

MINUTES OF PUBLIC HEARINGS AND REGULAR MEETING

December 10, 2019

MONTGOMERY CITY COUNCIL

CALL TO ORDER

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

Present:	Sara Countryman	Mayor
	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:

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

INVOCATION

T.J. Wilkerson gave the Invocation.

CONSIDERATION AND POSSIBLE ACTION:

1. Receive the Final Report from the Planning and Zoning Commission regarding a request from Larry and Beverley Jacobs for a Special Use Permit for the property located at 1062 Clepper Street, Montgomery, Texas 77356 for a short-term cottage rental project.

Rebecca Huss moved to accept the Final Report from the Planning and Zoning Commission regarding a request from Larry and Beverley Jacobs for a Special Use Permit for the property located at 1062 Clepper Street, as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

PUBLIC HEARING(S):

Convene into Public Hearings for the purpose of giving all interested persons the right to appear and be heard regarding the following:

2. **Public Hearing:** Regarding a request from Larry and Beverley Jacobs for a Special Use Permit for the property located at 1062 Clepper Street, Montgomery, Texas 77356 for a short-term cottage rental project.

Mayor Countryman convened the Public Hearing at 6:03 p.m.

Rebecca Huss asked Mr. Tramm to present the highlights from the Planning and Zoning Commission Final Report. Mr. Tramm advised he would ask Mr. Dave McCorquodale, Assistant to the City Administrator, to present the information since he did the work on this item.

Mr. McCorquodale advised there will be an agenda item later tonight to discuss this item, but he detailed the points from the Planning and Zoning Commission Final Report. Mr. McCorquodale said the Commission suggested the criteria that they would like to be included as part of the Special Use Permit as follows:

- The Special Use Permit would run with the property and be transferrable to all future heirs and successors and subsequent owners;
- They would provide a maximum rental time frame of two weeks;
- Require the structures to not be on permanent foundations so they can be moved in the event the business is no longer operating;
- Require the property to maintain a rear vegetative buffer of 25-feet;
- Each unit shall be equipped with a smoke detector that meets applicable fire regulations and a fire extinguisher on the property;
- Adequate parking of 1.25 spaces per unit; and
- An annual Certificate of Occupancy be required.

Mr. McCorquodale said many of the requirements were taken from the bed and breakfast ordinance, as the business is not identical, but the use is rather similar and many of the safety requirements seem to go in line with this type of business.

Jon Bickford asked if the Special Use Permit would be transferrable with City Council's approval. Mr. McCorquodale said it would be transferrable to whoever they sold the property to without any other action needed by City Council, outside of just the business having to be registered with the City in the same way a bed and breakfast would be. Mr. McCorquodale

said the owner's name would have to be on file with the City so the City would know and understand who is operating the business. John Champagne asked if the question leading to it is specific to a bed and breakfast type business or could they open a machine shop. Mr. McCorquodale said the business would have to meet the exact same conditions that the current business is operating under, and no other business could change the use. Mr. McCorquodale said City Council does not have to accept all the criteria from the Planning and Zoning Commission, they can modify the information as they see fit because you make the ultimate decision on the Permit.

John Champagne asked if the property was in the Historic District. Mr. McCorquodale said it is not located inside the Historic District.

Rebecca Huss asked if that was the way all Special Use Permits work because she thought when they last broached it for a different project, that anytime a property changes legal hands, the Special Use Permit needed to be reissued. Mr. McCorquodale said the Special Use Permit is an ill-defined item in Texas Zoning Law, they typically do run with the land, but they are assigned to the owner of the land. Mr. McCorquodale said given the nature of a Special Use Permit they can be as varied as City Council wishes.

Mayor Countryman asked if there were any other citizens that would like to speak during the Public Hearing.

Mr. Kevin Lacy, City resident who resides near the property, and said he wanted to show his support for Mr. Jacobs because he and his wife have gone over the plans and he had walked the property and discussed his plans to maintain the beauty of the property. Mr. Lacy said they were very excited about what this project could do for the City.

Adjourn Public Hearing

Mayor Countryman adjourned the Public Hearing at 6:09 p.m.

3. **Public Hearing:** By the City of Montgomery City Council, acting as the Board of Adjustment, regarding a side building line variance of nine (9) feet and a rear building line variance of four (4) feet for the property located at 607 Worsham Street, as submitted by owners Dan and Christine Walker

Mayor Countryman convened the Public Hearing at 6:10 p.m.

Mr. Tramm advised there were some people that are wanting to make comments regarding this matter and noted a memo to City Council detailing comments that were received by staff at City Hall. Mr. Tramm read the following three comments into the record, as follows:

- Mrs. Harriette Cummings, City resident who resides near the location of the property, stated that while she would not be able to attend the Public Hearing, she was happy with the requirements of the Zoning Ordinance, as written, and believed that it was the owner's responsibility to research the building line requirements before placing the building on the property.
- Mr. Frank Scarmordo, City resident who resides near the location of the property, expressed his concern about the small structures (e.g. porches, sheds) being added to properties in the neighborhood without being permitted. Mr. Scarmordo said he felt it was the responsibility of the owner to know the building line requirements before constructing a building.
- Mr. Trevor Howard, City resident who resides near the location, and said the shed is right next to his lot. Mr. Howard said he emphasized he did not have any problem with the building. Mr. Howard said it affects him in no way whatsoever. Mr. Howard said he understands the need for building code, but only for situations that require high levels of safety. Mr. Howard said a tool shed (especially beautifully built) shouldn't require this degree of regulation. Mr. Howard stated the remodeling of their home and property was phenomenal. Mr. Howard said the City should consider some form of incentive to historical homeowners. Mr. Howard said the older homes require significant investment to rebuild/maintain.

Mr. Tramm advised that was the end of the comments that had been submitted to the City.

John Champagne asked if the variance of nine feet was intruding into a distance of 25-feet, which is typical, and asked what the Code requires as the number of feet required without a variance. Rebecca Huss said she thought the side setback was 10-feet. John Champagne asked if they were going to a foot setback. Jon Bickford advised they had already gone to a foot because the building is already there. Mr. Tramm said the structure was brought in without a permit. Rebecca Huss said it was already a very tight space to begin with. Jon Bickford said when he owned the property, he built the garage as close to the property line as he legally could. Rebecca Huss said for disclosure, Jon Bickford built the garage and she lives across from the property. Jon Bickford said the concrete

was on the right-of-way, but the risk is if something goes wrong and they must bust up the concrete, it was on him and he understood that.

Ms. Merriam Walker, City resident who resides directly behind the property being discussed. Ms. Walker said this house has been in very controversial things in the past, and here we go again. Ms. Walker said she bought the property for a white picket fence neighborhood, they tried to have a homeowners' association, then money was taken, and that person moved away so the homeowners' association dissolved. Ms. Walker said Mr. Bickford came in and made the property much nicer, and when he moved out it has gone down since then. Ms. Walker said her issue is they all have laws and rules and they all must go by them. Ms. Walker said if you are going to do something different on your property, you need to go through the proper channels and get it approved. Ms. Walker said her issue is that the building is right on top of the fence and her fence, and at one point when she came home she noticed they were working and then by the end of the day there was a building with a roof on it. Ms. Walker said within the next 7-10 days there was wiring, piping connected from the garage to the portable building. Ms. Walker said the slab of the garage had a hole drilled and a pipe came out and two huge barrels were dumped into the ground. Ms. Walker said she looked around for a piece of paper on a board that says they have permits, but she found nothing. Ms. Walker said she called the City and asked what was going on behind her because it looked like the man was digging a septic system. Ms. Walker said when it rains since Jon Bickford built the garage and the neighbor built his garage, it has made it easier for the ground to become saturated. Ms. Walker said they now have another building with air conditioner drainage and other drainages. Ms. Walker said she came to the City the day before yesterday and spoke to the City Administrator and the lady that gives out the permits. Ms. Walker said she was advised the resident has permits for everything. Ms. Walker said she asked how he got a permit for that building and the big pipe that is coming out of the slab of the garage, into the ground and two barrels that are sunk and then other piping and wiring coming from the garage going to the small building, and that small building has a water spigot on it, and during this time frame, a porch with a roof was built. Ms. Walker said it was bad enough that the little building is there, but now there is a porch and a roof, which right now does not have any gutters. Ms. Walker said she suspects the owner is going to build the gutters because it looks like he does things nicely when he builds things. Ms. Walker said when she came to the City the other day she noticed there was a blue tarp on the back yard, and there is florescent orange paint and she is wondering what else is going to be built and what else is he going to dig up. Ms. Walker said the issue she has is the owner is asking for a variance because he chose to do this without coming before City Council and getting the approval, and what's to say when her neighbor passes away and sells that property and they decide they want to build a garage all the way to the back of the fence and forgets to come and get the permit and it is

done. Ms. Walker asked what the City will do right now because the owner now has two tanks that are dropped, another one was dropped on the other side of the cyclone fence that he put up. Ms. Walker said she still does not see any construction permits posted. Ms. Walker said she is against variances, she thinks that you live in a city and you need to come and get your permits, and if the City says yes, then she is just the neighbor but asked how much more can their little neighborhood handle. Ms. Walker said if that is a sewer system or whatever water exchange, how much more saturation can our property take. Ms. Walker said if the property owner adds on more to the garage, which when Jon Bickford lived there, he never finished the garage apartment. Jon Bickford said it was never intended to be an apartment. Ms. Walker said it is an area where you can add a toilet and a sink. Ms. Walker said the water drainage coming off the building and going into the back yard is an issue for her, and first and foremost the owner is asking for something that should have been asked for before he ever did it. Ms. Walker said while the building is portable, what are they going to do with all the wires and plumbing and what are you going to do with the three holes in the backyard. Ms. Walker said it might all be permitted, but she did not know how they got a permit that quick. Ms. Walker said had she not been home sick that day, she would have never seen that building going up or the holes being dug in the ground. Ms. Walker said she was against the variance and she did not want her little town taken over.

John Champagne asked if the building was not inspected and no fines were levied. Mr. Tramm said the building was put in place before they knew about it and no fines have been levied at this time. Jon Bickford asked if whoever inspected the building knows what the pipes were for. Mr. Tramm said the pipes just came to their attention. Jon Bickford said they have pipes going to the building and electrical.

Mr. Dan Walker, owner of the subject property, said he wanted to clarify some of the things being stated. Mr. Walker said they bought the property because they want to retire here, they are downsizing. Mr. Walker said when they bought the property, they were under the understanding that this side of the street did not have deed restrictions. Mr. Walker said they were not sure what they needed to do. Mr. Walker said the plat of his property shows they have a front building line and a rear building line, but there are no side building lines. Mr. Walker said before he bought the garden shed, he drove around the neighborhood and he saw numerous other properties that had sheds on zero lot lines, for instance, one behind the Post Office. Mr. Walker said they had the garden shed erected and as far as the pipes coming out of the ground, it is PVC pipe running to a spigot, so the dog has water, which is not even on at this time. Jon Bickford asked to confirm that there was no bathroom or sink installed. Mr. Walker said no this is strictly a tool shed that he had painted to match the house.

Jon Bickford asked if Mr. Walker had added the deck in the back of the house. Mr. Walker said yes. Mr. Walker said they pulled permits with licensed electricians and licensed plumbers. Mr. Walker said they hooked up a piece of #10-gauge wire to have the power to run power tools. Jon Bickford said he did not understand how the City could have permitted something that has not been approved to be there in the first place. Mr. Tramm said they came by and picked up the permits for electrical and such, but in order for the building to be there, it will require a variance from City Council. Jon Bickford said the whole thing has been completed which is frustrating.

John Champagne asked who the point of contact is for these things. Mr. Tramm said they come through the front office with Autumn Redman, who does the permitting and it comes through himself and Dave McCorquodale. John Champagne asked if someone shows up for a permit for wiring and plumbing the assumption is it is an existing structure that has been approved and there is no problem, no one thought it might have been for a structure that was out of compliance. Mr. Tramm said that was until they received a report about this. Mr. Walker said the application for the permit was done for a portable garden shed, rear porch on the back of the house and framing and completing out the attic space above the garage. Jon Bickford asked to confirm the portable garden shed was on the permit request. Mr. Walker said that was correct. Mr. Tramm said they may need to investigate internally as well to fully understand the timeline. Jon Bickford said the building is portable. Mr. Tramm said the building is difficult to move but it is portable. Mr. Walker said moving the building would be a challenge, but it is on skids. Mr. Walker said they limited space they have on the property. John Champagne said they don't have any room in the back.

Mr. Tramm said the building was placed in the backyard before any permits were applied for with the City. Jon Bickford said the permits were applied for after the building was placed. Rebecca Huss said if someone puts a garden shed on their property, do they need a permit or do they only need a permit for the electrical and plumbing. Mr. Tramm said without looking, it was his understanding that you would need to have a permit to place them. John Champagne said it would have been no problem, except in this case. Mr. Walker said they had a licensed electrician and Rick Hanna came by and looked at it and checked the GFI and said everything was okay, but this is primarily a storage shed for tools and gardening as they plan on doing extensive landscaping on the property. Mr. Walker said they are going to retire on this property and everything they are going to do to the property they want to get permission from the City, and they want to make it first class and an enhancement to the street. John Champagne asked if Mr. Walker had talked to his neighbor in the back. Mr. Walker said he only introduced himself. John Champagne asked if there was any way he could come to some agreement they might be amenable to. Mr. Walker said he agreed and understood that in the past there have been some water issues with all the new hard

surface going in. Mr. Walker said his plans are to install six-inch gutters across everything. Mr. Walker said he has shot grade on everything and said they are on a kind of peak and then it rolls down toward Jack's house next door, but there is a six-inch fall from back there to the front street so he did not have an issue guttering everything and pushing it to the front yard, where it runs down to the creek. Mayor Countryman asked what the timeline for guttering was. Mr. Walker said he is spending about \$100,000 on the house and they are rolling with it. Mayor Countryman asked if that would be part of phase one. Mr. Walker said yes. Mayor Countryman said she did not know if it was a five-year or three-year plan. Mr. Walker said they want to get the work done and make the property very pretty, stating they love the house and the community, and they have awesome neighbors. Mr. Walker said they are moving from a very large piece of property in Montgomery Trace.

John Champagne said Mr. Walker had alluded to the fact that traveling around town he had seen other buildings on property lines, and said a lot of this stuff has been grandfathered in and for the most part City Council is in the variance business, there is not a meeting that goes by where they are not asked for some type of variance. John Champagne said the only thing he could say from his point of view, this is after the fact and it would have been wise for Mr. Walker to have come to the City to check on this. Mr. Walker said he agreed. John Champagne said if Mr. Walker can, to get his neighbor to buy-in. Mr. Walker said they are extremely quiet people and they want everything done just right. John Champagne said Mr. Walker was out of compliance, and personally, he would rather the government stay out of your business and if you could get your neighbors to buy in on what has happened, he would consider the variance, but it does not sound like all the neighbors have bought in on the variance. Mr. Walker said he does have a letter that is signed by some of the neighbors around him that had no issues with the project. Mr. Walker said he had no problem doing everything he possibly can, but he could not make a 10-inch rain go away, so if that happens, they will have to wade in a puddle for a day or two and then it will all go away.

T.J. Wilkerson asked if in the back of the house, was there a wooden fence in the back. Mr. Walker said yes, it was built by the previous owner. Mr. Walker said apparently there used to be a white picket fence that was replaced with a wall, which he will probably end up planting vines to dress it up. Rebecca Huss said that will help with the water collection. Mr. Walker said they are also going to plant some trees and do landscaping. Mr. Walker said he has already done an eight-inch French drain all the way down the side between his property and Trevor, which worked awesome today.

Jon Bickford asked if there was a stockade fence between Mr. Walker's property and his neighbor. Mr. Walker said there is an eight-foot pine or cedar fence. Mrs. Walker said the previous owner had torn down the white picket fence and proceeded to build a huge wooden fence and the white

picket fence was taken down. Jon Bickford said there was a six or eight-foot wooden fence on the side. Mr. Walker said there is a six or eight-foot fence that goes all the way around the property. Mrs. Walker said that was because of the dogs from the previous owner.

Mr. Walker said the tanks in the ground are called lift stations. Mr. Walker said they are building an apartment above and they are below grade where the inlet goes into the City sewer system. Mr. Walker said people do this all over the country, where they put a grinder tank that takes the water and pushes it to the street because there is not a natural fall and will shoot it eight feet in the air. Rebecca Huss said that was the mystery of the tanks in the ground. Mr. Walker said yes and said Rick Hanna did their rough-in inspection yesterday and the florescent lines on the ground are where the pipes are going in two feet deep coming out of the tanks and going under the house and tying into the system. Rebecca Huss said that sounds like a nightmare for maintenance. Mr. Walker said they are not; you just change the motor out on the pump every five to six years.

Mr. Mike Reaper, City resident who resides behind Mr. Walker said that Mr. Walker does a good job and everything he has done has been professional. Mr. Reaper said he just wanted to suggest if they are going to allow the building to be on the property line, then it should be for everyone.

Ms. Merriam Walker advised that across the street, Ms. Hailey Martin resides in the home next to Harriett Cummings, said she is also in agreement they should not change variances because people choose to do stuff before getting permits and they need to do what it states they are supposed to do. Ms. Walker said Ms. Martin said if they want to get approved that should be done prior to instead of asking after the fact.

Mayor Countryman asked Mr. Walker if he did not get the permit before, and why did he not come before City Council. Mr. Walker said when they moved in they were told there were no deed restrictions and he did not see any building lines, so he hired a couple of guys to come out and build the shed, which they painted and then a couple of days later he found out that is not what you do. Mr. Walker said he immediately went down and pulled the permit and had the inspector come out the very next day and look at the property. Mr. Walker said the inspector advised him he had done everything other than getting a variance with the City. Mayor Countryman asked if the reason why the permits were not pulled initially was just that he did not know he needed to get a permit. Rebecca Huss said the plat states there are no side setbacks.

Ms. Walker asked when the 55-gallon tanks and the shed permits were pulled because she thought they were all tied together. Ms. Walker said now they have more tanks. Mr. Tramm said he had not looked at that information, he was dealing with the building. Jon Bickford asked if there were

more tanks. Mr. Walker said there were two tanks, they covered the hole up since they knew it was going to rain and they did not want a muddy hole.

Ms. Lisa Martin, who resides across the street from the property, asked if she wanted to build a shed, variance or no variance, she would have to get a permit. Ms. Martin said she understands the law and the variance. Ms. Martin said she is delighted to have Mr. Walker and said the property is going to be a showplace. Ms. Martin said she knows things were not done exactly the way they should have been done but if you had seen what had been there prior, this is a welcome change.

Ms. Linda Sneed, a City resident, advised the City had always told her the size of the building would determine if she needed a permit. Ms. Sneed said she has a shed on her property right now, which the City told her was okay. Jon Bickford said the issue is not the size of the shed, but the placement of the shed, and if you are going to get a shed, you should check with the City to make sure that you don't need a permit. Mayor Countryman said she should call City Hall first and double-check to see if a permit is needed.

Adjourn Public Hearing

Mayor Countryman adjourned the Public Hearing at 6:42 p.m.

Reconvene into Regular Session

Mayor Countryman reconvened into Regular Session at 6:42 p.m.

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. Adam Inffen, who resides on Bois D'Arc Bend, advised he wanted to address a situation they have had since they moved out here. Mr. Inffen advised they live on a county road that was recently cut through to Lone Star Bend. Mr. Inffen said they have a big issue with speeders on both roads. Mr. Inffen said Lone Star Bend is 25 miles per hour and the cars are going 40-50 miles per hour. Mr. Inffen said there is a Sheriff that sits at the end of Bois D'Arc Bend and he patrols the county road, but there are never Montgomery Police on the Lone Star Bend portion. Mr. Inffen said it is like a drag strip in front of his house, and his wife and son have had gestures made to them and nearly run off the road. Mr. Inffen said they would like to see some speed humps put on the Lone Star Bend portion and asked who he needed to talk to about this.

Mayor Countryman said Mike Meador is the County Commissioner and he represents this area. Mayor Countryman said Lone Star Bend is in the City of Montgomery. Mr. Inffen said he did not know why the road was put through and is a cut-through for people that live in Walden, and this is a residential street. Mr. Inffen said the man that owns the Shell Station put a sign up "Montgomery Short Cut" and asked what good does that do him. Mr. Inffen said he understands the City can't do anything about Bois D'Arc Bend, but if they could get some speed humps on Lone Star Bend to help with all the kids going to school. Mr. Inffen said he has not seen any Montgomery Police Officers out there. John Champagne said the Montgomery Police Department has been back there. Mayor Countryman said she has ridden with officers and they have gone back there. John Champagne said this is not the first time this complaint has come to the City, and he knows what Mr. Inffen is talking about. Mayor Countryman said they have the Departmental Reports tonight and they can talk to the Police Chief and ask for assistance. Mayor Countryman said she appreciated the feedback and said it sounds like they need to pay some attention to that area and see what they can do. John Champagne told Mr. Inffen to not hesitate to call the City of Montgomery and ask to speak to either the Lieutenant, Sergeant or the Police Chief. Mr. Inffen said they have spoken to Lieutenant Spencer with the Sheriff's Department. John Champagne said the Police Chief is present if Mr. Inffen would like to speak to him.

Mr. Floyd Montgomery advised that he wanted to speak about Scottish history and the name Montgomery. Mr. Montgomery said he was hoping to get some Scots wearing their kilts in the 4th of July Parade. Mr. Montgomery said he had the Montgomery Museum open for three months at the law office on FM 149, with 2,000 items of memorabilia collected. Mr. Montgomery said most towns named Montgomery were named after General Richard Montgomery who was the first American General killed in the Revolution. Mr. Montgomery said he was hoping to get more people involved in the Scottish history of Texas. Mr. Montgomery said 2/3 of the people that fought at the Alamo were of Scotch-Irish descent. Jon Bickford asked how people can get in touch with Mr. Montgomery. Mr. Montgomery said he was in the telephone book. Mayor Countryman said they can call City Hall and we can get them in touch with Mr. Montgomery.

CONSENT AGENDA:

4. Matters related to the approval of minutes of the Workshop Meetings held on August 20, 2019, and August 22, 2019, and Regular Meeting held on November 12, 2019.
5. Consideration and possible action regarding renewal of the COBRA Continuation of Coverage Administrative Agreement by and between the City of Montgomery and TML Health Benefits Pool.
6. Consideration and possible action regarding adoption of an Escrow Agreement by and between the City of Montgomery and Troy's Donuts.
7. Consideration and possible action regarding adoption of an Escrow Agreement by and between the City of Montgomery and Larry and Beverley Jacobs for Moon over Montgomery.

8. Consideration and possible action regarding authorizing Jones and Carter to prepare a Utility and Economic Feasibility Study for Larry and Beverley Jacobs for Moon over Montgomery.
9. Consideration and possible action regarding completion of a one-year warranty period and release of Maintenance Bond for the Montgomery First Phase II and III Public Infrastructure.

Rebecca Huss advised a typo in the minutes, Item 4, had been corrected regarding the November 12, 2019 minutes.

Rebecca Huss moved to approve the Consent Agenda as presented, with the inclusion of the typo revision to the November 12, 2019 minutes. Tom Cronin seconded the motion.

Discussion: Jon Bickford asked about Item 7 and asked what the Escrow Agreement was for. Mr. Tramm advised it was because of the timeline between this meeting and the next upcoming meeting, Mr. Jacobs wanted to be able to move the process along presuming the City would approve the Special Use Permit. Mr. Tramm said Mr. Jacobs does not want to be in the position of having to wait until January to talk about approving the Escrow Agreement and the Feasibility Study. Rebecca Huss said Mr. Jacobs is willing to put his money where his mouth is and she assumes he would get the money back if it is not used.

The motion carried unanimously. (5-0)

CONSIDERATION AND POSSIBLE ACTION:

10. Consideration and possible action on Department Reports.

- A. Administrator's Report – Mr. Tramm mentioned the Crane Cabin, stating there was an issue with the size of the logs, so the project has been delayed and should be worked on this week. Mr. Tramm said they had to get different logs because they want to get the best match possible. Mr. Tramm said they are still well ahead of the original schedule that would have been if they had gone with the original contractor. Mr. Tramm said they believe they are close to getting another home in the HOME Grant process and should have that information by the end of the month.

Mr. Tramm said the work on Baja/MLK Project has received positive comments regarding the contractor that took over the project regarding the neatness of the work and the contractor's ability to clean up and the politeness of the workers out there.

Mr. Tramm said there were several Christmas events last weekend and next weekend and the number of hours put in by various City personnel who are working hard to make those

happen. Mr. Tramm said they are not necessarily City events, but the City still plays a strong part in public safety and cleanup.

Mr. Tramm said the City is getting ready to go into the active part of the Annual Audit. Mr. Tramm said he attached his Development Report to his Report this month, which he typically provides the MEDC, which he thought might be something City Council might want to see.

Mr. Tramm said there are terms coming up on the Planning and Zoning Commission and MEDC, and they will be putting a notice in the water bill getting ready to go out and a notice on the electronic sign at FM 149 and SH 105. Mr. Tramm said he planned on having the candidate applicants at the first meeting in January.

Mr. Tramm said regarding the RFQ process from the last meeting, he is preparing to go out for the Watershed Study, stating he has talked to several engineering firms over the last couple of weeks, going out to the site or meeting with them to discuss the information. Mr. Tramm said he will be following that up with the engineer and legal services RFQ. Mr. Tramm said during the next month he will be working with Mr. Muckleroy on the Utility Services contract. John Champagne said that was outstanding.

Mayor Countryman said she too has had great feedback on the Baja/MLK Project, with a lot of kudos to the contractor MMG and the professionalism of that team. Mr. Tramm said the one good thing they did with this process is when the work was getting ready to restart, they held a meeting out there to make sure the residents knew what was coming and said communication was lacking in the past, and this just shows people can be happy with a lot of things when they understand what is going on and they understand the process. Mr. Tramm said he knew there was a lot of frustration on the City side and the residents with the way the work spread out, saying it was a bad situation. Mr. Tramm said they have done what they can to get the word out.

T.J. Wilkerson asked about the HOME Grant and asked if they had a certain date they are shooting for to have everything done. Mr. Tramm said they have one more property that is close to having the package complete, and they believe that will all be able to be sent out to the State for approval before the end of this month if that runs through and they get approval, they should at that point have enough to be able to start construction on the ones

they have. Mr. Tramm said there were still a couple of hurdles they must get through, but they feel those will be within a realistic timeline at this point. Mr. Tramm said the hardest part with the latest one was getting accurate survey information, where the information did not exist.

- B. Public Works Report – Mr. Mike Muckleroy, Director of Public Works, presented his report to City Council. Mr. Muckleroy advised they had located the source of the water leak. Mayor Countryman said that was a great job. Mr. Muckleroy said they regouted several manhole lids throughout the City and repaired the storm drain on John Butler Drive. Mr. Muckleroy said his department installed the wiring for the credit card machine for utility and court for electronic payments. Mr. Muckleroy said they completed 32 work orders for maintenance and park issues, the docents reported 580 visitors for the month, and they provided 39 tours. Mr. Muckleroy said they attended MLK Community Meeting for the waterline project, and he attended a meeting with Entergy to discuss lighting options and will meet on Friday to go over the final details. Rebecca Huss said that is because someone at the MLK Community Meeting talked about a lack of lighting for the area, which is a safety concern. Mr. Muckleroy said that was correct. Mayor Countryman thanked Mr. Muckleroy for the decorations, stating they looked great.

Tom Cronin asked about the report that states they assisted two customers with irrigation control settings and asked if they helped them with their sprinklers. Mr. Muckleroy said absolutely, they are complicated for people that don't use them. Mr. Muckleroy said it usually starts from someone calling in about a high water bill and in looking at the usage they can see they have something running at certain times. Mr. Muckleroy said they don't make recommendations on how much they should water, but if they tell us what they want, we will show them how to set it.

Rebecca Huss said back to the Entergy item, something they would not necessarily suggest, but what are the options of the City setting a metal pole and putting a solar light on it, which must be potentially cheaper. Mr. Muckleroy said it is probably not cheaper.

John Champagne said he had asked about the pond, and if they raised the water at Memory Park four inches, which he was not sure if they can, but that would be a lot of water. Mr. Muckleroy said they looked at doing that and said he does have information for him. John Champagne said they can discuss it later. John Champagne then asked about Fernland and said they need some paint, which he would rather do before they really need it done. Mr. Muckleroy said they have looked at that and he agreed it needed to be done. John

Champagne then asked about the streets, stating he knew Mr. Muckleroy prioritized them or at least evaluated them, and asked if he was in the process of prioritizing them and starting on those things. Mr. Muckleroy said he won't say they have started the process of starting on them and said that was 100 percent on him. Mr. Muckleroy said he had to get with the County and get it on the list. Mr. Muckleroy said he would be happy to discuss the pond after the meeting.

- C. Police Department Report – Police Chief Anthony Solomon presented his report to City Council. Chief Solomon stated he had provided the monthly and annual reports. Chief Solomon said the annual report included some goals, objectives, and some initiatives. Chief Solomon said regarding what the gentleman was talking about today, they have looked at those different areas and that is what they have for their different initiatives. Chief Solomon said the Sergeant is working on those and said he would move that area up to the initiative list because there are a lot of places in the City where those things are going on with the growth and people coming in. Chief Solomon said when he reported last time, they had about 21 people that were driving an average speed of 52 miles per hour in a 35 mile per hour speed zone. Jon Bickford asked if they were issuing tickets for those. Chief Solomon said they were making contacts with those drivers, stating that he can't tell the officers to issue tickets. Chief Solomon said there is a number of tickets that have been issued. Jon Bickford said the message is if people think they are going to just get a warning, they will keep speeding. Chief Solomon said that is true, and said there are some people that you have to issue a citation in order for them to learn their lesson, which is the decision that the officer makes at the time of the traffic stop. Chief Solomon said on the objectives that are included in the report, they are going to start the Citizen's Police Academy sometime in April.

Chief Solomon said after about six months it gave him a chance to look at the department and see what it needs. Chief Solomon said some of the ordinances are going to need some updates or they need to input some things like fines that will give them a better chance to go out and enforce these things. Chief Solomon said they have had a situation on Old Plantersville Road, and they will be putting in some more meat into the ordinance and fines. Chief Solomon said they talked a couple of months ago about crime mapping, and the crime mapping is now up and running and now when you can go in and select all, it will show you what crimes are happening in different areas, not only in the City, but you can scroll down and look at the County and Houston. Chief Solomon said the crime mapping also helps us because it will give you all a chance to give them some feedback. John

Champagne said all he saw was one theft for less than \$100. Chief Solomon said that was because they are taking care of business. John Champagne said he agreed.

John Champagne requested for the next meeting, a departmental organization chart and as a side, the general bullet point duties of each individual employee. Chief Solomon said he would provide that information. Mayor Countryman said she liked the Core Values, ASPIRE and said she did not think they had that before, and it was setting a new standard.

Jon Bickford said he was sorry the Chief had to wear the black ribbon over his badge because it is sickening and asked to make sure the officers are watching out for each other and keeping an eye out for things to the extent they can. Chief Solomon said it is happening all too often.

Mayor Countryman asked if they were ready for the Christmas Parade this weekend. Chief Solomon said yes, they were. John Champagne asked if everything was good for the Parade. Chief Solomon said yes it was and it will be a good parade. Jon Bickford thanked the Chief for watching out for the safety of our people.

- D. Court Department Report – Mrs. Kimberly Duckett, Court Administrator, presented her report to City Council. Mrs. Duckett advised the citations for the month of October were \$107,000, the collections were \$25,875, the overall physical year total is \$425,020.76. Mrs. Duckett stated there was an error on the financial cover sheet for the fiscal year, it should have been October 2018 through September 2019. Mrs. Duckett thanked Chief Solomon for recommending she take the Rape Aggression Defense Class, mostly for women. Mrs. Duckett said they are going to reach out to the elderly and the seniors, and Sergeant Bracht and she will start in January instructing this self-defense class. Mrs. Duckett said they do not have the dates yet, but this will bring awareness to our community. Mayor Countryman asked if that would be held here at City Hall. Mrs. Duckett said it will be at City Hall or the Community Center. Mrs. Duckett said the class will be very beneficial and will raise a lot of awareness for women and individuals. Mayor Countryman said that is a great program and asked how they are going to get the word out. Mrs. Duckett said they have not started, but they will advertise in the water bills, kiosk, and our Facebook page. Mayor Countryman said Mrs. Duckett was very professional and held herself very well when she hosted Lake Creek High School's court class here and did a great job representing the City. Mrs. Duckett thanked the Mayor.

- E. Utility/Development Report – Mr. Tramm presented the report to City Council. Mr. Tramm said the monthly and annual report have been provided. Mr. Tramm said early in the report at the start of the year there was a total of 709 revolving water accounts and at the end of the year, there were 790 revolving water accounts, which is over 11% growth of the total of accounts. Mr. Tramm said during every month in the year they added more accounts than they had disconnections, which shows continuous growth. Mr. Tramm said the Community Building showed a loss every month, and later in the Agenda, they will be addressing some of the related costs. Mr. Tramm said the month of October represents billing halfway through August and September, and during that warm dry period, the total utility billing was close to \$200,000. Mr. Tramm stated in the 60-90 day category for arrears are accounts on payment plans. Mr. Tramm said the utility office is trying to work with people on payment plans, so they are not constantly getting late fees. Mr. Tramm said Memory Park water use was under 30,000 gallons and was down from 189,000 the month before. Mr. Tramm said now that they have had a little bit of rain it should go down even more.
- F. Water Report – Mr. Michael Williams, Vice President of Operations with Gulf Utility Service, Inc., presented his report to City Council. Mr. Williams advised for the month of October they had two district alerts and were both associated with a power issue from a light pole being replaced on September 18, 2019. Mr. Williams said there was no actual damage to the plant or issues with the plant.

Mr. Williams said the effluent flow detail for the month of September and October totaling 4.569 million gallons, daily peak flow was on September 19, 2019, at 234,000 gallons, and the daily average flow was 152,300 gallons. Mr. Williams said there were no excursions for the month of October. Mr. Williams advised the new rain gauge has been ordered and should be coming in shortly and then Mr. Muckleroy and his crew will have it installed at that time.

Mr. Williams said they sourced a total of 16.338 million gallons, had a total of 415,000 flushings, sold 11.231 million gallons bringing them to 71% accountability, which is still reflecting prior to the leak being found over by the Kroger store. Mr. Williams said the final page of the report shows a 41% of total water returned to the sewer plant from water sold.

John Champagne asked if there was any reason Well 4 is at 4.602. Mr. Williams said they had some maintenance on the cooling tower. John Champagne asked if the cooling tower was still giving them problems. Mr. Williams said it was maintenance that was described by the manufacturer that would have to be done from time to time, and what they had to do was the heat transfer plates got buildup on them, so they had to get them cleaned. Mr. Williams said since they did not have a second set of heat transfer plates, they had to be taken off, shipped out to be cleaned and then shipped back to us. Mr. Williams said during that time they could not fully run Well 4 because of the temperature and the disinfection as a result, it is hard to disinfect when they do not have the temperature reduction. Mr. Williams said it was up and running now. John Champagne asked Mr. Tramm if there was anything they could do about this problem because they have a Well that is being under-utilized because of solid deposition on a heat exchanger. Mr. Williams said with the Water Plant expansion there will be multiple cooling towers, so they will have the ability to take one down for maintenance in the future. Jon Bickford said the other option is to purchase another set of plates and asked how much that would cost. Mr. Williams said it would cost about \$10,000 for another set of plates. Rebecca Huss said that was not that expensive, unlike last year when they were at the edge of their limits; we are not close to our limits on the Gulf Aquifers.

- G. Engineer's Report – Mr. Chris Roznovsky, City Engineer, presented his report to City Council. Mr. Roznovsky said they had the final inspection for the Baja Road Phase I and Phase II, and the contractor is substantially completed with the project. Mr. Roznovsky said the main thing they found was he needs to go back and do some side slopes of ditches and need to be gentler, so they are not so steep and then reseed them to get the turf established. Mr. Roznovsky said he is also going to address some concerns of residents. Mayor Countryman asked whether they were able to get the bid. Mr. Roznovsky said they met this morning to discuss getting prices for some additional extensions for the end of the culverts at the intersection. Mayor Countryman asked about the corner. Mr. Roznovsky said they are getting some additional looks at the corner, either buttons to keep people into putting in a junction box to allow it to be filled in at that area, similar to Houston Street at Caroline Street, where it turns, they put in a junction box there so they could turn. Mr. Roznovsky said they were getting pricing on that as well. Mr. Roznovsky said the two pay estimates they received this month are listed for Phase I and Phase II, \$58,000 for Phase I and \$44,000 for Phase II.

Mr. Roznovsky advised they had received and recommended payment of Pay Estimate 1 for Atkins Creek in the amount of \$132,961. Mr. Roznovsky said both utilities are in and ready to be used so they won't have to pump from the manhole, and they can pull the plug and start sending it down to Lift Station 14. Mr. Roznovsky said the contractor is doing the final cleanup and then is coming back to do some additional riprap and things to protect against erosion, but they are substantially complete with the project.

Mr. Roznovsky said that Lift Station 1 Replacement project, since the last meeting, they have completed the demolition of the existing Lift Station, which is completely gone and out of the way and the deed and everything has been swapped over to the developer and is complete for Chick-fil-A to move forward. Mr. Roznovsky said they received two Pay Estimates, No. 1 at \$99,954 and No. 2 at \$81,189 and as of November 25, 2019, they are about 43% complete by time and 18% complete by value, so they are a little bit behind but now that they are on the mechanical side of the project that percentage should catch back up.

Mr. Roznovsky said the donut shop project, they have received the revised plans and sent them for approval yesterday, with small revisions to the utilities on site. Mr. Roznovsky said they had the one-year warranty inspection for the Buffalo Springs Bridge on November 6, 2019, and the contractor is addressing the punch list items, which they should be able to close it out at the next meeting in January 2020. Mr. Roznovsky said they have the 18-inch Phase I inspection that is coming up this month and the Hills of Town Creek is coming up in January for their warranty inspection.

Mr. Roznovsky advised the turn lane information is still in TxDOT's hands and as of a couple of days ago, they are still going through the appraisal and legal conveyance on their side. Mayor Countryman asked if that was the FM 149 and SH 105 turn lane. Mr. Roznovsky said yes on the northbound side. Mr. Roznovsky said where the building was purchased and demolished, it has been in TxDOT's hands. Mayor Countryman said under the plan review she is seeing Exxon Eva Street where it states they have not received revised plans this month and asked if that was for the turn lane. Mr. Roznovsky said they can probably take that off the report because they have not seen plans in over a year. Mayor Countryman asked if he was in agreement, and where are they on that matter. Mr. Roznovsky said he believed Mr. McCorquodale was working on that matter. Mr. Roznovsky said they were at a dead end on the matter with not having enough room on the

site to be able to make any changes until Shipley's Donuts next door is willing to participate. John Champagne asked if a dumpster was holding this project up. Mr. Roznovsky said it was not only the dumpster but also when they put in the turn lane the elevation between where the parking lot is and then to slope it back into the site, he would be losing a couple more parking spaces that he already does not have enough of to begin with. Mr. McCorquodale said it would chase the slope so far back into his parking lot that he would lose spaces. Mr. McCorquodale said he did talk to TxDOT and they were amenable to reducing the amount of right of way, which would let his dumpster stay where it is, but the unfortunate piece of that is the access to the dumpster would have to be in the right of way. Mr. McCorquodale said their answer to leaving any concrete in the right of way that was not a driveway approach was no. Mr. McCorquodale said there are the space aspect, elevation aspect and the gas pumps that would have to stay at the current elevation where they are, so it is the elevation as much as the room on the site. Mr. McCorquodale said if you look across the street the size of the parcel that the gas station there is on is the size of the Shipley's lot and the Exxon Station, so you are trying to cram the same amount of stuff in a smaller area.

Jon Bickford asked if there would come a time when TxDOT says they must put in a turn lane. Mr. McCorquodale said he did not know. Rebecca Huss said it still seems like the City has gone too far to be missing this part of the puzzle. Jon Bickford said it is a pretty key part. Mayor Countryman asked if Shipley's owns the lot they are on or are they renting the building. Mr. McCorquodale said they rent the building. Mr. McCorquodale said they had talked the landowner into coming in for a meeting with him and Mr. Tramm on a Friday afternoon, but then on Monday morning he called back and said after discussing it with his family, they were not willing to participate at all and they did not like the notion of getting rid of any trees, but mainly they did not want to limit their options on what they were going to do with the site and they did not want to encumber their site. Mr. McCorquodale said there are a significant number of issues with what they are trying to do.

Mr. Roznovsky said they had a follow-up meeting on November 12, 2019, to go over the plan review process so the plans would come in through City Hall, go into an online system, each individual would review the plans and they would go back out. Mr. Roznovsky said they are working on getting the software to make that process complete.

Mr. Roznovsky said the City's wells were tested back in November 2019 to make sure they were performing as they should, and all the results came back normal, so no action is required at this time. John Champagne asked what the testing included. Mr. Roznovsky said they do a performance test to see how much water they can pump, what is the drawdown of the well when they pump it and they check the vibration to make sure that nothing is off and causing vibration in the well that could lead to future problems.

- H. Finance Report – Mr. Tramm presented the Finance Report and said the report covers through the end of the fiscal year. Mr. Tramm said the Health Insurance is showing a negative number and said that it is reflective where the money is deducted from employees for their dependent coverage, which is put in once a quarter and is why it is a negative number on the expense. Mr. Tramm said just down from there under wages it is approximately \$34,000 over the budgeted amount and that was due to the month having three payrolls. Mr. Tramm said the water and sewer revenue was much higher than projected in the budget because of the time of year and the dry weather when those revenues are up. Mr. Tramm said the water and sewer revenue are twice what was projected in the budget.

Rebecca Huss said since we did the budget for 2019-2020, we have spent a lot of time on the projected fiscal year of 2018-2019 numbers, so they had a good idea of what this would look like.

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

11. Consideration and possible action regarding adoption of the following Ordinance:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 98, "ZONING," GRANTING A SPECIAL USE PERMIT TO LARRY AND BEVERLEY JACOBS FOR THE USE OF THE PROPERTY LOCATED AT 1062 CLEPPER STREET, MONTGOMERY, TEXAS 77356, FOR SHORT-TERM RENTAL COTTAGES; ESTABLISHING CERTAIN TERMS, CONDITIONS, AND LIMITATIONS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE.

Jon Bickford said he wanted to add the issue of this being transferrable, stating he did not have an issue with this being transferrable, but he did think the transferability should be approved by City Council if it ever changes hands. Jon Bickford said he felt that City Council should have oversight

into that transfer to make sure things continue the way we expect they are going to go forward. Jon Bickford said if it is not going to come back to City Council if there is a change of hands, then what is the point of the Special Use Permit.

Rebecca Huss asked why they would hold this Special Use Permit different than the Bed and Breakfast. Jon Bickford said he did think he made comment on the Bed and Breakfast Permit, he thought that might have been done before he got on City Council. Rebecca Huss said that is true, although this one has the same as what they are going to consider later with the annual recertification, and if City Council does not give them the annual operating license because they are not keeping up to standards, then City Council can deny them their annual operating license. Jon Bickford said he did not think they had any of that in the ordinance. Rebecca Huss said it is on page 217 of the Agenda Pack, Item M, where they apply for an annual operating license. Mr. Tramm asked if they were talking about the Cedar Crest Mobile Home Park. Rebecca Huss said specifically on page 217, Line Item M of the Special Use Permit Ordinance regarding this project. Rebecca Huss said the owner of the property is required to apply for and maintain an annual operating license, including but not limited to a certificate of occupancy inspection, so they can add whatever they want onto providing the annual operating license. Mr. Tramm said if that is a requirement City Council wants to add, this would be the time to do that. Jon Bickford said all he was saying is that if the property changes hands, it should come back to City Council.

John Champagne asked if the project was held to a certain number of cottages. Mr. Tramm said no it was not. John Champagne asked what was the definition of a cottage, can it have wheels under it. Mr. Tramm said he knows what Mr. Jacobs is proposing. John Champagne said this could be a KOA if they don't have a description. John Champagne said they could move in trailers and call them cottages as far as this ordinance reads. John Champagne said Mr. Jacobs has a vision that fits quite well with the City's vision. John Champagne asked where the City Attorney was. Mr. Tramm said he was recovering from surgery and is available by cell phone if needed. John Champagne said the ordinance was a little vague for him, especially if you transfer this variance to the next owner. John Champagne said he did not really have a problem with Mr. Jacobs, but there is nothing keeping him from moving in trailers and calling them cottages. Jon Bickford said the other thing they need to add is the Special Use Permit is contingent that the cottages will be developed either equivalent or substantially similar to those as presented. John Champagne said substantial to one might not be substantial to the other. John Champagne said he was all for the project, he would just like it to remain the way we envision it being, which is why they have the City Attorney to make sure of the wording.

Jon Bickford moved to accept the Ordinance as presented with two caveats; 1) in the event there is a change in the ownership or control, City Council gets to look at the transferability of the Special Use Permit and have the option to not allow it to be transferred; 2) that we append in some form or fashion the plans and cottage look that has been proposed to City Council and that be made part and parcel to the agreement for the Special Use Permit.

Rebecca Huss asked if they need to include a limit to the number of structures. Jon Bickford said he thought it had 14 structures. Jon Bickford said he wanted to make sure and capture both of those things, which is what they are granting the Special Use Permit for. Jon Bickford said the Special Use Permit needs to be very specific. Mr. Tramm said they would make the amendments to the Ordinance.

Jon Bickford restated his motion that he moved to accept the Ordinance with the following caveats: 1) any issue of transferability must be approved by City Council; 2) the plans of the cottages that were presented to City Council be made a part of this Ordinance. Rebecca Huss seconded the motion.

Discussion: Rebecca Huss said Mr. Jacobs said he might have some additional designs, which he showed us four or five different designs, but if he goes forward the 14 cottages won't just be made of the four or five designs, he will have different designs for each one. Rebecca Huss said the idea is to have the look and style be substantially similar to the look and style of the ones that he presented to City Council and they don't have to be exactly the same. Jon Bickford said he was not agreeing to that, he was agreeing to what he presented. Rebecca Huss asked if he must have doubles of his design. Jon Bickford said he was agreeing to what he presented, stating that if he changes what he presented he wants to know. Jon Bickford said it is really simple, it is a Special Use Permit, he wants to know what is going on, he does not want there to be a big hole that says it is painted the same color as what he presented before. Jon Bickford said it is just a big shed and he does not want people's opinions about what is okay and not okay. Jon Bickford said Mr. Jacobs presented a plan, he is agreeing with his plan, which he loves, and he does not want to change it. Jon Bickford said if it changes it needs to come back to City Council with the changes. John Champagne said this harkens back to the previous conversation they had about the shed that was built out of compliance without a permit. Rebecca Huss said she did not think this was the same as that discussion. John Champagne asked Rebecca Huss if her second was still in place without the amendment. Rebecca Huss said her second was still in place.

Mayor Countryman called for a vote on the motion made to adopt the ordinance with the two caveats, 1) transferability must be approved by City Council and 2) the cottage look as presented in the photos, which will be attached and made part of the Ordinance, and Mr. Jacobs presentation, with 14-cottages and 1-utility room.

The motion carried unanimously. (5-0)

12. Consideration and possible action by City Council, acting as the Board of Adjustment, regarding a side building line variance of nine (9) feet and a rear building line variance of four (4) feet for the property located at 607 Worsham Street, as submitted by owners Dan and Christine Walker.

Jon Bickford stated he did not like variances in neighborhoods unless there is something very specific that needs to occur for a very special reason, and he does not see that here. Jon Bickford said he thinks there is the option of placing the shed where he put it, it could be placed on the other side of the garage. Jon Bickford said with his experience with that property and that garage, he built it as far to the right and as close to the property line as they were legally able to do. Jon Bickford said the issues that they were told about were the power company must get access to the power poles in the back and the transformer, which can't be blocked, and this shed is right in the way of that. Jon Bickford said he does not see a hardship for building here, and said it is not like they are developing a piece of property and having issues with the shape of the lot, this is simply where the owner chose to place the building, so from that standpoint he can't support the variance.

Rebecca Huss said she thought he made a good faith effort looking at his plat to have building lines on it and there were not any shown on the side, which to her is one of the important things that he did not find out until the building was already there. Jon Bickford said there is not a piece of property that does not have building lines on the side. Rebecca Huss said there are a lot of zero lot lines. Jon Bickford said before he built his garage and before he put the concrete down, he came to City Hall and said he needed a permit for a garage and concrete. Rebecca Huss said this owner went by the plat. Jon Bickford said the City advised what he needed on the sides and on the back. Rebecca Huss said the City does allow people to build things in and over our own easements and we say if we must tear it down to get in there it is on the owner. Jon Bickford said they would have to move the building out of the way because the energy company can't get to the power line now. Rebecca Huss said what is over the easement is the porch on the back according to the drawing. Jon Bickford said he did not think that was correct because as he had put the concrete in next to the garage, that

concrete is in the easement. Jon Bickford said he was told when he put the concrete there, which runs over one foot or six inches next to the property line between the two homes, that if there is ever any easement need or reason to dig that up he would have to replace the concrete at his cost which he agreed to. Jon Bickford said the City advised he could not hang a roof over, or anything else, because they must be able to get to the power lines and transformer behind the house. Rebecca Huss said she feels a little different about it than he does.

John Champagne said he hates having to tell this owner that he has to move this building, but if he had a buy-in with all his neighbors and they had been in favor of the building, he would have considered a variance. John Champagne said the City has laws for a reason, just like gravel in driveways, if we don't want to enforce them, get rid of them, but if they are there, they are to be enforced. John Champagne said personally he wished the City government was not involved with this and all the neighbors could have worked this out, but they can't so the City has to step in. John Champagne said no to the variance as far as he was concerned. Jon Bickford said he did not know where they draw the line, if we are going to keep granting variances for things why do they have rules which was a very good point that was brought up earlier, as he has said many times himself.

John Champagne moved that the variance be rejected as requested. Jon Bickford seconded the motion. The motion carried with the following votes:

John Champagne – Aye	Rebecca Huss – Nay
Jon Bickford – Aye	T.J. Wilkerson – Nay
Tom Cronin - Aye	

(3-2)

13. Consideration and possible action regarding the annual renewal of Cedar Crest Mobile Home Park application, as submitted by Marcy Bennett.

Mr. Tramm advised the City has gone out to inspect the property and said over the last couple of years they have done work to try and improve the property and in the last year they have added new paving. Mr. Tramm said there was some minor damage noted to the skirting of three of the trailers located there. Mr. Tramm said he spoke to the Police Department and they did not note that area having calls out of the ordinary. Mr. Tramm said he would recommend approval of this item. Mr. Tramm said he also had to state they have recently started working with them under the billing contract that was negotiated some time back. Mr. Tramm said the terms of the contract do not exactly match how they normally do billing for anyone else in the City. Mr. Tramm said Autumn

Redmon, Utility Billing Clerk, and he have a meeting planned with Ms. Bennett in the coming weeks to try and see if there is a better way to try and work that out.

Mr. Tramm said he would like to try for a 90-day temporary approval for this item, which will come back to City Council if there is going to be a recommendation to try to work with Ms. Bennett to amend the master meter contract, and then get the contract changed, if necessary, and then full approval of the permit.

Jon Bickford moved to approve the Cedar Crest Mobile Home Park application for 90-days until such time it will be brought back to City Council. Tom Cronin seconded the motion

Discussion: Rebecca Huss said she drives by the location every day and it does look fantastic and said she appreciates that.

The motion carried unanimously. (5-0)

14. Consideration and possible action regarding approval of updated fee schedule for rental of Community Center and Park Pavilions.

Mr. Tramm advised the City has recently taken over the rental of Cedar Brake Park pavilion and will continue that in the future. Mr. Tramm said they also received approximately \$2,900 from the Patrons of Cedar Brake Park that they had in their account, which will be used to purchase park benches for that area.

Mr. Tramm said with regards to the Community Building, they checked with Montgomery County regarding their Community Building pricing and we believe our pricing as adjusted here is generally in line with their pricing. Mr. Tramm said it is a different building and while we have a smaller building, their larger building has a shared use of the halls and restroom facilities. Mr. Tramm said they do have an option included where they can charge less for community groups with City Administrator approval, but those groups have not been paying anything for some time and that is primarily where the City is losing money. Mr. Tramm said there was no revenue coming into the City, but they had water, electric and manpower costs to operate the Community Center. Mr. Tramm said the Annual Report showed the City lost money every month on the Community Center, so they are trying at a minimum to not lose money and if they make money, great. Mr. Tramm said the rest of the City's residents don't need to pay for people to use the facilities for free.

Mayor Countryman asked about the Community Center and if alcohol was permitted and is that covered in the application. Mr. Tramm said the alcohol question on the application is just for the Community Center. Mayor Countryman asked when there is alcohol, do they have additional insurance, is a TABC license required. Jon Bickford asked if they must have an officer on location. Mr. Tramm said the person renting the facility pays for the two officers required when alcohol is served at the Community Center. Mayor Countryman asked what the cost was for having two officers on duty. Chief Solomon said that was not a cost to the City, that is a cost to whoever is holding the event. Mayor Countryman said they must pay for those officers, where does that money go. Chief Solomon said the funds go to the officers for working an extra job. Chief Solomon said there must be two officers any time there is alcohol involved in the event. Mayor Countryman asked if they needed any additional insurance to cover that and is there any additional cost to the City. Mr. Tramm said the City is covered with insurance.

John Champagne asked if all the potential revenue for Cedar Brake Park will fall under one line item listed as parks. Rebecca Huss said she thought they should keep it separate. John Champagne said Cedar Brake Park is now under the auspice and control of the City of Montgomery. Mr. Tramm said that was correct.

Rebecca Huss said she felt they should have different line items for every building just because Memory Park is not the same as Cedar Brake Park, which is not the same as Fernland, so they need to keep track of them separately.

John Champagne moved to approve the updated fees as presented on the attached City Reservation Request Form. Rebecca Huss seconded the motion.

Discussion: T.J. Wilkerson asked if anyone or group that uses the Community Building would have to pay the \$150.00 deposit. Mr. Tramm said yes, that is the guarantee should anything get damaged, the City at least has something. Mayor Countryman said they get the deposit back if everything is good. Mr. Tramm said if there is no issue with damage or excessive cleanup would be required, they will get the deposit back. T.J. Wilkerson asked if the rental fees were for everyone across the board. Mr. Tramm said there is an option for a smaller rental fee if it is a community group and they get approved by the City Administrator. T.J. Wilkerson asked if the community group would have to be a 501(c)(3). Mr. Tramm said they purposely left that open-ended and said he would give priority to local Montgomery groups, but there are groups that will be coming from out of the area

because there had been no charge for this building. Tom Cronin asked if Mr. Tramm would be the determining factor, which he had no problem with. Mr. Tramm said that was correct.

The motion carried unanimously. (5-0)

15. Consideration and possible action regarding two (2) variance requests to Section 78-88 of the Code of Ordinances to allow flag lots and 31-foot minimum lot widths instead of the required 75-feet for Gulf Coast Estates Section 2 located at the end of Baja Street, as submitted by Walker Montgomery CDC.

Mr. Tramm said this item had come previously, stating they have redrawn the lot lines at the corner of Baja where it turns to the right. Mr. Tramm said they did attempt to contact the property owner to purchase adjoining property, but they were unsuccessful. Jon Bickford asked if they were asking for lots to be moved from a standard 75-foot to 30-feet. Mayor Countryman said that it is for the entrance. Mr. Tramm said the point would be to give them entry so they can use the two lots.

Rebecca Huss asked if this is the low-cost housing where they use unskilled workers and teach them how to do trades. Mr. Tramm said that was correct, this is Walker Montgomery CDC.

John Champagne asked Mr. Roznovsky if he had looked at the information. Mr. Roznovsky said they have not reviewed the information. Mr. Roznovsky said they had an initial discussion with them. Jon Bickford said he felt they need to ask the neighbors if this is acceptable to them in a public hearing, otherwise, he would say no. Mr. Tramm said they would be happy to approach the neighbors and come back to City Council. Jon Bickford said they are large enough parcels. Rebecca Huss said they are not if you look at lots 3 and 4, lot 3 is 75 and lot 4 is 75 feet. Jon Bickford said they are both almost half-acre lots. Mr. Tramm said what they are trying to do is turn three properties into four. John Champagne said if they extended Baja Road it would be a non-issue. Mr. Roznovsky said that was why they were trying to purchase additional land, but the owner would not sell it to them.

Rebecca Huss said they talked about it before and it seemed like what they were doing was really good and low-cost housing was something they were interested in, but there was something about the financing where they can't just flip the homes to make money on it.

Mr. Tramm said the next Agenda item, should this item be approved, they will need to schedule a public hearing regarding the replat so they will be notifying the neighbors about that.

Jon Bickford said he would not want to agree on the variance until they get some feedback from the neighbors. Rebecca Huss asked how that works if they allow the variance and then they don't allow the replat. Mr. Tramm said it would essentially not allow them to do what they want anyway. Rebecca Huss asked why this action Item 15 would go before Item 16 and asked if they could reschedule 15 to be after the Public Hearing. Mr. Tramm said his thought is that if City Council wants to do that they can.

Rebecca Huss moved to table Item 15 until after the Public Hearing. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

16. Consideration and possible action regarding scheduling a Public Hearing for replat of Gulf Coast Estates Section 2, located at the end of Baja Street, as submitted by Walker Montgomery CDC.

Tom Cronin moved to schedule a Public Hearing to be held for replat of Gulf Coast Estates Section 2, located at the end of Baja Street as submitted by Walker Montgomery CDC to be held on January 14, 2019, at 6:00 p.m. at City Hall at 101 Old Plantersville Road, Montgomery. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

EXECUTIVE SESSION:

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

17. 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; and
- b) Section 551.072 – Deliberation regarding Real Property.

Mayor Countryman moved to adjourn into Closed Executive Session at 8:06 p.m.

18. Reconvene into Open Session.

Mayor Countryman moved to reconvene into Open Session at 8:26 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

19. Consideration and possible action regarding item(s) listed under Executive Session.

Rebecca Huss moved to direct the City Administrator to enter into discussions regarding real property. John Champagne seconded the motion, the motion carried unanimously. (5-0)

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.

No comments were made.

ADJOURNMENT

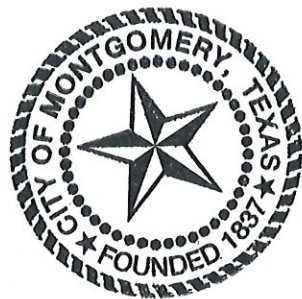
Rebecca Huss moved to adjourn at 8:27 p.m. Jon Bickford seconded the motion, the motion carried unanimously (5-0)

Submitted by:


Susan Hensley, City Secretary

Date Approved:

01/14/2020




Mayor Sara Countryman