

MINUTES OF PUBLIC HEARING and REGULAR MEETING

April 24, 2018

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Kirk Jones declared a quorum was present, and called the meeting to order at 6:00 p.m.

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

Absent:

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

INVOCATION

T.J. Wilkerson gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

CONSIDERATION AND POSSIBLE ACTION:

1. Receive Final Report from the Planning and Zoning Commission on a request to zone the newly annexed 3.22 acre tract of land as District "B" commercial use, situated in the John Corner Survey, Abstract No. 8, Montgomery County, Texas, being out of a 5.71 acre tract as recorded under Clerk's File No. 2016-086083, also being out of a called 111.857 acre tract of land as recorded under Clerk's File No. 9512940 Deed Records Montgomery County, Texas,

(property located south of SH 105 across from Stewart Creek Road) known as the Peter Hill property.

Mr. Yates advised that the Planning and Zoning Commission met last night and unanimously approved making the recommendation that City Council approve the initial zoning to District "B" Commercial use.

Rebecca Huss moved to receive and accept the Final Report from the Planning and Zoning Commission recommending approval to zone the newly annexed 3.22 acres of land as District "B" Commercial Use. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

PUBLIC HEARING:

Convene into Public Hearing

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

2. **Public Hearing** to receive citizen input regarding a request to zone newly annexed 3.22 acre tract of land as District "B" commercial use, situated in the John Corner Survey, Abstract No. 8, Montgomery County, Texas, being out of a 5.71 acre tract as recorded under Clerk's File No. 2016-086083, also being out of a called 111.857 acre tract of land as recorded under Clerk's File No. 9512940 Deed Records Montgomery County, Texas, (property located south of SH 105 across from Stewart Creek Road) known as the Peter Hill property.

There were no comments made by the Public.

Adjourn Public Hearing

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

Reconvene into Regular Session

Mayor Jones reconvened the Regular Session 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.

Mrs. Sarah Mabry asked about the status of the A&M application for the Land-Use Plan. Mr. Yates advised that the letter of interest had been executed and sent to Texas A&M for consideration. Mr. Yates said that he had also sent an email to Mrs. Mabry's son today, who has offered to assist with the A&M information. Mrs. Mabry asked if there was a backup plan and whether the City would consider applying to the University of Texas that also provides a similar service. Mr. Yates advised that he would check on that information.

PRESENTATION:

3. Presentation of Lifesaving Awards regarding Police Officer George Hernandez by Chief of Police James Napolitano.

Chief Napolitano introduced Officer George Hernandez, his wife Brittany and their new baby, who were present. Chief Napolitano advised that in January 2018, while playing basketball at the gym with his friends Officer Hernandez started feeling bad, to the point that he went into the restroom. While Officer Hernandez was in the restroom he passed out in the stall; Russell Petrucciani was smart enough to realize that Officer Hernandez was in trouble, but he could not reach him, so he went out and got John and Kevin. Chief Napolitano said that the four men, using the AED and CPR kept Officer Hernandez alive until the ambulance arrived. Chief Napolitano asked Officer Hernandez when he woke up, and he advised that it was as they were putting him in the ambulance. Chief Napolitano said they almost lost Officer Hernandez, a 35 year old, well fit man.

Chief Napolitano presented Life Saving Awards to the following people for saving Officer Hernandez's life:

- Russell Petrucciani, member of 24-Hour Fitness
- John Franklin, General Manager at 24-Hour Fitness
- Kevin Coleman, Sales Manager 24-Hour Fitness
- Justin Latifi, off duty Houston Fire Fighter

- Casem Nouredin, Assistant Sales Manager at 24-Hour Fitness, was unable to attend the meeting, but received an award.

Chief Napolitano advised that due to the actions of these heroic men, they were able to keep one of our best employees here with us, and allowing a father and husband to be home with his family.

Mr. Franklin said that the best thing is that Officer Hernandez is back in the club, working out, and this was the least that they can do for folks that are out there protecting and serving, and putting their life on the line every day, so it was their pleasure and honor and we are glad that we were there.

CONSENT AGENDA:

4. Matters related to the approval of minutes for the Regular Meeting held on March 27, 2018 and Regular Meeting held on April 10, 2018.
5. Consideration and possible action regarding the July 4, 2018 Freedom Festival Street Closures.
6. Consideration and possible action regarding adopting an Escrow Agreement by and between the City of Montgomery and Samdana Investments, L.P.
7. Consideration and possible action regarding adopting an Escrow Agreement by and between the City of Montgomery and Procore Developments 105, LLC.

John Champagne asked for the location of Procore Developments. Mr. Yates said that was the property between Pizza Shack and the Care Now facility that is at the corner of SH 105 and Lone Star Parkway.

Rebecca Huss asked if the ProCore property was in the same tract of land that was annexed at the same time that they annexed Pizza Shack and Dusty's Car Wash, or is it a second piece that is outside the 2% sales tax. Mr. Roznovsky advised that it was annexed with Pizza Shack and the initial strip, and said that there was no active development on the other part, other than some additional site prep. Mayor Jones advised that it was in the City limits at the time of the ESD election.

8. Consideration and possible action regarding adopting a Lease Agreement by and between the City of Montgomery and Virginia Lee Adams for the property located on the corner of McCown, FM149 and SH 105.

John Champagne asked if Mr. Yates could elaborate on this item. Mr. Yates stated that this was the property that the City has leased since March of 2004, and the landlord is requesting more money this year.

Rebecca Huss stated that the City of Montgomery also pays the property taxes on that property. Mr. Yates said that was correct. Rebecca Huss said, for clarification, this is the land where the City's electronic sign is located. Mr. Yates said that was correct.

9. Consideration and possible action regarding building to be moved from 20998 Eva Street as requested by Sonja Spottswood.

John Champagne moved to accept and approve the Consent Agenda items (4-9) as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

CONSIDERATION AND POSSIBLE ACTION:

10. Consideration and possible action regarding adoption of the following Resolution:
A RESOLUTION BY THE CITY COUNCIL OF CITY OF MONTGOMERY, TEXAS
RECOGNIZING AND SUPPORTING THE MONTGOMERY COUNTY VETERANS
MEMORIAL PARK AND VISITORS CENTER.

Mr. Jimmie Edwards, retired U.S. Marine Corps Cpl. and retired County Judge, and Chair of the Montgomery County Veterans Memorial Commission as duly recognized by the State of Texas and the Governor of the State of Texas. Mr. Edwards introduced the Executive Director, Melanie Curtsinger, along with Judy Duroy, who is the Deputy Director and Chief Financial Officer. Mr. Edwards advised that they are dedicated to building a Memorial Park here in Montgomery County. Mr. Edwards advised that they have 166 names of fallen warriors in the present park located beside the Montgomery County Tax Office. Mr. Edwards said that the park was established in 1974 and is very small; when Mr. Edwards was County Judge in 1986 they redid the park and it was redone again in 2008. Mr. Edwards said that the park should

never have been done at that location because it is just too small. Mr. Edwards said that they had permission from the State of Texas and the City of Conroe, at the intersection of I-45 and SH 105 on 7.6 acres, which is the water park, to locate the Memorial Park along with an Education/Visitor's Center to be located near the County Library at that location.

Mr. Edwards advised that they are going to all 15 cities in Montgomery County, to have these Resolutions adopted showing support. Mr. Edwards said that he was not asking for any money; he was asking for the communities to stand behind them in building a new park to honor the veterans. Mr. Edwards said that there were people who have said that there was no way he was going to get all the cities across the County to agree to anything. Mr. Edwards stated that the Park is being built in Conroe because that is the County Seat.

Mr. Edwards said that they are about honoring the veterans, and that in this memorial every veteran's name in Montgomery County will be included, along with every relative of those veterans that reside in Montgomery County, with proper identification that they are a veteran. Mr. Edwards said that they are also going to remember the fallen people; these people are from Montgomery County, killed in action:

William Athens, Private, United States Army

Douglas Binford, Staff Sergeant, United States Army

Henry England Harris, Staff Sergeant, United States Army

Arlie Hill, Staff Sergeant, United States Army

Martin Mock, KIA Korea 1942

Wellman Napper, Battle of Sereno Italy, United States Army, KIA 1943

Connie Smith, Private

Reuben Vaughn, KIA Austria

Henry Waters, Captain

Mr. Edwards said that these Montgomery County veterans are all going to be honored in the Memorial Park.

Mr. Edwards said that they have been to the Texas House and Senate, and the Governor's Office, Montgomery County and the City of Conroe, Montgomery County Commissioner's

Court is providing funding. Mr. Edwards advised that Mike Meador, Precinct 1 County Commissioner, has kept the small park up and made sure that it was remembered and honored and has done a great job.

Mr. Edwards advised that they will provide a report each year on what they are doing and how they are doing it. Mr. Edwards advised that this is a multi-million dollar effort. Mr. Edwards said that this is going to be a living and teaching Memorial, and people will be able to pull up information on the veterans on their computer. Mr. Edwards said that no name will be on a paver that the public will walk on, they will be on the wall, up in the air, and they will not put any veteran's names on the floor.

Mr. Edwards advised that Mrs. Judy Duroy's father was Precinct 3 County Commissioner Ed Chance, who served for 26 years. Mayor Jones thanked Mr. Edwards for his service and for his efforts on this project.

Jon Bickford asked if there would be any financial impact to the City by adopting this Resolution. Mr. Edwards said that there was no financial impact to the City, they are not asking for any money. Jon Bickford asked how they are going to get the Memorial Park funded. Mr. Edwards said that will be done through foundations and grants.

Jon Bickford asked how the City can help.

Mrs. Duroy said that one of the reasons that they are going to all the cities and municipalities is when they go to the grant givers and foundations and they see all the backing that they have, that is huge and says that everybody is in. Mrs. Duroy said that if City Council chooses one day to support them financially that would be wonderful, if not, that is their choice. Mr. Duroy said that the City's verbal support of what they are doing is huge. Mrs. Duroy said that they are starting from the ground up and this is a place where our County comes together, with no divisiveness going; they are coming together for one cause. Mrs. Duroy asked if that answered Jon Bickford's question. Jon Bickford said that it was a tough question to ask, given the importance of the project, but that is their job.

Jon Bickford moved to adopt the Resolution as presented, recognizing and supporting the Montgomery County Veterans Memorial Park and Visitors Center. John Champagne seconded the motion.

Discussion: Rebecca Huss said that she wanted to say that she was very pleased that they are also offering this up to people who live here because she is the spouse of a 22-year Navy veteran, and they do not live where he was born, so he does not have anywhere to have his name and said “thank you.”

The motion carried unanimously. (5-0)

Jon Bickford thanked Mr. Edwards and his group and wished them good luck in moving forward.

11. Consideration and possible action on Department Reports.

- A. Administrator’s Report – Mr. Yates presented his report to City Council. Mr. Yates advised that he had coordinated the Home Grant Applications and said that they held a meeting with the people that wanted to apply for the grant on April 21, 2018, where 12 people attended. Mr. Yates said that three or four of the people clearly qualified for the Home Grant. Rebecca Huss asked about the other 8 people. Mr. Yates said that there were two people that lived outside the City, and the other people he did not know whether they would qualify for the grant. Mr. Yates said that he had drafted a hotel ordinance with an incentive package that will be presented at the first meeting in May. Mr. Yates said the Exxon convenience store is thinking about lowering their lot and building a new building, so they are working on the plans. Mr. Yates advised that he has been working on the budget line item reviews with staff and said he will get with the Mayor and Mayor Pro-tem about setting up a meeting to review the budget information.

Mr. Yates advised that they won’t hear anything on the General Land Office Grant until May or June. Mr. Yates said that regarding the CDBG Grant for Baja, they are looking for the plans to be through in May and start work in July or August.

Jon Bickford asked what the changes were for the flashing sign ordinance, and asked if they were going to be outlawed completely, finally. Mr. Yates said that the new ordinance will limit them quite a bit, and said that right now all they have is one line in the zoning ordinance that states “no flashing signs.” Mr. Yates said that the new ordinance will cover the brightness of the sign, how often it changes and the type of change. Jon Bickford asked if they are going from you can’t have flashing signs, to this is the type of flashing signs that you can have. Mr. Yates said that was correct. Jon Bickford asked if the City really needs signs that flash and change colors, because now we can just say no to them and if they change it, they will have to advise them how they have to be. Mayor Jones said that they have interpreted message signs that change once in a while to be acceptable, and Mr. Yates is defining that a little better.

John Champagne asked if these signs would be allowed in the Historic District. Mr. Yates said that he did not think so. John Champagne said that he had a problem with that, but would discuss it when the time came. Mr. Yates said that the Historic District signs require approval by the Planning and Zoning Commission.

- B. Public Works Report – Mr. Mike Muckleroy, Director of Public Works presented his report to City Council detailing his activities during the previous month. Mr. Muckleroy advised that they had repaired sections of asphalt on Community Center Drive and Old Plantersville Road. Mr. Muckleroy advised that for the month they had four water leaks, nine water taps, eight sewer taps and zero sewer stoppages. Mr. Muckleroy advised that on the parks side they repaired the wheel chair ramp at Fernland, assembled and installed a baby changing station in the Community Center, and installed grass sod along the new sidewalks at Fernland to prevent erosion. Mr. Muckleroy reported that the docents at Fernland had 1,446 visitors and provided 101 tours.

Mayor Jones said that he knew that they had some trouble with the crack sealing equipment and asked about the status of that project. Mr. Muckleroy advised they had major problems with the crack sealing equipment and he will try to schedule the project for the second or third week in May, because it is a week-long project that will require all hands on deck, including one temp for the job.

Mr. Muckleroy said that in the past they had tried to do smoke testing of the system to locate leaks, and they have not been able to get the time to get back on the testing so he has asked Mr. Williams, with Gulf Utilities, to get a proposal. Mr. Muckleroy said that they were going to try and section off the City, starting with the older part of the City, looking at the manholes and performing smoke testing at the same time, getting the City on a rotation where they can complete the whole City in a two to three year time frame. Mr. Muckleroy said that when he has more details he will discuss it with Mr. Yates. Mr. Muckleroy advised that they did some testing a while back, where they found some problems that they fixed, but they still have a problem. Rebecca Huss said that on April 26, 2018, they had triple the normal flow through the plant, which was at 100 percent capacity, which was 260,000 extra gallons that they treated that day, and presumably that was all rain. Rebecca Huss said that cost the City \$1,000 cash to treat and it goes toward the permitted flow. Mr. Williams said that if they did go over the permitted flow for the month, they could let TCEQ know the reason that it occurred, but they are nowhere near that issue.

Jon Bickford asked if the generators were up and running and ready for hurricane season. Mr. Muckleroy said that they are all ready and they are run on a monthly basis and topped off.

C. Police Department Report – Chief Napolitano advised that once a year they present one award for Officer of the Year, and announced that the Officer of the Year for 2017 was Lieutenant Miguel Rosario. Chief Napolitano then brought in all of his officers to be formally introduced: as follows:

- Lieutenant Rosario – B Shift Supervisor, has been an officer for 11 years and holds an Advanced Peace Officer Certificate.
- Officer James Bracht, Master's Degree in Criminal Statistical Analysis and is working on his PHD, has been an officer for 14 years and holds a Master Peace Officer Certificate.
- Officer James Riley, has been an officer for 11 years.
- Officer Abel Aguirre, is SWAT Certified and has been an officer for about two years.

- Lieutenant Joe Belmares – A Shift Supervisor, received the Employee of the Year Award last year, and has over 25 years' experience in patrol and police work.
- Officer Tim Bauer has 11 years' experience in police work.
- Officer Lozano has 17 years' experience in police work, was a major crime detective for the Sheriff's Department and on the SWAT team.

Chief Napolitano advised that Officers Kevin Thompson was assaulted by two individuals last night when he was by himself on a call at 5:00 a.m.; one of those individuals is out of jail and back at the apartments. Officers Thompson and Carswell are there dealing with that call.

John Champagne said that he was obviously a big advocate of our Police force, and said that this is the finest group of individuals that they have assembled in the history of this City. John Champagne said that he took his hat off to each one of the officers and to the Chief of Police, and expressed his appreciation. Chief Napolitano said that he appreciated that.

Chief Napolitano said that there has been some discussion about the tickets being a lower number than they have been before, and said that a lot of that is predicated right now because they all have open cases, and the officers are working on arrests that they have made. Chief Napolitano said that Officer Carswell is working on a case of reckless conduct and endangerment of some citizens, because there were shots fired behind the Napa Auto Parts Store, where they had three young men there with handguns, and they did not know what they were shooting at. Chief Napolitano said that they could hear the young men shooting their guns. Chief Napolitano said that they recovered the weapons and they had to have the Sheriff's Department test the weapons to see if they were used in any crimes. Chief Napolitano said that the officers are making some good cases and arrests. Chief Napolitano said that Officer Bauer is doing a great job on a Child Abuse case, which they received from CPS. Chief Napolitano said that all the interviews are done except for one, and once that is done this week, they will go to the Grand Jury and look for an indictment. Chief Napolitano said that these are tough cases.

- D. Court Department Report – Interim Court Administrator Kimberly Duckett presented her report to City Council. Mrs. Duckett said for the month of March they collected \$52,380. Mrs. Duckett said that the citations are steady. Mrs. Duckett said that the Warrant Officer is going to go back out on patrol, so they are going to be focusing on warrants and work with the night shift to make sure that her warrants are being served properly. Mrs. Duckett said that she is hoping that in the next couple of months they can get a handle on the warrants. John Champagne asked if they were losing ground on following up on the warrants. Mrs. Duckett said that they were not losing ground.

Jon Bickford said that he hoped that they were not giving anyone the impression that they are not writing enough tickets, because the job is not to write more tickets, the job is to make sure that it is safe in the City. Jon Bickford said that if they write half the number of tickets they wrote last year, he is thrilled, because that says that people know that when they come through Montgomery, they behave themselves. Rebecca Huss said that anecdotally people still complain about speeding and reckless driving. Mayor Jones said that the Sheriff's Department and DPS are picking up the slack. Mrs. Duckett said that she went out to the High School at the beginning of the month and spoke with the Criminal Justice classes for two days and that was very successful. Mrs. Duckett said that the students had a lot of questions and they even sent thank you letters for coming out to speak to their class, and they were very impressed.

John Champagne asked how long Mrs. Duckett has been in her position. Mrs. Duckett said that it has been since the end of November 2017. John Champagne said that he could not say how impressed he is with how she has filled the position and how well it is going, and thanked Mrs. Duckett. Jon Bickford stated that it was good to have Mrs. Duckett on board, and said that he hoped she was having fun. Mrs. Duckett said that she was enjoying her job. Mayor Jones asked if the plan with the School District had been implemented. Mr. Yates said that it had been implemented. Mrs. Duckett said that the students were very nervous that if they received a citation from the City, that they would lose their parking privileges.

Rebecca Huss said that there was still quite a bit of the problem going on and said that the only thing that will fix the intersection of FM 149 and SH 105, is to make SH 105 the fastest road so the students will use the fastest route.

E. Utility/Development Report – Mr. Yates presented the report to City Council. Mr. Yates said that they collected \$134,000 for utilities this past month, \$17,900 in permits and \$1,030 for rental of the Community Building. Mr. Yates said that there were eight residential permits issued, two business commercial permits, two certificates of occupancy, one photography permit, one parade permit and four sign permits during the month. Mr. Yates said that the City water accounts were very low this month. Mr. Muckleroy advised that the Rose Garden sprinkler is turned off and the numbers shown on that line are actually for Memory Park. Mr. Yates said that they are still looking at installing a pump to use the pond water for irrigation at Memory Park, but said that they are still a few weeks away from making that recommendation.

F. Water Report – Mr. Mike Williams, with Gulf Utilities, presented his report to City Council. Mr. Williams said that they only had three alerts; two related to high flow on March 26, 2018, and Lift Station No. 1 had to be pulled, with the assistance of Public Works. Mr. Williams advised that they were both due to rags. Mr. Williams said that on March 5, 2018, at Lift Station No. 2 they had to pull the pump, and it was the power cable to the pump, which was replaced. Mr. Williams said that the total pumpage for the month was 3.74 million gallons. Rebecca Huss said that the daily peak flow was 499,000 gallons and was in excess of 100 %. Mr. Williams said that it was at 125%. Mr. Williams advised that all effluent samples were within compliance for March.

Mr. Williams said that they sourced a total of 5.584 million gallons of water, 202,000 gallons were flushing, and the total sold was 5.459 million, bringing them to 101% accountability. Mr. Williams said that they sold more than they pumped, but due to the influx of the readings, they can fluctuate. Rebecca Huss said that she was quite pleased that they have not used much of the Catahoula permit. Mr. Williams said that they have stayed on the Catahoula Well to make sure that it is running optimally, just in case they have issues later in the year. Jon Bickford said the more that they can run the Catahoula now, the cooler the water is later if they don't have to run it so much.

Jon Bickford asked what they learn from the well motor run times, stating that it is interesting but what does it mean. Mr. Williams said that it is telling you how often the well motors are running. Mr. Williams said that if they have an excessive run time with lower pumpage, it tells you that the well motor is not running as optimally as it should be. Jon Bickford said that it would be good if there was something that they need to be alerted to it would be shown, to give them some sort of sense as to what is happening.

Mr. Williams said that they have a 69% return to the sewer plant from water sold. Mr. Williams introduced Jeanette Montez who came here from an environmental testing lab and she is here to help with operations.

- G. Engineer's Report – Mr. Roznovsky presented his report to City Council. Mr. Roznovsky said they will begin to see movement on the following projects, which will be submitted for approval next month: Lift Station Force Main reroute, Lift Station No. 1 Relocation and the Waterline Improvements downtown. Mr. Roznovsky said that regarding the 18-inch gravity sewer project, they are working with the developer on the final route to coordinate the buildings as well as to complete the land swap. Mr. Roznovsky said that the GLO Project that Mr. Yates mentioned, has been submitted and they are waiting to hear back from Grantworks and they estimated that the earliest the funds would be available would be in July.

Mr. Roznovsky said that there have been a couple of changes in development projects since the last report went out. Mr. Roznovsky said that they did return comments to Montgomery First, Phase 3, which is the Kenroc Property. Mr. Roznovsky said that they received the plat for Samdana Investments. Mr. Roznovsky said that they returned comments to the Gulf Coast Estates minor plat located on Baja Road.

Mr. Roznovsky said the ongoing construction of development projects are Hills of Town Creek and Emma's Way. Mr. Roznovsky said that they have noted the need for an Escrow Agreement and depositing funds, which will be on a future Council Meeting

for approval. Mr. Roznovsky advised that the 2018 GRP Audit was submitted last week.

Rebecca Huss asked about Emma's Way and asked about the wording where it states that work will need to be fully exposed prior to acceptance, so what they are actually saying is that work has been covered prior to inspection and if the developer comes back and says that it is going to cost them money in order for the City to perform the necessary inspections, it is an expense that the developer could have avoided had they followed written communications. Mr. Roznovsky said that was correct. Mr. Roznovsky said that when they were notified that they were scheduling the pre-construction meeting, they let them know that they could not proceed with any work or inspections until an escrow agreement was entered into, to cover the City's costs for inspections and plan reviews.

John Champagne asked what the time element usually was for that procedure. Mr. Roznovsky said that they were first notified of this back in November 2017. John Champagne asked if he was saying that was related to the Escrow Agreement request. Mr. Roznovsky said yes, with the timeline for them to get the information, along with a draft of the Escrow Agreement. Mr. Roznovsky said that he received no response from the developer, so they decided to schedule the pre-construction meeting. Mr. Roznovsky said that they told them that the City and the City Engineer would not be in attendance since they had not deposited funds, and if they did any work they would not have an inspection, so they would have to uncover the work. Mr. Roznovsky said that a couple of weeks later they said that they had installed a water line and requested an inspection. Mr. Roznovsky said that they responded the same way stating that they could not do anything because they had not deposited funds. Mr. Roznovsky said that on Friday they finally deposited funds, so he advised them that if anything has been buried they will have to expose it so that they can inspect and verify that it was installed correctly.

Rebecca Huss said that, generally speaking, it seems like some of the big mistakes that the City, i.e., the taxpayers are paying for is like the Buffalo Springs Bridge, which was not properly inspected and the City accepted it anyway and it turned out to not have

been built as per the plans. Rebecca Huss said that to her, having the City accept anything that has not been properly inspected is a huge bag of worms. Rebecca Huss said that it seems to her that the developer has deliberately entered into a situation where they are going to waste money and they are going to be unhappy about the City making them uncover everything to be able to inspect the work. Rebecca Huss said that she did not see that this is something that the City should accommodate them on, because it is quite clear that from the beginning, the City's procedures are that the work gets inspected. John Champagne asked when the transitional escrow account mandate would go into effect. Mr. Roznovsky said that the escrow agreement procedure was approved around June or July. John Champagne asked when the letters were sent to the developers. Mr. Roznovsky said that it was ongoing, but that was in the October or November timeframe.

Mr. Yates said that in November the developer was sent a request, just as everyone else was, with the escrow agreement form included. Mr. Yates said the developer disagreed with the agreement and the charge because he thought that the previous agreement included the Emma's Way area, but the City Engineer and City Attorney looked at the information and agreed that it was not included. Mr. Yates said that there was an escrow agreement and they did not hear from the contactor, so he contacted them in late January 2018, reminding him that they did not have an escrow agreement, and that it would have to be in place before they start the work. Mr. Yates said that they started dirt work roughly three or four weeks ago, which they can do without an inspection. Mr. Yates said that at the time they started the dirt work, they sent an email stating that what they were doing was alright, but they suggested that they not to do any more work because of the inspections. Mr. Yates said that last week he emailed the developer saying that they understood that they had done some replacement work. Mr. Yates said that they emailed back and asked if he would accept a \$5,000 deposit toward the escrow agreement, while he still debated whether or not he wanted the escrow agreement. Mr. Yates said that he took the \$5,000 and they were supposed to have a meeting early next week. John Champagne said that as far as they are concerned Mr. Yates has done everything that was expected and we performed our side of this equation in terms of responsibility and provided the information and customer service that we are mandated to do. Mr. Yates said yes.

Mr. Foerster said that he wanted to add something to this dialog; he had confirmed with the former City Attorney that the development agreement that Mr. Yates was referring to back in September 2011, which had to do with Emma's Way development, was limited to the utility extension work that was part of that particular project and nothing beyond that. Mr. Foerster said that several weeks ago the question came up from the developer that this 2011 development agreement should include the new extension of Emma's Way, which includes roughly 625 feet of water, 625 feet of road and 1,200 feet of sewer. Mr. Foerster said that he went back, stating that he did not draft the development agreement, and looked at the agreement and said that it was plain to him that it only addressed that project at the time, which is the position that they took. Mr. Foerster said that a few weeks ago the attorney for the developer again approached them and challenged why there should be an escrow agreement at all, and what was their authority to do that. Mr. Foerster said that they referred them back to two things, first of all the Feasibility Resolution that was passed and also the approval of an escrow agreement, which is set out in the minutes, where City Council took the position, which he felt was an appropriate position, that the City and its taxpayers should not be underwriting the developers' projects by providing, free of charge, all the inspections and reviews that are required for such projects. Mr. Foerster said to look to the developer to do that, as part of their expense of doing business with the City, nothing more and nothing less. Mr. Foerster said that was brought to the attorney's attention and they have been going forth on that and other issues for the last few weeks and that is where they stand. Mr. Foerster said that their position is that this City Council has approved the procedure and it is the fair thing to do for the taxpayers, and we expect them to provide an escrow agreement. Mr. Foerster said that they have gone so far as to providing them some background on the calculations on how they arrived at that figure, because he felt that they are entitled to know what they are getting for their money. Mr. Foerster said that they are going to try to be as transparent with them moving forward on what those expenses are.

Rebecca Huss said that either way, under no circumstances would anyone think that they could cover up utilities and then later have them accepted by the City without an inspection. Rebecca Huss said to her that was the most obvious, they would never

accept that from anyone, regardless of the other issues that they have brought up, and she felt that the City was right on them, it just seems to be crazy that they have gotten to this point, where the developer felt like that was an okay place to go. Rebecca Huss said that it is going to cost them money and they are probably going to come and complain, and she does not really see where (a) the City should feel responsible or (b) respond by waiving fees or saying do not worry.

Mayor Jones asked if that was a case where the developer had an issue with uncovering the lines, how would that get resolved. Mr. Yates said that the inspections happened this afternoon. Mr. Roznovsky said that they went out yesterday afternoon and started the inspections, and they are going to work with them on what all will have to be exposed to make sure that they look at all critical points and they also picked random points so that they can check that the backflow was done properly. John Champagne asked who the initial point of contact was for the developers in communicating any questions or issues. Mr. Yates said that he has been the initial point of contact. John Champagne asked if we have been adequate in our response and access to the developers. Mr. Yates said that he has.

Mr. Foerster said that this particular developer has entered into a development agreement with the City, case in point, the one in 2011, where he understood that he would be advancing money and if all the money was not used it would be reimbursed to him, so it is not like he has never had to pay the expense of our people going out there and inspecting and doing the reviews of plans and so forth. Jon Bickford said that it is not like it is a surprise to him, and said why are we belaboring the issue, he owes the City and he has to put the escrow agreement up and deposit funds, and pay for exposing the lines for inspections. John Champagne said that he wanted to make sure that that the City is responding to the developers in a timely way and they have access to the individual(s) that are responsible in communicating and that is happening. Mr. Foerster said that Mr. Yates has been communicating with the developer; he has been communicating with the developer's attorney.

Mr. Roznovsky said that he wanted to bring to City Council's attention that Jones and Carter was asked to provide a proposal for a developer in the City for a tax incentive project located next to the Lone Star Community Center on Lone Star Parkway. Mr.

Roznovsky said that this is the second phase of that project. Mr. Roznovsky said that they have not been hired by the developer or done any work for them. Mr. Roznovsky said that he has spoken to Mr. Yates and Mr. Foerster about this project and the potential conflict, because it could be that their same office, working in a different division, where the project was designed by a different division of their office and then they would send it to him to perform the normal review for the City. John Champagne said that it could be argued that it is a distinction without a difference. Mr. Roznovsky said that he is not looking for any action tonight, this is more of a notification to let you know that they have been reached out to, and if needed they will put something on the agenda. Mayor Jones said that it would be a future agenda item. Mr. Roznovsky said that if they have any concerns, to please let Mr. Yates know in the next few days and they will stop any work. Mr. Foerster said that it would need to be an agenda item if they were going to take action on it; Jones and Carter is bringing this to the City's attention after consulting with him, and for what it is worth, there have been other occasions where other City Engineers that he represented for other cities have asked the same question, and ordinarily he does not see a conflict in doing that because you have the same staff of people both doing the work for the developer and then making sure that it is done correctly at the outset. Mr. Foerster said that there might be a conflict from time to time, but he trusts that Jones and Carter are professional enough that they are going to see the conflict and would bring it to the City's attention. Mr. Foerster said that Jones and Carter felt that they needed to bring this to City Council's attention and if any Council member has some concern about it, he would suggest, that after the meeting or this week, they get back with Mr. Yates.

Rebecca Huss said that she would like to comment that they came to us before when Milestone asked them to do work, and she thought that the size and importance of senior housing really has very little taxable impact for the City and is much less important than the Milestone project. Rebecca Huss said that this is something that they have dealt with before and this is on a much smaller scale. Mayor Jones said that he doubted that there is a whole lot of public infrastructure that the City will be inheriting through this project. Mr. Roznovsky said that they are very early in their phase of development, as they do not know if they are going to have public streets,

private streets, housing set up; there is a potential for it, but right now it would be set up like the one that is all private.

Rebecca Huss said she would be curious to know what the revised plans from TxDOT look like and she believed that they have not necessarily started work on the intersection of FM 149 and SH 105, and she did not know if they needed to pass a Resolution to get them to make that project a priority. Rebecca Huss said that she did not think that it made any sense to do any work on the north side if it does not fit to the intersection, and the intersection is what everyone in town really agrees on. Mr. Roznovsky said that they received some revised plans, but they were not a complete set. Rebecca Huss said that she would not know what to look at for the sewer, but in terms of whose driveways are getting blocked. Mr. Roznovsky said that he would send out what he received. Mayor Jones said that they can work on the sewer, but they can look at the rest.

- H. Financial Report – Mr. Yates presented the report to City Council. Mr. Yates advised that Cathy Branco, Financial Consultant, was present in case they needed any questions answered. Mr. Yates stated that the General Fund balance is \$869,958. Mr. Yates said that the City has received the State CDBG Grant portion of the bridge payment, and they should receive the State share that is approximately \$95,000 on the 28th of this month. Mr. Yates said that the second payment, which they got last week was for \$50,000 total. Mr. Yates advised that the Utility Fund balance is \$372,054 and the Capital Projects Fund is \$341,614. Mr. Yates said that the General Fund is a positive \$160,000, the Utility Fund is minus \$123,000, which he thought had to do partially with how much money is in the Capital Projects Fund. Mr. Yates said that he and Mrs. Branco have been working quite a bit on transferring money into the Capital Projects Fund to make sure that the funds are there to fund the projects, and he thought that it might have resulted in taking too much away from the Utility Fund, so he will check on that account.

Mr. Yates said that regarding the Kroger line item, he has Mrs. Branco working on how to do the accounting of those funds, and Mr. Yates is working on how much money to allow for that item. Mr. Yates said that he just did the sales tax report a couple of days

ago, and they are working on the property tax, since they have to go back one year. Mr. Yates said that by next month he should have a line item and a specific amount of how much they need to allow for the payback to Kroger. Mr. Yates said that it certainly would not be the \$165,000 positive that they have in the account right now.

Mr. Yates said that the City has \$5,080,096 in the bank, with \$2.6 million of those funds being the TWDB funds. Mr. Yates said that by next month they will be getting ready to start on the budget for next year. Jon Bickford asked to confirm that the funds are coming in so they are not having to dig into savings as they had planned. Mr. Yates said that was correct, and said that it is \$122,000 on top of the \$869,000, which is about \$1 million dollars in the General Fund.

Rebecca Huss said that she was not always interested in the actual balance sheet, but more on the income statement, so when Mr. Yates makes the Kroger adjustment on the balance sheet and get its own bank account for the sequestration of those funds, she asked Mrs. Branco to also take it out of the income statement. Mrs. Branco said that they have discussed showing it as a revenue and expense item. Mr. Yates said that they will be talking to the auditor regarding how it is set up. Rebecca Huss said that she wanted to make sure that they know where they stand and not think that they have more money than they do. Mrs. Branco said that once she had the figure that they will be using she will be able to calculate the information. Rebecca Huss said that they were more than halfway through the fiscal year and Kroger has been open for a long time, so they know that they owe money, but there has been no representation of how much money. Mayor Jones asked if it would satisfy the City's needs if this Kroger analysis happened outside of the budget, as a separate analysis. Mr. Yates said that he would think just the opposite, that you would want it in the general fund and keep it as close to the source as possible, which is the sales tax and the expense in the general fund. John Champagne asked if there were not accounting practices to note this within the budget. Mrs. Branco said that was why they were going to be consulting with the auditor.

Rebecca Huss asked about the Utility Fund, which states the total income as \$125,000 and on the Utilities report it showed \$134,000. Mr. Yates said that was the difference

between actual collections versus the billing. Rebecca Huss said that \$9,000 in bad debt seemed like a really large number. Mr. Yates said that he would check on the amount.

- I. MEDC Economic Development Report - Mr. Randy Moravec, Treasurer of the Montgomery EDC Board, presented the Montgomery EDC Quarterly Report to City Council. Mr. Moravec said that they are trying to identify the jobs that are primary jobs, essentially jobs that are distinguished from retail, because retail jobs are not considered primary jobs by the Legislation governing economic development corporations. Mr. Moravec advised that they obtained the information for the report from interviews with the employers, and advised if City Council would like to see specific information that is not included, please let him know because they would be glad to add that information.

Mr. Moravec talked about the Lake Conroe Economic Development Summit and said that he was very impressed with the quality speakers that were there. Mr. Moravec said that the report that was presented by the Community Development Strategies group, which shows Montgomery in context with the entire Lake Conroe development area and the City of Conroe, and the Houston Metropolitan area, and those figures both in terms of median income, the value of the single family homes and education level of the people in the City is very impressive.

Mayor Jones asked Mr. Moravec to mention the time frame that the analysis was done and the total jobs. Mr. Moravec advised that this information, which is required as part of their MEDC rules and regulations, to provide for City Council within 30 days from the end of the calendar quarter, so this is development and activities that occurred from January 1 through March 30, 2018. Mr. Moravec stated that the Kroger Center has a lot of retail, so it will probably remain on the report, but as they add new development and columns, they might need to revise the report. Jon Bickford said that he thought it would be really interesting to him, where they have the status of the project, the number of people that are going to be hired, the value of the building(s) and the contents, the MEDC participation, but the one thing that is not included that might be interesting is the sales tax contributions. Mr. Moravec said that they could not include that

information. Jon Bickford said that there is a lot more interest in funding projects where there is more sales tax dollars. Mr. Moravec said that they could make some inference based on square footage of the development, and knowing that certain retail, services or industrial areas produce a certain amount of sales tax based upon the square footage of the property. Mr. Moravec said that the State of Texas does prohibit them from revealing some information. Mr. Moravec said that they can try and project sales tax based upon square footage and the proposed use. Mr. Yates said that they could come up with the top ten tax payers. Mr. Moravec said that they would try and work on that information.

Dave McCorquodale said that he would like to thank Mr. Moravec and Mrs. Shannan Reid for this snapshot of information, and for those of us who are not able to attend the meetings, to see what they are working on every day, which this puts all the information in one place. Mr. Moravec said that this report is primarily for the City, so if there is anything that you want them to change, and said that the anticipated sales tax is a good idea.

Mayor Jones said that the total full time jobs created, not necessarily by any effort of ours but they might have had a part in it, were 52 full time positions in the quarter and 35 part time jobs. Mayor Jones said that was a lot of jobs for this City. Mr. Moravec said that was correct, and said that they are quality jobs. Mr. Moravec said the primary jobs are 15-20.

John Champagne thanked Mr. Moravec for his good work. Mr. Moravec thanked the City Council. Mayor Jones also thanked Mrs. Shannan Reid.

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

12. Consideration and possible action regarding appointment of Gary Scott as Associate Judge of the City of Montgomery Municipal Court.

Municipal Judge Robert Rosenquist advised that he has worked for the City for years as the Judge without having a backup Judge, while they have never had a problem, he is worried about one day him getting stuck at his day job and not being able to make court. Judge Rosenquist recommended appointment of Gary Scott as the Associate Judge to fill in for him on the nights that he can't make court. Judge Rosenquist advised that there would be no additional cost to the City, because he would be paying Gary Scott out of what they pay him. Judge Rosenquist advised that Gary Scott is the Assistant City Attorney and Prosecutor for the City of Conroe during the day as his full time job, but at night he is also the Judge for the Cities of Willis and Panorama. Judge Rosenquist said that he was also the Associate Judge for Judge Gary Scott, so they work together and back each other up.

Rebecca Huss said that this makes sense, because of the importance of what they do effects people's lives. Judge Rosenquist said that Gary Scott's mind set is the same as his in running the Court.

John Champagne moved to approve the appointment of Gary Scott as Associate Judge of the City of Montgomery Municipal Court. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

13. Consideration and possible action regarding distribution of 1% sales tax collected in the newly annexed areas due to the ESD #2 Sales Tax Agreement.

Mr. Yates presented the information advising that the ESD agreement calls for evenly splitting the 2% sales tax in areas newly annexed, so the City will receive one cent in the newly annexed areas. Mr. Yates said that the ESD agreement has no effect on the property taxes and the City will continue to collect 100% of the property tax in the newly annexed areas. Mr. Yates advised that the MEDC's only revenue source is sales tax, which is expected to be \$530,000 in 2017-2018. Mr. Yates said that MEDC is contributing \$160,000 this year to the debt service of the entirety of the City, and \$120,000 of this debt service is for the Catahoula Well and \$40,000 is toward the TWDB loan. Mr. Yates said that the MEDC also contributes annually to various infrastructure improvements, usually by paying a "gap" amount for items such as over sizing of utility lines or paying the final 5-10% of development costs for a development.

Mr. Yates said that the decision is a local decision and has nothing to do with the State Comptroller's Office distribution of sales tax. Mr. Yates said that the City receives all the sales tax in one lump sum and then it is distributed by the Finance Department, based upon a City Council/MEDC Interlocal Agreement. Mr. Yates said that he spoke to the State Comptroller's Office and they are going to create another appropriation code that will provide a notation showing how much was collected in the one percent area.

Mr. Yates said that the 1.5 cents of the sales tax for the fiscal year 2017-2018 is \$1,810,800, which is 59 percent of the total revenue for the General Fund Budget. Mr. Yates said that using the projection of the budget doubling in ten years, that would mean that the City's General Fund Budget will be \$6,138,182 and the sales tax will be 49% (based on 1/10th of the total sales tax being in the one cent ESD area) of that amount \$3,007,709, rather than keeping the 59% amount to be \$3,621,903, leaving the City short \$614,000 of being able to provide services.

Rebecca Huss said that it goes back to the basic premise that the way the sales tax works is that originally one-half cent went to the MEDC, one-half cent to debt reduction and the City needed one percent to run the City. Rebecca Huss said that does not change if they gave up a whole percent to the ESD. Jon Bickford said that the City has one percent and they can either give a portion of it to MEDC or the City can have all of it, but at the end of the day, if they give it all to the City, they have absolute flexibility. Jon Bickford said if they give a portion to MEDC they do not have flexibility because there are only very specific things that they can do with the funds. Jon Bickford said that he felt that this is a really simple problem; give the funds to the City and let the City determine, as they have, what needs to go to MEDC.

Jon Bickford moved to keep the one percent sales tax with the City. Rebecca Huss seconded the motion.

Discussion: Mayor Jones said that the motion is to keep all the proceeds from the one percent sales tax from ESD 2 to the City. John Champagne stated that was only on newly annexed property. Rebecca Huss said that it will be on all newly annexed property. Mr. Foerster said that this is with regard to the sharing of the ESD #2 sales tax. Jon Bickford said that if there is other annexed property in the future, to be annexed, it would not be part of this. Rebecca Huss said that yes, it would be part of this. Mayor Jones said that was forever. Rebecca Huss said

that this is not related to just the Peter Hill tract; this is related to the theoretical annexation of all properties that are subject to sharing of revenue with ESD #2.

The motion carried unanimously. (5-0)

14. Consideration and possible action regarding hiring Sales Tax Contractor Assistance.

Mr. Yates advised that to give City Council a measure of the relevance of the issue, the recent six month report received from the State Comptroller's Office showed approximately 4,000 different companies have paid anywhere from \$.05 cents to \$100 to \$20,000 of sales tax dollars to the City of Montgomery. Mr. Yates said that the question of an outside contractor to review sales tax collections has been discussed several times for the past several years. Mr. Yates said that he had never really been a proponent of it, however, he changed his mind recently because of five things; the amount of sales tax that they are receiving is increasing substantially and we want it to continue to increase. Mr. Yates said that there is more at stake on the collections and catching mistakes by the State and jurisdiction problems. Mr. Yates said that the second reason is with the ESD Agreement and sharing the sales tax, a few mistakes there could cause a sizable difference in the amount of dollars.

Rebecca Huss said that it will be some time before the Peter Hill property is actually up and running and our site is not getting huge amounts of sales tax, so that might be some time. Rebecca Huss asked if it was possible to get any kind of confirmation of what they are actually saving the City, showing the errors and omissions that they found and does the City get the money back. Rebecca Huss said that over the last couple of years the budget has been cut by the Secretary of State taking money from us, if this company finds errors, do they get the money back from previous periods. Mr. Yates said yes they do. Mr. Yates said that there would be audits and adjustments each month. Rebecca Huss asked how they would know if there is any value to the service that they are providing. Mr. Yates said that they can get a report of the actions taken.

Mrs. Branco stated that she has several clients that have hired a sales tax representative and what they have done is save them a tremendous amount of money, find a lot of value of what was not being taxed or was not being sent to those particular entities and finding errors that have been made. Mrs. Branco said that the companies have saved them from the drastically

enormous deductions that were not necessary in some cases, and in some cases they were. Mrs. Branco said that the companies save you money, they get your money back for sales taxes that you have not been receiving. Mrs. Branco said that the reports that they produce each month are very valuable. Mr. Yates said that there are also the 380 Agreements that have legality issues that they need to be accurate on.

John Champagne asked how they would be compensated, flat rate or a percentage of the savings. Mrs. Branco said that it could be either one. Mr. Yates said that what he is recommending is the flat rate of \$1,400 per month. Mayor Jones said that with a City of our size that is probably what they would prefer. Jon Bickford asked why they would recommend a flat rate. Mr. Yates said that way they would know what they would be paying. Jon Bickford said that if the percentage was based on the amount that they recovered, then they would not have to worry because they would not have gotten the funds anyway. Jon Bickford said if they collected \$100,000 and they were supposed to collect \$300,000, they charge a variable amount based on the \$200,000. Jon Bickford said that your budget would be based on the \$100,000 because that is what you anticipate receiving. Mr. Yates said that it would get into a documentation game and a verification versus knowing exactly what you are paying. John Champagne said that it would seem to him that they would be incentivized to do as good a job as they are motivated to do, based on what is being saved or garnered by the City and the proof would be what we are depositing in our accounts as a result of their efforts, so how would there be a documentation problem. Mr. Yates said that it is not based on the amount of sales tax, it is based on what they find. Mayor Jones said that if they work all month and find nothing, then they would not get paid. Jon Bickford said that if they do not find anything, then they would not get paid, that is their choice.

John Champagne asked what would be best for the City in regards to compensating for a service that they may or may not realize a benefit. Mr. Yates said that he thought there was enough incentive for the business to stay in good with the City and find things. John Champagne said that he would work a whole lot harder if he knew he was being compensated a percentage of savings as opposed to a flat rate. Jon Bickford said that the inclination to get better oversight is going to be there if there is a variable component to this, and said that he might be inclined, if he got a fixed fee, to pass the day-to-day part of it to a more junior member of his staff. Rebecca Huss said that they are looking at Secretary of State filing information and comparing it to zip

codes and maps. John Champagne asked if a flat rate was typical. Mrs. Branco said that typically her clients have selected the flat rate. Rebecca Huss said that they should pay a flat rate for the first year, because it is going to be the easiest to find the mistakes and they could be paying the highest variable rate the first year. Jon Bickford had one other thought, he could be indifferent for six months, so he could choose the flat rate for six months, but have the company report on both options so they could compare; then in six months they could make a decision. Jon Bickford said that they can also determine in six months whether this is saving the City any money. Mr. Yates said that the agreement is on a 30-day basis.

Rebecca Huss moved to approve the selection of a sales tax contractor by Mr. Yates and Mrs. Branco for a fixed rate contract. Dave McCorquodale seconded the motion.

Discussion: Jon Bickford stated that he would like to request an addition to the motion, to say that they get the variable rate and asked the company to also provide us with what the variable rate would look like for the same period. Mayor Jones asked if they could direct staff to prepare that information. Mr. Yates stated that he would prepare that information. Jon Bickford said that he would like to put a time on the contract. Rebecca Huss said that was not necessary since they can get out of the contract in 30 days; it does not matter how long the contract is. Jon Bickford asked if they can get out of the contract in 30 days at any time. Mr. Yates said that was correct. Jon Bickford said that he was fine with that. Mayor Jones stated that the motion was not going to be amended, and will stand as stated.

The motion carried unanimously. (5-0)

15. Consideration and possible action regarding adoption of Land-Use Plan.

Mr. Yates advised that this is a Land-Use Plan that can't be adopted as a formal document, but is an informal guide for the land-use of the City. Mr. Yates said that this Land-Use Plan primarily has to do with inside the City and the ETJ, and the areas showing the high and low density lot sizes.

Jon Bickford asked if this is an informal document and guidelines, so therefore there is no obligation to follow this and you need this in order to have a Land-Use Plan in place. Mr. Yates said that was correct.

Jon Bickford moved to accept this Land-Use Plan as presented. John Champagne seconded the motion.

Discussion: Rebecca Huss commented that there was a lot of high density on the map and Jon Bickford did not say anything. Jon Bickford said that this is not a direction and he is not agreeing to this, it is just a recommendation; it does not mean that they have to follow any of this, but they have to have it in place to put a Land-Use Plan in place. Rebecca Huss said that she would like to say that she appreciated the Planning and Zoning Commission work in putting this together because it has been helpful. Mayor Jones said that it means that somebody gave some thought to planning, which is how they see it going.

The motion carried unanimously. (5-0)

16. Consideration and possible action for the approval of the Certificate of Acceptance for Houston Street Rehabilitation Project.

Mr. Roznovsky stated that they are recommending full acceptance of the project.

John Champagne moved to approve the approval of the Certificate of Acceptance for the Houston Street Rehabilitation Project as presented. Jon Bickford seconded the motion, the motion carried unanimously. (5-0)

17. Buffalo Springs Bridge Report by City Engineer.

Mr. Roznovsky stated that since the last City Council Meeting the contactors have completed another 40 feet of bulkhead. Mr. Roznovsky said that during the last two weeks they had two large rain events and four days lost due to clean up. Mayor Jones asked when the rain would quit being a deterrent. Mr. Roznovsky said that once they get out of the channel, so what is left on this side is three more sections, which they are pouring tomorrow, the footing and the

wall should be the following day and then they will start on the next footing. Mr. Roznovsky said that hopefully by next week the wall on the north side will be complete so they can get out of the channel. Mr. Roznovsky said the contractor is still working out his plan on whether he is going to finish all of the work on this side and then move to the other side and he does have another crew coming in next week. Mayor Jones asked how they are going to support the road. Mr. Roznovsky said that they ripped out the 60 feet of asphalt and they will build the base back up.

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.)

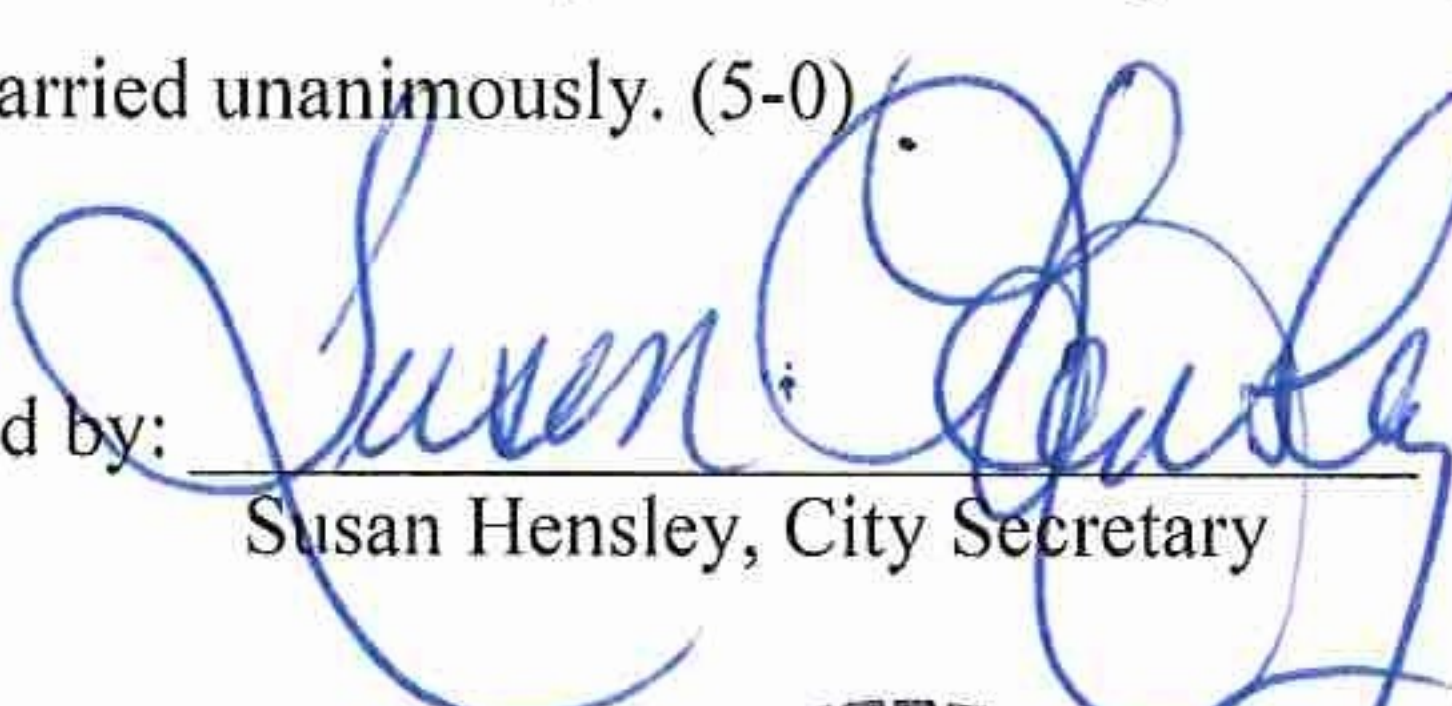
COUNCIL INQUIRY:

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 8:20 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

Submitted by:


Susan Hensley, City Secretary

Date Approved:

05/08/18


Mayor Kirk Jones

