

MINUTES OF PUBLIC HEARING and REGULAR MEETING

July 10, 2018

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Pro-tem T.J. Wilkerson declared a quorum was present, and called the meeting to order at 6:01 p.m.

Present:

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

Absent: Sara Countryman Mayor

Also Present: Jack Yates City Administrator
Chris Roznovsky City Engineer

INVOCATION

John Champagne gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARING

Convene into Public Hearing:

The Mayor Pro-tem convened the Public Hearing at 6:03 p.m.

For the purpose of giving all interested persons the right to appear and be heard regarding the following:

1. 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 first of two public hearings.)

Mr. Yates reported this is the first of two public hearings regarding annexation of a 1.799 acre tract of land wholly consisting of SH 105 from the present eastern City the limits to the west side of Stewart Creek Road intersection.

There were no comments made by the public.

Adjourn Public Hearing

Mayor Pro-tem Wilkerson adjourned the Public Hearing at 6:04 p.m.

Reconvene into Regular Meeting

Mayor Pro-tem Wilkerson reconvened the Regular Meeting at 6:04 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.

No comments were made.

CONSENT AGENDA:

2. Matters related to the approval of minutes for the Public Hearings and Regular Meeting held on June 26, 2018.
3. Consideration and possible action regarding scheduling a Public Hearing for rezoning of a portion of the property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes Tract, from R-1 (single-family), R-2 (multi-family), and I (Institutional) to B (commercial) and I (Institutional), as shown on the enclosed exhibits, to be held on August 28, 2018 at 6:00 pm, as requested by Montgomery SH 105 Associates.

Rebecca Huss moved to approve the Consent Agenda items as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

CONSIDERATION AND POSSIBLE ACTION:

4. Consideration and possible action regarding renewal options for solid waste recycling and collection services for the City.

Mr. Yates discussed the renewal options for solid waste recycling collection services and advised this action was to consider an increase in the basic charge per customer based upon the annual price adjustment and a consideration of the change in recycling container sizes and cost and possible three-year extension to the current contract depending on which recycling cart option is chosen by the Council. Mr. Yates further stated that option one was an \$18.03 monthly charge to the City using the 18-gallon bins for recycling now presently in use, representing a 1.7% of an increase. Mr. Yates advised option two is \$18.53 monthly charge to the City for using 96 gallon bins for recycling. Mr. Yates said the City presently charges their customers \$18.27 for garbage collection and a charge of \$17.80 from Waste Management to the City.

Mr. Yates said that option one with the pass-through rate increase to the customer would be \$18.58 per month. Mr. Yates then said option two with the pass-through rate increase to the customer service would be \$19.10 per month. Jack then reported that approximately 35% of homes actually recycle so that is 172 of the 492 present residences in the City, showing that there is a \$1.43 monthly support of recycling homes by the 320 homes not recycling. Mr. Yates then reported that he had received four to five calls over the past two years asking for the larger containers for recycling.

Mrs. Terry Woodson with Waste Management Company was present and stated Mr. Yates was correct in what he had stated and she was present to answer any questions by City Council.

John Champagne asked about the interest in recycling. Mrs. Woodson said she had several people ask her about the 96-gallon containers, and went on to say that the company preferred the 96-gallon containers because of the ease of pick up and that Montgomery was

their last City using the 18-gallon containers. John Champagne asked about the reason for the increase. Mrs. Woodson replied that the Waste Management staff did a review of the City's collection and a 1.7% increase was less than allowed by the contract, but since this was a renewal the 1.7% increase was all right with the company. There was a general discussion about three-year renewal. Mrs. Woodson said the new rate will go into effect when the 96-gallon containers are delivered and available for use, which she estimated would be in September or October, 2018.

Jon Bickford moved to approve option two and to renew the contract with Waste Management. John Champagne seconded the motion, the motion carried unanimously. (5-0)

5. Consideration and possible action regarding adoption of the following Resolution:

A RESOLUTION OF THE CITY OF MONTGOMERY, TEXAS, CITY COUNCIL PROVIDING TXDOT WITH FINAL CITY PRIORITIES REGARDING TIMING OF IMPROVEMENTS TO HWY 149 AND ASSOCIATED PROJECTS.

Consideration of resolution regarding TxDOT with final city priorities regarding timing of improvements to FM 149 and associated projects. T.J. Wilkerson read the Resolution in its entirety. Mr. Yates said the resolution follows the thoughts of the City Council and the public at the June 19th Special City Council Meeting regarding the proposed improvements to FM 149. Mr. Yates advised that the proposal is that City Council asks for the project to be completed for SH 105 to Caroline Street and the project north of Clepper to be started as soon as possible, with the section between Caroline Street and Clepper Street to be delayed until the City contacts TxDOT following the development of the streetscape master plan for the entire downtown area including the FM 149. Mr. Yates said Section 4 of the resolution commits the City to producing the master plan within 9 to 15 months and working with downtown business owners to create and implement a construction mitigation strategy.

Mrs. Huss asked for two changes to the Resolution. The first change was to add the word “and” at the end of the fourth “Whereas”, and the second change was to add in Section One of the Resolution a reference to the right-hand turn lane from the north as FM 149 Approaches State Hwy. 105.

John Champagne moved to approve the Resolution with the changes presented. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

6. Consideration possible action regarding adoption of the following ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ITS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2017-2018; PROVIDING A REPEALING CLAUSE AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Mr. Yates presented a summary of the ordinance which reduces the revenue in the general fund from \$3,068,429 to \$2,955,878 and expenses from the present \$3,098,987 to \$2,971,667 with \$40,900 of transfers in resulting in a net for the present budget of \$10,342 and the proposed budget of \$25,111. Mr. Yates also said that the primary reason for the budget amendment was to allow for the payment to Milestone that was due in October but desired by the Council to have an amount set aside during the current year’s budget for the payment.

John Champagne moved to adopt an Ordinance amending the General Fund Budget for fiscal year 2017-2018 as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

The City Secretary, Susan Hensley arrived at the meeting at 6:29 p.m.

7. Consideration of possible action regarding nomination to the Montgomery County Emergency Communications District Board of Managers.

Mr. Yates advised that this was to consider nominating someone as the City’s representative to the Montgomery County Emergency Communications District Board of

Managers. Mr. Yates said that this is to consider the position held by Vicky Rudy who is in the process of retiring and noted that her term will end September 30, 2018. Mr. Yates said that he was suggesting to City Council that he be nominated. Mr. Yates said that the last two years when this item has come up he has mentioned to the City Council his interest in serving on the Board. Mr. Yates said this would be a two year term. Mr. Yates said that he has experience serving on two previous 9-1-1 Boards. Mr. Yates said that in his experience in city management he has always been over the police department and often over the fire and EMS services, so he believes that he is familiar with the governing, emergency services and citizen needs of what a 9-1-1 function should serve. Mr. Yates said that the meetings are monthly and Mr. Foerster serves as the attorney for the 9-1-1 Board. Mr. Yates said that while everyone understands I think that the time restraints on his primary duty, which is being the City Administrator for the City, he felt that being on the Board would be of worth to the City and is a countywide position that would place the City of Montgomery to a slightly higher position of influence in the County.

Mr. Yates said that in speaking with Mr. Foerster, he has advised that the Board is very well operated and organized and he might not have to spend the 8-10 hours that he had stated in his memo. Jon Bickford asked Mr. Foerster how much time he has to put in to serving the 9-1-1 Board. Mr. Foerster advised typically he reviews the agenda that takes anywhere from 15 minutes to an hour depending on whether there are any city contracts that he has to review. Mr. Foerster said that he attends the Board Meetings that can be every month, but when things are slow it is every other month during lunch. Mr. Foerster said that on slow months he might spend a couple of hours per month on the District, and if there are personnel issues it could be more time consuming. Mr. Foerster said that the Board is composed of a number of individuals who have the same type of background that Mr. Yates has, one being Paul Virgadamo, City Administrator, with the City of Conroe. Mr. Foerster advised that Chip VanSteenberg is the Executive Director for the 9-1-1 Board and is a former City Administrator. Mr. Foerster said that Mr. VanSteenberg is very well organized and at their last meeting he had laid out the entire budget and spend a good deal of time presenting it to the Board and said that there was no additional time required to work on the budget since he had done such a good job. Mr. Foerster said that typically

their revenue typically exceeds their expenses. Mr. Foerster said that one thing that he likes about the 9-1-1 Organization is that it is not a taxing entity, but they will set aside, in their capital reserve, significant amounts of money each year building it up so that every five or six years there is a turnaround of new technology what they call Next Gen 9-1-1 Technology and they just write a check from the account to pay for that. Mr. Foerster said that there will be a budget request submitted this next meeting to have all the cities consider and approve their budget along with the County. Mr. Foerster said that Mr. Yates will get an opportunity to review firsthand the operation of 9-1-1 organization and the budget and so forth and be in a better position to report that back to the City Council.

Jon Bickford asked for a description of the function of the Board, because from what he sees is the 9-1-1 Board oversees all the people that answer the 9-1-1 calls and the technology that they use. Mr. Foerster said that was correct and said that in many counties the 9-1-1 Director that answers to the Board will manage all the call takers, but in this County several years ago, by contract the 9-1-1 Board entered into an agreement with Montgomery County specifically the Sheriff's Department so that the Sheriff's Department call dispatchers also serve as the 9-1-1 call takers. Mr. Foerster said that this makes the process a lot more efficient and the 9-1-1 Board pays for a certain stipend to Montgomery County for their portion of the 9-1-1 call takers. Mr. Foerster said that in effect, Mr. VanSteenberg and the 9-1-1 Board only oversee 10-12 9-1-1 employees, which includes the GIS employees and IT technicians. Mr. Foerster said in his experience under the leadership of Mr. VanSteenberg they have had no personnel issues, which in the previous administrations a lot of his time was spent dealing with personnel issues. Mr. Foerster said that things are going very smoothly with Mr. VanSteenberg as the Executive Director. Jon Bickford said that was good. John Champagne said Mr. VanSteenberg was the City's Finance Director for a while.

Rebecca Huss asked Mr. Yates how far he has gotten in hiring his assistant. Mr. Yates said that he is going through his priority list and he will be getting with the City Secretary to prepare the job description. Rebecca Huss said that she felt that Mr. Yates was already burdened by 50% and this is a day out of the month that he will not be available for City

business. Rebecca Huss said that if he was further along on his assistant she would feel more comfortable with this. Mr. Foerster said that Mr. Yates would be looking at an hour travel to the meeting, and hour at the meeting and an hour returning from the meeting, and the meeting is held during lunch. Mr. Foerster said that Mr. Yates time away will be no more than two hours. Jon Bickford said that he would not want to take away from anyone that wants to do volunteer work, because he has a full time job and also serves on City Council, so he did not see a big difference with this. Mr. Yates said that the tradeoff is the County position that the City would be in and it may help the City.

John Champagne said for the record that he has no doubt Mr. Yates would do very well in this position, and said he would defer if the Council seems like they want him to take on this additional responsibility and he might not vote negative, but he is pretty jealous of Mr. Yate's time so he is not enthused about him taking something else on. John Champagne said that Mr. Yates knows how much he respects him but the fact that he does not have an assistant in place tells him that he has not had time to do it. Mr. Yates said that was basically correct. John Champagne said that now they are going to put another set of responsibilities, which he has no doubt that he would be very good at, he just has a problem with it.

Rebecca Huss said that the City Council needs a public commitment from Mr. Yates on delegation deadlines. John Bickford said that he wants an assistant by the end of September, 2018.

John Champagne said he would nominate Jack Yates, contingent upon him having someone to assist him. Rebecca Huss said that the advertisement be submitted to TML by July 20, 2018, interviews by August 1, 2018.

Jon Bickford moved to nominate Jack Yates to the Montgomery County Emergency Communication District Board. Dave McCorquodale seconded the motion.

Discussion: John Champagne said that he would vote for this motion if the motion was amended that qualified assistant be in place and up to speed prior to Mr. Yates taking the position with 9-1-1. Jon Bickford seconded and accepted the amendment to the motion, the motion carried unanimously. (5-0)

The main motion with the amendment nominating Jack Yates for the Montgomery County Emergency Communication District Board contingent upon a qualified assistant being in place and up to speed prior to Mr. Yates taking the position with 9-1-1. The motion carried unanimously. (5-0)

8. Buffalo Springs Bridge Report by the City Engineer.

Mr. Roznovsky said that there were no photographs today, but they will be sending out a schedule that City Council had requested at the last meeting. Mr. Roznovsky advised that based on the major rain that they have had over the past few days there is an additional delay so it is now looking like it will be sometime in August for the bridge to be completed. Mr. Roznovsky advised that once they receive a final schedule for the bridge they will send that information out to everyone.

Rebecca Huss said that she was interested in the photos that Mr. LeFevre sent, in particular the one photo of the stream gently flowing down his improved area and it seems like the work that he has had done is really working. Mr. Roznovsky advised that most of the additional debris removal was from early on in the project, when the initial pond was being dug out on Mr. LeFevre's land and since it has been done it has been a much quicker recovery for the contractor who is now pumping out water and the amount of silt that is building up has been drastically minimalized. Mr. Roznovsky said that when it rained over the weekend, Monday it was full of water and then it was pumped out and Monday they were able to get the forms up and pour on Tuesday. Rebecca Huss said that it would be fair to point out that since the contractor moved things around in the channel himself could have been responsible for some of the silt that he was having to dig out during the early phases. Rebecca Huss said that at that time the contractor was damming and burning

things himself. Mr. Roznovsky agreed with that statement and said that the contractor is not being compensated for that quantity of work. Rebecca Huss asked if Mr. Roznovsky was able to quantify how much of the silt was coming from the contractor's earth work. Mr. Roznovsky said that by looking at just the time line of when they had the major siltation and using that quantity, not the small ones that have occurred continuously while he is working in the bottom of the channel. Mr. Roznovsky said that the contractor understands that he is not getting paid anything additional outside of that increase for the normal rains that have occurred.

John Champagne asked how often Mr. Roznovsky interfaced with the contractor. Mr. Roznovsky said that he has minimal contact with the contractor, but he has a construction engineer who handles that and talks to them daily. Mr. Roznovsky advised that they would have an onsite meeting with the contractor next week to regroup and see what could be done to improve the process.

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 7:26 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

Submitted by:  Date Approved: 07/24/18
Susan Hensley, City Secretary


Mayor Sara Countryman

