

# MINUTES OF PUBLIC HEARINGS AND REGULAR MEETING

October 23, 2018

## MONTGOMERY CITY COUNCIL

### CALL TO ORDER

Mayor Sara Countryman declared a quorum was present, and called the meeting to order at 6:05 p.m.

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

Absent: John Champagne, Jr. City Council Place # 2  
Vacant City Council Place # 5

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

### INVOCATION

T.J. Wilkerson gave the Invocation.

### PLEDGE OF ALLEGIANCE TO FLAGS

### PUBLIC HEARING(S):

1. Receive the Final Report from the Planning and Zoning Commission, resulting from their two public hearings held on September 24, 2018 and October 22, 2018 regarding the following:
  - a) A request to rezone the property located at 2580 Lone Star Parkway, Montgomery from ID-Industrial to R-2 MultiFamily, by owner Larry Jacobs; and
  - b) A request to rezone the property located at 2560 Lone Star Parkway from ID-Industrial to B-Commercial, by owner Larry Jacobs.

Mr. Yates advised that the Planning and Zoning Commission met last night and conducted their second Public Hearing on this matter. Mr. Yates said the Commission was requested by Mr. Jacobs to not make their decision or present their Final Report to City Council because Mr. Jacobs has talked to other property owners in the area and he might want to change his request to a larger area. Mr. Yates said since there is no Final Report from the Commission, City Council will not be able to conduct their Public Hearing because City Council is required to receive the Final Report from the Commission prior to the Public Hearing. Mr. Yates said that Mr. Jacobs realizes City Council will have to call a new Public Hearing and that can't be done earlier than the November 13, 2018 City Council Meeting for the December 11, 2018 Meeting. Mr. Yates said if they were to delay the Public Hearing past next month, because it will come back to the Planning and Zoning Commission next month for their Final Report, it will be too long of a period of time between the Public Hearings. Rebecca Huss said she assumed that this was related to something that they discussed at a prior City Council Meeting, which is the need for a workshop to discuss how to deal with this entire area and the issue of the lack of cumulative zoning and how to work with the other property owners to have a more comprehensive plan for this area, rather than the piece meal rezoning. Rebecca Huss asked if that was something that City Council could accomplish before they embark on the piece meal rezoning. Mr. Yates said probably not because the Planning and Zoning Commission just heard the Cumulative Zoning Report and the Table of Uses Report last night at the meeting with no action taken. Mr. Yates said it would be at least a month or two before the Commission really has enough information accumulated and is in agreement to pass anything along. Mr. Yates said that Mr. Jacobs did not say that was the reason he was thinking of a larger area. Rebecca Huss said perhaps talking to Mr. Jacobs about the possibility of a workshop to consider some of those other items, and if Mr. Jacobs is talking about other landowners as well, maybe they could do something more comprehensive in conjunction with the work that the Commission is doing. Rebecca Huss said if it was a workshop then they are not deciding things they are just discussing them. Mr. Yates asked if this was an offer from the City Council to meet with the Planning and Zoning Commission to move the process along. Rebecca Huss said it could include whatever landowners that he is working with to try and figure out what they want to accomplish and how they can make it work best for the City, because that is what City Council said they wanted to do. Mayor Countryman said City Council had discussed everyone getting together during the previous meeting. Rebecca Huss said she felt that it would be better than putting it off and then not having any idea of what the landowners are going to

come up with, and said she felt it would be better if they worked together early rather than having a final product from any of the different Boards or landowners. Mr. Yates said he would pass that information on to Mr. Jacobs.

**Convene into Public Hearing:**

2. **For the purpose of giving all interested persons the right to appear and be heard on the following:**

- a) A request to rezone the property located at 2580 Lone Star Parkway, Montgomery from ID-Industrial to R-2 MultiFamily, by owner Larry Jacobs; and
- b) A request to rezone the property located at 2560 Lone Star Parkway from ID-Industrial to B-Commercial, by owner Larry Jacobs.

The Public Hearing was not conducted.

**Adjourn Public Hearing:**

**Convene into Public Hearing:**

3. **For the purpose of giving all interested persons the right to appear and be heard on the proposed annexation by the City of Montgomery, Texas of the following described land: Being a tract of land containing 1.758 acres comprised of 0.22 acres in the BENJAMIN RIGSBY SURVEY, A-31, and 1.538 acres in the ZACK LANDRUM SURVEY, A-22, both in Montgomery County, Texas. Said 1.758 acres being out of and a part of a 6.75 acre tract conveyed by deed from Mary A. Hooker to Hy. C. Furlow and recorded in Vol. 38, Page 217 of the Deed Records of Montgomery County, Texas, and also being out of and a part of a 0.99 acre tract conveyed by deed dated November 17, 1928 from Mrs. W.H. Bailey to H.C. Furlow and recorded in Vol. 120, Page 202, of the Deed Records of Montgomery County, Texas. (Second of Two Hearings)**

Mayor Countryman convened into the Public Hearing at 6:12 p.m.

Mr. Yates advised this was the second of two Public Hearings regarding the Al Cade annexation who is annexing and said the property is located directly south of the Napa Store and completely surrounded by the City.

There were no comments made during the Public Hearing.

**Adjourn Public Hearing:**

Mayor Countryman adjourned the Public Hearing at 6:14 p.m.

**Reconvene into Regular Session:**

Mayor Countryman convened into Regular Session at 6:14 p.m.

**VISITOR/CITIZENS FORUM:**

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

Mayor Countryman stated that she wanted to state for the record that the following was not a felony, during the mid-1990's she wrote a check that was hot. Mayor Countryman said that she moved and then not until a few years later, when she was pulled over for no seatbelt, did she learn that there was a warrant for her arrest. Mayor Countryman said she went to jail for a few hours and paid the fine and moved on. Mayor Countryman said thank you.

Mr. Bob Stewart stated that he had some pictures of a manhole cover that is located behind his residence and said for the last two weeks sewer has been flowing out of it onto his property. Mr. Stewart said the toxic human waste was relatively disgusting. Mr. Stewart advised 50 yards down the stream from this is another manhole cover that has a tree growing out of it. Mr. Stewart said clearly the sewer line has not been maintained. Mr. Stewart said he has lived here for 20 years and there are two times that they know of that the City has ever come out to look at the sewer line. Mr. Stewart said as he thought about the maintenance of this toxic waste it reminded him and perhaps this is a metaphor for what is going on in the City right now. Mr. Stewart said the citizens of Montgomery do not elect the Mayor and the City Council to create a toxic environment, so full of harassment that our Chief of Police is unwilling to work here any longer. Mr. Stewart said the Chief of Police is by far the most qualified Chief of Police they have ever had in this City, so qualified that the President of the United States hired him to provide protection last week in Houston. Mr. Stewart said the Chief of Police is qualified enough to provide protection for the President of the United States, but apparently we don't, as citizens, have the opportunity any longer for him to provide protection for us. Mr. Stewart said they elected City Council to represent the City and the people within this City, and the vast majority of them want Jim Napolitano as their Chief of Police. Mr. Stewart said hopefully City Council's practice of toxic harassment will come to an end now that you have created the situation and he has left and things

can get along much better and hopefully the City will work hard to hire someone that is equally qualified to protect and serve the citizens.

**CONSENT AGENDA:**

4. Matters related to the approval of minutes of the Public Hearing and Regular Meeting held on October 9, 2018.
5. Consideration and possible action to authorize the change of beverage permit classification for the Hodge Podge Lodge Beverage Permit Application.
6. Consideration and possible action regarding adoption of the following Resolution: Resolution designating the Courier Newspaper as the Official Newspaper of the City and Authorizing the City Administrator to execute a Contract.
7. Consideration and possible action regarding adoption of the following Resolution: A RESOLUTION OF THE CITY COUNCIL OF MONTGOMERY, TEXAS, AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) APPLICATION TO THE TEXAS GENERAL LAND OFFICE, AND AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE CDBG – DR PROGRAM.
8. Consideration and possible action on cancelling City Council second meetings of the month for November and December, 2018.

Jon Bickford asked about Agenda Item 5 and what classification they are moving it to. The City Secretary advised the owner is adding a mixed beverage permit application in addition to the beer and wine permit they already have.

Jon Bickford asked why the Courier is selected versus the Montgomery paper and whether it was due to circulation. The City Secretary advised that was correct.

Rebecca Huss moved to accept the Consent Agenda as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

**CONSIDERATION AND POSSIBLE ACTION:**

9. Consideration and possible action on Department Reports:

A. Administrator's Report – Mr. Yates presented his report to City Council. Mr. Yates said the Board of Adjustment will be meeting regarding Dusty's Car Wash that wants to put in an 80' foot high flag pole. Mr. Yates advised that Dusty's Car Wash is zoned commercial and the height requirement is 45' feet so they are asking for a 35' foot variance. Mr. Yates advised the Living Savior Church is asking for a variance for a 57' foot high steeple. Mr. Yates advised the plans for the appearance of the Church were approved last night by the Planning and Zoning Commission. Mr. Yates said the hearings for the variances will be held on December 12, 2018. Mr. Yates advised that he and others had met and interviewed prospects for the Tourism Promotion position.

Mr. Yates said he had received a letter from the Fernland Board and Rotary Club regarding Memory Park and the formation of the Park Board. Mr. Yates said he has also spoken with Mr. Clover regarding Cedar Brake Park. Mr. Yates said all three of those representatives of the Parks would like to have a meeting with City Council before the formation of the Park Board. Mr. Yates said he thinks their concerns are about hypothetical questions, such as, what kind of changes the Park Board can do, and whether they can install new fees, hours of operation, who handles the money and issues that they have all been struggling with for most of his 3 ½ years and the Park Board was something that was discussed when he was interviewed for the position. Mr. Yates said they were almost there a couple of years ago with the Park Agreements with each of the Parks, but they did not quite close the loop, so his question is what City Council wants to do and said that either he or the groups need some direction and information. Jon Bickford said it would make sense that they try and schedule some time with the representatives, maybe each of the Boards independently and then maybe all together. Mr. Yates said he would suggest a big square table meeting and get everyone together at the same time. Jon Bickford said they could do that, as well. Mayor Countryman said she thought that was an excellent idea. Mr. Yates said he would work on that.

Mr. Yates said he wanted to point out the excellent work the TORC (Technical Operations Review Committee) group has been doing. Mr. Yates said this was a group that was set up around four months ago, and since then they have developed a work flow process and milestones agreement for TORC. Mr. Yates said the TORC has reviewed the operation of

Water Plant #3 Cooling Tower and evaluated the use of Memory Park pond water for irrigation. Mr. Yates said they also researched the equipment needed for Memory Park irrigation, and developed the retail usage examples, which is a table that will be used by the Impact Committee when they review the Impact Fees. Mr. Yates said the TORC also brainstormed on ways to improve City traffic, including recommendations that were made to the school that were accomplished as part of the school traffic patterns. Mr. Yates said TORC also commented on the relocation of Lift Station #1, and the monthly water bill report that is done by Randy Burleigh, who also developed a water usage projection tracker that shows that even though there are more customers in the City we are using less water than last year. Mr. Yates said they have also reviewed and commented on water and sewer usage through 2023. Rebecca Huss said it was important to point out that it matters when they kick off the new well and new sewage treatment plant, which means a lot on how much they borrow so that is a really critical number. Jon Bickford said it is not how much they borrow but when they borrow the funds, because when they borrow the funds they will still need to put in a well. Rebecca Huss said to some extent yes, although if you assume that we have 5,000 customers who use 20,000 gallons per month versus 5,000 customers that use 10,000 gallons per month, it could actually determine that we could potentially need a smaller well. Jon Bickford said even so, if it costs a few dollars more to put a bigger hole in the ground, it would be more expensive to bring him back. Mr. Yates said it is important enough to be a separate report. Rebecca Huss said the question that Jon Bickford just asked is something that they provide proof and critical input on, as well. Jon Bickford said he thought it was awesome to have the TORC, plus he felt that it would help if they have to address anything with TCEQ or anybody else, they have good background behind it. Mr. Yates said that one of the members of TORC just gave him an analysis of everyone in the system that could save money by going to irrigation meters. Mr. Yates said there are 28 people that will get an individual letter stating their water consumption and showing why it would pay for them to get an irrigation meter. Jon Bickford said at the end of the day he would like to save the citizens money because that is a great thing to do, but he does not want to encourage people to use more water. Mr. Yates said he did not know that it would encourage people to use more water. Jon Bickford said he was aware of a particular neighborhood where people have installed a second meter and they run water like it is going out of style because they are not paying near as much as they would if they were being charged for both water and sewer. Jon Bickford said he felt they are not seeing

that the impact is causing people to be a bit indifferent about how much drinking water they actually use, and he always wanted to see if they could use recycled water from the sewage treatment plant, purple pipe water. Jon Bickford said he would like this to be thought about a little more, he understood and he said it was a great thing to provide residents, but we need to understand the implications of that too because indirectly he felt they would be encouraging people to use more water to water their lawn because it will cost less and they will be using twice as much water and asked if that was what they really wanted. Mr. Yates said that ultimately the resident is still paying for the cost of the water, and if the City can save the sewer expense then it will work out alright. Rebecca Huss said they were saving the sewer expense anyway, what they are giving them is free sewer. Jon Bickford said that was because the water is not going to the sewer system. Rebecca Huss said her guess would be the 28 people who do not have the meter are probably not the ones who are not way over of the arbitrage and they are probably less financially savvy so they would be less likely to increase their water usage and put it on their lawn. Mr. Yates said the cost of the second meter is roughly \$1,100 for the meter and installation. Jon Bickford said water is the most precious commodity that they have and he felt they need to do everything they can to encourage conservation any way they can. Jon Bickford said providing outlets to use more water for less money, to him, is not consistent. Rebecca Huss said she thought it was just making the customer service aspect of something that we already offer more broadly available. Jon Bickford said he was not inclined to support sending out letters to people that talks about how to get more water for less money to sprinkle your lawn. T.J. Wilkerson said he would probably go up on the irrigation meter. Jon Bickford said then you would accomplish nothing and you may as well leave things where they are. Jon Bickford said maybe the question is do they want to encourage not using more water or do they want to encourage more water usage. Jon Bickford said he was not saying that the meters would encourage a person to use more water, he is saying it certainly won't encourage them to use less water. Jon Bickford said if he paid \$1,100 for the meter he might get the thought that he needed to use more of the cheap water to make up for the \$1,100 he paid to have the meter installed.

Mr. Yates said they could assign the TORC the assignment to compare the usage of people that have irrigation meters to those users that only have one meter to see how much more or less the customer uses.



B. Public Works Report – Mr. Mike Muckleroy, Director of Public Works presented his report to City Council. Mr. Muckleroy stated they replaced several street signs, held a successful heavy trash weekend and completed the fire hydrant tagging on Lone Star Bend. Jon Bickford asked what was fire hydrant tagging. Mr. Muckleroy advised it was assigning an identification number and GPS coordinate for each hydrant. Mr. Muckleroy said as each new development comes into the City, after they are complete they tag all the fire hydrants and submit the information to Jones and Carter for GIS. Mr. Muckleroy said they had almost a week and a half of their time taken up with the in-house crack sealing, stating they completed Buffalo Springs and C.B. Stewart Drive. Rebecca Huss asked how much money would the crack sealing have cost if they had outsourced the project versus doing it in-house. Mr. Muckleroy advised he had not gotten a quote on the project, but based on the same amount of product that they put down last time it would have been in the \$20,000 to \$25,000 range and doing the project in-house they spent, with labor and everything, \$7,000 to \$8,000 range. Jon Bickford asked if that included the rental of the machine for the crack sealing. Mr. Muckleroy said that was correct. Jon Bickford asked how much it cost to rent the machine. Mr. Muckleroy advised it cost \$2,900 for two weeks and would cost \$16,000 to purchase. Mr. Muckleroy said they did crack sealing once last year, and they want to do it two times per year. Mr. Muckleroy said there is a lot of maintenance to own the machinery. Rebecca Huss said she could not believe how much money we saved doing it ourselves. Mayor Countryman said Mr. Muckleroy was very good at managing his funds.

Mr. Muckleroy advised they had eight water taps, six sewer taps, four water leaks and zero sewer stoppages for the month. Mr. Muckleroy said for parks and recreation, they checked all the electrical outlets downtown for the Wine Festival and made repairs and they installed a bull rock drain at Memory Park for the handicapped parking area. Mr. Muckleroy said the docents at Fernland reported 363 visitors and they provided 35 tours for the month.

Jon Bickford said he was made aware recently of a tree growing out of a manhole cover, and said he did not know if it just popped up or had been there for 10 years, and asked if the City was aware whether that is indeed a sewer line. Mr. Muckleroy said it was a sewer line. Jon Bickford asked if the City knew who planted a tree in there. Mr. Muckleroy said

no one had planted a tree in the manhole it just grew. Jon Bickford asked if Mr. Muckleroy knew where the manhole was located. Mr. Muckleroy said this is the first time that he is hearing about this information. Mr. Muckleroy said this is the first line that is on the list for the smoke testing they are getting ready to perform. Mr. Muckleroy said they have known for a while that is a hot spot for infiltration. Jon Bickford said the tree might be blocking something. Mr. Muckleroy said it could be. Mr. Muckleroy said one of the items they had asked for this year was for an flail mower attachment for the mini excavator, which they are getting next week and will aid in shredding a four inch diameter tree. Mr. Muckleroy said what they want to do is go in first and clear the right-of-way, inspect the manholes, then fix the problems and come back the following week and smoke test. Jon Bickford said they could pull out that tree versus just cutting it off. Mr. Muckleroy said they should be able to get the roots removed. Jon Bickford said as long as they caught the problem that is good, and said they need to get on that. Jon Bickford said if anyone else has anything like that try to report it before it gets too big. Jon Bickford thanked Mr. Muckleroy and said it was great work again.

- C. Police Department Report – Lt. Joe Belmares presented his report to City Council. Lt. Belmares said he wanted to comment on this past month's National Night Out, where they had a tremendous turnout and if you missed the large group of community members along with children, it was the best turnout they have had in years. Lt. Belmares said he was floored at the number of children that attended doubled or tripled the adults. Lt. Belmares said they had plenty of sponsors that helped with the event and he was very grateful for the turnout and the sponsors. Mayor Countryman said they even fed a little bit of the Fire Department. Lt. Belmares said they had the Montgomery Fire Department, Montgomery ISD Police Department, McGruff, and they had sponsors from Kroger, Brookshire Bros., Walmart, Bobbie Jo Skinner with Montgomery SnoBalls, Reggie's Barber Shop who paid for the awesome face painter, McDonald's, Interstate Battery and Amegy Bank. Lt. Belmares said he hopes during this next year they will start early and get more of the businesses in the City involved to help with donations or whatever they want to help with for the event. Lt. Belmares said they had a slow start so he is hoping to make the event bigger and better this coming year.

Mayor Countryman said there was a photographer at the event and asked to receive the photos for the new City website. Lt. Belmares said that he would do that, and said that the photographer had donated her time for the event at no cost to the City.

Mayor Countryman said she had signed a check on Friday with a rather large amount payable to our new phone provider that has the data for the cars, and asked why that check was so large and said it looked like it was four or five months of charges. Lt. Belmares said that was correct it was for our AT&T First Net System for first responders and is for any systems that go down as far as the phone lines or MDT lines, they are the first to come back in line so they can respond for calls from service and things of that nature, which was four months in arrears. Lt. Belmares said he had to reach out to AT&T to find out who their point of contact was so they could address the debt, and they have made him the point of contact so they could take care of the arrearages and they have been addressed. Mayor Countryman asked what the process was to get that bill paid and whether it was just a simple forward of the bill. Lt. Belmares said yes, they send the bill through email and they print the bill out and turn in for payment. Jon Bickford said that they were expecting the cost of that coverage was going to get dropped and asked if Lt. Belmares was seeing that reduction. Lt. Belmares said he has to go into the actual system to see what the phone lines are costing and he will do a comparison with the Verizon bill because they just recently dropped Verizon. Jon Bickford said the reason that they dropped Verizon was because they were going to save so much with AT&T, so the question is are they really saving money. Lt. Belmares said he also had to pay the final bill with Verizon.

Mayor Countryman asked how the transition is going and whether Lt. Belmares has been able to find everything that he needed as far as pass codes and all of the authorized information. Lt. Belmares said he has gotten everything transferred over, which has taken some time to reach out to the businesses and the points of contacts for the transition so he can have access so if they do have any bills or outstanding debt he can address them and get them taken care of. Rebecca Huss said outstanding debt is a bad thing because the City has an excellent credit rating for the City as a whole for millions of dollars and she would hate to ruin that on a bad phone bill. Lt. Belmares said he was filtering through multiple emails and researching to make sure that we are all caught up.

D. Court Department Report – Mrs. Kimberly Duckett, Court Administrator, presented her report to City Council. Mrs. Duckett said the Court had a successful month collecting \$50,959.23 in September. Mrs. Duckett said the numbers for citations were a little down, and she felt during the transition it had fluctuated a little bit and she felt they would end the year very successfully. Jon Bickford said what might be good on the report would be if she did a year to date so they can compare the figures. Jon Bickford said if Mrs. Duckett added everything up through September for 2017 and then added everything up for 2018, that way they could see where they stand. Rebecca Huss said they would have to subtract December, November and October to get the year to date figures. Mrs. Duckett said she understood. Jon Bickford said it was good to see how they are trending and it is good to see the future months because they are doing great.

Mayor Countryman said that she knew there was a large number of outstanding warrants and asked if Mrs. Duckett was still able to get on those and asked if that was some of this information. Mrs. Duckett said yes, the warrants that are outstanding if they not filed in a timely manner they do not pursue them, but as far as past due warrants and things like that they are able to still do collections on those outstanding citations. Rebecca Huss said that is something that they have not seen for a while is the outstanding warrants and asked if Mrs. Duckett could do a full year summary for the November Report. Mrs. Duckett said yes, since December is going to be the slow month, she is going to work with the Judge to get all of the warrants processed. Mrs. Duckett said they are going to add one court date for the month of December and the Judge said he would come in to make sure all the warrants were taken care of for that month. Rebecca Huss said so that they can see how many warrants that they have that are old, because in the past they had an idea of what they had in outstanding and uncollectable warrants. Mayor Countryman said this was a good job. T.J. Wilkerson said he thought the report looked good.

E. Utility/Development Report – Mr. Yates presented the report to City Council. Mr. Yates advised the utilities brought in \$185,488 with 699 active accounts, including 12 new accounts. Mr. Yates stated that they have been adding approximately 10 new accounts every month. Mr. Yates advised they brought in \$32,114 for 45 permits, 8 were new residential, 4 new commercial and the others were electrical, mechanical, plumbing permits and sign permits. Mr. Yates said the Community Center brought in \$1,400 from four

bookings, with 10 non-profit uses. Rebecca Huss asked if the next report could include the total revenue for 2017 and 2018 for the Community Center because it feels like they have had a couple of large months of revenue and she would be curious if the rental, while not necessarily paying for itself, but if there has been a trend since they fixed the building and if they are getting more people interested in booking the Community Center. Mr. Yates said he would get that information. Mr. Yates said the City water account consumption is very low except for Memory Park.

Mr. Yates asked Mr. Muckleroy to give a quick report about the status of the irrigation from the pond. Mr. Muckleroy said they were pretty well set on the project, he just needed to start ordering parts and begin installation. Mr. Muckleroy advised the irrigation for Memory Park was completely turned off at this time due to the rain and they are working on some repairs.

Jon Bickford asked about the photography permits at Fernland and asked where they are seeing them in relation to last year. Mr. Yates said they are down from last year, and now they have started issuing day permits for \$25.00 a day. Mr. Yates said he did not know if the annual permit fee was too high. Jon Bickford said as soon as the docents leave the Park the photographers come in and they are over at Memory Park too. Jon Bickford said the good news is they are seeing a little bit less wear and tear on the park when the docents are at the park, but he is still worried when they are not there. Mr. Muckleroy advised that since they have installed the video cameras the problems they were having with furniture being moved has been eliminated. Jon Bickford asked if they can see who is taking pictures at the park. Mr. Muckleroy said he goes by the docents and when they report to him, he does not check the camera on a regular basis.

Water Report – Mr. Michael Williams with Gulf Utility Service, Inc., presented his report to City Council. Mr. Williams advised during the month of September they had one district alert, which was Lift Station #2 where they had a variable frequency drive (VFD) failure. Mr. Williams said Lift Pump #3 had tripped and the operator was able to reset the pump and after testing, everything was normal.

Mr. Williams advised the daily effluent flow for the month of August – September was 3,485 million gallons and the daily peak was September 13, 2018 at 200,000 gallons, and the average daily flow was 116,200 gallons. Rebecca Huss said the peak flow seemed really low considering the rain gauge registered almost two inches. Mr. Williams said the equipment is in calibration, which they have checked twice a year, during the winter and summer. Mr. Williams said they do not have anything to report on the equipment.

Jon Bickford said the cumulative total of rain for the month of September was eight inches, and said that would average approximately two inches per week. Jon Bickford said he was just trying to understand how they use so much water at Memory Park when the City is getting two inches of rain per week. Jon Bickford said he knew they have rain and moisture sensors, but two inches a week is a lot of rain and it is not all at once it is steady rains. Mr. Muckleroy said when they know it is going to rain, like right now they have the irrigation turned completely off. Mr. Muckleroy said he thought there was a problem himself with the amount of rain that they are getting. Mr. Muckleroy said they were trying to figure it out, which is why they have the system completely off. Jon Bickford said if he put two inches of water a week on his lawn he would not be able to walk on it. Jon Bickford said if they are looking into the matter that is great.

Mr. Williams advised they sourced a total of 12.422 million gallons of water and sold 10.678 million gallons, bringing them to an accountability of 87%, which is lower than what they normally see. Rebecca Huss said that is terrible. Mr. Williams said he got with Public Works and they checked ditches and they checked the cooling tower with no obvious signs of a leak. Rebecca Huss said there is still that one under the parking lot at Montgomery Steak House, which she did not think had been located yet. Mr. Muckleroy said they dug a little bit looking for it, but at the time when they found it the storm drain that it would go into was completely dry and Accurate could not pinpoint the exact location of the leak. Mr. Muckleroy said when they started digging it up the line did not do what a normal tap would do as far as leaving the meter and going straight to the main, it actually turned dead south and started heading back toward Caroline Street. Mr. Muckleroy said they did not want to rip up the asphalt for a quarter of a gallon a minute leak that they are claiming that they heard on leak detect. Mr. Muckleroy said they will wait until it surfaces. Mr. Muckleroy said that leak would not be an 87% accountability leak. Mr. Williams said

Mr. Muckleroy did mention that he had seen, over the last couple of months, some water theft and reported it to the Police Department, so he is trying to keep an eye on that to make sure that they are not stealing water. Rebecca Huss asked if they could really lose that much water from theft. Mayor Countryman said they could if they are filling up tanks. Mr. Williams said they look to be about 1.5 million gallons shy on their accountability; it could be partly theft, construction and then leaks. Mr. Muckleroy said they went down on the deposit for the hydrometers because he felt they might be driving contractors to take a chance of stealing water, so they went down to \$500. Mr. Muckleroy said his guys, if they see a boring contractor in town, will stop and make contact with them and try to promote them getting a hydrometer, but there is a ton of boring contractors right now on the east side of town inside and outside the City limits. Mr. Muckleroy said he caught a contractor yesterday just as they were hooking up to the trailer, so he knew they were going to fill up because they were empty, so he called the Police Department and they will be issued a ticket. Mr. Muckleroy said that Officer Carswell advised him that the City of Austin has an ordinance that has a lot more bite, and he is going to look into the information. Mayor Countryman said with all the growth that they have going on in the City they certainly need to get something in place. Mr. Muckleroy said it is impossible for his crews or the Police Department to be everywhere. Rebecca Huss said with all the time they have spent talking about the value of water, then the penalties for stealing and/or wasting it should be more commensurate. Jon Bickford said they would not allow someone to steal gasoline like that. Mr. Yates said he was going to write a press release to get the word out to the public, because the fine is \$180. Jon Bickford said that did not seem high enough. Rebecca Huss said that does not even cover the cost of the water. Mayor Countryman asked what the amount of the meter deposit had been changed to. Mr. Muckleroy said it was \$3,000 and he reduced it to \$500. Mr. Muckleroy said the \$3,000 was just to cover the cost of the meter itself. Mr. Muckleroy said he has been with the City four years and he has not had a meter stolen. Jon Bickford said they might need to put sensors on the hydrants, and asked how many times a day a hydrant goes off. Mayor Countryman said there is a lot of activity there; it could be often. Mr. Muckleroy said they do make locks for the hydrants, and the rough estimate for City wide was \$80,000 to get locks on every hydrant.

Mr. Williams said they have a quarter of the year left and they still have roughly 25% of the Catahoula Permit remaining, and 53% of the Jasper Permit, so they are looking good

and they are getting into the slower months so they should not see any issues with that. Mr. Williams said this month they have 33% of water sold to the sewer plant. Rebecca Huss said she could not believe that, with six inches of rain and only 33% returned.

Mayor Countryman said there seems to be a strong chlorine smell to the water. Mr. Williams said they had an issue last week, when the wells turn on it opens up a cylinoide to feed chlorine gas to disinfect the water; when they arrived at the plant the cylinoide was found open and they had to manually close the valve because it did not automatically shut off when the well shut off. Mr. Williams said they drained water out of the tank, flushed the system until they got a lower residual and cleared that out, but there might still be a residual of a strong chlorine smell. Mayor Countryman asked if they can put something on the web site stating that the residents might be experiencing a strong chlorine smell and it is being rectified. Mr. Williams said he would get with Mr. Muckleroy about getting that put on there. Mayor Countryman said that would be great. Mr. Williams asked if there were any other questions. Rebecca Huss said the return numbers do not seem right, which means the other numbers do not seem right.

- F. Engineer's Report – Mr. Roznovsky presented his report to City Council. Mr. Roznovsky said they have received and approved pay estimate #9 for the Buffalo Springs Bridge in the amount of \$162,205.85. Mr. Roznovsky spoke about the Atkins Creek Water and Sewer Project, stating they have completed all the required analysis that FEMA needs and they are finalizing the report, which they should have it all submitted in the next week and be able to finish up the project.

Mr. Roznovsky said they received the Request for Information No. 1 for the GLO Projects on October 3, and Grantworks was able to get a bunch of those addressed and they were able to return the information in the time frame required. Mr. Roznovsky said they followed up today and the timing is not known, but at least there has been some action and they are starting to ask questions.

Mr. Roznovsky noted on the developments list a couple changes, and said they returned comments to Exxon, and they also received plans for the donut shop yesterday. Mr.



Roznovsky said they did do the one year warranty inspection for Lake Creek Village, Section 3 on Friday and the developer is working on the punch list.

Mr. Roznovsky said the Catahoula Well Permit was approved by Lone Star Ground Water Conservation District at their October 9<sup>th</sup> meeting, the increase in the permit, so they have another 14 million gallons per year of increase that gives a total of 90 million gallons per year from the Catahoula Well. Rebecca Huss asked about the status of the payment for the Catahoula Well Permit, if it goes into effect immediately upon receipt of payment. Mr. Roznovsky said that check was sent a couple days ago. Mr. Yates said he was not sure if they had it last week or if it was being paid this week. Rebecca Huss said she liked having a little extra room in our permit level so they don't use it up, and it is not effective until they pay for the permit. Mr. Roznovsky said where they are this year they have plenty of room to use. Rebecca Huss said that is assuming that nothing happens to Wells #2 and #3, so if they have to rely on the other they need that permit, and noted that she did not believe in using the conversion credits if they don't have to use them. Rebecca Huss said she would prefer that they bank the conversion credits unless they need them for an emergency, so she wanted to make sure that they paid the permit fee not only because they should pay their bills, but because they might need it.

Mr. Roznovsky said that regarding the Lone Star Project that they talked about last month, they have scheduled a meeting with TxDOT on November 6<sup>th</sup> to further discuss and keep moving that project forward. Mr. Roznovsky said the Annual Water Plant inspection was also scheduled for November 6<sup>th</sup>.

Rebecca Huss asked about the south bound turn lane mentioned, with the comments sent back to Exxon, and asked if Mr. Roznovsky could provide them with some information on the turn lane. Mr. Roznovsky said that was provided to set up a meeting with the City to discuss, so they received comments back, and they sent a request to TxDOT saying how much exactly they needed and TxDOT advised that they need an 8 ½ foot strip along the triangle piece at the corner, so they provided that information to the developer of Exxon and requested a meeting be set up to figure out the next step. Jon Bickford asked if it was south bound or north bound. Mr. Roznovsky said it was south bound. Rebecca Huss said it was south bound on the north side. Mr. Roznovsky said the north bound lane on the south

side has been completed and the right-of-way has been acquired, so this is the north bound side. Rebecca Huss asked if that was not something that is already included in TxDOT right-of-way that is something that they need to contribute. Mr. Roznovsky said that was correct and they have a lot to address between their plans, and since they are completely tearing down and restarting they have to do it all over with the Historic District, platting, everything else that they have not done. Mr. Roznovsky said there is a long way to go and a bunch of steps that they are going to be needing to get approval for, and they will likely be requesting a variance for the setback by the road. Jon Bickford asked if they had any idea when the tearing down of the Exxon Station would start. Mr. Roznovsky said it really depends on when all this gets worked out in the plans and asked what direction Jon Bickford was referring to. Jon Bickford said when Exxon is going to tear down the station and start rebuilding it, because that will be the time when you can take the land to do the south bound lane. Mr. Roznovsky said that was correct, and said he did not think they would do anything until they have plans that have been approved. Mr. Roznovsky said they returned the comments yesterday and requested a meeting be set up and got the information from TxDOT, so he would say it would be a few months before they would see any action especially going through the plat process and approval by the Planning and Zoning Commission because it is in the Historic District. Jon Bickford asked if when they do the turn lane, they will have to close the whole south bound lane to make it, and asked if they had any idea how they will do that. Mr. Roznovsky said TxDOT will determined the timeline and how it will work. Jon Bickford said he was trying to figure out, if they are going to disrupt that area to do the Exxon construction, would there be something the City could do to get FM 149 started, since the disruption is going to be there anyway and get as many disruptions out of the way at the same time as they can. Mr. Roznovsky said in an ideal world, but with TxDOT and everyone else has to coordinate.

- G. Financial Report – Mr. Yates presented the report to City Council. Mr. Yates advised the balances of the following funds: General Fund -\$801,660.97; Utility Fund - \$747,577.00; and the total City Funds at \$6,127,475. Mr. Yates said the report for this month is the September Report, which is the end of the fiscal year. Mr. Yates said while there might be a few minor changes, they can pretty much look at this report to see how they did for the year. Rebecca Huss asked what the status was for the balance of money loaned from the General Fund to the Construction Fund, what is that amount. Mr. Yates said at this point

it around \$270,000. Mr. Yates said for the General Fund Balance of revenue over expenditure for the year was \$104,085, and the balance of the Utility Fund was \$313,808. Rebecca Huss said they ended the year significantly under expectations for sales tax and asked if Mr. Yates could talk about why they deviated from their expectations. Rebecca Huss said it would be \$182,457.15. Mr. Yates said the City had an exceeding low September with \$127,000, which was the lowest September in many years, but they had a very high August. Mr. Yates said rather than a bad projection, the sales tax did not come in as much as he thought it was going to. Rebecca Huss said now that she is looking at the sales tax the report is showing nothing in September, so that could be the problem and these numbers are not the final numbers. Mr. Yates said he sees that also. Rebecca Huss said her other questions would be in the General Fund, Engineering was significantly over budget and asked what the main cause of that would be. Mr. Yates said he will look over the General Ledger and he can advise exactly why. Rebecca Huss said she wanted to check the Utility Fund too because it has some transfers to the Capital Projects that have not come through yet, so that will change the numbers quite significantly on revenues over expenses. Rebecca Huss said maybe for November they could have a full report showing all the transfers and the real numbers, so they can have a better discussion so they know really how they did for the year.

Rebecca Huss moved to accept the Departmental Reports as presented. Jon Bickford seconded the motion, the motion carried unanimously. (3-0)

10. Consideration and possible action regarding the rezoning of the eastern portion of a 2.148 – acre tract of land located at 1005 Old Plantersville Road from R-1 single-family to ID – Industrial as requested by Theresa Fisher. (Tabled at the 10/09/18 Meeting)

Mr. Yates advised this item is back on the Agenda because it was tabled at the last meeting. Mr. Yates stated the City Attorney gave an opinion at the last meeting that the property was in fact zoned Industrial. Mayor Countryman said the property was zoned in 2003 as Industrial. Rebecca Huss said if the property is in fact Industrial, what they should have on the Agenda is the new Zoning Map, because it is still not zoned Industrial until they accept a new map. Jon Bickford asked if that was true. Rebecca Huss said the map is the governing document. Mr. Foerster stated the Ordinance is the governing document. Rebecca Huss said the Zoning Map is the final thing otherwise they would not be here. Mr. Foerster said the Zoning Map reflects

the actions of the City Councils' of the last several years, with respect to the zoning action they have taken over the last couple of years. Mr. Foerster stated for Jon Bickford's benefit, because he was not at the last meeting, a few weeks ago Mr. Yates was notified by Jenny Stewart that when she served on the Planning and Zoning Commission in 2003 the property had been zoned Industrial. Mr. Foerster said in the Agenda Pack there is a copy of the April 2003 City Ordinance 2003-07 that did that, unfortunately the Ordinance was lost. Mr. Foerster said Rebecca Huss is correct, they do need to amend the Zoning Map to reflect the Ordinance that was passed in 2003 regarding that property. Mr. Roznovsky said they will update the map now that they know the status of the Ordinance. Jon Bickford said the Zoning Map has to follow the Ordinance. Mr. Foerster said that was correct, the Ordinance does not follow the Zoning Map the Zoning Map follows the Ordinance. Jon Bickford asked about what City Council needed to do. Mr. Foerster said his recommendation when he first presented the information to City Council was that the property was already Industrial so there is no action that needs to be taken other than making the correction to the Official Zoning Map, which can be done at the next meeting.

No action was taken on this item.

11. Consideration and possible action regarding adoption of the following Resolution:  
Resolution regarding a Petition by Area Landowners Requesting Expansion of the Extraterritorial Jurisdiction of City of Montgomery, Texas from Bethyl Laboratories regarding fourteen contiguous 637.646 acre tracts of land situated in the BENJAMIN RIGBY SURVEY.

Mr. Yates advised this is a result of about a year and a half of discussions with Mr. Carwile. Mr. Yates said this is an area next to the City; they can request to be annexed into the City's ETJ, which you can do, as well as annexing into the City. Mr. Yates said the reason this has been discussed for so long is because of the interest the City has in cutting off the City of Conroe from circling the City of Montgomery. Mr. Yates said once this area gets annexed into the ETJ, this would extend the ETJ of the City approximately one half of a mile northwest. Mr. Yates said this has nothing to do with water and sewer service or land use.

Rebecca Huss said that cities are allowed to collect hotel and motel tax from any hotels or motels in their ETJ, so that is something that could potentially be affected by adding to the ETJ even if they are not paying City taxes and receiving City services.

Jon Bickford asked if there would be any financial or operational impact to the City if they claimed that as part of the ETJ of the City. Mr. Foerster advised no. Rebecca Huss asked what Bethel Laboratories does. Mr. Yates said it was dealing with biomedicine. Mr. Yates said this is to schedule the Public Hearing; it is not the approval of the process. Mr. Foerster advised that unlike annexation where the statute requires two public hearings and notices, the statute does not speak to the process by which the City accepts a petition to expand its ETJ. Mr. Foerster said he felt it was prudent to at least have one public hearing on the matter before they act on it, so that is his recommendation to City Council.

Rebecca Huss said that would mean that they can't do what is stated in the Agenda Item, because this is consideration and possible action regarding the adoption of the Resolution; what Mr. Foerster is saying is what they need to do is to hold a Public Hearing. Mr. Foerster stated the Resolution calls for a Public Hearing, so what you are doing tonight by Resolution is recognizing and accepting the petition and calling for a Public Hearing. Mr. Foerster said that following the Public Hearing, which may be in December, City Council could take action.

Jon Bickford moved to accept the Petition by Area Landowners Requesting Expansion of the Extraterritorial Jurisdiction of City of Montgomery, Texas from Bethyl Laboratories regarding fourteen contiguous 637.646 acre tracts of land situated in the BENJAMIN RIGBY SURVEY. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

12. Consideration and possible action regarding award and execution of construction contract for Water and Drainage Improvements on Dr. Martin Luther King Jr. Drive and Baja.

Mr. Roznovsky advised this is a CDBG project, which is a federally funded program where the City was awarded a grant. Mr. Roznovsky stated the scope of this project is improving and replacing the water line from FM 149 all the way down Martin Luther King Drive to Baja Road, and including Baja Road, and then doing drainage improvements along the same roadways. Mr. Roznovsky said they will be replacing culverts, upsizing culverts and redoing

the ditches and some slope paving to improve the drainage. Mayor Countryman asked to confirm the project did not include sidewalks, it was just for the roads and ditches. Mr. Roznovsky said it was just the waterline and ditches. Mr. Roznovsky said this area has a FEMA project that is on the heels of this project that will redo the paving on Baja Road. Mr. Roznovsky said the bid prices came in on October 2, 2018 and Boretex, LLC was the low bidder in the amount of \$179,213.50, which was significantly lower than the estimate. Mr. Roznovsky said they called the references, and said they have not worked with the contractor before. Mr. Roznovsky said the contractor has done work in the City of Conroe. Mr. Roznovsky said the contractor is looking to relocate his business to the area, so he is trying to get in and start work here. Mr. Roznovsky said they would recommend going with Boretex, LLC.

Mr. Roznovsky said since the bid came in so low it will leave an additional \$100,000 to be used for more improvements on Baja Road, so he will be meeting with Mr. Yates on Friday to go over the potential Phase II. Mr. Roznovsky said what it looks like is instead of stopping the waterline, they can take it all the way to the City limit and McGinnis as well and upsize that line. Jon Bickford asked if they would need to do that in parallel while they have things dug up. Mr. Roznovsky said it would be at the same time. Jon Bickford asked if there were any concerns that the \$179,000 might turn into something larger than that. Mr. Roznovsky said the contractor was limited to a 25% change order since this is a federally funded project, which would still leave \$50,000.

Mr. Roznovsky said their recommendation would be to award the project to Bortex, LLC. Mr. Roznovsky said the bids are just now coming to City Council because the contractor is required to be registered and approved on the federal contract web site that takes 14 days to complete. Mayor Countryman asked if the contractor would use his own laborers, because she was worried about the whole bridge debacle occurring again. Mr. Roznovsky said he has his own laborers.

Rebecca Huss moved to award the bid on the CDBG Grant Project for MLK Water and Baja Water and Drainage Improvements to Boretex, LLC for the amount of \$179,213.50. T.J. Wilkerson seconded the motion.

Discussion: T.J. Wilkerson asked if there was supposed to have been a development built at the end of Baja. Mr. Roznovsky said yes, and said what had happened was they originally had six lots planned, since then they subdivided it into three, so there is three additional lots on the last acre and a half on Baja. Mr. Roznovsky said there were no public utilities involved. T.J. Wilkerson asked to confirm that they would not have to go back and tear it up. Mr. Roznovsky said that was correct, there is nothing there. Mr. Roznovsky said the water line is already extended to the end so everyone will be able to connect to it. T.J. Wilkerson asked if that was in the back of what Mr. Jacobs was thinking about doing. Mr. Roznovsky said that was correct, so their southern neighbor is the Larry Jacobs property.

The motion carried unanimously. (3-0)

T. J. Wilkerson asked if the contractor would be starting on the project next week. Mr. Roznovsky said the contracts will be sent out and they will start around the end of November.

13. Consideration and possible action regarding the revised final plat for The Shoppes at Montgomery, Section 2.

Mr. Roznovsky said this plat was approved a few months ago, and they have since come back and asked for a revision. Mr. Roznovsky said they were recording the easement on the plat, but the developer changed his mind and said that he wanted to have the easement as a separate instrument so when prospective buyers come to look at the property he has a recorded document showing what exactly is allowed and not allowed in that area. Rebecca Huss asked if it was better to have it as a separate document. Mr. Roznovsky said it has the same effect either way. Mr. Roznovsky said for him it was easier to explain it to potential buyers instead of it being just a zone on a plat. Mr. Roznovsky said the document will show that they are not allowed to put houses, single family, hotels and motels. Rebecca Huss said she thought that hotels could be in that zone. Mr. Roznovsky said hotels are residential, so they can't be in the buffer zone, but they can be on the site.

Rebecca Huss moved to approve the revised final plat for The Shoppes of Montgomery, Section Two as presented. Jon Bickford seconded the motion, the motion carried unanimously. (3-0)

Rebecca Huss said if they come back for another revision, we will have to deny them.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE RATES TO BE CHARGED FOR GARBAGE AND TRASH PICKUP SERVICE INSIDE THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR A PENALTY FOR FAILURE TO PAY ACCOUNTS; PROVIDING CONDITIONS UPON WHICH SERVICE WILL BE RESUMED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF NOVEMBER 20, 2018 AFTER PUBLICATION.

Mr. Yates said this was to approve the Ordinance regarding the garbage collection rates going up to \$19.50 per month for one container and \$15.98 for each additional container for residents, and \$20.98 for commercial containers. Mr. Yates said this was really approved several months ago when they approved the contract with Waste Management. Mr. Yates said they held a public forum a week ago and no one attended the 4 p.m. or 6 p.m. meetings. Mr. Yates said there was also a circular with information sent out in the water bills and an article in the Courier regarding this information. Mr. Yates said that he has not heard anything from the public. Mr. Yates said the reason for the November 20<sup>th</sup> effective date is the expectation of the intention of Waste Management to have the new containers to everyone by November 1, 2018. Mr. Yates said he wanted to make sure that everyone had their container before the new charge.

Jon Bickford asked if they are going to pick up the old containers. Mayor Countryman asked what they do with the old containers and what the difference is. Jon Bickford said the new container is much larger and the size of your garbage can. Mr. Muckleroy advised that Mrs. Terry Woodson with Waste Management advised that whenever they deliver the new cans they will pick up the old container as they come around on their route. Rebecca Huss said they will set their recycling bin out with the recycling materials in it; they will pick up both the container and the materials at the same time. Mr. Muckleroy said that Mrs. Woodson advised she would be mailing all the information out to the residents.



Jon Bickford moved to adopt the Ordinance for the new garbage collection rates of \$19.50 per month for one container, \$15.98 for each additional container for residential customers, and \$20.98 for commercial customers. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ORDINANCE NO. 2017-24, DATED NOVEMBER 14, 2017, BY ESTABLISHING AND ADOPTING NEW MONTHLY SERVICE RATES AND CHARGES FOR WATER AND SEWER SERVICE FOR CONSUMERS INSIDE AND OUTSIDE THE CITY PURSUANT TO CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; REPEALING ALL CITY ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF NOVEMBER 20, 2018 AFTER PUBLICATION.

Mr. Yates advised this was to approve the new water rates that increase the water and sewer \$.50 per thousand gallons between 2,000 – 20,000 gallons for inside and outside City customers and increase one dollar per thousand gallons over 20,000 gallons for commercial customers. Mr. Yates said this is the third year of a three-year plan, after the initial rate study three years ago performed by Jones and Carter. Mr. Yates said Mr. Burleigh had reviewed the rate study and provided quite a bit of help with the planning of this. Mr. Yates said the effective date of the Ordinance is November 20, 2018 so that it has the same time period as the garbage and they would not want to make it retroactive. Mr. Yates said the new rates are expected to increase the revenue approximately \$34,000 per year. Mr. Yates said next year the increase should be small if anything at all.

Rebecca Huss said that she wanted to point out that one third of the City residents won't see any increases because they use less than the 2,000 gallons, so all along they recognize that they paid the cost of providing the services so none of the rate increases over the last three years have effected one third of the residential consumers. Jon Bickford asked how much the base fee is. Rebecca Huss said the base fee is \$19.58 for water and \$12.50 for sewer.

Jon Bickford moved to approve the Ordinance for the new water rates and increase the water and sewer \$.50 per thousand gallons between 2,000 – 20,000 gallons for inside and outside City customers and increase one dollar per thousand gallons over 20,000 gallons for commercial customers. T.J. Wilkerson seconded the motion.

Discussion: Rebecca Huss amended her comments to regarding the cost for inside customers for the first 2,000 gallons is \$16.00 for water and \$12.00 for sewer.

The motion carried unanimously. (3-0)

16. Discussion regarding the vacant City Council, Place 5.

Mr. Yates said that with a general law City, which the City of Montgomery is general law, City Council does not have to replace the vacant place on City Council at all. Mr. Yates said City Council can choose to replace the position, stating that there is no timing requirement. Mr. Yates said if City Council wanted to take action on it at the next meeting or in two months they could, up to the point of the next election. Mr. Yates said the law does not require City Council take any particular process. Mr. Yates said in the past they have taken applications for the MEDC and Planning and Zoning, but City Council would not necessarily have to do that. Mayor Countryman asked how someone would throw their hat in the ring. Rebecca Huss said that would be if they decided to take action at all. Mayor Countryman asked if they would send an email to Mr. Yates and say that they would like to be considered. Mr. Yates said they could do that or have them fill out an application, or you could just meet, it would be completely open. Mayor Countryman asked how they would know that someone was interested and who would they contact. Rebecca Huss said she felt they should do the same thing that they have done for the other Boards, which is put it on the web site, if they decide to accept applications as opposed to leaving the position open. Jon Bickford asked if Dave McCorquodale's position will be up for election in May. Mayor Countryman said that is correct. Mr. Yates said that he could write a summary of the duties of the position like he did for MEDC and Planning and Zoning. Rebecca Huss said Mr. Yates could delegate that duty. Mr. Yates said he could and then get that on the web site and in the newspaper. Rebecca Huss said the question is whether they want to leave the position open or have it filled. Jon Bickford said that was something for

consideration. Rebecca Huss asked what everyone thought. Jon Bickford said he was not ready to answer tonight. T.J. Wilkerson said he wanted to wait.

Mr. Yates said there was no action required on this item. Rebecca Huss said they were not ready to discuss it. Jon Bickford said they need to make sure they know what they are talking about, whether or not it is an option on the table and what the implications are so they need to think about it a bit.

17. Buffalo Springs Bridge Report by City Engineer.

Mr. Roznovsky advised they have made a lot of progress. Mr. Roznovsky showed slides from where they were in the beginning with the holes in the road on all sides, the lack thereof pavement and embankment underneath to where they are now. Mr. Roznovsky thanked Mr. Simpson and his son for providing the drone video showing the majority of the slope paving is in, the road has been repaired, and the guardrails are in place. Mr. Roznovsky said the waterline was a separate contract that has substantially been installed and they are making the tie in today and working on testing the line. Mr. Roznovsky said that last piece is just connecting across the bridge and they are just waiting on those parts to come in. Mr. Roznovsky said there is probably one more concrete pour on the sides, which was supposed to have been done today but the weather may have stopped them. Rebecca Huss said it looks like the concrete does not extend and looks like dirt in the bottom, like there is nothing holding the two slope paving's apart. Mr. Roznovsky said it has filled back in and the walls are actually 12 feet high, so they are sitting in the wide base and there is the concrete rip rap in the bottom. Rebecca Huss asked if "filled back in" means it has slumped from the front and back. Mr. Roznovsky said no, that is from was being held back upstream, so between where the improvements stopped and where all the growth is happening there are now contrails that have worked their way during the last couple of rains and filled that back in. Mr. Roznovsky said until they bypassed it, it was going around and now it is filling back in, which they knew was going to happen. Mr. Roznovsky said you can see where the pipes go in on this side of the channel and is still working its way out and not holding water. Mr. Roznovsky said the contractor already put the asphalt down and he was waiting on the waterline contractor to finish his work, and he did potentially damage it, so he was ready to lay it down and then it will be cleaned up and restored. Mr. Roznovsky said right now they are still on schedule for next week and be able to open up the road. Rebecca

Huss said they are only three months behind. Mr. Roznovsky said it was four months behind. Jon Bickford said rain is a powerful thing. Rebecca Huss said so is better wages in another industry.

Mr. Yates said he was torn on how to celebrate this and on one hand he was leaning toward a ribbon cutting and on the other hand he is apologetic about it taking two and a half years to complete. Mayor Countryman said she has been in communication with Mr. Shannon Salsbury and he is moving next week into his new office and he was talking about having a grand opening party and they talked about a bridge party as well. Mayor Countryman said due to the time of year Mr. Salsbury was pushing it back to the first of January and said perhaps they could do that as well. Jon Bickford said they could have an “it’s about time” celebration because everyone is happy that it is done. Mr. Yates said he is going to ask Mr. Muckleroy to get signs about the same size or maybe twice the size of the detour signs and have in the background graphics showing fireworks exploding and saying “the bridge is open.” Rebecca Huss and Mayor Countryman said they should have a parade.

**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. (There are no items at this time.)

**COUNCIL INQUIRY:**

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

Rebecca Huss said she has been very disappointed to not see for two meetings, which is an entire month, any progress on the animal ordinance. Rebecca Huss commented that City Council said they were choosing between “A” and “B”, which is the more intensive animal ordinance with regard to more animals covered and more aspects of animal welfare. Rebecca Huss said she thought they were

ready to go on that and there is no reason for them to delay it an entire month, let alone looking at an entire quarter. Mr. Yates said that what City Council had directed him to do was write a letter to everyone and put it in the water bills. Rebecca Huss said she has been here every meeting and she did not think City Council said that; they said they wanted it to go to the Planning and Zoning Commission. Mr. Yates said he was not able to do that last month because of the timing of the water bill and the second meeting of the month. Mr. Yates said the letter will be in this month's water bill and will be on the November 13, 2018 City Council Agenda.

**ADJOURNMENT**

Jon Bickford moved to adjourn the meeting at 7:50 p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

Submitted by:  Date Approved: 11/13/2018  
Susan Hensley, City Secretary

  
Mayor Sara Countryman

