

MINUTES OF REGULAR MEETING

March 26, 2019

MONTGOMERY CITY COUNCIL

CALL TO ORDER

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

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

Absent: Sara Countryman Mayor

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

INVOCATION

John Champagne gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

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

There were no comments made.

CONSENT AGENDA:

1. Matters related to the approval of minutes of the Regular Meeting held on March 12, 2019.

John Champagne moved to approve the minutes as presented. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action on Department Reports.

- A. Administrator's Report – Mr. Yates presented his report to City Council, advising his activities for the month. Mr. Yates stated that he had met with TxDOT twice regarding the 149 right-hand turn lane. Mr. Yates said he also did some work on Atkins Creek with FEMA.

Mr. Yates said they worked with Commissioner Mike Meador regarding paving of the streets. Mr. Yates stated that Commissioner Meador advised he would pave Caroline Street from Liberty (FM 149) east to Prairie Street, Mason Street from Maiden Street to Prairie, and Wade Street from Old Plantersville Road to where Wade Street joins Worsham Street for the grand total of \$11,044.29, which was a lot less than was predicted by him last month.

Mr. Yates said he has worked on coordinating the Police Chief and City Administrator application process. Mr. Yates said he had a meeting regarding a prospective film project in the City, and coordinated with the building inspector on demolition by neglected property. Mr. Yates advised that the following reports would be presented at the April 9, 2019 City Council Meeting:

- Report Grease Trap Issue
- Report Backflow Prevention Device Placement; and
- Video Streaming of City Council Meetings.

Mr. Yates advised he continues to work on the Staff Engineer question with the TORC Committee.

John Champagne asked about the right-hand turn lane off FM 149 to SH 105, what was the result of those meetings. Mr. Yates said they contacted TxDOT in early January and again two weeks ago, and so far they have had virtually no response. Rebecca Huss asked if they should escalate that and ask the State Representative or Senator to get involved. Mr. Yates

said today he sent a copy of the information to Will Metcalf and Senator Nichols. Mr. Yates said he got a call from Senator Nichols' office today and he will call them back to see what can be done.

John Champagne asked about the Exxon Station right-hand turn status. Mr. Yates said they are working on where they can place his dumpster. Mr. Yates said they met with TxDOT on March 7, 2019, but the designer did not come to the meeting so they really did not get anywhere at that meeting. Mr. Yates said placement of the dumpster is what they need to get worked out.

- B. Public Works Report – Mr. Mike Muckleroy, Director of Public Works presented his report to City Council. Mr. Muckleroy reported on the work that had been done during the month. Mr. Muckleroy advised they replaced the water main serving Terra Vista after thorough flushing and testing was completed, and the temporary 2-inch service line was removed and stored. Mr. Muckleroy said they worked with City staff and Gulf to perform a grease trap evaluation led by Mr. McCorquodale. Mr. Muckleroy said they made several repairs to manholes using Jones and Carter's recommendations, after reviewing the findings from the Magna Flow project that was completed last year.

Mr. Muckleroy said they met with the TORC Committee to go over the cost of the sewer and I&I. Mr. Muckleroy advised they removed spoil piles from the ditches on MLK and Baja Street that the contractor left, to prevent drainage.

Mr. Muckleroy said they made several repairs to the Memory Park irrigation system and are ready to run a 100% check on it now. Mr. Muckleroy stated the docents at Fernland reported 635 visitors and they performed 38 tours for the month.

Mr. Muckleroy said they worked with Municode for the new web site, building the Public Works section. Mr. Muckleroy advised he and Francisco Salas attended the TPWA Workshop in New Braunsfels; and Eric Standifer, Ryan Thomas and Jack Brown attended a Pipeline Response class in Conroe that was hosted by Texas 811 and they completed their Job Shadowing Project for 2019.

Rebecca Huss asked about the bullet point that stated they started cleaning the storm drains in Terra Vista after discovering several sinkholes around the storm inlet boxes, and they

found several holes in the ADS culverts. Rebecca Huss asked Mr. Muckleroy to discuss the responsibility of the repairs and who pays for them. Rebecca Huss asked how that got approved in the first place, because these holes don't just appear in brand new culverts and Jones and Carter should have noticed that during the inspection phase.

Mr. Muckleroy said he could not speak for Jones and Carter, and said they found it based on sink holes that were forming around the storm drain and the boxes. Mr. Muckleroy said they went in and found there were several spots that have holes, and said they still do not know exactly how many there are, but there is a good handful of them. Mr. Muckleroy said they did check with Mr. Roznovsky on this matter, and they said they can't be out there 24-hours a day inspecting every piece of pipe that goes into the ground. Mr. Muckleroy said the price for inspections for the developer would be through the roof, so they are going to work toward fixing, and said it will not cost tens of thousands of dollars to fix it. Mr. Muckleroy said he thought everything in there could be fixed from the inside. Rebecca Huss asked if the contractors are installing substandard or even broken parts, why is the City and the taxpayers paying to fix it. Mr. Muckleroy said he could assure them that there would be no going back on the contractor. John Champagne asked how long it has been done. Mr. Muckleroy said it has been accepted for well over a year, and they have not heard from him since. Mr. Muckleroy said they will do whatever they have to do to get it fixed, and noted that it was not going into the sanitary sewer so the City is not paying I&I on it, it is flowing into the creek that is already washed out. Rebecca Huss said it is still the principal, and asked if there was a list of bad contractors they can add this contractor's name to, so if they ever try to come back in the City we can recoup costs. Mr. Muckleroy said he knew there was an unofficial list. Mr. Muckleroy said between Mr. Yates and Mr. Roznovsky and himself, they have discussed the need of increasing inspections in areas and figuring out how they can do that and still keep the cost affordable for the developer. Rebecca Huss said the City has tried to keep the cost down for the developer in some ways where it belongs, but it still creates a problem where the cost is on the City to fix something that happens in that gap.

John Champagne asked about the second development that Mr. LeFevre did behind the City Park. Mr. Muckleroy said that is Lake Creek Village. John Champagne stated that Lake Creek Village and all that is behind it, all the drainage is plugged up and it has been well over a year and Mr. LeFevre has indicated that they are waiting for better weather to fix it. John Champagne said to Rebecca Huss' point it is well over a year that this has been

this way, and it is not Mr. Muckleroy's responsibility, and he has spoken to Mr. Roznovsky, it is Mr. LeFevre's responsibility. John Champagne asked about the irrigation system and if that was the source of the leak in the parking lot of Memory Park. Mr. Muckleroy said that is definitely not on the irrigation line, and if there is a leak under the parking lot, it is going to be on the Montgomery County library's line.

- C. Police Department Report – Lt. Joe Belmares presented his report to City Council. Lt. Belmares said the fatal accident that occurred in February was filed last week with the District Attorney's Office for review. Lt. Belmares said they had Coffee with Cops on February 4, 2019 at Bean Punk and they had a great turnout. Lt. Belmares reported that Sgt. Bracht and Sgt. Hernandez completed their first line supervisor course at the Bill Blackwood School (LEMIT) at Sam Houston State. Lt. Belmares said one of the officers was involved in a major fleet and was on light duty for a couple of days, and is now back on duty and patrol.

Jon Bickford asked whether the vehicle was totaled. Ms. Hensley advised the vehicle has been totaled and TML will be paying \$14,185 for the vehicle alone; they are checking all of the electronic equipment which is covered along with the decals. Ms. Hensley advised that everything is included with the vehicle as a police package when the vehicle is listed with TML. Jon Bickford stated the electronics cost almost as much as the vehicle.

- D. Court Department Report – In the absence of the Court Administrator, Kimberly Duckett, Mr. Yates presented the report to City Council. Mr. Yates said the receipts are down for the Court, stating there is \$33,590 in revenue for the month, which he needs to discuss with the Municipal Court Administrator to see if they are really keeping up with the failure to pays and warrants as well as they could or should be. Mr. Yates said the cases are also down, not necessarily down from last year, but from two years ago.

John Champagne asked if Mr. Yates' concern is if they are falling behind is a result of inefficiencies. Mr. Yates said it was regarding working on warrants. John Champagne asked if they did not have a full-time warrant officer. Mr. Yates said it was a part-time warrant officer, which is why he would think the collection of warrants would be going up. Rebecca Huss said compared to November and December, it is about \$10,000 higher. Jon Bickford said you have to look year-to-year. Mr. Yates said he does not have a case in mind, he just thinks that as a general subject, the warrants should be up considerably and

the collections should be up. John Champagne asked if the part-time officer is an employee or reserve officer. Mr. Yates said he is a part-time employee. John Champagne asked if he answers to Lt. Belmares. Mr. Yates said no, he answers to Mrs. Duckett.

John Champagne asked how many officers Lt. Belmares has at this time. Lt. Belmares said right now they are at seven officers, with command staff. Lt. Belmares said they are short two officers, but not for long. John Champagne asked if the warrant officer was not an option. Lt. Belmares said no, he was not an option.

- E. Utility/Development Report – Mr. Yates presented the report to City Council. Mr. Yates advised the collections for the month were \$132,788. Mr. Yates said there are now 738 active water accounts, which is 16 more than last month. Mr. Yates advised they collected \$18,424 for 66 permits. Mr. Yates said they collected \$730 for the Community Building.

Mr. Yates said the past due bills are very low for both 60 and 90 days. Mr. Yates said he would be working with the accountant regarding writing off the accounts they discussed last month. Jon Bickford asked if they think the change in the process to send the bills out a little earlier is working. Mr. Yates said they have only sent out the notice and they have not started that process yet.

Mr. Yates reported that water consumption was 29,000 at Memory Park this past month and 13,000 at City Hall.

- F. Water Report – Mr. Michael Williams, with Gulf Utility Service, Inc., presented his report to City Council. Mr. Williams advised there were three district alerts, two were due to weather issues on January 23, 2019 when they had a high wet well. Mr. Williams said on February 8, 2019 and February 13, 2019 they had a blower failure due to power in balance due to weather issues. Mr. Williams said on February 23, 2019 they found a chlorine leak they were able to repair.

Mr. Williams reported the Wastewater Plant flow detail, with the flow for the month of January through February being 4,766,000 gallons, with the daily peak flow occurring on January 23, 2019 at 366,000 gallons.

Mr. Williams said that all samples were in compliance regarding the Effluent Monitoring Report, with 3.25 inches of rain.

Mr. Williams reported the language report was shown on page six of his report. Rebecca Huss said she did not see how it was possible to have three inches of rain, when the digital rain gauge barely has an inch and a half. Mr. Williams said they are having issues with the rain gauge and it was not recording. Rebecca Huss said that was the issue with the January number too. Mr. Williams said that was correct. Mr. Williams said when they have issues with the digital rain gauge they fall back on the manual rain gauge that they continue to monitor, as well. Mr. Williams said anywhere on the chart where you do not see the blue line is where they were having issues with the rain gauge.

Mr. Williams reported on the Water Report, stating they pumped a total of 6.631 million gallons, flushing was 0.963 thousand gallons, sold 5.390 million gallons, which brings them to a 95% accountability for the month. Mr. Williams said this month for the water sold versus treated, they have an 88% return to the Wastewater Treatment Plant from water sold.

Rebecca Huss asked why the unbilled water is so high at 1.2 million gallons. Mr. Williams said the unbilled water is an accumulation of flushing, leaks, and rainwater that was not accounted for. Rebecca Huss said she knew that, she was asking for more of a specific reason of those, and whether there was an actual event. Mr. Williams said yes, there was an actual event on Martin Luther King Jr. Drive where the contractor broke the line, which was the majority of it. Rebecca Huss said she understood.

- G. Engineer's Report – Mr. Roznovsky presented his report to City Council. Mr. Roznovsky said they are continuing to work with FEMA to receive the response date for the allocation of funding, which they were supposed to have from FEMA last Thursday. Mr. Roznovsky said it has been pushed back another two weeks, after it had already been pushed back two weeks. Mr. Roznovsky said according to FEMA, they should have a response as to whether we are environmentally cleared on April 6, 2019.

Mr. Roznovsky said they have received a response from the State yesterday regarding the GLO projects requesting some additional information, which they provided to them. Mr.

Roznovsky said they advised that should be the last thing they will need for the \$2.3 million dollar funding that includes the three different projects.

Mr. Roznovsky said regarding plat reviews, they did return approval for The Shoppes of Montgomery, Phase 2, so this part that is in the report is the sewer line extension that is private and does not include the driveways or anything else.

Mr. Roznovsky advised regarding the ongoing construction for The Shoppes of Montgomery, Phase I, the only thing remaining is getting the proper maintenance bond from them, because the one submitted was only 10%, so by the next meeting they should have a 30% bond.

Mr. Roznovsky said on the one-year warranty Lake Creek Village, Section 3 is still working on the remaining punch list items that will be addressed pending favorable weather.

Mr. Roznovsky said regarding the Dobbin-Plantersville Water Supply Corporation, they met last week to discuss the interconnect and cost sharing, and once they hear a response on where they stand, they will report back to City Council and put together an estimated cost.

Mr. Roznovsky said they had met with the TORC Committee last week and they will have a presentation tonight. Mr. Roznovsky said one of the things they discussed was the I&I, and just as a reminder, they have attached two maps that show the manhole and sanitary sewer line inspections that have been done and are planned to be done.

Mr. Roznovsky advised he had handed out a letter that included a missing page from the agenda item included in the pack.

- H. **Financial Report** - Mr. Yates presented the report to City Council stating the General Fund has \$1,453,000, Construction Fund has \$2,952,000, MEDC has \$835,509, and the Utility Fund has \$797,000, for a total of \$6,184,000 in the bank. Mr. Yates said on page 9 of the report, in the General Fund, they are behind in sales tax by about \$80,000, even though we are ahead of last year. Mr. Yates said they have two more quarters, and each month it has been about \$20,000 to \$30,000 more than last year. Mr. Yates said we have also been

watching the expenses very well and have \$9,000 surplus of revenues over expenditures in the General Fund. Mr. Yates said MEDC has \$70,224 surplus revenues over expenditures for the year. Mr. Yates said the water is down, but that is because they started in October and they are about to get into the heavier water usage months. Mr. Yates said sewer is doing quite well at \$55,000 revenues over expenditures for the year, and they have not taken anything out for the utility projects transfer.

Mr. Yates said they are also considerably up on the tap fees, with a budget of \$250,000 and for impact fees, they are expecting \$75,000, so it looks like they will be considerably over in tap fees rather than impact fees. Mr. Yates said he had calculated a projected ending balance for \$153,000 in the Utility Fund, leaving a total of the estimate of \$156,572, so it looks like they will be all right for the end of the year. Rebecca Huss said the point of the impact fees is really to provide for future large scale investments that are driven by the expansion of the customer base. Rebecca Huss said whether it is impact fees or tap fees, shouldn't they be moving the money over, even if it is not legally required, it should be spent for the same kind of expenditures. Mr. Yates said yes, whether it is tap fees or impact fees, they should make the transfers over from the utility fund to the capital projects fund, which is \$273,000. Rebecca Huss said she did not necessarily see it as a driver of profitability of the utility fund, she sees it as more of a down payment on some of our big ticket expenditures. John Champagne asked if that was being done. Mr. Yates said it has not been done, but it would be. Rebecca Huss asked if it would be the total amount of the tap fees. Mr. Yates said yes.

Rebecca Huss asked about the expenditures, stating about a month ago, John Champagne had inquired about the cost of the recent legal difficulties and Mr. Yates produced a chart showing the legal fees that were significantly in excess of what she could actually find on the general account sheet. Rebecca Huss said she was wondering where those are booked. Mr. Yates said it has been \$8,000 - \$10,000 since last September. Rebecca Huss said they were missing about 75% of the total fees. Mr. Yates said there were about \$14,000 legal fees. Rebecca Huss asked Mr. Yates to look into that information because she remembered it differently.

❖ Sales Tax Report by Ryan Fortner

Mr. Fortner was not able to make the meeting.

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

3. Discussion regarding possible development of 1062 Clepper Street by Greg Doster.

Mr. Jonathan Canizalez, Greg Doster and Darr Nieuwoudt, Southern Star Design Build. Mr. Canizalez advised they have been in the area for a long time and they all went to Montgomery High School so they hold this project dear to them as more than just a development. Mr. Canizalez said they are presenting their vision of townhomes on Clepper Street. Mr. Canizalez said they were open to the exterior and they want to keep it similar to the look and feel of Montgomery, something country and colonial that will belong here.

Mr. Canizalez said they have a few floor plans that they have finalized and they have architects and engineers. Mr. Canizalez said they do not have a full development plan because they have not done the surveys and everything else. Mr. Canizalez said Mr. Doster would be doing most of the construction, and he is doing townhomes all across Houston, and gas stations and commercial buildings throughout Montgomery County.

Mr. Canizalez said the floor plan for the townhomes would be an open floor plan with a roof top deck so they could see the town, because they are one block away from the library, Burger Fresh or Jim's Hardware Store, so they can provide something a little different than just houses. Mr. Canizalez said this is a basic idea for 12 townhomes with a shared community garden, and they don't know what they can actually fit on the property until they have the engineers look at the project and make their determination.

John Champagne asked about the property. Mr. Canizalez advised they have one acre in the front minus about 80 feet where it starts to fall off, so their plan right now is to build up or depending on what the engineer tells them they are allowed to do, and said the retention pond might be the best way to go. John Champagne said that would be up to engineering. John Champagne said he was wondering about parking and whether that would be an issue. Mr. Canizalez said they have already come up with a layout, and they have 177 feet of width to work with, so if they go back 240 feet, it will be about an acre of land and they will have 55 to 60 feet of driveway in between with a garden, which will allow for a loop around or maybe another entrance or exit in the back.

Jon Bickford asked how high they were talking about building the townhomes. Mr. Canizalez advised three stories with the deck on the roof. Jon Bickford asked if the parking would be

underneath the unit. Mr. Canizalez said yes, the first floor would be parking, two floors living space, and then the deck on the roof. Jon Bickford asked how tall the building would be. Mr. Canizalez said it would be 38 – 42 feet, including the deck on the roof, depending on how they finish the roof either with a pergola or patio type structure to give each one a personal touch.

Jon Bickford said it would have to go through Planning and Zoning with a building that tall. Mr. Yates said it would be a rezoning because of the multi-family units. Jon Bickford asked how tall Jim's Hardware is at the roof top. Mr. Yates said 45 feet is the maximum for commercial. Jon Bickford asked how tall the brick buildings are on SH 105. Mr. Canizalez said they were open to design and they want to blend with Montgomery.

John Champagne asked to confirm that this was not the formal presentation. Mr. Canizalez said that was correct. John Champagne said informally they would desire that this property would be changed to multi-family. Mr. Doster asked if the property would still be classified as single family residential since they are going to be individually sold homes. John Champagne said that is true, so they are not looking for a variance. Mr. Yates said they can't put more than one unit per lot. John Champagne said there would be a variance. Rebecca Huss said it would be a rezone. Mr. Roznovsky said what it sounds like to him is they are subdivided with 12 individual lots, with one unit per lot, but they are not going to be the minimum 9,000 square foot lots. Mr. Roznovsky said they would need a variance at least for width and lot size, and then likely the road is going to be something less because of what they are proposing, or it is going to be a private street depending on whether it is gated in the front. Mr. Doster said the property will be gated. John Champagne said initially he believed the request by the owner was for the property to be commercial. Mr. Yates said that was correct.

Jon Bickford asked about the cost of the units. Mr. Canizalez said they are looking at approximately \$1 million dollars for just the land development. Jon Bickford said he was asking about the cost per unit. Mr. Canizalez said they were looking at approximately \$260,000 to \$285,000, with the units being between 1,030 to 1,035 square feet per unit. John Champagne asked if they were going to cater to a certain demographic. Mr. Canizalez said not necessarily. John Champagne said he thought the project was interesting.

Tom Cronin asked if the units would have stairs or elevators. Mr. Canizalez said there would be stairs, and said if someone does not want to walk upstairs they have an option for an elevator. Tom Cronin asked Mr. Foerster if an elevator would be an ADA requirement. Mr. Foerster said he did

not think the ADA requirement would be for a private residence. Tom Cronin said the development sounds nice.

4. Report from the Technical Operations Review Committee.

Mr. Randy Burleigh thanked City Council for the time to come and make this presentation. Mr. Burleigh introduced the two other members of the TORC Committee, John Kadlubar and Scott Massenzio. Mr. Burleigh said the TORC Committee met with Jones and Carter and City staff last week and it took them about three hours to go through the presentation; they are going to try and go through this in about 10-15 minutes. Mr. Burleigh stated that if City Council wanted to go into more detail, they could schedule a Workshop Meeting and they could sit down and discuss the information. (A copy of the report in its entirety is attached to the minutes.) John Champagne thanked the TORC Committee for their work and doing what they do.

Mr. Massenzio made the first part of the presentation and discussed the work flow process which the TORC Committee did with Mr. Yates and Jones and Carter. Mr. Massenzio said they wanted to set milestones and be as effective as they could in terms of looking at the basis for projects, optimizations and cost reduction. Mr. Massenzio said that success of projects is heavily based on the basis for the project and then along the way they will review the projects. Rebecca Huss said she would assume that if there is a divergence between the initial design basis and the reality of what the project has turned into, there is the opportunity to put on the brakes and redirect before it becomes incredibly expensive to change their mind. Mr. Massenzio said exactly, it gives them the opportunity to make changes, if necessary, before the project goes too far.

John Champagne said over the past year when they have gotten to this stage, how much input has TORC had and how much influence has it resulted in modification of the project. Rebecca Huss asked if it has even gotten to the 50% stage. Mr. Massenzio said they have not yet actually had a major project to review at this point. Mr. Massenzio said the one thing that they have looked at is Lift Station 1. Mr. Massenzio said they have not gotten to review a major project. John Champagne asked what defined a major project, because the City has projects going on all the time. Rebecca Huss said she thought they were already ready to design and go out regarding Lift Station 1 because it is an important project. Mr. Massenzio said Mr. Burleigh reviewed the project. Mr. Burleigh said he did a preliminary review of the project in August. Rebecca Huss said she felt that this is a great process and they would like to stick to it if they can, because that input from a third party is very valuable. Mr. Massenzio said working with Mr. Yates and Jones and Carter they could make

this work. Mr. Massenzio said they can make recommendations in a timely fashion and not create a lot of extra work; their intent is not to create a lot of work, but to try and provide a good basis to start with so as the project progresses there is not a lot of new work and money spent on engineering. Rebecca Huss said they will optimize the cost and benefit for the taxpayer. Mr. Massenzio said they are now in the last year of the 2015 Capital Improvement Plan (CIP); there have been a lot of changes and this needs to be updated with a five to ten year projection, which might include a Wastewater Treatment Plant in that time frame. Mr. Massenzio said that update would help City Council to know what is coming and help TORC to know where the resources need to be.

John Champagne asked if TORC's ability to gather data was consistent throughout all the parties, and whether Jones and Carter's data was relative to the data that they are gathering and coincides. Mr. Massenzio said they get to a pretty good agreement after they work through things. John Champagne said if they are going to make a five to ten year projection on a sewer plant, the data evaluation is very important.

Rebecca Huss asked about the CIP Update and whether that was something that could be done by massaging the starting point, which they know a lot more than they knew three years ago, or does it require another investment by the City and reevaluation of everything starting from today. Mr. Burleigh said if they look at the CIP, a lot of it for 2015 has not been done, so they can take that and cut and paste to current, and then there is new stuff that is not in the existing plan that can be added. Mr. Yates said his answer to that question is they take the previous plan, minus the Texas Water Development Board projects, because most of the projects should be done by the end of 2019, then they can tackle the next group of projects.

Mr. Roznovsky said getting those projections to where they are close and agreeable, in 2015 where they thought they would be, versus where they were, is pretty drastically different, so it is moving those things back. Mr. Roznovsky said the most expensive piece is the sewer side, now that they know what they know, the water portion is relatively simple and the outside items are simple; it is going through the analysis of what makes the most sense now that they are at this point. Rebecca Huss said there is a lot in play, but not necessarily an investment to find out what they don't know, they just have to feel their way along and eventually make a decision to go for the big projects. Mr. Roznovsky said in 2015 on the water side, they built the model and now it is just changing the connections and making additions of line(s) that they did not know existed and putting those small changes in the plan. Mr. Massenzio said as they move forward with the water and sewer project, a lot of updating will have to be done to the data. Mr. Massenzio said when they make the updates,

they will not be using the 2015 analysis; they will be using the information they will be presenting soon.

Mr. Massenzio said in order to know where and when they need a new wastewater treatment plant, they need to study the flow through the lift stations and collect the data. John Champagne asked if that information was in place for them to obtain that data. Mr. Massenzio said he felt the data can be collected, but it has not been collected. John Champagne asked why the data has not been collected. Rebecca Huss said one of the things that they had talked about was putting automatic readers or senders so that they would not have to rely on people and they could actually get hourly or up to the minute data on what is happening, and could also potentially reduce call out expenses because you could remotely monitor the information. Tom Cronin said that would be ideal. John Champagne said his question is whether the data has been requested and has it been put in place. Mr. Burleigh said it was requested by Jones and Carter in 2015, and it is included in the City's Master Plan. Mr. Burleigh said he requested that information again two or three years ago. John Champagne asked if in these meetings the action items that are brought up are to be followed up on. Mr. Burleigh said yes. Rebecca Huss said they basically have to pay for someone to acquire the data on a daily basis. Jon Bickford asked Mr. Williams if he has the lift station data. Mr. Williams said yes, they provide lift station data, but as Mr. Burleigh said, they check it three times a week, typically on Monday, Wednesday and Friday. Jon Bickford asked how long Mr. Williams has been doing that. Mr. Williams said they began in the middle of 2015. Jon Bickford said they have a pretty good average number, and asked if the TORC Committee was concerned about that data. Mr. Massenzio said it was spot data and will not be very valuable; what they need is more continuous data. Mr. Yates said the TORC Committee wants to discuss the economics of how to get a daily number, and they can use that precise data.

Rebecca Huss said she did not know if they could do a complete cost benefit because there is no automatic benefit, it is more about making the right decision. Rebecca Huss said if they wanted to do something, they would just have to do it and they would have to say whether it was worth the cost. Jon Bickford said the tricky part about this is you need the data, but after you get it once, how many more times do you need it after that. Mr. Roznovsky said they would need it continuously because once you get the data, things break over time, so if they see one lift station that has more spikes than the others, it would not just be a one-time use; it would be continual use as changes in the system happen. Mr. Massenzio said this will also help with I&I, because if they see a lift station is spiking, they will know where the infiltration is coming from.

Mr. Massenzio said they did look at Lift Station #1, the pumps, and the alarm system. Mr. Massenzio said Jones and Carter gave them the detailed design which they are looking at now and they are focusing on the number and capacity of the pumps. Mr. Massenzio said they have received two other items to look at, which include the downtown water replacement project and Lift Station #3 force main reroute, which are both piping projects, so they are not very involved.

Mr. Burleigh discussed the cost of I&I and the cost of water and sewer for the budget year 2017-2018. Mr. Burleigh said they went back and got a lot of information from the archives of Gulf Utilities web site, and he had a lot of data from the last three years on the water sold. Mr. Burleigh said when they pulled the data together, there was not much change in the last four years as far as pumped and sold water, even though they had a lot of growth. Mr. Burleigh said the rates being raised have helped a lot. Mr. Massenzio said the unbilled water is much larger than the I&I, and if you look at the difference between the sold and pumped water that is going to be larger than the I&I.

Jon Bickford said the difference in what they sold in 2017 versus 2016, is almost equal, but what is interesting is the big gap in what went back to the wastewater treatment plant between those two years, because it almost doubled. Mr. Burleigh reviewed the charts saying that he felt the different billing cycles during 2015-2017 were shifting all over the place, then they finally locked it in during 2018. Mr. Burleigh said in 2017 they had a large gap that was caused by the cooling tower issue after Hurricane Harvey, where it went to the cooling tower and straight to the sewer plant.

Jon Bickford noted that it was interesting that they are losing the difference between billable versus sold is much greater the back half of the year than the front half of the year. Mr. Burleigh said during 2015-2016, the billing cycles were off some from the production numbers. Jon Bickford said in all but the last year, you can see an absolute difference. Mr. Burleigh said they actually got on cycle between the years 2016-2017. Mr. Burleigh said the bills have always stated the billing cycle dates, but what they were billed for may have been staggered from those dates. Jon Bickford said he found it interesting that the figures go up early in the year and come down later in the year, with the peak being in the summer; if you look at the gap on the chart it is very slim compared to the gaps on the down side of the year. Jon Bickford said he did not know if it was because they get more rain, but rain should not have anything to do with this; it is interesting. Mr. Massenzio said it seems like the biggest gap is where they are irrigating a lot, and it seems like they are missing something with the irrigation. Jon Bickford said it would be something to look at. Rebecca Huss said maybe somebody is irrigating for free. Rebecca Huss said she wanted to point out that Mr.

Burleigh has mentioned over and over again that this is the cash register of the City and we should be paying attention, so if the drawer is open, we need to focus.

Mr. Burleigh stated that when they look at the material balance of the flows going in and out of the plant they do not have all the knowns, they have the flow (water sold), they know irrigation and hydrant meters, the flow to the Fire Department, the flow to the cooling tower, which are metered, but there is some unknown there. Mr. Burleigh said what is coming out of the City is the flow to the sewer plant, and that is actual flow and is kind of suspect. Mr. Burleigh said then they have the calculated flow figures, which tells them the difference between the actual flow and the calculated flow.

Mr. Burleigh then discussed the I&I, which is the inflow and infiltration of rainwater into the City's sewer system, and reviewed the chart for the entire year and discussed how he calculated the amount of rain that ended up in the sewer plant. Mr. Burleigh said you calculate the flow before the rain event and the flow after the rain event to get the mean data flow. Mr. Burleigh said he calculated the entire billing cycle for 2018, which is how they got the I&I for the year. Jon Bickford stated that all the peaks in the chart show the I&I.

Jon Bickford asked Mr. Burleigh how he calculated contributions to the non-potable water from residents that do not have a separate irrigation meter. Mr. Burleigh said they look at the winter months usage compared to the other part of the year and calculate the usage, which is about 33 million gallons for the entire year for non-potable water, with 12 million calculated and the remaining two thirds is metered. John Champagne asked to confirm that in 2018 there were eight million gallons of I&I calculated. Mr. Burleigh said yes, based on the existing flow meter. Rebecca Huss said what Mr. Burleigh is saying is that he is calculating that the actual flow is 20 million gallons more than what the flow meter is showing. Mr. Burleigh said if they are looking at a 100% return, they are looking at roughly 90%. Mr. Burleigh said if you use the numbers they have shown, you can see they are doing pretty good in 2018, staying between 73% and 83% all the way down the year; they calibrated the meter on November 30, 2018, which was half way in the billing cycle, so the next read after that billing cycle, which was December 15, 2018, the number jumped up to 86%. Mr. Burleigh said with the new calibration they have a new baseline. Mr. Burleigh said the key is to get the baseline and monitor the readings month to month.

John Champagne asked for the cost of I&I. Rebecca Huss said there is actually a cost for I&I. Mr. Massenzio said for him, the only thing that makes sense is the I&I coming in, the water is sold, and

the non-potable water and what is going through the treatment plant is the whole picture. Rebecca Huss said the problem is they are given certain numbers and they are trying to make decisions based on what they are given; they know intuitively that there is something happening and you try to extrapolate from the numbers that you are given and what is going on behind that and they don't have the actual number. Rebecca Huss said what they are saying is all of these things add up to what we are being given, but what they are actually interested in is the additive to identify what the problem is and to do something about it.

John Champagne said they are trying to figure out what the cost is for the I&I because it is a cost. Mr. Massenzio said they have that figure. John Champagne said if they were in business to make a profit, which in his mind they are, they need to find out why they have a hole here and if the cost is such that we should put more resources to solving it, then they need to solve it quickly. Jon Bickford said the work here is phenomenal and is exactly what they needed, and asked if they could get closer to the financial piece of the presentation.

Mr. Burleigh said the conclusion to the whole presentation is really that they believe the wastewater treatment plant flow of 47,632,000 gallons for 2018 was low. Mr. Burleigh said they feel that it is actually pretty close now, but they have to wait and see what happens after the recalibration in March to see what they come up with. Mr. Burleigh said they are recommending doing the water balance every month. Mr. Burleigh said the estimated average flow is around 170 with I&I for the year. Mr. Burleigh said maybe at a later date, a daily log might be easier to collect the data. Jon Bickford asked Mr. Burleigh to tell them what to get.

Mr. Burleigh said people like Kroger use a lot of irrigation, and in fact they were using irrigation in December, and there are shops right near the sewer plant so they would not have to go far with the purple pipe for non-potable water. Rebecca Huss said it would be nice if they were not using the drinking water.

Mr. Burleigh advised for water the City used, based on a four year average for 2015-2018, 102,517,000 gallons and the cost was estimated at \$7.90/1,000 gallons, which includes a 5-year CIP and depreciation costs. Mr. Burleigh said they are recommending developing an operating strategy for the Jasper and Catahoula Wells.

Mr. Burleigh then reviewed sewer costs, stating the actual wastewater treatment plant flow was 47,632,000 for 2018, which they believe was low, and the actual flow they calculated to be

64,000,000 and calculated the cost of sewer to be estimated at \$11.16/1,000 gallons, which also includes a 5-year CIP and depreciation costs.

Mr. Burleigh advised that I&I estimated for 2018 was about 8,000,000 gallons. Mr. Burleigh said based on the estimates, the cost of I&I is \$5.63/1,000 gallons or about \$45,000 per year. Rebecca Huss said on the two previous pages Mr. Burleigh said the cost was \$11.16. Mr. Burleigh said they went through all the budgets for 2017 and 2018 and checked what percentage of the budget would be call outs for electricity and they put a percentage on every line through that budget, and the percentage of that line on the budget that they used to get this number. Mr. Massenzio said there are some fixed costs for running the plant. Mr. Burleigh said those costs are electricity, and the most common is call outs when they have a storm.

John Champagne said it costs \$50,000 to treat sewage from I&I, and asked what is the cost to find the problems, which is what they need to figure out.

Rebecca Huss said if they have the I&I at 10% -15% of your total and you back out something that is less than your average cost of \$11.16, that means you have to increase the cost of sewage to \$12 or \$13 to make up for the fact that you have taken off all these other percentages to make your problem not look as expensive. Rebecca Huss said that means that you would have to charge your residents more to account for the fact that you are saying the I&I does not cost that much. Rebecca Huss asked why didn't they just say the I&I costs the exact same amount as it costs someone to flush their toilet and call it \$90,000 a year instead of a complicated number. Mr. Burleigh said they are actually charging for 71 million gallons in sewer; they don't charge the full amount for sewer, and said we don't charge our customers \$11 on average. Mr. Burleigh said people that have irrigation meters pay sewer on the entire cost for their water. Jon Bickford said the irrigation meters are not even using the sewer. Jon Bickford said they could take all the irrigation customers off of the sewer and make everyone start paying for that, which is his suggestion. Rebecca Huss said that what he is saying is the I&I is being subsidized by people who don't have irrigation meters. Mr. Burleigh said if they only charge for a certain amount of dollars less than what it is costing the City, our water and sewer fund should be bankrupt, but it is actually in better shape today than it was three years ago. Rebecca Huss said it is in fabulous shape and they have been working hard on it.

Mr. Burleigh said the next item they are reviewing is the water usage projection rates. Rebecca Huss said this was important because it is how much capital they are going to be spending over the next few years. Mr. Burleigh said Jones and Carter is using Beacon data and TORC is using InCode

data, which is what the City bills from. Mr. Burleigh said he sees an issue as to whether they are charging for the water they are showing in Beacon, or whether it is a number issue with the compound meters and the way they are calculating them. Rebecca Huss said they are not using actual meters, they are using the TCEQ requirement for the minimum amount that you reserve for a single family connection. Mr. Burleigh said this was just usage, and on top of the usage, once you do the projections, then you go back and look at all the other factors. Mr. Roznovsky said the number is based on actual usage and where they see the data trending. Rebecca Huss asked how the numbers could be different if the Beacon is what is driving what is in InCode. Mr. Burleigh said he did not know because he does not have access to Beacon; he would love to have access to that information because that is one of the problems. Mr. Burleigh said they would like to look at the Beacon information and they need to find out what the difference is between the two systems. Mr. Burleigh said he did not want to under bill. Rebecca Huss said if they are overbilling that is not right. Mr. Burleigh said there was no chance that they will overbill; they are billing the lower number.

Mr. Burleigh then discussed water usage projection rates. Mr. Burleigh said the biggest difference between TORC and Jones and Carter is commercial, but they have so many Mom and Pop shops that barely use water, then they have larger customers that use more water, like Kroger. Rebecca Huss said Kroger is not that big of a user compared to what they said they were going to use. Mr. Burleigh said Kroger uses about 4,000 gallons per day, which is 120,000 gallons per month. Jon Bickford asked if that was summer and winter. Mr. Burleigh said yes. Rebecca Huss said Kroger had advised they would use 75,000 gallons per day when they came to the City, which makes a big difference for planning. Mr. Burleigh said McCoy's uses less water than most of the residents use. Mr. Burleigh said you have to look at each commercial customer individually. Mr. Burleigh said they have a lot of history on all commercial and residential customers. Jon Bickford said regarding impact fees, they need some kind of assessment when a project is proposed to review the impact of their water, based on the size of their parking lot, etc., because someone with a lot of landscaping could use a lot of water. Rebecca Huss said a hotel would be the worst for water usage, and their parking lot will be smaller than Kroger.

John Champagne asked what the State's requirement is regarding a new wastewater treatment facility. Mr. Roznovsky advised at 75% to initiate engineering and financial planning, and 90% to initiate plans. Mr. Burleigh said in all the TCEQ regulations, they do not use irrigation for the figures, so they have to designate the difference between the two uses.

Rebecca Huss asked how long it takes between the design and the first flush on a new sewage treatment plant. Mr. Roznovsky said two to three years. Rebecca Huss said the question is how quickly is the City is growing and what comes on line, so that is the scary thing because if they get to 75% and all of a sudden they are at 95% before it gets built, that gets expensive. Mr. Roznovsky said the number that Mr. Burleigh has in 2023 is what is platted today and what Feasibility Studies have been done and what is moving forward. Rebecca Huss said a hotel is a big item.

Mr. Burleigh said the TORC Committee feels the City needs to move forward with planning and looking at where your sewer plant should be located by early next year, and said that should be documented and ready to go just in case. Rebecca Huss said it should also address how big it should be. Mr. Burleigh said that is correct.

John Champagne said he never hears from the TORC Committee, and said they are doing a lot of work, but it is never coming to City Council. John Champagne said his first comment is to say how grateful he is that they are even doing this, and stated this is excellent work. John Champagne asked if there is anything City Council can do to add additional resources or additional latitude that would make your job easier and funnel information to City Council that would be beneficial for them to make decisions, whether it is in concert with Jones and Carter, or in conflict with Jones and Carter. John Champagne said the City has an asset and a tremendous opportunity for a group to provide us with information that we need, so we need to figure out how they can get information from them on a more regular basis, what they need from us, and how we can make the job easier, which is his goal. Rebecca Huss said access to the Beacon data is something that is important, clearly. John Champagne said he was asking the TORC Committee to determine what they think would be best, and if it is Beacon, which they have already stated. John Champagne said they need to hear from the TORC Committee. Mr. Burleigh said he tries to stay out of the bureaucratic scene where you have to have a quorum and all this other stuff. Mr. Foerster said since the TORC Committee has been requested by the administration and not City Council. John Champagne said everything he asked Mr. Burleigh to do he is being asked through Mr. Yates. Rebecca Huss said it also sounds like they need to fast track the lift station information, and whether that comes to City Council as a request or a report. Mr. Burleigh said if they need more detail, they would be willing to provide the information. City Council thanked the TORC Committee for all their work.

5. Consideration and possible action regarding canceling the contract for the Baja Community Development Grant Project with Boretex, LLC.

Mr. Roznovsky presented the information to City Council stating that the contractor on the Baja Street/MLK Project has had a lot of issues. Mr. Roznovsky said last weekend City Council received the emails about the water outage and the waterline incident that occurred Friday night, which happened again on Tuesday when the contractor went and tried to fix the line without turning the line out of service and did not coordinate with the City or with Jones and Carter. Mr. Roznovsky said the line broke again on Tuesday, so it has been continual issues and they have had safety concerns with the contractor. Mr. Roznovsky said there is a letter included that was missing page 2, so that has been included, and there was a correction about the school that had service interrupted.

Mr. Roznovsky said they are at the point where they feel they need to give a final notice of Intent to Terminate to the contractor, giving him 10 days to address every single item to ours and the City's satisfaction from the list, which includes providing a new superintendent, full staff, two full crews to work, etc.

John Champagne asked if this has gone to legal yet. Mr. Roznovsky said it has been sent to Mr. Foerster who is reviewing the information. Mr. Foerster said he has reviewed the information and he has also reviewed paragraph 9 of the contract, and this is for cause, we have to give them 10 days' notice along with the surety, and the letter details all of the causes for which they are terminating the contract. John Champagne said that he had stated this last time; this is a reoccurring problem with contractors, and he wants to do this as gently as he can. John Champagne asked if the process for choosing this contractor was similar to every other contractor that was chosen. Mr. Roznovsky said with regard to grant projects, yes. Mr. Roznovsky said City funded projects have a whole lot more latitude. John Champagne asked to confirm that since there was grant funding involved, they had to choose an incompetent contractor. Mr. Roznovsky said they asked the question when this contract came up and there is not enough reason in the State's eyes to not go with the contractor. John Champagne asked for the criteria that they use. Mr. Roznovsky stated the contractor submitted a statement of qualifications that he was registered with Sam.gov and was clear to work. John Champagne asked how cost plays in the selection of the contractor. Mr. Roznovsky said it is the low bid. John Champagne asked if they were bound to choose the low bid because they are getting free money. Mr. Roznovsky said that was correct.

Rebecca Huss said in terms of performance of the bond, they had talked several weeks ago about whether the bond would cover getting the job done or we only get our money back to start over. Mr. Roznovsky said since the intent is to turn in for cost, the contractor has 10 days to correct and

after those 10 days, which they do not expect him to be able to make, the bonding company has 10 days to come in and take over the project. Mr. Roznovsky said the bonding company either hires a crew themselves, or they bring in a superintendent to finish the contract as it is, at the price that it is.

John Champagne then said Mr. Yates had indicated in an email that our citizens were out of water over the weekend, and asked if it was for the entire weekend. Mr. Roznovsky said it was from 8:00 p.m. Friday night until they fixed the leak, but they turned off the valve at 5:00 a.m. Saturday morning, so from 8:00 p.m. to 5:00 a.m. the water was completely off. Mr. Roznovsky said the contractor made the repair and the last thing that he was told to do was go and confirm that everything that he had closed was open, and instead of confirming that it was open, he closed the valve and turned the water back off until 9:00 a.m. the next morning when people started calling in and saying that they did not have water.

Rebecca Huss said the bonding company can perform for the price, or what. Mr. Roznovsky said if they do not have a contractor, the bonding company can pay the difference in the cost. Rebecca Huss said they could get the work done by anyone for any price. Mr. Roznovsky said the reason they want to terminate by cause versus by convenience, is by convenience you have to rebid the project and you are at the will of the next contractor that comes in. Mr. Roznovsky said with this one there is definitely a cause. Rebecca Huss asked if they get back money for work the City has done to make the place safe again as well. Mr. Roznovsky said yes, as part of the contract, the contractor is liable for any costs incurred by the City for repairing and work, the inspection, etc. Mr. Roznovsky said Mr. Muckleroy is putting together all of his costs for things he has listed as cleaning out the ditch and cleaning up the road; they also had to go in last Wednesday and redo the repairs, so all of that is being included as part of the damages. Jon Bickford said he would say the faster they get this contract terminated, the better off they will be and the faster they can get someone else. Mr. Roznovsky said with the City's blessing, they will send the letter to the contractor.

Jon Bickford moved to instruct the City Administrator, with the direction from the City Attorney, to cancel the contract with Boretex, LLC in the proper manner, with the intent to have City funds expended on this project returned to the City, and to as promptly as possible reorganize and complete the project. John Champagne seconded the motion, the motion carried unanimously. (5-0)

6. Consideration and possible action regarding a limitation on the number of new apartment units to be zoned, a ratio of one unit to four existing single-family homes, so as not to overburden the City of Montgomery's infrastructure and services.

Tom Cronin advised that he had requested this item be placed on the agenda for discussion because he knows there is concern about additional apartments. Tom Cronin said he wanted to discuss where they wanted to go with this because he wants to make sure that they do have the housing available, but yet he feels that single family homes are more important for the City. Tom Cronin said he wanted to see what the response would be to the subject.

John Champagne asked if they were talking about 25% of the total residential. Tom Cronin said if you have 100 homes to 25 apartment units. John Champagne said the research that Jon Bickford did indicates that is a pretty good number. Jon Bickford said he did some more research a month ago, and some more last week, and that turns out to be kind of a standard number based on the data that he has from the latest report. Jon Bickford said he would say that was a reasonable ratio for a City, especially a City of our size. Rebecca Huss said she did not think it would be legal for places that are already zoned R2, and Philip LeFevre has a PDD that covers a quarter of the City and he can do whatever he wants, so it is kind of pointless. John Champagne said it was not pointless. Rebecca Huss said unless they plan to lose a lawsuit, or acknowledge that we are pretty much impudent in passing something like that. Jon Bickford said City Council cannot continue to allow people who are not zoned for apartments to continue granting those options to do so. Rebecca Huss said of course they can, but there was a vote four weeks ago in which it was a 3-2 vote to continue on, so then either they continue to rezone or they continue not to, but having an ordinance that does not actually effect any change on that does not really seem to effect the dominant portion of the City.

John Champagne asked if we are sure that the agreement that exists with certain developers is binding. Mr. Foerster said he did not draft or review the information at the time it was drafted because it was before his time. Mr. Foerster said he has looked at the agreement and he thinks it would be binding. Mr. Foerster said there is a chapter in the Texas Local Government Code, Chapter 245 that talks about the fact that once something is platted, and while they don't have platting here, but there is an obligation of the City to not change the rules after someone has started commencing construction. John Champagne said they have not started construction. Mr. Foerster said the City's agreement with Philip LeFevre is that whatever the ordinances were back whenever that was passed, he is not obligated to new or more restrictive ordinances. Mr. Foerster said with

that being said, 1) he did not think it was a bad idea to have an ordinance, even if it only is going to affect a smaller percentage of the property; and 2) what the City has is standard and that you can go back to a developer like LeFevre and say “here is our issue, would you buy into what we are trying to do?” John Champagne said he was all for it. Jon Bickford said he was all for it.

Jon Bickford moved to ask the City Attorney to draft an ordinance to be presented to City Council regarding apartments, and to establish a ratio of apartments to homes. John Champagne seconded the motion.

Discussion: Mr. Foerster asked if they were requesting a draft of an ordinance that City Council can review, with respect to the 25%, 1 to 4 ration for apartments to homes. Jon Bickford said he would like the definition of an apartment to be any dwelling that has more than two households. Jon Bickford said in some of the research that he did, people would call apartments any dwelling that has more than four households. Jon Bickford said a duplex should be considered an apartment. Rebecca Huss said she felt that it was a mistake because if you have a City Council that is willing to rezone something, then you have a City Council that is willing to provide a variance to the ordinance, so either way it does not provide an answer. Jon Bickford said he thought when it comes time for people to make assessments of performance, it is a good chance for them to say “they overlook this, and they overlook this, and now look what we have.” John Champagne said if that is the case, possibly the project that they saw earlier today might fall into that. Jon Bickford said those are townhomes. Tom Cronin said they are single family. John Champagne said so are duplexes. Jon Bickford said duplexes are dual residences, each unit holds one family. Rebecca Huss said it would depend on how it is platted, if it is platted as 12-separate little plots of land, then with a common greenspace or whatever, then yes, but otherwise no. John Champagne said he would just state that his duplex he has platted part that he owns, and it has a common wall. Jon Bickford said John Champagne bought his home, therefore it is not an apartment. John Champagne said that is his point; if it is owned, how could it be an apartment. Jon Bickford said if it is owned it is not an apartment. Rebecca Huss asked if they were distinguishing between people who own and people who rent. Jon Bickford said to determine the difference between an apartment and a condominium. John Champagne said in context with the rest of the ordinance, which would be multi-family, etc., not a standalone that anyone renting would be an apartment, because homes are also rented.

Rebecca Huss said she would like to say that she would prefer to table this action until such time as the City has excess money to lose in lawsuits.

The motion carried with the following vote:

Aye – John Champagne

Nay – Rebecca Huss

Aye – Jon Bickford

Nay – T.J. Wilkerson

Aye – Tom Cronin

(3-2)

Rebecca Huss asked for further clarity, stating this does not actually pass the ordinance, it is just getting the ordinance prepared. Jon Bickford said that was correct.

EXECUTIVE SESSION:

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

7. Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, in accordance with the authority contained in the following:
 - a) Section 551.072 (deliberation regarding real property) regarding the Laughter property at northeast corner of Caroline Street and Liberty Street;
 - b) Section 551.074 (personnel matters) regarding the City Administrator position; and
 - c) Section 551.074 (personnel matters) regarding supervision of the Marketing and Tourism Director.

Mayor Pro-Tem Wilkerson moved to adjourn the meeting into Closed Executive Session at 8:15 p.m.

8. Reconvene into Open Session.

Mayor Pro-Tem Wilkerson reconvened into Open Session at 9:10 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

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

No action was taken.

COUNCIL INQUIRY:

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

ADJOURNMENT

Jon Bickford moved to adjourn the meeting at 9:10 p.m. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

Submitted by:


Susan Hensley, City Secretary

Date Approved:

04/09/19




Mayor Sara Countryman