

MINUTES OF REGULAR MEETING

April 23, 2019

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Pro-Tem T.J. Wilkerson declared a quorum was present, and called the meeting to order at 6:02 p.m.

Present: Sara Countryman Mayor
Jon Bickford City Council Place # 1
T.J. Wilkerson City Council Place # 3
Rebecca Huss City Council Place # 4
Tom Cronin City Council Place # 5

Absent: John Champagne, Jr. City Council Place # 2

Also Present: Jack Yates City Administrator
Larry Foerster City Attorney
Susan Hensley City Secretary
Chris Roznovsky City Engineer

INVOCATION

T.J. Wilkerson gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. Council may not discuss or take any action on an item, but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

Mayor Countryman said she had received one Citizen Comment sheet that would be saved for Item 6. There were no comments made.

CONSENT AGENDA:

1. Matters related to the approval of minutes of the Regular Meeting held on April 9, 2019 and Special Meeting held on April 13, 2019.

Rebecca Huss moved to approve the minutes of the Regular Meeting held on April 9, 2019 and Special Meeting held on April 13, 2019, as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action on Department Reports.
 - A. Administrator's Report - Mr. Yates presented his report to City Council. Mr. Yates said that he has worked with TxDOT regarding the FM 149 right hand turn lane, Atkins Creek, and TxDOT's schematic design construction request for Lone Star Parkway and FM 2854 widening. Mr. Yates said he met with several developers during the month, regarding the property behind Jim's Hardware, The Shoppes of Montgomery, Chick-Fil-A and Christian Brothers Automotive Repair Shop. Mr. Yates said Christian Brothers has contacted him about the property immediately west of the new car wash that is open. Mr. Yates said Christian Brothers is a mechanic shop, with a very nice building and a clean operation.

Mr. Yates advised he had also worked with staff on a variety of issues including coordinating the Police Chief selection and the City Administrator application process. Mr. Yates said he had one meeting regarding a prospective film project in the City. Mr. Yates said he worked with the City Auditor, completed the backflow prevention device installation at 100% placement.

Mr. Yates said the Grease Trap and Gravel Parking Lot reports are attached to his report. Mr. Yates said he intends to contract with Gulf Utility Services. Rebecca Huss said that was what they had discussed at the last Council Meeting to have the service professionally done, and a more comprehensive set of matrix than what they are currently using. Mr. Yates said that is what they are about to do. Rebecca Huss said that will also free up the Public Works employees from doing that service, so they can be doing things that have a

higher value. Mr. Yates said he will work with the City Attorney to get an additional ordinance or fee placement for the second inspection of failed grease trap inspections.

Mr. Yates said, regarding the unpaved areas in the City, the issue there is, primarily, approximately ten gravel parking lots that are inside the City that were all here prior to his arrival in December 2015. Mr. Yates said he was asking for some direction from City Council. Mr. Yates said there are three or four ways of doing this. One is to let the economics of the world work, meaning most of these properties were here prior to the ordinance going into effect and they have just been gravel for decades. Mr. Yates said as the properties are sold, and are developed, they will have to pay. Mr. Yates said another option is to treat it as a nonconforming use, where if the building is vacant for 18 months, they would have to get another Certificate of Occupancy. Mr. Yates said they could also wait until the property is sold, which would probably require another ordinance, and would require the new owner to comply. Mr. Yates said the last option would be every time the use changed by a tenant, you could require paving before the new Certificate of Occupancy was issued.

Mr. Yates said his suggestion would be to let economics rule unless otherwise directed by City Council. Jon Bickford said he wanted to make sure he understood that letting the economics rule and saying if the property changes hands, then they could invoke the building and parking lot be brought up to Code before it could be occupied. Mr. Yates said that was correct. Jon Bickford said that seems like the least disruptive of the four options. Mr. Yates said as the City grows and they become more and more urban, the propensity would be to pave the property to increase the property value before you sold the property. Mayor Countryman said they could stay grandfathered in, or the second step. Mr. Yates said the grandfather includes the vacancy of the use, which is not very practical. Mayor Countryman said it would be perpetual. Rebecca Huss said it is practical for several reasons, if they have already forgotten the lessons of Hurricane Harvey, which is basically you cement over your entire City, then the water goes somewhere and fortunately we are at the top of the watershed. Rebecca Huss said they talked about trying to be a little bit more responsible about detaining water and not paving over everything and trying to not make the city send their water somewhere else. Rebecca Huss said having gravel allows water to soak into the land, and for properties that don't have a high volume of users, that is not necessarily an onerous situation on the neighbors. Mr. Yates said he would say that none of these are onerous situations as far as creating dust. Jon Bickford said the point is

the City has an ordinance, so they may not want to pave over the entire City, but the ordinance was passed and indicates when you have a commercial property, you have to have it concreted. Jon Bickford said they either need to change the ordinance, or enforce the ordinance. Rebecca Huss said they could choose to continue to provide variances. Jon Bickford said they either need to change the ordinance or enforce the ordinance, so they need to do one or the other. Mr. Yates said he would say that they have already enforced the ordinance, and these are just the remnants of many years of building. Mr. Yates said since he has been at the City, there has only been two, one being a gravel parking area north of the Community Center, which the City Council and Montgomery EDC approved. Mr. Yates said the other is the Hodge Podge Lodge which he needs to speak to because they have added a restaurant and it has created the need for more parking area. Mr. Yates said Hodge Podge Lodge came to City Council approximately a year ago for a grid system of paving. Jon Bickford said he would offer what is the best recommendation of the four options, and what is the most reasonable and logical to follow, and maybe they propose that at the next meeting so City Council can look it over. Jon Bickford said the other thing is whether they should practically change the ordinance so they don't have to have variances all the time, which does not make sense to him. Mr. Yates said they have only had one parking variance request. Mayor Countryman said the other ones are grandfathered in, so she did not think they would have a lot of variance. Jon Bickford said the number of parking spots and whether or not they have to pave the surface is two different subjects, so he did not want to mix the two topics.

Rebecca Huss said she would like to point out that in the rush to pave all the City stuff, they should also consider that one of the reasons for graveling north of the Community Center was to protect the Oak trees that are close to the wall at that location, which is another consideration of the historic characteristic of the City and the feel of the City. Rebecca Huss said there are reasons for variances, and one of them was brought up several years ago, stating the ordinance is the bare minimum, but if you need to provide a variance to acquire a better outcome than the bare minimum would provide, that would be why you would allow a variance. Rebecca Huss said if they killed the historic Oak trees that are on the Community Center property, then they irrevocably change the character and nature of historic downtown Montgomery. Mayor Countryman asked to move on and now that they know this matter is up for topic, they can think about it and bring some ideas to Mr. Yates. Jon Bickford said maybe there are some ideas that Mr. Yates can think of also.

Rebecca Huss asked Mr. Yates to explain the situation of the concrete block at the Blue Wave Carwash and asked if this was like PVC pipe being painted purple so you can stick two pieces together, and asked if they were planning on stuccoing the façade as per the corridor enhancement requirements. Mr. Yates said he would have to check on that matter. Rebecca Huss said this looks pretty permanent to her, and it seems like this was something that slipped through the process, which means that this is a permanent de-enhanced appearance to the gateway of Montgomery. Mr. Yates said he would have to check on the matter to see what he needs to do. Rebecca Huss said what she would like by the next meeting is a plan to eliminate this type of mistake. Rebecca Huss said she would like to have some type of permanent review process where they are looking at the corridor enhancement, historical and sign requirements and they go through either another Committee of dedicated citizens and other employees who have this information at their fingertips, so they don't have something that is permanently ugly and not according to the ordinance, which did not receive a variance. Rebecca Huss said they have already given the car wash an encroachment agreement, which is the one thing that could have held them up. Rebecca Huss said they could have told them if they want the Encroachment Agreement they would have to do stucco, so now they have no more leverage and it is permanently ugly. Mr. Yates said he needed to look into the matter. Rebecca Huss said by the next meeting she would like a plan to fix this gap of approvals. Mr. Yates said he understood.

- B. Public Works Report - Mr. Mike Muckleroy, Director of Public Works, presented his report to City Council. Mr. Muckleroy advised they completed seven work orders for endpoint maintenance issues, eight water leaks, seven water issues and 21 water taps. Mr. Muckleroy reported for wastewater they marked the new boundary of Stewart Creek Wastewater Treatment Plant, continued the pumping in Terra Vista, and completed 18 sewer taps.

Mr. Muckleroy said they performed line stripping on Buffalo Springs Drive from SH 105 to Lone Star Parkway, cleaned and trimmed locations at Lone Star Parkway and Lone Star Bend, installed "No trailer parking" signage at two public parking lots, and repaired one pothole at McCown Street and Caroline Street. Mr. Muckleroy said they have completed sixteen work orders for general City Hall maintenance.

Mr. Muckleroy said they completed 15 work orders for maintenance for park issues, repaired the Crane Cabin porch, and changed the irrigation lock box at Memory Park for employee access only. Mr. Muckleroy advised the Fernland docents reported 1,126 visitors and provided 64 tours, due to the 7th grade Texas History project.

Mr. Muckleroy said in the general section they completed 18 work orders for maintenance-garbage issues and 32 work orders for general maintenance issues. Mr. Muckleroy said they completed and cleaned up for the heavy trash event. Mr. Muckleroy said they had a couple of repairs on trucks. Mr. Muckleroy advised they attended a meeting with the County Commissioner, City Administrator and Mayor, attended a TORC Meeting, Public Works Director's Meeting in Conroe, web site training by Municode for the web site, and they attended a meeting with Magna Flow and Gulf Utility.

Mr. Muckleroy said Mr. Yates asked him to quickly touch on their sanitary smoke testing procedures, and they have come up with a pretty aggressive plan for the month of May, with Gulf coming in during the first week of May to do the manhole inspections, and they have five sections lined out for one week each, weather depending, to get at least the testing completed in May. Mr. Muckleroy said they will have to go over the results and see what repairs need to be done.

Mr. Muckleroy said they are going to do their first Annual Public Works Open House during the week of National Public Works Week on May 21 starting at 1:30 p.m., where everyone can come to their facility to see what they do and where they are at. Mr. Muckleroy advised they would be sending out a flier in the water bill that went out today.

Rebecca Huss asked how Mr. Muckleroy is keeping track of all the work orders because it seems like he is excessively busy. Mr. Muckleroy advised they have a good work order program, and at the end of the month he performs a query for each type and gets an overview of what they did during the month. Rebecca Huss asked if it was expensive. Mr. Muckleroy said no it was \$2,200 for the year, \$550 a quarter and said it was a good system. Rebecca Huss asked if Mr. Muckleroy was the only one that does the program or does staff send the work orders. Mr. Muckleroy said staff can send work orders. The Police Department, City Secretary and Utilities have a link, it is just a catalog of the work order types. They can go in and put what needs done and it comes directly to them. Mr.

Muckleroy said the Park does repair requests when they need them. Rebecca Huss said it sounds very efficient. Mr. Muckleroy said it works very well.

- C. Police Department Report – Sergeant George Hernandez presented the report to City Council. Sgt. Hernandez said they answered 1,722 calls during the month of March, with a total of 32 reports/investigations, six narcotics arrests, two DWI arrests and 13 other type of reports that were generated. Sgt. Hernandez said they had a total of 237 citations issued and 247 warrants issued. Sgt. Hernandez said Officer Thompson attended Crisis Intervention Training on March 11, 2019, which is to educate law enforcement about issues pertaining to crisis intervention techniques, especially with communicating with persons with mental illness, which has gotten very active in general for law enforcement. Jon Bickford asked if there was any indication as to why that is picking up. Sgt. Hernandez said there is more knowledge about it now, and now they are more able to characterize mental situations. Mayor Countryman asked if they are seeing a trend with age groups. Sgt. Hernandez said it is varied. Sgt. Hernandez said Sgt. James Bracht had an issue recently regarding a ten year old that was having an episode. Rebecca Huss asked if we have County resources to help us, or are the officers doing it on their own. Sgt. Hernandez said they do have County resources, but they like to keep most of it in house. Sgt. Hernandez said Montgomery County Precinct 1 has a unit assigned for CIT, which is Crisis Intervention Type. Sgt. Hernandez said our officers have the same authority as they do, which in an emergency they can detain them. Rebecca Huss asked if they wanted to keep it in house because they generally know the people, and feel that they can help them better than someone they don't know. Sgt. Hernandez said just in general, but if he is dealing with a citizen that he is familiar with, he would rather take care of it himself rather than someone that does not deal with them.

Sgt. Hernandez advised on March 28, 2019 they hosted a Standardized Field Sobriety Testing class at City Hall in the Council Chambers, which worked out well with the 10 officers that attended the free course.

Sgt. Hernandez reported that Officer Carswell had a fleet accident. Sgt. Hernandez advised that Officer Carswell was not at fault and was not injured. Sgt. Hernandez stated that he was hit by a USPS truck, which violated the stop sign and right turn only sign. Jon Bickford asked if the officer and Postal drivers were okay. Sgt. Hernandez said both drivers were okay and nobody got hurt. Sgt. Hernandez said the officer went to the hospital to get

checked out and took the rest of the day off, returning to work the next day. Sgt. Hernandez said the officer was a little sore. Mayor Countryman said the officers were doing a good job. Jon Bickford said to be safe out there.

- D. Court Department Report – Mrs. Kimberly Duckett, Court Administrator, presented her report to City Council. Mrs. Duckett said during the month of March, the citations collected were 264 with the total revenue of \$47,550 collected for the Court. Mrs. Duckett said the Court did lose Deputy Court Clerk April Dupree and gained new Deputy Court Clerk Mrs. Christy Reed. Mrs. Duckett stated that Mrs. Reed has been here for two weeks, and said she started on the night of Court so she could see the functions of the Court. Mrs. Duckett advised Warrant Officer Trent Lozano is doing an amazing job. Mrs. Duckett said he was trying different strategies on how to collect the warrants before they go to collections. Mrs. Duckett said she has been letting Officer Lozano make the phone calls, and for the month of March he was able to address a minimum of 340 calls during his part-time position. Mrs. Duckett said the warrant revenue for March was \$15,000, which is included in the \$47,550 amount. Mrs. Duckett said Officer Lozano is on the phone while he is on duty, and if they are wanting to pay the fee right then, he will transfer them to the Court. Mrs. Duckett said if Officer Lozano is not able to collect the fee, then they transition them over to collections to help. Mayor Countryman said nice strategy and way to step outside the box. Mrs. Duckett said Officer Lozano gets a list of the local warrants they have on file and he will have them for the night officers, and if they are able to run local warrants during their free time, they try to help them out as well. Mrs. Duckett said Officer Lozano is working 18 hours per week. Mrs. Duckett said Officer Lozano is doing a great job. Mrs. Duckett said Officer Lozano is one of the City's Reserve Officers. Rebecca Huss said Officer Lozano used to work for the City full time. Mayor Countryman said nice work.
- E. Utility/Development Report – Mr. Yates presented the report to City Council. Mr. Yates said utilities had \$162,924 collections for March, permits revenue was \$51,962, revenue for the Community Building rental was \$1,160, and miscellaneous general fund revenue was \$15,702. Mr. Yates advised there were 32 new water accounts for March, with 18 disconnected accounts, and the total number of active water accounts is 742. Mr. Yates said the amount in arrears for 60 days is \$508, and for 90 days it is \$303. Mr. Yates said there were a total of 109 permits for the month, with 12 –commercial, 13-residential, 21-plumbing, mechanical-12, backflow preventers-13, and 6-vendor. Mr. Yates said there

were 596 calls to the office. Mayor Countryman asked if they should make that a full time position. Mr. Yates said it is a full time position. Mayor Countryman said she understood that she was here full time and said that was not her only duty. Mayor Countryman asked if she thought they were getting to the point where permits is its own department. Mr. Yates said permits take up to 60% of the time, which is why they have hired a part-time person to help in the front office.

Jon Bickford commented on the arrears, stating there was \$41,000 that is 120-days in arrears. Mr. Yates said that is the one that City Council keeps telling him, and he just needs to check with the Auditor on how they can write that off and satisfy the Auditor.

Mr. Yates said the water account consumption is about normal, except for Memory Park that went up to 115,000 gallons. Mayor Countryman asked why the consumption was so high. Mr. Muckleroy said they had a major leak at Memory Park, where the two inch line that feeds all of Memory Park busted loose. Mr. Muckleroy said they were notified the next day by the Beacon System and they immediately shut it down, but it was about 99,000 gallons that leaked out. Rebecca Huss said it only rained less than two inches during March.

- F. Water Report – Mr. Michael Williams, with Gulf Utility Service, Inc., presented his report to City Council. Mr. Williams advised there was one district alert the evening of March 12, 2019. Mr. Williams said the Wastewater Treatment Plant 2 and Lift Station 5 got called out for no power, they arrived on site and all three facilities had power, so it must have been a temporary outage. Mr. Williams said they monitored the plants and everything was normal.

Mr. Williams advised the wastewater flow for the month of March was 4,343,000 gallons, with the daily peak flow on March 11, 2019 at 221,000 gallons, and the average daily flow was 155,100 gallons. Mr. Williams stated the effluent monitoring report showed all samples were within compliance for the month of March and there was a total rainfall for the month of 1.96 inches.

Mr. Williams said the water report showed they pumped a total of 7,016,000 gallons, flushed a total of 469,000 gallons, and sold a total of 6,162,000 gallons, bringing them to a 95% accountability. Jon Bickford asked about the percentage of accountability, saying 100,000 gallons probably leaked out at Memory Park. Mr. Williams said that was

accounted for because it went through the meter. Jon Bickford said he was going to ask how they calculated that. Jon Bickford said that is still 300,000 gallons that we do not know where it went. Mr. Williams said it was 300,000 gallons plus the 469,000 accounted for flushing. Jon Bickford said they can account for the flushing so they know, but 300,000 gallons is lost and they have no way of accounting for it and do not know where it went. Mr. Williams said that is correct. Jon Bickford said that seems like a lot of water to be missing. Jon Bickford said it is about seven or eight swimming pools worth of water that just disappeared. Mr. Williams said they do have some loss through the meters, because they are not 100% correct, they typically range 98-101%, so there is typically some loss even with a new meter. Rebecca Huss asked how much loss is from evaporation at the cooling tower. Mr. Muckleroy said that was accounted for. Mr. Williams agreed that water was accounted for. Jon Bickford asked where you measure the source from. Mr. Williams said you measure from the wells. Jon Bickford said if the water is evaporating out of the tank, how would they account for it. Mr. Williams said he would not expect them to have too much evaporation out of the tank and said they are covered. Mayor Countryman said there has to be a leak somewhere. Jon Bickford said 300,000 gallons is a lot of water. Mr. Roznovsky said they had the Boretex contractor on March 15, 2019 have a break, so that could help account for some of the loss. Mayor Countryman said except the contractor turned everything off thinking he had it on, so there was no water flow.

Mr. Muckleroy said they are continuing to have problems with boring contractors, stating that he caught one stealing water two weeks ago, when he just happened to be in during the weekend and witnessed a tank leaving a job site and he followed him where he pulled in, so he called the Police Department. Mr. Muckleroy said it happens a lot more than they see. Mayor Countryman said there is a fine when they catch them and said maybe they need to step up their efforts. Jon Bickford said maybe they need to start arresting people for theft. Mr. Muckleroy said he contacted the Fire Marshal's office last week to get his thoughts on installing hydrant locks because some of the research that he has done shows there are a lot of cities that have put the locks on the meters, to have the Fire Marshal come behind them and make them take the locks off. Mr. Muckleroy said they are talking to Chief Edwards and the Fire Marshal to see how they feel about it, and if they are okay, then they will start looking at the possibility of doing that. Mr. Muckleroy said he did not want to spend any time on it in-house, even doing research, if they were going to shoot it down. Mayor Countryman said if that is not a viable option, what would be another option.

Mr. Muckleroy said it would be to hire a lot more Police Officers, but there is no way they could be everywhere, so public awareness. Mr. Muckleroy said they have had a developer that has caught people and has called him on the phone to report it. Mr. Muckleroy said that is only to account for some of it. Jon Bickford asked if those trucks hold about 1,000 gallons, which would be a lot of trips. Mr. Muckleroy said they use a lot of water. Mr. Williams said there could be a lot of small leaks that have not surfaced. Rebecca Huss said they know where one leak is, under the parking lot by the Steakhouse, which is still there. T.J. Wilkerson said on Martin Luther King Jr. Drive, there is a ditch that stays wet. Mr. Muckleroy said that was an elevation issue with the ditch. T. J. Wilkerson said he was talking about the ditch in front of the last fire hydrant on the left, and said the location was probably 1001 in that area on the same side as the hydrant. Mr. Muckleroy said he would check it because he has not noticed water at that location. T.J. Wilkerson said the ditch stays wet. Mr. Muckleroy said he knew that the house that sits off of the road, the yard has always held a lot of water. T.J. Wilkerson said the owner told him the ditch is holding a lot of water. Mayor Countryman said there is standing water down there. Jon Bickford said 300,000 gallons with 742 active accounts, is a little over 400 gallons per tap that they were losing on average. Rebecca Huss said Mr. Ed Shackelford told them several years ago, cities are happy with 80%, which she thought was terrible, but they are chasing the number at 95%. Mr. Williams said over two years ago the City was in the upper 70%, so it is a good change. Mr. Muckleroy said 95% and above is considered good. Rebecca Huss said they could still do better if they think about places that they can chase it down. Mr. Muckleroy said in the Hills of Town Creek, Section 3, a developing contractor was taking water off of the blow off, but they fixed it so he could not do that anymore. Mr. Muckleroy said they did not catch the person.

Mr. Williams said the City had a 78% return to the wastewater treatment plant. Mr. Williams said they hardly had any rain this month, but people are beginning to irrigate more. Rebecca Huss said they have been calibrating the machine. Mr. Williams said they did recalibrate the machine, but the calibration was off only a minor amount.

- G. Engineer's Report – Mr. Roznovsky presented his report to City Council. Mr. Roznovsky advised regarding the Baja Road Project the letter of intent to terminate the contract with Boretex was sent on March 27, 2019, and the contractor had 10 days to respond and he did not respond, so the final termination notice was sent on April 9, 2019. Mr. Roznovsky said the bonding company has hired a consulting engineer and construction manager that has

been involved now to bring in additional contractors to put together a price to finish the work. Mr. Roznovsky said the project is moving along and hopefully they will have some action and they will have a meeting this week. Jon Bickford asked if there was any information on their schedule. Mr. Roznovsky said there was not, and said when they spoke at this time yesterday, their goal is to set up a meeting by the end of the week with everyone. Jon Bickford asked if they could push them for a schedule. Mr. Roznovsky said he would, and what they are asking for is 30 days, because it was a 60 day contract and he was about 50% complete, and it took Boretex a whole lot longer than 60 days to get 50% completed. Mayor Countryman asked if Mr. Roznovsky was sure about the 50%. Mr. Roznovsky said 40-50%. Rebecca Huss asked if they could select any contractor at this point, or does it still have to be from the list of approved contractors. Mr. Roznovsky said he believed they would still have to meet the federal requirements. Mr. Roznovsky said the City will be working with the bonding company, the bonding company will have the contractor. Rebecca Huss asked if the contractor they chose could or could not be Boretex. Mr. Roznovsky said it could be Boretex, but the bonding company has given no indication that it is, and they have never mentioned that they would be used. Mayor Countryman asked if they could request that they not use Boretex. Mr. Roznovsky said they could request it, and the bonding company asked for a list of contractors in the area, six or seven that he could reach out to. Mr. Roznovsky said they submitted names of contractors that they would want to work with. Jon Bickford said the bonding company is not going to want to pay for this project twice. T.J. Wilkerson said he had a person ask him if they should look at the weather and not start it when it is raining and wet and muddy. Mr. Roznovsky said Boretex made that argument a lot and complained about working in the ditch. Mr. Roznovsky said Boretex knew that when they got the contract, and there are ways with the equipment they were using they could still be productive when it is not wet. Mr. Roznovsky said they are now hitting May time frame and it will start getting hot and dry.

Mr. Roznovsky said they have a couple items bidding next week, Lift Station 1 Relocation Project bids next Thursday, along with the 18-inch Sewer Line Phase II, and they finally are in the final steps of getting the project worksheet for the FEMA Atkins Creek Project, so that will bid next Thursday too. Mr. Roznovsky said the Atkins Creek bids will be held until the signed project worksheet is in hand, and then they will proceed with construction on that job.

Rebecca Huss asked about the Lift Station No. 1 Replacement categorical exclusion, and asked what it was. Mr. Roznovsky said it is environmental clearance. Mr. Roznovsky said when the project was originally scoped and was replaced on the site that it is today, the categorical exclusion is saying that it is going on a place that is already disturbed, so if it is an existing plant site or easement or something like that, it has to be redone again since it is being moved to the Wastewater Treatment Plant. Mr. Roznovsky said it is still an exclusion from meeting environmental clearance because it is an existing Wastewater Treatment Plant site. Rebecca Huss asked if it would be cheaper and faster. Mr. Roznovsky said correct, there are still no environmental worries with the new location because it is within the boundaries of the old Plant, not the expanded.

Mr. Roznovsky said the GLO Projects, which is the next big round of project, are still waiting for the State to send the contract. Mr. Roznovsky said all of Martin Luther King Jr. Drive, Community Center Drive, Baja Road and McGuiness is included in the rehab of the sewer system part of the GLO project.

Mr. Roznovsky said they had quite a month for plan reviews, and said they received one for Phase III of the Heritage Apartments last week, and said they are sending the comments back this week.

Mr. Roznovsky said they are still working with Dobbin Plantersville, and said they do not have good maps, so they are trying to figure out exactly where their lines are to propose a location. Mr. Roznovsky said they will be meeting again with TORC on Thursday. Jon Bickford said one of the members of TORC asked him a question about getting information that they need from you, and asked if Mr. Roznovsky felt that he was keeping up with that information or do they have outstanding information. Mr. Roznovsky said he thinks they are up to date now, there was a period, especially when they were going through the projection stuff that they were going back and forth on, but now that is behind them and things have been moving a whole lot quicker. Jon Bickford asked when Mr. Roznovsky meets with TORC on March 24, 2019, could he make sure they have all the information they need, and if there is something missing, to let City Council know. Mr. Roznovsky said he would do that.

- H. Financial Report – Mr. Yates presented the Finance Report to City Council, advising that this was a summary report because Mrs. Cathy Branco is in the hospital today. Mr. Yates

said the general fund is doing well as far as the revenue, and said he did not think the sales tax figures were in the report, so the figures should be about the same as last month. Mr. Yates said the balance in the general fund is about the same, and last month it was \$309,000 surplus. Mr. Yates said they would probably stay at \$275,000. Mr. Yates said sales tax is up, but it is not as much as he predicted for the year, but the expenses are down quite a bit. Mr. Yates said the utility fund is also doing quite well, and he figured it had gained about \$70,000 this past month, which is at \$868,908. Mr. Yates said general fund has \$1,238,407, construction fund has \$2,939,000 and MEDC has \$942,000 for a total of \$6,414,000. Mr. Yates said they budgeted about \$129,000 in contract for streets, which was their surplus for general fund revenue over expenditures. Mr. Yates said there are several things that have been eating away at that \$129,000, such as \$15,000 will be going for the paving of Caroline Street and Mason Street, and there have been two car accidents and they only got \$15,000 on each of the cars, with the replacement costs at \$30,000. Mr. Yates said both police vehicles were totaled. Mr. Yates said he also had the financial accounting at \$50,000 and it is not going down at all. Jon Bickford asked if they were self-insured. Ms. Hensley advised they are insured with TML, and said that they were depreciated because the vehicles were 2013 and 2015. Mr. Yates said they only got \$14,500 on the 2013 and the 2015 they will get \$15,500. Jon Bickford asked how much a new vehicle is going to cost. Mr. Yates advised they are approximately \$30,000. Ms. Hensley advised the insurance does cover the equipment that was inside the vehicle and the decals and lights on the outside. Ms. Hensley advised the deductible for each accident is \$500.

Rebecca Huss asked if Mr. Yates could get the back up for the Financial Report because it should have been provided last week. Rebecca Huss said she finds the bank balances very useful. Ms. Hensley said Mrs. Branco had a glitch in her company's software, so she was not able to complete the report and she said that the transfers had not been done yet. Mr. Yates said he will get the full report as soon as he can and he will send that information out, because we are only a couple months away from starting the budget process.

Jon Bickford said if they are not seeing the sales tax revenue at the rate they thought they would, are we starting to think about looking at what budgets they can prepare to cut. Mr. Yates said they are doing all right now because the property tax is in and sales tax has been good, plus our expenses are being kept low, and no one has gone out and bought anything. Mr. Yates said they are about to spend funds on police vehicles. Mr. Yates said when he gets the full print out he will have some projections and recommended changes. Mr. Yates

said the permits are going out the roof. Jon Bickford said that should be extra, not that they need the money. Mr. Yates said the building permits were \$220,000 for the year. Rebecca Huss said some of those fees go right back out again for inspections and things like that, so the net is much smaller and depending on what is in there, some of that should actually go into capital funds and not be spent on supplies. Mr. Yates said they have not been doing that, which is the reason they are doing as well as they are.

Jon Bickford moved to accept the Departmental Reports as presented. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

3. Consideration and possible action regarding Street Closures:

- a. College Street from eastern McCown to Maiden, McCown from College to north side of Montgomery Steakhouse northern parking area on August 28, 2019 from 8:00 a.m. until 8:00 p.m.--Whitley Winery; and
- b. C.B. Stewart from Clepper Street to SH 105, northernmost lane of Eva Street (SH105) from C.B. Stewart to Liberty Street (FM149) north, Liberty Street from Eva Street to FM1097 from 9:30 a.m. to 12:30 p.m. for the Homecoming Parade.

Mr. Yates said the closure of College Street and part of McCown for Whitley Winery, being on Sunday and the only event, it should not cause a problem. Mr. Yates said the Homecoming Parade involves closing the northernmost lane of Eva Street (SH 105) that will require Public Works, the parade people, and the Police Department to work together. Mr. Yates said they worked together and it came out alright. Mr. Yates said with the coordination he felt that it would be alright.

Rebecca Huss commented she preferred SH 105 not be closed from the entirety of 9:30 a.m. to 12:30 p.m., but only during the actual time of the parade. Mr. Yates said each segment with the coordination will come in and will only be about 20 minutes. Mayor Countryman said it was not closed last year, it was only closed when the parade was going down the road. Rebecca Huss said that was what she remembered, but the way that this reads, it is for the entirety of the period of time. Mr. Yates said he added in his notes that they would close it off in segments.

Tom Cronin said there is a correction on item A on the Agenda, it is April not August.

An unidentified member of the audience asked what the Homecoming Parade is. Mr. Yates said it is a local celebration, primarily of the black churches, a Homecoming or Annual Reunion of those churches in the northern part of the City. Mr. Yates said Homecoming has gone on for 15-20 years. T.J. Wilkerson said Homecoming has been going on since 1954 in Montgomery.

Rebecca Huss moved to approve the street closures as presented, with the substitution of April 28, 2019 for the (a) Whitley Winery closure, and the closure of the streets in segments for the (b) Homecoming Parade on May 25, 2019, as discussed. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

4. Consideration and possible action regarding adoption of a Proclamation designating the week of May 19 – 25, 2019 as the 59th Annual National Public Works Week.

Mr. Yates said this was to support the Mayor and her Proclamation of the Public Works Recognition Week. Mr. Yates said the operations of the City organization and public at large would be impossible without the work of the Public Works crew, so designating a week in their honor seems appropriate.

Mayor Countryman read the Proclamation into the record:

National Public Works Week

May 19 – 25, 2019

“It Starts Here”

City of Montgomery Proclamation

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable communities and to the public health, high quality of life and well-being of the people of Montgomery, Texas; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who work at the City level of government, who are responsible for rebuilding, improving and protecting our City’s transportation, water supply, water treatment, sewer treatment, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Montgomery, Texas to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in our community; and,

WHEREAS, the year 2019 marks the 59th annual National Public Works Week sponsored by the American Public Works Association be it now,

RESOLVED, I, Sara Countryman, Mayor of the City of Montgomery, do hereby designate the week of May 19 – 25, 2019 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals and to recognize the substantial contributions they make to protecting our City's health, safety, and quality of life.

IN WITNESS WHEREOF, I do hereby proclaim on behalf of the City of Montgomery.

Mayor Countryman expressed her appreciation to Mr. Muckleroy for all he and his team do.

T.J. Wilkerson commented that the Homecoming Parade would be held on May 25, 2019, not on April 28, 2019. Mayor Countryman said that was not in (a) where the date was corrected, it was listed as May 25, 2019 under item (b).

Rebecca Huss moved to approve the Proclamation as read by the Mayor. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

5. Consideration and possible action regarding adoption of a Proclamation designating the week of May 5 – 11, 2019 as the 50th Annual Municipal Clerk's Week.

Mr. Yates stated this the 50th Anniversary of the Annual Municipal Clerk's Week. Mr. Yates said the business of the City would be impossible to get accomplished without the support of the City Secretary, and designating a week in her honor seems appropriate. Mayor Countryman read the Proclamation into the record:

Proclamation
50th ANNIVERSARY OF MUNICIPAL CLERKS WEEK
May 5 - 11, 2019

Whereas, The Office of the City Secretary, a time honored and vital part of local government exists throughout the world and the state of Texas, and

Whereas, The Office of the City Secretary is the oldest among public servants, and

Whereas, The Office of the City Secretary provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, City Secretaries are ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The City Secretary serves as the information center on functions of local government and community.

Whereas, City Secretaries continually strive to improve the administration of the affairs of the Office of the City Secretary through participation in education programs, seminars, workshops and the annual meetings of state and regional organizations.

Whereas, the City of Montgomery is particularly proud to have Susan Hensley as our personally selected and highly esteemed City Secretary, and believe it appropriate that we recognize her accomplishments in that Office.

Now, Therefore, I, Sara Countryman, Mayor of the City of Montgomery, Texas, recognize the week of May 5 through May 11, 2019, as City Secretary Week, and further extend appreciation to our City Secretary, Susan Hensley and to all City Secretary's for the vital services they perform and their exemplary dedication to the communities they represent.

Mayor Countryman thanked the City Secretary for her work and help. Jon Bickford asked about the paragraph that thanks Susan Hensley, and asked about all those to follow because this Proclamation will go on for hundreds of years. Mayor Countryman said each year they will make a Proclamation of the person that is in that position.

Rebecca Huss moved to approve the Proclamation as read by the Mayor. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

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

A RESOLUTION REGARDING THE DESIGNATION OF A SITTING AREA IN THE DOWNTOWN AREA CITY OF MONTGOMERY AS KAOUGH'S KORNER IN MEMORY OF AND IN RECOGNITION OF MARY KAOUGH'S INTEREST IN THE CITY AND PARTICULARLY THE DOWNTOWN AREA.

Ms. Kambra Drummond said the idea came to them as a group, because Mary Kaough dedicated the last 12 years of her life to make Montgomery a place on the map that everybody wanted to come and visit. Rebecca Huss said Mary Kaough was a very special lady, she had incredible energy and she was funny. Mayor Countryman said Mary Kaough provided the ghost tours.

Ms. Drummond said Mary Kaough was a member of quite a few different antique stores downtown and a vital part of the Antique Festival. Ms. Drummond said she is having a lot of trouble doing it single handed, but it is getting done. Ms. Drummond said the idea of the corner is that it is very close to Garrett House, which was the last place that Mary had her business inside. Ms. Drummond said when Mary was there she sat out on the front porch so she could greet everyone and wave to people that drove through. Ms. Drummond said it was never a shock to see four cars stopped just to sit with Mary to see what she had to say. Ms. Drummond said they put a bench with a stone plaque at the corner that says it is in memory and honor of Mary Kaough, and says “come and sit a spell”, which is what she said to anyone that was there. Ms. Drummond said it would be a great honor to have that area dedicated to her, and said Mary Kaough is missed greatly. Ms. Drummond said Mary would be tickled and it would be very special. Ms. Drummond said since Mary was such a vital part of the Antiques Festival, if City Council agrees to dedicate this area to Mary, they could have the ceremony the morning the Antiques Festival kicks off, so all the vendors and dealers that knew Mary and might not know that she has passed, can spend some time and appreciate Mary. Ms. Drummond said she knows that Susan her adopted Mother is still here in town at Garrett House, and she is very grateful that they have asked for this to be done for Mary.

Mr. Yates said they will have the Resolution signed and sealed for the ceremony. Mr. Yates said he was also suggesting to get an ornamental street sign that would say “Kaough’s Korner” and it would be placed below the street name and would be a little larger than the street sign. Ms. Drummond said Mary would love that. Ms. Drummond said it would be the southeast corner of McCown and Caroline.

Mayor Countryman read the Resolution into the record:

A RESOLUTION REGARDING THE DESIGNATION OF A SITTING AREA
IN THE DOWNTOWN AREA CITY OF MONTGOMERY AS
KAOUGH’S KORNER IN MEMORY OF AND IN RECOGNITION OF
MARY KAOUGH’S INTEREST IN THE CITY AND
PARTICULARLY THE DOWNTOWN AREA

WHEREAS, Mary Kaough was a business owner of a business at the southeast corner of Caroline Street and McCown Street for twelve years and was a vigorous proponent for the maintenance, beautification and customer growth in the downtown area, and

WHEREAS, Mary Kaough was an active member of the Montgomery community, both as a business person and in general interest of the City, and

WHEREAS, Mary Kaough passed away December 3, 2018, leaving a void in the dynamics of the downtown Montgomery area, and

WHEREAS, a bench and memorial plaque were recently placed by business owners of the downtown area at the Southeast corner of Caroline Street and McCown Street,

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Montgomery Texas: Section One. That the southeast corner of Caroline Street and McCown Street be designated as “Kaough’s Korner”.

Section Two. That a Memorial Street sign designating “Kaough’s Korner”, be added to the street post at this corner, in order to document this recognition.

Rebecca Huss moved to adopt the Resolution as read by the Mayor. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

7. Consideration and possible action regarding scheduling a Public Hearing regarding a Special Use Permit for Candace Welsh for a microblading business located at 14375 Liberty Street, Montgomery.

Mr. Yates advised this was to call a public hearing for a Special Use Permit for microblading, which is placing a tattoo on the eyebrows or eyelid and because of that, it is called a tattoo shop, which means it requires a special use permit.

Mr. Yates said this is the same type of Special Use Permit that was approved in 2016 to someone else. Mr. Yates said one thing that has come up is that Ms. Welsh is checking out where she is going to be located, so what is on the Agenda is 14375 Liberty Street and what she is asking for is until tomorrow at the end of the business day to decide whether it is 14375 Liberty Street or 201 College Street, Suite 110-B. Mr. Yates said City Council could call the public hearing for either time until it is published. Mr. Yates said his suggestion is to do like the Planning Commission did last night by putting either location. Mr. Yates said Ms. Welsh knows she has to have the letter to him by the close of business tomorrow so the City can publish the legal notice in plenty of time.

Rebecca Huss moved to schedule the Public Hearing regarding the Special Use Permit for Candace Welsh regarding microblading business for May 14, 2019 at 6:00 p.m. Montgomery City Hall, 101 Old Plantersville Road, Montgomery for the business located at 14375 Liberty Street or 401 College Street, Suite 110-B, to be determined by the close of business tomorrow.

Jon Bickford said they took a note from last time where they were going to do something about the specific wording regarding where the tattoos are located. Mr. Yates said the wording is in the Special Use Permit.

Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

8. Consideration and possible action regarding calling a Public Hearing for May 28, 2019 at 6:00 p.m. at Montgomery City Hall to hear public comment regarding rezoning the following properties from **ID-Industrial** to **B-Commercial**:
 - a. 1.24 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St. SH 105 frontage, Montgomery, owned by the Lone Star Cowboy Church.
 - b. 1.08 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St., Montgomery, owned by the Lone Star Cowboy Church.
 - c. 8.35 acres in Tracts 3 & 4 of the Zachariah Landrum survey A-22, also described as along SH 105 West/Eva St. in Montgomery, owned by Alan Wayne Mann.

Mr. Dave McCorquodale, Assistant to the City Administrator, presented the information to City Council. Mr. McCorquodale said they have grouped the properties together by what they are zoned now to what they are proposing to be zoned. Mr. Yates said all the property owners have been contacted. Rebecca Huss said this is just calling the Public Hearing, it is not actually doing any of the rezoning. Mr. McCorquodale said the Public Hearings for the Planning and Zoning Commission will be held on May 16, 2019 and May 21, 2019. Mr. McCorquodale said City Council will receive the final report from the Planning and Zoning Commission on May 28, 2019.

Jon Bickford said he understood it correctly that all these actions are actions that the City is requesting, not any of the citizens, to clean up zoning on properties held by one person or two people where the zoning may cross over the properties. Mr. McCorquodale said there are some that are looking forward to what the land use is going to be or should be in the very near future, some of them are just over sights.

Jon Bickford asked if they need to spell out the different numbers individually. Rebecca Huss said they are all different, and they are listed stating their different zones. Mr. Yates said there will be a separate motion for each Agenda item.

Jon Bickford moved to approve the call for a Public Hearing on May 28, 2019 at 6:00 p.m. for Item 8 and the three (a, b and c). T.J. Wilkerson seconded the motion.

Discussion: Rebecca Huss said she presumed this would be at City Hall at 101 Old Plantersville Road, Montgomery. Everyone agreed.

The motion carried unanimously. (4-0)

9. Consideration and possible action regarding calling a Public Hearing for May 28, 2019 at 6:00 p.m. at Montgomery City Hall to hear public comment regarding rezoning the following properties from **ID-Industrial to R1-Single Family Residential:**
 - a. 1.41 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 11181 Womack Cemetery Rd, Montgomery, owned by William and Julie Todd.
 - b. 1.88 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 21930 Twin Creeks Rd, Montgomery, owned by David and Carrie Solomon.
 - c. 3.04 acres in Tract 46K of the Zachariah Landrum survey A-22, also described as part of 21910 Twin Creeks Rd, Montgomery, owned by Harvey and Juanita Simmons.

Rebecca Huss moved to approve scheduling the Public Hearing to be held on May 28, 2019 at 6:00 p.m. at Montgomery City Hall, 101 Old Plantersville Road to hear public comments regarding the rezoning of the properties discussed earlier from ID-Industrial to R1-Single Family Residential being in items (a) through (c). Tom Cronin seconded the motion, the motion carried unanimously. (4-0)

10. Consideration and possible action regarding calling a Public Hearing for May 28, 2019 at 6:00 p.m. at Montgomery City Hall to hear public comment regarding rezoning the following properties from **I-Institutional to R1-Single Family Residential:**
 - a. 2.25 acres in Tracts 45-D & 45-D-1 of the Zachariah Landrum survey A-22, also described as part of 623 Old Plantersville Rd, Montgomery, owned by the Joseph Shockley Revocable Living Trust.

- b. 0.5 acres in Tracts 15-A & 83-A of the Owen Shannon survey A-36, also described as 712 Community Center Dr., Montgomery, owned by Patricia Easley.

Mr. Yates said last night the Planning and Zoning Commission separated item (b) from Institutional to R1 – Single Family and they are proposing I-Institutional to B-Commercial because Arnette Easley stated the tract of land went all the way through from FM 149 back to Community Center Drive. Mr. Yates asked Mr. McCorquodale to explain about the tract. Mr. McCorquodale said it was a single tract that was owned by Arnette Easley until he sold it to his sister, and now it is legally two different parcels of land. Mr. McCorquodale said the Future Land Use Plan shows it going to Commercial at some point in the future, when that is, it is to be determined. Mr. McCorquodale said the impetus now is that it is zoned Institutional currently, which is not an acceptable zoning classification for a residence or a business. Mr. McCorquodale said the landowner would like it to be zoned Commercial. Jon Bickford asked when they were one piece of property, were they zoned Commercial. Mr. Yates said the original zoning was Institutional, which was a mistake and was because they are right next to Homecoming Park.

Jon Bickford said at the end of the day, all they are doing is going for the Public Hearings, so he was going to make a motion. Mayor Countryman said she needed to continue reading the Agenda Item. Mayor Countryman said one of the items is staying Residential and the other is going Commercial. Mr. McCorquodale said what they will do is for Item (a) it will still be Institutional to R1-Single Family Residential, and then Item (b) will be from I-Institutional to B-Commercial. Rebecca Huss said that is a Residential neighborhood other than the school. Mr. McCorquodale said Homecoming Park is directly to the north and there is one residence to the south that is down on the very corner, and the property that they will back up to is Commercial now if they were not going through all the rezoning. Mr. McCorquodale said they did rezone that property many years ago, and the boundaries they had back then were woefully inaccurate, and this is based on a recommendation from the land owner and the Future Land Use Plan.

Mr. Yates said he would like to ask the City Attorney if he can call two public hearings on the same piece of property, for Residential and Commercial, and then they can decide at their decision point which way they want to go, but if they call it for Residential and they want to go to Commercial, they would have to start over again, or vice versa. Mr. Foerster said it might be better to have two different motions, treating item (a) as one Public Hearing and (b) as a second Public Hearing. Mayor Countryman said that would be less confusing. Jon Bickford asked if they were at a point where they could make the motion.

Jon Bickford moved to call a Public Hearing for May 28, 2019 at 6:00 p.m. at Montgomery City Hall, 101 Old Plantersville Road, to move 2.25 acres in Tracts 45-D & 45-D-1 as called out in Item (a) from Institutional to R1-Single Family Residential; and

Jon Bickford moved to call a second Public Hearing for May 28, 2019 at 6:00 p.m. at Montgomery City Hall, 101 Old Plantersville Road, to have a Public Hearing for rezoning a 0.5 acres in Tracts 15-A & 83-A of the Owen Shannon survey, Item (b) on the list from I-Institutional to B-Commercial.

Mr. Foerster said they need to make the first motion, and then the second motion.

T.J. Wilkerson seconded the first motion to call a Public Hearing for May 28, 2019 at 6:00 p.m. at Montgomery City Hall, 101 Old Plantersville Road, to move 2.25 acres in Tracts 45-D & 45-D-1 as called out in Item (a) from Institutional to R1-Single Family Residential, the motion carried unanimously. (4-0)

Jon Bickford moved to call a second Public Hearing for May 28, 2019 at 6:00 p.m. at Montgomery City Hall, 101 Old Plantersville Road, to have a Public Hearing for rezoning a 0.5 acres in Tracts 15-A & 83-A of the Owen Shannon survey, Item 10 (b) on the list to move those from I-Institutional to B-Commercial. Tom Cronin seconded the motion, the motion carried unanimously. (4-0)

11. Consideration and possible action regarding calling a Public Hearing for May 28, 2019 at 6:00 p.m. at Montgomery City Hall to hear public comment regarding rezoning the following properties from R1-Single Family Residential to B-Commercial:
 - a. 0.46 acres in Tract 82 of the Owen Shannon survey A-36, also described as 15309 FM 149 Rd, Montgomery, owned by the Estate of Cherry D. Easley.
 - b. 0.374 acres in Tract 84 of the Owen Shannon survey A-36, also described as approximately 15307 FM 149 Rd, Montgomery, owned by Arnette Easley.
 - c. 0.41 acres in Tracts 1 & 70 of the Owen Shannon survey A-36, also described as 712 N Liberty St, Montgomery, owned by Paul D and Doris J Allen.
 - d. 0.5 acres in Tract 8 of the Owen Shannon survey A-36, also described as approximately 15328 N Liberty St, Montgomery, owned by Paul D and Doris J Allen.
 - e. 0.25 acres in Tract 9 of the Owen Shannon survey A-36, also described as 15330 N Liberty St, Montgomery, owned by Willie & Evelyn Wright.

- f. 0.32 acres in Tract 2 of the Owen Shannon survey A-36, also described as 22950 W FM 1097 Rd, Montgomery, owned by the Estate of Audrey B. Allen.

Rebecca Huss asked if all of these, while City initiated, are all in the consent of the landowners. Mr. McCorquodale said they reached out to some personally, some through Arnette Easley, and others they mailed letters to a couple of weeks ago. They will receive additional letters regarding the rezoning. Mr. McCorquodale said their philosophy, spearheaded from Mr. Yates, is that if they get any opposition at all, they don't want to force the position. Rebecca Huss said two things, 1) if you change these from Residential to Commercial that ups the property tax on this significantly, and she would hate for, what she is assuming, these tracts of land have had low taxes and therefore low carrying costs. Rebecca Huss said she would hate for people to lose their properties or be forced to sell them because the City made a relatively arbitrary distinction on what we zone their property, if they don't actually have plans to change the use of the property. Rebecca Huss said if there is a home on the property or it is vacant, and now it is Commercial that would obviously change things regarding their taxes. Rebecca Huss said they recently got their taxes and she did not know anybody who is actually happy about their taxes. Mr. McCorquodale said he did speak with the Appraisal District about that information, and he also mentioned that in the letter they sent to the property owners, that if someone is living there, then the County does not look at it as Commercial land, but if it is raw land, they do take the City's zoning into consideration for the property. Rebecca Huss said some of this property looks like it is family property and they might have plans to pass the property onwards rather than develop the property.

Jon Bickford said he thought that Items (d, e, f and g) actually have homes on them, where people are living. Mr. McCorquodale said there are several like that. Jon Bickford said Item (c) is where Arnette Easley has their big family gathering place. Jon Bickford said that is his concern too, are these people going to get hit with a bunch of taxes and are they asking for the change to Commercial. Mr. McCorquodale said no they are not asking, this is wholly City initiated. Jon Bickford said he understood the cleanup side of it, but aside from cleanup, what is the City's reason for this action. Mr. McCorquodale said he picked these particular ones and ran with them when he got here. Mr. McCorquodale said these have been in the works for a long time. Rebecca Huss said the other thing that she worries about, because she had heard there is mistrust in the area, is that the City is forcing people out so they can have developers come in and make this an extension of downtown. Rebecca Huss said some of these areas are a little further than downtown, and said she would hate to do something that engendered mistrust of City intentions, because she thinks the City is doing so with the best of intentions, but she feels like it could be misunderstood. Rebecca Huss

said she would like to make sure that everyone has been contacted and they are enthusiastic participants in the process. Jon Bickford said that is how he would like to see it too. Mr. McCorquodale said he has spoken with four personally. Mayor Countryman asked to confirm that there is three people that they need to contact. Mr. McCorquodale said they need to contact only two, because one person owns two parcels. Mayor Countryman asked if they feel they could do that by the next Council Meeting, so that would give them a month. Jon Bickford said in this case, he thought they needed to make sure and contact the people, whether it takes two or six months, it can be brought to City Council anytime. Rebecca Huss said she knew they were saving money by doing all these Public Hearings at the same time, but she thinks the other principals are important enough to offset the saving money cart, by publishing the legal notices all at one time. Jon Bickford said if that is a hardship for the City, he will write a check because he can't believe it would be that much.

T.J. Wilkerson said they might not have responded, but most of them already know about this, they just have not said anything because (c), (d) and (f) there is no one on those parcels, there might be someone in (e), and said he did not think they were going to have a problem. Mayor Countryman asked if they could get the other two to bless this change and then we move forward with a 100% participation. Rebecca Huss said they could knock out the ones where they don't have approval, because she wants enthusiastic participation in the project. Rebecca Huss said the ones that don't have 100% approval, she would rather wait until they do. Jon Bickford said they could make an official note that states the City is ready whenever they are, but we are not going to force it on anyone. Rebecca Huss said the four that they already have the approval, she would like to include those in this whole process, but the three that do not, she would feel more comfortable taking those off. Rebecca Huss said they could leave them on and then if they don't get approval, they could remove them from the Public Hearing. Mr. Yates said you can direct staff to take it off of consideration. Mr. Yates said there are three weeks to confirm the information. Jon Bickford said if they don't get positive confirmation from these people, on or before the final date, it gets pulled because there is no reason to come back here.

Jon Bickford moved to hold a Public Hearing on May 28, 2019 at 6:00 p.m. at Montgomery City Hall, 101 Old Plantersville Road to rezone the posted properties under Item 11(a-f) from R1-Single Family Residential to B-Commercial only if we have and can confirm 100% interest and participation from the land owners of those properties prior to May 16, 2018. T.J. Wilkerson seconded the motion, the motion carried unanimously.

Discussion: Rebecca Huss said it does not have to be 100% participation, but they have to be 100% behind their property being on there. Rebecca Huss said this was just for clarification. Mr. Yates said they are in agreement.

The motion carried unanimously. (4-0)

12. Consideration and possible action regarding calling a Public Hearing for May 28, 2019 at 6:00 p.m. at Montgomery City Hall to hear public comment regarding **realigning the zoning boundaries** for the following property:
 - a. 30.84 acres in Tract 14 of the John Corner survey A-8, also described as FM 149 South frontage on the east side of road from the city limits to the MISD bus barn, owned by Risher Randall, et al. in Montgomery. The property is currently zoned B-Commercial and R2-Multi Family Residential. The proposed rezoning will realign zoning district boundaries, consolidating like districts and resulting in no appreciable change in size of either district.

Rebecca Huss asked how large the R2 District is. Mr. McCorquodale said it was roughly 15 acres, and said that he had not measured each one because it is kind of a candy cane stripe, but it is roughly split half and half.

Rebecca Huss moved to approve calling a Public Hearing to be held on May 28, 2019 at 6:00 p.m. at Montgomery City Hall, 101 Old Plantersville Road to hear public comments regarding the 30.84 acres in tract 14 of the John Corner Survey as read out by the Mayor. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

13. Consideration and possible action regarding calling a Public Hearing for May 28, 2019 at 6:00 p.m. at Montgomery City Hall to hear public comment regarding rezoning the following properties from **B-Commercial to R1-Single Family Residential:**
 - a. Lots 1 – 51, Blocks 1 & 2, The Hills of Town Creek, Section 2 Subdivision, also described as 103 – 234 Brock’s Lane, and 308 – 317 Brock’s Court, Montgomery.
 - b. Open Space Reserves A, B, C, & D in The Hills of Town Creek Section 2
 - c. Lots 1 – 49, Block 3, The Hills of Town Creek, Section 3 Subdivision, also described as 242 – 265 Brock’s Lane, and 110 – 155 Scenic Hills Court, Montgomery.
 - d. Open Space Reserve A in The Hills of Town Creek.

Rebecca Huss moved to call a Public Hearing to be held on May 28, 2019 at 6:00 p.m. at Montgomery City Hall at 101 Old Plantersville Road to hear public comments regarding the rezoning of properties for (a) through (d) as read from B-Commercial to R-1 Single Family Residential. Jon Bickford seconded the motion.

Discussion: Rebecca Huss asked what the point was of changing an open space reserve to Single Family Residential from Commercial, because presumably you can't build on an open space reserve anyway. Mr. McCorquodale said it is not something he would do in and of itself, but he is taking everything that is not on the frontage that is already designated a Commercial spot, and there is one spot that is not large enough to build on, but it still gave him pause.

The motion carried unanimously. (4-0)

EXECUTIVE SESSION:

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas. (No items at this time)

COUNCIL INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

ADJOURNMENT

Jon Bickford moved to adjourn the meeting at 7:51 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

Submitted by:

Susan Hensley
Susan Hensley, City Secretary

Date Approved:

5/14/19



Sara Countryman
Mayor Sara Countryman