

MINUTES OF PUBLIC HEARINGS AND REGULAR MEETING

July 24, 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

Absent: Dave McCorquodale City Council Place # 5

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

Mayor Countryman took a moment to extend a thank you to Mike Muckleroy and Francisco Salas with the City's Public Works Department. Mayor Countryman advised Mr. Salas totally restored the meeting gavel and block, which was in really bad shape and now it is beautiful. Mayor Countryman asked Mr. Muckleroy to extend her appreciation to Mr. Salas. Mr. Muckleroy advised Mr. Salas had done all the work and he would pass the compliment on to him. Mayor Countryman said that it was a great job.

INVOCATION

John Champagne gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARING(S):

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

1. **Public Hearing – Annexation of a 1.799-acre tract of land, more or less, as being out of and a part of State Highway 105 at Stewart Creek Road and west to the present City limits, of the City of Montgomery and in the JOHN CORNER SURVEY, Abstract No. 8, of Montgomery County, Texas. (This is the second of two public hearings.)**

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

Mr. Yates advised this was the second of two public hearings conducted by City Council. Mr. Yates said this annexation includes the SH 105 right of way from the east City limits all the way to the eastern part of the intersection of Stewart Creek Road. Mr. Yates advised the action of annexation will be at the next City Council Meeting.

There were no public comments made.

Adjourn Public Hearing.

Mayor Countryman adjourned the Public Hearing at 6:04 p.m.

2. **Consideration and possible action regarding receiving the Amended Final Report from the Planning and Zoning Commission related to their second Public Hearing held on July 23, 2018 regarding a request to rezone a 5-acre tract of land located at 2512 Lone Star Parkway (north/west of 2500 Lone Star Parkway), Montgomery, from I-Industrial Use to R2–Multi-Family Use, as requested by Larry Jacobs for the Star of Texas Seniors Development.**

Mr. Yates advised that following the second public hearing conducted by the Planning and Zoning Commission concerning the requested rezoning classification, the Commission at its July meeting found the following:

- the property is currently designated with the zoning classification of “I” Industrial;
- the property’s proposed land use by Star of Texas Seniors Development is consistent with the “R-2” Multi-Family zoning designation; and

- To reclassify the land use zoning designation of the said parcel from “I” Industrial to “R-2” Multi-Family.

Mr. Yates said that by unanimous vote of the members present and following the Public Hearing, the Planning and Zoning Commission approved the Amended Final Report.

Rebecca Huss asked if there were any changes other than the date on the Report. Mr. Yates said that there were no other changes.

Mr. Foerster said he would recommend City Council accept the report, and stated that City Council is not taking action on the proposed ordinance, you are just acknowledging receipt and accepting the Amended Final Report from the Planning and Zoning Commission.

Rebecca Huss moved to acknowledge receipt of the Amended Final Report from the Planning and Zoning Commission related to their second Public Hearing held on July 23, 2018 regarding a request to rezone a 5-acre tract of land located at 2512 Lone Star Parkway (north/west of 2500 Lone Star Parkway), Montgomery. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

3. Public Hearing – Regarding the Amended Final Report of the Planning and Zoning Commission related to the request to rezone a 5-acre tract of land located at 2512 Lone Star Parkway (north/west of 2500 Lone Star Parkway), Montgomery, from I-Industrial Use to R2–Multi-Family Use, as requested by Larry Jacobs for the Star of Texas Seniors Development.

Mayor Countryman convened the Public Hearing at 6:10 p.m.

Mr. Yates advised this is to receive any public input on the Amended Final Report that was just presented.

Mayor Countryman stated there were some people that have requested to speak and asked if they wanted to do so now, or wait for the Citizens Forum. Both speakers stated they would wait. There were no comments made during the Public Hearing.

Adjourn Public Hearing.

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

Convene into Regular Meeting

Mayor Countryman convened into the Regular Meeting at 6:12 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.

Mrs. Donna Rasmuson stated she was present to speak on behalf of the Heritage Apartments here in Montgomery. Mrs. Rasmuson said they have several seniors that have moved into the Heritage Apartments with the anticipation of moving into the second phase of the Heritage Seniors Apartments when they are built. Mrs. Rasmuson said the seniors that have moved into the Heritage Apartments first phase moved in with the anticipation of moving over to the senior portion of the second phase for the ages 55 plus seniors. Mrs. Rasmuson said a lot of the seniors thought the first phase was going to be seniors and then later it was found out that it was going to include families as well, so they are waiting for the second phase so they can move into an area without the families and the kids. Mrs. Rasmuson said the property for the Heritage Seniors is a perfect area for the senior phase as it is located by the Brookshire Grocery Store, Post Office and restaurants, allowing them to walk to these areas. Mrs. Rasmuson said that whatever the seniors need is very close, and if the senior phase was right there it would be very handy for the seniors. Mrs. Rasmuson said they feel this is the best area in Montgomery for a senior phase of apartments.

Mr. Matt Fuqua stated he wanted to give an update of the Heritage Seniors plans, which he provided copies to City Council. Mr. Fuqua said they have submitted a development application with the City and are awaiting the development agreement from staff. Mr. Fuqua said they are eager to get their plans submitted to the City for permitting and to move things forward.

CONSENT AGENDA:

4. Matters related to the approval of minutes of the Special Meeting held on July 5, 2018 and Regular Meeting held on July 10, 2018.
5. Consideration and possible action regarding adoption of an Escrow Agreement by and between the City of Montgomery and Josh Cheatham for Louisa Street Development.
6. Consideration and possible action regarding City of Montgomery Procurement Policy Applicable To All Procurements Made With Federal Funds.
7. Consideration possible action regarding accepting the revised Single Audit Report for the year ending September 30, 3017, as submitted by Belt Harris Pechacek, LLLP.

John Champagne asked about Item 5 and asked for an update on the agreement. Mr. Yates said that it is related to a proposed development on Louisa Street. Mr. Yates stated the \$5,000 payment is for the Feasibility Study and the beginning of the plan review with the City Engineer by Josh Cheatham.

Mr. Yates commented on Item 6 stating this is not something that they do not already do now, as far as the procurement policy, they are on their 4th or 5th federally regulated procurement due to the Hurricane. Rebecca Huss asked what the benefit would be to making this the City's actual policy. Mr. Yates said this is a required policy.

John Champagne moved to accept the Consent Agenda items as presented. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

8. Consideration and possible action regarding adoption of the following Resolution:
RESOLUTION APPROVING THE MONTGOMERY COUNTY EMERGENCY
COMMUNICATION DISTRICT BUDGET FOR FISCAL YEAR 2019.

Mr. Chip VanSteenberg, Executive Director with Montgomery County Emergency Communication District, was present for the meeting. Mr. Yates advised the District appears to be handling its finances very well according to the presentation in the report. Mr. Yates said the revenues are proposed to be \$4,701,000 and expenses are proposed to be \$4,328,000, with an estimated capital reserve at the end of 2019 at \$5,258,000.

Jon Bickford asked what they would be using the funds for out of capital reserves. Mr. VanSteenberg said they planned to use those funds for equipment replacement in the future. Jon Bickford asked if they do the replacement all at the same time. Mr. VanSteenberg stated they have two or three different systems so they will be replaced at interval schedules, with the next big replacement in two years from now. Jon Bickford said that it sounds like they are putting away another \$300,000 - \$400,000 in savings to continue that program. Mr. VanSteenberg said that was correct. Jon Bickford asked when they anticipated the next upgrade. Mr. VanSteenberg said it would probably be late 2019 or early 2020. Jon Bickford asked how complex the upgrade would be. Mr. VanSteenberg said it would be approximately a \$2.5 million dollar project.

Rebecca Huss moved to adopt the Resolution approving the Montgomery County Emergency Communication District Budget for fiscal year 2019 as presented. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

9. Consideration and possible action on Department Reports.

- A. Administrator's Report – Mr. Yates presented his monthly report to City Council. Mr. Yates stated he had met with the TORC Committee a couple of times regarding a development handbook. Rebecca Huss asked Mr. Yates if the issues of information going to the TORC Committee have been resolved. Mr. Yates said it had pretty much been resolved, but not completely. Rebecca Huss asked what needed to happen for them to get the information they need to help the City with the capital improvement decision making process. Mr. Yates said they just need to get the information to them before the meeting times so they have time to review the materials. Mr. Yates said they need to send the TORC Committee some updated estimates on water and they will be sending that information out to them. Rebecca Huss said the budget is a pretty big priority, but otherwise the City making the decision of spending millions of dollars on capital improvements is a really big priority to get a second set of eyes on, so if they need to have additional staff or additional encouragement for engineers to get them the information they need to help us make our decisions. Mr. Yates said he has been encouraging them and he will continue. Rebecca Huss said for the City Engineer to consider themselves encouraged.

Mr. Yates said he also met with Bill Cassidy who came to the June 26, 2018 City Council Meeting about the Lake Creek Village HOA. Mr. Yates said he met with Mr. Cassidy and Mr. Muckleroy, and he advised that the HOA has not actually been formed so as a result of that meeting Mr. Cassidy is considering whether or not to push for the HOA to be formed. Mr. Yates said they also talked about the drainage issues and said he would consider whatever the City had to say.

Mr. Yates said the line item budget review, where they look at each item in the budget to determine the need and cost, is taking longer than he expected but he feels that it is still worth doing. Mr. Yates said he did not think they would have every line item done before the budget process begins for this year. John Champagne asked if Mr. Yates was doing this budget review with the department heads. Mr. Yates said that was correct, and said the department heads have finished all their review. Mr. Yates said now they need to meet with the Mayor and Mayor Pro-tem at the time Rebecca Huss, who he thought would still like to be on the review Committee. Mr. Yates said the Review Committee would be the Mayor, Councilmember Huss and the department heads, who would meet to review the line items with a brief review of each item and discuss the justification of the item. Mr. Yates said this is a thorough review of the budget and a good thing to do. Mayor Countryman said she is looking forward to the exercise and asked when Mr. Yates anticipated having the meeting and when did the budget need to be approved. Mr. Yates said the budget will need to be approved by the first meeting in September. Mr. Yates said the first Budget Workshop would be next Tuesday evening. John Champagne asked if these meetings would restrict more than one or two Council Members participating. Mr. Foerster said if they are talking about meeting where there are more than two Council Members, with a quorum present, they would need to post the meeting 72-hours in advance of the meeting. John Champagne said his issue was from what he is understanding, they are going to go line item by line item and he is assuming as they do that with the department heads the people in that room will decide what is appropriate and inappropriate. Mr. Yates said they will be making comments that are on the sheets. John Champagne said they would be coming up with a number for the budget. Mr. Yates said they will come up with whether or not the purchase is something that is really needed or not, but the item itself would not be deleted. John Champagne asked to confirm that no budgetary guidelines would be set

in place. Mr. Yates said that was correct. Rebecca Huss said ultimately if it comes down to whether they can find copiers for a lower cost that is not necessarily a budgetary purse impact but will have an impact on the budget. Mr. Yates said the budget itself would not change based on this Committee. Mr. Yates said should a Council Member feel strongly enough to be in the meeting for specific departments on a certain day, they could let him know. John Champagne asked if there would be a schedule. Mr. Yates said that was correct.

Rebecca Huss asked Mr. Yates for an update on the position of Assistant to the City Administrator. Mr. Yates advised that the position has been advertised and we have 16 resumes. Rebecca Huss said that Mr. Yates was ahead of schedule from the schedule given at the last meeting. Mr. Yates said that was correct thanks to the City Secretary.

John Champagne asked about the 9-1-1 Board and asked if Mr. Yates was considering serving on the Board. Mr. Yates said he thought he was the only person nominated for the position by five cities, with the actual election being held in August. John Champagne asked if Mr. Yates was participating in the election. Mr. Yates said that was correct. John Champagne said he had asked if Mr. Yates had thought that there would be no encumbrance or distraction on his core duties that would be something to consider. John Champagne said he was assuming Mr. Yates has done the evaluation and the job will not cause a problem, because that night he believed Rebecca Huss asked for something and it was late because he did not have time. John Champagne said he was just jealous of Mr. Yate's time.

- B. Public Works Report – Mr. Muckleroy presented his report to City Council detailing the activities from last month. Mr. Muckleroy advised they had installed all the signal beacons for the Distrx application and repainted the welcome sign at the John A. Butler Street. Rebecca Huss said the sign looks fantastic. Mr. Muckleroy advised that for the month they had one water leak, one sewer stoppage, two water taps and two sewer taps. Mr. Muckleroy advised the docents reported 579 visitors and provided 33 tours for the month.

Rebecca Huss asked how the new material worked regarding drainage for the ditch. Mr. Muckleroy advised it has rained but there has not been a heavy rain to test the drainage yet. Mr. Muckleroy said the material has held up pretty good and they only have one spot to make an adjustment. Rebecca Huss said she will be curious if they need to add this material to other places in the City. Mr. Muckleroy said he is impressed so far and said you can thank John Champagne because he is the one that recommended this product and it seems to be working and he has got the same guy looking at the other portion of the lake at Memory Park, where they have a wall that is failing. Mr. Muckleroy said he is looking at another one of their products to use at Memory Park. Rebecca Huss said a lot of the issues they talk about and she did not know whether they could use this product on a grander scale, such as embankment failure and expansion of water ways or pathways of water. Rebecca Huss said she was very curious to see how this product works. Rebecca Huss asked how the material is installed. Mr. Muckleroy said they made a good stable base underneath, and there is a fibrous mat that goes down first, then the enviro-grid product lays on top of the mat and then it is filled in with whatever aggregate you need to fill the cavities and cover about three inches deep on top of the product. John Champagne said you do not see any of the product because it is completely covered. Mr. Muckleroy said the grid essentially holds the aggregate in place and does not let it drop below it or move side to side. John Champagne said you can put this product under an asphalt parking lot and they have an aggregate that has 40% voids and you can actually collect water under the parking lot and let it disburse gradually. Rebecca Huss said she loved the concept.

- C. Police Department Report – Police Chief James Napolitano presented his report to City Council. Chief Napolitano advised that this last month with the help of the State of Texas they are one of the first Police Departments to enter into a new thing called First Net. Chief Napolitano said that since 9-11 after major catastrophes and multiple victim incidents around the United States, they have found out cell phones do not work so well. Chief Napolitano said if they had an incident at a football game in Montgomery, with all the folks in the stands, where police had to respond, not only would they need their cell phones but they would need their MDT's (Mobile Data Terminals) in the vehicles. Chief Napolitano said they would be sharing time on these antennas with everyone at the stadium that would want to use their phone. The Chief said the State

of Texas came back and is now offering for Police Departments to join First Net. Chief Napolitano said it was a contract they put out through the federal government to ask for these phone providers to come up with a way to make all first responders have their own separate net so they will never have to share with the general public. Chief Napolitano said Montgomery is the first Police Department in the State of Texas, along with the Harris County Sheriff's Department, Brazos County Sheriff's Department and now Bryan College Station have entered into this agreement with AT&T. Chief Napolitano said it actually brought their phone bill down about 10-15% and said it worked out well for them because they were getting a cheaper phone rate. Chief Napolitano said the only place they have a problem in the entire County is in the jail. Chief Napolitano said when the officers make an arrest they drive the person to jail, so until they get the Sheriff to give them an extra antenna for the jail, they can't use their computers at the jail. Chief Napolitano said DPS is working on getting the antenna problem resolved. Chief Napolitano said they are trying to get all the fire departments and EMS to go over to this service. Mayor Countryman asked if this was an application, software or a 3G network. Chief Napolitano said they have their phones and when they dial up they get priority over anyone else. Chief Napolitano said AT&T is trying to place the First Net on every antenna in the State of Texas, at that point they won't have to share the antenna they will go through the First Net System. Chief Napolitano said they had to change a lot of the software on the computers and their air cards to do this, but now they do not share air space with the general public. Mayor Countryman asked if the system was tied to their phone number or is there an application that you have to use. Chief Napolitano said it was tied to their phone number. Mayor Countryman said she loved the fact that if you can take your own computer into the jail, because when she did a ride along, that was a long experience and they have to wait for computers to be available. Chief Napolitano said it was a longer process than they would like to have. Chief Napolitano said he would like to see Montgomery County build a west side jail facility where they could drop their prisoners off, but he did not think that was happening anytime soon. Jon Bickford asked the Chief if they used this Net First System all the time. Chief Napolitano said that it runs their computers and cell phones. Jon Bickford asked if they got rid of the old cell phones, and asked why everyone would not be doing that if it is reducing their cost by 10%. Chief Napolitano said there are people even in small government that do

not trust the larger government, so instead of Governor Abbott forcing everyone to do it, he has made it a voluntary plan. Chief Napolitano said when they first tested the system at Texas A&M during a football game, the officers working on the outside of the stadium could never get on their computers because they had 100,000 people inside the stadium using their cell phones. Chief Napolitano said the Governor did not want to force everyone to change over to the system, he wants the municipalities and local governments to request and get on board. Jon Bickford asked if the software for the system was free of charge. Chief Napolitano said they took the old phones and they did not charge them anything for the new phones, they just gave them new S9 phones. Mayor Countryman asked if they have seen an improvement in the service. Chief Napolitano said they are having no issues with losing signal.

- D. Court Department Report – Mrs. Kimberly Duckett, Court Administrator, presented her report to City Council. Mrs. Duckett stated the report before City Council was incorrect and said she has reconciled the report with Mrs. Branco, Financial Consultant, and it appears there was a glitch in Incode. Mrs. Duckett said she reported \$25,000 for the month, but the total should have been \$41,156.10. Mrs. Duckett said she has a call in with Incode to resolve the problem.
- E. Utility/Development Report – Mr. Yates advised they had \$140,396.33 revenue from utilities, \$20,600 received from permits and \$1,650 was collected from use of the Community Building. Mr. Yates noted there are 667 active water accounts, and they seem to be growing approximately seven connections per month. Mr. Yates advised Memory Park had a high month with 180,000 gallons of water usage. John Champagne said they will have more than that for this month.

Mr. Muckleroy updated City Council on the irrigation pump status at Memory Park, advising he is waiting to meet with the TORC Committee to get a recommendation from them regarding this matter. Mr. Muckleroy said Mr. Randy Burleigh has a really good plan drawn up already on a system being installed that includes a backwash valve and they just need to sit down and review the details. Mr. Yates said they would be meeting with the TORC Committee on either July 31, 2018 or August 1, 2018. Mr. Yates said he will advise when they are going to meet.

F. Water Report – Mr. Michael Williams with Gulf Utility Service, Inc., presented his report to City Council. Mr. Williams advised they had three district alerts last month due to power issues with the supplier, but there were no major issues with the equipment. John Champagne asked to confirm this was not the same power issue they had in the past. Mr. Williams advised it appears to occur only during storms, which is typical. Mr. Williams said they have not had any issues other than a breaker being popped and having to reset them. Rebecca Huss asked if this occurs in The Woodlands also. Mr. Williams said it occurs in The Woodlands, Houston, everywhere.

Mr. Williams said the effluent flow for the month of June was 3,121,000 gallons and the peak flow occurred on May 20, 2018 at 304,000 gallons at 76% of the permitted value and the average daily flow was 107,000, which is 25% of the permitted value. Mr. Williams said the effluent monitor report shows all samples were in compliance for the month of June with 3 ½ inches of rain for the month. Rebecca Huss said the reason why there is hardly any flow is because there was hardly any rain. Mr. Williams said that was correct. Mr. Williams said they did have some issues with the rain gauge in June, but Public Works got it up and running.

Mr. Williams then reviewed the water report, stating they sourced a total of 11.592 million gallons, flushing of 159,000 gallons, and they sold 10,976,000 gallons of water, bringing them to a 96% accountability. Rebecca Huss said she has a big concern about this section of the report because this covers half of June and they only have 50% of remaining pumpage on the Catahoula Aquifer. Rebecca Huss asked the City Engineer when the City is going to get the new permit. Mr. Roznovsky advised they have put the project on hold until they work out the water projections with the TORC Committee. Mr. Roznovsky said the application is ready to go they are just waiting to see the projections. Rebecca Huss asked if they could have both things happening at the same time, because she understood the projections that they were going with mean a lot to other things, particularly the Impact Fees, but in the short term they need additional water out of the Catahoula Well. Rebecca Huss said they need the permit expanded this year and said what Mr. Roznovsky was referring to about the projection numbers, is two or three years from now. Mr. Roznovsky said they are but they have

to provide data and do a GRP amendment for them to approve the additional pumpage, and the GRP amendment is based on projections and projected flows, and they are going back and forth on the projected flows. Mr. Roznovsky said they can submit the information with the projections they have, they are just not agreed upon with the Committee. Rebecca Huss asked if they would have to use the non-agreed upon projections for other things. Mr. Roznovsky said he would be consistent with their projections, and said the amendment is prepared. Rebecca Huss asked about the timeline for getting the amendment approved and then getting the actual water approved. Mr. Roznovsky said he would have to check on that information. Mr. Roznovsky said they have talked to Lone Star Groundwater Conservation District (LSGCD) and they do not see any issues with the information, so they just have to back up the projections so they will know that we need the additional usage. Mr. Roznovsky said they have presented the preliminary numbers to the LSGCD and they did not see any issues, they just advised the type of format they wanted the information presented in, but have not submitted the information. Rebecca Huss said if they pumped 10 million gallons out of the other aquifer and that is 75%, so that means that they have another 30 million gallons and they are halfway through. John Champagne said the usage will slow down. Rebecca Huss said maybe, but they still have July, August and September that will be hot and dry, so they could get to a point where December could get a little dicey. Mr. Roznovsky said he understood, and noted they were close on the usage last year, and based on their projections they are going to increase in flow this year, which is another issue they are debating. Rebecca Huss said that makes it even more imperative to get these two groups together and get the numbers agreed upon so the permit can get amended sooner rather than later, before it gets hot in October and they have to use the expensive water. Rebecca Huss said if they have to put some numbers together to get the permit done and then later amend the numbers to come up with the amended impact fees, they can do that, but the highest priority is having water.

John Champagne said the way he reads the chart and the year to date percentages, Well 4 has been utilized 75% of the total production. Mr. Williams said that was correct. John Champagne said they have under 50% remaining of what they are allowed to pull out of the aquifer, so he is assuming they are going to start pulling out of the Catahoula. Mr. Williams advised that was correct and historically they usually have one issue or

another, where they have to take the Catahoula down and they are running shorter on the Jasper Permit, but this year up until this report they have not had any issues. Mr. Williams said they did have some time that they had to reduce the usage from the Catahoula to reduce the temperature of the water, so next month they should see the numbers change a little bit. Mr. Williams said that they are going to start tapering off usage from the Catahoula and start pulling more from the Jasper. Mr. Williams said they are trying to utilize the Catahoula as much as possible because for one reason or another they always seem to have an issue in the summer. John Champagne said the Well is there to use. Mr. Williams said during the last couple of summers they have had issues with the incoming power or something with the Catahoula Well where they have to take the Well down and they ran short on the other permit. Mr. Williams said they are going to utilize both permits optimally so that they try their best not to go over any of the permits.

Mr. Williams advised this month they had 28% of the water sold returned to the Sewer Treatment Plant. Jon Bickford asked about the City's water temperature and said it is starting to get warm at his house and he imagined that it would impact others as well. Mr. Williams advised at the plant the temperature is in the mid 80's and said the water from the Catahoula well comes out at 120 degrees. Mayor Countryman said the fans have been installed. Mr. Williams advised that is correct the fans are in and they are mixing the water with the Jasper Wells to keep the temperature down. Mr. Williams said the water from the Catahoula can get up to the lower hundreds when it does not have as much water from the Jasper Well mixed in, but they try to keep the temperature in the 80's.

- G. Engineer's Report – Mr. Roznovsky presented his report to City Council. Mr. Roznovsky said the FM 149 cleaning and televising project, they received the costs so they will be sending out the letter to MagnaFlow tomorrow. Mr. Roznovsky advised that regarding the GLO projects, they heard from GrantWorks and they believe the earliest funds will be available for these projects will be September 2018 versus July 2018, based on the schedule of the State of Texas.

Mr. Roznovsky advised they expect to have the Louisa Lane Feasibility Study at the next City Council Meeting. Mr. Roznovsky advised the plan reviews are listed in the report, and they have received revised plans for BlueWave Express Car Wash and ProCore Developments since this report went out. Mr. Roznovsky said there has been an update for Emma's Way, stating the second deposit on the account has been received so those inspections are back on track. Mr. Roznovsky stated that McCoy's one year warranty inspection is due, which will occur tomorrow morning to make sure everything is in order.

Mayor Countryman asked if the Spirit of Texas was able to start moving dirt. Mr. Roznovsky said that was correct and advised they have equipment on location. Mr. Roznovsky said the one thing they are held up by is they have approval on their site plans, but they do not have approval for their exterior lights because they need an encroachment agreement that was sent to them today, and they expect it to be returned back and on the next agenda. Mayor Countryman said she thought they had agreed to not hold them up any further. Mr. Roznovsky said that was correct they can move forward, they just can't put in their lights, which will take another 2-3 weeks before that is done.

John Champagne advised Mr. Muckleroy they still had a number of culverts that are plugged to the max and are not draining off of Racetrack. John Champagne then asked how many metered outlets do they have for contactors to fill up their trucks located in the City. Mr. Muckleroy said they have a total of eight meters, and right now there are only three being utilized. Mr. Muckleroy asked if there was someone hooked up to them. John Champagne said yes, all the time on the meter. John Champagne asked how they track that use, and how do you know who is taking water. Mr. Muckleroy said they get lucky and drive by and catch them doing it, or have someone call and advise that they are taking the water.

H. Financial Report – Mr. Yates presented the report to City Council. Mr. Yates said they have \$912,012.22 in the General Fund, with about \$260,000 being loaned to the Capital Projects Fund to pay for the bridge. Mr. Yates stated there is \$3,042,202 in the Construction Fund, with most of that being TWDB funds. Mr. Yates said there is

\$730,252 in MEDC funds, and \$453,867 in the Utility Fund for a Total of all funds of \$5,418,203. Mr. Yates said that while it is not included in the pack, the General Fund Surplus revenue over expenditures for this year is \$64,280, and the excess in the Utility Fund in revenues over expenditures is \$152,321. Rebecca Huss said she thought they were closer to \$400,000 for loans to the Capital Projects Fund. Mr. Yates said not as of last week when he talked to Mrs. Branco. Rebecca Huss said she signed Pay Estimate No. 5 last week. Mr. Yates said he did not think that they had paid Pay Estimate No. 5, but he would check on that information. Rebecca Huss said that was why she was worried that they were at their borrowing limit from the General Fund of \$400,000. Mr. Yates said he suspected they were about two weeks away from getting Pay Estimates 2 and 3 from the State and possibly Pay Estimate No. 4. Rebecca Huss asked if they needed to do anything to hurry that along, in terms of asking for help from our elected representatives. Mr. Yates said he had sent a copy of the last request to Representative Metcalf and Senator Nichols. Mr. Yates said that what has happened was they paid Pay Estimate No. 1 and then re-asked for information on hiring of the engineer, contractor and copies of checks on Pay Estimates Nos. 2, 3 and 4. Mr. Yates said he was not sure why they were getting the repeat requests, other than it was assigned to a different person. Mr. Yates said they started with Jubril Bello and now they have Catherine Ault.

- I. Economic Development Report – Mr. Yates presented the information in the absence of Randy Moravec, MEDC Treasurer. Mr. Yates said the Kroger Center still has four empty spaces and said that it is filling up gradually. Mr. Yates said CVS has begun their site work and they are going to have five full time employees and 10 part time employees, and their project costs \$1.4 million dollars. Mr. Yates said the Liberty Street Business Park is getting finished, the North East Corner Strip Center that is at the northeast corner of SH 105 and Lone Star Parkway that includes Dentists of Montgomery has 4 full time employees. Mr. Yates said that State Farm Insurance has started phase one of their construction and they are located off of Waterstone Drive. Mr. Yates said the permits issued for the second quarter included 30 residential permits and seven commercial permits. Mr. Yates said that the year to date permits are 57 residential permits and 20 commercial permits.

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

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

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE CITY CODE OF ORDINANCES AMENDING CHAPTER 98, "ZONING," FOR THE LARRY JACOBS PROPERTY AT 2512 LONE STAR PARKWAY FROM "I" INDUSTRIAL ZONING DISTRICT CLASSIFICATION AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "R-2" MULTI-FAMILY ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE.

Mr. Matt Fuqua, Vice President of Blazer Building here representing the Heritage Seniors located at 325 Flagship Blvd. Mr. Fuqua said he just wanted to remind City Council that in their previous discussions, they purchased their property on Flagship Blvd. in 2013 with the intent to develop Heritage and Heritage Seniors, and to date they have spent a considerable amount of money and time making improvements to the infrastructure and overall the detention pond and regional improvements to serve Montgomery Trace Shopping Center and their property and outlying areas of Stewart Creek. Mr. Fuqua said that to date Heritage Seniors has developed permit issue drawings and they have made progress with their development to meet readiness to proceed requirements. Mr. Fuqua said they are currently zoned for multi-family, platted and practically shovel ready to begin construction on October 31, 2018, and they have utilities. Mr. Fuqua said there are two developments that are making application for award with the State, one will move forward this year and he would like to ask just as a point of reference the Feasibility Report that is on the agenda tonight, which is Item 14, is directly impacting and directs information regarding the zoning, and from a viewing and optic standpoint City Council is being asked to rezone a property with the report that was produced for and direct purpose of this development, which he wanted to bring that up as a discussion point. John Champagne asked Mr. Fuqua to go over that last point again. Mr. Fuqua said the Economic Feasibility Report listed as Item 14, is put together to show the viability requirements for the proposed site that the City is being asked to rezone, which is on the

agenda tonight for information sharing and he just wanted to bring that up as a point of reference for the City, taking into consideration for the rezone and what exactly is being asked of the City and what is required and what can be done.

Mr. Larry Jacobs, property owner, advised the Star of Texas is the developer of the property, once they get the property rezoned. Mr. Jacobs said he would like to point out the Star of Texas is very compatible to the neighborhood as they have discussed before. Mr. Jacobs said the Independence Place project next door has a density of 7 ½ units per acre, and Star of Texas will be approximately 6 ½ units per acre, very low density, and his unit are all one story and they do not have to worry about elevators or anything else. Mr. Jacobs said the State is obviously awarded the Star of Texas more points for that location and the overall competitiveness of the deal or they would not have other people raising a lot of other concerns that don't have to do with zoning. Mr. Jacobs said he wanted to point out, for the record, that he believes that the Planning and Zoning Commission has moved forward in unanimous votes every time with recommendations to City Council and he appreciates City Council's consideration.

Mr. Fuqua said that he wanted to address one additional comment regarding the Final Report that was prepared and the Amended Final Report to the Planning and Zoning was prepared by staff, and regarding the engineering report actually prepared by an engineer, which the Planning and Zoning Commission did not have was not prepared or provided.

Rebecca Huss said that she finds herself in the uncomfortable position of disagreeing with the Planning and Zoning Commission, but she does not feel the rezoning is actually in the best interest of the City of Montgomery at this time.

Rebecca Huss moved to deny the rezoning request.

Jon Bickford said he would have to say that his position on change has been consistent and he gets very frustrated with asking for changes in restrictions, changes in variances, changes in zoning, unless he sees a hardship, which he does not see here. Jon Bickford said he was struggling himself with rezoning an area that is industrial today, when he looks at what is across the street, FM 149, that kind of industrial complex very well could

be built in that area and that is what that area was zoned for. Jon Bickford said he did not really want the City to become a downtown Houston and they have a house, refinery, industrial complex, house, apartment, etc., which is the whole reason they put the zoning and planning in place in the first place.

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

11. Consideration and possible action regarding the Atkins Creek Engineering Contract.

Mr. Yates advised this is a proposed contract for the Terra Vista area water and sewer crossing, which is necessary due to the washout of the water and sewer line across Atkins Creek adjacent to Terra Vista subdivision that occurred during Hurricane Harvey. Mr. Yates stated this is a FEMA project, and over the past several months discussions between FEMA and the City have resulted in selection of an engineer for the project, Jones and Carter, and preliminary discussions about what to do to repair the water and sewer lines. Mr. Yates stated the proposed solution is an aerial crossing by placing the water and sewer line on concrete piers across Atkins Creek. Mr. Yates said he had no problem with the proposed solution and realized the engineering for such an aerial crossing is more involved/costly than just simply putting the lines back in the ground. Mr. Yates said however, he felt the proposed \$133,500 for a \$232,500 project was excessive.

Mr. Yates said that for instance there is a \$31,000 preliminary design, construction administration fee, yet there is also a \$6,000 charge for structural engineer, \$11,000 for environmental sub-consultants and \$30,000 for drainage and scour study analysis. Mr. Yates said, in his opinion, the structural engineer, environmental sub-consultant in the drainage and scour study should be part of the \$31,000 design cost. Mr. Yates advised he had asked Mr. Roznovsky several questions and he had received the responses via email.

Mr. Yates said he had discussed Value Engineering, which would be for the entire project, but what he was asking for was to renegotiate the engineering costs, and if necessary get another engineer to review the information and give some advice about the engineering costs.

Mr. Roznovsky stated that traditionally an engineering percentage is not what is proposed as this was, and said the reason it is for this project is because FEMA is a different level of effort than a normal project, which drives the cost up. Mr. Roznovsky said there were a couple of items, scour analysis and the environmental that is the same cost for the bridge as it was for this project, which is a drastically different construction cost, but the amount of analysis for the report is about the same, in fact there is actually substantially more analysis that had to be done on the drainage side. Mr. Roznovsky said they were dealing with an existing structure at that time and just putting two vertical walls back to where they were versus for this they are taking a stream that has eroded out and trying to remodel and reconfigure it and then evaluate different alternatives of piers and obstructions within that stream. Mr. Roznovsky said additionally one of the items that is included in the drainage analysis is a little more detailed to help the City prepare for a longer term solution to the erosion that is happening in and around Atkins Creek that is effecting the neighboring properties and working its way back to FM 1097. Mr. Roznovsky said there is a benefit in doing that analysis now to get a better design for these improvements, but it also helps to have the data to use in the future to be able to help come up with a solution for that area. Mr. Roznovsky said as Mr. Yates stated, they plan to sit down and go through in detail, which they have detailed hour estimates on how they got to these numbers. Mr. Yates said he wanted to say Jones and Carter has been the main proponent of convincing FEMA we need to do the mitigation project rather than just putting it back the way that it was, so that cost is about \$110,000. Mr. Yates said this is not a negative comment about Jones and Carter, it is just that it seemed like they need more review of the figures. Rebecca Huss said ultimately not all of the money is coming from FEMA, 75% of the funds are coming from FEMA and 25% percent is coming from the City residents, so that does have an impact on the taxpayers. Mr. Roznovsky said this disaster was on a 90/10 payment split so only 10% is paid for by the taxpayers. Mr. Yates said they spoke with FEMA this morning and they tentatively approved these engineering estimates. John Champagne asked for clarification that the initial engineering done on this project was done by Jones and Carter. Mr. Roznovsky said the initial engineering consisted of a highly conceptual cost estimate that has been done, no analysis has been done as of yet. Mr. Roznovsky said this was based on the conditions what is believed to be the solution, which are the piers. John Champagne asked if because of the configuration of the repair, things have changed. Mr. Roznovsky said the way FEMA

works is you can only spend their funds on property that the City is responsible for, so there is a 26 foot easement those utilities cross over, and if you just fill in the 26 foot easement there is a couple of hundred feet of channel, which is eroded away on each end so you are just creating a dam that will wash out with the first rain, or create a pond. Mr. Roznovsky said this is why putting it back to the same condition is not a feasible option, if we only work within our easement. Rebecca Huss stated this was a freestanding span with nothing underneath it. Mr. Roznovsky said before the pipe was buried five to six feet underground with cement sand on top of it, and then during Harvey that five to six feet of cover became that sewer line that is now seven to eight feet in the air. Rebecca Huss said the structure will be new. Mr. Roznovsky said that was correct because there is no structure there and it will have to be a casing put in and then piers to help support the casing, because it is approximately an 85 foot span the last time they checked, but the way it has been eroding it could be more now. John Champagne asked if they would be using steel casing. Mr. Roznovsky said that was correct, it will be steel casing with supports that would be buried into the embankments. Jon Bickford asked if they would fill in the area. Mr. Roznovsky said his initial thoughts are using the federal funds that the City has to be able to repair and get the line back up and working so they are no longer having to pump out the sewer, and then if they can get the analysis done on the long term solution to that channel that effect the lots and everything that backs up to it, then it will at least be ready to go while they work out the long term solutions. Mayor Countryman asked if that channel will hold water or is it just a tributary to go down to the lake. Mr. Roznovsky said the channel will not hold water, and it was dry before and is dry now and is a very similar situation to Town Creek.

Mr. Yates said he thinks that they can negotiate this out, but he wanted to ask City Council's permission to have another engineer look at the information if necessary. Rebecca Huss asked Mr. Yates if the money involved was not outside of his scope of discretion. Mr. Yates said that was correct. Rebecca Huss confirmed Mr. Yates did not need action, he just needed direction. Mr. Yates said that was correct. Rebecca Huss said she thought pursuing outside advice is a logical next step if Mr. Yates feels that he needs it. John Champagne agreed and said let's move.

No action was taken.

12. Consideration and possible action regarding selection of an engineer for the Plez Morgan FEMA Project.

Mr. Yates advised that the Plez Morgan FEMA Project is all about the Memorial Day flood after the Buffalo Springs Bridge Project. Mr. Yates said what happened was after they rerouted the traffic off of Buffalo Springs to Plez Morgan, they talked to FEMA and convinced them they needed to work on Plez Morgan to repair it because it was part of the bridge traffic. Mr. Yates advised the Review Committee consisting of T.J. Wilkerson, Rebecca Huss, Susan Hensley and myself interviewed three engineering firms who submitted proposals after advertisement soliciting their proposals. Mr. Yates said the three firms were Jones and Carter, GLS Engineers and IDS Engineering Group. Mr. Yates said that as has been discussed by the Review Committee and City Council the intention is to use another engineering firm besides Jones and Carter on smaller, definable project. Mr. Yates said the Plez Morgan resurfacing of the road as funded by FEMA appears to be such a project. Mr. Yates said the Committee through telephone interviews and written proposals rated the three firms. Mr. Yates said IDS Engineering Group scored the highest on the rating sheets and is recommended for selection by the Review Committee. Mr. Yates advised IDS is located in Houston, but the person responsible for the City project lives in Magnolia as do several of his employees. Mr. Yates said the Committee felt well about the ability of the firm to complete the project and their experience with FEMA.

Rebecca Huss said she also wanted to point out for the record that the engineer that they spoke to from IDS said that from the traffic he thought that Plez Morgan was taking, even being the primary or a primary cut through, one of the main things that they should be investigating why it failed because he thought there was a chance that it was not built as per the drawings or there is some other structural problem they were not aware of because he felt the traffic it was taking should not have caused some of the larger areas of failure. Rebecca Huss said she was worried that similar to the bridge there might be something ugly underneath the surface. Mayor Countryman asked who had engineered that road. Rebecca Huss said they did not know at this point, but it is part of the PDD. Mr. Yates said he thought it was part of the Montgomery County and LeFevre Project. Rebecca

Huss said either way, some things they thought like the ditches were not holding water, it is entirely possible that could be wrong and that could be the cause of it or other things so there might be some surprises there. Mr. Yates said the point is that could make quite a difference in the cost of the project as to whether or not it would be a milled overlay versus tearing up the subbase and having to put down six inches of base and two or three inches of asphalt on top of that. Mr. Roznovsky said the initial estimate that was provided to FEMA included approximately 30 % of the road having full base repairs on those areas. John Champagne asked if that may or may not be necessary. Mr. Roznovsky said it likely will be necessary to have some type of base repairs, what is not known are there areas where the surface is not showing yet, for example Houston Street there was zero base. Mr. Yates said they will take four to six core samples along the area. Rebecca Huss said it was interesting that this company was the first one to say that was an area of interest to find out why the road failed before they even go through and decide what to do.

Jon Bickford stepped out of the meeting at 7:32 p.m.

Mayor Countryman asked if FEMA would be paying 100% for this project. Mr. Yates said FEMA would be paying 75%, and the City will pay 25%. Mr. Yates said he will be checking to see if the City can get a CDBG-DR for this Project, so he will talk to Grantworks. Mr. Yates said they were about to close out the Bridge DR Project Grant so maybe they can get it for this Project.

John Champagne moved to accept the recommendation of the Review Committee to select IDS Engineering Group to pursue the Plez Morgan FEMA Project. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

Mayor Countryman announced that Jon Bickford was absent for the vote on Item 12.

Jon Bickford returned to the meeting at 7:35 p.m.

13. Consideration and possible action regarding acceptance of Montgomery County offer of the right-of-way for Lone Star Parkway and the portion of Lone Star Bend in the Villas of Mia Lago subdivision.

Mr. Yates said this is to discuss though not necessarily to decide about acceptance of the offer of Lone Star Bend and Lone Star Parkway from Montgomery County to the City. Mr. Yates pointed out that Lone Star Bend was already a platted public City road that was included in the letter by mistake, and goes with the Estates of Mia Lago, Section 2. Mr. Yates said this is something that the City has been aware of the intention by Commissioner Meador for quite a while, meaning the intention of the County to give Lone Star Parkway to the City for continued maintenance. Mr. Yates said that he has not done a thorough review of the financial costs over the years of acceptance of maintenance of the Parkway. Mr. Yates said that mowing alone will add about \$35,000 per year to the City's mowing contract. Rebecca Huss asked what the approximate current total for the mowing contract. Mr. Yates said the mowing contract right now is \$80,000 per year. Rebecca Huss said it would add one third to the contract, which seems like a very large amount, and will be a huge financial burden for the City. Mr. Yates said that one of his questions to City Council was whether or not they want him to do a financial analysis of the next 10 years of the Parkway being a City street. Rebecca Huss said that would be \$350,000, which would be a little over 12% of one year's budget, which seems excessive. Mr. Yates said, as stated in the City Attorney's email, the County could continue to assist the City with maintenance of the street. Mr. Yates said as City Council may remember, the City is now in discussions with TxDOT on making Lone Star Parkway a State highway as part of the business look around the City. Mr. Yates said that should the State accept it as a State road, the State would take over the maintenance of the roadway itself, but the mowing would still be the City's responsibility, along with the crack sealing and/or pot hole repairs and any other work would be at the City's cost. Mr. Yates said the reason that he mentioned 10 years was probably within 10 years the road would become a State highway, but there is no way of really knowing that. Rebecca Huss said that it is not just the maintenance but preventative maintenance and repairs, etc. Mr. Yates said that he also needed to ask the City Attorney, just because someone offers you something does not mean that you have to accept it. Rebecca Huss said she believed that the County was under the impression that they have given the roadway to the City before, and obviously it was not successful because they did the repairs with the understanding that they were giving it to the City again. Mr. Muckleroy said that all their people are already being told that the roadway is the City's and said he has had two conversations with people last week and

one as recently as today and they are all being told that they thought it was the City's road already. Rebecca Huss said the only problem with that is they are not going to maintain it either.

Mr. Foerster said that in his email, when he responded to Mr. Yates request, is that it might be helpful to look at the original documentation related to the construction of the road and any emails, letters, correspondence or contracts, if they can locate them, so he could review them to see if there was any understanding this would be a County maintained road forever, or if there was any obligation that the City has as far as an ongoing arrangement back several years ago that would lead the County to believe that when they finished it the City would assume responsibility for the road. Mr. Foerster said they do not have those documents at this time, and he thought it would be useful to table this item until they explore that information further.

Rebecca Huss moved to table this and continue to table it for quite some time until they have an idea of at least the financial implications and maybe discussions on sharing and avoiding responsibility as much as possible. John Champagne seconded the motion.

Discussion: John Champagne and said he would be open to accepting the maintenance of the section of road if they completed the loop to the south all the way to SH 105, which they might bring up with the County. Rebecca Huss said they could include buying the right of way. John Champagne said the whole deal. Rebecca Huss said Senator Nichols has said that TxDOT has only made one road a FM road or a State road before, taken one City or County road and turned it into a State road, so that would mean turning Lone Star Parkway into a State road, and is a big goal and one they should pursue through the Houston-Galveston Area Council, but it is definitely a tough thing to get. Mr. Roznovsky said a City has to improve the roadway, which is why they are working with H-GAC and the TIP Program to get the funding because the entire Lone Star Parkway would have to be brought up to FM standards and TxDOT might say you also need to add two more lanes, so it is a big commitment for the north and south loop together to get that bypass, it is always going to be some trading of options.

Mr. Foerster said he has not spoken with the County Attorney about this in many years, but there was a time 30 years ago when he was the County Attorney, when it was his opinion based on the law at that time that a City road that connected either a County road or a State road could be assumed, in terms of maintenance, by the County. Mr. Foerster said there have been many occasions, in the City of Panorama Village for one where that has happened. Mr. Foerster said he did not know if that was still the policy of the County with the laws changed in that regard because he has not done any research on it, but it has been his experience since that Parkway is a method of connecting the east side of SH 105 with the west side of SH 105, and with the north side of FM 149 and part of the south side of FM 149, there is a possibility they could enter into an agreement by which the County as part of the transition would agree to at least maintain the surface of the road. Mr. Foerster said he was saying that conditioned on what we find when we do our research, going back 15 years ago when the Parkway was constructed. John Champagne said it has been at least 8-9 years. Mr. Foerster said if they can find the records they can look at the correspondence, understandings, agreement, if there was one, and evaluate whether or not the City at any time during that process assumed any obligation to at a later date maintain the road. Mr. Foerster said it is interesting that it has not been referenced in Mike Meador's letter. Rebecca Huss said she thought that if the County had anything in writing the City would already own the road. Mr. Foerster said that was the reason why they would need to look into the matter.

Chief Napolitano said this morning an 18-wheeler was doing an illegal U-turn and crushed a bunch of the shoulder of that road. Chief Napolitano said that when they made an inquiry to Precinct 1 to have them come out and do the repair, they said no they do not fix that road that is the City's. Chief Napolitano said they are between a rock and a hard place because they have damage to the road and they can't finish the report because they don't have a victim, is it the City or the County the victim of the damage to the road. Mayor Countryman said that based on the photo of the damage it is significant, so a car travelling on the highway it is dangerous. Mr. Foerster said that the recommendation is to table action on this item. John Champagne stated there is a motion and a second on the floor to table the item.

The motion carried unanimously. (4-0)

14. Consideration and possible action regarding a Utility and Economic Feasibility Study for the Star of Texas Seniors, Ltd. Development.

Mr. Roznovsky advised that he will present the information since the tract will be looked at again in the future. Mr. Roznovsky said the projected water capacity requirements is approximately 14,000 gallons a day, which was determined by the water usage data they received for 15-18 months for three other developments of the same size that this developer has done and came up with the average usage. Mr. Roznovsky stated the City's average daily flow is about 300,000 gallons and will exceed our capacity after this plant expansion beyond the year 2024. Rebecca Huss said that Mr. Roznovsky has the City's average daily flow at 300,000 gallons and the flow for July was 100,000 gallons. Mr. Roznovsky said they were looking at the average daily flow of water. Mr. Roznovsky said they are looking at an annual average for the last couple of years, which was 296,000 to 297,000 gallons. Rebecca Huss asked how many years the average was based on. Mr. Roznovsky said it was the last two years and last year it was 297,000 gallons, and the year before was pretty close. Rebecca Huss said that was during the year when they had the problems with the regulator, so that number would be high. Mr. Roznovsky said it was still consistent with the year prior when they did not have the problem with the regulator.

Mr. Roznovsky said there are two waterline extensions required to service this tract, one being a 12 inch waterline along Lone Star Parkway, and the second is an 8 inch waterline up a proposed street and through the development to close the loop. Mr. Roznovsky said sewer was approximately the same with 8,400 gallons per day, and the City is nearing that capacity, so in 2021 they will need to start construction, which is all part of the projections that they are working with the TORC Committee.

John Champagne said that if Heritage Seniors does what they have said they are going to do then the cumulative increase is still there. Mr. Roznovsky said that they are included in the projections as a future expected section with a number included based on the number of units they described. Mr. Roznovsky said one big item that was part of this was they looked at Lift Station #7, which does have capacity to serve this development.

Mr. Roznovsky spoke about traffic and stated this is the first Feasibility Study since the Mobility Plan was adopted. Mr. Roznovsky said there was a major thoroughfare that was proposed through this property, and based on the initial land plan they have provided that access road did not line up. Mr. Roznovsky said they looked at the turning radius for that part of the road and they could not get to the tract, so their recommendation would be that the access drive should be shifted over approximately 100 feet, the right of way be widened from 60 to 80 feet from what they have proposed, but still keep the two lane road at this time, with the ability to add the second two lanes in the future.

Mr. Roznovsky said the development costs listed, 12-inch waterline that was discussed earlier is on the Capital Impact Fee list, so their water impact fee that was approximately \$44,000 would go to the cost of the waterline. Mr. Roznovsky said the estimated cost for the street and eight inch waterline was approximately \$400,000, and then their sewer impact fee is approximately \$100,000. Mr. Roznovsky said the other part of this is since the last Feasibility Study they have changed the escrow format, so now as part of the Feasibility Study they identify the estimate for the escrow account for the remainder of the project, which their cost was estimated to be \$18,000 for inspection of all the public streets, utilities, plan reviews, coordination and administrative costs. Mr. Roznovsky said the taxes are listed based on a \$4 million dollar evaluation, which is approximately \$16,000 per year.

Rebecca Huss moved to accept the Utility and Economic Feasibility Study for the Star of Texas Seniors, Ltd. Development as presented. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

15. Consideration and possible action regarding award and execution of construction contract documents for the 18" Gravity Sanitary Sewer Extension, Phase I, to serve the Shoppes at Montgomery development.

Mr. Roznovsky said this project is the 18-inch sewer line section that runs from SH 105 to the Waste Water Treatment Plant site, and this is part of a 380 Agreement with the developer who is funding this project. Mr. Roznovsky said that as part of the water development projects the lift station being relocated to the Plant both to increase its

capacity and to improve operations and free up land for development. Mr. Roznovsky said they received bids for the phase one portion, which has been split into two phases because this will get the majority of the line in but does not do the final connections. Mr. Roznovsky said since the lift station is there they can't disconnect the existing lift station until they get there. Mr. Roznovsky said they wanted to get phase one out of the way so the development paving and other work could go on.

John Champagne moved to award the bid for the 18-inch gravity sanitary sewer extension to Randy Road Construction, Inc. and to authorize construction contract execution. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

16. Report on the Montgomery Economic Development Board Budget preparation.

Rebecca Huss stated that both John Champagne and she are on the Montgomery EDC (MEDC) Board of Directors. Rebecca Huss advised that the MEDC held their first workshop two weeks ago and the biggest change was MEDC decided not to extend their contract to share personnel with the Montgomery Area Chamber of Commerce, they decided to go in a different direction. Rebecca Huss said the MEDC has decided to hire a full time person who was dedicated to tourism activity in the City, with the main object to extend the number of visitors that they have coming to the City and in particular invigorate our downtown and try and maximize the value that they can add to the City. Rebecca Huss said everyone on the Board really talked about the cities that they enjoyed going to and doing things and what they liked about them, and every one of those cities had downtowns they admired, which is where they decided to put their money at. Rebecca Huss said the Tourism person will be housed in the City and will be an employee of the City, because the MEDC will not have an employee of its own. Rebecca Huss said that person will report to whomever Mr. Yates determines that person should report to. Rebecca Huss said the other commitment MEDC is making is to be more aggressive about being responsible for its own performance, rather than waiting for things to come to it, they are setting up one, three and five year goals and grading themselves on how they are doing as well as the person that they are hiring they will be setting up goals and performances for them and holding them to it. Rebecca Huss said the big difference is there will be a big decrease in the utility extensions line item of the budget. Rebecca Huss

said if there is a utility extension option coming through, she thought the MEDC will need to dip into its bank balance to pay for that, which is something that they would have to come back to City Council for approval.

Jon Bickford said he thought it was a particularly good idea to get this person in place and particularly timely, because he thought one other place that this person could help would be to drive more businesses into downtown before they start the FM 149 upgrades. Jon Bickford said awesome timing and great work to the MEDC. Rebecca Huss said ultimately there are a couple of things they can do to pay for their position, such as a couple more festivals that make money and they can pay for at least half or more of their position, which could be invested back into the community. Rebecca Huss announced that the Texian Festival is not going to be happening this year, which is a shame and so they would like to make that one of the investments this person does as well as one of the Mayor's commitments to have a Texas Flag Festival. Jon Bickford said that was a good idea. Rebecca Huss said this person will also update the marketing materials and brochures and things like that, because she felt that they could do much better marketing the image of the City. Rebecca Huss said they will be coming to City Council for official approval, but she just wanted to make sure that City Council as a whole was on board with the direction in which MEDC was going. John Champagne said that this was a good report.

17. Discussion regarding formation of a Park Board.

Mr. Yates said that he wanted to ask City Council what they thought of the proposed ordinance. Mr. Yates said that he felt that the first appointment would be representations one from Memory Park group, one from the Fernland group, and three non-affiliated citizens. John Champagne asked if the non-affiliated people would not be affiliated with the parks. Mr. Yates said that was correct. Rebecca Huss asked if they wanted a couple more people on the Board, because you need Cedar Brake, Homecoming and then maybe three non-affiliated, which would be seven people. Mr. Yates said that personally seven people seemed like a lot for the Board. John Champagne said that he agreed. Jon Bickford said they would never get anything done. Rebecca Huss said there are seven people on the MEDC Board. Mr. Yates said that, in his mind, this would be the first group, because

what he thought was hopefully over time each member of the Park Board will become representatives of the entire park system, rather than just one particular park. Jon Bickford said that was the way they need to look at this.

Jon Bickford said he felt they do need feedback from people that have been working with each individual park over time to make sure that they lay out the Board right. Mr. Yates asked if they wanted to add someone from Fernland, Cedar Brake, Memory and Homecoming Parks. Rebecca Huss said she felt it was better to be more inclusive in the beginning and then if you find that it is unwieldy then you can pare it down later. Jon Bickford said that the Board needs a Charter. Mayor Countryman said that they have been working independently and so if initially they get them all together, that way everyone learns how each one functions. Jon Bickford said he felt things should be consistent with the parks, such as the same rental fees, photography requirements, etc. Jon Bickford said they need to get someone from each of the parks Homecoming, Fernland, Cedar Brake Park and Memory Park. Mr. Yates said part of the reason for representation from each of the parks is to keep up their individual interests because they do not want to have a completely non-affiliated group and make the people from the parks feel shut out. Rebecca Huss said Fernland has some very specific historical concerns and can't have people climbing on the buildings, while at Cedar Brake they encourage climbing on the playground equipment. Rebecca Huss said she thought it was important to have the local knowledge of each of the parks be represented. Jon Bickford said they need to have someone with history and knowledge of each of the parks on the Board to make sure whatever interests and activities they have had going and developing and all work gets captured so that they don't lose it. John Champagne said they will have four affiliates and three nonaffiliated. Mr. Yates said he would prefer to keep the Board at five. Mayor Countryman said maybe for the first two years they have the Board at seven members. John Champagne said he does not like seven because they do not get anything done. John Champagne said he has seen City Councils with nine and 12 members and it is a zoo. Rebecca Huss said they could see where it goes somewhere between five and seven members, and they can work it out later since this is just a discussion item. John Champagne asked who is going to represent the ownership of the parks. Rebecca Huss said the City is the owner so that would be City Council. John Champagne said someone on City Council needs to serve on the Park Board. Rebecca Huss said that could be John

Champagne. John Champagne said he was going to suggest Jon Bickford, but they could co-chair one spot held by two people. Jon Bickford said that would keep the five member Board in place. Jon Bickford suggested they do this for the first three months to get it laid out and then if they need to make any changes they could do so. Jon Bickford said the main thing is to get the Charter straight.

Mr. Yates said the Park Board will consider, advise and recommend things to the City Council and the City Administrator.

18. Discussion regarding the potential sale of City Property at the existing Water Plant No. 2 site.

Mr. Roznovsky advised the Louisa Lane development has requested to potentially purchase or try to purchase a piece of Water Plant 2 site to develop single family homes. Mr. Roznovsky said there are potential advantages and disadvantages of this. Mr. Roznovsky said if it is a straight sale of land it would have to go to public auction and the value of that is not much, versus the flexibility the City could lose from needing to do repairs mainly for placement of things at the Plant site by giving away a portion of that property. Mr. Roznovsky said one thing he would have City Council consider is if they would be open to a possible land swap with the developer if there is an advantageous piece of land that would help the City expand either this site in a different direction or other water plant sites. Mr. Roznovsky said he did not have a recommendation on what or where that site would be. Mr. Roznovsky said his recommendation from the sale is probably not advantageous to do so, but if there is a mutually advantageous land swap then it would. Jon Bickford asked if Water Plant 2 was Houston and Worsham Street. Mr. Roznovsky said that was correct. Jon Bickford asked if they wanted to open up even more of that property with more homes. Mr. Roznovsky said the development is at the end of Louisa Lane and has 16-18 single family homes.

Mr. Roznovsky said it was his recommendation that City Council decline the sale of the property, but if City Council is open to City Staff and the City Engineer and developer further developing a potential land swap options they could work on that.

Rebecca Huss directed staff to decline to outright sell the property at Water Plant #2. John Champagne seconded the direction.

19. Presentation of the City Geographic Information System (GIS) as prepared by Jones|Carter.

Mr. Roznovsky said they will put together a summary of how to access the information. Mr. Roznovsky said there is a public and private side to this information, so they are working with the City to get a link on the web site. Mr. Roznovsky said that will allow a developer and residents to be able to access zoning information, flood plain information, elevations, and location of City facilities.

Rebecca Huss asked what we might want to do with this information. Mr. Roznovsky said on the public side of the information will be very beneficial for developers to obtain information on their tracts, and general inquiries to the City on what the zoning information for the tract of land, what are the elevations and other related information. Mr. Roznovsky said there is a login for City staff, consultants, City Council and the Planning and Zoning Commission to view water, sewer, drainage lines, copies and links to all the Feasibility Studies that have been done, all the construction plans for public development, which they are substantially complete, the Thoroughfare Plan can be overlaid on the map, development agreements, zoning, future land use maps, etc.

John Champagne said this is good information. Mayor Countryman asked if this is something the City can direct their developers to go and log into. Mr. Roznovsky said that it correct. Mr. Roznovsky said the difference between the public and private side is mainly utilities, because they do not show or provide access to all the construction plans and agreements and studies on the public side. Rebecca Huss said in theory everything they do is open to the public, so what is the limit. Mr. Roznovsky said they can do an open records request and request some of the plans, it does not allow just anyone to come into the City and log in and obtain the information for the utility facilities. Mr. Roznovsky said it is easy to switch what is public and private, so if they want to include more information for the public they can do that.

20. Buffalo Springs Bridge Report by City Engineer.

Mr. Roznovsky advised they have received an updated schedule on the way to the meeting, so they will send the information out tomorrow. Mr. Roznovsky advised the reason the photos of the work area show water is due to ground water that is coming in. Mr. Roznovsky said there have been three additional sections of the wall completed and it now extends all the way under the bridge and they are on the last two sections of the wall and scheduled to be complete with that next week. Mr. Roznovsky said they have the deepest portion of the storm sewer lines on both the north and south side of the bridge extended up and the junction boxes are being formed and built back up to the top. Mr. Roznovsky said the workers did run into an issue today when they ran into a 15 foot by 10 foot by 3 foot thick piece of concrete, so they had to break it up and it should be removed tomorrow morning.

Mr. Roznovsky said during the next two weeks they will remove the concrete, finish the last two sections of the wall, finish the junction boxes and begin forming the slope paving to tie back up to the road. Mr. Roznovsky said that as far as impact days, which they discussed at the last meeting, they did a preliminary look and there have not been that many impact days, so they are looking at less than a week of additional impact days, and as of tomorrow liquidated damages do start for the contract. Jon Bickford asked if the City had collection of liquidated damages from the contractor. Mr. Roznovsky said that was correct, the liquidated damages will be taken out of their pay estimates. Mr. Roznovsky advised he will send out the updated schedule tomorrow.

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.

ADJOURNMENT

Jon Bickford moved to adjourn the meeting at 8:17 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date Approved: 08/21/18
Susan Hensley, City Secretary


Mayor Sara Countryman

