of the Kroger building would put water in the Creek, but it would not be enough to cause flooding downstream. Mayor Jones advised they had done a great job and the information was very interesting.

11. Consideration and possible action on authorizing Jones & Carter, Inc. to begin preparation of the major permit amendment for the Stewart Creek Wastewater Treatment Plant.

Rebecca Huss said Mr. Yates had done some research regarding Kroger usage and actual demand that was significantly less than 100,000 gallons, and asked where that put the City regarding the timeline for construction. Rebecca Huss said it makes sense for the City to be able to wait, if possible, until they have events that generate the taxes to pay for that. Rebecca Huss said if they can use 10,000 instead of 100,000 gallons, and how much would it change the calculations.

Mr. Shackleford said they could bring in the actual flows they need, and there could be an interim step, such as, a package plant instead of a permanent plant. Mr. Shackleford said they are steel tanks brought in to treat sewerage. Mr. Shackleford stated that there was a lease cost for the package plant and the treatment of the sewage is not to the same degree as a permanent plant. It would have to be checked to make sure that the effluent is the required quality to go into the lake. Mr. Shackleford advised that he did not know what the lease cost was for a package plant.

Mr. Shackleford advised he was asked for authorization to start on the preparation of the permit amendment for the Stewart Creek Wastewater Treatment Plant. Mayor Jones asked how much this was going to cost the City. Mr. Shackleford advised the timing of the project can fluctuate with the development of the City. Mr. Shackleford said they are up to $30,000 on the permit amendment, because they did not do the original permit, which they are trying to get with the calculations. Mayor Jones asked if the permit has a shelf life. Mr. Shackleford advised the amendment was going to take a year; six months to prepare and six months to process. So if they start it today, they will not hear that the amendment is approved until this time next year. Then, there is a certain period of time to activate the construction of the Plant, which is approximately two years.

John Champagne asked what percent of capacity they will get to after Kroger is built. Mr. Shackleford said once the entire Milestone development is completed, it will add roughly 75,000-90,000 to the City's total usage based on design criteria. Jon Bickford said they need to really be careful and asked Mr. Yates if his figures were just for Kroger or the entire facility in Willis. Mr. Yates advised it was for the entire facility in Willis and totaled approximately 6,900 gallons per day. Mr. Shackleford advised they were also including some of the single family residential development that is occurring in the City in their calculations. Jon Bickford said if he understood correctly, April 2016 was Phase I for Kroger and one pad site, and those two do not require 75,000 gallons.

Rebecca Huss said she did not understand, because they were doing a permit amendment for 400,000 gallons, and they are already permitted for 800,000 gallons. Mr. Shackleford said they were not permitted for 800,000. Mr. Shackleford advised that he will have his staff pull the information, and he will defer the request for approval.

Jon Bickford moved to table action until the next Council Meeting. John Champagne seconded the motion, the motion carried unanimously. (5-0)

12. Consideration and possible action on letter of sponsorship for proposed public roads in Terra Vista, Section One development.

    Mr. Fleming presented the information to City Council.

    Jon Bickford moved to accept the letter of sponsorship for proposed public roads in Terra Vista, Section One development, from Mr. Yates on behalf of the City. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

EXECUTIVE SESSION:

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property),551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

13. Pursuant to the provisions of the Texas Open Meeting Act, Chapter 551 of the Government Code, in accordance with the authority contained in 551.071 (consultation with attorney) and 551.087 (deliberation regarding economic development negotiations) regarding a 380 Agreement with Milestone Properties, Inc.

    Mayor Jones convened into Executive Session at 8:43 p.m.

    Rebecca Huss left the meeting at 10:00 p.m.

    Mayor Jones reconvened the regular meeting at 10:10 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

14. Consideration and possible action resulting from the item(s) listed under Executive Session.

    John Champagne moved to accept the 380 Development Agreement with Milestone Properties, Inc., with the modifications discussed in Executive Session. Dave McCorquodale seconded the motion.

    Discussion: Mr. Yates asked to clarify that the motion included the ability of the Mayor to sign the Agreement. Council concurred that the motion included the authorization for the Mayor to sign the Agreement.

    The motion carried unanimously. (4-0)

    It was noted for the record of the vote that Rebecca Huss had left the meeting at 10:00 p.m.

COUNCIL INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

ADJOURNMENT

T.J. Wilkerson moved to adjourn the meeting at 10:13 p.m. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

Submitted by: _____ Date Approved: 06/09/2015
Susan Hensley, City Secretary

CITY OF MONTGOMERY, TEXAS ★ FOUNDED 1837 ★

_____
Mayor Kirk Jones