

MINUTES OF REGULAR MEETING

July 23, 2019

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Sara Countryman declared a quorum was present, and called the meeting to order at 6:03 p.m.

Present: Sara Countryman Mayor
John Champagne, Jr. City Council Place # 2
T.J. Wilkerson City Council Place # 3
Tom Cronin City Council Place # 5

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

Also Present: Richard Tramm City Administrator
Susan Hensley City Secretary
Larry Foerster City Attorney
Chris Roznovsky City Engineer

INVOCATION

T.J. Wilkerson gave the Invocation.

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 Kupfarer advised he wanted to speak about the parking during festivals, especially during the Christmas Festival in Buffalo Springs. Mr. Kupfarer said this year during the Christmas Festival

there was a blockage right at Anna Springs and Buffalo Springs where traffic was completely stopped, and if they would have had to get an emergency vehicle in, they would not have been able to get in there. Mr. Kupfarer said he was wanting to get people to actually follow the signs, and his suggestion would be to place two barricades on the side of the road the sign is located on where people can actually see it and put one on each side of the neighborhood. Mr. Kupfarer said sometimes the parade can't even get through when they have cars parked on both sides of the street.

Mayor Countryman said she knew this was going to be coming up this evening and she did a little due diligence and found out that there was a float that dismantled at Bessie Price Owens and Berkley Drive, which is what caused the congestion. Mayor Countryman said she has made sure the parade committee knows to ensure their participants know they don't dismantle there because the congestion lasted about 45 minutes. Mr. Kupfarer said he has photos showing all the congestion with people trying to get out, and traffic was completely blocked. Mr. Kupfarer said as soon as the parade let out everyone tries to get out, which is what happened and caused the road to be blocked for 15 minutes. Mr. Kupfarer said this happens pretty much every Christmas when the floats come through and they are not able to get through, which to him is a very important thing.

Mr. Allen Madsen and Cody Richards stated they would wait for their Agenda Item if needed.

Mr. Floyd Montgomery advised he had opened the Montgomery Family Museum a few weeks ago and he is open on Friday, Saturday, and Sunday from 1:00 p.m. to 5:00 p.m. Mr. Montgomery said he has collected Montgomery items for over 35 years, including some from Scotland. Mr. Montgomery said some of the historical things he has include items from World War II, and one of the more interesting things he has is a letter written by James Montgomery dated 1791, where he was writing to a friend about the escape of a King of France from Paris. Mr. Montgomery said the name Stewart is the most Scottish name of all and is the name of Kings and Queens of Scotland. Mr. Montgomery talked about many of the items he has housed in the Museum. Mr. Montgomery invited everyone to come by the Museum.

CONSENT AGENDA:

1. Matters related to the approval of minutes of the Regular Meeting held on July 9, 2019.

2. Consideration and possible action regarding nomination to the Montgomery County 9-1-1 Board of Managers Appointment to serve a two-year term October 1, 2019 – September 30, 2021.
3. Consideration and possible action to affirm that the previously declared surplus patrol vehicle, 2013 Dodge Charger, Vin#1682, will remain City property, as requested by the Police Chief.

Tom Cronin moved to approve all three items under the Consent Agenda. T.J. Wilkerson seconded the motion.

Discussion: Mr. Tramm asked City Council to clarify, for the motion, who they are nominating for Agenda Item 2. Mr. Tramm advised Mr. Paul Virgadamo, who currently serves in that seat, is willing to remain there, so his assumption is they are just confirming what is in the documentation, but he wanted to confirm that was their choice for the record. City Council concurred and confirmed that Mr. Paul Virgadamo was their choice.

The motion carried unanimously. (3-0)

CONSIDERATION AND POSSIBLE ACTION:

4. Consideration and possible action on Department Reports.
 - A. Administrator's Report – Mr. Tramm presented his report to City Council advising this month serves as his first full month here on staff. Mr. Tramm said he has been spending time working and talking with staff and consultants and trying to concentrate on policies and projects that are ongoing and in varying stages of completion. Mr. Tramm said he wanted to mention the potential Budget Workshop dates on August 3, 6 and 10th. Mr. Tramm said between him and Ms. Hensley, they will send an email out to City Council either Thursday or Friday to confirm the dates. Mayor Countryman asked if they had a second date in mind. Mr. Tramm stated they had identified August 3, 6 and 10th. John Champagne asked if they had identified a specific date. Mr. Tramm said they had not, but he wanted to do that in the next few days.
 - ❖ Presentation - New City Web Site – Mr. Tramm reviewed the home page of the new City's web site, stating that there are several background photos that change each time you log onto the site. Mr. Tramm said they have several specific areas, such as, Pay My Bill and Event Calendar. Mayor Countryman asked to expand on

the Pay My Bill section, stating in the past they did not have any electronic way to pay their water bill. Mayor Countryman asked if that was for water bills or just for Court. Ms. Hensley advised it was for both, stating they have the Court citation payments and utility payments on this page, and it is included in each Department. Mayor Countryman said wonderful, the City is getting current. Mr. Tramm said as technology improves and as people are coming here, they have expectations of paying their bills online, which is becoming a more normal part of life. Tom Cronin asked if there was a charge to pay online. Ms. Hensley advised there was a service fee. Ms. Hensley advised they have News Releases, Job Opportunities, and Community Development and they have included these items in different places in the site, so they are not searching for them. Ms. Hensley advised they now have Open Records Requests on the web site, which has also been placed in numerous locations. Ms. Hensley advised Police Records requests are now handled by the Police Department and all others are filed in her office.

Mayor Countryman stated you can do a keyword search in the search bar and it will search the entire web site and does not silo you in. Mayor Countryman stated the photos on the web site were from the Photo Contest where they received hundreds of photos, and these are photos from residents, which they will be changing them out. Mayor Countryman said the previous City web site was tired and thanked the City Secretary stating they have worked a long time on this project, and they are proud of the site.

Ms. Hensley said there were two sections of the site she wanted to mention, one being the City Parks Map where you can click on each of the Parks and it will show the amenities. Ms. Hensley said they also have the City Projects Map, so when projects are approved they will be added to this map and it will show the progress of the project with photos and a timeline through to completion, which the public will be able to click on to see the progress. Mr. Dave McCorquodale spoke about the GIS Map, which they have also integrated into the web site from the Community Development page where there is a link. Mr. McCorquodale said on the public side of the GIS you don't see the water and sewer information, which is only on the staff side. Ms. Hensley advised that each City department will maintain

their information, so the information will remain current and up to date. Ms. Hensley said one of the most important goals was to keep the public informed and advised they now have the ability to subscribe to the site to notifications in several locations, which will allow the public to select when to be notified regarding meetings, job opportunities, etc.

- B. Public Works Report – Mr. Mike Muckleroy, Director of Public Works, presented his report to City Council. Mr. Muckleroy said they fueled the generators at the water plants and the sewer sites to get prepared for hurricane season. Mr. Muckleroy said they met with a contractor at water plant 2 for repairs, completed eight work orders for leaks and three for water taps. Mr. Muckleroy said on the wastewater side they raised three manholes on Harley Drive and located five more from the manhole inspection report, which Gulf Utility has finalized and is being reviewed right now. Mr. Muckleroy said they have completed two work orders for sewer taps and one for sewer stoppage. Mr. Muckleroy said on the streets and drainage side they have repaired street signs at Liberty and College, extended the culvert at lift station 10, and repaired the ditch at Bubble King. Mr. Muckleroy said they also repaired potholes on West Way and CV Stewart Drive and Precinct 1 repaved three of the streets in town and did a really nice job.

Mr. Muckleroy said they tested the City generator and repairs were completed, replaced photocell for streetlights on McCown Street, and created a map of the electrical outlets at the Community Center for festivals so they can hand out to vendors who will know how to utilize the electricity. Mr. Muckleroy said they completed 26 work orders for general City Hall maintenance issues. Mr. Muckleroy said on parks and recreation, they completed 27 work orders for maintenance park issues and set up and assisted with the City Water Party at the Community Center. Mr. Muckleroy said they repaired the water pump at Memory Park, repaired the wooden footbridge at Cedar Brake Park, and a section of the sidewalk at the playground entrance. Mr. Muckleroy said they replaced four sections of the two-wire system on the irrigation at Memory Park. Mr. Muckleroy said the Fernland docents reported 573 visitors and they provided 64 tours for the month.

Mr. Muckleroy said in the general section, they completed 23 work orders for maintenance general issues and completed a tour with the City Administrator showing him the Public Works area and staff. Mr. Muckleroy said he attended a budget meeting with the City Administrator and a meeting at Memory Park regarding the bulkheading project.

John Champagne asked whether the City was hurricane ready and if the generators are all repaired and ready to go. Mr. Muckleroy said that was correct. John Champagne asked if Mr. Muckleroy was still the main or primary contact for Fernland in terms of repairs, maintenance, and docents. Mr. Muckleroy said he is the main contact, stating before, Mr. Yates was the contact for the docents. John Champagne asked if there was any conversation about starting to charge or maintain fees for photography because they have talked about this several times.

John Champagne said he is looking at 573 visitors and asked if there has been any conversation on how they might generate a \$1 apiece for these visitors. Mr. Muckleroy said they have had internal discussions about the matter, and it has been brought up before by John Champagne in the past. Mr. Muckleroy said he had discussed the matter with Mr. Yates in the past and said himself he was not a fan of it and did not see a good way to police it. Mr. Muckleroy said he did not want his guys to ever have to deal with collecting money from the donation boxes. Mr. Muckleroy said it is a possibility to do that, he just does not see it working. Mayor Countryman asked where the collected photography money goes and whether it goes to the Park or does it come to the City. Mr. Muckleroy said he honestly did not know the answer to that question. Mr. Tramm said it comes to the City through the permitting department and goes into the general fund. Mr. Muckleroy said the donations go to Fernland Park. John Champagne asked if it was a 501(c)(3). Mr. Muckleroy said that was correct.

- C. Police Department Report – Police Chief Anthony Solomon presented his report to City Council. Chief Solomon said they are looking at the numbers and they have had 15 accidents in the last two months between the last reporting period. Chief Solomon said when they look back to the beginning of the year there are almost 38 accidents, which is a lot of accidents. Chief Solomon said they have put together a new traffic

policy to try and combat some of these accidents. Chief Solomon said a lot of it has to do with police visibility. Chief Solomon said the speed trailer has not been run for a while, so they finally got it back up and monitoring different activity in different neighborhoods because it is a known fact that if people see police cars they tend to slow down. Chief Solomon said they are also looking at the number of DWI's because they are up to about 6 DWI's for the last two months, one being a vehicle that hit our patrol vehicle. Chief Solomon said between 6 p.m. and midnight, statistics show about 55%-60% of the people on the street has had something to drink, so they are starting to look at those areas.

Chief Solomon said they had the Police Department audited and some of the things they have started working on already are the policies and they are putting together a lot of new policies. Chief Solomon said the officers are reading the policies and discussing them with their supervisors. Chief Solomon said their first meeting with the entire department will be August 1 and they will get everyone together to go over the information and discuss their expectations and where they want to go and what they want to make of this Police Department.

Chief Solomon said the evidence room is a major part of the Audit. Chief Solomon said they have brought in two people to give them a bid since there was money in the budget to extend the evidence room. Chief Solomon said they have also picked up lockers for the evidence room so when they drop off evidence, nobody has any way of going back in there and getting the evidence out. Chief Solomon said they had three keys out for the evidence room, which was unacceptable, you only need one key. Chief Solomon said the other keys need to be locked up somewhere, so the extra keys have been collected and they will be locked away.

Chief Solomon said they have spoken with the Fire Department and the School District because one of our officers will be putting on an active shooter program for City Hall, including City Council. Chief Solomon said he was not extremely happy with Emergency Management here and where that it is going, we need to get a better direction on that. Chief Solomon said he has looked up what the County has and said the City can draw from that, but we need to make sure we have something that works

for the citizens here in Montgomery. Chief Solomon said he has seen these things when they happen, where everyone says they will help you out, but by that time they are trying to help their own people out and we need to make sure that we will help our own people out.

Mayor Countryman said she was glad the Chief brought up the Audit because she had gone to TECLOSE, the District Attorney's Office, and the Texas Rangers and finally she had to talk with a different agency to get some help. Mayor Countryman said it sounds like they are moving forward on some things that need to be changed from what the Audit suggested. Chief Solomon said there were a lot of things that City Council will have to make some decisions on at budget time as well, but the things they can work on that need to be changed, they are making those changes now. Chief Solomon said the changes won't happen overnight, but they will stay on it until they get it done.

Tom Cronin asked if there were any hot spots regarding the accidents. Chief Solomon said the area of SH 105 and FM 149, between that point and back toward Kroger and the other part is FM 149 by Liberty Street. Chief Solomon said they have TxDOT engineers working on doing something with that curve to keep people from going into the ditches. Chief Solomon said he spoke to TxDOT two days ago because he was out there again today, and he does not think people know just how steep that curve is. Chief Solomon said he was behind a man today that as he made that curve, he tried to correct it and almost went off the road. Chief Solomon said he keeps calling TxDOT because every time he calls they need to put some sand down and the Department is looking at other spots just to see what it is they can do better or if they can make some corrections to improve the traffic and everything else.

Mayor Countryman asked if the six DWI's include the County or is this just in the City. Chief Solomon said they were just the City's DWI's.

- D. Court Department Report – Mrs. Kimberly Duckett, Court Administrator, presented her report to City Council. Mrs. Duckett advised the number for citations collected in June was \$233, the revenue was \$30,546.14. Mrs. Duckett stated the Warrant Officer collected \$3,923 and cleared 47 warrants, which includes people coming in and paying,

making appearances at the jail, and also them working on a whole new purge system that will include pulling anyone off the shelves that have been deceased or people that received a citation with insufficient evidence and should not have been prosecuted and gone into a warrant. Mrs. Duckett said they have been working diligently starting at “A” and working to pull any old files they can. Mrs. Duckett said the warrant numbers are very good along with the total revenue collections as well. Mayor Countryman asked if Mrs. Duckett thought she was about halfway through the warrants. Mrs. Duckett said they are only on “B.” Mrs. Duckett said the Warrant Officer goes file by file, checking the system to make sure the name and related information are all correct. Mrs. Duckett said if the person comes back with no information, that means they were stopped for no drivers license and they did not have enough information to process a warrant. John Champagne asked if the Warrant Officer’s focus is to continually resolve the warrant backlog. Mrs. Duckett said that was definitely what he was doing.

- E. Utility/Development Report – Mr. Tramm advised one of the items that he wanted to draw some attention to was discussed last month regarding the number of 120+ days that accounts are in arrears that go back to 2007. Mr. Tramm said he was working with Mr. Yates and the financial officer and Auditor to properly address what City Council has already given direction on. Mr. Tramm said between now and the end of this fiscal year or at least through the Audit process, they will have that matter properly addressed. Mr. Tramm said he just wanted City Council to know that this was being worked on. Mr. Tramm said for the other accounts that are in arrears 60-90 days, he will be working with the utility office to get that information. Mr. Tramm said he wants to research the City’s policy on water deposits to make sure they are holding a proper amount. Mr. Tramm said there are some situations where people have fallen behind and they are working through a process, they are technically 60-90 days behind, they are still in the process of bringing their account up to date, and as long as they follow that through, they will be brought into compliance in a matter of time. Mr. Tramm said they understand that people are human and there are times when they might not comply. Mr. Tramm said this month they upgraded the telephone system and now it is much easier to direct calls from station to station. Mr. Tramm said the Utility Office will receive the most calls because people will call here for that office or they are not sure who they need to talk to, and it will default to them.

John Champagne asked if the phone system was changed a year or two ago. Ms. Hensley said they have been trying to get the phone system updated and now they have finally gotten it finalized and completed. Mr. Tramm said the new phones have several features that were presented during a staff meeting that will take a little bit to get used to. Mr. Tramm said the speakers are much clearer, stating they had a conference call earlier and they did not get the background noise they had previously heard. Mr. Tramm said there is a feature when you miss a phone call, it will record the message and generate a text to be sent via email in addition to going to voice mail. Mr. Tramm said he had missed a telephone call from Council Member Champagne. Mr. Tramm intended on returning his call, but it slipped his mind, then on his way home, he was able to look up the email to return the call. Mr. Tramm said the phone system also provides the ability to record conversations onto a USB drive when the need arises.

Tom Cronin asked about the water accounts and whether the City has identified people that have an economic need that struggles to pay their water bill every month. Tom Cronin said the reason he is asking is because he was wanting to do something like Entergy does where you can overpay your bill and the funds can be put into some type of escrow account and if they identify someone who truly has an economic need and struggles every month to pay their water bill, maybe the citizens can help by overpaying their bill and move funds over to them if it is possible to identify a true need. Mr. Tramm said it is quite possible to at least generally identify to some degree, and when he meets with the utility clerk, he can discuss that information with her. Mr. Tramm said he did know from his background, a lot of times those are the same people and accounts that tend to pay their bill later because they are living paycheck to paycheck, then they end up paying more because they get a late fee. Mr. Tramm said you can usually identify those people because they might be paying a late fee every month, but they have never been disconnected and they are good, hardworking people trying to pay their bill. Mr. Tramm said someone like that might be very easy to identify because the utility office has contact with these people when they come in to pay their bill. Mr. Tramm said he felt the utility clerk probably has a good idea of who some of those people might be. Mr. Tramm said he will ask that question if it is something that might be worked out and he will get back to City Council with the information.

Mr. Tramm commented on the bottom line of the Buffalo Springs Sewer Plant over a three-month period had a total of 9,000 gallons used. Mr. Tramm said there is a recycling system there at the facility and water that is processed during treatment at the plant uses the effluent from the plant to be able to cycle it through. Mr. Tramm said in order to process as the State requires, you need to have a water supply to pick up the gas and bring it into the treatment. Mr. Tramm said the water they see being used is for the personnel out there. Mr. Muckleroy said last year at this time it was 165,000 and they have brought it down significantly. Mr. Muckleroy said they are still repairing the two-wire system, stating they got four sections done last month. Mr. Muckleroy said they have brought down the raw usage quite a bit.

- F. Water Report Mr. Mike Williams, with Gulf Utility Service, Inc., presented his report to City Council. Mr. Williams advised they had six district alerts last month, with most of them being weather and electricity-related issues. Mr. Williams mentioned two alerts, one being on June 2, 2019, with a high wet well at Lift Station 1. Mr. Williams said they were able to pull the pumps and they found some rocks and debris inside, so they cleaned out the rocks and debris and the pump was reset. Mr. Williams said the second alert on June 10, 2019, was because they had a power outage when someone hit a power line on FM 1097 which took out Water Plant 3, Lift Stations 2, 7, 8, 9, 10 and 13. Mr. Williams said they were able to manage to continue service and helped them to identify an issue where the generator did not supply power to a certain part of the plant and they were able to get that fixed as well.

Mr. Williams reported the daily effluent trend flow for the month May-June was 4,382,000 gallons, with the daily peak flow occurring on June 3, 2019, at 321,000 gallons and the average daily flow was 141,400 gallons. Mr. Williams said all the samples taken during the month of June complied and they reported a total of 4.35 inches of rain.

Mr. Williams said the total water pumpage for the month of June was 12,002,000 gallons, flushing was a total of 332,000 gallons and they sold a total of 10,311,000 gallons. Mr. Williams said that brings the City to an 89% accountability, which is much lower than they are used to seeing. Mr. Williams said they have searched for leaks and they are trying to identify all the issues. Mr. Williams said they have also

had a lot of water theft which they are trying to crack down on. Mr. Williams said they are trying to track down where the water is going, and it is a bit of an anomaly because they usually have 95-96% accountability.

Mr. Williams said the water sold versus the water treated for this month out of everything sold, they had a 42% return to the wastewater treatment plant for retreatment. Mayor Countryman asked if they were still seeing quite a bit of water theft. Mr. Williams said they are still receiving reports of theft, which is just the ones they can catch, so there is probably more that are not caught.

John Champagne asked Richard Tramm what a typical percentage is for water produced versus water billed from his experience. Mr. Tramm said it varies a lot based on the size of the utility system as well as the age and maintenance of the system. Mr. Tramm said he has seen different utilities ranging from about one to two percent loss to 30 percent loss. Mr. Tramm said with one or two percent loss unless you have a small system, it is not usually realistic, but then 30 percent is just ludicrous because you are not properly maintaining the system. Mr. Tramm said on a system of this type, he would expect something between five to eight percent on a normal basis. Mr. Tramm said since the City has electronic meters and is moving forward in the future with the ultrasonic meters, you may see the percentage over time come down. Mr. Tramm said since the ultrasonic meters are more sensitive and will pick up a continuous or low flow, such as a soaker hose or a small water leak that might not be picked up by a traditional meter but can be picked up by an ultrasonic meter.

T.J. Wilkerson asked about the daily inspection of water and said he knows on FM 1097 and all the people on the north side, their water has had some issues and it has been white for the last few days. T.J. Wilkerson said they have been running the water, but the white color still has not cleared up. Mr. Williams said Friday night they had an issue at Water Plant 3, the probes had failed at the plant so there was nothing there to tell the Well to turn on and then when it got to the low-level alarm float, that float failed as well. Mr. Williams said it finally hit an alarm that there was an issue with the low-level lock and by that time all the pumps shut off as a safety measure to prevent air into the pump. Mr. Williams said they got out there and started manually feeding water

into the tank and replaced the floats, then they started flushing the lines. Mr. Williams said the white cloudiness they are seeing in the water is air that is trapped in the line, so if they were to pour that water into a glass, it would slowly disappear. Mr. Williams said normally they would not have gone so far as losing pressure, but Water Plant 2 was offline for a tank repair because they had some holes repaired in the storage tank that was leaking. T.J. Wilkerson asked if they need to keep running the water to get the air out of the line. Mr. Williams said yes, the air should work its way out of the line, but if they have any kind of discoloration in the water they should let Public Works know and they will do their best to get the rest of the air out of the line. Mr. Williams said air is the hardest thing to get out because it will linger in the line, but there is nothing harmful in the water.

Tom Cronin asked how the grease trap business is running. Mr. Williams said the grease trap business is flowing. Tom Cronin asked if it was organized and whether he is happy with how it is going. Mr. Williams said he was very pleased with the results this month compared to the first month when they went out and had many failures. Mr. Williams said the second month they went out and only had two failures. Mr. Williams said the word is getting out on what they are looking for and most everyone took the notice and took care of their issues. Mayor Countryman asked if they were checking 100% of the City. Mr. Williams said that was correct.

- G. Engineer's Report - Mr. Roznovsky presented his report to City Council. Mr. Roznovsky advised regarding the Baja Road Project, they are still working with the bonding company to get a new agreement for the new contractor to come in, and once that is signed hopefully within the next week, they will have a Notice to Proceed and a preconstruction meeting with the new contractor to get the project going. Mr. Roznovsky said regarding the MLK-Phase II project, the survey work has been completed in the field to get it out of the way for the lead time to hit the schedule. Mr. Roznovsky said on both of these projects, especially once they get the agreement signed for Phase I, they will work with T.J. Wilkerson and set up a Town Hall Meeting for the Baja residents to keep them advised of what is to come and the timeline between the Phase I and Phase II projects and then as they get further along, the GLO projects.

Mr. Roznovsky advised Atkins Creek will be discussed later, stating they had received bids with some good prices. Mr. Roznovsky said SH-105 Waterline Replacement Project was submitted to the Texas Water Development Board (TWDB) for final review and approval. Mr. Roznovsky said regarding the Lift Station 1 Replacement Project, they are still working with the TWDB regarding their comments, so they are working through the issues. Mr. Roznovsky said the Phase II 18-Inch line deposit was received and they held the preconstruction meeting and issued the Notice to Proceed on July 16th. Mr. Roznovsky said the City received notice yesterday that they received the contract from the State for the \$2.3 million-dollar grant that includes a handful of projects, mostly centered around Baja and MLK area, but also for an additional generator at Water Plant 3.

Mr. Roznovsky said regarding development, they just spoke to Wendy's and they have not submitted plans since November of last year, but they talked to them this week and they have started back up, so they expect to submit revised plans within the next few weeks. Mr. Roznovsky said plan approval was issued for the Samdana donut shop, and they returned comments earlier this week for The Montgomery Shoppes Retail Center. Mr. Roznovsky said Christian Brothers will probably hit the brakes a little bit until they close on the property.

Mr. Roznovsky said the one-year warranty inspection is coming up for Villas of Mia Lago Section 2 in mid-August. Mr. Roznovsky said the Louisa Lane Development is proceeding with the land swap that they had discussed at the end of last year, so they have submitted the description of the properties which are being reviewed by staff to move forward with a subsequent agreement.

Mr. Roznovsky said with the recent Legislation, one of the Bills they are looking at and working with City Staff is House Bill 3167 regarding plan and plat review process that cities have to follow and make sure the City is in compliance and does not need to change anything to meet the rules. Mr. Roznovsky said it mainly refers to timing, which the City has not had an issue with timing. Mr. Roznovsky said they have 30 days to submit the first review and 15 days thereafter, and the City has been within that time. Mr. Roznovsky said the main one they are looking at is the differentiating of

signing authority approvals and working through who needs to sign, and it refers that any comments made must be specifically tied to a rule. John Champagne said he glanced at the information and part of it states they are not allowed to re-review the plat. Mr. Roznovsky said you can, and said the whole thing is it is all about the timing. Mr. Roznovsky said if they get comments for approval or disapproval within the timeline, one of the issues that can happen is the timeline when it comes to meetings. Mr. Roznovsky said one of their questions is if the entity does not meet in that timeline of 15 days, for example, a plat going to the Planning and Zoning Commission, how would that work if they meet monthly and would it would require a special meeting. Mr. Roznovsky said those are the type of things they are working on and trying to figure out the details with staff and the City Attorney. John Champagne said at first blush he likes this and asked Mr. Roznovsky if he feels the City has been in compliance with this new law. Mr. Roznovsky said he did not think the timing would be an issue, the part that is different is currently the civil site plans for the development get signed by the City Engineer and it states that it has to be signed by the presiding officer and secretary, or a majority of the elected officials. John Champagne said now the City will be on the clock. Mr. Roznovsky said that was correct. John Champagne said he liked it. Mr. Roznovsky said in the City of Houston they might sit on things for months and you can't get anything from them, in this case, if there is no correspondence and reply, it is assumed approved. John Champagne said with developers you never get it fast enough, which he gets.

Mr. Roznovsky said they have discussed a couple of times the GST repairs at Water Plant 2, so those have been completed and the vacuum tests are being pulled so that can go back online in the next few days.

Mayor Countryman asked about the bottleneck with the Exxon Station and if it was still the trash dumpster. Mr. Roznovsky said that was his understanding and said there has been a recent conversation earlier today on the matter in order to get a turn lane at Exxon on the southbound side. Mr. Roznovsky said the developer was on board with going in the right of way and he was going to do a complete redevelopment of the corner and lower his site so it was doable, and then donate nine or 10 feet of right-of-way so the turn lane could be created. Mr. Roznovsky said the biggest issue that he

ran into was that nine or 10 feet is where he puts his dumpster and he has nowhere else to place the dumpster. Mayor Countryman said he does have area on the west side of the property and they have talked about maybe them and Shipley's Donuts going in together and Mr. Yates offering incentives, but she did not know if Mr. Yates ever presented them to Exxon, and that is something they should look at picking up the ball and running with. Mr. Tramm said he would check with Mr. Yates and see where they are at. Mr. Tramm said he thought on that property there was also a potential grease trap issue. Mayor Countryman said she had not heard that she just heard the owner did not want to give up the parking spot and to the west side of the building there is not any parking. Mayor Countryman said there is concrete from the street to less than the middle of his parking lot next to Shipley's. Mayor Countryman said she would be glad to get with Mr. Tramm to review the information.

Mr. Roznovsky said they were also working on the FM 149 headed northbound turn lane. Mr. Roznovsky said TxDOT sent their comments back to the revised description language that they wanted in the legal description of the property, changing "feet" to "foot" and commas. John Champagne said his thought is since the City will gain so much by the potential of having this lane, why shouldn't we do everything we can to position the dumpster on the west side, if it means the City getting involved and putting in a concrete pad for the dumpster, then let's get going. Mayor Countryman said they even talked about the incentive of giving them free trash for a year.

- H. Financial Report – Mr. Tramm presented the report to City Council. Mr. Tramm said there is only a summary report this month since the bookkeeper is working on the budget issues, so he will get the full report to City Council as soon as possible. Mr. Tramm said he would be happy to answer any questions or meet with City Council to go over the information.

John Champagne moved to accept the Departmental Reports as presented. Tom Cronin seconded the motion, the motion carried unanimously. (3-0)

5. Consideration and possible action to Accept Excess Collections for 2018 Debt Service and Certification for Debt Service Collection Rate for 2019-2020.

Mr. Tramm advised they had received correspondence from the County Tax Assessor/Collector that the excess tax collection rate for 2018 was zero dollars, so they collected 100% of the amount they set out for and the anticipated collection rate for 2019 is 100%, so it is State Law for cities to be notified of the certification so the City can accept the report.

John Champagne moved to accept the Excess Collections for 2018 Debt Service and Certification for Debt Service Collection Rate for 2019-2020. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

6. Consideration and possible action regarding a sign height variance of two feet to be located at 13944 Liberty Street as submitted by Madsen/Richards Development.

Mr. Allen Madsen and Cody Richards, owners of Madsen/Richards Development were present for the discussion. Mr. Madsen advised both he and Cody Richards own the property 13944 Liberty Street, which is the automotive shop and Smart Canine project. Mr. Madsen said they ran into a situation for building a sign which they had always planned to build in their original submittals. Mr. Madsen said they have two sides of FM 149 which they can either go to the right side, which they had submitted for a pole sign and had it approved by the City, however, as the City went through it, after the City gave approval and they ordered the sign, the City advised him he had to skirt the sign. Mr. Madsen said on the right side of their building it is a designated washout and goes into Stewart Creek, so if they put in a box, they will basically be making a water dam, so he asked for a variance for two feet height to go to the other side for the detention pond where there is a fence, so he needs the two feet so they can get the sign above the fence and visible. Mr. Madsen said since there is no washout he can put on skirting, which is why he asked for the variance. Mr. Tramm said Mr. Madsen had come into City Hall and spoke to him and Mr. McCorquodale about the process. Mr. Tramm said because of the location there, the fence would obstruct the sign, so he is just trying to raise it above the fence, so it is visible on FM 149 on the north and south side. Mr. Tramm said the sign ordinance requires a height variance to come back to City Council and said he did not have the authority to give the variance. John Champagne said Mr. Tramm did have the authority to give his opinion as well as Mr. McCorquodale. Mr. Tramm said he thought this variance was worthy of being granted in that area because it will help the business and it won't detract from the area,

in his opinion. Mr. Tramm said there is an area requirement that the sign will meet even with the additional height, and it will meet the monument requirements by being boxed in. Mr. Tramm said his recommendation would be to approve the variance. Tom Cronin asked if the property was located right by the bus barn. Mr. Madsen said yes, which is the other thing, they do not trim their trees, so they have done a lot of maintenance to keep the vegetation down. Mr. Madsen said if they put the sign on the other side, even if they got the height variance, they will have a problem because they do not take care of the trees. Mr. Madsen said they are trying to help the patrons who are running a good business and make sure everything is going well. John Champagne asked how long they have been at that location. Mr. Madsen said it has been over two years now since their business built in and they have leased it for a year. Mr. Richards said October 2017 they purchased the land. Mr. Madsen said it has been a task, but a good task and is worth it. Mr. McCorquodale said he was good with the variance and said the unique thing about his site is that most commercial property doesn't have a seven-foot fence that goes up to the front line all the way out to the street.

After discussion, John Champagne moved to grant a sign height variance of two feet for 13944 Liberty Street as submitted by Madsen/Richards Development. Tom Cronin seconded the motion, the motion carried unanimously. (3-0)

7. Consideration and possible action regarding acceptance and award of bid for FEMA - Atkins Creek Water, Sanitary Sewer and Storm Sewer Repairs Project.

Mr. Roznovsky stated they were making the recommendation for an award to Solid Bridge for the base bid and alternate bid in the amount of \$290,840.40. Mr. Roznovsky said they have worked with Solid Bridge before and would recommend them.

Tom Cronin asked if they had issues in trying to get capable contractors. Mr. Roznovsky said the history on this project is it was originally bid in May 2019 and received no bids, then they rebid in June 2019, with one bid by a contractor, Solid Bridge Construction, and his price was in the amount of \$488,000. Mr. Roznovsky said they went back and looked at the scope of how they could adjust the project and that is what they came up with, on the bid tab that shows the two lower bids, they were bid in the \$290,000's and modified scope, and then the two higher bids at around \$500,000 on the original scope, so they rebid with both options to see if

the prices came in different. Mr. Roznovsky said the estimate on this bid was \$263,000, so \$290,000 is a little bit high. Mr. Roznovsky said the City's share of this project is 10% because this is a FEMA project, so the City is looking at a \$3,000 difference for the City.

T.J. Wilkerson moved to approve the City Engineer's recommendation of Solid Bridge Construction, LLC to be awarded the contract for this item. John Champagne seconded the motion.

Discussion: T.J. Wilkerson asked to confirm that Mr. Roznovsky has worked with this company before. Mr. Roznovsky said they currently have another project working with them on the north side of Houston. T.J. Wilkerson asked if there was anything in Montgomery County. Mr. Roznovsky said they are not doing work in Montgomery. Tom Cronin asked to confirm that they did not have any issues with the company. Mayor Countryman asked if they had solid crews that will show up. Mr. Roznovsky said they were a little bit delayed due to weather when they had a wet period during the beginning of the year, but since then, they have gotten back on track.

The motion carried unanimously. (3-0)

T.J. Wilkerson asked if there would be an inspector at the site. Mr. Roznovsky said they would have an inspector on-site.

8. Consideration and possible action regarding installation of two or three speed humps and corresponding signage on Bessie Price Owen Drive.

Mr. Muckleroy advised there were a couple of options with this item, stating he had been asked by John Champagne to look at the placement of speed humps because they have people driving too fast on that road. Mr. Muckleroy said he went and looked at the road and said they could do two or three speed humps, and said he thought they could get away with only two. Mr. Muckleroy said he spoke to the Police Chief regarding this item and he would like the opportunity to maybe do some work on his end and put out the speed trailer and do some enforcement. Mr. Muckleroy said it was his recommendation to allow the Police Chief to do some work on the matter, stating the Chief was not a fan of speed humps, and that nobody is a

fan of them. Mr. Muckleroy said if they don't succeed, then they could revisit the matter. Tom Cronin asked the Police Chief how much time he needed to work on this matter. Chief Solomon said he would ask for 90 days to work on the matter. John Champagne asked what the metric was that they would use to measure the effectiveness. Chief Solomon said right now they need to know exactly what is going on. Chief Solomon said normally when you start doing these things, you will get a reaction from the people in the neighborhood that you are warning about speeding. Chief Solomon said they have the speed trailer they will be putting out along with officers being out in those areas to see if they can get the traffic to slow down. Chief Solomon said they are going to need the time of day when the problem is occurring, is it all day or just specific times during the day or night when the speeding occurs to help them be there when those things are most likely to happen. John Champagne said he would say, anecdotally, morning and afternoon when people are coming from work. John Champagne said he was working in his garage on a Saturday and he was surprised at the speeding during the course of the middle of the day, saying that it was not as much in terms of the number, but the speeds are in excess of 40-50 miles per hour. John Champagne said if a dog gets loose or a child gets loose, you will have a problem with vehicles going that fast. John Champagne said as much as he hates speed humps, he hates the alternatives. John Champagne said he was open to this interim situation and if it works, thank goodness. Mayor Countryman asked what the speed limit was at that location. John Champagne said it is 20 miles per hour. Tom Cronin asked if the intent would be to warn initially, or issue citations. Chief Solomon said the intent would be what they just put in their new traffic policy; discretion will be left up to the officer stating there are some criteria the officer would go by. Chief Solomon said they know why they are there, to enforce the speed limit. Mr. Muckleroy said they can also get some suggestions from the Police Chief regarding some permanent signage for that area. Mayor Countryman said maybe they could get some "caution children" signage. John Champagne said he wrote to some people that put up signage that displays the speed the vehicles are going, but they are very expensive. John Champagne said he just wants the speeds reduced before something happens. Chief Solomon said they will look and see what signs they have in the neighborhood and if they have "kids at play signs" because there are curves in the road, which is part of the deal with the speed humps. Chief Solomon said he has worked a few accidents where people have driven through at night and the next thing you know, they end up in somebody's house because of the speed humps.

Mayor Countryman asked if they needed to table this item or take no action. Mr. Foerster said they could table the item or take no action and wait for 90 days to see what has transpired.

John Champagne moved to accept Police Chief Solomon and Mr. Muckleroy's recommendation to monitor the situation for 90-days with the opportunity to revisit the matter in 90-days. Tom Cronin seconded the motion, the motion carried unanimously. (3-0)

9. Discussion regarding prohibit fishing in the Memory Park Pond.

Mr. Tramm advised this issue has come up a couple of times. Mr. Tramm said the Memory Park pond has ornamental Koi fish that have been placed in the pond. Mr. Tramm said there have been people chased off by the Police Department and one was cited as trespassing, but when the ticket came to Court, after discussion with the Judge and Prosecutor, they decided that was not the appropriate way to remedy the situation. Mr. Tramm said they have a right to be on the property, it was their activity that the City would not want them to do. Mr. Tramm said there was no ordinance currently in place to prevent them from fishing, so if City Council wants to do that, the recommendation would be to consider adding an ordinance to prohibit fishing with a fine and penalty of around \$200, so there is some type of deterrent for people who are inclined to do that. Mr. Tramm said he would be happy to take direction from City Council to work with the City Attorney to bring that back to City Council.

John Champagne said everyone is supposed to leave Memory Park at sunset and there are several people that tend to park in the library parking lot and hang out in the Park for long periods of time. John Champagne said that might be a finable event as well. Mayor Countryman said there are sign poles already at Memory Park stating the previous "no fishing" signs might have washed away. Tom Cronin asked if these individuals that are fishing are adults or juveniles or both. Mr. Tramm said he thought they were both juveniles and adults, but he did not have specific information. Mr. Tramm said if that is the direction City Council wants to go, he would be happy to work with the City Attorney. City Council concurred that Mr. Tramm would work with the City Attorney.

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.

10. 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 City Attorney regarding pending claims and contracts.

Mayor Countryman adjourned into Closed Executive Session at 7:22 p.m.

11. Reconvene into Open Session.

Mayor Countryman reconvened into Open Session at 7:55 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

12. Consideration and possible action regarding approving an Agreement to complete Dr. Martin Luther King Jr. Drive and Baja Road with Cincinnati Insurance Company, MMG Contractors and the City.

Mr. Foerster proposed a motion to City Council for their consideration, stating the proposed motion is that the City Council approve an agreement for performance and completion of the MLK and Baja Road Project subject to the final details related to the payment being worked out by the City staff and City Attorney.

T.J. Wilkerson moved to approve an agreement for performance and completion of the MLK and Baja Road Project subject to the final details related to the payment being worked out by the City staff and City Attorney, as recommended by the City Attorney. Tom Cronin seconded the motion, the motion carried unanimously. (3-0)

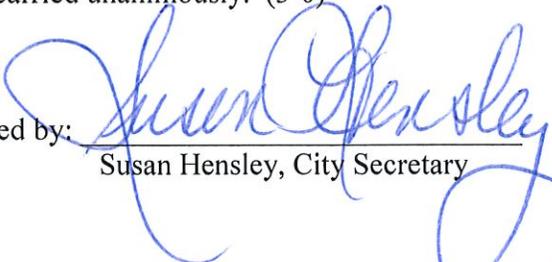
COUNCIL INQUIRY:

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.

ADJOURNMENT

John Champagne moved to adjourn the meeting at 7:56 p.m. Tom Cronin seconded the motion, the motion carried unanimously. (3-0)

Submitted by:  Date Approved: 08/13/19
Susan Hensley, City Secretary


Mayor Sara Countryman

