

## MINUTES OF REGULAR MEETING

April 10, 2018

### MONTGOMERY CITY COUNCIL

#### CALL TO ORDER

Mayor Kirk Jones declared a quorum was present, and called the meeting to order at 6:10 p.m.

Present:        Kirk Jones                    Mayor  
                  John Champagne, Jr.        City Council Place # 2  
                  T.J. Wilkerson                City Council Place # 3  
                  Rebecca Huss                City Council Place # 4

Absent:         Jon Bickford                  City Council Place # 1  
                  Dave McCorquodale        City Council Place # 5

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

#### INVOCATION

T.J. Wilkerson gave the invocation.

#### PLEDGE OF ALLEGIANCE TO FLAGS

#### 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.

There were no comments made during this item.

## **CONSENT AGENDA:**

1. Matters related to the approval of minutes for the Regular Meeting held on March 27, 2018.

Rebecca Huss moved to table approval of the minutes. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

2. Consideration and possible action regarding street closure of a part of North McCown, on April 22, 2018 from 10:00 a.m. to 8:00 p.m., for the One Year Anniversary Celebration of Whitley Winery as submitted by Gina Whitley.

Rebecca Huss asked if the Chief of Police had been consulted regarding this event. Mr. Yates advised that he had not had a chance to talk to the Chief. Rebecca Huss said that she agreed that it was a very quiet period of time when the streets would be closed.

Rebecca Huss moved to approve the street closure of a part of North McCown, on April 22, 2018, from 10:00 a.m. to 8:00 p.m., for the One Year Anniversary Celebration of Whitley Winery as submitted by Gina Whitley. John Champagne seconded the motion, the motion carried unanimously. (3-0)

## **CONSIDERATION AND POSSIBLE ACTION:**

3. Consideration and possible action regarding approval of an Encroachment and Maintenance Agreement by and between the City of Montgomery and BW Montgomery Investment, LLC.

Mr. Roznovsky advised that this was the proposed Blue Wave Car Wash on the west side of Gardner Drive by Kroger. Mr. Roznovsky said that they were proposing to place a private storm sewer within the existing utility easement. Mr. Roznovsky said that the agreement has been reviewed by the City Attorney and the developer has signed, along with the required additional forms.

Rebecca Huss said that unlike the previous agreement that they discussed last week, this one does not require the City to pay, should the items that they are putting into the City's easement

is damaged. Mr. Roznovsky said that was correct. Mayor Jones said that was because they own the storm sewer.

Mr. Roznovsky said that they have reviewed the plans and have no objections to this, so their recommendation is to approve this action.

Rebecca Huss moved to approve the sewer Encroachment and Maintenance Agreement by and between the City of Montgomery and BW Montgomery Investment, LLC. Blue Wave Express Car Wash. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

4. Consideration and possible action regarding participation in the Texas Target Communities program in conjunction with Texas A&M University regarding City Master Planning.

Mr. Yates advised that this is a letter of interest to Texas A&M to participate in the Texas Target Communities Program where students and faculty of Texas A&M produce a community-wide master plan. Mr. Yates advised this would gain a quality master plan at no cost to the City. Mr. Yates advised that the need for a master plan has been discussed several times, but has been held up each time because of the costs involved. Mr. Yates said that there is a no cost to the City for this program other than incidental costs of holding the meetings, which would probably be less than \$5,000.

Mr. Yates said that the master plan is different from the water and sewer master plan and mobility plan and would look at the entirety of the City for items such as park needs, financial planning, street work, downtown planning, social needs (such as senior citizen's needs, lower income needs and transportation network needs) and City facilities (such as the needs of the police department, public works and City administration needs). Mr. Yates said that there might be other subjects that could arise during the public meetings.

Mr. Yates advised that this is a participatory process with the Community coordinated and facilitated by A&M staff and students, where the persons attending the meetings are asked their opinions about various community subjects, then are put into committees to work on those particular community subjects. The City Council would be the ultimate approver of the

community plan as written by the various committees. Mr. Yates said that planning work would be coordinated with each community between June 2018 and September 2019.

John Champagne asked about the scope of the project and whether it was specifically focused on the City. Mr. Yates said that it was specifically on the City. Mr. Yates advised that the committees would be formed and facilitated by the Texas A&M staff. Mr. Yates said that they would send out a notice to the citizens regarding attending 1-3 general meetings, and then from those meetings committees would be formed on specific items. Mr. Yates said that each of the committees would come up with the needs and the goals, and make a recommendation on how the City would accomplish them. Mr. Yates said that this would be about a 6-8 month process.

Rebecca Huss said that she had read several of the previous studies and the ones that had community participation were the only ones that had any valuable information, otherwise it was things that you could have found on the internet and a total waste of money. Rebecca Huss said that bringing a small community together, where everyone has very strong opinions, and coming up with a plan where people agree to move forward can be challenging, but she felt that it could also be very valuable to break everything down into small sections that they could afford to move forward on. Mr. Yates said that one of the benefits will be a specific action plan and planning for the future.

John Champagne asked how much staff time, and specifically, the City Administrator, would be necessary to be devoted to this project. John Champagne then asked if A&M would spearhead and pretty much facilitate the program, so all the City would do would be to provide the venue. Mr. Yates said that primarily that was correct, and he might attend some of the meetings. John Champagne said that if they had a clash of ideas that would not come to the City Administrator that would be vetted out with A&M. Mr. Yates said that was correct.

T. J. Wilkerson asked what they would do differently that the Planning and Zoning Commission could not do. Mr. Yates said that they would organize and recruit the citizens. T.J. Wilkerson asked Mr. Yates if he did not think that the Commission could recruit the people better. T. J. Wilkerson asked if the Commission ever went out into the community and asked people for ideas. Mr. Yates said that they have had a couple neighborhood meetings,

but not very many. John Champagne said that the way he understood it, they would bring a template and/or scope and what drives the plan is the community involvement, which is what it sounds like, and if that is the case, that is a good thing. Mr. Yates said that they are the facilitator, not the decider.

Mayor Jones said that the City did go through this type of project before where they paid a company to do the same thing, and they attempted to get community involvement. Mayor Jones said that it started out good, but as time went on the community became less involved and they ended up with a boiler plate that was just something that they could have researched on the internet. Mayor Jones said that since this is free of charge, and as long as they can keep the enthusiasm up he felt that it would be a good thing for the community. Mr. Yates said that he felt the primary difference between this and the other master plans that he has seen, similar to the one that was attempted a couple of years ago, is that the thoughts before all seemed to be from the person writing the plan rather than from the community. Mr. Yates said that he felt that what the City will get from this process is a specific 5-10 items that they can use as budgetary planning points.

John Champagne moved to approve the letter of interest regarding the A&M the Texas Target Communities program in conjunction with Texas A&M University regarding City Master Planning, with the caveat that it does not entail a large amount of City staff and City Administrator's time. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

5. Buffalo Springs Bridge Report by the City Engineer.

Mr. Roznovsky gave an update on the Buffalo Springs Bridge, stating that the contractor has poured a section of the wall and they will begin forming the next section. Mr. Roznovsky advised that the contractor continues to be on schedule with the original completion date to be June 2018.

Rebecca Huss asked how far underground the rebar is placed. Mr. Roznovsky advised that there is a concrete footing, that has three-foot deep toe walls on either end, and they have begun working on the backfilling.

Mr. Roznovsky said that the reason they are doing short chunks is because of the amount of groundwater that they are having to deal with; based on what they have seen they will not have that problem on the other side of the creek, so hopefully they will be able to do larger chunks and pick up some time. Mr. Roznovsky said that they have scheduled weekly updates. John Champagne asked if they have fallen behind on the schedule. Mr. Roznovsky said that the contractor is right on schedule.

Rebecca Huss asked about the dirt that is being poured behind the wall to make it sounder. Mr. Roznovsky said that it was a mixture of cement stabilized sand and some is land fill, to build up the area. Rebecca Huss asked if once the wall is finished, whether they had to worry about any more rain, because the slope will be protected from rain. Mr. Roznovsky stated that the water would still be coming between, but all the work will be above normal water level, because right now they are six feet below the 201 elevation of Lake Conroe. Mr. Roznovsky said that once they have the footings completed there will be rock placed 24-36 inches deep to help protect against erosion around the base.

T. J. Wilkerson said that looking at Plez Morgan Road, they are cleaning and asked if that was part of the bridge project. Mr. Roznovsky said that was not the City's contractor, the landowner is doing improvements to help because a lot of the silt has been coming down from there. T. J. Wilkerson asked if Mr. Roznovsky knew how far the owner was going to go upstream. Mr. Roznovsky said that he did not know, but he did see some preliminary information from the property owner and he did not think that they were going all the way to Plez Morgan Road, because most of the issues were further downstream, but a good section is being stabilized. Mayor Jones asked if the owner is reshaping the channel instead of having it up and down. Mr. Roznovsky said that is what he understood, that they were going to be sloping it back to try and stabilize it so it stops the erosion. Mr. Roznovsky said that one of the property owner's ponds is breached to drain out and allow more capacity in that area, because he thinks that the property owner is going to try to do a revision to the floodplain maps to help reclaim some land out of the floodway. T. J. Wilkerson asked if that would help the water drain faster from FM 149. Mr. Roznovsky said that it would help that drainage, and would help the capacity, but he felt that the owner's main goal was to stop the erosion, so that the water does not continue to eat away at his property and end up downstream. Mayor Jones

asked if the owner was going to plant something on the new slopes. Mr. Roznovsky said that he did not know, but said that typically they would go in with some type of seed to get vegetation established. Rebecca Huss asked if the property owner had the approval of the Corp. of Engineers to do the work. Mr. Roznovsky said that he did have approval. Mayor Jones said that the City Administrator is receiving a lot of calls, so that is what is going on and all is okay.

Mr. Roznovsky advised that they had received the second pay estimate. Rebecca Huss asked if the City had been reimbursed by FEMA for the first pay estimate that the City paid. Mr. Yates advised that they had not received funds yet, but the paperwork has been sent. Rebecca Huss asked how close they were to the maximum that the City had set as the limit on how much the City could pay out before they have to borrow funds. Mr. Yates said that, at this point, they were at \$75,000. Mr. Roznovsky said that the first pay estimate was \$115,000 and 25% of that has already come back, and the second pay estimate that was just sent to the City today is \$50,000, and the third pay estimate will be coming in the next few weeks, which will be approximately the \$100,000 to \$150,000 range.

**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.

6. Convene into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, in accordance with the authority contained in the following:
  - a) 551.071 (confidential consultation with the City Attorney); and
  - b) 551.072 (deliberation regarding real property).

Mayor Jones convened into Closed Executive Session at 634 p.m.

7. Convene into Open Session.

Mayor Jones reconvened into Open Session at 7:07 p.m.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

8. Consideration and possible action, if necessary, on matters deliberated on during Closed Executive Session with the City Attorney.

Rebecca Huss moved that the City enter into a commercial improved earnest money contract to purchase property located at 21049 Eva Street in Montgomery. John Champagne seconded the motion, the motion carried unanimously. (3-0)

**COUNCIL INQUIRY:**

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

There were no inquiries.

**ADJOURNMENT**

Rebecca Huss moved to adjourn the meeting at 7:08 p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

Submitted by:  Date Approved: 04/24/18  
Susan Hensley, City Secretary

  
Mayor Kirk Jones

