

# MINUTES OF PUBLIC HEARING AND REGULAR MEETING

September 25, 2018

## MONTGOMERY CITY COUNCIL

### CALL TO ORDER

Mayor Sara Countryman declared a quorum was present, and called the meeting to order at 6:02 p.m.

Present: Sara Countryman Mayor  
Jon Bickford City Council Place # 1  
John Champagne, Jr. City Council Place # 2  
T.J. Wilkerson City Council Place # 3  
Rebecca Huss City Council Place # 4  
Dave McCorquodale City Council Place # 5

Absent:

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

### INVOCATION

John Champagne gave the Invocation.

### PLEDGE OF ALLEGIANCE TO FLAGS

1. Consideration and possible action regarding receiving the Final Report from the Planning and Zoning Commission, related to their second Public Hearing held on September 24, 2018 regarding the request to rezone the eastern portion of a 2.148 acre tract of land located at 1005 Old Plantersville Road, Montgomery, from R1-Single Family to ID-Industrial Use, as requested by Theresa Fisher.

Mr. Yates advised that the Planning and Zoning Commission met last night and held their second public hearing and prepared their Final Report. Mr. Yates said the Planning and Zoning

Commission is recommending by a vote of 3-Ayes and 1-Nay that the property that is currently designated with the zoning classification of R-1 Residential (eastern portion) and ID – Industrial (western portion), that it was in the best interest of the community to rezone the parcel that is zoned R-1 to ID – Industrial. Mr. Yates said that something that is not written in the Final Report, but was specifically mentioned was that this recommendation was made to include “with strong code enforcement.” Mr. Yates said the Commission discussed how they wanted to impress on City Council and staff that they wanted strong code enforcement.

Dave McCorquodale moved to accept the Final Report of the Planning and Zoning Commission as presented. T.J. Wilkerson seconded the motion.

Discussion: Jon Bickford asked what “strong code enforcement” meant. Mr. Yates said that he thought that it meant vigilance. Jon Bickford asked if the City had different levels of code enforcement, because that is a very subjective comment. Dave McCorquodale said anything that is subject to the Code should be subject to strong code enforcement. Jon Bickford said he did not understand the intent of “strong code enforcement.” John Champagne said that implication is the City is not strong in some other codes. Jon Bickford said that concerns him, and asked if there is something that the City needs to shore up to make sure of that, in the event they move forward. Mr. Yates said code enforcement is difficult to perfectly administer. Jon Bickford said that concerns him, but they will accept the report. Rebecca Huss clarified that City Council was just accepting the report.

The motion carried unanimously. (5-0)

### **PUBLIC HEARING:**

**Convene into Public Hearing for the purpose of giving all interested persons the right to appear and be heard regarding the following:**

Mayor Countryman convened the Public Hearing at 6:08 p.m.

2. **Public Hearing – regarding a request to rezone the eastern portion of a 2.148 acre tract of land located at 1005 Old Plantersville Road, Montgomery, from R1-Single Family to ID-Industrial Use, as requested by Theresa Fisher.**

Mr. Steve Weisinger, Attorney for Mrs. Fisher, said that he wanted to make sure that City Council understands that the situation that exists is of no fault of anybody here now or for quite some time. Mr. Weisinger said the maps of the City of Montgomery, as far as designations of various districts, are just messed up and create a checkerboard effect. Mr. Weisinger said in the situation of Mrs. Fisher's property, she has one tract and for no apparent reason, where it used to be on the commercial industrial and then it was something that just appeared on the maps and no one can give an explanation on why half of the property was rezoned as residential. Mr. Weisinger said the residential part of the property is sitting on the railroad tracks and is totally unusable as residential property. Mr. Weisinger said the other part of the property, which is zoned ID-Industrial, has a building on it. Mr. Weisinger said it was their understanding that one of the complaints that has been raised about not wanting it zoned is appearance, and he wanted to make sure that City Council understands that the characteristics of what they are asking for call for everything to be enclosed. Mr. Weisinger said they had the Planning and Zoning Commission meeting last night and there was substantial discussion on the issue, and the issue that was raised related primarily to some property in the area that has issues. Mr. Weisinger said one of the Commissioners last night did ask for "strong code enforcement" and said he could not support this zoning request if there was a possibility that it would look trashy later. Mr. Weisinger said there were plenty of zoning requirements that allow the City to clean up that issue, but he wanted to make sure and the esthetics was the issue. Mr. Weisinger said the Zoning Ordinance gives the City the right to deal with esthetics, odor issues, noise issues and light issues. Mr. Weisinger said that what they are trying to do here is to look at the totality of the circumstances because this is what it was intended to be and then inexplicably somehow it changed between one map and then a revised map; no one can find any ordinance or action by City Council which would affect that change, it just changed. Jon Bickford asked if they knew when that change occurred. Mr. Yates said it was about 2003.

Mr. Weisinger said he totally understood that no comment by any City Council member has truly any affect, but before the Fishers' purchased the property they inquired as to how the property was zoned. Mr. Weisinger said the Fishers' were told that it was zoned commercial, and they, in fact, have a letter from the then Mayor saying what it was zoned, which he understands does not bind this City Council. Mr. Weisinger said the Fishers' in good faith inquired about the property before they purchased it, got assurances and there were maps that

said that it was commercial and then suddenly it was not. Mr. Weisinger said what they are here to do is really not just ask for rezoning but is fix a problem that should not exist, and the checker boarding in the City is pretty bad, with people who have built residences on tracts that are zoned commercial and he wants to fix the problem. Mr. Weisinger asked City Council to look at the totality of the circumstances and do what is right.

Jon Bickford asked if they had a letter that was written by a previous Mayor that declares this property commercial. Mr. Yates said yes and said the letter basically states that they could use the property the way they are using in now. Rebecca Huss said that when they looked at this before she thought the City Attorney had stated that the facts were different than Mrs. Fisher's attorney was asserting. Mr. Foerster said he did not remember saying anything about the facts being different. Rebecca Huss said it was related to the interpretation of the letter. Mr. Foerster said he might have said the Mayor's comments or conclusions about how the property is zoned is not binding on any City Council, and it is not. Mr. Weisinger said on the older maps it is zoned commercial. Jon Bickford asked that a letter be provided to City Council at some point. Rebecca Huss advised the letter was included in a previous agenda pack. Mr. Weisinger asked that City Council do what is right.

Mrs. Julie Davis, who lives close to the Fisher property, and said that everyone that lives around there agrees that Mrs. Fisher has gotten a raw deal on the zoning issue. Mrs. Davis said that she understood that their hands were tied on the Industrial zoning, and she would much rather, as a neighbor, have the property zoned Industrial versus Commercial, just because of the traffic. Mrs. Davis said her question to the City Council is what they are going to do when there is a property across the street that is zoned Industrial that actively has trash dumped in front of it, because some of the people are dumping their garbage. Mrs. Davis said that the property across the street from that is zoned Commercial and now you are talking about zoning this one Industrial, and the roadway is not suitable for the trucks and the equipment that is coming down it and her kids' bus stop is literally on the corner, 50 feet from this property. Mrs. Davis said they are talking about moving these huge trucks for the trash place, and then they are going to zone this property Industrial with strong code enforcement, and we are, as a City, enforcing the Code on a property that is right by it. Mrs. Davis said that a student just came home from the hospital from totaling his car and getting injured on this road last year. Mrs. Davis asked what it will look like to have increased industrial traffic on a very narrow roadway, with

culverts and ditches on both sides. Mrs. Davis said there is no correction area on the road, which is what happened to the student last year when he rolled his car. Mrs. Davis said they are going to be putting large trucks on the road with kids, that are speeding and said it was the responsibility of the City to step up and either stop the rezoning stuff or to improve the roadways so the kids and citizens are protected. Mrs. Davis said she was asking City Council, before they just pass on "strong code enforcement" that they dictate what the regulations are, with specific parameters for the safety of everyone in the City, not just for Mrs. Fisher's benefit. Mrs. Davis said she understands 100% that Mrs. Fisher is being run through the ringer and it is not fair; she gets it, but what does it look like once you unleash this on the rest of us.

John Champagne asked when Mrs. Davis bought her home. Mrs. Davis said she bought it four and a half years ago. John Champagne asked if Mrs. Davis checked with the surrounding properties on whether they were zoned a certain way before she purchased the property. Mrs. Davis said she was under the impression through an email to Mayor Jones, at the time, that all the properties out there were zoned residential, with the exception of the one with the roll off dumpsters. Mrs. Davis said she still did not know what the City's legal limits are to enforce anything out there with the roll off dumpsters, but that is just a regular nuisance. Mrs. Davis said she has since found out that one of the properties is zoned Commercial, then the Industrial and now we have this one. John Champagne said he was just interested as to whether Mrs. Davis had gotten any information regarding what the property was or was not zoned, and if she had based her decision on buying her property, based on that. Mrs. Davis said after they purchased their property it was rumored and is still rumored that this roadway was going to be the other corridor of the loop for the Lone Star Parkway, which is three and a half times the size of this roadway. Mrs. Davis said they are comparing apples to oranges, and if this is going to be the other corridor loop for Lone Star Parkway they are a long ways off in the safety parameters for our kids.

T.J. Wilkerson asked Mr. Weisinger if Mrs. Fisher was in real estate. Mr. Weisinger said yes, Mrs. Fisher was in real estate, and is a licensed realtor. Mrs. Fisher said yes, she was a realtor when she purchased the property. Mrs. Fisher said she and her husband did their homework and it all came back that it was Commercial, they don't call it Industrial. Mrs. Fisher said the Appraisal District does not call it Industrial; they have the entire property listed as Commercial. Jon Bickford asked how much of the property is zoned Industrial versus what is zoned

Residential. Mr. Yates said he thought the property was 55 to 60 percent Industrial. Jon Bickford asked if the Planning and Zoning Commission saw that information. Chairman Cox advised they were told 60 percent was Industrial and 40 percent Residential. Mr. Weisinger stated that this was only one address.

Mr. David Potter stated that he was completely against this. Mr. Potter said he could tell City Council when this changed over, it was changed in 2007-2008. Mr. Potter said in 2007 he was not paying any City taxes and in 2008 he was paying City taxes. Mr. Potter said the City Planning and Zoning Commission rezoned all that property in there and that is when it happened. Mr. Potter said Mr. Yates said last night it was 2004 and now he is saying it was 2003, and he would like to know when it was, because it was between 2007-2008 when the Planning and Zoning Commission met and voted on which property would be zoned what. Mr. Potter said he has been here since 1992. Mr. Potter said Mr. Giles used to own that property that Mrs. Fisher now owns, and Mrs. Fisher bought the property from Mike Hammer. Mr. Potter said he would like to see how they got 60% zoned Industrial and what year and date it was zoned, and said he was completely against going with Industrial because, for one reason you do not know when they are going to be working 24 hours a day and what kind of lights they are going to have, what type of noise they are going to have, type of truck and it does not make any sense that they have nice houses in a residential area and for one more piece of property to go industrial in that area. Mr. Potter said they have enough problems in there with Mabry right now, with all the trash in front of his place because of the junk pile over there. Mr. Potter said there is no fence or gate there. Mr. Potter said Mrs. Fisher has a fence and gate. Mr. Potter said he was totally against the rezoning and said he would like to see further proof of what they are talking about with the 60 percent and he would like to see the letter. Mr. Potter said if they look across those dumpsters there is still trash in those dumpsters, and Mr. Yates said it has all been taken out, but it has not.

John Champagne said the ordinances that they are entertaining here encompass Mr. Mabry's property, as well. Mr. Yates said Mr. Mabry's property is zoned Industrial. John Champagne said, based on Planning and Zoning, the City would be strongly enforcing the requirements on that property, as well. Mr. Yates said that was correct. Mr. Potter said when Mr. Giles owned that property he had a pulp wood yard there and they hauled and delivered pulp wood out of there; Mr. Giles built the building that is there. Mr. Potter said they complained about the noise

that was being made from daylight to past dawn from the shaving mill, and who is to say that whoever buys this place will be going 24 hours a day. John Champagne said his only point was the ordinances that are being entertained for rezoning Industrial are applied to existing Industrial properties, as well. Mr. Potter said there are ordinances right now that are not being enforced. John Champagne said he was with Mr. Potter 100 percent. Mr. Potter said he did not want the community to get any worse.

Mr. Weisinger said that the Fishers' built the building that sits on the property. Mr. Potter said there was a building on the property. Mrs. Fisher said there was a structure that was not really a building because it was wide open. Mayor Countryman stated that this is a Public Hearing and there is no need for back and forth conversation.

Mr. Weisinger said the letter was from Mayor Sue Timmerman and was dated October 31, 2003. Mayor Countryman asked that the letter be given to Mrs. Hensley so they can take a look at it.

**Adjourn Public Hearing.**

Mayor Countryman adjourned the Public Hearing at 6:32 p.m.

**Convene into Regular Meeting.**

Mayor Countryman convened into the Regular Meeting at 6:32 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.

Mr. Charles Booth – advised that he was 81 years old and has lived in Montgomery for 27 years, and retired from the United States Secret Service in 1997, in the Houston field office. Mr. Booth said in 1986 your Chief of Police Napolitano started his career in the same office. Mr. Booth said the boss assigned all new guys to report to him for one year. Mr. Booth said after he retired two or three years later he got a phone call from his son, who was a Federal Agent and still is. Mr. Booth said his son said guess what, I am working with an old friend of yours from the Secret Service, Napolitano and

always told him great stories about what they were doing and we both called him Nappi News. Mr. Booth said it was just a joy to be around the man, to work with him and he has no complaints about him at all. Mr. Booth said he would like to tell City Council that he didn't know why a retired Secret Service Agent would want to be Chief of Police in Montgomery, in the first place. Mr. Booth said after 22 years working in 40 countries and being away from home all the time, all the jobs for them when they retired required a lot of travel. Mr. Booth said he turned all that down and got the perfect job for him, investigating lawyers for the State Bar of Texas. Mr. Booth said he had to drive downtown every day, and Nappi lived a few blocks from him and he was telling him he was with the Montgomery Police Department. Mr. Booth said he followed his accomplishments with the Police Department, and said he could go up to one of his officers and talk to them and ask them how they liked working for Chief Napolitano. Mr. Booth said he loved what he heard from them. Mr. Booth said he really liked the fact that when he asked Nappi how the job was going he would always compliment a male or female officer that was working for him, and said that was good stuff. Mr. Booth said if they can look at the training that the Chief has had, that is as good as it gets and it is not going to get any better. Mr. Booth said if by chance you folks think he is just saying all this, he said he really loves the Chief. Mr. Booth said if you hire a polygraph operator and pay for it, he will be sure that the results go to the City and the news media. Mr. Booth said what is going on does not make any sense to him. Mr. Booth thanked City Council for their time.

Mr. Larry Jacobs – said that he was here to discuss the future of Lone Star Parkway and said that they had a collective experience on that recently. Mr. Jacobs said since that time it has caused him a lot of concern not only from a personal point of view, but his neighbors. Mr. Jacobs said the Simontons, Marilyn, Martin, Collins, Mr. Smith, Larry Ashley, all of them have been under similar impressions. Mr. Jacobs said back in early 2005-2006, the Simontons, Carwiles, Chris Cheatham and Jennie Stewart were the major land owners out there and went together and figured out a way to extend the Lone Star Parkway west of FM 149. Mr. Jacobs said at that time they were under cumulative zoning, Industrial. Mr. Jacobs said they had three office buildings and nice commercial, residential and he thought that to this day if they visited with most of the really active developers, they will say that drive is the gateway to the new residential side of Montgomery. Mr. Jacobs said they were under Industrial when it was cumulative, and under the cumulative he was able to go with Mike Meador and the County and do the Community Center; they extended, at their cost, a 12-inch waterline. Mr. Jacobs said they got with the County and did Independence Place and had a very simple deal with the cumulative zoning and rezoned those to what they are today. Mr. Jacobs said there is a history, and all the families that were involved



and are basically still the primary land owners out there are all under the impression that they are cumulative under zoning. Mr. Jacobs said some of the larger developers have put together their planned development deals, and they said they have a multitude of owners that work together and support each other to do something nice. Mr. Jacobs said he agreed with the City and they agreed with him, there is a process and the difference in how that area turned around sometime between 2008, when they were able to get the rezoning for the Community Center, and now he is told that it all needs to stay industrial. Mr. Jacobs read some of the Industrial Uses provided in the Code, stating that none of them are pretty and said that he would submit to City Council that most people in Montgomery would think Lone Star Parkway, west particularly, needs to have a way of making itself more attractive and a more suitable mixed use type development than the uses that are in the existing Code. Mr. Jacobs said that they would like to have a public meeting, stating that Mr. Foerster suggested something one time regarding a neighborhood workshop, with City Council and the Planning and Zoning Commission so they could explore some of these things because the City is really putting a limit on what that area goes to. Mr. Jacobs said if they look at Westway, some day that area will be developed and go through the Carwile property, through his property and Mr. Schmidt's property. Mr. Jacobs said now they will have a new major thoroughfare going through a residential area onto Lone Star Parkway and you want to turn that traffic onto an Industrial way back toward FM 149. Mr. Jacobs said that does not make any sense when it extends across Lone Star Parkway and goes across the Schmidt property and goes down FM 1097 to property that has restrictions on the residential with no commercial, no hog farms, trying to make that property nice and it funnels back toward Lone Star Parkway. Mr. Jacobs said he would really like the City to consider letting them have a neighborhood get together where they can share their concerns and what their visions are for that area with the City.

Mr. Jacobs said he wanted to say one other thing, he has been a business owner in downtown Montgomery for about 20 years, property owner, and he would like to say it is a pleasure to meet and call Jim Napolitano his Chief and he supports him 100 percent.

Dave McCorquodale commented on the uses that Mr. Jacob read off are all allowed under Industrial zoning. Mr. Jacobs said that was correct, they have to be in an enclosed building and some with outside fenced storage.

Mr. Robert Holden – stated that he lives in Willis by FM 1097. Mr. Holden stated that Chief Napolitano's history is unique, not many of us have stood next to another person and watched a person

get shot at, some of you have never been shot at, and some of you all have never put your life in danger for another. Mr. Holden said the Chief has done that his whole life, his training is unique, exceptional and he even went to school through Delta Force, which is significant training. Mr. Holden said the City has a golden nugget here. Mr. Holden said he was not sure if it was right, but making a decision on a man's life and career he felt should be made more by a group of his peers, which they have heard from other folks who served with him, local customers and many of his staff. Mr. Holden said his peers want the Chief. Mr. Holden said he would not do what the Chief does, even the basic simple things of walking up behind a car at 3 a.m. with dark tinted windows, which is basic and he has gone way beyond that.

Ms. Kelli Cook was not present to speak.

Rebecca Huss – advised that she would defer comments until after the Executive Session.

Mayor Sara Countryman - advised that she would defer comments until after the Executive Session.

Mrs. Jenny Stewart- has been a resident of Montgomery since 1991; she has served three terms on City Council, and served on Committees, so she understands what it feels like to sit in City Council's seat. Mrs. Stewart said having been away much of the summer, she has yet to voice an opinion on Police Chief Jim Napolitano. Mrs. Stewart said without a doubt to her, Chief Napolitano is the best Chief that Montgomery has had since she has lived here. Mrs. Stewart said the Chief is a consummate professional, stellar background, worldwide connections and vast experience that benefits crime fighting. Mrs. Stewart said in 2011 she was visiting her daughter in New York City and the day after she got back to Montgomery her husband called from his office and asked what she had purchased at Macy's. Mrs. Stewart said she had not purchased anything at Macy's, but her husband advised that her credit card said she had spent \$1,500 at Macy's. Mrs. Stewart went to the Police Chief at the time, who was not Jim Napolitano, and said what was going on and he said that she needed to contact the New York Police Department, which she did and they required her to come in person to file. Mrs. Stewart said she called Jim Napolitano and told him what was going on, and he made a couple phone calls and got back to her with the name and contact. Mrs. Stewart said she called that person and he took her report over the phone. Mrs. Stewart said it just so happened that her daughter's roommate had a credit card fraud the same week that she was there and she and Jim Napolitano compared notes and there was one store they had gone to in common. Mrs. Stewart said that fraudulent ring was

stopped, and had Jim Napolitano not been in the picture it would not have ended that way because nobody that she had talked to was able to help her with her problem. Mrs. Stewart said Chief Napolitano was also instrumental in stopping a credit card reading scan at the Exxon Mobile station in town. Mrs. Stewart said very few towns have a Police Chief with his skill set. Mrs. Stewart said she and her husband would trust the Chief with their lives, and said the City is very blessed to have a man of his caliber and integrity running our law enforcement department. Mrs. Stewart said it is her opinion that this is the best law enforcement department in the 27 years she has lived here. Mrs. Stewart said she was not clear on exactly what this agenda is really about but obviously HR manuals in the workplace protocol are in dire need of update and reforming. Mrs. Stewart said the taxpayers of this town expect and deserve top notch infrastructure, bridges, water, sewer and law enforcement. Mrs. Stewart said you have a Police Chief that is admired and everyone wants him, and we are very happy with him. Mrs. Stewart said she hopes this Council will consider the stellar performance of Jim Napolitano, as he is more than capable of performing his duties as Police Chief. Mrs. Stewart said you need to look at the whole picture, this is the most professional law enforcement team she has ever seen in the City and she would hate to see it damaged by a bad decision.

Mr. David White – represents the Romeo (retired old men eating out) Club of Montgomery Whataburger Division, advised that he served on City Council for six years and he knows what is involved and we thank you for your service because this is tough. Mr. White said that little towns get bent out of shape and look for things to do, he guessed, and the guy with the badge and the gun draws attention. Mr. White said we have a good Chief, and everybody knows we have a good one. Mr. White said there is always going to be somebody that does not like them and they will be loud and a squeaky wheel, but he is a good man. Mr. White said they know good people, and we know that if you hire good people things do get out of the way, which is the key that you know you have good folks running the show, they hire good people and they let them do their job. Mr. White said you have a good guy, let him do his job, they are all for him and we are all for Council too, because when you succeed, the community succeeds too.

### **CONSENT AGENDA:**

3. Matters related to the approval of minutes of the Workshop Meeting held on June 9, 2018, Public Hearing held on August 31, 2018, Public Hearing held on September 4, 2018, and Public Hearing and Regular Meeting held on September 11, 2018.

4. Consideration and possible action regarding Certificate of Acceptance for public water and public sanitary sewer infrastructure to serve the Montgomery First Phase II and III (Dev. No. 1017) Development.
5. Consideration and possible action regarding Certificate of Acceptance for the 2017 FM 149 Sanitary Sewer Cleaning and Televising project and approval of final payment. (*Magna Flow Environmental*)
6. Consideration and possible action regarding adoption of the Montgomery County Hazard Mitigation Plan by Resolution.

Rebecca Huss commented on the minutes from the Workshop, she felt that some of the discussions that they had with Jones & Carter are worth breaking out and making sure that they look at fairly regularly when they talk about infrastructure and expansion. Rebecca Huss said the minutes were fairly in depth, particularly in terms of the importance of planning for water and the lack thereof that came up when they were discussing whether or not to do a connection with somebody outside the City limits in the City's ETJ and Conroe's ETJ. Rebecca Huss said she felt the minutes from that meeting should be appended to other discussions that they have so they do not have to recreate the wheel.

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

#### **CONSIDERATION AND POSSIBLE ACTION:**

7. Consideration and possible action on Department Reports.
  - A. Administrator's Report – City Administrator Jack Yates presented his report to City Council. Mr. Yates stated that during the month he had met with City Council in three meetings regarding the tax rate and other budgetary items. Mr. Yates stated that he had met with the Board of Adjustment regarding a parking variance for Blazer Senior Housing development. Mr. Yates said that he had met with the HMBA Board twice regarding the downtown promotion and Street Scape Plan. Mr. Yates advised that he had met with FEMA regarding payments to the City. Mr. Yates said that he has also worked on the billing for the Escrow Accounts. Mr. Yates advised that he needed to mention an item on the summary of the Water and Sewer Fund in the Budget, and said that while the line items were correct a mistake was made by not bringing those figures

forward to the summary sheet. Mr. Yates included the correct page in the Agenda Pack. Mr. Yates said the incorrect page did not pick up approximately \$149,000 worth of expenses, so the ending balance for the Water and Sewer Fund for next year is \$829,139. Mr. Yates said the individual line items were correct, so there will be no need to take any further action.

John Champagne asked which software they are using for financials. Mr. Yates advised they are using QuickBooks.

T.J. Wilkerson asked about Grantworks, and asked if there was any update on the HOME Grant. Ms. Hensley advised that she could provide some additional information; there were two people that are in the final stages and moving along very well. Jon Bickford asked if they were still lacking applicants. Ms. Hensley advised that they had the applicants, it was just dealing with titles and clearing up the information. Ms. Hensley said there are a couple of people that have minimal things that they need to take care of to complete the process, so they are going to see if they can get Grantworks to make some calls.

- B. Public Works Report – Mr. Mike Muckleroy, Director of Public Works, presented his report to City Council. Mr. Muckleroy advised that they added a culvert on Shephard Street, buried conduit at the Wastewater Treatment Plant, repaired several street signs and completed the repair of the ditch on FM 1097 that had exposed water and sewer lines. Mr. Muckleroy said he created an HVAC layout diagram of City Hall. Mr. Muckleroy said that he attended a final walk through of Emma’s Way extension and Garner Drive projects. Mr. Muckleroy reported that they had seven water leaks, zero sewer stoppages, 13 water taps and 13 sewer taps for the month. Mr. Muckleroy said on the park side they built the fish fence at Memory Park, replaced some damaged locks at Homecoming Park and repaired at gate at Memory Park. Mr. Muckleroy said the docents at Fernland reported 321 visitors and they provided 28 tours.

Rebecca Huss asked about the exposed pipe, and whether this was the project that his department did internally instead of outsourcing. Mr. Muckleroy advised that was correct. Rebecca Huss asked Mr. Muckleroy to describe the economics of this project,

detailing the initial bid estimate. Mr. Muckleroy stated that he originally obtained a bid to do steel split casing across the ditch to protect the pipes, and that price was around \$55,000, so they looked at just putting it back to the way it was, filling everything back in and the outside quote was around \$45,000. Mr. Muckleroy said they ended up doing the job in house for less than \$15,000. City Council concurred that was a good job.

John Champagne asked who was in charge of code compliance, such as grass and drainage. Mr. Muckleroy asked if it was in yards. John Champagne said regarding the grass in the easements. Mr. Muckleroy said the easements falls under the mowing contract, but private yards would be a code enforcement issue, which would fall under the code enforcement officer and Mr. Yates. John Champagne asked who would handle drainage situations that he has discussed with Mr. Muckleroy that are still unattended to. Mr. Roznovsky advised that they are developer related drainage issues at Lake Creek Village and they are following up. Rebecca Huss said the ditch on Bessie Price Owens looks great.

- C. Police Department Report – Chief James Napolitano presented his report to City Council. The Chief advised Officer Kevin Thompson attended Advanced Law Enforcement Rapid Response Training (ALERT), which is what the State is requiring all officers to attend. The Chief advised that CISD Police Department hosted the training session, and Officer Thompson got his first ALERT 1 training and they are now looking to send all the officers to ALERT II training, which will give them some medical background in case they have an active shooter problem at the City. Jon Bickford asked if it was a two part training. Chief Napolitano said yes it also covers the medical since they are often the first ones on the scene. Mayor Countryman asked if that was the training that she had sent over to the Lieutenant that she had found out about. Chief Napolitano said he did not know. Mayor Countryman said that she thought that it was the same training.

Chief Napolitano advised that Lt. Belmares attended the Crimes Against Children Conference that was held in Dallas by the Children’s Advocate Center and the Dallas Police Department. The Chief said unfortunately the more children they have, the more

problems they are going to have with crimes against children. The Chief advised that Officer Bauer and Officer Carswell did a one-day training in Beaumont with Patrol Response for Narcotics Officers, and said our officers are coming more and more in contact with people that are either using or transporting drugs through the City, so they need to get the best training that they can. The Chief advised that they held Coffee with Cops at the McDonald's in Montgomery, which went over very well and said not only was Montgomery Police Department involved but MISD Police Chief Runnels was there and also the Sheriff's Department. Chief Napolitano announced that National Night Out will be held on October 2<sup>nd</sup> in Cedar Brake Park.

- D. Court Department Report – Mrs. Kimberly Duckett, Court Administrator, presented her report to City Council. Mrs. Duckett advised that during the month of August the Court collected \$51,021.18. Mrs. Duckett stated that 320 citations had been written during the month. Mrs. Duckett said that Deputy Court Clerk April Dupree just completed Court Clerk's boot camp and in the near future she will be obtaining her Level I Court Certification and Mrs. Duckett will be working toward her Level II Certification.

John Champagne said from his vantage point Mrs. Duckett seemed to be doing an excellent job, and asked Mr. Yates how Mrs. Duckett was doing. Mr. Yates said that Mrs. Duckett is doing great, they are working with just two people and doing an excellent job. Mrs. Duckett said that she just celebrated her three year anniversary.

- E. Utility/Development Report – Mr. Yates presented the report to City Council advising that the utilities brought in \$158,962 for the month, permits brought in \$20,817, and the Community Building brought in \$1,630 for rentals. Mr. Yates stated that there were 25 new water accounts, 12 disconnected accounts bringing the total number of active accounts to 688. Mr. Yates stated that there were a total of 52 permits issued during the month, which includes 11 new residential, no commercial, one pool permit, four irrigation permits, 9 electrical, 12 mechanical, 13 plumbing and 1 sign permit. Mr. Yates said the Community Center was booked five times during the month for paying groups collecting \$1,630 and there were 12 bookings for nonprofit groups that do not pay for the rental.

Mr. Yates advised for the City accounts water consumption everything was low except for Memory Park, which was at 205,000 gallons. Rebecca Huss asked Mr. Muckleroy about the progress for the reclamation from the pond for irrigation at Memory Park. Mr. Muckleroy advised they were close to completing the project. Mr. Muckleroy said he had met with the TORC Committee and they think that they have all the parts lined up except for one, which Mr. Burleigh is checking on to make sure that it would regulate a certain pressure. Rebecca Huss said it has been raining a lot so this would have been a perfect time. Jon Bickford said with all the irrigation that they do in the City, which is about 60,000 gallons, and Memory Park is \$205,000 just by itself so that is a lot of water.

- F. Water Report – Mr. Michael Williams with Gulf Utility Service, Inc., presented his report to City Council. Mr. Williams advised they had a district alert at Lift Station #4, #13 and Water Plant #3 power failure that was due to a rain storm. Mr. Williams advised that they got the plant working and reset the alarms. Mr. Williams advised that the plants were up and functioning when they arrived. Mr. Williams advised for the month of August the flow for the month was 3,049,000 gallons with the daily peak flow on August 1 at 133,000 gallons, and the daily average flow was 98,400 gallons. Mr. Williams advised that the effluent monitoring report showed that all samples were within compliance for the month of August with 2.75 inches of rain. Mr. Williams reported that they sourced a total of 11.73 million gallons of water and sold 10.922 million gallons bringing them to an accountability of 96%. Mr. Williams said they had 808 connections for the City.

Mr. Williams said the permit for Well #4 has been drawn down, but they have been making progressive changes so that they won't run out of the permit for the year. Mr. Williams said that he had a typo and said the flow was 3.049 million and the return percent was a 28% which is comparable to the June month.

- G. Engineer's Report - Mr. Roznovsky presented his report to City Council. Mr. Roznovsky advised regarding the Buffalo Springs Drive Bridge Repair, pay estimates 7 and 8 in the amounts of \$108,882 and \$125,480 were received. Mr. Roznovsky



advised that the 18-inch sewer extension was underway and construction has started. Mr. Roznovsky said the Baja Road CDBG Project had a pre-bid meeting this morning and bids will be accepted next Tuesday and presented to City Council at the next meeting. Mr. Roznovsky stated that the Atkins Creek Water and Sewer Project hydraulic and structural analysis should be complete next week, then they can get the scope finalized. Mr. Roznovsky said the Cade Country Development Utility and Economic Feasibility Study is underway and will be presented at the next City Council Meeting.

Jon Bickford commented on the Exxon on Eva Street and asked if they had reviewed the plans that they had just received. Mr. Roznovsky advised they have not finalized their Escrow Agreement, so their plans are on hold until that is completed. Jon Bickford asked if they were planning on cutting the hill down. Mr. Roznovsky said that was the initial plan, but they have not gone through their construction plans to see what they currently show. Jon Bickford asked, when they start tearing that place up will they have to close down FM 149. Mr. Roznovsky said that was in the initial discussion when he was talking about providing a turn lane. Rebecca Huss asked if they were going to have to put in a monument sign in and sidewalks. Mr. Roznovsky said they would have to do the sidewalks, which is how the ordinance is currently tied to new streets. Rebecca Huss said they went through that when they talked about the Summit Business Park and that is going to cause problems when they basically develop all along SH 105 if they end up with no sidewalks and all new developments, she did not know what the point would be of having a requirement for sidewalks and everyone is walking in the street along SH 105. Mr. Roznovsky said that he and Mr. Yates had discussed with the developers about the sidewalk ordinances to help close those gaps in the sidewalks. Mr. Roznovsky said that regarding the Catahoula Permit amendment application, Lone Star Groundwater Conservation District has some follow up questions that they provided to them last week, and it is their understanding that we will be on the Lone Star Groundwater Conservation District Agenda in October for approval for the additional permit capacity. Mr. Roznovsky said the right-of-way description for the corner of FM 149 and SH 105, was prepared for the closing of the properties.

Mr. Roznovsky said they held a developer round table on September 4, 2018, which a handful of developers attended and they had an open discussion about the processes of the City, what is going good and what is going bad, and they got feedback on some of the new ordinances. Mr. Roznovsky said that he thought it was a very productive meeting with some good feedback and some things to consider. Jon Bickford asked if City Council would get a summary of what transpired. Mayor Countryman said they certainly could provide that information, stating that they had close to 20 people that attended and the meeting was very productive and said this was the first time that the City has ever done that and they appreciated it. Mayor Countryman said they would continue the meetings. Mr. Roznovsky said they took notes and they can provide some information on the meeting.

- H. Financial Report – Mr. Yates presented the Financial Report to City Council advising the General Fund has a balance of \$1,130,619 and is back up to almost full capacity. Mr. Yates said the City received a \$281,000 check from FEMA, but there is still about \$70,000 - \$80,000 that General Fund has loaned the Capital Improvement Projects Fund. Mr. Yates said the total of all funds is \$6,264,433 and of that amount \$599,000 is Utility Fund. Mr. Yates said the General Fund for the year is \$105,331 revenue over expenditures, and the Water and Sewer Fund is \$314,828 revenue over expenditures for the year.

Rebecca Huss said it was her understanding that they have sorted out the problem and they are able to submit all of the expenses to the State for reimbursement for the bridge so they don't have to pay them first, they can submit everyone's expenses. Mr. Yates said no, that was just for the engineering portion, for the other they will need to pay the contractor first and then submit the information. Rebecca Huss confirmed that they are submitting the engineer's expenses rather than floating them. Mr. Yates said that was correct.

Rebecca Huss moved to approve the Departmental Reports as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

8. Consideration and possible action regarding the requested land swap by Mr. Josh Cheatham for the Louisa Lane Development (Dev. No. 1809). The requested land swap includes the City swapping a portion of the Water Plant No. 2 site and the full future Water Plant No. 4 site for a new tract of land on Lone Star Parkway for the future Water Plant No. 4.

Mr. Roznovsky advised this was the same item that was discussed by City Council in July, where they talked about an outright sale of the property at Water Plant #2 and decided against that, since then they have worked with the developer on alternatives to achieve the same purpose. Mr. Roznovsky said the developer is offering the City 1.8 acres of land along the north side of Lone Star Parkway west of FM 149, and in return the developer is requesting the 1.22 acres of land previously deeded to the City within the Hills of Town Creek Development, as well as the previously discussed 0.47 acres of land at the existing Water Plant No. #2 site for a total of 1.69 acres. Mr. Roznovsky said that they believe that this is a viable solution. Mr. Roznovsky said they noted one thing; adjacent to the property is a natural drainage swale, which would make a portion of the property unusable, which they have discussed with the developer's engineer and he does not foresee an issue with adjusting the location of the tract to not include the drainage swale.

Mr. Roznovsky said the agenda item is to just discuss the option and if City Council is open to working out the paperwork and details and the final location with the developer. Mr. Roznovsky said the whole reason this is coming up is that part of the Louisa Lane development is getting additional land and additional tracts there, currently not being used by the City. Rebecca Huss said to make it simple, the City owns two pieces of land, piece "A" and piece "B" and the developer is proposing that they swap it for something that is approximately equal in size that is more conveniently located and the City has no current assets on either "A" or "B" property and no plans at this time for at least the piece that is adjacent to Louisa. Mr. Roznovsky said there is a fenced area that is only a portion of the tract and they are requesting as part of the swap to include the piece outside the fence to allow flexibility on that site for the future. Mr. Roznovsky said the two pieces would go away totaling 1.67 acres and then 1.8 acres would come back to the City. Rebecca Huss asked if all of the 1.8 acres would be usable land. Mr. Roznovsky said that was correct. Rebecca Huss asked if there was any conceivable point when they would need to expand Well #2. Mr. Roznovsky said when they looked at the site for Water Plant #2 they assumed they would have to put another tank on that site, which is

why they did not just say where the fence line is. Rebecca Huss asked if that is the only thing the City would use that site for. Mr. Roznovsky said that was correct, because all the future Water Tower and other items are out at the Water Plant #4 site because it would be on the 12-inch waterline loop and it will shift it from Emma's Way to across the street. Jon Bickford asked if the second parcel was the one off of Houston Street. Mr. Roznovsky said that was correct. Jon Bickford asked about the assets on that property. Mr. Roznovsky said it was a one acre site and half of it is currently being used and the other half is not, and will be east of the tanks. Mr. Roznovsky said if you come down Houston Street where it dead ends, the large property to the east of what would be Houston is the portion. Jon Bickford asked if they know that is going to be part of the development. Mr. Roznovsky said this is all contingent on the development. Jon Bickford asked about the action. Mr. Roznovsky said the action is to approve this in concept so the City Attorney and developer can work together to get the documentation prepared.

Jon Bickford asked if they have to have a public hearing to swap the land. Mr. Roznovsky said they have to get the land appraised to make sure the value of the land is a fair and equal trade. Mr. Foerster said they are not required to do that, but he always encourages a public hearing when they have this type of transaction. Jon Bickford said there are already existing homes there and those homes would be affected by an expansion of this development if the swap goes through. Jon Bickford said that it seemed fair to let those people speak. Mr. Yates asked if there has been any discussion as to who would pay for the appraisal. Mr. Roznovsky said they have not gotten to that point in their discussions, but the developer said that he would fund all the legal descriptions of the property. Jon Bickford asked Mr. Roznovsky if this was the best site for Plant No. #4. Mr. Roznovsky said that he felt Mr. Muckleroy would agree with him, the big draw for this one is the proximity of Lone Star Parkway and not having to cut through anything to get to it. Mr. Roznovsky said the elevation is a little bit less and is a little bit lower, but in the grand scheme of things in the City it works out. Rebecca Huss asked if there were any issues in terms of building houses closer to a well head or a City water source because on her property she has easements that lock out certain activities, and asked if those were TCEQ requirements or are they things that the City needs to apply. Mr. Roznovsky said as part of getting the well approved, they have to get a Sanitary Control Easement around the well, which he thought was a 150 foot radius that restricts feed lots and septic tanks and things like that.

Jon Bickford asked for Mr. Yates' opinion. Mr. Yates advised he felt it was definitely worth looking into. Rebecca Huss asked if 1.8 acres is a good amount of land for a Water Plant, and would they need more land. Mr. Roznovsky said with the 1.2 acres of land that they had they were able to fit what they were proposing, elevated storage tank, pumps and potential future well, so the 1.8 acres will give them more flexibility to add more tanks if needed or to change the layout.

Jon Bickford moved to give the City Engineer and City Attorney direction to continue the process of discussing the land swap. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

9. Consideration and possible action regarding the Hills of Town Creek Section 3 Final Plat and acceptance of performance bond.

Mr. Roznovsky reported that last night the Planning and Zoning Commission discussed this item and recommended approval of the Final Plat that includes 49 single family lots. Mr. Roznovsky said the Performance Bond is to cover the remaining construction that is not yet completed, so they have submitted that and all the documentation is included in the pack. John Champagne asked if everything is in compliance. Mr. Roznovsky said that everything was in compliance.

John Champagne moved to approve the Hills of Town Creek Section 3 Final Plat and acceptance of performance bond as submitted. Jon Bickford seconded the motion, the motion carried unanimously. (5-0)

10. Consideration and possible action regarding adoption of the proposed corrected Official Zoning Map of the City of Montgomery based on previously approved City Ordinances.

Mr. Roznovsky advised they went back and helped the City Secretary in looking at old ordinances and it came to light when they were doing research on one tract, the City map did not reflect previously adopted ordinances. Mr. Roznovsky said they went back through and found a period in time between 2008-2014 when most of the ordinances of that time, rezoning did not get reflected on the zoning map. Mr. Roznovsky said they went through and in the

packs there is a marked up version that calls out all the issues, it also is changing to include the Corridor Enhancement Ordinance that is part of the zoning, to show that on the official map, and Historic Landmarks that are part of the zoning is now being shown on the official map, along with making some other corrections so it is reflective of the actual ordinances. Mr. Roznovsky said the pack includes the marked up version of the map with the changes and a copy of all the Historic Landmarks where they are set out, and a copy of the map that is correct and shows the actual ordinances as they are today. Mr. Roznovsky said this is not changing any ordinances or zoning, it is correcting the previously approved process of rezoning. Mr. Roznovsky said the Planning and Zoning Commission looked the information over starting in August and the past month, and they also recommended adoption of the official map.

Mr. Yates added that an oddity of zoning is that the zoning map itself is the ruling document rather than the ordinance, because of scribes errors and other mistakes that are made in legal descriptions and also so that the general public can tell what the zoning is, you go to the zoning map. Mr. Yates said even if you were to pass an ordinance today saying the zoning of this property is a specific zone, such as I-Industrial, etc., unless it is on the zoning map it is not official.

Rebecca Huss asked if they have to have specific language as they adopt the map, or just adopting the map is sufficient to take care of all the errors and corrections. Mr. Yates said the City Attorney has stated since it is all based upon adopted ordinances, City Council can adopt the map. Mr. Foerster said everything that is on the map has already gone through Planning and Zoning and City Council Public Hearings and all the process required by law, so all City Council is doing is saying that they recognize the ordinances and they are cleaning up the zoning map.

Jon Bickford moved to accept the updated Zoning Map as presented. John Champagne seconded the motion.

Discussion: Rebecca Huss asked to confirm that this presented zoning map will be the Official Zoning Map of the City of Montgomery. Mr. Foerster said that was correct.

The motion carried unanimously. (5-0) A copy of the presented Zoning Map has been attached to the minutes.

11. Consideration and possible action on partially vacating the plat of Lonestar Parkway North Section One.

Mr. Roznovsky stated that this property is located just outside the city limits on Lone Star Parkway, west of FM 149. Mr. Roznovsky said that this property was previously platted years ago and the owner has requested to vacate a portion of the plat for tax purposes. Mr. Roznovsky said this is the Carwile family and they are putting back unplatted property to include the rest of their tract. Mr. Roznovsky said their main concern through this process was they had previously provided by plat the utility easement along the right-of-way for future utilities that are planned for this area. Mr. Roznovsky said when they discussed that with the owner they agreed and have since recorded a separate instrument easement, so even when this portion of the plat is released, that utility easement will remain. Mr. Roznovsky said this went before the Planning and Zoning Commission last night and they recommended approval and since the property is located inside the ETJ it will go to Commissioner's Court for approval.

Dave McCorquodale moved to vacate the portion of Lone Star Parkway North, Section One as presented. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

12. Consideration and possible action on vacating the plat of Lonestar Parkway North Section Two.

Mr. Roznovsky advised this was the same thing as the last item, but instead of partial it is a full plat with two reserves and they have also dedicated the easement just like the previous item.

John Champagne moved to approve vacating the plat of Lonestar Parkway North Section Two. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

13. Buffalo Springs Bridge Report by City Engineer.

Mr. Roznovsky reported that last week the contractor was supposed to get the slope paving completed but they did not because of weather, but instead they were able to get the concrete approach slabs completed, which were not scheduled to be completed until next week. Mr. Roznovsky said the contractor did not lose time, they just flipped the work schedule. Mr. Roznovsky advised the storm sewer had been installed and the ditches have been graded. Mr. Roznovsky said this coming week the contractor will be able to get the waterline installed, at least the portions that are affected by the bridge and then also continue working on the slope paving. Mr. Roznovsky said as they noted last time, they expect completion by October 31, 2018 and the final completion a few days after to finalize the punch list items.

Mayor Countryman said it was her understanding that they have a full team working on the bridge and no longer a partial crew. Mr. Roznovsky said they had multiple teams, and one day last week they had approximately 10 workers on site, and they have brought in a different contractor and subbed out some additional work and brought in other crews to work on different parts simultaneously to get caught up.

#### 14. Animal Control Report by City Administrator.

Mr. Yates said this was discussed at the last meeting and said that he had sent out two different options, Group A – which includes a maximum number of dogs, cats, chickens and roosters on a piece of property. Mr. Yates said the other Group B – is a proposed more expansive ordinance by a local citizen that encompasses virtually all large livestock and larger animals and would require quite a bit more code enforcement. Mr. Yates said a lot of Group B is already covered by State Law. Mr. Yates said Group C is an ordinance that was prepared about two years ago and was presented to City Council but nothing happened with it then.

Mr. Yates said that Group A covers the basic issues they have right now, which is where they have a location where there is a chicken issue with a neighbor and another issue with a group of dogs at a location.

John Champagne said he had scanned through the information and asked which option has a limit of six dogs. Mr. Yates said that was the Group A option. Rebecca Huss said Group C also has that included in the ordinance. John Champagne said Group C is much more



comprehensive. Mr. Yates said that was correct. Mr. Yates said if City Council were to get serious about Group B and C they could have more time to consider and more public input. Mr. Yates said that Group A and C allows a combination of six animals, dogs and cats, for a total of six. John Champagne said he thought Group A does the job and that would be his recommendation.

Rebecca Huss said she felt that something a little more comprehensive is more modern and does deal with some problems that they have had, namely dangerous dog issues that have not been addressed. Rebecca Huss said Group C also deals with animal care in a way that the qualitative issues, in terms of smell that the current ordinance does not address. Rebecca Huss said the size of confinement is something that is much more quantitative and easier for enforcement. Jon Bickford said that he kind of liked that option. John Champagne said he thought that Group A addressed odor. Rebecca Huss said it does, but the problem with that is everyone's level of smell is different. John Champagne asked what happens in Group C. Rebecca Huss said if you have something that is more dealt with, the size of the pen that the animal is in then that is a quantitative factor that does not require someone's opinion. John Champagne said as long as the ordinance is not subjective he is good with it. Jon Bickford asked if Group B and C would have to have a public hearing. Mr. Yates said he did not know about a public hearing, but he would need to do a good job with a press release. John Champagne said if it is the Council's pleasure to focus on Group C. Jon Bickford said it might include Group B. Rebecca Huss said Group C includes a lot of Group B. John Champagne said that he would like time to reread the information.

Jon Bickford asked Mr. Yates what he needed from City Council. Mr. Yates said he wanted direction from City Council on how they want him to write the ordinance. Jon Bickford said he thought that B or C are better options than A. Mr. Yates said he will prepare a summary and get that to everyone and include it in the water bill next month.

**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.

15. Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, in accordance with the authority contained in the following:

- a) Section 551.071(consultation with attorney); and
- b) Section 551.074 (personnel matters) related to City Administration and Police Department.

Mayor Countryman convened into Executive Session at 7:49 p.m.

16. Reconvene into Open Session.

Mayor Countryman reconvened into Open Session at 9:35 p.m.

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

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

Jon Bickford announced that as a result of City Council's discussions tonight they would be taking no action.

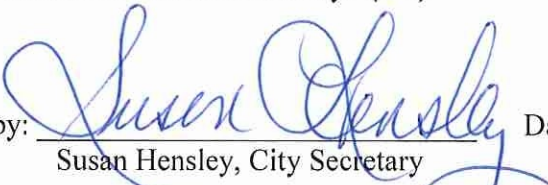
#### **COUNCIL INQUIRY:**

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

There were no inquiries.

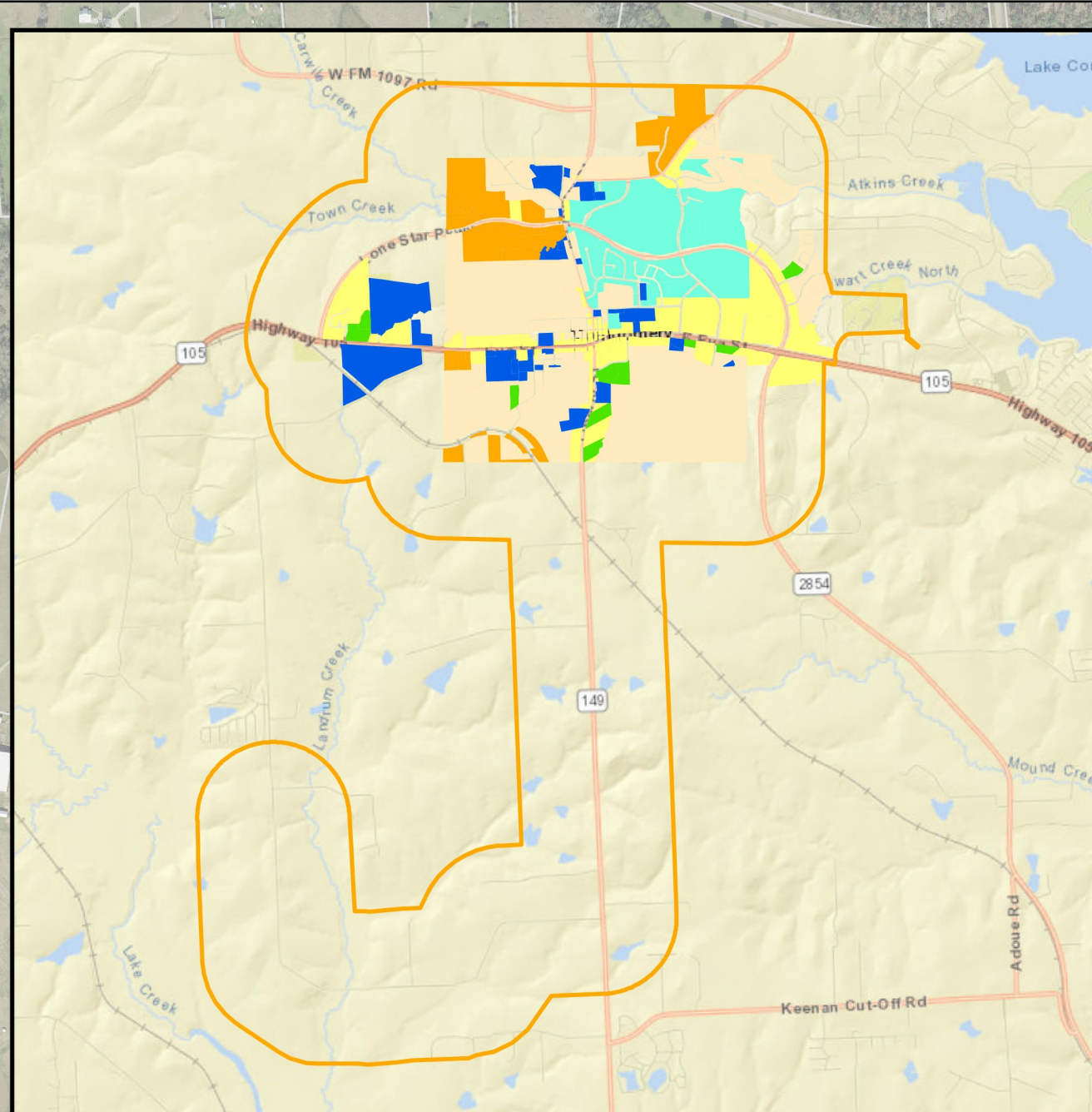
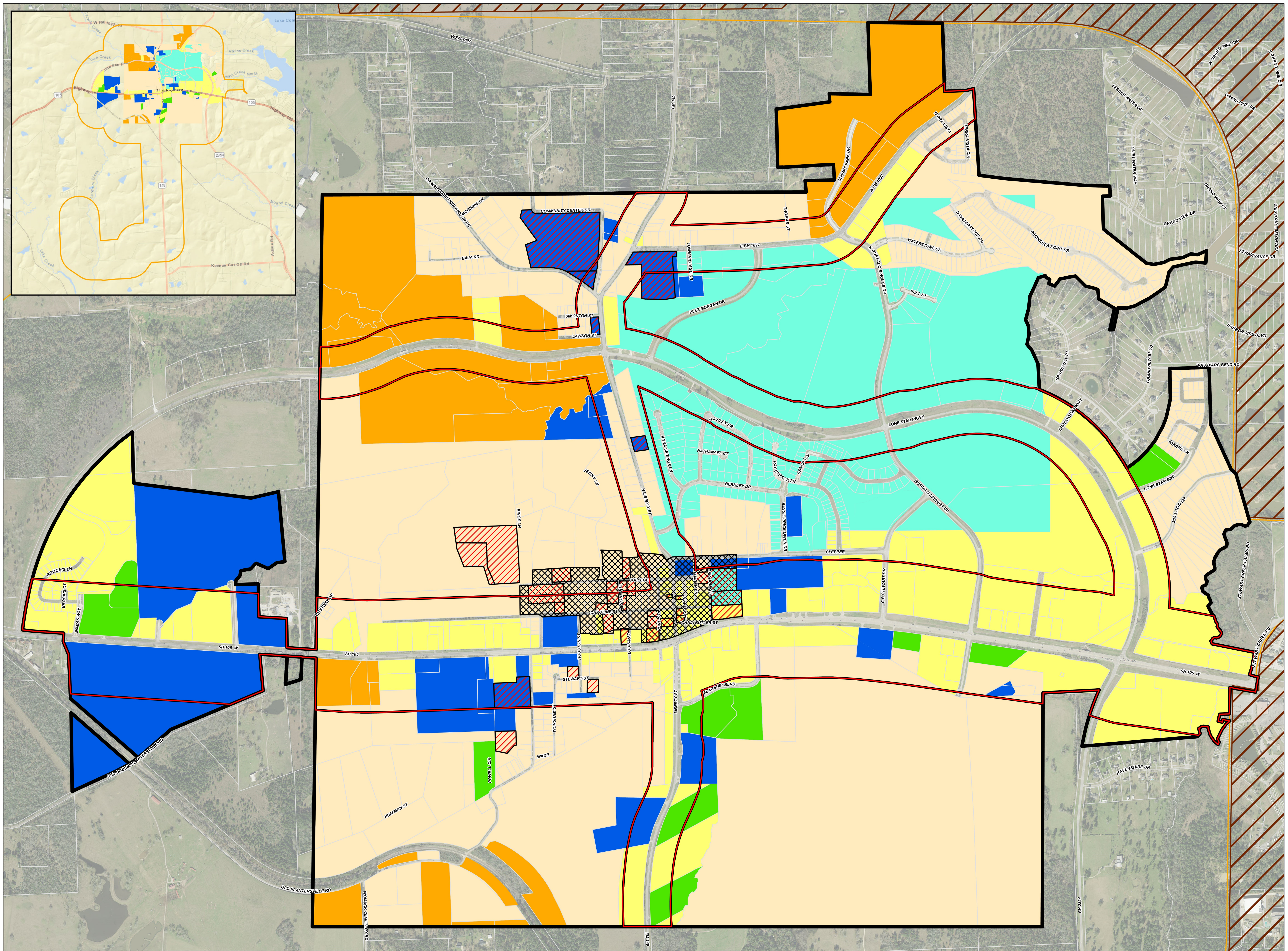
#### **ADJOURNMENT**

John Champagne moved to adjourn the meeting at 9:36 p.m. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

Submitted by:  Date Approved: 10/09/2018  
Susan Hensley, City Secretary

  
Mayor Sara Countryman





**VICINITY MAP**

Scale: 1 inch equals 10 miles

**LEGEND**

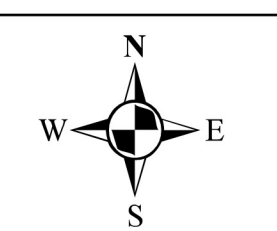
- Overlay Zone**
  - Corridor Enhancement (CE)
  - Historical Landmark (HL)
  - Historic Preservation District (HO)
- Base Layers**
  - City Limits
  - City of Conroe ETJ
  - City ETJ
  - MCAD Parcels
- Zone Classification**
- Zoning**
  - Commercial (B)
  - Industrial (ID)
  - Institutional (I)
  - Multi-Family (R2)
  - Planned Development (PD)
  - Residential (R1)

**LAST AMENDED 13 FEBRUARY 2018  
VIA ORDINANCE NO. 2018-04**

\*Aerial Imagery flown January 2016



**ZONING LAYOUT  
(JUNE 2018)**



1 inch equals 600 feet

**DISCLAIMER**  
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