

**MINUTES OF REGULAR MEETING**

**May 14, 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: Jack Yates City Administrator  
Larry Foerster City Attorney  
Susan Hensley City Secretary  
Katherine Vu City Engineer

**INVOCATION**

John Champagne gave the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**CONSIDERATION AND POSSIBLE ACTION:**

1. Consideration and possible action to adopt the following Ordinance:  
AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY OF MONTGOMERY GENERAL ELECTION HELD ON MAY 4, 2019, FOR THE PURPOSE OF ELECTING THREE (3) COUNCIL MEMBERS, PLACES 1, 3 AND 5, TO THE CITY COUNCIL FOR THE CITY OF MONTGOMERY, TEXAS.

Mayor Countryman read in the record the winning candidates' names and the votes they received:

**CITY COUNCIL, PLACE 1**

<u>Candidate</u>	<u>Votes Received</u>
<b>Jon Bickford</b>	<b>130</b>

**CITY COUNCIL, PLACE 3**

<u>Candidate</u>	<u>Votes Received</u>
<b>T.J. Wilkerson</b>	<b>105</b>

**CITY COUNCIL, PLACE 5**

<u>Candidate</u>	<u>Votes Received</u>
<b>Thomas Cronin</b>	<b>113</b>

Mayor Countryman announced that 198 ballots were cast during the Election.

Rebecca Huss moved to adopt the Ordinance canvassing the returns of the May 4, 2019 City Election and declaring the results as read previously. John Champagne seconded the motion, the motion carried unanimously.

2. Mayor Countryman will administer the Oath of Office to the following duly elected officials from the May 4, 2019, City of Montgomery General Election:

Jon Bickford - City Council Place 1

T.J. Wilkerson – City Council Place 3

Tom Cronin – City Council Place 5

Mayor Countryman administered the Oath of Office to the newly elected City Council Members.

3. Consideration and possible action electing the Mayor Pro Tem for the term of one (1) year as provided by Texas Local Government Code §22.037(b).

Rebecca Huss nominated T.J. Wilkerson to serve a second term as the Mayor Pro Tem. Tom Cronin seconded the motion.

Discussion: John Champagne asked T.J. Wilkerson if he was okay with serving a second term. T.J. Wilkerson said yes he was.

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:**

4. **Receive Final Report from the Planning and Zoning Commission dated May 13, 2019 resulting from their Public Hearing held on May 13, 2019 regarding a request from Candace Welsh for a Special Use Permit for the property located at 401 College Street, Suite 110-B, Montgomery, Texas 77356 for a microblading tattoo business, exclusively for eyebrows and eye shade, as an accessory use of an otherwise approved and permitted use.**

Mr. Yates advised the Planning and Zoning Commission held a Public Hearing regarding this matter last night, and they are recommending approval of the Special Use Permit.

Rebecca Huss moved to accept the Final Report considering the Special Use Permit. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

5. **Convene into Public Hearing – Regarding the following:**  
A request from Candace Welsh for a Special Use Permit for the property located at 401 College Street, Suite 110-B, Montgomery, Texas 77356 for a microblading tattoo business, exclusively for eyebrows and eye shade, as an accessory use of an otherwise approved and permitted use.

Mayor Countryman convened the Public Hearing at 6:11 p.m.

There were no comments made during the Public Hearing.

**Adjourn Public Hearing.**

Mayor Countryman adjourned the public hearing at 6:12 p.m.

**Convene into Regular Meeting**

Mayor Countryman convened into the Regular Meeting at 6:12 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.

There were no comments made.

**CONSENT AGENDA:**

6. Matters related to the approval of minutes of the Regular Meeting held on April 23, 2019 and Special Meeting held on April 27, 2019.

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

7. Consideration and possible action regarding adoption of an Escrow Agreement by and between the City of Montgomery and Christian Brothers Automotive Corporation.

Mr. Yates advised this was the standard Escrow Agreement between Christian Brothers Automotive Corporation and the City for the property immediately west of the new car wash business.

Rebecca Huss said it seemed like a very small dollar amount. Mr. Yates said yes because it is already a developed piece of property with road access.

John Champagne asked if it would be adjacent to Bubble King. Mr. Yates said yes, it would be immediately west of that location. Mr. Yates noted the property already has water and sewer at their location and there is not much of a drainage issue. Mayor Countryman asked if they would stick with the facade that is supposed to be in place with the City Ordinance. Mr. Yates said they have not turned in their plans yet.

Rebecca Huss moved to approve the Escrow Agreement adoption between the City of Montgomery and Christian Brothers Automotive Corporation as proposed. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

**CONSIDERATION AND POSSIBLE ACTION:**

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

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO CANDACE WELSH FOR USE OF A PORTION OF THE PROPERTY LOCATED AT 401 COLLEGE STREET, SUITE 110-B, MONTGOMERY, TEXAS 77356, FOR A MICROPIGMENTATION TATTOO BUSINESS; ESTABLISHING CERTAIN TERMS, CONDITIONS AND LIMITATIONS; PROVIDING FOR PENALTY, SEVERABILITY, AND EFFECTIVE DATE.

Jon Bickford said he had a question regarding adding a word if it does not disrupt the business, where it states they grant the Special Use Permit for “micropigmentation tattoo business for eyebrows and eye shade,” and asked if it would be unreasonable to state “micropigmentation tattoo business for eyebrows and eye shade only,” and asked if anyone would have an issue with that wording. John Champagne asked if legally whether the text covers what Jon Bickford is wanting to make sure is noted. Jon Bickford said he wanted to make sure there is no question regarding that information.

Mr. Yates said he thought the eyebrows and eye shade means only eyebrows and eyeshade. John Champagne said he wanted to hear from Mr. Foerster. Mr. Foerster said he thought the ordinance covers the amendment to the ordinance, and it is spelled out previously in the Public Hearing notice that it would be exclusively for eyebrows and eye shade. Mr. Foerster said he felt the caption in the agenda is designed to put people on notice. Mr. Foerster said assuming the owner of the business has no objection to it, because it is consistent with what she is requesting, and asked Mrs. Welsh if that was correct. Mr. Foerster stated that Ms. Welsh was nodding her head affirmatively for the record and she had no objection to the wording, so he would say yes, they could word it that way. Mr. Foerster said he thought the notice puts everyone on notice that this is going to be exclusively for eyebrows or eye shade. Jon Bickford said they could add either “exclusively” or “only” because the wording as it does not say what he can’t do, it just states what they can do. Mr. Foerster said he thought the language “exclusively for eyebrows and eye shade,” which has been identified both in the Final Report by the Planning and Zoning Commission and in the Public Hearing, makes it clear to the public this is only for those services. T.J. Wilkerson

said under Item F, it states that it is limited to only eyebrows and eye shade micropigmentation tattoo business. Jon Bickford said he missed that item.

Rebecca Huss asked if anyone has a definition for eye shade and whether they knew what it was. Rebecca Huss said she was wondering if an actual definition section might be useful. Mr. Foerster said he would have to defer to the ladies on whether there is common usage for that term. Rebecca Huss said that would mean that there is not. T.J. Wilkerson asked if they did the lips also. Ms. Welsh said she did not do the lips, but other people do. Rebecca Huss said she would like to see something that is clear because no one actually has a definition. Jon Bickford asked for a definition for eye shade so they are all clear. Rebecca Huss said she was guessing it was eyeliner, but she did not know exactly how high it would be, and she was only guessing so that would not really fit in the ordinance or the enforcement of an ordinance. Rebecca Huss said she did not think Ms. Welsh would feel it was an infringement on the business she intends to do, to have it spelled out specifically, because it is the business that she intends to do, and for enforcement of the ordinance, it might be good to be specific. John Champagne said the potential exists for her to be able to put a City logo on someone's eyelid. Rebecca Huss said she was just asking for a brief section and/or a definition of eyeshade.

Mr. Yates asked Ms. Welsh in her training if she knew of a definition of eyeshade. Ms. Welsh said she believed the eye shading was from the other tenant before her, because that was not from her, though the eyeliner would be nice to be covered. Mr. Yates said if there is a particular definition for this she should share. Ms. Welsh said she has never heard of eye shading. Mr. Yates asked if Ms. Welsh could restrict it to the eyelid. Ms. Welsh said yes she could. Rebecca Huss said our ordinances should not have terms that have no definitions. John Champagne said he agreed. Mr. Foerster asked the City Secretary to state the wording that she was recommending. Ms. Hensley advised it could be "eye shade of the eye lid." Rebecca Huss said it would be shading from the eyelashes to the eyebrow.

Jon Bickford moved to accept the Ordinance granting a Special Use Permit to Candace Welsh.

Jon Bickford moved to accept the Ordinance granting a Special Use Permit to Candace Welsh for use of a portion of the property located at 401 College Street, Suite 110-B, Montgomery, for a micropigmentation tattoo business establishing certain terms and conditions and limitation, providing a penalty, severability, and effective date as modified by the City Secretary's note to

cover the eyelid up to and including the eyebrow. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

9. Consideration and possible action regarding acceptance and award of bid for relocation of Lift Station #1.

Mrs. Vu advised this was the Lift Station #1 relocation project moving the lift station to the Waste Water Treatment Plant site. Mrs. Vu said they received five bids at City Hall, stating Jones and Carter has worked with all five of the bidders. Mrs. Vu said they have also included a construction time frame, which gives City Council something else to be able to choose from when they are making their selection.

Mrs. Vu said their recommendation is to proceed with a contractor named Black Castle, stating they have worked with them multiple times in the past and they have always done good work for them. Mrs. Vu said while their base bid was about \$6,000 higher than the lowest base bid, they are 60 days shorter than the first contractor. Mrs. Vu said those 60 days will reduce any risk of having two more months of bypass pumping, as well as two more months of onsite inspections and pay estimates and less coordination all the way around. Mrs. Vu said their recommendation is to go with Black Castle General Contractor for \$1,094,300 and 180 calendar days.

John Champagne asked whose idea it was it to add the construction time into the bid process. Mrs. Vu advised that was a Jones and Carter idea, specifically Mr. Chris Roznovsky. John Champagne said that was great because now you bring value into this project. John Champagne asked what the nearest time frame was. Mrs. Vu said Black Castle General Contractor bid 180 calendar days, the next one up bid 210, but their bid was higher, the next one was 240 days.

Rebecca Huss asked how confident Mrs. Vu was that Black Castle can do the project one month sooner because that is a big difference. Mrs. Vu said they were confident in their bid, and noted the contract does have a penalty of \$500 per day they are late. Rebecca Huss said that is pretty expensive. Mrs. Vu said if the contractor is confident they can get the project done, they are confident they will. Rebecca Huss asked how big the contractor is relative in terms of the number of crews, and if this is a one million dollar contract, how big is that compared to their normal size of projects they work on. Mrs. Vu said Black Castle has told them at the current moment, they have multiple crews that are available, more than we would typically be able to assign to a project,

so they would be able to use multiple crews on this project and they are ready to move on it pretty quick.

Tom Cronin asked if the contractor was confident with the 180 days, and asked if there was a penalty clause if they do not complete in time. Mrs. Vu said yes, they have a penalty clause of \$500 per day when they exceed the contract time.

Mayor Countryman asked if they have fully vetted this company to ensure they have good references. Mrs. Vu said they have and they have worked with them multiple times in the past on lift station projects and other construction projects as well. Mrs. Vu said they would definitely recommend them for the job because they have always done good work for them.

John Champagne moved to accept the bid of the Veritas Management Company, LLC DBA Black Castle General Contractor and to authorize the contract documents to be executed by the City Administrator. Jon Bickford seconded the motion.

Discussion: Rebecca Huss stated this was a Texas Water Development Board ("TWDB") funds, and asked Mr. Yates if there would be any delay between executing the contract and the City getting the money and moving forward, or is this money the City has in the bank that they can start tomorrow. Mr. Yates said they will have to make a draw. Mr. Yates said the funds are sitting there, but they have to make a draw and get approval from TWDB. Rebecca Huss asked if this is a situation where they should do the process that they did with the Buffalo Springs Bridge and the general account should loan money to the construction account to get this going. Rebecca Huss said this holds up the chicken restaurant that is going in, so this needs to happen. Mr. Yates said TWDB does not have the timing problems the State Department has, so he did not think that was necessary. Rebecca Huss asked how soon Mr. Yates would know for sure. Mr. Yates said they have had five draws from the TWDB and all of them have taken three to four weeks. Jon Bickford asked if these were construction draws. Mr. Yates said that was correct. Rebecca Huss asked if they can sign and tell them to start working this week. Mr. Yates said yes. Rebecca Huss asked if that will happen, will they start working this week, or sign this week and start work next week. Mr. Yates said it would be whenever they get their bonds and contract package together.

Mrs. Vu said the way the process will work is they will finalize all the contracts since this is a TWDB project, they have some specific forms that will need to be completed. Mrs. Vu said in



the preconstruction meeting they will remind the contractor that this is a TWDB funded project, and remind them the payment may be slightly late because of the draw request process.

The motion carried unanimously. (5-0)

10. Consideration and possible action regarding acceptance and award of bid for placement of an 18" Gravity Sewer Line in the area around Wastewater Treatment Plant.

Mrs. Vu said this project is Phase II of the 18-inch Gravity Sewer Line they finished up a couple of months ago. Mrs. Vu said this is to make a connection to the City's main line and get that line in service. Mrs. Vu said this goes hand in hand with the relocation of the lift station.

Mrs. Vu said they received three bids for this project. Mrs. Vu advised DL Glover, Inc., was the low base bid, and the next base bid was Randy Roan Construction at \$14,000 higher. Mrs. Vu said at this point, their recommendation is to proceed with DL Glover, Inc. because of the price difference. Mrs. Vu said one thing to note is that Jones and Carter have not personally worked with DL Glover, Inc. before. Mrs. Vu said they have recently completed a project with the City of Houston, same scope with an extremely deep line, very similar. Mrs. Vu said they contacted the City of Houston and they advised they did a great job and they had no objections to this contractor. Mrs. Vu said since this project is not grant funded, they are not specifically tied to selecting the lowest base bidder, so City Council is welcome to choose whomever they like, but their recommendation is D.L. Glover, Inc. because of the price difference. Rebecca Huss asked if they were more comfortable with Randy Roan because she knows that he is local and does a lot of work here. Mrs. Vu said they have worked multiple times with Randy Roan and said Randy Roan is familiar with the existing line and they are local.

Mr. Yates said First Hartford is paying for this project so they will be getting a request for \$169,592 which is according to the agreement they have with The Shoppes. Jon Bickford said he wants to also be wise with their money as well, but his question was whether The Shoppes have any say or have they given any indication on who they would prefer. Mrs. Vu said they have not said anything. John Champagne asked if this was not a highly involved project. Rebecca Huss said the Baja Waterline Project was not either. Mrs. Vu said the project itself, from the surface level, is relatively simple, but gets complicated with the depth of the line because it is about 30 feet deep which can make the project challenging because it is abnormally deep for a municipal utility and can add complications. Jon Bickford asked if D.L. Glover, Inc. has expressed that they

have experience digging holes that deep before. Mrs. Vu said he had with the City of Houston. John Champagne said he was all for choosing the best company to do the work within a competitive range, but for him to insert himself to make a decision whether Randy Roan or D.L. Glover, Inc. should do it, it is the City Engineer's job and if you do it wrong, it is your problem. John Champagne said the City Engineer is suggesting they choose D.L. Glover, Inc. Mrs. Vu said that was their recommendation. Rebecca Huss said they have heard a lot about the lowest bidder. John Champagne said he just covered that information. Rebecca Huss said G.L. Glover is the lowest bidder, and they have had someone that they have done more work with and they know personally, who is not the lowest bidder and they have the opportunity since this is not a grant project to make that change. John Champagne said he agreed with Rebecca Huss and said he was not qualified to make the choice, he brings up not choosing the lowest bidder just for the sake of choosing the lowest bidder. John Champagne said if Mrs. Vu is using a matrix and value points to make her decision, that is what they pay the City Engineers to do, so for him to say he is tired of choosing the lowest bidder, and he is going to go with Randy Roan, what is that based on that he is not the lowest bidder. Rebecca Huss said it is based on the fact that Randy Roan built the rest of the line. Jon Bickford said he was not going to second guess the City Engineers. John Champagne said what needs to happen if they can't choose the right contractor, is we need to choose another engineering group and whoever else is making this decision. John Champagne said he did not hire on to choose contractors.

Mayor Countryman said she thinks there is a positive to having Randy Roan who is local and is guaranteed to work. Mrs. Vu said he is, and that is something to consider as well, Randy Roan is familiar with the project and the City, and they are familiar with Randy Roan. Jon Bickford said that was not who Mrs. Vu was recommending. Mrs. Vu said their recommendation stands at D.L. Glover, Inc., but she is informing City Council that Randy Roan would not be a poor choice.

Jon Bickford moved to accept the bid of D.L. Glover, Inc. upon receipt of the funds required for First Hartford Realty Corporation and to authorize the contract documents to be executed by the City Administrator. John Champagne seconded the motion, the motion carried unanimously. (5-0)

11. Consideration and possible action regarding paving of gravel parking lots in the City.

Mr. Yates discussed the unpaved parking areas in the City, stating that almost all of the gravel parking lots are nonconforming use situations, meaning that when the zoning ordinance was re-

adopted on May 2, 2014, the existing gravel parking areas can be continued to be used unless the use of the building connected to the parking lot use is not occupied or its use discontinued for a continuous period of one year or more. Mr. Yates said none of these sites have continuously stopped operation for a year since May of 2014. Mr. Yates said there are three situations where the ordinance needs to be applied, which are: Hodge Podge Lodge for the expansion of the restaurant operation and they need to figure out how many parking spaces are needed.

John Champagne asked if this was a definitive accumulation of all public places and/or others that are out of compliance with this ordinance. Mr. Yates said it is the ones that he knows of. John Champagne asked about the plant store on SH 105. Mayor Countryman said it was on the list as A&M Nursery on SH 105, which was allowed by City Council. Mayor Countryman said City Council also allowed the Westmont Building.

Mr. Yates said the second issue is whether City Council wanted to require Johnson Firewood Sales and Funky Monkey Shaved Ice who both have monthly Vendor Permits, to comply. Mr. Yates said he has not spoken to the City Attorney, because these are temporary structures.

Mr. Yates said the City recently placed gravel at Fernland Park that will need to be removed because it is an improper expansion to the nonconforming existing parking lot.

John Champagne said his second question was can anyone define an all-weather surface. Mr. Yates said the way they defined it is something that is impervious to water. John Champagne said he did not see that in the ordinance, he went through it and there are definitions for certain phrases and words, but he did not see all-weather surface defined in the ordinance, which they might want to do because he did not know what an all-weather surface was.

Mr. Yates said he is going to act on Hodge Podge Lodge. Mr. Yates asked if City Council wanted him to work with the City Attorney regarding Funky Monkey and the Firewood Sales. Rebecca Huss said that is going to drive businesses away, so they need to determine whether they want to drive those businesses away. John Champagne asked if Rebecca Huss was saying paving or applying the ordinance will drive businesses away. Rebecca Huss said those two businesses, in particular, are month to month, and if you require a month to month vendor to have no real long term rental certainty and no ownership, they won't have the capital or the long term returns to pay for a parking lot. John Champagne said the owner of the property is bound to do that and asked if they were renting from someone or do they own the property. Mayor Countryman said they are

renting month to month. John Champagne said if they are renting from someone else, it is not the tenant's responsibility, it is the lessor's responsibility. Mr. Yates said it is ultimately the owner's responsibility. Jon Bickford said if they have a property owner that wants to lease their property for commercial purposes, they need to have a parking area that is consistent with the City's ordinance. Mayor Countryman asked if that were to contradict the tree ordinance, for example, it could kill the large trees at Hodge Podge Lodge and around the Community Center. Jon Bickford said he did not know what to say, except to say what he said again, the City Council put an ordinance in place and they need to work by the ordinance or change the ordinance, but they don't change the ordinance for everybody because everybody has a tree or things in their yard.

John Champagne said there is only one solution to a parking issue, and said there is technology out there that would allow people to have parking areas that would not create run off and would actually detain runoff and not kill trees. Rebecca Huss said that is not an impervious surface. John Champagne said that is why he asked what an all-weather surface is. Mr. Yates said Hodge Podge Lodge came to City Council two years ago and asked to use the grid system. Jon Bickford said if they are going to go that route, then they need to change the ordinance. John Champagne said the ordinance does not allow it as he reads it. Mr. Yates said that is correct.

Mr. Yates said he feels he understands what City Council's direction is on the vendor sales areas, and he will instruct Mr. Muckleroy to remove the gravel that was placed at Fernland, which is all that needs to happen. Mayor Countryman asked where the gravel from Fernland will go, and asked if that is just lost money. Mr. Yates said it will go back to the City's storage. John Champagne asked what Mr. Yates planned on doing at Fernland. Mr. Yates said they would pick up as much of the gravel as they can and the parking lot will revert to the original size that it was before. John Champagne asked if the parking lot would remain a gravel parking lot. Mr. Yates said either it could remain gravel or they may be able to get the grid system and come back to City Council. John Champagne asked if they were going to make the parking lot size in compliance now. Mr. Yates said that is correct.

T.J. Wilkerson asked if most of the businesses with unpaved lots were in the Historical District. Mr. Yates said a few of them are, but most of them are not. T.J. Wilkerson said he did not have a problem with gravel himself because it gives an ambiance and keeps the country feel, it is a mixture of the roads and the gravel. T.J. Wilkerson said when you think of Montgomery and the image that you want, he did not think they would want all cement or blacktop everywhere. T.J. Wilkerson said he thought they needed a little country because he likes to take his little boy to

pick up a rock here and there. T.J. Wilkerson said he did not know if they had a drainage issue or not, but he is thinking if they blacktop everything, we might create a drainage problem. T.J. Wilkerson said right now when you drive into Montgomery you see a little gravel here and some blacktop, which gives you the idea that we are still Historic Montgomery instead of everything paved. Mr. Yates said, in his opinion, anyone can come in and ask for a variance, just as the golf business did, or City Council could adopt and put into the Code the grid system so they would not have to come and ask for a variance. Mr. Yates said the grid system is about two to three inches thick hard rubber that you can put down and the grass grows on top of it. Rebecca Huss said she seemed to remember the cost of the grid system was roughly equivalent to a cement parking lot, which is pretty high. John Champagne said it was not as expensive. T. J. Wilkerson asked if this would take in everything inside the City limits. Mr. Yates said that would be up to City Council.

John Champagne said one of the driving factors for this ordinance, is people really do not like dust flying at them from parking lots. Mayor Countryman asked if they have a lot of dust storms because she has not heard anybody complain about dust on cars. Mayor Countryman stated, in her opinion, from what residents have stated, there have not been massive dust storms, and yes she does believe there was dust. Mayor Countryman said Hodge Podge Lodge is on fire and actually was featured in the Top 10 Restaurants in the Houston Area. Their parking lot has not cost them any business and they have people walking in their gravel driveway in high heels and the feedback has not stated that it was too earthy or not paved, so therefore, they are not going to spend money there. Mayor Countryman said she also noted that A&A Plants seems to have more business now than they ever had, as far as she can tell without knowing what their revenue is, noting that their parking lot was not fully paved either. Mayor Countryman said she did not feel it is prohibiting business and people coming to the City and eating, purchasing, and spending the afternoon. Mayor Countryman said, honestly, it is better for the environment to have that type of permeating driveway, and to T.J. Wilkerson's point, it would not be just a concrete jungle here. John Champagne asked if he could have the floor. Mayor Countryman gave the floor to John Champagne.

John Champagne said the motivation was the Cowboy Church was generating a tremendous amount of dust and at the time, the City was in a drought, so there was dust, not dust storms, but dust being created that some people had a problem with. John Champagne said the people came and voiced their concerns, and this ordinance was a result of that and there was no restriction to using other technology, it did not have to be asphalt. John Champagne said he was not crazy about asphalt. John Champagne said that was why the ordinance was adopted and put into place. John

Champagne said they can change the ordinance if that is what the City Council wants to do, but this is the ordinance we have in place.

Rebecca Huss stated she moved to the area in 2011 and was not here when the ordinance was put into place, and she was wondering if the size of the parking lot makes a difference as to what the surface is. Maybe Mr. Foerster could make a comment as to whether smaller parking lots could have any surface size they want over a certain square footage of parking lots which would obviously be more prone to having more cars which creates more dust. Rebecca Huss said she did not think it was necessarily the surface itself, but felt it was the cars on it driving that kicks up the dust. Rebecca Huss said she wondered if that might solve a few of the concerns.

Jon Bickford said he could go back in history, back to the challenge they had with the Cowboy Church, the parking lot was part of it, but it was also the dirt road to the parking lot. Jon Bickford said these were not dust storms, they were dust hurricanes. Jon Bickford said they got dust all the way over to his home, and everything down Old Plantersville Road, depending on which way the wind blew, there was dust everywhere. Jon Bickford said they could not keep that up, so that was the big impetus in putting the ordinance in place, but if they do something different, again he is 100 percent okay with doing something different, all he is asking is that they have to have a plan and an ordinance which states two or three specific options. Jon Bickford said if they get very dry weather again, you could have a mess even with a small parking lot. Rebecca Huss said maybe they put in restrictions for spraying water or something like that. Jon Bickford and John Champagne stated that would not work. Jon Bickford said the water will dry as quickly as they put it down. Rebecca Huss said you would not want that in dry times because they would have water restrictions, and you don't want people pouring water on driveways. Jon Bickford said he would suggest that we revisit the ordinance, get a couple of alternate ideas and proposals. Mr. Yates said he could do that. Rebecca Huss said she felt they were in agreement that a grid system is a good option. Jon Bickford said they are not engineers. Rebecca Huss said just the idea that it does not have to be impervious, there could be a surface that is better than or just as good as cement. John Champagne said he was wide open to all information, stating that he is not crazy about asphalt. Jon Bickford said they can let the experts figure it out and bring back some options. John Champagne said that was the reason he asked for the definition of an all-weather surface. Mayor Countryman said she agreed and asked Jon Bickford who the experts are that he is wanting to determine the information, Jones and Carter or Mr. Yates. Jon Bickford said somebody that knows something about what the best parking surfaces are, somebody in the parking surface business. John Champagne said it can be people in that type of business. Jon Bickford said the

City Engineers could help and Dave McCorquodale has had experience with that in the past with the work that he has done. Rebecca Huss said the grid people will come out and do a presentation, but obviously they will be selling something. Jon Bickford said they just need to get the results, he did not want a sales pitch.

Mayor Countryman asked if Mr. Yates knows of another City that has gravel parking lots and if they don't, what are they using, and if there was any type of reference on what they are using or an alternative. Mr. Yates said he would research that information.

No action was taken on this item. Mr. Foerster said he did not feel that any action needed to be taken with the understanding that they would come back to the City Council with some ideas that they can discuss, and possibly make changes to the ordinance. Mr. Foerster said maybe they can consider configuring the size of the lot, surface of the lot, and the type of activity that might warrant more expense on paving than in other situations. Jon Bickford said there might be some information on traffic flow or parking flow. Mr. Foerster said they would get the information.

#### **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.

12. 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 551.074 (personnel matters) related to City Administrator selection; and
  - b) Section 551.071 (consultation with attorney) Pending Litigation.

Mayor Countryman adjourned into Closed Executive Session at 7:00 p.m.

13. Reconvene into Open Session.

Mayor Countryman reconvened into Open Session at 7:49 p.m.

#### **POSSIBLE ACTION FROM EXECUTIVE SESSION:**

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

Rebecca Huss moved to direct the City Administrator to move forward with negotiations with Richard Tramm as our next City Administrator. John Champagne seconded the motion, the motion carried unanimously. (5-0)

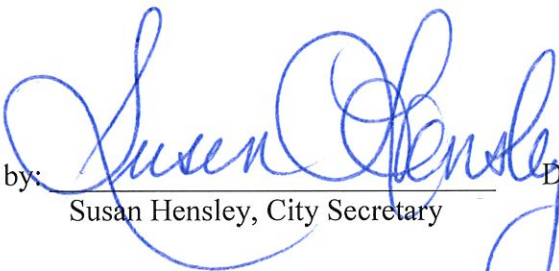
**COUNCIL INQUIRY:**

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.

There were no comments.

**ADJOURNMENT**

Jon Bickford moved to adjourn the meeting at 7:50 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

Submitted by:  Date Approved: 05/28/19  
Susan Hensley, City Secretary



  
Mayor Sara Countryman