

# MINUTES OF REGULAR MEETING

August 25, 2015

## MONTGOMERY CITY COUNCIL

### CALL TO ORDER

Mayor Kirk Jones declared a quorum was present, and called the meeting to order at 6:02 p.m.

Present:        Kirk Jones                    Mayor  
                  Jon Bickford                    City Council Position # 1  
                  John Champagne                City Council Position # 2  
                  T.J. Wilkerson                  City Council Position # 3  
                  Rebecca Huss                    City Council Position # 4  
                  Dave McCorquodale            City Council Position # 5

Absent:

Also Present: Jack Yates                    City Administrator  
                  Larry Foerster                    City Attorney

### INVOCATION

T.J. Wilkerson gave the invocation.

### PLEDGE OF ALLEGIANCE TO FLAGS

### VISITOR/CITIZENS FORUM:

No citizen's comments were made.

### CONSENT AGENDA:

1. Matters related to the approval of minutes for the July 16, 2015, Budget Workshop Meeting, July 23, 2015, Budget Workshop and Special Meeting, and August 11, 2015, Public Hearing and Regular Meeting.

Rebecca Huss moved to approve the amended minutes as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

### CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action on department reports.

- A. Administrator's Report – Mr. Yates presented his report to City Council. Mr. Yates advised that he had established a Customer Service Team consisting of City Hall staff. This group will meet at least once a month to discuss and improve customer service. Mr. Yates said that it is not that we are doing a terrible job now, but he feels that we could do better in communication and contact with our citizens.
- Mr. Yates said that he is also planning a Job Shadowing project for staff to help with understanding of the City's organization. Mr. Yates said that this is where each member of the staff goes with another member of the staff for a couple of hours, at least two hours, to learn the duties of the other person. Mr. Yates advised that this will allow the staff to understand the totality of the different positions. Mr. Yates said that he has had a good reaction from the City staff.

Mr. Yates advised that he has been working on the Memorandum of Understanding for all three of the parks.

Mr. Yates said that the deadline for the Automatic Meter Reading Bids will be on Friday, August 28, 2015.

Mr. Yates advised that the water and sewer service contact bids will be advertised, and will be sent out to bidders tomorrow and Thursday.

John Champagne thanked Mr. Yates for the efforts on customer service and job shadowing, and all the other items that he has worked on.

Rebecca Huss asked about the public works contract, and whether Mr. Yates would be contacting the various operators that they know of in the area, or was the ad just being published and hoping that everyone would see the ad. Mr. Yates advised that he will be sending the information to a list of bidders, which he received from the City Engineer. Mr. Yates said that each of them will receive a bid pack, in addition to the legal advertisement.

- B. Public Works Report – Mike Muckleroy, Public Works Foreman, presented his report to City Council. Mr. Muckleroy advised that they had arranged for the installation of

three speed humps on Old Plantersville Road. John Champagne said that there are a number of other speed humps that are to be installed. Mr. Muckleroy stated that he has a meeting with the sales person to get a quote on the speed humps. John Champagne asked about the type of speed humps that they would be purchasing. Mr. Muckleroy advised that they would be the same type of asphalt speed humps that have been installed at the other locations.

Mr. Muckleroy said that one of the Public Works maintenance men had attended a chemical spill class in Conroe. They had also set a reflector post by the railroad tracks on Old Plantersville Road. Mr. Muckleroy said that their monthly maintenance items had been performed, such as meter reads and grease trap inspections.

Mr. Muckleroy advised Fernland had reported that they had 269 visitors for the month, with 38 tours. Jon Bickford asked if those figures were up or down from last month. Mr. Muckleroy said that the numbers were down a little bit, probably due to the heat. Mayor Jones said it will probably pick up once school starts.

- C. Police Department Report – Chief Napolitano presented his report to City Council. Chief Napolitano said that the Department is busier than they have ever been in the summertime. Chief Napolitano said that the officers responded to 222 calls for service and generated 45 reports.

Rebecca Huss said that the MPD stats show that the department only had 201 calls and the front of the report shows 222 calls. Chief Napolitano advised that he would check on that discrepancy.

Chief Napolitano stated that they are making a lot more calls and with the apartments going in behind Brookshire Bros., it will increase the number of residents in the City. John Champagne asked whether the Department was at full force. Chief Napolitano advised that they were at full force with personnel. John Champagne said that the Department continues to run about 50 percent, which is a lot of citations. John Champagne asked to confirm that warning tickets are not inclusive of the total number of citations. Chief Napolitano stated that was correct, and noted that some of the

officers might make a verbal warning, which is not recorded. Chief Napolitano said that they ask the officers to make ten contacts a day, which is not contacts in traffic, but is related to speaking to residents, merchants and building up a relationship with them so they know who to call. Chief Napolitano said that they are going to make sure that residents and merchants know that if they need an officer, they need to contact dispatch so that they can respond in a timely manner.

Court Administrator, Rebecca Lehn, stated for clarification, the number of citations issued is not the number of tickets issued, because a ticket for one person can have numerous violations, and those numbers are what total up the number of citations. Chief Napolitano said that they might pull a person over for speeding and then they find out that they don't have a driver's license, so there is the second violation, then they could have an expired inspection, etc. Ms. Lehn advised that when it comes to the Court each case stands on its own. John Champagne said that there are well over 20 citations being written a day. Chief Napolitano said that there is also the matter of where they go down from four lanes, with a turn lane, down to two lanes, so people are rushing to get to their spot, so it is not good to have the drag race to get to the signal going west bound.

Chief Napolitano said that they had everybody out Monday for the first day of school, directing traffic and doing the best that they could to keep traffic moving. Chief Napolitano said at one point SH105 was backed up to FM2854. Chief Napolitano said that they worked it out and got traffic through there, but then people started using the left hand turn lane as a travel lane. John Champagne said that was one of the reasons that the speed humps on the streets are necessary, because people are diverting and going through the neighborhoods. Chief Napolitano said that on the way home, they split up and had officers out on Old Plantersville Road, but they must have known that they were there because they only issued five tickets. Chief Napolitano said that it was not the number of tickets written, but visibility so they know that the police are there and they are doing the speed limit. John Champagne said that way they won't run over a child. Mayor Jones said that he assumed traffic was better today. Chief Napolitano said it was better, they only had a little bit of a backup that lasted about eight minutes.

- D. Court Department Report – Rebecca Lehn, Court Administrator, presented her report to City Council. Ms. Lehn advised that this was their second highest month this fiscal year, and third highest month ever. John Champagne asked how many employees were working in the Court. Ms. Lehn stated that there were two currently, including herself, but they have hired another person. John Champagne asked if they had time to answer phones. Ms. Lehn said that they manage to answer the phones and take care of business.
- E. Utility/Development Report – Ashley Slaughter, Utility Billing Clerk, advised that the total number for the revenue was a little off because of the two huge water bills where they had meter mishap, which they discussed last month. Mrs. Slaughter stated that they had a total of 41 permits issued. Mrs. Slaughter reported that the revenue from the Community Center was \$545, which were not new reservations, so they were at the old rate. Mrs. Slaughter said that they currently have 502 active accounts for water and sewer.

Mrs. Slaughter said at the prodding of the Mayor and City Administrator, she spoke with Incode, the utility billing software company, to see if there was a possibility of getting our online bill paying web site up and active. Mrs. Slaughter said that there is a \$1.25 convenience fee that in the past they did not want to charge the customer, so the service has been sitting there inactive. Mrs. Slaughter said she looked into it to see how they could get the on line bill paying active. Mrs. Slaughter said that there is a problem right now, because it is only set up to take credit card payments, so if they want to do e-check payments an account will have to be set up through a third party at Authorize.net and she is not sure what the fees are with that service. The City would get charged for the e-check payments and the only way to offset that cost would be to set up a site fee charge, but the credit card customers would also be charged the site fee, and there is no way around that with Incode. Mrs. Slaughter said that there is no option for an automatic withdrawal to be set up, the customer must log in every single month to make the payment. Mrs. Slaughter stated that Incode said that the City might not want to use e-checks because the funds are not guaranteed. Mayor Jones said that is no different than taking a paper check. Rebecca Huss said that over all it did not sound attractive for the consumer, so why should they even bother. Mr. Yates said that

they would not want to do the e-checks, but asked how City Council felt about the credit card payments. Rebecca Huss asked if the credit card service would cost the City anything, because it was her understanding that Incode charges the customer for absolutely every expansion, and asked how much it would cost. Mrs. Slaughter said that the system was already set up, and she was not sure if it was a quarterly fee, so she would check on it. Mrs. Slaughter said that the customer would have to pay the \$1.25 fee every time they make a payment.

John Champagne asked about the efficiency of Incode. Mrs. Slaughter said that it was not user friendly. John Champagne said he was not worried so much about the user as he was the customer, and asked how the customer is being treated during these transactions, because it does not sound very good to him for the whole process. John Champagne said the process sounds cumbersome for staff, but more so for the customer. Mr. Yates said that they could have the credit card payment, if Council was willing to charge the customer \$1.25, which would be their choice. John Champagne asked if Mrs. Slaughter had researched or thought of a way that might be better for this process to be implemented and suggested it to Mr. Yates. Mrs. Slaughter said that she had not yet done that, because they had just recently had the discussion regarding researching the matter. John Champagne said that he keeps hearing Incode, and said that the City was not married to Incode, so if it does not work get rid of it. Mrs. Slaughter stated that there were other utility software options available if Council wanted her to start researching them. John Champagne said that he wants the City to give better service to our customers, and if that means dumping Incode, then they need to look at that. Mr. Yates said that he thought that Incode may be alright, other than the quarterly fee, and they can set it up so that is fine for both the customer and staff. Rebecca Huss said that not being able to set up the automatic debit is a huge shortcoming. Jon Bickford said that they needed to be careful of online payments because of credit card requirements and the security involved and making sure that they do not have a breach. Jon Bickford stated that they might be opening a can of worms, and their might be some behind the scenes cost that they need to make sure they understand before they go too far. Rebecca Huss said that the City of Willis has a different software package that they love, so there are other options available. Mayor Jones said that Incode does not tie in with the accounting system. Mrs. Slaughter said

that Incode begs them to get the accounting system. Mrs. Cathy Branco, Bookkeeper, said that Incode wants the City to use their system for accounting, and it is a very difficult system. Mrs. Lehn said that there were pros and cons with Incode. Mrs. Lehn advised that since the City does not use Incode overall, it causes more work. Mrs. Lehn stated that if everything was integrated it might work better. The City of Willis uses a really good company, and their Court uses a really good company, but they are two different companies. Ms. Lehn said that they have to decide as a City whether they want to go separate and use different software programs. John Champagne asked what would be the decision making matrix for choosing one software over another. Mrs. Slaughter stated that she thought it would be cost. Rebecca Huss stated that she thought that it would also be functionality and efficiency. Mayor Jones said that they are working harder than they need to be with the present system. Mrs. Lehn said that being able to communicate with each other, and for Court they have to function with the Police Department. John Champagne said in all the comments he did not hear a customer once. Ms. Lehn said that before they get to the customer, they have to be able to work with each other to be able to help the customer. John Champagne said that he just wants to make it easier for the customer to pay their bill. Mrs. Slaughter advised that Incode also does their permits. Jon Bickford said that if they map out the steps that they have to go through to process a bill, the matrix would fall out of that, because then you can see how to expedite the process. John Champagne said that discussion is for the office. John Champagne said that he just wanted to know if the City was using some criteria to decide what is best and what isn't. John Champagne said it sounded like they were working around a system that is not good for anybody, and asked why they were doing that. John Champagne stated that at the next meeting Mr. Yates will have some suggestions from staff on what might be a better thing to do to resolve the matter. John Champagne said they are not here to micromanage, they are here to assure that the people they represent are being serviced in a way they deserve and are paying for, the details and intricacies are why they have staff. John Champagne said that he did not expect to solve the matter here, but did expect staff to pursue it.

- F. Water Report – Mr. Mike Williams presented his report to City Council. Mr. Williams advised that the report is incomplete and advised that they have identified a problem with reporting. Mr. Williams stated that in the past they have been reporting with

current well readings for the month with the previous month's meter readings. Mayor Jones asked how long that has been occurring. Mr. Williams advised that as far as he has heard it had always been done that way. Mr. Williams stated that there was no way those figures would be able to work together. Mr. Williams said that he would like to propose that they report a month out so that they can capture the right numbers at the right time. Jon Bickford said that they would be reporting a month behind. Mr. Williams advised that was correct. Rebecca Huss said that over time what really matters is real accountability numbers, so even if it is not the most current. Mayor Jones said that nearly everything that they are looking at is from last month. Jon Bickford asked who makes the call to change the reporting period. Mr. Muckleroy advised that the decision has been made by the City.

Mr. Williams advised that they are currently having some in coming power issues at Well #4, where the alarm will trip the Well and they have to respond. Mr. Williams said that Well #4 has been off line since August 4, 2015 due to this problem. Mayor Jones asked if there was a voltage regulator that could be put on the line. Mr. Williams advised that Entergy had placed that on the line last week and they are currently compiling data. Mayor Jones said that he was talking about one that would be similar to a transformer that would regulate the voltage going through the line. Mr. Shackelford advised that this is Entergy's way of determining if there is a consistent current on all three phases. Mayor Jones asked if there was a solution by installing something on the line. Mr. Shackelford said that right now this will give Entergy the data that they need to support what they have given Entergy, saying that it is not quality power. Mr. Shackelford said that they will sit down with Entergy to discuss the matter, because they are having the same problem at Well #2, and the Sewer Plant. Mr. Shackelford said that it is a problem essentially over the system serving all the major facilities. Mayor Jones said that there are other places in the City that are using three phase power, and he wondered if it was effecting them. Mr. Shackelford said they probably don't have the high powered motors that the City operates. John Champagne asked where Entergy was compiling the data. Mr. Williams advised it was located at Well #3 that houses both Well #3 and Well #4. John Champagne asked when Entergy would have the information. Mr. Shackelford said that they would have to follow up with Entergy. John Champagne asked who would be responsible for following up with

Entergy. Mr. Shackelford said that the Engineers would take ownership of that information and follow up with Entergy, because they initiated the contact. Jon Bickford said that could cost the City a lot of money if Well #4 does not get back up and running. Mr. Shackelford said that was correct. John Champagne said this was a big priority. Jon Bickford asked if the City Engineer needed any help from the Mayor or anybody. Mr. Fleming, Associate Engineer, advised that they have compiled a fair amount of data on their side to have a good case to the fact that one leg of the three phase power is inadequate. Jon Bickford asked if that was what they are seeing is that one leg of the power is the problem. Mr. Fleming said that while they have a good bit of data, Entergy wants to collect their own data. Rebecca Huss asked how long Entergy was going to collect data. Mr. Shackelford said that it would be approximately two weeks. Rebecca Huss said that she would assume that Entergy is dragging their feet because they would have to be the one to improve the quality of the electricity. Mr. Shackelford said that in the past they have not gotten far enough up the ladder at Entergy to determine why they haven't solved the problem.

John Champagne asked the City Attorney what the chances were for the City to invoice Entergy for lost revenue, etc. Mr. Foerster said that the City could always invoice Entergy. Mr. Foerster said that they had discussed tying it to the obligations of their contract. If they have certain obligations and they are failing to meet those obligations, then yes the City could invoice Entergy for expenses that the City incurs. John Champagne said that they might want to look into that at some point. Jon Bickford said that they needed to see what quality of service Entergy owes the City. Jon Bickford asked if the City had a service level agreement with Entergy. Mr. Fleming advised that they should have an agreement.

Mr. Williams advised that they had a repair at Water Plant #2, to the chlorine feed system, and is back online. Mr. Williams stated that plant is not used very often because of the pressure. Mr. Williams said that they also had a digital pressure switch approved to be installed to equalize the pressure so they can get run time out of the plant. Mayor Jones asked if the chlorine feed was gas or liquid. Mr. Williams advised it was gas.

Mr. Williams reported that at the sewer plant they had calcified injectors, which they started acid washing the injectors to prevent them from calcifying. Mr. Williams stated that they were waiting for a quote to replace the water softener.

Mr. Williams advised that they had received a call for Well #8, so NTS came and pulled the pump and they could not get the pump running. They had to have a couple loads pulled to get it working through the night, then they replaced the capacitors in the pump. Mr. Williams said that was an ongoing problem.

- G. Engineer's Report – Mr. Fleming presented the report to City Council. Mr. Fleming stated that the Stewart Creek Watershed project was reaching completion and they expect to deliver the report for Council's review and consideration.

The Water and Sewer System Modeling and Master Plans are proceeding. Mr. Fleming advised that the Water Modeling and Master Plan will be completed in 30-45 days; and the Sewer System Modeling and Master Plan will be completed in 45-60 days.

Mr. Fleming noted that the Water and Sewer Rate Analysis along with the accompanying GRP Analysis are complete and they delivered that information last Thursday at the Joint Workshop. Mr. Fleming stated that he wanted to present a brief summary of the information, but since there are a couple Council members that have not reviewed the information, so he will defer for two weeks until everyone has had a chance to review the information.

Mr. Fleming advised that it is their understanding that the environmental and archaeological studies are progressing for Milestone and Pizza Shack, and should be nearing completion in the next couple of weeks. John Champagne said that he thought they were finished with the studies. Mr. Yates stated that the field work has been completed and he should receive that information tomorrow or Thursday.

Mr. Fleming stated that he had received the plans for Lake Creek Village, Section 2, and should have the comments returned within the week.

Mr. Fleming said that Mr. Williams did a fine job briefing the information regarding Water Plant No. 3, and they will keep Council apprised.

John Champagne said that Mr. Fleming might want to compile a list of the costs that have been incurred because of the fluctuations in the current, including all the ancillary costs. Mr. Fleming advised he would prepare that information.

- H. Financial Report – Mrs. Cathy Branco presented her report to Council. Mrs. Branco advised that the following funds are available: General Fund - \$1,004,926; Construction Fund - \$313,149; Debt Service Fund - \$152,938; Court Security - \$11,000; Court Tech Fund - \$5,921; Hotel Occupancy - \$9,396; MEDC - \$631,723; Police Asset Forfeitures - \$185; and Utility Fund - \$178,868. Mrs. Branco advised that the total funds available were \$2,308,414.

Mrs. Branco stated that Council had asked Mrs. Slaughter about costs from Incode regarding credit cards. Mrs. Branco said that the Incode cost for credit cards is deducted from the bank quarterly, and ETS for the credit card payments is deducted from the bank for \$200 to \$800 per month, depending on how many times it is used. Rebecca Huss said that even though the City is not charging a convenience fee we are still paying for it. Mayor Jones said that everybody pays that fee. Rebecca Huss said that merchants charge higher prices for the products, and reduce the cost for cash payments. Rebecca Huss stated that obviously the City was not making money in the water/sewer fund. Mrs. Branco said she had advised that the water and sewer fund was in the deficit and the reason for that is they had a correction at the beginning of the year. Mrs. Branco said that hopefully in the new budget year, starting October 1, they will start on an even keel and see how that goes. Mrs. Branco said that the information that she is getting from the Utility Department sometimes will balance perfectly, and then other times it will be off and Incode cannot explain why there is a problem. Mayor Jones said that Mrs. Branco spends hours trying to reconcile the financial information. Mrs. Branco said that was correct. Mrs. Branco said that she had worked closely with Mrs. Slaughter to reconcile her report. Mrs. Branco advised that when the credit card payments are received they are deposited into the operating fund, and then she has to move the utility payments to the utility fund, which takes time. Mrs. Branco said that

she apologized for the time that it has taken but there seems to be no way around the matter.

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

3. Consideration and possible action regarding Fernland Eagle Scout Project – Restoration of the entrance steps to the Jardine Cabin and creation of a new pathway to the school bell by Travis Wilson.

Travis Wilson, with Boy Scout Troop 491, presented his project to Council. Mr. Wilson advised that his project would be located at Fernland Historical Park. Mr. Wilson said that Fernland had accepted his proposal to redo the steps for the Jardine Cabin and installing a rail and creating a pathway from the steps to the bell.

John Champagne asked Mr. Wilson if he would be doing the project alone. Mr. Wilson advised that he would have fellow Scouts, along with family and friends participating in the project.

Mayor Jones said that he understood that step restoration had been done by some previous Scouts, and asked if the Jardine Cabin was the last one to be done. Mr. Wilson advised that was correct. He will make sure that the steps are level and safe for people to use.

John Champagne asked if Mr. Wilson was still in high school. Mr. Wilson advised that he was a junior in high school. Mayor Jones asked what made Mr. Wilson choose this project. Mr. Wilson said that he picked the project because Fernland needed some help with their steps and he wanted the area to look nicer. Mr. Wilson said that he honestly loves that park.

Jon Bickford asked if Mr. Wilson would be using the stone that is already on location. Mr. Wilson said that he would be using that stone and will pack it in. Jon Bickford said that will be a lot of work.

John Champagne asked if Mr. Wilson was going to college. Mr. Wilson advised that he was and might go into the medical field, but he was not sure yet what he wanted to study.

Jon Bickford moved to give permission for Mr. Travis Wilson to move forward with his Eagle Scout Project at Fernland Historical Park. John Champagne seconded the motion, the motion carried unanimously. (5-0)

Mayor Jones said that he is looking forward to the finished project. City Council wished Mr. Wilson luck with his project.

4. Consideration and possible action regarding the Brew Festival for Montgomery – Tom Cronin.

Tom Cronin, Cozy Grape and Cozy Supper Club owner, and Scott Levantino, Burger Fresh owner, made the presentation to Council. Mr. Cronin advised that approximately one month ago they had gotten together with the area merchants to see how they could stimulate some interest and help increase sales for the merchants. Mr. Cronin said that the most successful days that the merchants have, including themselves, is during the festivals. Mr. Cronin said that Mr. Levantino had approached him about a need for something like a craft beer festival. Mr. Cronin said the Wine Festival was extremely successful. Mr. Cronin said that Mr. Levantino was recently involved in the first Beer Festival in The Woodlands, so he turned over the presentation to Mr. Levantino.

Mr. Levantino said that he did not want this to be just a beer festival, he wants it to be a historic festival with craft beers. Mr. Levantino said that in the stores the domestic brands are shrinking in volume, and the craft beers are beginning to take over. Mr. Levantino said that he thought the town would do wonderfully with the craft beers. Mr. Levantino advised that he had held a Craft Beer Festival in The Woodlands in June that was very successful. They received close to 7,000 likes on Facebook and had approximately 6,500 attendees at the event.

Mr. Levantino said that he went to the Chamber and spoke to the lady there on how to go about having the festival and what needed to be done. Mr. Levantino said that they are proposing that the Craft Beer Festival be held on Saturday, November 14, 2015. Mr. Levantino said that they picked that day because the Wine Festival is going to be held in a couple weeks, followed by the Texian Heritage Festival. Mr. Levantino said that any time after November 14, they would be encroaching into the holiday season. Mr. Levantino said that they want to bring more

commerce into the area and the festival is just one of many ideas that they are going to bring to Council. Mr. Levantino said that they have all their bases covered on handling the setup, cleanup, police security, the bands, and he has talked with Larry regarding parking across the street from his restaurant. There will also be parking beside the Cozy Grape.

Rebecca Huss said for past events they have not used professional ticketing team for the marketing and ticket sales. Mr. Levantino said if it is rained out, they would provide a complete refund. Mr. Levantino said that he and Mr. Cronin would set up an account, deducting any miscellaneous expenses they have leading up to the event, and then if the event was cancelled they would reimburse funds. Rebecca Huss asked if the marketing firm does not go into the event to make money, but they know the risk up front. Mr. Levantino said that was correct, the marketing firm gets a percentage of the sales, and if there is a rainout, that is their risk.

Jon Bickford confirmed that the City would not be financially participating in the event. Mr. Bickford asked if there was any difference between this event and the Wine Festival other than the City participating.

Mayor Jones asked who would be the beneficiary of the proceeds, and who get the profit. Mr. Cronin said that he and Mr. Levantino would be the owner of the dba, and would profit from the adventure. Mr. Levantino said that for each ticket that is sold by Event Bright, they will have a contributing sponsor. They went to all the merchants in the downtown area, so the people that buy the ticket can then go back to the merchants in the historic area and get a discount for whatever that merchant wants to offer. Mr. Levantino said that the Pet Shop wants to offer a 10 percent discount, so following the event for the next 45 days, someone with a ticket from the Beer Festival can go in and get the discount.

Mr. Cronin said that they would assume 100 percent of the risk for the event, and the net revenues would end up coming to him and Mr. Levantino. Mr. Cronin said that the City would benefit from increased traffic for the merchants and increased sales tax revenue. Mr. Cronin said for the first year they don't have any numbers, because this is their first step in organizing the event. In the next few years, once they get the word out, then they would see more of a profit.

Mayor Jones said that he was not against profit or beer festivals, but it is a different scenario that makes him ask the question as to whether that is something that the City could or should allow. Mr. Cronin asked if the City had ever been approached for something of this nature.

Jon Bickford said that if there are some vendors that are opposed to the event, and Mr. Cronin is asking the City to shut the streets down for a profitable event, then what does the City tell the business owners that are opposed to the event.

John Champagne said that he would be open to consider the event if all the expenses were covered, including the officers for the event. Mr. Cronin said that they had covered all the expenses in The Woodlands, and they had two officers per every 250 people. They had eight officers for the duration of that event. John Champagne stated that the Chief of Police would decide appropriate police coverage for the event. Mayor Jones stated that they would hire off duty officers for the event.

Rebecca Huss advised that Ransom's has had a beer festival earlier this year, which was nonprofit for the Animal Shelters of Texas, and it was really successful.

John Champagne said that he was all for profit, and conceptually it sounds fine, and just because it is not for charity does not make it civil. John Champagne asked Mr. Cronin what he thought was the common denominator that made events like the Wine Fest and Beer Fest successful. Mr. Cronin said that he thought that the merchants that know how to market themselves and know how to take advantage of social media, and not depend on another merchant to bring in customers. Mr. Cronin said that a lot of the businesses are owned by older folks that just do not know how to market themselves. Mr. Levantino said that they will have a huge social media backing this event.

Mayor Jones and Jon Bickford asked whether it would be legal to allow this event. Mr. Foerster said that he called it a public policy decision. If City Council receives a public benefit for permitting this area to be shut off, he did not see a problem with permitting the event. Mr. Foerster said that it would bring more attention to the City, more sales tax revenue, more people getting acquainted with the City because there will be a niche of people that drink beer that do not drink wine. Mr. Foerster stated that if City Council sees this event as a benefit to the City,

then he did not see a problem with permitting the event. Mr. Foerster said that the cost for overtime police would probably be worked out an agreement in The Woodlands, and we could do something similar.

Rebecca Huss asked if The Woodlands had particular liability insurance requirements, because there are different levels and she would want to make sure that we had appropriate coverage. Mr. Levantino said that whatever the City's criteria was, they would meet. Mr. Yates stated that the City's insurance carrier, TML, would advise that information. Mayor Jones said that the other events purchase event insurance and list all the property owners that they are going to be occupying as part of the coverage.

Rebecca Huss asked about the parking issue, because Lake Creek, Section Two means that the parking by Fernland is no longer available. Mr. Levantino said that they had not worked out the parking completely, because they were waiting to get approval from the City. Mr. Levantino said that they had a layout in mind, which they have not completed. Mr. Yates suggested having a planning session with Mr. Cronin, Mr. Levantino, with Public Works and the Police Department to work out the insurance and all the particulars and then bring it back to Council. Rebecca Huss said that sounded like a great idea.

Jon Bickford moved to accept the proposal, in principal and conditionally that the issues of insurance, police and parking, etc. are worked out, regarding the 1<sup>st</sup> Annual Montgomery Craft Beer Festival in Montgomery. Dave McCorquodale seconded the motion.

Discussion: John Champagne said that he did not want the criteria for the conditional approval to exceed or be less than that of the Wine Festival. John Champagne said that the only difference that he sees in this endeavor is that it is for profit, and their conditional approval should be based on the same criteria as the Wine Festival. Jon Bickford said that the City is not putting any money into the Festival, and it will be for profit, unlike the Wine Festival.

The motion carried unanimously. (5-0)

5. Consideration and possible action regarding purchase of pumps for Lift Station #8, Berkley Lift Station.

Mr. Fleming made the presentation to City Council. Mr. Fleming advised that there were two different options on the pumps with a slight difference in cost. Rebecca Huss said that NTS is really pushing the Flygt impeller. Mr. Fleming said that the general consensus all around is that the Flygt pumps are probably the better option, in terms of long term maintenance, life span, parts and availability. Jon Bickford asked if there was any difference in the impeller technology. Mr. Fleming advised that the Flygt pumps are slightly different, and the impeller can shift slightly within its housing to allow better ability to allow solids to pass. John Champagne said that based on the current expenses that the lift station has now, what is the anticipated return on investment. Mr. Fleming said that he had not run the numbers, but they are averaging a call out there every seven days, and sometimes every other day. Mr. Yates said that the return on the investment would be three months. Mr. Yates said that the calls for service can run from \$150 - \$600.

John Champagne moved to accept the recommended Flygt pumps and impellers, and to implement the project as soon as possible.

Mr. Yates suggested taking the funds out of the Construction Bond Fund. Mr. Yates said that since this is a long term improvement they have the funds available.

John Champagne amended his motion to include taking the funds out of the Construction Bond Fund.

Rebecca Huss asked if the final payment had been released to the contractor. Mr. Shackleford said that they would be bringing that final requisition at the next meeting. Mr. Yates advised that there was \$313,000 in expected amount that will be remaining will be between \$125,000 and \$130,000. Mayor Jones said that they were supposed to do the bridge the waterline for \$70,000. Mayor Jones asked if there would be enough money in that fund. Mr. Yates advised that they did. Mayor Jones asked Mr. Fleming to confirm that the total cost was listed as \$22,880. Mr. Fleming said that as it stands right now that is the cost. Mr. Fleming said that the figures on the page showed an itemized breakdown of the cost.

Jon Bickford seconded the motion.

Discussion: Rebecca Huss said that she went out when NTS was out at the site, and this is indicative of the fact that we have no preventative maintenance program on any of our stuff. Rebecca Huss said that they end up spending thousands of dollars a month, just throwing it down the toilet, when it could either be spent on preventative maintenance and have the equipment last as long as it is supposed to, or you know what is going on and can do something so that you are not spending good money after bad. Rebecca Huss said that now that we are going to have more new equipment we really need to consider having preventative maintenance. There needs to be a schedule when things are maintained, such as repacking bearings, cleaning inductors, etc. Rebecca Huss said that it just seems like we have wasted money by doing no maintenance on anything unless it is broken, and said she felt that needed to change, especially with all the new equipment. Jon Bickford said that Rebecca Huss brought up a very good issue, but he did not think that was the case with this because it is getting plenty of maintenance, every other day. Jon Bickford said that it was under designed for what it is used for. Rebecca Huss said that the capacitor could have been maintained. Jon Bickford said that you don't do that with a capacitor, you just replace them. Rebecca Huss said that they need to budget for a maintenance plan. John Champagne said that they have an outside contractor that does maintenance on the equipment, and asked Mr. Williams if he was asked, could he produce a Maintenance Plan. Mr. Williams said that he could produce a plan. Mayor Jones said that a lot of the lifts stations, they need to do some catch up on the maintenance. John Champagne said that in answer to Rebecca Huss' question, they do have a maintenance plan, and if they don't have a maintenance plan in place, then we have the wrong contractor. Mr. Williams advised that they do have a maintenance plan in place, but not all things have a schedule yet. John Champagne said that they will have a schedule at some point. Mr. Williams said that was correct.

The motion carried unanimously. (5-0)

Mr. Fleming advised he will contact NTS and place the order, which will take approximately six to eight weeks to process.

6. Consideration and possible action regarding the 2015 Tax Exemptions.

Mr. Yates advised that he had received a notice from the Tax Assessor/Collector requesting information as to whether the City would offer tax exemptions. Mr. Yates advised that in the past the City has not done tax exemptions.

Rebecca Huss moved to continue doing what we are doing, and not offer tax exemptions. John Champagne seconded the motion, the motion carried unanimously. (5-0)

7. Consideration and possible action regarding Planning and Zoning Commission appointments.

Mr. Yates advised that Gary Wall, Planning and Zoning Commission member had resigned 2-3 weeks ago, and Sonya Clover, Chairman of the Planning and Zoning Commission resigned last night. Mr. Yates asked if Council wanted to accept applications for the appointments. Mayor Jones said that they need to take applications for the two empty spots as soon as possible, because they are a board of five and they need those positions filled. Mayor Jones said that three members are a quorum, and they are responsible for some very important things. Mr. Yates said that he would have it posted on the web site and in the newspaper, so that we can bring the applications back for the next meeting. Mayor Jones said they will do the reappointments when it is time.

8. Consideration and possible action regarding adopting the following Ordinance:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, TO ADOPT THE LATEST EDITION OF THE NATIONAL ELECTRIC CODE; PROVIDING FOR INSPECTION ACTIVITIES BY THE BUILDING OFFICIAL; PROVIDING PENALTIES NOT TO EXCEED A \$500 FINE FOR ANY VIOLATION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE ON OR AFTER JANUARY 1, 2016.

Rich Hanna, Building Inspector, said that the City needs to bring the Codes current, we have 2006 International Code that covers the building, mechanical and plumbing codes. The Electrical Codes are produced by the Fire Protection Association, which the City is currently in 2008 National Electric Code. Mr. Hanna said that it makes it difficult to enforce with two different codes, and the licensing agencies for the State that regulate the electricians, plumbers and mechanical contractors have more current codes.

Mr. Hanna advised that the 2014 Code is available now and the State licensing for electricians requires them to adhere to that Code, which is why we are requesting this update.

Mr. Hanna said that the second item is produced by the International Code Council and is the Building Code, which covers all construction. Mr. Hanna stated that single family and two family dwellings will fall under the Residential Code, and all other construction will fall under the Building Code. Mr. Hanna said that having older Codes, prior to 2012 the builder could come in and use substandard material. Mr. Hanna said that the third reason was that the trades should be complying with the State agencies and the current Code. Mr. Hanna said that he is proposing to adopt it now so that they can get the word out to the contractors.

Rebecca Huss asked to confirm that projects in progress would not be required to submit new plans or fall behind. Mr. Hanna said that was correct. Mr. Hanna said that what will happen is you will have a rash of application for permits under the old Code in December, before the January effective date.

Rebecca Huss asked what would happen if Brookshire Bros. had a composite material that was better and cheaper, that qualifies under the 2015 Code, but not under the current Code. Mr. Hanna said that the Code provides that the Building Official has the authority to accept an alternate material. Rebecca Huss asked who the City's Building Official was. Mr. Hanna said that he is now certified, but in the past they had someone on staff that was the Building Official. Mr. Foerster said that the ordinance provides that the Building Official, Mr. Hanna, can implement building procedures, so he thought that Council was authorizing Mr. Hanna to use his discretion. Mr. Hanna said that they are not trying to keep businesses, particularly in the historic district, from operating, but the life safety issues are some of the things that they are stringent on. Mr. Foerster advised that the penalty provided in the ordinance was \$500 and was for each violation. Jon Bickford said that if a violation was not corrected they could shut

down the job. Mr. Foerster said that they also have to have a Certificate of Occupancy as part of the procedure.

Mr. Hanna said that some cities adopt an ordinance that automatically updates each time the State makes a change. Mr. Hanna said that he thought that the City would want to keep control of their Codes.

Dave McCorquodale moved to adopt the 2014 National Electric Code to replace what we currently have. John Champagne seconded the motion, the motion carried unanimously. (5-0)

Consideration and possible action regarding adopting the following Ordinance:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, TO ADOPT VARIOUS BUILDING, MECHANICAL AND PLUMBING CODES RELATED TO ALL RESIDENTIAL AND COMMERCIAL BUILDINGS AND STRUCTURES, INCLUDING FIRE, FUEL GAS, MECHANICAL, ENERGY CONSERVATION, PROPERTY MAINTENANCE, SWIMMING POOLS AND SPAS, EXISTING BUILDINGS, AND PERFORMANCE CODES; DESIGNATING A CITY BUILDING OFFICIAL; PROVIDING FOR INSPECTION ACTIVITIES BY THE BUILDING OFFICIAL; PROVIDING PENALTIES NOT TO EXCEED A \$500 FINE FOR ANY VIOLATION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE ON OR AFTER JANUARY 1, 2016.

Rebecca Huss moved to adopt the ordinance, as read by the Mayor. John Champagne seconded the motion, the motion carried unanimously. (5-0)

### **EXECUTIVE SESSION:**

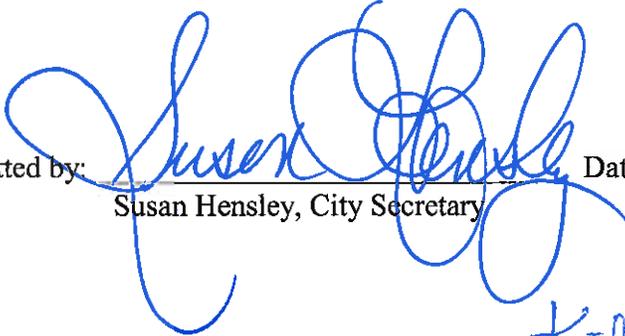
The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding 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. (No current items at this time.)

**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**

John Champagne adjourned the meeting at 7:41 p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

Submitted by:  Date Approved: 09/08/15  
Susan Hensley, City Secretary

  
Mayor Kirk Jones

