

MINUTES OF REGULAR MEETING

July 9, 2019

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Pro Tem T.J. Wilkerson declared a quorum was present and called the meeting to order at 6:00 p.m.

Present: Jon Bickford City Council Place # 1
John Champagne, Jr. City Council Place # 2
T.J. Wilkerson City Council Place # 3
Rebecca Huss City Council Place # 4
Tom Cronin City Council Place # 5

Absent: Sara Countryman Mayor

Also Present: Richard Tramm City Administrator
Larry Foerster City Attorney
Susan Hensley City Secretary
Jack Yates Consulting Administrator

INVOCATION

John Champagne gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

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. Mike Newman advised he would wait and speak during his Agenda Item.

CONSENT AGENDA:

3. Matters related to the approval of minutes of the Regular Meeting held on June 25, 2019.
4. Consideration and possible action regarding street closures for the Wine and Music Festival.

Jon Bickford moved to approve the Consent Agenda as presented. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

CONSIDERATION AND POSSIBLE ACTION:

5. Consideration and possible action to adopt the following Resolution:
A RESOLUTION APPROVING THE MONTGOMERY COUNTY EMERGENCY COMMUNICATION DISTRICT BUDGET FOR FISCAL YEAR 2020.

Mr. Tramm presented the information stating there has been an update from the Emergency Communication District, stating that on page three there was a correction where it referred to the new budget being 8% below the previous budget and should be 8% above the previous budget. Mr. Tramm advised the correction had been distributed to City Council.

Mr. Tramm noted Mr. Chip VanSteenberg, Executive Director for the organization was not present. Mr. Foerster stated he also serves as the Attorney for 9-1-1 and said it is possible Mr. VanSteenberg might show up tonight. Mr. Foerster said a large portion of the District's budget goes to capital expenditures, stating every four to five years they must purchase new software and new equipment because of the new technology which is constantly changing in the 9-1-1 industry. Mr. Foerster said the District never takes out loans, they put funds in reserve for capital expenditures, and have the funds ready when they need to make the purchase. Mr. Foerster said if City Council would like to hear from Mr. VanSteenberg, this item could be tabled until the next meeting.

Jon Bickford asked if this was an approval that is done annually. Mr. Foerster said it is an annual action the City approves. Jon Bickford asked if the District was asking for 8% more from the City than they did last year. Mr. Foerster said no, under the law the District must

get a majority of the City's approval of their budget, so every year the City will see the District present their Annual Budget for approval. Mr. Foerster said sometimes the City Councils will summarily approve the Budget and other times they like to hear a presentation from the 9-1-1 Executive Director Chip VanSteenberg. Mr. Foerster said this is at the pleasure of City Council on how they will receive the information.

Rebecca Huss said the District's revenues are still above their expenses for this year. John Champagne said the District made the comparison in the year 2000 that per capita was much higher than it is now and all that tells him is they were overfunded in 2000. John Champagne said he did not see the relation in making that correlation. John Champagne said in the documentation they indicate a large part of their expenditures were for education and asked who they are educating. Mr. Foerster said he could answer part of that information, stating they might want to defer to Mr. VanSteenberg. Mr. Foerster said the District rather than hiring their own employees to be the call takers for the 9-1-1 calls, have contracts with both Conroe Police Department and the Montgomery County Sheriff's Department who both have telecommunicators on their payroll and they pay for those salaries, which allows for a better mix because the telecommunicator can also be the dispatcher and they can get the call to the Sheriff's Department, Fire Department, or Hospital District quicker that way. Mr. Foerster said that was a decision made probably 10 years ago and said at least 40 percent of their budget goes to those types of contracts.

John Champagne said the District said the second category of operating expenditures and personnel costs was not a surprise, they have 10 full time staff members addressing public education, administrative and data base management, and one new staff member in this budget will be responsible for developing and implementing a training program for new and existing 9-1-1 call takers.

Rebecca Huss asked who sets the taxing rate the District receives because it is obviously not something they unilaterally set, asking if it is set by the State. Mr. Foerster said yes, it is not a tax, but an assessment that is found on your telephone bill for every customer that uses the service. John Champagne said he believed it was \$.50 cents on cell phones. Mr. Foerster said the 9-1-1 Board of Managers, which Mr. Yates sits on, does not address the

assessment in their budget. Mr. Foerster advised the budget is set by the State, and they operate on what they have based on the number of calls.

Jon Bickford moved to go forward and accept the Resolution approving the Montgomery County Emergency Communications District Budget for 2020. John Champagne seconded the motion.

Discussion: Rebecca Huss said she would request that next year they get the budget itself with the numbers rather than just the management discussion. Rebecca Huss said it would be helpful to see their balance sheet as well as the income statement. John Champagne said at the end of the report it states you can get that information if you contact Terri Gill. Rebecca Huss said it would be nice if it came with their packets. John Champagne said he agreed. Mr. Foerster said he would reach out to Terri Gill and Chip VanSteenberg and ask them to send that information to him and he will forward it to everyone. Rebecca Huss said it was kind of a moot point after they vote, she was thinking of next year. Tom Cronin stated he would like to have that information. Mr. Foerster said he would get the information for City Council.

The motion carried unanimously. (5-0)

6. Consideration and possible action regarding a request from Fernland Inc. for repairs to the Crane Cabin as submitted by Gareth Westlake.

Mr. Mike Newman stated he was presenting the information because Mr. Westlake is out of state. Mr. Newman said Mr. Westlake had made the previous presentation regarding this information to City Council and the City was going to review the contract between the City and Sam Houston State University, so he thought the City might want to speak on the matter.

Mr. Foerster said at the last meeting, there was some concern about whether the City was responsible for maintenance of those structures. Mr. Foerster said under the contract executed some years ago when the structures were leased by the City, the contract provides the City will take care of the maintenance on them. Mr. Foerster said he had stated he

would reach out to some of his contacts at Sam Houston State University History Department to see if they could get any help in that regard, but he never got a response back from them. Mr. Foerster said he has not pursued the matter since then. Mr. Foerster said he would think if the City were to again pursue the matter, maybe this time with the President of the University, since this is a crown jewel of Fernland and the City just happens to be the custodians, the University might be willing to provide some additional support given the fact the structures are so fragile and they need a lot of maintenance, almost on an annual basis. Mr. Foerster said he feels the structures are an important feature of Sam Houston State University.

John Champagne said he agreed with Mr. Foerster and said like anything, there is a cost to benefit ratio that must stay in line, and at some point, the cost to benefit must be something reasonable. John Champagne said he was not saying they were anywhere near outside the cost to benefit ratio.

Jon Bickford said he noticed there were no funds proposed by Fernland to help with this and asked if there were any funds proposed by the Fernland Board. Mr. Newman said the job costs \$18,900 at the present time, but they have not taken any action since January when the bid came out, so they will have to contact the company to see if the bid still holds. Mr. Newman said they were going to split the cost into three parts. Fernland, Inc. Corporated for \$6,300, Montgomery EDC \$6,300 which was granted, and it falls upon City Council to provide the last \$6,300. Mr. Newman stated this is a City project which the City will oversee and follow the construction and Fernland will make a check out to the City. Mr. Newman said he was going out on a limb, stating if there is a \$4,490 down payment charge, and since this project will be in 2020 for the City because it won't be started until January, Fernland could contribute the down payment to freeze whatever price they currently have if they decide to go with this. John Champagne said he thought it was equitable and fair.

Tom Cronin said he had an opportunity to speak with Matt Bullard who offered to speak to the President of the University because he is an Assistant Professor there. Tom Cronin said he does not want to continue to delay the project, but maybe that would be an avenue in the next two weeks where they could have him get involved and maybe he could light a

fire and get it started. John Champagne said they could always get involved financially after the fact. Tom Cronin said that was a good point. Mr. Newman said that was what they were going to try and do to recover some of their money from a Montgomery County Historical Society grant, but it would be after the fact when they would submit for the grant to try and recover some of the funds.

Rebecca Huss said at the very least it seems the longer they delay, the less likely the bid is to be the original price.

Mr. Newman said this project is not just an improvement, it is the north wall of the cabin which is in very bad shape and structurally he is worried about the cabin. Mr. Newman said he was an electrical engineer, not a civil engineer, so he was speaking a little out of his league, but he does know a little bit about it. Mr. Newman said if that wall collapses, it will be very expensive to repair, and you will lose a cabin that is from 1845.

John Champagne moved to approve a not to exceed figure of \$7,000 toward the restoration of the Crane Cabin as proposed. Jon Bickford seconded the motion.

Discussion: Rebecca Huss specified the \$7,000 would be from the General Fund for this project, not for the City as a whole, including the Montgomery EDC, and asked if they would agree with that statement. Jon Bickford said they were not voting on MEDC money. Rebecca Huss said she was saying the \$7,000 does not include the MEDC portion of funds. John Champagne said that was understood he thought, but if Rebecca Huss wants to put it in the motion, he had no problem. Rebecca Huss asked if they agreed with that statement. John Champagne said that was fine. Jon Bickford also agreed.

Mr. Newman asked if the City wanted him to pay the down payment for the Fernland funds. John Champagne said they could include the fact that the Fernland Corporation can initiate the work to be started.

Rebecca Huss said if they vote this year to put this in the next year's budget if they do that. Jon Bickford said they do not know if they need to put this expense in next year's budget yet. Jon Bickford said the main thing they need to do right now is getting the contractor

locked in. Mr. Newman said they want to get on the contractor's schedule. Jon Bickford and John Champagne agreed. Mr. Newman advised the contractor would be coming from North Carolina to do the work.

John Champagne said by virtue of this motion, the City's exposure is \$7,000, so let's begin. Rebecca Huss said except if they motion on it now, they are allocating funds from potentially the 2018-2019 budget. Rebecca Huss said if they don't start until January 2020, then it probably won't be paid until February after the Annual Audit has started, which means it will be incredibly complicated if they pay out of the 2018-2019 budget because the books will have already closed. John Champagne said it was his understanding the contractor can't get here until December.

Jon Bickford asked Mr. Tramm where they were with the year-to-date budget regarding forecasting the final budget. Mr. Tramm said he was in the midst of that process. Jon Bickford asked Mr. Tramm what the risk would be to allocate \$7,000 in this fiscal year, and do they have a chance that we could be overbudget if we do that. Mr. Tramm said he did not think the \$7,000 by itself would be significant. Rebecca Huss said it was a hassle accounting wise in the backend part of it, to pay it out afterwards. John Champagne said the motion stands to have Fernland Corporation begin the project, so the cabin does not fall down on someone. John Champagne said the City can deal with all the accounting minutia as it comes up, let's get started, stating that he was not going to amend his motion.

Mr. Newman said if the City wants to spend some of the money, the City could make the down payment which would get \$4,900 of the \$7,000 paid this year. Jon Bickford said that was what he was proposing, that the City go ahead and take care of it with these funds. John Champagne stated why don't they let the people they have hired and the people that are running City Hall decide on what to do. John Champagne said they are just going to approve the money to do the project, you all decide how to do it.

Rebecca Huss said her statement was not an amendment to the motion, it was just part of the discussion for clarification of whose money they were making the motion on.

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.

7. Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, in accordance with the authority contained in the following:

a) Section 551.071 (consultation with attorney) Pending and Possible Litigation.

Mayor Pro Tem Wilkerson adjourned into Closed Executive Session at 6:25 p.m.

Tom Cronin left the meeting at 6:50 p.m.

8. Reconvene into Open Session.

Mayor Pro Tem Wilkerson reconvened into Open Session at 7:02 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

9. Consideration and possible action(s) if necessary, on matter(s) deliberated in Closed Executive Session.

No action was taken.

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.

There were no comments made.

ADJOURNMENT

Rebecca Huss moved to adjourn the meeting at 7:02 p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

Submitted by: *Susan Hensley*
Susan Hensley, City Secretary

Date Approved: 07/23/19

Sara Countryman
Mayor Sara Countryman

