

MINUTES OF REGULAR MEETING

March 13, 2018

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Kirk Jones declared a quorum was present, and called the meeting to order at 6:03 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
 Dave McCorquodale City Council Place # 5

Absent: Rebecca Huss City Council Place # 4

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 Public Hearing and Regular Meeting held on February 27, 2018.
2. Consideration and possible action regarding completion of one year warranty period and release of maintenance bond for Lake Creek Village Section 2.
3. Consideration and possible action regarding completion of one year warranty period and release of Letter of Credit for Terra Vista Section 1.
4. Consideration and possible action regarding completion of one year warranty period and release of maintenance bond for Waterstone Section 2.

Mr. Yates asked that Item 3 on the Consent Agenda be pulled for discussion. Mr. Roznovsky advised that Item 3 was ready for discussion today, but asked that the item be approved conditionally, because there are a few items that were discovered earlier today that will need to be addressed. Mr. Roznovsky advised that the developer has sent a crew out to address; all but one of the items, which is a small leak that they need to locate, so they are recommending conditional approval of Item 3, pending them getting that item addressed. Mayor Jones said that they will address Item 3 separately, since it might involve conditional approval.

Dave McCorquodale advised that he had a question regarding Item 4, and said that the information in the letter from the developer, which was included in the Agenda pack, stated that there would be funds deposited by Monday. Mr. Yates advised that a cashier's check had been received by the City.

Dave McCorquodale moved to approve Consent Agenda Items 1, 2 and 4, as presented. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

Jon Bickford moved to accept Item 3 conditionally, pending the final repair. John Champagne seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

5. Report regarding LDC Recovery Charges.

Mr. Foerster stated that he has had a number of very good conversations with the LDC representative, Mr. Mike Swaim, who is present tonight. Mr. Swaim asked to address City Council. Mr. Swaim advised that he had visited with Mr. Corley, President of LDC, and they have decided, in the interest of good relations with the City and its residents, that they are going to refund to the residents, in the form of a credit on their next bill, the amount of the relocation costs that were recovered from the City of Montgomery residential customers. Mr. Swaim said that he did not think that this would require any City Council action, since this would just be an action by LDC on the bills. Mr. Swaim also stated that he agreed with Mr. Foerster that the conversations have been very good.

Mr. Foerster said that he wanted to add that he knows there has been some confusion about the issue of the petition that came from the City Council's disapproval of the relocation charges, which were appealed to the Railroad Commission. Mr. Foerster said that it appears that the Railroad Commission concluded on their own that it did not have jurisdiction over the appeal because the City, as was mentioned in a previous meeting, did not make one of the necessary findings by the statute. Mr. Foerster said that in talking with Mr. Swaim, apparently they did not know it either, and it only came to their attention when the petition went to Austin. Mr. Foerster said that because of the confusion, Mr. Swaim contacted him a couple of weeks ago stating that they wanted to try and resolve this in a way that would satisfy the City Council and the people that are served by LDC. Mr. Swaim said that he agreed with Mr. Foerster's statement.

Mayor Jones said to Mr. Swaim and Mr. Corley, that the City really appreciated them working with the City on this and really appreciate the final outcome on behalf of the citizens. Mr. Swaim and Mr. Corley said that they were happy to do that. Mr. Swaim said that he had also discussed with Mr. Foerster the possibility of conducting a Workshop regarding natural gas service, LDC, and the Railroad Commission, to which the City Council members and residents of the City would be welcome to attend. Mr. Swaim said that if a Workshop would be something that might be of an interest to the City, he could arrange that with Mr. Yates and Mr. Foerster. Mr. Swaim said that they want communication with the City and do not want to have a lack of communication cloud their relationship. Mr. Swaim thanked the City of Montgomery. Mayor Jones thanked Mr. Swaim. Mayor Jones stated that there was no action required by the City.

6. Consideration and possible action regarding Samdana Investments, L.P. request for variance from 35 feet to 25 feet along SH 105 and from 15 feet to 10 feet along John A. Butler Street all within

the property bounded by John A. Butler Street to the north and SH 105 to the south and Prairie Street to the east.

Mr. Yates presented the information to City Council, advising that this item was first presented to City Council at the February 27, 2018 meeting, with a concern about the driveway being shared by the Samdana property and the property to the west. Mr. Yates said that what has happened since that meeting is the Samdana property owner has agreed to widen the driveway between his building and SH 105 to allow a 20-foot wide driveway that will allow two lanes of traffic. Mr. Yates said that Mr. Samdana also provided a copy of the access agreement with the property owner to the west. Mayor Jones asked if the property owner to the west agreed that would work for them. Mr. Yates said that was correct.

John Champagne asked if this item had gone before the Planning and Zoning Commission. Mr. Yates advised that it had, and said that the Commission approved the variance request, thinking that the driveway was wider and that the property to the west had direct access onto SH 105. Mr. Yates said that was his fault for not checking the property in advance of the meeting, but what he told the Commission was that there was a wider opening onto SH 105 so the western property would have direct access to SH 105, but they do not because there is only one curb cut onto SH 105, which goes to the Samdana property. Jon Bickford asked whether the Commission has seen this request. Mr. Yates said that the Commission did see the request, but they received different information. Jon Bickford asked why this is coming to City Council for approval if the Planning and Zoning Commission did not approve the right information. Jon Bickford said that he did not want to override any confusion on the part of the Commission, because they still do not know what they are getting, from what he has heard.

Dave McCorquodale asked the engineers about a concern he had about there not being a realistic way for traffic heading out of this driveway to go west on SH 105. Dave McCorquodale said that if they look at the site plan, regarding the setback lines in relation to where the driveway needs to go, and said that when you look at the turning radius, it looks like there is about a five foot radius on that turn to go west bound and the general rule of thumb is around a 30 foot radius. Mr. Roznovsky said that was a tight radius turn, and said that he wanted to make sure that everyone understands that they are not approving the site plan, because construction plans have not been submitted; this is approval of the variance for the setback lines. Mr. Roznovsky said that the other option is that they still can go through the neighboring property to get to McCown and use McCown to go west on SH 105. Mayor Jones asked if the turning radius could be addressed when

the site plan is submitted. Mr. Roznovsky said that they can work with them to see what options are available to improve that turn and make it a smoother transition to get out of the property. Mr. Roznovsky said that this action is just to approve the variances, which is what was presented to the Planning and Zoning Commission and they approved, thinking there was a second access on SH 105, and said that in his mind it does not change the heart of the variance request. Jon Bickford said that it is going to be pretty hard to say that the site plan isn't conducive to turning left at this corner. Mr. Roznovsky said the only reason that this variance came up was because this is a unique shaped tract. Jon Bickford asked how large the building was that was in there previously. Mr. Roznovsky said that there were two and they were smaller and across the building lines, because the property had not been platted, and they were closer to Butler Street than SH 105. Jon Bickford said that at least they could get out to SH 105 when you went into the property. Mr. Roznovsky said that the drive thru makes it more difficult, unless people go to McCown to turn onto SH 105.

Dave McCorquodale said that he tended to agree with Jon Bickford and he does not see how approval of these variances is not a defacto approval of a site plan that does not look like it meets the minimum standards for a drive thru. Dave McCorquodale said that he does not see a vehicle making it through the drive thru without real issues. Jon Bickford said he did not feeling right about doing something without the Planning and Zoning Commission having a clear picture of what they approved.

Jon Bickford moved to revert this item back to the Planning and Zoning Commission and that someone make it clear to them what they are approving, so that they understand what they are doing prior to it coming before City Council. John Champagne seconded the motion.

Discussion: Mayor Jones said the variance has to be granted before the site plan can move forward, so at some point they will have to make a decision before they can draw the site plan. Jon Bickford said that there are two pieces to this item, one being he does not want to override the Planning and Zoning Commission and the other thing is if they are trying to fit an 8,000 square foot building into a 6,000 square foot spot, that's probably not the right thing to do, but designing was not their place. Jon Bickford said that if they approve the building lines, then they are well within their right to build right up to those lines, so there will not be another chance to say they can't do that. Mayor Jones said that someone would either approve or deny the site plans. Jon Bickford asked Mr. Roznovsky if he would approve the site plan that had this turning radius. Mr. Roznovsky said that they were really just looking at the information on the variances, but said that the limitations

of the site and having access to McCown is what makes a difference to him, but he will do some more research on the information.

Dave McCorquodale said that he would offer a suggestion that it would be very helpful for the Planning and Zoning Commission and City Council, even if it is just a sketch of the adjacent lot, to show where that building is so they get the context of the lot, which would help to clarify the information. Mr. Yates said that he thought there was a drawing that showed the adjacent property, which was included during the first meeting. Mr. Yates said that they could add the driveway to the drawing for clarification.

The motion carried unanimously. (4-0)

7. Consideration and possible action to scheduling a Public Hearing regarding the initial zoning of newly annexed 3.22 acres (property located south of SH 105 across from Stewart Creek Road) known as the Peter Hill property, to be zoned as District "B" Commercial, to be held on April 24, 2018 at City Hall at 6:00 p.m. in the Council Chambers.

John Champagne moved to hold a Public Hearing regarding the Peter Hill property, to be zoned as District "B" Commercial, to be held on April 24, 2018 at City Hall at 6:00 p.m. in the Council Chambers. T. J. Wilkerson seconded the motion.

Discussion: Jon Bickford asked that staff would make sure that they bring the definition of what District "B" Commercial is to the Public Hearing. Mr. Yates advised that would be provided at the Public Hearing.

The motion carried unanimously. (4-0)

8. Consideration and possible action regarding lease agreements with Mr. Larry Jacobs, Trustee and Betty Rose for parking lot improvements in north downtown, north of Jacobs Real Estate building and South of College Street.

Mr. Yates advised that this was a proposal to accept both of these offered agreements from Larry Jacobs and Betty Rose. Mr. Yates said that the estimated cost of the parking lot improvements was \$22,000 for the paving. Mr. Yates said that MEDC allowed \$6,000 for street scaping and plantings. Mr. Yates advised that the drawing that was provided showed where the parking spaces

would be located. Mr. Yates said that the landscaping would be on the north side of the parking area. Mr. Yates stated that Mrs. Rose, who owns the northwest 55 feet, offered a five-year lease, and the rest is owned by Mr. Jacobs.

Mr. Yates advised that Mr. Jacobs wanted the parking spaces to be 113 inches wide versus the normal parking space requirement of 108 inches, so he wants the parking spaces to be five inches wider, which will not be a problem.

Mayor Jones said that this particular item is for City Council action to approve the lease agreements, and the next item addresses approval of the project. Mayor Jones said that these lease agreements are similar to the ones that they did on the south end of the block with the Laughter family and Tom Cronin. Jon Bickford asked if Mr. Foerster had reviewed the leases. Mr. Foerster advised that Mr. Yates had sent the leases to him to review. Jon Bickford asked to confirm that the City had no exposure or problems. Mr. Foerster advised that they were standard leases, with modifications for these particular circumstances.

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

9. Consideration and possible action regarding MEDC recommendation to pave the north downtown parking lot with asphalt.

Mr. Yates presented the information to City Council, advising that MEDC has offered to pay \$22,000 to pave the parking lot and \$6,000 for street scaping on the north side.

Jon Bickford moved to accept MEDC's gracious offer to pave the downtown parking lot, as discussed, with asphalt and the associated landscaping. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

10. Consideration and possible action regarding an Encroachment and Maintenance Agreement by and between the City of Montgomery and Montgomery SH 105 Associates, LLC regarding a storm sewer line easement located at FM 2854 and SH 105.

Mr. Yates advised that this item was to revisit the CVS easement question regarding who pays for repairs of the parking surface if repairs are needed at a later time due to relocation of the utilities.

Mr. Yates said that the issue at the last City Council Meeting was that the water and sewer lines were inside the property of the CVS store, and they questioned who would pay for the pavement if it were torn up. Mr. Yates advised that City Council had stated that, just as at every other location, it would be the property owner's responsibility. Mr. Yates said that CVS has come back and stated that this was strong enough of an issue with CVS that they are asking for the City Council to reconsider.

Mr. Yates said that there were the three following options:

- 1) take the same action that City Council took at the previous meeting, which would require the water/sewer lines within the property and pavement replacement cost be borne by CVS, which is what City Council determined at the last meeting;
- 2) Require the water and sewer lines to be placed within the property and pavement replacement would be at the cost to the City of about \$50,000 to \$75,000 per repair. Mr. Yates said that was a very high estimate, in his opinion, by the Engineer, because this assumes the entire length and width of the easement to be torn up and repaved. Mr. Yates said that the right of another utility to use the easement is a legal question that he had discussed with the City Attorney. Mr. Yates stated that Mr. Foerster advised that wording on the plat regarding the easement could be written so that if another utility wanted to use the easement, inside the property, they could be required to pay the repair. Mr. Yates said that would get it down to a question of whether or not the water and sewer location would be required.

Mr. Yates said that he thinks that the engineer and CVS are saying that is a remote possibility, but even if it were to happen, worse case is \$50,000 to \$75,000, which in his mind, would be one year's worth of sales tax from CVS. Mr. Yates said that if they are thinking that they might regret this decision 20-30 years from now, they will be 20-30 years ahead on sales tax. Jon Bickford said that the repairs won't be \$50,000 to \$75,000 any more either. Mr. Yates said that a repair could be in one particular place that might only require one parking space to be torn up, so \$50,000 to \$75,000 really is a worst-case scenario.

- 3) Mr. Yates said that option three would be to locate the water and sewer facilities within the right-of-way of FM 2854, which exposes the City to relocation should future expansions of FM 2854 require one or both of those lines to be relocated for a possible cost of \$175,000

to \$200,000, which he felt was a very realistic estimate. Mr. Yates said that if they did not have an easement on the CVS property, they might have to go to CVS to relocate the lines, then they would have the \$50,000 to \$75,000 repair costs plus the cost for replacement of the lines.

Mayor Jones said that in Option 3, the City would keep the easement that they currently have, but they could place the lines outside the easement and into the TxDOT right-of-way. Mr. Yates said that was correct. Mayor Jones asked the people from CVS which one of the options they preferred.

Mr. Jonathan White, with L Squared, advised that CVS has looked at this information and it comes to the point that it is so severe that it could be a deal killer. Mr. White said that they have done this several times and submitted to other entities, and the fear is that in the future somebody can come and rip up their parking lot, so what they were hoping is that they could actually shift the utilities inside the public right-of-way, placing the water line directly on the right-of-way line and then have the sanitary sewer 10 feet off of that line. Mr. White said they tried to look at what the future intersection will be, and it is completely conceptual, but it appears that there is sufficient right-of-way at FM 2854, and possibly less of a risk that the City would have to relocate the lines in the future. Mayor Jones asked if that was because of the way that the road presently lines up with Lone Star Parkway. Mr. White said that the pavement has actually shifted much further west and is not centered on the right-of-way, so he would expect that FM 2854 would actually expand east. Mr. White said that there are plenty of hardships on this tract, which has a 160-foot drainage easement on the west side of the tract, with 80 to 100 feet that encroaches into the subject property substantially. Mr. White said that more was given to the City than what the ordinance required, which pushes the site pretty far east, with no ability for them to get outside the 26-foot utility easement. Mr. White said that even if they did shift their site west, they would be coming directly into the parking spaces, and would not allow an 18-wheeler to go around to have access to the CVS site. Mayor Jones asked Mr. White to clarify about the lines. Mr. White said that the sewer line could be 10 feet into the TxDOT right-of-way and the waterline would line up with the driveway and property line. Mayor Jones said that there is a slight risk that the City would have to move that if TxDOT expanded. Mayor Jones asked if that would be more or less risk than having to dig up the parking lot. Mr. White said that the likelihood of a line break happening where the parking lot would have to be torn up would be very slight.

Jon Bickford asked if there was anyone from CVS present. Mr. Jonathan Bellock, representing CVS, was present. Jon Bickford said that from what he understood, he thought that what he was

saying is that CVS would prefer Option 2 or 3. Mr. Bellock said not necessarily, they would take either option, but CVS will not close on that property unless there is some sort of restoration agreement, and CVS will not close on the property with Option 1.

Jon Bickford asked if CVS and the City split the cost and picked the option that would have less risk, and asked if Mr. Bellock thought that CVS would consider that. Mr. Bellock said that he thought so, which is how they proposed it to him. Mr. Bellock said that it was not only the risk of cost down the road, it was also an operational risk. Mr. Bellock said that CVS has had instances where municipalities have come in and torn up their parking lot for any number of reasons, and there is no time line or guarantee that the repairs will be made. Mr. Bellock said those were the main issues, and said CVS was closing on the property, but they will not close without some sort of agreement in place. Mr. Yates said that what they are saying is to split the cost of the repairs. Jon Bickford said that they will need to determine what would be the best option for the City, either 2 or 3. Mr. Yates said that Option 2 was the best because with the worst-case scenario, it is less money and the City has control of the property.

Jon Bickford said that he would propose that they go back to CVS with Option 2.

Mr. Bellock said that he would state that there were additional comments to that encroachment agreement, other than simply the restoration, but that was the key issue. Mr. Yates said that he would add that they should instruct the City Attorney to word the utility easement for Option 2, and that it requires the City's permission for any other utility to use that easement, and the City could require that the utility going in would be responsible for the repair of the line. Mayor Jones asked whether that needed to be part of the motion. Mr. Yates said that they could have the City Attorney prepare the information and approve it on the final plat. Mr. Foerster said that they need to reference the information on the plat itself, because years from now somebody will be looking at the recorded agreement, and he would think that CVS would be a lot more comfortable if there was something on the plat that states this is an exclusive easement for the City of Montgomery and the City of Montgomery would have to grant permission to allow any other utility in the easement. Mr. Roznovsky said that on the construction plans they would reference this agreement, and on the plat. Mr. Foerster said that the agreement would be recorded so the recording information could also be referenced on the plat.

Mr. Bellock said that there were other comments to the encroachment agreement that they also have to get through, so that CVS will be comfortable. Jon Bickford asked if everyone was aware

of the other issues with the agreement. Mr. Roznovsky said that they were mainly wording language. Mr. Bellock said that it was addressing someone coming in and tearing up the entire parking lot and not fixing the parking lot. Mr. Roznovsky said that with Option 2, the City would be responsible, and asked if CVS was also asking for a timeline for the repairs.

Jon Bickford said that the timeline information would need to be worked out as part of the agreement, but the issue that is at hand with the City is how do we resolve who is going to pay for the repairs, if the easement has to be torn up.

Jon Bickford moved to go forward with the idea that the water and sewer for this property will be placed within the property, Option 2, and payment replacement will be borne 50/50 between CVS and the City of Montgomery. Mr. Bellock said that CVS will not accept that, and said that CVS will not be utilizing the sewer that is coming through their property, so they have no interest in it. Jon Bickford said that they might not pay for the sewer, but they would split the cost of the water repairs. Mr. Bellock said that CVS will not accept any costs. Jon Bickford said that was the question that he had asked earlier. Mr. Bellock said that CVS would not accept splitting the cost of the repairs. Jon Bickford said that CVS would bear no responsibility for the repairs and costs whatsoever. Mr. Bellock said that was correct.

Mayor Jones asked if that would make Option 3 more viable. Mr. Yates said not to his mind. Mr. Foerster said that he agreed that the only way that this will work, is to do Option 2. Mr. Foerster said if they do Option 3, then the City will be putting it in the right-of-way, and if for some reason TxDOT has to take that partial driveway where the utilities are, then the City has to bear the expense of moving the entire line, which is a lot more expensive than patching pavement. Jon Bickford asked if CVS could do 25 percent match. Mr. Bellock said that they would do absolutely zero percent, because if they were utilizing a utility it would be one thing, but they are not. Mayor Jones said that at this moment, CVS does not need the utility, but it will be needed for whatever develops to the south. Mr. Roznovsky said that the two utilities being installed and the waterline, which CVS will use, will be extended down to their southern boundary, which is not CVS, but the entire property is served in the Montgomery Shoppes. Mr. Roznovsky said that the sewer line will be extended also to serve that same tract, as well as being located so that they can extend it to FM 2854 in the future.

Dave McCorquodale asked about the variances that they granted for this property, and asked if it was strictly on SH 105. Mr. Roznovsky said that the first time that CVS came to City Council, it

was an encroachment agreement request for a sign only on SH 105, within an existing easement. Mr. Roznovsky said that the second time that CVS came to City Council, when they got the site plan it also showed a storm sewer line within the existing and proposed easement. Mr. Roznovsky said that the storm sewer portion was approved, but the language that CVS wanted to add was the pavement, and when it came before City Council the last time, City Council decided to approve the agreement, subject to removing the pavement language, which is what they are revisiting today. Mr. Bellock said that typically they would just shift the site to put all the improvements outside the easement, but in this case, they ran out of room. Mayor Jones said that both parties are fighting over a very low risk scenario. Mr. Foerster said that the upside is that CVS comes in, the sales tax that they will generate, plus the additional draw of other retail sales tax businesses could be significant.

Jon Bickford said that they gave CVS the sign, the sewer and the City is asking for a little help to share the cost, which he felt was fair, and said that CVS will be using the water. Mr. Bellock said that was correct, CVS would be using the water. Mr. Roznovsky said that CVS's sewer will go to the front of the property.

Jon Bickford had a motion on the floor, as follows:

Jon Bickford moved to go forward with the idea that the water and sewer for this property will be placed within the property, Option 2, and payment replacement will be borne 50/50 between CVS and the City of Montgomery. John Champagne seconded the motion.

Discussion: Mayor Jones stated that this was approving a 50/50 split on any damages.

The motion carried unanimously. (4-0)

11. Presentation of Reckless Driving Report.

Mr. Yates presented the report, stating that the Mayor, Chief of Police and he had met with the School Superintendent, Dr. Beau Rees and discussed this issue. Mr. Yates advised that Dr. Rees was very receptive to the removal of the parking privileges by those students who received two or more tickets. Mr. Yates stated that the Chief of Police and Dr. Rees are going to be working out the details. Mr. Yates advised that they had discussed that a second citation would get parking privileges removed for one month, a third citation would result in parking privileges being taken away for an entire semester. Mr. Yates said that when a reckless driving citation is issued it would

result in their parking permit being taken away for an entire semester. Mr. Yates explained that this would involve certain roads at certain times, and within the next two weeks there will be an announcement and information to be distributed at the school regarding this matter. Mr. Yates stated that Dr. Rees said that he was agreeing to this in the interest of public and student safety and the program would be administered by the school.

John Champagne asked the City Attorney if it was legal for the school to insert themselves in a civil offense by a student and have the school have some remediation or punishment in regard to that. Mr. Foerster said that he does not represent the school district. Mr. Yates advised that he had asked Dr. Rees that very same question and whether they had to wait for adjudication before they could impose a penalty. John Champagne said that in his mind, it was tantamount to a child not going to bed on time and getting reported to the school, and then they take away the student's parking privileges for a month, and asked what would be the difference. Mr. Yates said that Dr. Rees said in response to his question was that he was interested in the public and school safety. John Champagne said that he understood that point, but asked if the action was Constitutional and was it legal. Mr. Foerster said that he would answer that question this way; what John Champagne just said is the City gives the student a privilege to be here, not a right but a privilege. Mr. Foerster said that he has not spoken to Dr. Rees about it, but he thinks that their position is because it is a privilege, so they can withdraw that privilege for any reason. Mayor Jones said that was the way that Dr. Rees had worded it. Mr. Yates said that was correct; Dr. Rees said it was a privilege, not a right.

Mr. Foerster stated that he had also spoken to the City Judge about this and he said that any traffic violation involving a student requires at least one parent or guardian of a student to appear at the court hearing. Mr. Foerster said that by the parent or guardian having to appear in court, they are inconvenienced. John Champagne said that he was fine with the information; he just wondered how an independent school district can insert themselves that way, and if you say that they give a privilege for parking, then he guessed that they could take away the parking privilege for anything. Mr. Foerster said that was exactly correct. John Champagne said that it would be interesting if someone wanted to challenge it in court how that would turn out.

Jon Bickford asked if we have any idea how many citations for this have been written. Mr. Yates said that the Chief has said that he thought it would probably get to two or three people that would actually lose their parking privileges, but they felt that the threat of it was enough.

Jon Bickford said that this is something that they can do right away and prevent another child from getting injured, and he felt that it was important to do it. Mr. Yates said that the Chief will put some thought into this and will recommend certain times and roads; this does not mean that, if on a Saturday afternoon you are caught speeding on Caroline that your privileges will be lost, because they are talking about specific times and locations.

Dave McCorquodale asked about the timing of the traffic signal at FM 149 and SH 105. Mr. Yates said that TxDOT is looking at this because they had planned on widening the road and adding more turn lanes there, and as they do that, they will affect the timing. Mr. Yates said that the Chief said that he would try to control the operation of the traffic light at FM 149 and SH 105 to help lessen congestion on SH 105. Mr. Yates said that Dr. Rees said that next year there will be plenty of parking on the campus because of the splitting of the schools. Mayor Jones said that it will change the traffic patterns a lot at Montgomery Elementary School, which is currently doubled up and they will be splitting in half, and put them back where the old Middle School is located on MLK. Mayor Jones said that would be mostly people from Bentwater and they will be going the other direction instead of through town, so that should help.

Jon Bickford asked that they get a report from the Chief as time goes on as to whether that program is helping or not.

12. Buffalo Springs Bridge Report by the City Engineer.

Mr. Roznovsky advised that, overall, the progress on the bridge is proceeding and they have completed the first section of the concrete bulkhead in the canal and they should be doing another footing tomorrow. Mr. Roznovsky said that they have been finding that there is a lot of groundwater coming up, so they have a lot of pumps trying to keep up, but by the next morning the groundwater is back. Mr. Roznovsky said that they are still on schedule for completion mid-June 2018. Mayor Jones said that he went out and looked at the bridge a few times. Mr. Roznovsky said that the concrete will be going in during the next two weeks, along with the storm sewers being placed on the site. Mr. Roznovsky said that if the weather can hold out like it has been, they should be able to proceed.

Jon Bickford asked if they have recovered on schedule from the bad weather. Mr. Roznovsky said that the original schedule had them finishing mid-June and they are still on schedule, even though there were about 14 weather days.

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.

13. 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 6:57 p.m.

14. Convene into Open Session.

Mayor Jones reconvened the regular meeting at 7:20 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

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

Jon Bickford moved to authorize the City Administrator, Jack Yates, to continue the discussions/negotiations on said property. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

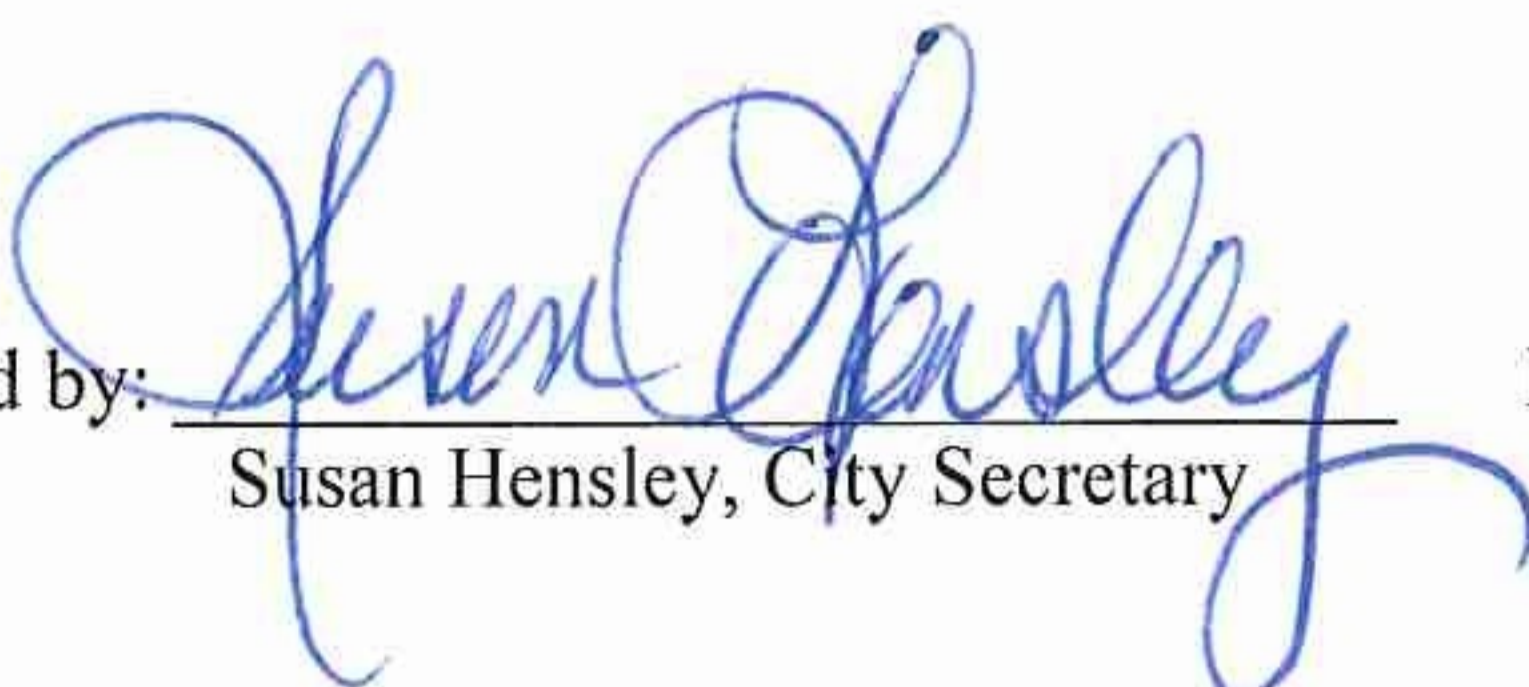
COUNCIL INQUIRY:

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

T.J. Wilkerson moved to adjourn the meeting at 7:20 p.m. John Champagne seconded the motion, the motion carried unanimously. (4-0)

Submitted by: 
Susan Hensley, City Secretary

Date Approved: 03/27/18


Mayor Kirk Jones

