

MINUTES OF PUBLIC HEARING and REGULAR MEETING

October 11, 2016

MONTGOMERY CITY COUNCIL

CALL TO ORDER

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

Present: Kirk Jones Mayor
 John Champagne, Jr. City Council Position # 2
 T.J. Wilkerson City Council Position # 3
 Dave McCorquodale City Council Position # 5

Absent: Jon Bickford City Council Position # 1
 Rebecca Huss City Council Position # 4

Also Present: Jack Yates City Administrator
 Larry Foerster City Attorney

Jon Bickford stepped out of the meeting prior to the Call to Order and returned to the meeting at 6:01 p.m.

INVOCATION

John Champagne gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARINGS:

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

1. Application for Alcohol Beverage Permit for Hodge Podge Lodge located at 300 Prairie Street, Montgomery, as submitted by Jeffrey S. Angelo, President, ZNZ Creative Services LLC d/b/a Hodge Podge Lodge and d/b/a HPL Hospitality; and

Mr. Jeffry Angelo, owner, was present. Mr. Yates advised City Council that Montgomery ISD had submitted a letter stating that they had no objection to the property being adjacent to Hodge Podge Lodge. Mr. Yates said that next year the school will be relocated and the building will be an administration building.

Mayor Jones closed the Public Hearing at 6:04 p.m.

Mayor Jones convened the next Public Hearing at 6:04 p.m.

2. Application for Alcohol Beverage Permit for Whitley Vineyards, LLC located at 401 College Street, Suite 150, Montgomery, as submitted by Philip and Gina R. Whitley, Managing Members.

Mr. Yates advised that there had been no public comments regarding this property. Mr. Yates said that the location would have to qualify for a Certificate of Occupancy before the business could locate there.

Mrs. Whitley was present for the meeting.

Mayor Jones closed the Public Hearing at 6:06 p.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. Washington had filled out a Comment Sheet, which was filed with the City Secretary. Mr. Washington advised that he did not want to speak at this time, but if needed, he would be ready to speak.

CONSENT AGENDA:

3. Matters related to the approval of minutes for the Regular Meeting held on September 27, 2016.

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

CONSIDERATION AND POSSIBLE ACTION:

4. Consideration and possible action regarding adoption of the following Resolution:

IN RECOGNITION OF MUNICIPAL COURT WEEK, NOVEMBER 7-11, 2016.
A RESOLUTION RECOGNIZING THE IMPORTANCE OF MUNICIPAL
COURTS, THE RULE OF LAW, AND THE FAIR AND IMPARTIAL
ADMINISTRATION OF JUSTICE.

Dave McCorquodale moved to table action on the Resolution until the next City Council Meeting. John Champagne seconded the motion, the motion carried unanimously. (4-0)

5. Consideration and possible action regarding approval of an Application for Alcohol Beverage Permit for Whitley Vineyards, LLC located at 401 College Street, Suite 150, Montgomery, as submitted by Phillip and Gina R. Whitley, Managing Members.

Jon Bickford moved to approve the Application for Alcohol Beverage Permit for Whitley Vineyards, LLC located at 401 College Street, Suite 150, Montgomery, as submitted by Phillip and Gina R. Whitley, Managing Members. John Champagne seconded the motion, the motion carried unanimously. (4-0)

6. Consideration and possible action regarding approval of the following Resolution:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF
MONTGOMERY APPROVING A VARIANCE TO THE 300-FOOT DISTANCE
REQUIREMENT FOR AN ALCOHOL BEVERAGE PERMIT FOR THE
HODGE PODGE LODGE LOCATED AT 300 PRAIRIE STREET AND
APPROVING THE PERMIT.

Mr. Yates advised that a question had arose during the application review, regarding the 300 foot distance from the school requirement. Mr. Yates said that since the school owns a substantial tract of property, much larger than the actual school building site, it meant that the Hodge Podge Lodge and school properties met. Mr. Yates said that the Montgomery ISD had sent a letter stating that they do not have a problem with the location. Mr. Yates also stated that state law also has a provision that allows for a variance to the 300 foot distance rule, which can be

permitted by adoption of a variance, which has been prepared by the City Attorney, Larry Foerster.

Jon Bickford asked whether the City had a copy of the letter from Montgomery ISD. Mr. Yates advised that a copy of the letter from Montgomery ISD had been received.

Jon Champagne moved to adopt a Resolution approving a variance to the 300-foot distance requirement for an alcohol beverage permit for the Hodge Podge Lodge located at 300 Prairie Street and approving the Permit. Jon Bickford seconded the motion.

Discussion: Dave McCorquodale said that he wanted to mention that he appreciated Council member Rebecca Huss for her insight and for doing things as they are laid out in the Code.

The motion carried unanimously. (4-0)

7. Consideration and possible action regarding renewal of a Special Use Permit to sell firewood to Ms. Margaret Tate and Mr. Lewis Johnson at 14586 Liberty Street, Montgomery, Texas.

Mr. Yates advised that Mr. Johnson has submitted a letter of request for renewal of his Special Use Permit to sell firewood, paid the \$100 renewal fee, and provided proof of liability insurance and a vendor bond. Mr. Yates said that was all that was required for renewal of the Special Use Permit.

Mr. Yates said that Mr. Johnson has always kept a very clean operation at his site, and was very cooperative last spring when all the Special Use Permits for firewood were reviewed.

Mr. Yates noted that the only complaint that he had heard about Mr. Johnson's operation was that there were several people gathered around a barrel, where he had a fire during the winter months. Mr. Yates said that the permit states he can only have one employee. However, Mr. Yates did not feel like this was enough of an intrusion to the terms of the permit and there was never any trouble, so nothing was ever said to Mr. Johnson. Mr. Yates said that Officer Tim Bauer, who has been

assisting with the Special Use Permits, also said that Mr. Johnson has a very clean operation and should be renewed.

Dave McCorquodale moved to approve the renewal of a Special Use Permit to sell firewood to Ms. Margaret Tate and Mr. Lewis Johnson at 14586 Liberty Street, Montgomery, Texas. T.J. Wilkerson seconded the motion.

Discussion: Dave McCorquodale said that he hoped he doesn't consume too many resources. Mr. Yates said that Mr. Johnson is the only person that has submitted a renewal of the permit.

John Champagne asked whether those that did not submit an application for renewing their Special Use Permit would be shut down. Mr. Yates said that they would be shut down.

The motion carried unanimously. (4-0)

Mr. Yates asked whether City Council still wanted the renewal of the Special Use Permits to come before City Council. Jon Bickford said that because of the traffic and appearance issued he would prefer that they come before City Council to give them an opportunity to hear input from the Community. Jon Bickford said that they also need to keep the street clear at those locations.

8. Consideration and possible action regarding proposed revisions to previously City approved construction drawings for West Side at the Park development.

Mr. Fleming said that there was a slight modification to the approved construction plans. Mr. Fleming said that the original plans called for a bulkhead, which they have removed in favor of a grass lined channel. Mr. Fleming said that after review of the proposed revisions, they offer no objections to the revisions.

Dave McCorquodale asked if this revision would affect the lots to the north that the channel drains into, and would it alter the amount of water leaving that site. Mr. Fleming said that he did not believe that it would. Mr. Fleming said that once the developer has completed the modification, they will have to go out and do one more inspection.

Jon Bickford asked if the property would go from a square channel with concrete sides to a "V" channel with grass. Mr. Fleming said that was correct. Jon Bickford

said that the area was wider. Mr. Fleming said that while it would be slightly wider and slightly shallower. Dave McCorquodale said that the bulk head channel was 4 feet deep and the revision would be 12 feet deep, which seems to be safer with the soft slope. Mr. Fleming said that it was a better to have the grass lined swale.

John Champagne said that, he assumed, there was not a whole lot of velocity at that location. Mr. Fleming said that this revision would not increase or decrease the velocity, but there is velocity at that location. John Champagne said that in Buffalo Springs they initially did grass, but had to come back with concrete.

Mayor Jones asked if the channel was pretty straight. Mr. Fleming said that was correct. Jon Bickford asked how large the culverts are that run under SH 105. Mr. Fleming said that he would have to check that information. Jon Bickford said that they had a situation where they had an 8 inch pipe feeding into a swale, and the water was coming out of the pipe so fast that it just wore the area out. Jon Bickford asked if they put grass there instead of concrete, what would their remedies be if that fails? Mr. Fleming said that the key there was twofold. One, they would have to get good turf and maintain it. Should there be an event, you would have to go back and restore the turf. Second, in the area that they are discussing, it would be key to have some sort of erosion prevention in place. Dave McCorquodale said that it looks like the channel is approximately 200 feet from the outfall.

Dave McCorquodale moved to approve the drainage revisions to previously City approved construction drawings for West Side at the Park development. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

9. Consideration and possible action regarding City Council Meeting schedule for November and December, 2016.

Mr. Yates advised that due to the busyness of the seasons, in the past, the City has held only one meeting in November and one in December. Mr. Yates recommended rescheduling the November 8, 2016 meeting, due to the Election, to be held on November 15, 2016, and the December meeting to be held on December 13, 2016. Mr. Yates said that those dates would also provide time for the Departmental Reports to be prepared.

John Champagne moved to approve scheduling the November City Council Meeting to be held on November 15, 2016 and the December Meeting to be held on December 13, 2016. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

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 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.

Mr. Yates reported that Flagship Boulevard was undermined and collapsed. Mr. Yates said that the dirt below the south half of the Flagship Boulevard collapsed and they had to close it today. Mr. Yates said that they are going to have a contractor look at it in the morning. Mr. Yates said that he expects the emergency expense of this repair will be approximately \$25,000 to \$40,000. Mr. Yates said that this is a FEMA project that is approved. It will take several months, but they will get 75% percent of the cost back. Mr. Yates said that he would report back to City Council and have an item on the October 25, 2016 City Council Agenda regarding the actual cost.

ADJOURNMENT

Jon Bickford moved to adjourn the meeting at 6:25 p.m. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date Approved: 10/25/16
Susan Hensley, City Secretary


Mayor Kirk Jones

