

MINUTES OF PUBLIC HEARING and REGULAR MEETING

December 11, 2018

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Sara Countryman declared a quorum was present, and called the meeting to order at 6:01 p.m.

Present: Sara Countryman Mayor
Jon Bickford City Council Place # 1
John Champagne, Jr. City Council Place # 2
T.J. Wilkerson City Council Place # 3
Rebecca Huss City Council Place # 4

Absent: Vacant City Council Place # 5

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

INVOCATION

John Champagne gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARING:

Convene into Public Hearing

1. Public Hearing to receive citizen input regarding a Petition by Area Landowners Requesting Expansion of the Extraterritorial Jurisdiction of City of Montgomery, Texas from Bethyl Laboratories and members of the Carwile family, regarding fourteen contiguous 637.646 acre tracts of land situated in the BENJAMIN RIGBY SURVEY.

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

There were no comments made during the Public Hearing.

Adjourn Public Hearing

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

Reconvene into Regular Session

Mayor Countryman reconvened into Regular Session at 6:03 p.m.

Mayor Countryman noted that there was a full quorum of City Council present, and the City Attorney was not present at this time, but should arrive shortly.

VISITOR/CITIZENS FORUM:

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

Mr. Scott Howard advised that he resided on Worsham Street and said that he was present to comment on the Animal Ordinance and said that the situation regarding his neighbor has gotten better. Mr. Howard said he had installed a \$1,600 privacy fence. Mr. Howard said the noise has gotten a little better and the smell comes and goes with the rain and weather.

Mr. Howard said he wanted to comment on the animal ordinance and said just because things are getting better he did not want them to stop what they are doing. Mr. Howard said the City needs a common sense animal ordinance that they all know and are aware of so this does not happen to the next guy. Mr. Howard said he did not want the next guy to spend nine months trying to get his life cleaned up. Mr. Howard asked the City to get serious and get something written down. Mr. Howard thanked City Council for their time and wished them a Merry Christmas.

CONSENT AGENDA:

2. Matters related to the approval of minutes for the Budget Workshop held on July 31, 2018, Budget Workshop held on August 7, 2018, Budget Workshop held on September 4, 2018, and Regular Meeting held on November 13, 2018.
3. Consideration and possible action regarding renewal of Cedar Crest Mobile Home Park.

4. Consideration and possible action regarding adoption of an ENCROACHMENT AND MAINTENANCE AGREEMENT, between the CITY OF MONTGOMERY, TEXAS (CITY) and STYLECRAFT BUILDERS, INC., a Texas corporation (OWNER). Regarding certain property ("Property") located in the City of Montgomery, Texas on Emma's Way, proposing to place a small retaining wall on the CITY's street right-of-way on Scenic Hills Court with the Subdivision's home owners' association, the STYLECRAFT'S's successor and assignee, to maintain the small retaining wall at no cost to City.
5. Consideration and possible action regarding completion of a one-year warranty period and release of maintenance bond for the Gardner Drive Public Road, Public Waterline, Public Sanitary Sewer, and Public Storm Sewer project.
6. Consideration and possible action regarding completion of a one-year warranty period and release of maintenance bond for the Flagship Boulevard Pavement Repairs project.
7. Consideration and possible action regarding completion of a one-year warranty period and release of maintenance bond for the Heritage Place Medical Center 12" Waterline project.
8. Consideration and possible action regarding approval of Assignment of Economic Development Agreement between Milestone Properties, Inc., Kroger, Texas L.P. the City of Montgomery and the Montgomery Economic Development Corporation.

Rebecca Huss stated that she had a comment regarding information in the minutes regarding the cell phone costs that were part of the budget process, which also brought up something that was discussed two meetings ago about phone bills. Mayor Countryman said she felt they should discuss them at the time of the departmental reports so they can get answers from Lt. Belmares. Rebecca Huss said she was fine with waiting for the departmental reports.

Mr. Larry Foerster, City Attorney arrived at the meeting at 6:10 p.m.

Jon Bickford said regarding Agenda Item 4, his question was this is a Stylecraft wall and the wording "the Stylecraft successor and its assignee is to maintain the small retaining wall at no cost to the City" and asked if anyone checked to see if that was written into the Homeowner Association dues or rights so that the homeowners know they are responsible for this. Mr. Roznovsky, City Engineer, advised that he did not check that information. Jon Bickford said he felt they need to make sure that they do that or that they get that done before they agree to

this action. Jon Bickford said they need to get confirmation from Stylecraft in writing that they are taking that on, because if it is not written in the Homeowner Association Bylaws that they are responsible for that action, then somebody might argue that they are not responsible for it. Jon Bickford said they could strike Agenda Item 4 until that was done.

Mr. Yates said under the recitals, it states as a condition to the City's approval the owner is agreeing that the subdivision Homeowners Association and assignee will maintain the small retaining wall at no cost to the City. Jon Bickford said that is between the City and Stylecraft, but when you get into a subdivision like that there is a Homeowners Association document that states what you are responsible for, and he is just saying that should be in that document. Jon Bickford asked how someone is moving into that neighborhood going to know they are responsible for that wall. Rebecca Huss asked if they could verify that information is in the HOA documents before they execute the contract. Mr. Foerster said a suggestion might be if they want to approve this action tonight subject to that verification they could do that. Jon Bickford said he was good with doing that. Mr. Foerster said if they don't have the information verified, then the action is not passed.

John Champagne asked Mr. Yates about Agenda Item 8, stating that they have a 380 Agreement. Mr. Yates said that Agreement is with Milestone, and in that agreement it calls for payments to be made to Milestone based upon sales tax and property tax and not to Kroger. Mr. Yates said this assigns the Agreement to Kroger. Rebecca Huss said to further John Champagne's comments she would like to make sure that any further 380 Agreements include some sort of payment to be made to the City for administrative, legal and possible investigative work if they end up doing more of these assignments. Rebecca Huss said the City should not engage in financial arrangements with partners that they can't verify the ownership of and the legality of, and if that costs the City money the City should not have to pay to do the counter party a favor by reassigning interests. John Champagne said Rebecca Huss just voiced her opinion, which he respects, but that will be dealt with on a case-by-case basis. Rebecca Huss said that was correct, but she was just saying that this brings up exactly why future language needs to include this, because what they thought they had in the agreement almost a year later no longer stands. John Champagne said it was his understanding we don't have to approve this agreement. John Champagne said if Kroger cut a deal with Milestone, and we cut a deal with Milestone, the City is not incumbent to circumvent Milestone to direct to Kroger, so he guessed

what they are doing is cleaning it up. Rebecca Huss said the City is doing them a favor. John Champagne said in a sense yes, but there is nothing incumbent upon the City to change this agreement.

Jon Bickford asked if Milestone or Kroger requested this action or both. Mr. Yates said both requested this action. Jon Bickford said they want the City to just pay Kroger instead of Milestone. Mr. Yates said yes. Rebecca Huss said the City has not paid anyone anything at this time. Jon Bickford said he did not see this as a big deal. Rebecca Huss said it is not because Kroger is a U.S. based company that is a household name, but should it be a multi-national or international company whose ownership we are not aware of, then that would change things completely, so it is a learning experience. Rebecca Huss said that was a correct statement, this is her opinion.

Jon Bickford moved to accept the Consent Agenda with the provision that Agenda Item 4 is pending inclusion of some form of language that dictates responsibility for that retaining wall to Stylecraft, its successor or assignee and confirmation of that language. Mr. Foerster said that there will be confirmation the Homeowner Association will and knows they are going to be assuming this responsibility. Jon Bickford said that was what he wanted included in his motion. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

9. Consideration and possible action on Department Reports.

- A. Administrator's Report – Mr. Yates presented his November and December reports to City Council detailing his activities for the two months.

Mr. Yates said that he had met with the Board of Adjustment for three meetings to set up a Public Hearing regarding a height variance for an 80-foot flag pole at Dusty's Car Wash, which was approved.

Mr. Yates said he met with several developers during the month, including Kenroc, Pizza Shack, Living Savior Church, The Shoppes of Montgomery, Rischer Randall and Travis Mabry, Fellowship Church and other development possibilities.

Mr. Yates said he has also attached a draft of a letter to Commissioner Mike Meador regarding pavement requests for this fiscal year. Mr. Yates said the proposed first street would be Caroline Street from Liberty Street, FM 149 east to Prairie Street. Mr. Yates said he felt that could be an overlay type of job. Mr. Yates said the second street would be Mason Street, which is between Maiden Street and Prairie Street. Mr. Yates said they are requesting the equipment and labor to pave the street that can be best accomplished by mill and overlay with asphalt, with some possible addition to base material. Mr. Yates said the total of both of these projects for just the materials is probably \$17,000 to \$20,000 that would be paid for out of contract labor streets budget. Rebecca Huss asked if Mason Street was the one that goes through the Brosch property. Mr. Yates said it was the street by prescription that the City has, which goes between Maiden and Prairie with the Brosch property on the north and south side.

Rebecca Huss said she thought that they had not decided what to do with that, so it seems premature to be asking for this. Mayor Countryman said at her first City Council Meeting we had agreed to let Mr. Yates make that decision, because City Council did not want to have anything to do with it.

John Champagne said Mason Street is the street behind the Church. Mr. Yates said no, it was between the Brosch property where the donkeys are located and the white house on the south side. John Champagne asked what they are going to do with the property. Mr. Yates said they were going to repave the road. Mr. Yates said City Council entered into a negotiations with Mr. Brosch and that did not work out, so City Council left it as a City street, which is probably the worst street in the City. John Champagne said the street is not traveled and is a non-issue. Mayor Countryman said the street is travelled with all the festivals that they are having next year in town, and she walks that street every morning and it has large pot holes. Mayor Countryman said she was not saying it is a major thoroughfare, but said it would not have potholes if it were not heavily travelled. Rebecca Huss said during festivals they put a street closure on that street, so it is not travelled during festivals.

John Champagne advised Mr. Yates the last time he spoke with Mr. Brosch he was still open to talking about giving up a portion of his property for parking and the City

trading that street to him. Mr. Yates said if there were new terms, he thought he would be. John Champagne said all that Mr. Brosch doesn't want to do is kill those oak trees. Mayor Countryman said she was told the opposite, and said she was told that they did not want to negotiate anything. Mayor Countryman said she asked about additional parking, which the City could use, and they were not inclined. Mayor Countryman asked John Champagne when he spoke to Mr. Brosch. John Champagne said he spoke to him four months ago. Mayor Countryman said she spoke to him two or three months ago, but maybe we could ask Mr. Brosch to come in, and she felt they were getting different sources or answers, so maybe they need to get his final answer so they know what direction they need to go.

Rebecca Huss asked to hold up on the letter to Commissioner Meador until they get the matter straightened out because it does not make sense to pave something they are giving away. Mayor Countryman said she agreed. John Champagne said he would like to place that asphalt someplace else because there are many other streets that could use it. Rebecca Huss said she agreed with John Champagne. Mr. Yates said he would open it back up for negotiation with Mr. Brosch if that is what City Council wants. City Council concurred. Mr. Yates said one of the first items they talked about was Mr. Borsch insisted that he be paid before the trade. John Champagne said he remembered Mr. Borsch's major concern was the oak trees. Mr. Yates said he did not think it was the main concern, but he thought the major concern was trying to get paid before the trade. John Champagne said he would be open to taking the asphalt out. Mr. Yates said that might be a possibility. Rebecca Huss said maybe Mayor Countryman, Mr. Yates and John Champagne can work with Mr. Brosch to see if that is a possibility. Mayor Countryman said she wanted to have all stakeholders in the room; it would be helpful to confirm the information. Mr. Yates said he would hold up on the letter.

Jon Bickford said he had a question about the 80-foot flag pole at Dusty's Car Wash, and asked how many 80-foot flag poles they need on SH 105. Rebecca Huss, who also serves on the Board of Adjustment, advised Dusty's Car Wash building is 40-feet tall and the power lines there are a little bit taller. Jon Bickford asked what was wrong with 20-feet. Rebecca Huss said the flag would not really show up at 20-feet, and the Board of Adjustment felt that it was a proper and fitting size given the position of the

building relative to the lay of the land. John Champagne asked what the Board of Adjustment was. Mr. Yates said the Board of Adjustment hears zoning issues, and is made up of five citizens and two alternates. John Champagne asked if they can unilaterally make decisions within the City. Mr. Yates said yes, it is set up by the State and is a requirement that the City have a Board of Adjustment. Mr. Foerster said the Statute and our ordinance has provided for the Board of Adjustment. Jon Bickford asked whether City Council has any say in the decision. Mr. Yates said no. Rebecca Huss said City Council appoints the members of the Board. Jon Bickford said he felt it was a real bad idea, but he can't do anything about it. Rebecca Huss said she did not think it will look that big in person. Jon Bickford said he did not know how 80-feet would not look that big to anybody.

Jon Bickford said if they keep letting the signs go 50-80 feet in the air and flags going 80 feet in the air, SH 105 is going to look like FM 1960 before you say what happened. Jon Bickford said this is very frustrating to him and said we are going to lose the charm of this town if we keep this up. Rebecca Huss said given the lack of attendance of two of the permanent members of the Board of Adjustment and their need to rely on the alternates, she was going to suggest that in January they put on the Agenda a replacement of those two members, and she would be totally fine with all of them. John Champagne asked if this City Council appointed all of the members of the Board of Adjustment. Rebecca Huss said that was correct.

- B. Public Works Report – Mr. Mike Muckleroy, Director of Public Works presented his report to City Council for the month of October; November and December will be presented next month. Mr. Muckleroy said they had a very busy month with repairs to the ditch on Old Plantersville Road, set up and clean up for National Night Out, attended the Jones and Carter GIS Lunch and Learn event, repaired a manhole on Plez Morgan which was damaged in a motor vehicle accident, repaired asphalt sections on Buffalo Springs and Harley Drives, completed the meter box assessment of the entire City and started repairs, disconnected water and sewer service for the Auction Building and moved them to the property line in preparation of the demolition. Mr. Muckleroy said they repaired several manhole lids throughout Lone Star Estates in preparation of smoke testing. Mr. Muckleroy said they had three water taps and three sewer taps for

the month, with eight water leaks and two sewer stoppages. Mr. Muckleroy said on the park side, they removed grass and debris from Memory Park pond outflow so that the water would flow out faster, repaired the blinds in the Community Center and removed all light pole electric covers ahead of Solomon Electric when they were installing the receptacles in them for the Christmas lights. Mr. Muckleroy said the docents reported 514 visitors for the month and provided 45 tours.

Rebecca Huss asked about the bird bathing. Mr. Muckleroy advised the bird bathing is on the side of the street when it rains they have low lying spots that hold water, so they went through and flooded the streets on a final walk through to try and catch those spots so they don't have to repair them later. Rebecca Huss asked if the spots that hold water damage the road base. Mr. Muckleroy said it could have not been poured correctly. Mr. Muckleroy said if they want to repair them you either have to rip them out and start over or you can sometimes plane it or drill holes and do injection lifting methods with material that brings the concrete up to level.

John Champagne asked about the new bank and if their hydrant meter was operational. Mr. Muckleroy asked if it was the hydrant on the CVS side. Mr. Muckleroy said there is a brand new meter on the Spirit of Texas Bank side but it is not hooked up yet, but the one on the other side is metered. Mr. Muckleroy said there is a meter set in place.

John Champagne asked about the ditch that was repaired at 779 Old Plantersville Road and asked what they did. Mr. Muckleroy said when it rained the ditch was flowing to the point where it was running out into the street, so they excavated and at the driveway they had to do some rock repair because it was deadheading into his driveway and starting to undermine it. John Champagne asked if they considered using any stabilization. Mr. Muckleroy said he did not on this one because that was not the problem, it was just flow.

John Champagne then asked about the lunch and learn by Jones and Carter. Mr. Muckleroy said Jones and Carter held the lunch at City Hall for anyone that wanted to attend the new GIS Software training, showing everyone how to use the different

features and said it was very helpful. Mayor Countryman said everyone was invited. Mayor Countryman agreed that the information was very helpful.

- C. Police Department Report – Lt. Joe Belmares presented his report to City Council for the months of October and November 2018. Lt. Belmares said he was waiting for one of the Sergeants to arrive so he can present the newly promoted officers. Lt. Belmares said he would answer any questions that City Council might have regarding stats in the monthly report and the additional stats that were emailed to City Council yesterday.

John Champagne asked if there was anything of notoriety that the stats represent, anything worthwhile, and anything that would give them some indication of a trend. Lt. Belmares said the trend is going to show that the activity on patrol is going down due to the number of calls that they are taking regarding investigations. Lt. Belmares said from fatalities to sexual assault cases, aggravated assault cases, with the filing of the paperwork, warrants, seizure paperwork for vehicles that are being seized due to arrests, it is taking a lot of the officer's time off the street and they are currently still understaffed. Lt. Belmares said they just recently hired a new officer. Lt. Belmares said with all this information that they are trying to get out to City Council with the stats, he is having to rely on the Sergeants to help him.

John Champagne asked where in the priority chain is this data reporting in regards to the Lt.'s and officers function. John Champagne said he would put it another way, how much time is all this data keeping them from being on the street, and said he just wants a percentage of time. Sergeant Bracht said he would say probably 10 percent of time because he is doing most of the data collection at home. John Champagne asked if Sergeant Bracht was getting paid to do that. Sergeant Bracht said he was not. Mayor Countryman thanked Sergeant Bracht for his additional service. John Champagne asked how many officers they have right now. Lt. Belmares said they have eight officers and four reserves. John Champagne asked what an optimum number was for them to have on staff. Lt. Belmares said the optimum number would be two officers on patrol at night with a supervisor on duty with the officers. John Champagne said to give him a number. Lt. Belmares said that would be three officers on nights, two officers on days with an administrative supervisor and possibly a detective. John

Champagne asked if 11 officers would be optimum. Lt. Belmares said that would be enough to get the City by right now. John Champagne asked how that fit into the budget. Lt. Belmares said he would have to work the numbers and see what they have to work with. John Champagne said that was fair enough.

John Champagne asked if they had a plan for the Christmas Parade and did they have officers on duty. Lt. Belmares said yes they did. John Champagne asked where they were. Lt. Belmares said they had all the patrol officers, including all the reserves on duty. John Champagne asked if they had a plan, because he has been getting complaints about parking haphazardly around the City and there was no real area designated for parking, but he did not see that as our responsibility. Lt. Belmares said no sir, it is not.

Mayor Countryman asked to confirm that Lt. Belmares has been acting in this position for two months. Lt. Belmares said that was correct. Mayor Countryman asked how the transition was going. Lt. Belmares said the officer's morale is very good and they are actually coming in to fill in with the shift that is short right now. Mayor Countryman asked about the transition, and asked about the number of unread emails and business that was not being done that Lt. Belmares had come into, and asked if he has been able to work through the emails and get business conducted. Lt. Belmares said he is currently still going through the emails, but a lot of it is through the search engine to find some of the information. Mayor Countryman said there was about 24,000 unread emails in the predecessor's email inbox. Mayor Countryman said in those emails she is assuming that is where those phone bills were located. Mayor Countryman said it is her understanding that we have been paying two carriers now, because in one meeting it was told that the previous carrier was turned off, but yet she signed a large check last month and said Lt. Belmares has said that was to catch up on the new carrier. Lt. Belmares said that was for the new carrier and the previous carrier. Mayor Countryman said it was for one carrier at the time because that carrier had not been paid yet, and then the previous carrier, it was her understanding, also had not been paid since May. Lt. Belmares said that was correct. Mayor Countryman said there were two outstanding bills from two different carriers for multiple months. Lt. Belmares said that was correct. Mayor Countryman asked if those bills were sent via

email to an inbox. Lt. Belmares said that was correct. Mayor Countryman said that in order for them to get paid she asked how they are processed. Lt. Belmares said he has to print them out and walk them over to the accounting department.

Mayor Countryman asked if there was anything else that Lt. Belmares has had to clean up. Lt. Belmares said they are in the process of getting most of the administrative rights over to himself and the supervisors so they can get the bodycams in play. Mayor Countryman asked if they had Bodycams. Lt. Belmares said yes they do. Mayor Countryman asked when they got those. Lt. Belmares said they have had them for quite a few months. Mayor Countryman asked if they were implemented. Lt. Belmares said no they have not. Lt. Belmares said it has taken some phone calls to get the administrator rights for multiple issues within the Police Department. Mayor Countryman asked if there was a master list that had the contact names and login information. Lt. Belmares said no there was not. John Champagne said it sounded like some administrative duties need to be taken care of. Mayor Countryman said his basic job function. John Champagne said as in administrative duties.

John Champagne said in regard to his last question about the officers, how many officers has Lt. Belmares hired in the last two months. Lt. Belmares said they just recently got a new officer, Justin Ravari. John Champagne said his one question was regarding the process, which he wanted put on the record, for hiring a police officer, and asked who are the people involved and what is the process in which an officer is chosen. Lt. Belmares said the application or the requirements for the job title are posted on the TECOLE website, and it instructs the applicant to reach out to himself or one of the Sergeants via email. Lt. Belmares said they then send them a response with the process to fill out the application, which includes a personal history statement and the job application that includes a waiver or release of information. Lt. Belmares said once the applicant has completed the packet they reach out to one of the Sergeants and/or himself to set up a meeting with them to go over the packet to make sure that everything is signed, notarized and all the documents are there. Lt. Belmares said they ask for the originals and they make copies of the birth certificates, and identification. Lt. Belmares said once they review the application they set up an interview date for the applicant. Lt. Belmares said the interview is done with himself, the two Sergeants and Ms.

Hensley, who has been sitting in as another set of eyes. John Champagne asked about the interview process, confirming that they have two Sergeants, a Lieutenant and an HR representative. Lt. Belmares said that is correct. Lt. Belmares said they will ask a series of questions, which will be based on scenarios. John Champagne said he was not interested in the criteria. Lt. Belmares said after they conduct the background check they will follow up with the application to make sure that it is true and correct, including their previous employers. John Champagne asked if that was all done at home. Lt. Belmares said no sir, he has to use one of the Sergeants to go and do visits at the Police Departments or their current employers.

John Champagne said just to recap, right now 90 percent of the duties that are performed by this Department is police work and 10 percent is administration, which is what he just heard. Lt. Belmares stated that there was a lot of administrative work. John Champagne asked again, what is the percentage. Lt. Belmares asked if the percentage was for him alone or the department. John Champagne said he wanted to know for the Department. Lt. Belmares said for the Department, the newly promoted Sergeants he would probably say 25 percent. John Champagne said that would mean one out of every four officers is missing in action doing administrative work right now. Lt. Belmares said that was just their time, he was not talking about the patrol officers, because their job is to patrol. John Champagne said Lt. Belmares was talking about three people of eight people.

Rebecca Huss asked about the hiring procedures, and said those are the procedures as of today and not necessarily the procedure as of three months ago. Lt. Belmares said they have always had supervisors sit in on the interviews, and it has always been conducted the same, and they might change up the questions that they ask the applicants based off of their experience in law enforcement. Rebecca Huss asked about the verification of paperwork. Lt. Belmares said that was done by one of them. Lt. Belmares said the verification of the paperwork had been done by him a majority of the time until he recently promoted the two Sergeants, so now they are helping with the case load. Lt. Belmares said as administrator, he is still doing the Uniform Crime Reports, Grant Reports, dealing with CJIS and TLETS, Sex Offenders who have to come and register with him that takes 2-3 hours for each sitting. John Champagne said

they are the professionals and only you guys can determine what is considered busy work which could be given to a \$9 - \$10 an hour clerk. John Champagne said how Lt. Belmares' time would be better spent is his call, and said the results and performance, service that the community receives is what the Department will be evaluated on.

Lt. Belmares said at one time they had a secretary, but she took a lot of his time because he was having to train her, which kept him from doing a lot of things that he needed to do. Lt. Belmares said now that they have Sergeants. John Champagne asked who hired the secretary. Lt. Belmares said he was not sure because he was not part of it. Lt. Belmares said what would work is an administrative Sergeant or Lieutenant that would have the abilities to also assist with calls and make supervisory decisions. Mayor Countryman asked the City Secretary who hired the secretary. Mr. Yates said it was a combination of the Chief of Police and himself.

Lt. Belmares said at the end of December they have started the Impaired Driving Mobilization Program, which is a fully funded State Grant that they have been awarded, where the officers will be paid to come in and patrol from Stewart Creek to Lone Star Parkway focusing on distracted and impaired drivers. Lt. Belmares said they have to make 2.5 traffic stops and hour, which is not a lot, and the key is delivering information to the violators that even just five miles over the posted speed limit is too fast to be driving. Lt. Belmares said they are not looking to write citations, although that is an option at the discretion of the officer, it is to inform the community to drive slower, the speed limit, and stay off phones, to minimize crashes in the City. Lt. Belmares said this will go from Christmas to New Year's Eve, and then there will be three more sessions in 2019 where the officers can come in on their days off and work this as extra overtime, which is all paid for by the State Grant. Lt. Belmares said he asked for the lowest amount of funding for this first time.

Lt. Belmares said regarding the new hire, Officer Ravari, he comes to us from Katy ISD Police Department, he has a Masters in Information Systems Management, served two tours in Operation Iraqi Freedom, served in the Army. Mayor Countryman asked if all of his credentials checked out. Lt. Belmares said yes they did.

Lt. Belmares said some of the officers have facial hair, which is because they are doing the No Shave November, and the officers that participated wished to donate money to the Cancer Society. Lt. Belmares said it is not a lot, but the guys wanted to do this along with other officers in the County.

Lt. Belmares said he would like to introduce you to the newly promoted Sergeant James Bracht and Sergeant George Hernandez. Lt. Belmares said Sergeant Bracht has a Master's Degree in Criminal Justice and is also a statistical data collector, with 15 years of law enforcement and comes from Denton Police Department. Lt. Belmares said Sergeant Hernandez comes from Harris County and has 12 years of law enforcement. Lt. Belmares said these Sergeants are going to help this agency and help him to represent the City. Mayor Countryman said both Sergeants get kudos and atta-boys a lot from the community, so good job in that and we appreciate you.

Lt. Belmares said back in October Officers Bauer and Thompson were involved in a pursuit and the pursuit ended on FM 149 where the suspect exited the vehicle and fired a couple of rounds at the officers. Lt. Belmares said the suspect was apprehended the following day and is currently still sitting in the County Jail. Lt. Belmares said with the City of Montgomery cases alone, they filed three felony warrants on him for aggravated assault times two for our officers, felony evading and felony possession of fire arm, which is four charges. Lt. Belmares said Montgomery County Sheriff's Office came out and visited with us last week and picked up some shell casings that they were going to compare to the gun that was picked up the night he was arrested. Lt. Belmares said the Sheriff's Department was filing two warrants for aggravated assault so the suspect is looking at six charges. Lt. Belmares said that is all the information he has on that particular case.

Mayor Countryman said she understood that Lt. Belmares was able to meet with Chief Runnels with Montgomery ISD. Lt. Belmares said that he did meet with Chief Runnels. Mayor Countryman said that has not been able to be accomplished before so good job. Lt. Belmares said Chief Runnels gave him a temporary template of the emergency response regarding the campuses in the area, and he is almost finished with it at which time he will distribute it to all agencies that respond to the School District. Mayor Countryman asked what that consisted of. Lt. Belmares said it would have a

layout of all the buildings and each campus will have particular markers on the map that say this is where the entities, such as the Fire Department, Police Department, etc., will be staged and if they evacuate the students, where they will be located. Lt. Belmares said the buildings now have numbers on the exterior so that if you have to locate an area the officers can locate that area on the map. Jon Bickford asked if the GIS has a mobile application. Mr. Roznovsky said yes. Jon Bickford said if they had tablets they could probably put the maps in the GIS System. Lt. Belmares said they would have to work with the CopSync program since it is CJIS secure for criminal justice information that comes out of their MDT's and they are very particular about who has access to the information. Rebecca Huss said thank you for working on the relationship because some of us have kids in school so that is nice to have.

- D. Court Department Report – Mrs. Kimberly Duckett, Court Administrator, presented her report to City Council. Mrs. Duckett said for the month of October, there were 144 citations and the collections were \$37,954.40, and in November 202 citations and since the Police Department has been a little busy doing other things, collections have gone down just a little bit, with a difference of \$12,492 between the two months. Mrs. Duckett said the total collected for November was \$25,461.47. Mrs. Duckett advised that she did do the fiscal year report as requested by Jon Bickford, breaking it down from 2016-2017 and 2017-2018, and the difference between the fiscal years was \$21,215.78.

Rebecca Huss said she thought the comment was made last meeting that our Police are not out, but it looks like at least if you are looking at citations collected from October to November, that is actually a 41% jump. Mrs. Duckett said they are out there working more cases and working the streets. Mrs. Duckett said it is illegal to put a quota on the Police Department to bring in citations, so she thinks they are doing a fantastic job. Rebecca Huss said she agreed, and said there is hardly any speeding at FM 149 and Lone Star Parkway during the school zone times, which is hard to do because the speed limit changes right there. Jon Bickford thanked Mrs. Duckett and said the information was very helpful.

- E. Utility/Development Report – Mr. Yates advised the utilities for the month were \$143,639, which is down slightly because of all the rain, he supposed. Mr. Yates said permits were \$10,359, with 43 permits. Mr. Yates said the Community Building brought in \$1,335. Mr. Yates said there were 27 new water accounts this month, which gets them up to 718 active accounts, which means they are adding about 7-8 new accounts each month.

Mr. Yates said the water consumption at Memory Park was down quite a bit this month. Rebecca Huss said she thought Mr. Muckleroy had said he turned off the system altogether at Memory Park.

- F. Water Report – Mr. Michael Williams, with Gulf Utility Service, Inc., presented his report to City Council. Mr. Williams said they had a number of district alerts this month, and all but one are pretty much due to the wet weather and power failures in the City. Rebecca Huss said that means there is a lot of I&I. Mr. Williams said that is correct. Mr. Williams said the only alter that is not related to those two is the very last one, which was on October 17 that was high chlorine residual. Mr. Williams said this was brought up at the last meeting, but they found a solenoid valve that feeds the chlorine automatically when the well comes on and off did not turn off when the well turned off, causing elevated residuals. Mr. Williams said they drained the tank and flushed the system until the residual was removed. Rebecca Huss asked if when they did that, did they keep track of how much water you drained and count that as flushing so that is not unaccounted water, it is still in the water accountability number. Mr. Williams said yes, that is in the water accountability number and you will see the higher flushing number.

Mr. Williams said the effluent flow for the month of September and October was 4,789,000 gallons and the daily peak flow was October 16 at 390,000 gallons, which is 98 percent of the permitted value and daily average flow was 154,500 gallons at 39 percent. Rebecca Huss asked if that was double what last month average daily flow was. Mr. Williams said last month it was 116,200 average per day and the only difference there was about six more inches of rain. Jon Bickford said that would imply leakage into the sewer pipes. Rebecca Huss said it would be a lot of leakage. Mr.

Williams said there are a lot of leaks into the sewer pipes. Mr. Williams said all the effluent samples were in compliance for the month of October, and they reported 12.75 inches of rain.

Mr. Williams said they sourced a total of 7.836 million gallons, flushed a total of 341,300 gallons, and sold 7.418 million for an estimate of 99 percent accountability this month. Mr. Williams said last month the accountability was a little bit lower than normal and they did find the error on the reading and so they adjusted the well and last month's accountability was actually 95 percent.

Rebecca Huss said that Mr. Williams was doing a great job of managing the remaining permit numbers.

Mr. Williams said the City sold a total of 7.418 million gallons this month and they treated 4.79 million gallons, with 12.75 inches of rain brought them to 65 percent return to the sewer plant from water sold. Rebecca Huss said she thought they did the math on this a couple of months ago and it is about \$10,000 in actual cash of extra cost of treating the effluent. Mr. Williams said at the time that the rainfall comes through, they do see higher power consumption and disinfection, and the blowers are constant so they are not using an extra power there so he would have to look at the information. Rebecca Huss said Jones and Carter did calculate it because there is depreciation, but there is an actual cash cost.

John Champagne asked if Rebecca Huss was saying it is not a one to one correlation when there is an infusion of rain water into the system in terms of cost. Mr. Williams said not completely, because whenever they have high flows, generally the pumps do generate more flow out of the pump due to the head pressure than it would on a normal level, so it just depends on how heavy of a flow they have. Mr. Williams said there is obviously an increased cost when they have rainfalls. John Champagne asked what was that cost. Mr. Williams said he did not have that cost. John Champagne asked if that would not be some value that he could bring to the City by identifying that cost and it would also allow us to make a decision of whether they should do more testing, smoke, video to find where these intrusion points may be. Mr. Williams said yes, the

City is already handling that. John Champagne asked who was handling that, and asked if Mr. Williams was part of that. Mr. Williams said he was not part of that. John Champagne asked if he should be part of that. Mr. Williams said he has given all the lift station run times to the City and they are working with Jones and Carter. John Champagne said his question is the City hired a third party contractor to take ownership of a certain scope of work, so now he is hearing that Jones and Carter is involved and someone in the City is involved, and they don't know who that is. John Champagne asked who owns this. Mr. Williams said it is not one person that owns it. John Champagne said it is always one person that owns it. John Champagne said they have no idea what our cost is, so we can't make an informed decision of whether they should do more testing, more work to alleviate this mystical cost. John Champagne said that is not the way a business is run in his world, so you guys discuss it, but this is an issue, when we get to 98 percent of permitted value, 390,000 gallons and we have no idea where it is coming from, other than it is rain. Rebecca Huss asked if they could get a number for the next meeting on the actual cash cost and then what the total cost in terms of depreciation, based on the Jones and Carter numbers that were put together three years ago. Mr. Roznovsky said he would look at the information. Rebecca Huss said they should be able to, because you know what the cost per 1,000 gallons is so they just have to plug that number into the extra 1,000 between the average gallons produced versus no rain, so they should be able to come up with a number of what rain costs per inch. John Champagne asked if he was asking the wrong person in regards to this information; is it Jones and Carter. Mr. Roznovsky said the two groups that are working on I&I the most are Public Works and Jones and Carter. John Champagne said Public Works would be Mr. Muckleroy. Mr. Roznovsky said that was correct, and said Public Works is doing the smoke testing, the cleaning and televising that has been done, but as far as your answer on the cost analysis he would have to go back and look because that was before his time. John Champagne asked if that would not be a logical thing to do when they see 390,000 gallons and we say there is a cost here, but we don't know what it is, but he can bet it is a bunch. John Champagne said if it is not Mr. William's baily wick he apologizes for asking, but it is somebodies. John Champagne said this happens all the time and he would like to know who owns this thing. Mr. Muckleroy said if any one person owns it, it is him. Mr. Muckleroy said they are currently working at it, they did a first round of smoke testing last week. John

Champagne asked what they got from it. Mr. Muckleroy said they found a couple of minor issues. John Champagne asked if it was nothing that would indicate 390,000 gallons. Mr. Muckleroy said no, not at this point, so it is on to phase two.

Jon Bickford said drastic increases are due to rainwater influx, and then he wonders if there is a certain level of rain where they see the effect. Rebecca Huss said part of the problem is the data that they should be getting from their pumps, they don't get hourly data or even daily data, so it is really hard to be super exact on what rainfall is happening and where to pinpoint everything. Jon Bickford said people that have sensors can tell how much rain they have in a day, and he needs to know if they get six inches of rain and he is pumping 200,000 gallons as a result, that is different than getting three inches of rain and only pump 10,000 gallons. Jon Bickford said that would tell him that he has a hole somewhere and when the water gets high enough it is pouring in so he would not need pump data to tell him that. Jon Bickford said it might be something to look at. Rebecca Huss said one of the investments that they should look at is a pump dialer or something where they are getting the same data that they are getting from the water meter and telling us what is happening really close to real time, so they are getting hourly readings. Rebecca Huss said those are expensive, so the question is what the cost benefit is. Rebecca Huss said the answer to John Champagne's question is absolutely critical in finding out how much they need to invest or should invest to find out the answer. John Champagne said right now it is an accepted cost of doing business. Jon Bickford said they need to get it unaccepted. Mr. Roznovsky said he would work with Mr. Muckleroy.

- G. Engineer's Report – Mr. Roznovsky presented his report to City Council. Mr. Roznovsky stated the Buffalo Springs Bridge has a separate item. Mr. Roznovsky said they received and approved Pay Estimate 10, which is the second to last and the only thing remaining is retainage and some additional quantities that are included in the change order. Mr. Roznovsky said they had Change Order No. 3 for additional asphalt. Mr. Roznovsky said there were a total of 99 days from their July 24, 2018 completion to when the bridge was complete; of those days there were 13 days lost that the City can account for as rain days, so that was taken out of the liquidated damages, which

comes to about \$3,200. Mr. Roznovsky said the total liquidated damages that will be assessed to the contractor is for a total of 86 days for \$21,500.

Rebecca Huss asked Mr. Yates where they stand with FEMA's reimbursement to the City. Mr. Yates said they are at \$390,000 that FEMA has advanced to the State. Mr. Roznovsky said they are waiting for the final Change Order to come back from approval by the State and issue the Final Pay Estimate, and they can be closed out.

Mr. Roznovsky said the waterline across the bridge is also complete and in service, so Kroger and everything on that side of town is looped around with the rest of the City. Mr. Roznovsky said Pay Estimate No. 1 for \$83,140 that came through and they are working on addressing all the final punch list items, so they should be ready to accept at the next meeting.

Mr. Roznovsky said, regarding the Baja Road CDBG Project, the contractor was issued the Notice to Proceed on November 30th and has mobilized onsite and is beginning to slowly start work. Mr. Roznovsky said this project will end on January 29, 2019. Mr. Roznovsky said this project is taking the water line from FM 149 up to Baja Road and Baja Road and also putting in more culverts, upsizing culverts and redoing the ditches from Baja Road all the way down. Mr. Roznovsky said this is Phase I for Baja Road, and the prices came in really good so there is additional money for Phase II, so they are working with the City Administrator on getting the scope worked out to try and get some more work done in that area.

Mr. Roznovsky said that Baja Road paving project, which is separate, has a separate item on the agenda.

Mr. Roznovsky spoke about Atkins Creek, a FEMA Project, advising on December 4, 2018 FEMA advised they only thought the project was worth \$68,000 and that was it. Mr. Roznovsky said their cost estimate to put it back pre-disaster, which is not a feasible option that they have discussed before, is around \$290,000, and to mitigate the project is about \$400,000. Mr. Roznovsky said FEMA has now changed their tone saying that they realize that what they gave was not feasible options, and they are re-

evaluating to see how they can make the project work. Mr. Roznovsky said they wanted us to fill back in a 40 foot section of a 1,600 foot channel that has eroded that will last until the next rain.

Mr. Roznovsky said they received the last request for information on the GLO Project on October 25, 2018, provided the response in November, so they are in the waiting period and according to Grantworks the State has started to release some of the contracts to the cities. Mr. Roznovsky said in the next few weeks they should hear something.

Mr. Roznovsky said they had a final inspection for the Hills of Town Creek, Section 3, and a follow up inspection for Emma's Way. Mr. Roznovsky said they are both addressing punch list items and should be complete. Mr. Roznovsky said Lake Creek Village Section 3 are still addressing punch list items and the remainder is primarily addressing the culverts.

Mr. Roznovsky said they had a meeting with TxDOT regarding the Lone Star Parkway Transportation Plan (TIP) to discuss options and the process.

Mr. Roznovsky said they also completed the Annual Water Plant Inspections last month and will have that report for City Council at the January 8, 2019 Meeting. Mr. Roznovsky said in general, this was also the interior inspection that they did this time, and they looked at the interior of the ground storage tank at the older Water Plant and it was in good shape. Rebecca Huss said she saw the follow up from that information.

Mr. Roznovsky said the FM 149 turn lanes is being worked on now that the building has been demolished. Mr. Roznovsky said they are going to be meeting with the property owner regarding the other turn lanes at the Exxon Station.

Mayor Countryman asked if the Samdana donut shop developer was back on. Mr. Roznovsky said they are and he received an email from them this evening asking about an encroachment agreement and the process to obtain it. Mayor Countryman said she was glad to hear that because the property is looking sad.

John Champagne said he had a question about the Buffalo Springs Bridge, and asked if they have a down spout with a concrete bulk head. Mr. Roznovsky said yes. John Champagne asked if the exit point was below the waterline. Mr. Roznovsky said it is below the waterline. John Champagne asked if it was collecting silt. Mr. Roznovsky said they have looked at that at every rain and you see where it blows it out, because the silt is so fine. Mr. Roznovsky said when you look down you will see a cavity right at those points where the pipes come out, so it has been pushing out as it flows. John Champagne asked how much water this is handling. Mr. Roznovsky said the size of the pipes is 54-inch on each side of the Bridge, with a 3 x 2 box and 36-inch pipe on each side collecting and going into the 54-inch pipe. John Champagne asked if that was an ideal engineering design in terms of being below the waterline. Mr. Roznovsky said there is no issue with the design because it keeps it submerged and it is not using up capacity since it is still pushing it out, they are not trying to store it in there, so there is not an issue.

T.J. Wilkerson asked about the waterline and whether they were running the waterline from FM 149 to Baja Road. Mr. Roznovsky said that was correct, and then a little bit past, and it will stop between McGinnis and Baja Road. Mr. Roznovsky said the potential Phase II would take it up to close to the City limit line. T.J. Wilkerson asked if when they work on MLK they will redo those ditches too. Mr. Roznovsky said they would not on the school side of the street. Mr. Roznovsky said the Phase III project with the GLO funds has in there, one of the projects is the sanitary sewer system in that area, to inspect and rehab all that, also to redo the ditches on the opposite side of the street. Mr. Roznovsky said the big project that is in there is addressing Anders Branch, either improving the crossings at Plez Morgan at FM 149, in or a combination of Martin Luther King Jr. Drive, to help the water flow through there.

H. Financial Report and Quarterly Investment Report

Mr. Yates said the General Fund has \$744,049, but it has \$390,000 to and from the Capital Projects Fund, where they have been transferring the money for the advance payments for the bridge contractor. Mr. Yates said he expects to receive the \$390,000 funds in the next three to four weeks. Mr. Yates said the Utility Fund has \$701,000.

Mr. Yates said General Fund has a negative balance for the month of October, which is primarily due to the purchase of the property at FM 149 that was \$80,000. Mr. Yates said they don't have any taxes yet this year, and also when Mrs. Branco writes the Utility Fund checks, she writes payroll out of the General Fund and then transfers the money over, so there is probably \$10,000-\$15,000 there. Rebecca Huss said the first month of the year does not show how the rest of the year is going to go. Mr. Yates said the work that he has been doing with Kroger on their rebate is within a couple thousand of what his estimate was for the budget, so they have funds set aside for that. Mr. Yates said even after you approve the transfer agreement from Milestone to Kroger, there is still a question of how much sales tax the fuel center brought in because the fuel center is not part of the 380 Agreement. Mr. Yates said the sales tax consultant got a form for him to send to Kroger that allows the State Comptroller to break that amount out, so until that amount gets broken out, he will not know the precise amount, so he can't make a payment. Mr. Yates said they are ready to make a payment as soon as they get that information back. Rebecca Huss said it was interesting that they keep trying to put the fuel center back in because they did that during negotiations. Mr. Yates said he estimated that it would be about \$5,000 - \$6,000 for fuel center tax.

Rebecca Huss moved to accept the Departmental Reports as presented. Jon Bickford seconded the motion.

Discussion: Mr. Yates stated that he did have one other item, which is the listing of the City's Investments in the Quarterly Investment Report for the Period Ending September 30, 2018. Mayor Countryman confirmed that they did receive the Quarterly Investment Report.

The motion carried unanimously. (4-0)

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

AN ORDINANCE BY THE CITY COUNCIL OF MONTGOMERY, TEXAS APPROVING A PETITION FOR EXPANSION OF A TOTAL OF 637.646 ACRES OF LAND, MORE OR LESS, IN THE BENJAMIN RIGSBY SURVEY INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MONTGOMERY, TEXAS; DECLARING SAID PROPERTY TO BE IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MONTGOMERY, TEXAS; PROVIDING A SEVERABILITY CLAUSE AND A TEXAS

OPEN MEETINGS ACT CLAUSE; AND DECLARING AN EFFECTIVE DATE UPON PUBLICATION AS PROVIDED BY LAW.

Mr. Yates stated that this is to expand the City's ETJ to the northwest as requested by the Carwile family and Bethyl Laboratories, Inc. Mr. Yates said by accepting this into the City's ETJ it creates a larger area that can be extended and/or annexed by the City of Montgomery in the future rather than the City of Conroe.

Jon Bickford asked if this would create any obligation for the City, or does it just make sure that if the City and owners wanted to annex later on they could. Mr. Yates said yes. John Champagne asked if it had to be a bi-lateral agreement, where the owners have to agree to it. Mr. Yates said that is correct.

Jon Bickford moved to approve the Ordinance that approves the expansion of the 637.646 acres into the City's ETJ into the City of Montgomery. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

11. Consideration and possible action regarding an Animal Control Ordinance.

Jon Bickford asked what feedback they got back from the people and did we incorporate it into the ordinance. Mr. Yates advised they received two emails. Rebecca Huss asked if one was from Scott Love because she thought that he had sent it to all of City Council. Mr. Yates said that was correct. Mr. Yates said that the other email was from a resident of Lake Creek Village that owns a pit bull. Mayor Countryman advised she had that information. Rebecca Huss said that resident was present tonight.

Jon Bickford asked if any of the feedback had been incorporated into the ordinance, or does Mr. Yates want to bring up the information to incorporate it into the ordinance. Jon Bickford said he would like to take the feedback they got, make a decision on whether or not to incorporate it into the ordinance to get it done.

Mr. Yates said Mr. Love said he was fine with the ordinance as prepared, and the other person said they had one or two pit bulls that they would not want to get into the list of dangerous

dogs, because they were well mannered and were very important to the family. Rebecca Huss said the content of the ordinance states it is the behavior of the dog rather than the breed of the dog that makes it dangerous, and the behavior of the dog is not an isolation to the circumstances in which the behavior happens. Rebecca Huss said there is a hearing at which the circumstances are considered, so she did not think it gets much fairer than that in terms of the dog getting a fair shake.

John Champagne asked if that same analogy would be made with a gorilla and a spider monkey. Rebecca Huss said those were definitely banned as wild animals. John Champagne asked if they did not ban them, would that analogy still hold true. Rebecca Huss said she was not really sure. John Champagne said he was trying to see the logic in a breed that is known to be overly aggressive being compared with a Chihuahua. Rebecca Huss said Chihuahuas bite more people than most other breeds. John Champagne said they don't kill a bunch though, so his question is they are basing it on subjectivity of the attitude and behavior of a dog compared to other dogs, as opposed to a breed that is given to be a certain instinctive propensity for aggression and you are comparing that dog to a Chihuahua. Rebecca Huss said most municipalities that have breed bans have not actually seen reduction in dog bites. John Champagne said he was not proposing that. Rebecca Huss said if John Champagne's goal was to reduce dog biting or dangerous dog behaviors, then a blanket ban on the breeds would not get you very far. John Champagne said he was not proposing that, he was just pointing out the flaw in the criteria. Jon Bickford asked if it was because it does not ban specific types of dogs. John Champagne said no, it was because the ordinance is subjective. John Champagne asked who determines what a bad acting dog is. Jon Bickford said the only other option they have is to take that language out completely. Rebecca Huss said the ordinance states "the dog may be deemed dangerous by an act against a person or livestock." John Champagne asked if it would be determined after the fact. Rebecca Huss said yes.

Jon Bickford asked if they changed the section that addressed animals on a leash or lead. Mr. Yates said no, he did not. John Champagne asked if there was no leash law included in this ordinance. Mr. Yates said there was a leash law; the question was about tethering an animal. Mr. Yates said tethering of an animal is still in the ordinance. Rebecca Huss said it was on page 6, Section 14-7.

John Champagne asked about the 1.5 acres for the first animal, 1 acre for additional animals, with exceptions for 4H and FFA Projects, and asked if their animals were somehow a higher, more acceptable form of animal. Jon Bickford said typically they are temporary. John Champagne asked what that was based on, and what subjective criteria were they using that determines that animal is better than say some other animal. Rebecca Huss said usually the goal of the FFA and 4H student is to raise the animal and have it sold for an amount of money that the student then can put toward college or other projects. John Champagne asked if that made it nobler. Rebecca Huss said no, it was just the idea like Jon Bickford said, it is a temporary situation. John Champagne asked if someone else could do a temporary situation; raise the animal, feed it and slaughter it, and asked if that would be okay. Jon Bickford said you can't slaughter the animal in your yard. John Champagne said he was just reading the ordinance. Jon Bickford asked John Champagne to offer suggestions. John Champagne said he would suggest taking that out of the ordinance. Rebecca Huss said it was the idea that the FFA and the 4H is an important part of our community. John Champagne said he understood that, but that is saying that someone else is not as important. Mayor Countryman said she did not see it that way. John Champagne said if he got the same number of animals that 4H has, same breed, he feeds them the same and it is temporary, so does he get the same allowances that they get. Rebecca Huss said in this case no, because obviously the ordinance requires a note.

Rebecca Huss said we find ourselves at this point because the logic and the middle road that they relied on to live next to each other in harmony does not seem to work anymore. Rebecca Huss said we have been required by circumstances to get to this point and write things down, and in doing so they don't want to knock out the things that are an important part of our community. John Champagne said they are important according to who. Jon Bickford said it was according to those that have voiced their opinion about it. John Champagne asked if the subjective opinion of this City Council is that FFA and 4H preeminent position in regards to raising an animal. Rebecca Huss said she thought they could look at MISD as well, because they have an AG Department and an AG Barn that our taxes dollars are going to support so the School District as well feels that it is an important component of the education that our children receive. John Champagne said again he said "so." John Champagne said there is going to be unintended consequences to this ordinance. Rebecca Huss said she agreed, but in this case they know of something that they want to try and protect, and if they have to amend the

ordinance later, because of unintended consequences, then knowing what the unintended consequences are or the consequence is then they can more effectively amend. John Champagne said he was not questioning the motivation, he was sure that everyone here wants to do what is right. Jon Bickford said there are some rules around this, and asked specifically what was raising John Champagne's concerns. John Champagne said there were a number of them and he was just picking out the most obvious one for him. John Champagne asked how many acres does FFA and 4H get and what is the limit.

Jon Bickford said the ordinance provides that 4H and FFA may receive a temporary exemption provided there are City residents whose members are of the household and they have filed with the City Secretary a levy from the 4H adult leader/teacher certifying the project and no neighbor within 50 feet of the animal's pen files a written complaint with the City. Jon Bickford said that question is taken care of in Section 14A. John Champagne said the summary does not read correctly. Rebecca Huss said they need to double up and put it on the second line. Jon Bickford said absolutely in all the cases with 4H and FFA. John Champagne said he appreciated Jon Bickford, but asked what the exception was for 4H and FFA. Jon Bickford said if they get the teacher's note and the animal is not objectionable to a resident within 50 feet of the pen, then they can keep it. John Champagne asked what the exception was, because there is an exception clause. Jon Bickford said that is the exception that you get, you can keep the animal if you meet the criteria. John Champagne said then it is not really an exemption; anybody can do it. Jon Bickford said you need a note from your 4H teacher or FFA teacher, so if you can get that from your 4H or FFA advisor, then yes you can have one at your place if you meet the criteria. John Champagne said but no one else can. Jon Bickford said they can if they get a letter from their teacher. Mayor Countryman said they have not currently had this as an issue, so she does not foresee it. John Champagne asked why it was in the ordinance then. Mayor Countryman said it was language that most ordinances have and they have to cover it at some point, because we are in a rural area. Rebecca Huss said that Mr. Love specifically brought it up as a concern of his. Mayor Countryman said that was correct because he had 350 chickens behind him, at one point. Jon Bickford said there could be some unplanned consequences, this is an ordinance, so he was pretty sure they could change the ordinance. Mr. Yates said they could modify the ordinance. Jon Bickford asked why this seems to be such a hard problem; this ordinance would allow them to move forward and solve the problem that they have to solve, which they were not able to resolve.

Rebecca Huss said there were a couple of items that she wanted to address, on page 7 it has both 1-acre versus 1.5 acres for cows and asked if they wanted to pick one or the other rather than having both. Jon Bickford said they need to be consistent. John Champagne asked where they plagiarized the ordinance. Rebecca Huss said it came from a bunch of different things. Mr. Yates said he got it from an example that was written about two years ago. John Champagne asked where Mr. Yates obtained the ordinance. Mr. Yates said it was a combination of several people including Rebecca Huss.

Mayor Countryman said they have been talking about this matter for months so everyone has had ample time to throw in their two cents or give ideas because they asked for ideas and options. John Champagne said his option was File 13.

Rebecca Huss asked if they make horses 1 to 1 ½ half acres for the first animal and said they need to pick one. Jon Bickford said he would pick 1 ½ acres to be consistent, and if that causes a problem for anybody let the City know because they can fix it. Rebecca Huss said just so they know, the director that is listed in the ordinance is the Director of Public Works, so that is Mr. Muckleroy, who is the one that does a lot of this stuff, which is fine with her. Mr. Yates said that should be animal control. Rebecca Huss said that is what it states, Director of Public Works or designee. Rebecca Huss said if they use animal control, they are off of SH 242, which means all of this is useless, so it either needs to be in the City if they want it to be any use at all. Rebecca Huss said the Director of all this needs to be an employee of the City, because if they are using animal control, except for things related to rabies, which is properly the County, then none of this is of use at all, because they will be relying on the County to enforce things that they are not interested in doing. Rebecca Huss said the reason they are here doing this is because the County does not come out here. Rebecca Huss said she was fine with it being Mr. Muckleroy, but she just wanted to make sure that everyone was aware of that.

John Champagne asked T.J. Wilkerson how many animals he has at his house. T.J. Wilkerson said he had six or seven animals. John Champagne asked how many animals Rebecca Huss had. Rebecca Huss said she has one dog and five outdoor cats. Jon Bickford said he had six or seven animals. John Champagne said he had two animals. Mayor Countryman said she has one animal.

Rebecca Huss said the other thing that she wanted to ask about was there is only one section that has anything to do with fines, and said there is no consistency regarding enforcement leverage and she felt there needed to be something to do with what the fine was for going against the ordinance. Rebecca Huss said there was only something on page five for the nuisance. Mr. Yates said they could add a penalty clause.

John Champagne moved that they vote on the ordinance as presented, as acceptable or not acceptable.

Rebecca Huss said she thought there are some flaws so they could make it contingent to the things that they have already discussed. John Champagne said no, his motion is straight up.

T.J. Wilkerson seconded the motion.

Discussion: Jon Bickford asked if John Champagne would accept. John Champagne said the motion was as stated and he was done, he has no amendments, no nothing. Jon Bickford said okay. Rebecca Huss asked if they were voting yes or are we just voting to vote. John Champagne said they are voting "YAY" OR "NAY" on the ordinance that has been presented to this City Council tonight. Jon Bickford asked one more question on whether they got any specific feedback from anybody that said there was anything in this ordinance that they wanted to take out. Mr. Yates said no, just the comment about the pit bull and dangerous dogs, but again the dangerous dogs is not by breed. Jon Bickford said that as he had stated before, the ordinance can always be changed. Mayor Countryman said the motion was not to reject the ordinance. Jon Bickford said he would rather have it active and change it than have it inactive. John Champagne said Jon Bickford could always make that motion.

Mayor Countryman said on the table is a motion to accept the ordinance as presented.

The motion failed with the following vote:

Aye: Rebecca Huss and Jon Bickford

Nay: John Champagne and T.J. Wilkerson

Mayor Countryman voted Aye to break the tie to accept the Animal Ordinance as presented.
(3-Ayes to 2-Nays)

12. Consideration and possible action regarding advertising for Chief of Police position.

Mr. Yates advised that the hiring of a Police Chief can be a very involved process or as simple as taking applications, reviewing them, interviewing people and checking references before hiring. Mr. Yates said the position of Police Chief for the City should be of interest to the highest quality of law enforcement personnel due to our growth, location and the City's future.

Mr. Yates commented that the City's Personnel Policy rules regarding Recruitment, Selection and Hiring Practices states in Section 2.02 Promotion. The City will attempt to provide promotional opportunities to existing Employees, when possible. A selection process may be limited to qualified City Employees or such employees may be given preference in application or consideration. Opportunities for promotion across organizational lines shall also be possible, contingent on business necessities at the time. All promoted Employees shall serve a 90 day Orientation Period in the new position.

Mr. Yates said if they were not to promote and go through the application process, what he has outlined is the three different types of processes:

- Internal Process – which involves advertising the position and collecting resumes for City Council to narrow the applicants down to about six candidates who are interviewed by a select committee that could involve City Council members, the City Administrator, possibly a neighboring Police Chief, and possibly members of the community.
- Assessment Center Process – which would involve the hiring of an Assessment Company that would involve testing and screening by an outside service. Mr. Yates said he has not researched the availability or cost of such a service. Mr. Yates said a modification of this could be to hire a company such as Strategic Government Resources (SRG) to perform the solicitation of applicants and perform testing and screening for an approximate cost of \$15,000.
- Public Process – which would involve the positioning of a committee made up of City Council members and to hold public forums for the “type” of Police Chief the

community needs. Mr. Yates said a select group of the public could also sit in on the interviews, and there could also be an interview conducted by an expert panel of law enforcement.

- Hybrid Process – which would be a combination of the above three processes. Mr. Yates said they would advertise with Texas Municipal League and on the SRG job listing to get as much coverage and notification to the public for the applicants. Mr. Yates said they would form a committee made up of two City Council members, the Mayor, City Administrator, two members of the public, the Human Resources Director, which is Susan Hensley, and one area Police Chief to narrow down the applicants down to approximately six applicants. Mr. Yates said the committee would interview the applicants and narrow them down to the top three applicants, who are then given personality and leadership screening tests by SGR. Mr. Yates said then the City Council will interview the top three candidates and make a selection.

Mr. Yates said it will be up to City Council on what they want to do. Mr. Yates said nothing states that they have to go out for applications, you could do an internal search as provided by the City Personnel Policy regulations, for an internal promotion. John Champagne said the internal process would be part of this process either way. John Champagne said whoever wants to apply internally has that opportunity. Mr. Yates said if they wanted to promote within, you would not have to go outside for applications.

John Champagne said the last time that they did this process, the full City Council was involved, which he is a proponent of and resumes were evaluated. John Champagne asked Mr. Foerster if the resumes could be evaluated privately and are not required to be in a public setting. Mr. Foerster said they could do that in a Closed Executive Session. John Champagne said they came up with a final three candidates and they interviewed the three candidates and made a decision. John Champagne said it was pretty simple to him.

Rebecca Huss said she liked the idea of having input from the expert panel of a local agency such as Conroe Police Department, Montgomery County Sheriff's Department, or Montgomery School District to provide input on the skills and qualifications, because obviously there is a benefit to be had. Rebecca Huss said she was a little bit nervous going out to somebody like SRG to pay for something where they might get somebody that looks at Montgomery like a stepping stone rather than looking at what Montgomery needs all by itself.

John Champagne said small does not always equate to low crime, and said he feels that is a false correlation. John Champagne said he thought this City Council did a fairly good job and the City has been pretty safe over the past five years albeit not perfect. John Champagne asked if they got Texas Municipal League involved with the search and advertise with them the last time. Mr. Yates said he did not know about last time. Jon Bickford said he did not think they used an agency for the search. John Champagne said they did not use one, it was just a police group they used. John Champagne said they got resumes, they evaluated the resumes as a group, came up with the final three candidates and interviewed the final three and made a decision. John Champagne said that was how they hired Mr. Yates. Rebecca Huss said they used a head hunter for Mr. Yates. John Champagne said they all interviewed Mr. Yates. Rebecca Huss said that he had gone through a screening process of some sort.

Jon Bickford said the question is not how they are going to do it, but are they going to do it. Jon Bickford said they need to open the door and see what is available and let the best person win, and his question is do they have to make a motion. Mr. Yates said no they could direct him on what they want done. Jon Bickford said they need to open it up the hiring process and see who applies. Jon Bickford said over the next four weeks they will see what comes in.

Mayor Countryman asked if there was a time period on how long the advertisement should go out. Mr. Yates said three weeks to a month. Jon Bickford asked if they need to make a motion. Mr. Foerster said he would like to have a motion and said he felt it would be appropriate to have some sort of frame work by which you are going to make a selection. Rebecca Huss said she would really like to see them include outside agencies since we do depend on the concurrent jurisdictions for a lot of our resources and additional support, so it would be nice to include their judgement. John Champagne asked specifically who they would include. Rebecca Huss said the Montgomery County Sheriff's Department and Department of Public Safety. John Champagne said he was not impressed with either one of those organizations. Mayor Countryman said it would be good to have an expert in police work to make the determination. John Champagne said if they bring in another group they will bring in their own biases, and said he had no problem bringing in an individual within the City that has a vested interest, because they have some officers in the City such as Joel Gordon, and said he would have no problem with him being involved. Rebecca Huss said they do pay more taxes to the County

than they do to the City and they buy a lot of stuff with those funds, and they should get services for that so a good relationship is an important part. Jon Bickford said someone like Joel Gordon could give a good opinion on the best candidate. Jon Bickford said he felt if they get mired down with the process tonight we could stay here an hour to figure it out.

Jon Bickford moved that they a) formally open the position for Police Chief, advertise the position so they can pick a permanent Police Chief for the City and b) they leave the application time open for four weeks, and c) ask the City Administrator to put together the process that he would like to follow, with the following guidance: 1) we would prefer not to go to an outside agency if they can help it, and if they do they would like to see if they can get some feedback from folks in the City that can help us pick someone rather than pay somebody, 2) and make sure that City Council gets involved in the final decision process.

Rebecca Huss said then maybe bring the process back at the first January Meeting if that is what the City Attorney wants them to do. Jon Bickford said he wanted to open it now. Jon Bickford said they can determine the process by email. Mr. Foerster asked what he meant by email. Jon Bickford asked if they want them to vote on the process or just the position being opened. Mr. Foerster said if the City Council is going to take some action moving forward with opening the process, he just wants something on the record that authorizes Mr. Yates to move forward. Mr. Foerster said that does not keep them from modifying the process as they go forward, but at least the first step would be if they want to go out and reach out to possible qualified candidates; let's get the advertisement done.

John Champagne seconded the motion, the motion carried unanimously. (4-0)

13. Report regarding completion of the Buffalo Springs Bridge.

Mr. Roznovsky said that he did not have any additional information to add unless there were questions by City Council. There were no other questions submitted.

14. Report regarding City initiated rezoning of parcel of property inside the City.

Mr. McCorquodale presented the information to City Council stating that this was basically a cleaning up of the City's Zoning Map. Mr. Yates said the main point that they were looking for was the Planning and Zoning Commission has been working on this for several months and their intention is to start the City initiated process on this. Mr. Yates said he wanted to make sure that City Council was good with the proposed parcels.

Jon Bickford asked if this was the same Planning and Zoning Commission that approved the 80 foot flag pole. Mayor Countryman said that was the Board of Adjustment. John Champagne asked if they were talking about an estimated cost of \$4,200.

John Champagne made a motion to accept this recommendation. Mr. Foerster said this is a Report with no action. Mr. McCorquodale said they wanted to make sure that City Council was okay with rezoning some properties.

Jon Bickford asked if the property owner can say they don't want to be rezoned. Mr. McCorquodale said the owner has some input, but ultimately it is the City's pleasure of the land use. Jon Bickford asked if the City would have to be able to cause their property value to go down by rezoning. Mr. Yates said they are not pushing the subject on the homeowner, these are cleanup items. Jon Bickford said this is probably parcels that the owner wants rezoned anyway. Jon Bickford asked if there were any properties that were residential and going to commercial or industrial. Mr. McCorquodale said these are going the other way, they are zoned industrial to residential. Jon Bickford said he was good with the information. Rebecca Huss asked if they have talked with any of the owners yet. Mr. McCorquodale said it is very early in the process and they will be talking to the owners.

15. Consideration and possible action regarding rebidding the Baja Street Paving Project.

Mr. Roznovsky advised they received bids for the Baja Street Paving Project on November 29, 2018, which came in very high, with the low bid being \$89,530 that is about \$34,000 over the estimate and there were only two bidders on the project.

Mr. Roznovsky said what they did was talk to the people that had pulled plans but did not bid on the project and asked the reason why they did not bid; they also spoke to some local

contractors and asked why they were not interested and did not submit a bid to figure what the reason was for the lack of bids. Mr. Roznovsky said a couple of things came back; a couple forgot to bid, and since it was a small project some were not that interested. Mr. Roznovsky said what also brought the price of the bids up was the requirement that they could only do half the road at a time to allow traffic.

Mr. Roznovsky said their recommendation is to not award the project tonight; go back at calling out that phasing differently to do the road and have it open up by that night and then the next day come back, so people still have access in the morning and evenings to their homes to help bring that price down, as well as giving the contractors more time.

John Champagne asked if the rebids for this project would be on fast track. Mr. Roznovsky said he thought that they would wait until the first of the year, and his reason was because of the holidays. Mr. Roznovsky said the waterline, is complete. Mr. Roznovsky said just with the Holiday Season they could go ahead and put it in the paper sooner and then extend the time out so they don't receive bids until the first of the year so they continue to move forward with the project.

John Champagne said he has lost count, and asked if these people have been waiting over two years. Mayor Countryman said it has been almost three years. Rebecca Huss asked if Mr. Roznovsky was working that contract time around the school day also. Mr. Roznovsky said no, he was not. Rebecca Huss advised the car rider lines run right through that area on Baja Street and goes around the school. Mr. Roznovsky said that was Community Center Drive; this is Baja Street, which is the dead end street north past the school.

Mr. Yates said he agreed with John Champagne in the sense that they go ahead and advertise as soon as possible, even if they extend the days out to the 8th or 9th of January, 2019.

John Champagne moved to rebid the Baja Street Paving Project and extend the days out to January 8th or 9th, 2019. Rebecca Huss seconded the motion, the motion carried unanimously.
(4-0)

16. Consideration and possible action regarding appointment to fill the vacant Place #5 on City Council for the term expiring in May 2019.

Mr. Yates said that the City Council was not under any constraint as to the selection method they choose to appoint their replacement, including the option to not appoint a replacement.

John Champagne said he had made a motion that they fill that position, and then it was voted on that they fill the position. John Champagne said that he and Rebecca Huss had a bit of a discussion because she did not want to fill the position for whatever reason, so this ambiguous wording is inappropriate and does not fall in line with the motion. Mr. Yates said he would have to look back at the minutes. John Champagne asked if Mr. Yates wrote this item. Mr. Yates said yes he did. John Champagne asked if he had to remake the motion to fill this position. Mr. Yates said no. John Champagne asked what this was that they are to consider, the applications and make a decision to appoint or to choose not to make an appointment. John Champagne said not to make an appointment is not even an issue.

Mr. Yates said he has attached a series of emails between the City Attorney and Jon Bickford concerning a possible selection and interview process. Mr. Yates said there were three applications. Jon Bickford said he understood that one of the applicants had withdrawn their name. Mayor Countryman said that was correct. Jon Bickford said he has proposed a process for selection.

Mr. Foerster said the way that he read the agenda item, Consideration and possible action regarding appointment to fill the vacant Place #5 on City Council for the term expiring May 2019, he would think that puts people on notice that you have the right tonight to make that selection if you wish. John Champagne asked if they could nominate people. Mr. Foerster and Mayor Countryman said yes. Mayor Countryman asked if they wanted them to state why they are running and be able to ask questions. John Champagne said he did not; he has a resume that he looked at. Mayor Countryman said she felt there should be a question and answer. John Champagne said he would leave it up to City Council. Mayor Countryman said she was just suggesting.

Jon Bickford asked if City Council was going to invoke what he had proposed to offer three to four minutes, no more than that for each interested party to stand up and state their qualifications and why they are interested and then sit back down with no discussion. John Champagne said he was all in for that. John Champagne said they have two people, and he does not see a line behind them and he says they nominate one of them and vote on them and put them in the chair. Mayor Countryman said either way.

Jon Bickford asked if they should get the candidates up here. Mr. Foerster said he would suggest that they get that in the form of a motion.

Jon Bickford moved to give each candidate four minutes to speak to give us some background on why they are interested in the position so they can get that in public. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

Jon Bickford said that Jenny Stewart and Tom Cronin have put their application in and Jenny Stewart spoke first.

Jenny Stewart - read her application, advising that she graduated Cum Laude in 1981 from Texas A&M. Her experience was three terms elected to Montgomery City Council, Planning and Zoning Committee Chairman, and said she was the one that was responsible for Planning and Zoning being in this town. Mrs. Stewart said she spearheaded the Cedar Brake Park Project and got the first half million dollar grant the City ever had received. Mrs. Stewart said she negotiated the purchase of land for the current City Hall site for \$1 from the County. Mrs. Stewart said her areas of interest are all areas that need to be improved, and said she has a lot of contacts that would be of benefit to the City. Mrs. Stewart said she was active in the MISD for 16 years, participated on the MISD District Advisory Board and she fought hard and changed the MISD Honor Roll Society eligibility rule, PTO Board member and founding member of the National Charity League, Montgomery Monarch Chapter, Bear backers, past President of Montgomery Junior Cotillion, past President of Lake Conroe Area Republican Women, first Vice President two years, Legislative Chairman for two years, campaign activity, State Republican Delegate to Senate District 3, Councilwoman State Convention, Board Member of the Houston Equine Research Organization (HERO) at Sam Houston Race Park for ten years. Mrs. Stewart said she believed her experience will benefit the citizens greatly

until the next election. Mrs. Stewart said in the last couple of months she has been able to shine some light on some problems in the City and help solve them. Mrs. Stewart said she was good at win-win situations for the City as her past track record reflects. Mrs. Stewart said she has been on the Variance Board and they have had three meetings and she has missed two because she was out of town. Mrs. Stewart said there are a lot of things that she could benefit the City, and one of the things would be bringing in outside people, experts to avoid problems. Mrs. Stewart said some of the people that she has brought in the past they did not use, and they would not have the problems that they are having right now if they had. Mrs. Stewart said she always believe in looking to outside people who are smarter, wiser and more educated that we are because we are a small town and we are growing. Mrs. Stewart said one of the big problems we have coming toward us and we have no plan for, as far as she is aware of, is the drainage. Mrs. Stewart said she has hotel contacts that she has called the City about, with the man that is the President of the Hilton Hyatt is a high school friend of hers and he is welcome to have a conference call with us about ways to get boutique for certain hotels in the County, or in the City. Mrs. Stewart said she has a lot of contacts and she actually has some good ideas on how to pick a Police Chief, and she has a lot of experience because of her many times in the City. Mrs. Stewart said she thought that she was retired, but she thinks the City could use some help from someone that has been around. Mrs. Stewart said she has seen a lot happen in this town, which she has lived in since 1991.

Tom Cronin – introduced himself stating that he has lived in town about 10 years and operates a restaurant that he has had for six and a half years. Mr. Cronin said he firmly believes that he could, if considered and given the opportunity, bring a lot of perspective from an operator of a business in downtown Montgomery in the Historic District. Mr. Cronin said he sees a lot and talks to a lot of different people, and unfortunately those people do not realize they might operate a business in downtown, but they don't have a lot of say so because they do not live here and they can't vote. Mr. Cronin said those people say you can't do this or that, but you can't do something unless you have somebody to represent your interests. Mr. Cronin said he would not just represent the interests of downtown, but again he has been here six and a half years and he has seen a lot of changes in this City. Mr. Cronin said he has lived in the area 15 years, he has a degree in law enforcement administration from the University of Oklahoma. Mr. Cronin said he is a small town business man, he has worked for very large companies, he has held senior management positions with different size companies, he has worked in the

corporate world, but he really enjoys being semi-retired. Mr. Cronin said he was going to run for a position about a year ago, but he had some health issues, but his health is good now according to his cardiologist, so he has some free time. Mr. Cronin said he operates a business, but it is very successful and takes good care of itself and he would love to be able to provide input that City Council might value and appreciate.

John Champagne said that Mr. Cronin said he had a degree from Oklahoma, which was what. Mr. Cronin said it was law enforcement administration. Mayor Countryman said she also had a question. Jon Bickford said they were not supposed to ask questions. John Champagne said he was just asking for clarification as to what Mr. Cronin said. Mayor Countryman said she did have a question that she felt would be helpful. Jon Bickford said he did not think that was what they agreed to, so if the Mayor is going to ask questions, they will have to bring everyone back up. Mayor Countryman asked if she could make a statement. Jon Bickford said he did not think it would be appropriate at this point.

Jon Bickford said he perused the resumes, so as far as he was concerned, they have a couple of good candidates for a couple of different reasons. Jon Bickford said his personal specific concern for the City is what they have got coming, specifically along the lines concerns he has about the build out of FM 149 and the business impact on FM 149, getting a plan together with the businesses there to make sure that they can get that work by TxDOT done and not have another slip like they did; he would love to see somebody from the business community there in the Historic District that has a business on FM 149 be part of the City Council, certainly until May at least to help us to continue to push that and make it go forward. Jon Bickford said based on that, he would like to recommend Tom Cronin for the position.

Jon Bickford moved to appoint Tom Cronin to City Council, Place #5.

Rebecca Huss asked if they had to open the floor for nominations. Mayor Countryman asked if they needed to open the floor for nominations. Mr. Foerster said his suggestion to the City Council in previous correspondence was they could make a nomination, there is a second, if it dies because you do not get three votes, and if it is a two to two vote then the Mayor breaks the tie. Mr. Foerster said if that person does not get the necessary votes then there is a second nomination, and the second nominee may or may not get the votes as well, and at that point

you have a stale mate and you don't have anybody selected tonight. Mr. Foerster said he understand that what Jon Bickford is doing is making a motion to nominate Mr. Cronin, which would require a second.

T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

Mayor Countryman congratulated Mr. Tom Cronin on being appointed to City Council, Place #5.

17. Possible swearing-in of the new City Council Place #5 appointee.

Mayor Countryman administered the Statement of Appointed Office prior to Mr. Cronin taking the Oath of Office.

Mayor Countryman then administered the Oath of Office to Mr. Cronin as City Council, Place #5.

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.

18. Adjourn into Closed Executive Session to consider real property matters involving certain properties in the city under Section 551.072 of the Texas Government Code and consultation with attorney on confidential legal matters under Section 551.071 of the Texas Government Code.

Mayor Countryman adjourned into Closed Executive Session at 8:31 p.m.

19. Reconvene into Open Session.

Mayor Countryman reconvened into Open Session at 9:19 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

20. Consideration and possible action if necessary on matters deliberated in Closed Executive Session.

No action was taken.

COUNCIL INQUIRY:

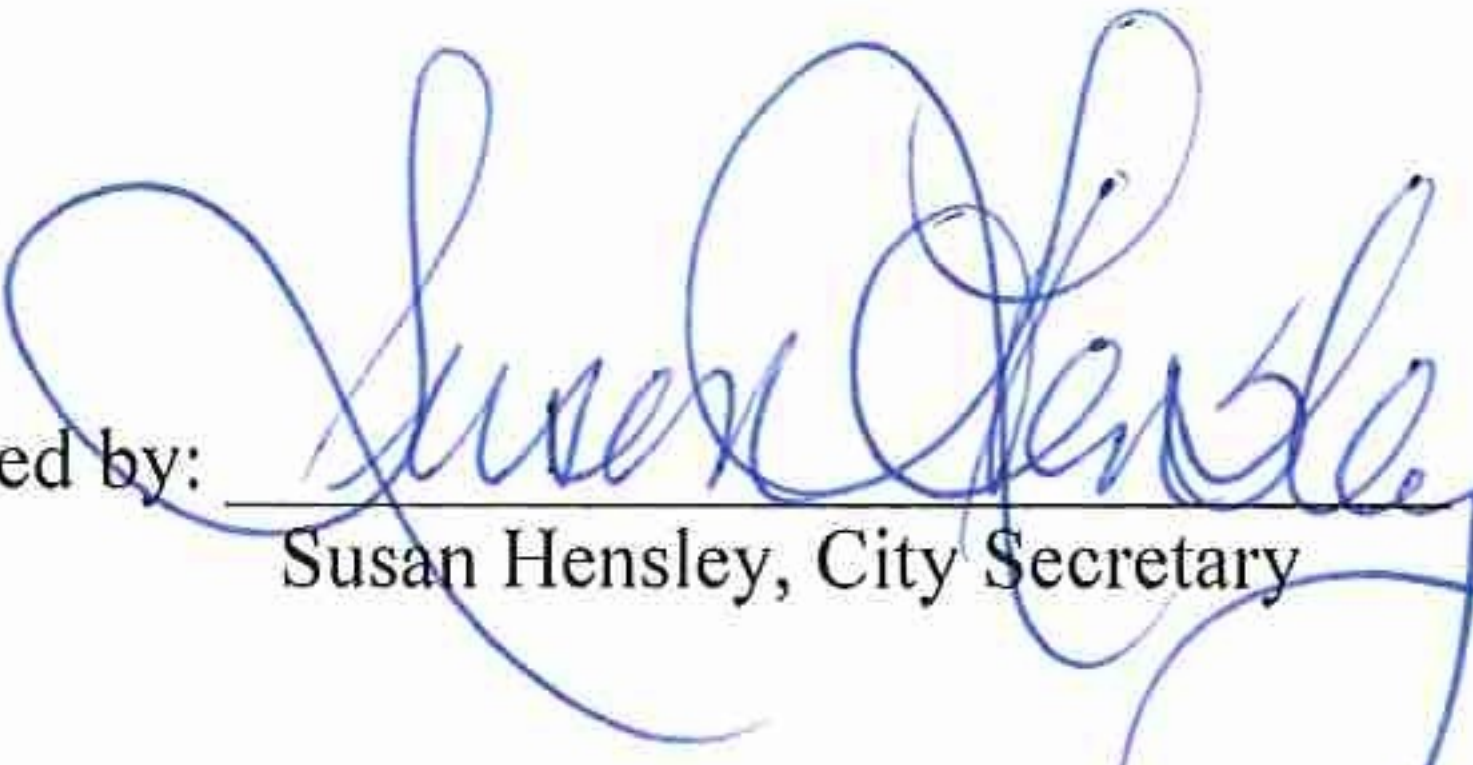
Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or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

No comments were made.

ADJOURNMENT

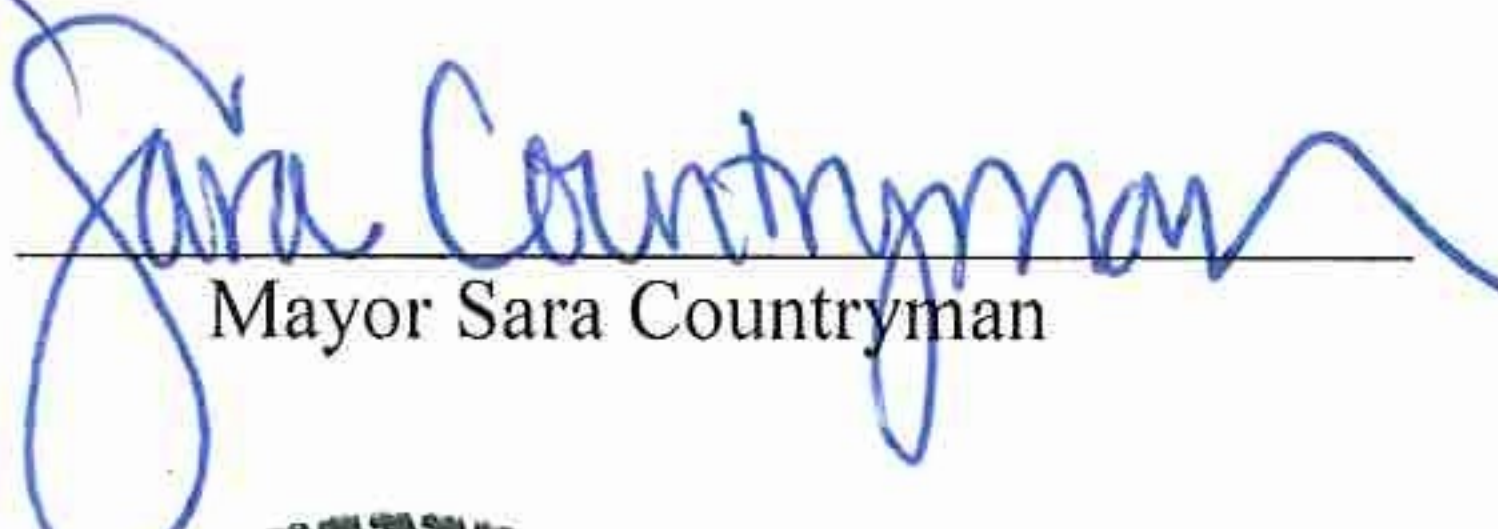
Jon Bickford moved to adjourn the meeting at 9:19 p.m. John Champagne seconded the motion, the motion carried unanimously. (5-0)

Submitted by:


Susan Hensley, City Secretary

Date Approved:

01/08/2019


Mayor Sara Countryman

