

**MINUTES OF PUBLIC HEARING and REGULAR MEETING**

**January 23, 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  
                  John Champagne, Jr.    City Council Place # 2  
                  Rebecca Huss            City Council Place # 4  
                  Dave McCorquodale    City Council Place # 5

Absent:         Jon Bickford                City Council Place # 1  
                  T.J. Wilkerson            City Council Place # 3

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

**INVOCATION**

John Champagne gave the invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**PUBLIC HEARING(S):**

**Convene into Public Hearing:**

Mayor Jones convened into the Public Hearing at 6:02 p.m.

1. **Receive Final Report from Planning and Zoning Commission their Public Hearing held on January 22, 2018 for the purpose of giving all interested persons the right to**

appear and be heard regarding the proposed expansion of the right-of-way of the City's Corridor Enhancement District from 300 feet to 750 feet. Two amendments to the District guidelines have been proposed to be added. There are no changes recommended for the District of FM 149. The two proposed amendments to the District guidelines that have been proposed to be added are:

- a. A new area for the District is proposed on FM 1097 from the east boundary of the City limits to FM 149. The District boundaries will be 300 feet on both sides of FM 1097; and
- b. To extend the District boundary area from 300 feet to 750 feet on both sides of SH 105 within the City limits.

Mr. Yates advised that the Planning and Zoning Commission met last night, with approximately 20 citizens in attendance. Mr. Yates stated that he would say that there was no opposition to the proposal. Mr. Yates said that there was one person that had a building that was about to be torn down and their concern was about the reconstruction of the building and whether they would have to construct the building according to the new standards. Mr. Yates said that he had advised that person that he thought that the building would have to conform to the standards because the Code requires that when there is more than 50 percent of a structure demolished, you are required to build it according to the current guidelines. Mr. Yates said that following the Planning and Zoning Commission Public Hearing all the members present voted unanimously to recommend the approval of the Corridor Enhancement District Ordinance.

Dave McCorquodale moved to accept the Final Report from the Planning and Zoning Commission. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

2. **Public Hearing** - for the purpose of giving all interested persons the right to appear and be heard regarding the proposed expansion of the right-of-way of the City's Corridor Enhancement District from 300 feet to 750 feet. Two amendments to the District guidelines have been proposed to be added. There are no changes recommended for the District of FM 149. The two proposed amendments to the District guidelines that have been proposed to be added are:

- a. A new area for the District is proposed on FM 1097 from the east boundary of the

City limits to FM 149. The District boundaries will be 300 feet on both sides of FM 1097; and

- b. To extend the District boundary area from 300 feet to 750 feet on both sides of SH 105 within the City limits.

Mayor Jones convened the Public Hearing at 6:05 p.m.

Mr. Yates reviewed the provisions of the Corridor Enhancement District with maps detailing the areas involved. Mr. Yates advised that the existing ordinance was passed in 2008, and called the O'Reilly or Beautification Ordinance, and the City Council had stated that it was to enhance the appearance and perception and influence the ambiance of the City. Mr. Yates stated that the Texas Local Government Code authorizes the City Council to regulate the erection, construction and reconstruction of buildings inside the City. Mr. Yates said that the City Council went through this same process in 2008, with the Planning and Zoning Commission review of the ordinance, and the Commission recommended the ordinance to the City at that time.

Mr. Yates said that the original ordinance is saying that SH 105 extending from the eastern boundary of the City limits to the western boundary of the City limits, and FM 149 extending from the northern boundary of the City limits to the southern boundary of the City limits, and the entirety of the Lone Star Parkway extending from SH 105 on the east to SH 105 on the west is included in the Corridor Enhancement District. Mr. Yates said that the existing ordinances stated that industrial area is partially exempt from this requirement, provided that the main entrance of the building visible from the main entry ways and corridors shall be 100 percent covered with the improved materials and the remaining exterior facades must be at least 50 percent covered by wainscoting or approved materials. Mr. Yates said that the Corridor Enhancement area materials must be natural stone, brick, wood, fiber or cement siding (Hardiplank), stucco or similar materials, precast concrete and exposed aggregate concrete, and any other acceptable material that is not metal, or as City Council approved about six months ago, they excluded cement blocks.

Mr. Yates said that during August of 2017 City Council and the Planning and Zoning Commission held a Joint Workshop Meeting that was a public meeting, because the

Planning and Zoning Commission had thought about extending the distance of the Corridor Enhancement District from 300 feet on SH 105 to 750 feet, because of the Kroger Store. Mr. Yates said that in 2008 they thought that development along SH 105 would be close to the highway, but as Kroger built they were way beyond the 300 feet. Mr. Yates said that Kroger built a very nice brick building, but everyone realized that they were setting the standard of where the development would be along SH 105 so there was a discussion about whether or not to go from 300 feet to 750 feet. Mr. Yates said that since that time the topic has been on the Planning and Zoning Commission's agenda three of the four months since August, and the Commission settled on the 750 feet guideline. Mr. Yates said that the Commission held a Public Hearing on the Corridor Enhancement District Amendments last night.

Mr. Yates said that something else that has changed since 2008 is the development of FM 1097, which is going to be more commercial development than residential, so what is proposed is to go to 750 feet from the center of the right of way along SH 105 and to add the area of FM 1097 at 300 feet on either side of the highway.

John Champagne asked if the map was representing what Mr. Yates is discussing. Mr. Yates advised that it was the area involved. Mr. Yates said that he had received several calls over the last couple of weeks asking why they were receiving notices of the Public Hearing. Mr. Yates said that State law requires this particular type of notice and the boundary to let everyone know about the changes.

Mayor Jones said that he wanted to state that regarding the map, the FM 149 portion is not shown, because there is no change being made to that area, but all of FM 149 inside the City limits is included in the Corridor Enhancement District, at a distance of 300 feet. Mayor Jones said that citizens on FM 149, have been operating under the ordinance since 2008.

An unnamed citizen asked if the City was talking about 300 feet on each side of the road. Mr. Yates said that was correct and said that it has been since 2008. A citizen asked about FM 1097 and what the setback would be. Mr. Yates advised that it would be 300 feet on either side of the highway.

Mayor Jones asked if this ordinance applied to both commercial and residential. Mr. Yates said that was correct, it would apply to both commercial and residential. Mayor Jones said there were not too many metal paneled homes being built. Mr. Yates said that this ordinance would not be retroactive, it would be for future development.

Mr. Mike Newman asked if this would be changing the area along Caroline Street to commercial. Mr. Yates advised that it would not, and said that this does not have anything to do with zoning it is just regarding the façade structure materials. Mr. Newman asked if his home would be grandfathered because it is existing. Mr. Yates said that was correct. Mr. Newman asked if he was to sell his home, would that grandfather status transfer to the new homeowner. Mr. Yates said that it would transfer and go with the land. Mayor Jones said that Mr. Newman was governed by the Historic District, so that would override the Corridor Enhancement District, since it has stricter controls.

Rebecca Huss said that some people received notices because they are within a certain distance of the Corridor, so they are not actually within the Corridor, but in the notification area. Mr. Yates said that Mr. Newman was in the Corridor Enhancement District because it runs in the back of the lots, north of Caroline. Mr. Newman said that Caroline Street is in the Corridor area. Mr. Yates said that the Corridor Enhancement District runs along the lot line, which is just the way it happened to fall and not the way that it was designed. Mr. Newman asked what was the hope and ultimate gain for the City and people with this ordinance. Mr. Yates said that he feels that it is just what they said back in 2008, that it is to enhance the appearance and perception and to influence the appearance of the City. Mr. Yates said that it could be said another way, it is to beautify the highway for property owners and future property owners, just as any building code or provision provides. Mr. Yates said that building codes are for public safety, it is not because the City wants to charge a permit fee, it is where the community joins together to say they want to require the appearance of all the nicer buildings. Mr. Yates said that it is also where the appearance of one metal building in the wrong place could really harm the value of the surrounding properties as well as the appearance. Mayor Jones said that Mr. Yates alluded to the fact that this ordinance was nick-named the O'Reilly Auto Parts ordinance, and after that building was built with just metal panels, the same group that authored the Historic District ordinance came up with this Corridor Enhancement District, which was an overlay over

the other zoning. Mayor Jones said that it is not very strict in controlling things, it just states that you can't have metal panels or cinder blocks, you have to cover it with something else. Mayor Jones said that there are other people in town, developers, that would like it to be more restrictive, but they have not gone there yet and he did not know if they would want to. Mayor Jones said that they have nicknamed the amendment to the ordinance, the McCoy's amendment, because McCoy's main building was within the 300 feet, but their lumber yard building was outside the 300 feet, so it is metal panels, which is what got everyone thinking about the amendment.

A citizen asked what part of the residents on FM 149 is included with this ordinance. Mayor Jones said that all of FM 149 is affected by the ordinance, but it has been since 2008, so if you own a home there, it is probably not made of metal panels and, unless you are going to build a home out of metal panels, it will not affect you. Mayor Jones said that the commercial sections of FM 149 is where it would have the most effect.

Mr. Mike Ogorchock said that in March of 2015, they prepared and submitted a POA and deed restrictions, which they did on March 10, 2015, and they filed it with the County Clerk on March 18, 2015, then City Council approved the PID on March 28, 2015. Mr. Ogorchock said that part of what he is reading in the Corridor Enhancement District in Section 98.391 Exceptions and Exemptions, which states that the provisions of this Article shall not be construed to apply to property located within any planned development district in which deed restrictions have already been approved by the City. Mr. Ogorchock said that if the deed restrictions have not been officially approved by the City, but the City requested that they prepare them and file them with the County, to him that is the same thing. Mr. Ogorchock said that they do not think that they have done anything but enhance the property, and said that it was one of the best looking properties around. Mr. Ogorchock said that they require any fascia facing the highway to be stone and/or stucco. Mayor Jones said that they might have to spend some time outside this meeting to discuss the deed restrictions and how it applies to this new ordinance. Mayor Jones said that if Mr. Ogorchock is doing what he is saying he is doing, by everything that is facing the highway, then he is probably going to be in compliance. Mr. Ogorchock said that the only thing that they are not in compliance with is the side fascia, which is metal, and said that the only two remaining buildings in Reserve F are more than 300 feet from the highway. Mayor Jones

said that they will need to discuss the deed restrictions at another time, and said that if this is going to be in conflict with your plans, then they need to discuss how to deal with that. Mayor Jones said that he felt that they could work the issues out. Mr. Ogorchock thanked City Council. Mayor Jones asked if the City Attorney agreed with that information. Mr. Foerster said that they might need to table the ordinance so that they can address this issue, and said that he had several emails back and forth with Mr. Ogorchock and did copy the City Administrator and the Mayor. Mr. Foerster said the question that he was looking at was when the PID was finally approved, he was asking if there was anything in the reimbursement agreement or service and assessment plan that spoke to the deed restrictions or any other improvements to the buildings in the PID. Mr. Foerster said that the only thing that does speak to the buildings, is the deed restrictions themselves. Mr. Foerster said that when you look at the deed restrictions and the other documents from 2015, those documents and the Agreement between the City and the developer, did not really speak to improvements regarding the structures themselves, it spoke to the drainage, streets, utilities, etc. Mr. Foerster said the deed restrictions did speak to the buildings, but it does not appear that they were incorporated into the agreement that they have with the developer. Mr. Foerster said the deed restrictions further provide “that any improvements or design guidelines” (paragraph 3.4 of the deed restrictions), which he had not had a chance to review, “must be acceptable to any government authority”, which would include the City of Montgomery, so it contemplates, as he reads it, that any deed restrictions that do not satisfy the City ordinances will not supersede the City ordinance, but will be subject to the City ordinance. Mr. Foerster said that the facility that they have there appears to be a very attractive facility and he did not think that this amendment to the Corridor Enhancement District as he knows, was really focused on the PID, he felt that it just came up today when Mr. Ogorchock brought it to their attention. Mr. Foerster said that he is not prepared to recommend that the Corridor Enhancement Ordinance be approved tonight if they still need to address and clarify how the deed restrictions and previous agreements might affect Mr. Ogorchock’s development of the property. John Champagne said that it was his understanding that there is an apparent conflict between what was initially agreed upon, in terms of deed restrictions, and the new Corridor Enhancement District ordinance, regarding this development. Mr. Foerster said that he could not say for sure that there is a conflict yet because he has not studied the information, but it would appear that the deed

restrictions, which he did not think were ever approved by City Council, they did require deed restrictions as they would from any development. Mr. Foerster said that he did not have any record that this City Council ever approved or needed to approve those deed restrictions, they merely directed Mr. Ogorchock to have the deed restrictions that would provide a mechanism for design guidelines for any structure in that park. John Champagne said that he is assuming that is the crux of the concern right now. Mr. Foerster said that was correct. Mayor Jones asked if by approving the PID and requiring him to have deed restrictions did they, by default, approve the deed restrictions. Mr. Foerster said that was the question that he had. Mr. Ogorchock said that he had been told that the City was going to require a set of deed restrictions and a POA, which was a precondition. Mr. Yates said that the City never saw the deed restrictions. Mr. Ogorchock said that they submitted them to the City, and obviously they did not put them in front of City Council for approval; it was probably an attachment to the PID.

Mr. Yates said that there are two ways of looking at it, one way, if they approved the ordinance, and it turned out that they needed to change it to satisfy the legal requirement of Mr. Ogorchock's property, that could be done. Mr. Yates said if they do not approve the ordinance tonight, and someone came in with a building permit, between tonight and the next meeting, then on FM 1097 and outside the 300 feet the City would not have any recourse. John Champagne asked if they could approve the ordinance with a caveat. Rebecca Huss said if they approve the ordinance, either he is grandfathered or they can give him a variance, which is the way that it could go. Mr. Foerster said that was exactly what he was going to suggest, and he had mentioned that in an email to Mr. Ogorchock that either he qualifies already, or if he does not, the City Council could consider a variance to that ordinance with respect to that park. Rebecca Huss said that she felt Mr. Yates was right, if they think it is important enough to preserve the quality of the building that is going on, then they do not want to hold it up for something that is dealing with something that has already been built and risking that something new will be built that does not meet our standards. Rebecca Huss said that she would prefer to deal with this matter offline and as needed. Mayor Jones said he agreed with that and said they can work it out through other channels.

Mayor Jones asked that anyone wishing to speak at the Public Hearing to stand and state



their name for the record.

Mr. Art Jansen said that while he did not like losing 300 feet of unrestricted property, he thinks that the effort that the City has made to upgrade the 300 feet, especially along FM 1097 and areas, will be an improvement in the value of the properties. Mr. Jansen said that for every square foot that they lose as unrestricted property they will make up per square foot in other areas. Mr. Jansen congratulated the City Council for doing something good for the City. Mayor Jones thanked Mr. Jansen.

### **Adjourn Public Hearings**

Mayor Jones adjourned the Public Hearing at 6:32 p.m.

### **Convene into Regular Meeting**

### **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.

Mr. William Simpson, City resident who lives in Buffalo Springs, spoke regarding the last Public Hearing regarding the surcharges and rates that LDC is charging Buffalo Springs. Mr. Simpson said that he was asking for help and is here to be on record, and wanted to know if anything has been done since Sara Countryman spoke last week, but something needs to be done and they need help. Mr. Simpson said that their rates are going up, they are being charged a connection fee of \$21,000. Mr. Yates advised that connection fee is reimbursement for the relocation of the LDC gas line on Lone Star Bend. Mr. Simpson said that their neighborhood is paying for that cost. John Champagne said that all the LDC customers are paying that fee. Mr. Simpson said that there were not that many customers, it is the eastern part of the City, plus they are paying legal fees. Mr. Simpson said that he needs to file a formal letter to the City, which is the process that is on the Railroad Commission's web site, not to call Will Metcalf or the Railroad Commission. Mr. Simpson said that somehow a group needs to get together and find out what we need to do to file the formal complaint so they can get something done. Mr. Yates said that he was in the process

of trying to figure out a solution. Mr. Simpson said that the problem is that until something goes, they are probably going to get tired of seeing him because he is going to come to every meeting or once a month to find out what is happening. Mr. Simpson said that they have public meetings about everything else, so why did they get blindsided when maybe everyone knew this was coming on. Mr. Yates asked if Mr. Simpson realized that City Council voted against the reimbursement. Mr. Simpson said that he understood that, but something was filed wrong and asked if that was correct. Mr. Yates said that was according to LDC, but he is still trying to confirm that information. Mr. Simpson said that a little eastern part of the City is becoming the most unaffordable place to live in Montgomery. Mr. Simpson said that it gets frustrating because every day he is hearing a little bit more, which is like a cigarette in a ditch that pretty soon will end up a full fledged grass fire, because the City is getting more and more younger and smarter people that are coming into this neighborhood and things need to change. Mayor Jones said that he would suggest when Mr. Simpson is talking to those folks, to ask them to write a letter also. Mr. Simpson said that is why he is asking for help, because he needs to know what to put in the letters so they do not get rejected. Rebecca Huss asked to confirm that the Railroad Commission has told Mr. Simpson that he has to go through the City. Mr. Simpson said that was correct, as a resident of the City of Montgomery, he has to file his formal complaint through the City. John Champagne said that the City has the Franchise. Mr. Simpson said that if he lived outside the City limits, then he would go directly to the Railroad Commission. Mayor Jones said that letters might help, but said that he could say that between City Council and City staff we will do our best to fix this matter. Mr. Simpson asked if he could get updates or does he need to come to the meetings, while he should come twice a month. Rebecca Huss said that they would like to see him at the meetings, but she would certainly hope that they could get something done. Mr. Simpson said that he felt it was ridiculous that they should have to pay a connection fee for somebody else. John Champagne stated for the record, in the years since he has been on City Council that has been a big problem for him. Mr. Simpson said that in the past, not this Administration or City employees, but there were a lot of deals made way back with developments and other instances, and said that as a community of Buffalo Springs, they are paying for some of those things that were let go in the past. Mr. Simpson said that he feels like a lot of the old stuff is coming to a head, such as the poor construction on the granite that was allowed to go in at Buffalo Springs, now the subdivision has to pay for that, not the developer. John Champagne said that was a whole other matter. Mr. Simpson said he knew that, but some of the stuff that was granted to some of these developments on the east side, need to be looked into

to see if there is any way that they can do something or change anything that was given. John Champagne said that this is an opportunity for them to vent and express their issues, but this is not anything new for this City Council. John Champagne said that he reviewed the agreement again last night, and it is not an exclusive agreement that LDC has with the City, the issue comes in with infrastructure and when a line is laid for service you are pretty much locked in so the developer or builder is the point of contact at that point. John Champagne said that CenterPoint has every opportunity to do that, as well. Mr. Simpson said that he wants to ask for help from the City.

**CONSENT AGENDA:**

3. Matters related to the approval of minutes for the Public Hearings and Regular Meeting held on January 9, 2018.

John Champagne moved to table the approval of minutes from the last meeting. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

4. Consideration and possible action regarding adoption of the following Resolution:  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY,  
TEXAS REGARDING STAR OF TEXAS SENIORS LTD. AT LONE STAR  
PARKWAY FOR SUPPORT AND LOCAL POLITICAL SUBDIVISION FUNDING.

Rebecca Huss said that in the comments it states that there is no numbers that the City would be supporting the Star of Texas Seniors Ltd., and asked if they should assume that it is not going to be a mega complex and it will just be 20-30 apartments. Mr. Yates said that they had advised him that it was going to be the same as was proposed last year. Mayor Jones said that the City Council did approve this same action last year.

John Champagne asked for clarification as to a local political subdivision funding. Mr. Yates said that both, Blazer and Lone Star have asked for \$2,000 help on their water tap fee. Mr. Yates said the local political subdivision funding would be the City's funding.

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

- a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS REGARDING BLAZER BUILDING TEXAS, LLC FOR SUPPORT AND LOCAL POLITICAL SUBDIVISION FUNDING; and
  - b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS REGARDING BLAZER BUILDING TEXAS, LLC FOR SUPPORT OF TWO TIMES PER CAPITA
6. Consideration and possible action to declare two (2) stoves from the Community Center to be declared surplus property.

Rebecca Huss asked if it was really a good idea to sell used gas stoves, from a liability stand point. Mr. Yates said not unless they think that there is something wrong with the stoves. Mr. Mike Muckleroy, Director of Public Works said that there was nothing wrong with the stoves. Mr. Yates said that he will ask Rick Hanna, City Building Inspector that question before they sell the stoves.

7. Consideration and possible action regarding adoption of an Escrow Agreement by and between the City of Montgomery, Texas and Madsen & Richards, LLC (Dev. No. 1803) for development located at 610 Liberty Street, Montgomery, Texas 77356.
8. Consideration and possible action regarding adoption of an Escrow Agreement by and between the City of Montgomery, Texas and BW Montgomery Investment LLC for development located at Restricted Reserve "H1" of the Buffalo Springs Shopping Center, Phase 2, for BlueWave Express Car Wash located at 20210 Eva Street, Montgomery, Texas 77356.

Rebecca Huss said that she was a little concerned with the way that the Escrow Agreement is written, because they are talking about the BlueWave Express Car Wash tract, but it is a commercial subdivision of 18.48 acres in which they will buy some or all of it, and she would like to be specific that the amount of the Escrow Agreement does not even remotely

cover any development of the entirety of the tract, but merely the amount of land that the car wash will be located on, regardless of how much they purchase. Mr. Roznovsky said that one clarification is referenced in Restricted Reserve H1, which is only the .82 acres portion of the tract, and also the Exhibit A that is included, is the metes and bounds description for the .82 acres along with that Exhibit to clarify that H1 is part of the 18.48 acres. Mr. Roznovsky said that the intent is that it is only applicable for Restricted Reserve H1, which is the .82 acres, which is platted.

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

A RESOLUTION BY THE DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) CONTRACT NUMBER 7217320.

John Champagne moved to approve the Consent Agenda as presented. (Items 3-9) Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

**CONSIDERATION AND POSSIBLE ACTION:**

10. Consideration and possible action regarding Montgomery Economic Development Corporation Report - Randy Moravec, MEDC Treasurer.

Mr. Moravec, MEDC Treasurer presented the MEDC Report to City Council, which is the inaugural report of the MEDC to the City Council. Mr. Moravec stated that this particular report was for the entire calendar year of 2017 and in the future the MEDC plans on issuing the report on a quarterly basis to try and get the report to City Council within a month, at the end of the quarter.

Rebecca Huss said that she knew the MEDC had compiled, for the first time ever, and she appreciates it, a total of the 380 agreements or similar agreements that have been entered into and what the liabilities are, and asked that they include that information in the reports. Mr. Moravec said that he would do that, and said that they are over a 25 year period. Rebecca Huss said that might be something that City Council, who have not been here for

25 years, might not be aware of all the contingent liabilities. Mayor Jones asked if Rebecca Huss was asking for MEDC's participation or the City's total, or what. Rebecca Huss said that if it is something that Randy Moravec has been involved with. Mr. Moravec said that he simply obtained the information when he first got on the MEDC Board, and said that a lot of the information does not change from one year to the next, but he could work with Mr. Yates. Rebecca Huss asked if Mr. Moravec had put the information into a spreadsheet. Mr. Moravec said that he had not, but said that at one time he had made an attempt and it was quite cumbersome, but he could revisit that information. Rebecca Huss said that what made her think of that was the contingent liability related to that information is something that they need to keep in mind when they are doing anything. Mayor Jones said that another thing that kind of complicates things is some of these contributions are one time and others are over a ten year period. Mr. Moravec said that he will revisit that information. Mr. Moravec said that there was also a request or concern about making a distinction between full time and part time jobs, so-called core jobs; those really do not relate to retail activity, which is what all of these projects are. Mr. Moravec said that once the medical center is finished and employs positions, they will be core positions and they will try to identify them separately for City Council.

Mr. Moravec asked for feedback from City Council. Mayor Jones said that for the sake of all the folks attending, he asked Mr. Moravec to talk about the total numbers. Mr. Moravec said that the employers would include, the Kroger Center, which includes the Kroger Store as well as the associated businesses that are along that development, McCoy's Building Supply, Pizza Shack that will be opening February 5, T-Mobile Strip Center, Long View Mini Golf and Heritage Place II. Mr. Moravec said that they have 128 full time jobs, 167 part time jobs, Mrs. Shannan Reid and Mr. Yates were the individuals that had compiled this information and so they tried to identify those positions that were either local or came from another area. Mr. Moravec said that they had a good amount of people that are actually working in the City of Montgomery zip codes and are being employed locally. Mayor Jones said that if they have a 77356 or 77316 zip code they might not be in the City, but they are in the general area. Mr. Moravec said that on the other page they have the Director's various activities that she participated in and was responsible for. Mr. Moravec said they also showed how many building permits were issued, showing separately the

residential and commercial permits with their valuations. Mr. Moravec said that once they get the 2018 appraisals from Montgomery County Appraisal District, they will be able to confirm the values.

Dave McCorquodale thanked Mr. Moravec for the information and said that it was a good snapshot for those that do not get a chance to come to the MEDC Meetings. Dave McCorquodale asked if quarterly reports were manageable. Mr. Moravec said that he thought so, and said that the information will be recent enough and they will be able to compile a report. Mr. Moravec said that if they did it less frequently, such as semi-annual or annual, some of the information becomes stale. Mr. Moravec said that now that they have a template, he feels that Mr. Yates and Mrs. Reid will be able to plug in the figures very easily. Mr. Moravec said that if City Council has questions or they see that there are things that are not included, he asked them to please let them know so that they can accommodate the request.

Rebecca Huss said that she definitely appreciated the chart, and said that there was an epic amount of revisionist look at last year especially in terms of the activities on the FM 149 project. Rebecca Huss said that the last item on the second bullet point of the activities is something that MEDC passed on and the Director was asked not to be involved with. Rebecca Huss said that she did not know what the land use and zoning items on the report were for, because the City has a Planning and Zoning Commission and they do a lot of good work, and the City relies on them to update a lot of things. Rebecca Huss said that as the gentleman that spoke during the public hearing, that quality that we are trying to bring to Montgomery, and the nuts and bolts of that come from the Planning and Zoning Commission, not anywhere else. Rebecca Huss said that she would like to have some reality on some of the bullet points in the report. Rebecca Huss said that hotel development is something that the First Hartford people and Jonathan White's idea brought to us rather than any MEDC, while MEDC might be a participant and they look forward to that, but it is still a developer lead idea, not a staff idea. Mr. Moravec said that they did not mean to imply that the Director was responsible for those items, it is just that she was a participant and provided some input in those activities, but was never intended to imply that the Director was solely responsible for those activities. Rebecca Huss said that looking at the

check register it seems like some of the things that MEDC has been accomplishing have been on the to do docket for years and have been outsourced and we are paying a third party to do those things. Mr. Moravec said that is correct. Mayor Jones said that was done intentionally. Mr. Moravec said that when City Council is preparing the budget in the spring, and if there are things that the City Council would like for them to consider, please let them know in advance and they will try to accommodate those requests during the budget process. Rebecca Huss said that their particular contribution she felt this will be something that they can use going forward and hopefully compare year to year what they have accomplished, how much money they have and what is feasible. Mr. Moravec said that hopefully they will have more resources with the sales tax, and said that they had a huge amount of sales tax that came in during this past month. Rebecca Huss said that half the time the State takes the funds back.

Mayor Jones thanked Mr. Moravec, Mrs. Reid and Mr. Yates, and said that it was a good report.

Rebecca Huss moved to accept the MEDC Report as presented by Mr. Randy Moravec. Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

#### 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 met with the Planning and Zoning Commission and prepared information regarding flashing electronic signs, which went really well. Mr. Yates said that he feels like they will be ready to look at a draft ordinance at the next meeting. Rebecca Huss asked if Mr. Yates had asked them about plywood signs also. Mr. Yates said that he had not. Mr. Yates also reported on his meetings and activities throughout the month. Mr. Yates stated that they had conducted a Facilities Tour on Saturday, January 13<sup>th</sup> but they will need to reschedule the weekday Facilities Tour because of the ice storm. Mr. Yates said that they are working on getting the financial information for Waterstone regarding the waterline because the owner is interested in paying. Mr. Yates said that they were working on the grand accounting for the costs related to the waterline and what the



reimbursement would be and how much funds are in the escrow account fund, so he considered that a positive step.

Mr. Yates advised that he had made an emergency purchase during the month. Mr. Yates advised that Mr. Muckleroy had come to him and said that the booster pump at Well #3 had gone down and needed to be replaced. Mr. Yates said that Well #3 is the Catahoula Well and principal well for the City. Mr. Yates asked Mr. Muckleroy for an explanation as to why he felt that it was an emergency. Mr. Muckleroy advised him that there is only one pump running four hours a day, and if they lost one of the pumps they could be in a service flow situation and not be able to provide the proper quantity of water. John Champagne asked to confirm that they acquired a backup pump. Mr. Yates said that was correct at a cost of \$5,900. Rebecca Huss said that she thought it was interesting that before they even paid off the debt for the Catahoula Well, the booster pump is obsolete. Mr. Williams advised that this was a booster pump separate from the well pump, which were there prior to the Catahoula Well.

John Champagne said that he and Mr. Yates had spoken briefly about the development and building permits, and currently the average time for a builder to get a permit should be two days. Mr. Yates said that was after the plans have been approved, and getting the plans approved can take up to a week. John Champagne asked about a residential home, and whether that would take a week. Mr. Yates said that it could take a week to approve the plans for a residential home. Mr. Yates said that he is in the process of changing it to where Rick Hanna can approve the plans rather than sending them off to Mr. Chapman. John Champagne said that he would encourage Mr. Yates to see if they can shorten the time for approval. Dave McCorquodale said that as a point of comparison, he works with a lot of cities in the Houston area, and a lot of them are 7-10 business days to get plans approved for a swimming pool, and said that the plans and packs that are submitted are not a one-form application. Dave McCorquodale said that drawings are not small. John Champagne said no they are not. Mayor Jones asked if changing over to Rick Hanna shorten the turnaround time for plan reviews. Mr. Yates said that it would. Mr. Yates said that he also has a draft memo that he sent around today about

building permits and who signs the permits, and for new permits he would sign them, but mechanical and trades, after the initial permit has been issued, can be signed by Autumn Redman, Utility Billing and Permit Clerk. John Champagne said that if Mr. Yates is out of town, he is sure that there will be a Plan B in place. Mr. Yates said that there would be.

- B. Public Works Report – Mr. Muckleroy presented his report to City Council. Mr. Muckleroy advised that their heavy trash weekend had a low turnout due to rain. Mr. Muckleroy advised that they had winterized all the facilities, repaired a sinkhole on the sewer line on Eva Street across from Lift Station #5 and continued the hydrant tagging project. Mr. Muckleroy advised that two of his staff received their Wastewater Collection II licenses.

Mr. Muckleroy reported that they had located the source of the water accountability issue. Mayor Jones asked about the water accountability issue and asked how they solved the problem. Mr. Muckleroy advised that Mr. Williams had emailed him and advised that he thought that it looked like the source might be coming from around Waterstone because that lift station had a high run time. Mr. Muckleroy advised that they went up to the lift station and they could see a clear stream of water coming in heading back toward the Plez Morgan area, so they backtracked it and went all the way back to the well, because there is nothing on the sewer line going that way. Mr. Muckleroy said that the cooling tower fill valve had stuck, and is not something that is checked on a daily basis. Mr. Muckleroy said that the fill valve had gotten stuck wide open and it is designed for the overflow to go into the sanitary sewer system, so as fast as it was pumping in, it was going directly into the sewer. Mayor Jones asked what size line was involved. Mr. Muckleroy advised that it was a 1-inch line. Rebecca Huss said that it was 1.2 million gallons during the prior month. Mr. Muckleroy said that to eliminate the problem in the future, there was a meter on that feed line, so what they did was put a Beacon Meter on it and they have it set up online so that if it starts running as soon as it hits 24 hours it will email him that there is an issue. Mayor Jones said good job.

John Champagne said that Mr. Muckleroy had indicated that Ryan Thomas and Francisco Salas had passed Wastewater Collections II test, and asked what that means to the community. Mr. Muckleroy said that they are both legally able to work on anything in the sewer collection system without having another operator on site. John Champagne asked if that lowered the City's cost or make us more efficient. Mr. Muckleroy said that it makes us more efficient because when they are licensed, he can send one guy to work on a problem and not have to worry about another person with a license. John Champagne said that when he lists that the workers got a license, he wants to know how that makes them better, which Mr. Muckleroy did so, to him that is important. Mr. Muckleroy said that, by law, they are required to have certain licenses to work on the system. Mr. Muckleroy advised that during the month they had 5 water taps, 3 sewer taps, 4 water leaks and 1 sewer stoppage, they added more Christmas decorations to Cedar Brake Park, they had the Christmas in Montgomery set up and clean up, turned off the pumps at Memory Park during the hard freeze days to prevent damage. Mr. Muckleroy stated that the docents at Fernland reported 467 visitors for the month and they provided 20 tours, and for the calendar year totals they had 8,277 visitors and they provided 498 tours. Mr. Yates said that last month Mr. Muckleroy reported that they had a tree fall down on the electric line at the lift station and they received a \$12,000 insurance check a couple weeks ago.

John Champagne said that he has seen a number of bell valves fly off lately, so there is going to be some water issues with residents and asked how that is going to be handled. John Champagne said that he turned off one himself. Mr. Muckleroy advised that most people did turn them off, however, they did find on Monday when they came in they found a couple of meters that were running full tilt, one was the sales trailer on Lone Star Bend, because they did not winterize anything and they had a busted line that was running. John Champagne asked how that was going to be handled from a billing standpoint. Mr. Yates advised that they can speak to him and he will charge them for the water that goes through the meter. Mayor Jones asked if they would give them a break on the sewer charges. Mr. Yates said that he

would. Mr. Muckleroy said that they would give them a break on the sewer, as long as they know that it did not go into the sewer.

Rebecca Huss asked about the monthly door hangers, and whether they were really necessary, because if they are talking about efficiency and best utilization of people's times, since notices are already sent in the mail. Mr. Muckleroy stated that this will need to be a separate item on the agenda, and advised that he has already spoken to Mr. Yates regarding the matter. Mr. Muckleroy said that Mr. Yates has asked him to prepare something to bring to City Council, because he would like to do away with the door hangers, because it is the same addresses each month that use it for a notice of when they pay their bill. Mr. Muckleroy said that when they receive the door hanger the customer has already received a bill and a late notice in the mail, and in his opinion, because it is the same addresses month after month, he would like to do away with them and go to a straight day of the month, such as, the second Wednesday of the month would be cut off day if you have not paid your water bill, no matter what day of the month it is. Rebecca Huss said that by the time they get around to 40 addresses, getting in and out of the truck takes a lot of time. Mr. Muckleroy advised that it takes three hours minimum to put out the 40-50 door hangers. Mr. Yates said that a large majority of people that get the door hangers come in right after they received the notice. Rebecca Huss asked Mr. Yates if they need to have a resolution or will it just be guidance. Mr. Yates advised that it would be an ordinance change. Rebecca Huss said that she has been looking at the information month after month, and those hours add up. Mr. Muckleroy said that Montgomery is one of the few cities that uses the door hangers, they don't take the time to hang a notice on the customer's door after they have already been notified twice.

- C. Police Department Report - Chief of Police James Napolitano presented his report to City Council. Chief Napolitano said that he wanted to bring up two things, first he thanked Officer Bracht for assisting him regarding putting the data together to get the trends of how more businesses and people in the City has changed for the last several years, which they are getting completed. The Chief advised that this year at the end of 2017 the City itself had 10,459 reports through the dispatch system that they had to generate compared to last year that was 8,046. The Chief

advised that he had included a sampling of the types of calls that they are receiving and what the officers are going through on a daily basis.

Chief Napolitano advised that he had also included the Racial Profiling Report, one with warnings and one without warnings, and the reports are half and half, split down the middle. The Chief stated that there has been a new law that was passed by the State Legislature called the Sandra Bland Act, which means from now on not only do they have to do this report, they have to give every individual a piece of paper that states that if they need to make a complaint or if they would like to say something nice about the officer, they can call a given number. The Chief advised that they have to report every contact that they make with any citizen, and report their racial status on the report. Mayor Jones asked if someone up in Austin looks at these reports and say that they are out of line. The Chief advised that what they can do is if they receive a complaint from a citizen, and if they see that the City of Montgomery receives so many complaints, they will send an investigator down here to investigate how they are conducting their traffic stops and whether they are racial profiling. Dave McCorquodale asked about the telephone number that was to be given out and asked if that would be a local number and who would be the contact person. The Chief advised that it would be the phone number to City Hall, so if they want to complain about an officer, they would call the station and either speak to him or to the City Administrator and say that they want to make a complaint, then they would make an official complaint. The Chief advised that they would ask the person to come in, but they will also take the information over the telephone. Dave McCorquodale asked if they had to do anything in house to make sure that our internal process to review that complaint is being done properly. The Chief said that he has to report those complaints to the State. John Champagne said that the report shows that they are really focused on Caucasians. The Chief advised that was correct; if they are violating the law that is who they pull over, but did say that most of the time they can't tell who is driving the vehicle. Chief Napolitano said that this resulted from some bad police work conducted by some people. The Chief advised that they are trying to do the best that they can do. Mayor Jones said that they understand the City's demographics, but if they were in

Houston the numbers would look a lot different. Chief Napolitano said that 80% of the people that are arrested do not live inside the City of Montgomery, they come through the City. The Chief said that they have a large influx of students and shoppers, which they have seen a lot more traffic with the new Kroger Store. John Champagne said that the Police Department is doing an excellent job.

- D. Court Department Report – Interim Court Administrator Kimberly Duckett presented her report to City Council. Mrs. Duckett said that with the new personnel changes the Court numbers are still on the rise and very consistent. Mrs. Duckett advised that her new Deputy Court Clerk, April Dupree, came to the Court with experience, so she is very knowledgeable and able to catch on very fast. Mrs. Duckett said that they are trying to bring things up to speed with the previous resets and trying to compile all of the Court dates to move forward to have more structure. Mrs. Duckett said that she will be getting with Chief Napolitano regarding the up and coming warrant roundup, which will occur in March 2018, so in April they should see an increase in the warrant notifications. Mayor Jones asked if the Court was staying caught up. Mrs. Duckett advised that they had two resets prior to her being appointed Interim Court Administrator, so they are trying to compile all of that, and February 1, 2018 is juvenile court, February 22, 2018 is a massive attorney docket, and March 22, 2018 is all the warrants that the warrant officer has called. Mrs. Duckett said that the Municipal Court is getting caught up. John Champagne asked about the reset cases. Mrs. Duckett said that a couple of months ago, prior to the transition, several dockets were reset and that was approximately 40-50 people that had their court date reset. Mrs. Duckett said that there are some defendants that have been drawn out for months, so they are trying to get caught up.

Rebecca Huss asked about the \$41,000 of collections, and asked why that figure is not the same as the \$37,000 total on the previous page of all the sums. Mrs. Duckett said the \$37,000 is actually court costs, fines and fees, and they have a bond amount that comes in for the deferred disposition accounts. Mrs. Duckett said that when the deferred position is concluded they reverse the payment back into the system, which on her report shows the bond amount of \$4,078.20 and then you add the \$37,256.86, which gets you to the \$41,335.06. Mrs. Duckett said that every month

she has to apply the bond, once the accounts are dispositioned out of the system. Rebecca Huss said that she has not seen the previous pages. Mrs. Duckett said that she prefers the breakdown and said that it gives more knowledge. Rebecca Huss said absolutely. Rebecca Huss then asked about the number of violations at 264, but in the past they have had 400 violations and asked is Mrs. Duckett knew why. Mrs. Duckett said that it was due to the turnover and they have had officers that have been out, such as Officer Carswell, who is on leave, but they are actually picking back up on citations. Rebecca Huss said that it looked like there were fewer citations, but more money. Mrs. Duckett said that was due to them working on the warrants and collections, and they are making phone calls to advise people that they have outstanding tickets and when their court date is because she would prefer not to have a large docket. Mrs. Duckett said that as long as she can make phone calls and send out notices to help people come in and take care of their citations, which will help both the court and the defendants. Rebecca Huss said that presumably the citations won't go to collections, as well. Mrs. Duckett said that if it goes to collections they have to split the fines with them. Rebecca Huss asked if they could get the year end charts that show all the different warrants and citations, because she likes to see the year end information. Mrs. Duckett said that they are working on that information, and said that prior to her taking over, a lot of documents were wiped off of the computer so she did not have that form to generate. Mrs. Duckett said that she is going to be working on ways to import different charts. Rebecca Huss thanked Mrs. Duckett. Mayor Jones asked if the warrant officer was producing. Mrs. Duckett said yes, the warrant officer is producing and is making a lot of phone calls, which is why they have so many on that particular docket, which is pretty much a warrant only docket to help people come in and get them back in front of the judge. John Champagne said an outstanding job. Mayor Jones thanked Mrs. Duckett.

- E. Utility/Development Report – Mr. Yates said that last month the utility department brought in \$104,540, permits were \$8,624, and the Community Building brought in \$795. Mr. Yates advised that there were 15 new water accounts, 6 disconnected accounts, and a total of 627 active accounts. Mr. Yates said that they had 4 new residential building permits, 1 new commercial permit, and 2 photography permits

for Fernland for a total of 20 photography permits. Mayor Jones asked if that was an annual renewal. Mr. Yates said that it was an annual permit. John Champagne asked if the permit fee was \$250. Mr. Yates said that was correct. Mr. Yates said that there were 2 irrigation permits, 7 electrical permits, 4 mechanical permits, 8 plumbing permits and 4 sign permits for a total of 32 permits issued. Mr. Yates advised that the software that Mr. Hanna has purchased has really been a help to Ms. Redman in keeping track of the flow of the building permits and inspections. Mr. Yates said that they really did not pay anything extra for the software; Mr. Hanna purchased the program for \$25,000 - \$30,000, and we were able to tie into the program because he did that for all of his clients, which is working out well. Mr. Yates said the City account consumption as far as the water usage is doing well, and Memory Park was down from 150,000 gallons in October to 116,000 gallons in November and December at 50,000.

John Champagne said that he knew that no motor vehicles are allowed in Memory Park, and said that there were some older people that were walking and some young folks were riding their bikes on the trails, which is probably something that they do not want in the Park. Mr. Yates asked if they wanted to ban bikes from Memory Park. John Champagne said that kids want to have fun, he just wanted to mention it, and he was not asking them to do anything.

Mr. Yates said that the Buffalo Springs Sewer Plant is staying at 1,000-2,000 gallons consumption.

- F. Water Report – Mr. Mike Williams, with Gulf Utilities, presented his report to City Council. John Champagne asked about the rental pump that had to be installed. Mr. Williams stated that a rental pump was installed at Lift Station #5, because the pump went out due to age. John Champagne asked if the initial pump was being rented. Mr. Williams said that it was not a rented pump, but they had to get a rental pump as a backup, as required by TCEQ, because they always have to have two pumps in the wet well at all times. John Champagne said that they do not have a backup pump in inventory to offset any rental costs that they would incur by doing



this. Mr. Williams said that they did not have a rental pump in inventory that would fit that location. Mr. Muckleroy said that every lift station is different, and they would have to have a backup for every lift station sitting on site. John Champagne asked if there was a reason that every lift station has a different pump. Mr. Muckleroy said that was correct, due to age and pumping capacity. John Champagne said that standardization is not part of the plan. Mr. Roznovsky said that there are two parts, you can have two different 5 HP pumps made that are different makes and models so they would not be interchangeable, but there are some lift stations that require 5 HP and some require 10 HP. John Champagne said that they could standardize on a 10 HP or a 5 HP. Mr. Roznovsky said that is something that they have been discussing, standardizing as they go forward with new lift stations and when they redo lift stations. John Champagne said that they do have a plan that is all written out, how attrition and replacement will take place. Mr. Williams said that they do have a plan, and the written plan is in the process of being done. Mr. Williams said that the average daily flow for December was 170,000 at 42% of the permitted value, which were elevated flows that were due to the leak that they found in the cooling tower, so they should see those numbers come back down. Mr. Williams advised that all effluent samplings were in compliance for December. Mr. Williams advised that from November 18<sup>th</sup> to December 17<sup>th</sup> they had a total flow of 7.951 million gallons of water, 109,000 gallons towards flushing and they sold 6,136,000 gallons resulting in a 79% accountability, due to the previously discussed leak at the cooling tower.

Rebecca Huss asked if they ended the year without exceeding the permit limits. Mr. Williams said that at the end of the year they did exceed the permit level. Rebecca Huss said that it is really going to be embarrassing to explain that we are flushing money down the sewer. Mr. Williams said that the cooling tower just draws water from that plant regardless of which well it is from, but they did go over 591,000 gallons. Mr. Roznovsky advised that through to the end of the year they went over 1.2 million gallons, and said that he has had a conversation with Lone Star Groundwater Conservation District (LSGCD) to let them know what had happened. Mr. Roznovsky said they went back and looked, and there is a period of

time that the water meter was out, so when they did the calculation and value of the run time back in, that is what pushed the amount over the limit of the permit, which is why last month it showed that the City had a relatively good cushion. Mr. Roznovsky said that when they talked to LSGCD, one of the interesting things was the line break during Harvey and the Terra Vista Subdivision estimated amount was right around 1.21 million gallons, so if that line break did not occur, they would have been right at that number. Mr. Roznovsky said that regardless of the reason, the water was used, but said that the City has early conversion credits by putting the Catahoula Well on time, so they have around 127 million credits, so the cost to use the 1.2 million gallons is around \$95.00, a fee that the City pays to LSGCD so that they do not charge a \$4.00 per 1,000 gallon penalty. Mayor Jones asked if that transaction is already in the works. Mr. Roznovsky said the transaction is already in the works, so they had the discussion with LSGCD late last week to go over the numbers, and they are reviewing the information and putting the paperwork together. John Champagne said that instead of \$4 per 1,000 over the limit, the City is paying what. Mr. Roznovsky said they are paying 7 ½ to 10 cents per 1,000 gallons of water, and the \$275 penalty fee plus the \$4 per 1,000 over the 1.2 million gallons. Mr. Roznovsky said that it was a substantial difference since the City had the conversion credits built up. Rebecca Huss said that it was better, although they saved the money, but the leak caused the City to use the conversion credits that they might need later, so that is money that they did not spend this year, but they might spend it 10 years from now. Mr. Roznovsky said that there were a lot of things that were working against the City this year, in terms of water, with the electricity issues and not being able to use the Catahoula Well got us here, but yes, once the credits are gone, they are gone. Rebecca Huss said that she was talking about when you have contractors drilling into the City's water pipes, if you have people who have things that waste 1.2 million gallons of water, etc., those are not things that are \$95 worth of mistakes, that is really a \$4 per 1,000 gallon mistake in terms of actual cost, because the City will pay that later. Mr. Williams asked if that was something that should be in place, if the contractor did drill into the line, that they pay that fee for damages. Rebecca Huss said that you might get lucky and we might not bust the limit for the year, but if they do and they are using their conversion credits it is

a cost. John Champagne said that it is a cost that needs to be recouped, because if we were in business for ourselves this would be a bigger deal. Mr. Williams said that as Mr. Muckleroy stated earlier, they put processes in place to help prevent that from occurring if the cooling tower should do that again, they will catch it right away. Rebecca Huss said that she thinks it is great that if they improve their efficiency and we are basically charging ourselves and spending our maintenance money on doing a better job, but again when other people are doing this, they are not having to pay equally, we are trying to be better stewards of the taxpayers' money.

John Champagne said that the electrical issue is going to come up again and he knows that Mr. Foerster has written a letter to Entergy. Rebecca Huss said that it is heartening that, especially over the last month, there have not been any problems. Mr. Roznovsky said that there was an issue the night of the December City Council Meeting. Mr. Williams said that was when Well #4 failed to prime, which notifies them that there is an issue. John Champagne asked if that occurred this past December. Mr. Williams said that was correct. Mr. Roznovsky said that since that time they have not had any more issues. Mayor Jones said that there has to be something like a voltage regulator. Mr. Williams said that there are devices out there that can clean up the electricity, and it is just a matter of what you want to spend on the equipment. John Champagne said that there has got to be some type of invoice that you can send to Entergy. Mayor Jones asked how much the solution would cost. Mr. Williams said that a rough guess would be at least \$50,000 for that water plant. Mayor Jones said that Entergy is trying, but they are not getting off the hook. John Champagne said that the issue with Entergy is chronic and it is costing the City money. Mr. Williams said that there are other devices that could monitor the electricity to pinpoint when they have a spike and the resulting damages. Mayor Jones asked about putting in soft starts on the motors. Mr. Williams said that they have not been having those issues lately. Mr. Roznovsky said that after Entergy made their last round of improvements, everything seems okay. Mr. Roznovsky said the problem was a power supply issue, which is from Entergy, so they have made improvements and taken things off different legs to try

and improve the supply of power to solve that problem. Mr. Roznovsky said that now they are in the period of is it going to work. Mr. Roznovsky said that they have had one issue since August, 2017 at one of the plants. John Champagne said that the problem is not fixed. Mr. Roznovsky said that they are continuing to monitor the electricity, and letting Entergy know if there is a problem so that they can make supply changes to help.

John Champagne said that he wanted to go on record as saying that “he knows nothing about it, so for him to convey any type of advice would be stupid, but that is why they have the City Engineer.” Mayor Jones asked if they could evaluate the cost of fixing it ourselves. Rebecca Huss said no, she did not see where they should be spending our money to fix a problem that is caused by somebody else. Mayor Jones asked if they are supposed to just sit here. Rebecca Huss said that they need to encourage Entergy, by forceful means, to do their job. John Champagne said that there is a cost to the City, no matter what. Mr. Muckleroy said that what they are saying is that they think the problem is fixed, because they have not had any issues except for the one. John Champagne said that they have an issue. Rebecca Huss said that they have an electrical expert in the audience, Mr. Mike Newman. Rebecca Huss asked Mr. Newman whether he was aware of the issue with Entergy. Mr. Newman asked if they were talking about voltage problems at the pump. Mr. Williams said that was correct. Mr. Newman said that he thought the City had that problem resolved, and Entergy had put the City on a different circuit. Rebecca Huss asked Mr. Newman if he would be willing to maybe work with the City at some point to provide advice on how they are doing and what they should do next. Mr. Newman said that he would be glad to help the City with that information, but first he would have to know all the problems that the City is having and what is happening. Mr. Newman said that he had spoken to the people at Entergy five years ago, some of the engineers that he had worked with in the past to try and get some information, and they did not think that it was their problem. Mr. Newman said that he had advised Mr. Yates several years ago, that if the City is having a problem, they have engineering people with Texas Public Utility Commission (PUC) that can address the problem. Mr. Newman said that you can write a formal letter to

them stating the problems, send them the City's engineering data and Entergy would reply, but they can put some focus on the problem, because the power company's rates go through them. Mr. Williams said that they had drafted a letter. Mr. Roznovsky said that a letter was sent to Entergy, but he did not remember if they sent it to the PUC or not. Mr. Foerster said that the letter did not go to the PUC at that time. Mr. Roznovsky said that they got a response from the letter that was sent to Entergy and they took action to make the improvements, and they went to the monitoring phase to see what the improvements that they made did. Mr. Roznovsky said that there were circuit changes made at Water Plant #2, and they have not had issues at Water Plant #2; the issues at Water Plant #3 on FM 1097 have subsided and they are down to one incident in the last 4-5 months, so they are continuing to monitor the information. Mayor Jones said that they need to acknowledge that Mr. Newman's expertise is out there and Mr. Yates might want to contact him, but they can't solve it all here. Rebecca Huss said that it is good to know that the PUC has engineers that can get involved as an option, so let's use the in-town expertise. Mr. Yates said that Mr. Newman had a conversation with Mr. Glynn Fleming, so they know about Mr. Newman's expertise.

Mr. Williams advised that the amount of the return to the wastewater treatment plant was at 88%. Mr. Williams said that they should see this figure also reduce next month.

- G. Engineer's Report – Mr. Roznovsky presented his report to City Council. Mr. Roznovsky advised that Houston Street should be ready for asphalt by the end of this week. Mr. Roznovsky said that it was ready last week, but during the cold snap the cement and material supplier shut down, so they were not able to work on Tuesday through Thursday of last week.

John Champagne stated that the curb is only going to be along the Cheatham development. Mr. Roznovsky said that the two curbs stop halfway down. John Champagne said that he saw them digging out the ditch and asked when the trees will be removed. Mr. Roznovsky said the trees are already gone so the ones that are remaining are there, but the others have been cut down.

Mr. Roznovsky said that they did approve plans for Dusty's Car Wash on January 3, 2018, and returned comments to both CVS property and The Shoppes of Montgomery property this month. Mr. Roznovsky advised that the transportation improvement program is the project that they discussed a few weeks ago about attempting to get Lone Star Parkway north on a program to receive funding to improve that and be taken over by TxDOT, and they are schedule to talk to TxDOT on the 1<sup>st</sup> of February.

Mayor Jones asked about the Plez Morgan resurfacing. Mr. Roznovsky said that was initially submitted at the same time as the bridge, and they have been working to get answers from FEMA on the project, and they have struggled to do so. Mr. Roznovsky advised that the new FEMA coordinator for the Harvey Disaster has been extremely helpful in helping the City out to follow up on this project, and he had found that the project has fallen into a dark hole, so he is working to resurrect the project and get it back up. Mayor Jones asked if it would pertain to the previous storms, not Harvey. Mr. Roznovsky said that was correct, it is tied to the Bridge. Mayor Jones said that they sure change personnel often. Mr. Roznovsky said that was correct, but the current contact has been very helpful and consistent in helping the City out with whatever they need with documents and the portal.

- H. Financial Report and Quarterly Investment Report – Mr. Yates presented the report to City Council. Mr. Yates advised that due to the ice storm last week, they only have the summary page, but they should have a full report by next Tuesday and he will send it out to City Council upon receipt. Mr. Yates said that the City is doing all right with the balances of the funds for the year, and for instance, the General Fund was \$28,000 last month, the Utility Fund was \$298,000, primarily due to some large tap fees that came in, such as Blue Wave Car Wash had \$56,000 in impact fees, so last month they had \$4,762,000 total funds and this month they had \$5,078,000. Rebecca Huss said that she and John Champagne agree that how they are doing, relative to the budget, is an important point of government accountability, and you can't tell that from this report. Mr. Yates said that was correct.

Rebecca Huss moved to approve the departmental reports as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING AND MODIFYING ORDINANCE NO. 2008-02, AS AMENDED BY ORDINANCE NO. 2014-03, AND AMENDING ARTICLE VII, "CORRIDOR ENHANCEMENT," OF CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; BY AMENDING REGULATIONS ESTABLISHING AN OVERLAY CORRIDOR ENHANCEMENT DISTRICT FOR THE PURPOSE OF INFLUENCING CERTAIN EXTERIOR ARCHITECTURAL ASPECTS OF BUILDING CONSTRUCTION; EXPANDING THE 300-FOOT CORRIDOR ENHANCEMENT TO 750 FEET FROM THE CENTER OF THE RIGHT OF WAY OF STATE HIGHWAY 105 IN THE CITY; DESIGNATING TEXAS STATE FARM ROAD 1097 EAST FROM THE CENTER OF THE RIGHT OF WAY IN THE CITY AS WITHIN THE CORRIDOR ENHANCEMENT DISTRICT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND EFFECTIVE DATE AFTER PUBLICATION AS PROVIDED BY LAW.

Rebecca Huss said that notwithstanding Mr. Ogorchok's concerns, which she felt could be dealt with separately, she felt that it was important to get this ordinance adopted now, so she made a motion to adopt the Ordinance as previously read. Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

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

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON MAY 5, 2018, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) CITY COUNCIL MEMBERS, PLACES 2 AND 4; APPROVING ELECTION SERVICE AGREEMENTS WITH MONTGOMERY COUNTY, TEXAS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

John Champagne moved to approve the Ordinance as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

14. Consideration and possible action to schedule a Public Hearing to be held on February 27, 2018, for the purpose of reviewing the need to continue City of Montgomery Ordinance 2015-03, Juvenile Curfew Ordinance, Codified in Division 2 of Chapter 62 of the Code of Ordinances of the City of Montgomery, Texas in accordance with Section 370.002 of the Texas Local Government Code, and to determine whether the City shall abolished, continue or modify the ordinance.

John Champagne moved to approve the scheduling of the Public Hearing for February 27, 2018 at 6 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

15. Consideration and possible action regarding the final Mobility Study, as prepared by Jones and Carter on behalf of the City of Montgomery and Montgomery County Precincts 1 and 2.

Mr. Roznovsky introduced Colby Wright, who is the Division Manager of the Traffic Department of Jones and Carter, and he reviewed the Mobility Study in July 2017 at a Joint Meeting with the Planning and Zoning Commission. Mr. Roznovsky said that since July they have been meeting and discussing with Montgomery County Precincts 1 and 2, and getting their comments along with some additional traffic studies pertaining to some of the comments that they received. Mr. Roznovsky said that Mr. Wright will review the changes that were made and answer any questions that City Council might have. Mayor Jones asked whether Montgomery County Precincts 1 and 2 had approved the Mobility Plan. Mr. Roznovsky said that they have blessed it in the fact that they have addressed any comments that they had, which were very minimal, but after tonight they will receive their final copy after the City adopts and approves the Mobility Plan, the County Precincts 1 and 2 will be sent their final copy.



Rebecca Huss said that before the presentation starts she would like to point out in the notes that the Mobility Study was paid for by Montgomery County Precincts 1 and 2, and stated that the City also paid for the Study as well. Mr. Yates said that was correct, it was a three way payment. Rebecca Huss said that the City should get credit for paying a portion of the Mobility Plan.

Mr. Wright reviewed a brief overview of the Mobility Plan, where they looked at the existing conditions and collected traffic data, traffic projections based on a ten year time frame to evaluate the intersections and roadway capacity analysis. Mr. Wright said that they looked at the scheduled improvements by other entities in the area, and recommended improvements short and long term and developed thoroughfare standards and a map. Mr. Wright stated that the draft plan was presented back in July and they received comments to make changes and he is presenting the final report today.

Mr. Wright said that some of the changes made were a new traffic count on SH 105 and FM 149, to look at the afternoon school traffic, and after evaluation of that count, it looks like the traffic volume generally increased beginning at 1 p.m., with the peak hour remaining from 5 p.m. to 6 p.m. Rebecca Huss said that the problem really is that it is a peak 15 minutes rather than a peak hour. Mr. Wright said that was correct. Mr. Wright said that the additional count that they took was when Lone Star Parkway was closed, so there were additional volumes, so they left the peak hour from 5 p.m. to 6 p.m.

Mr. Wright said that they updated the schematics, development map, major thoroughfare plan, and reminded City Council that the major thoroughfare plan is really used as a tool for the City in planning to help identify future corridors for roadways. Mr. Wright said that they updated the recommended improvements, including short and long term recommendations.

Mr. Wright said that the short range improvements included a traffic signal timing study on SH 105, evaluation and improvements of the traffic signals along SH 105 to improve coordination between the signals, they recommended a traffic signal for SH 105 and Buffalo Springs Drive along with some restriping. Mr. Wright said that at SH 105 and FM

2854 at Lone Star Parkway they recommended east and west bound right turn lanes. Mr. Wright said that was basically all the short term improvements.

Mr. Wright advised that the long term improvements included coordination with TxDOT on the SH 105 widening project to ensure that project occurs and they include a traffic signal on SH 105 and Lone Star Parkway as part of that project, SH 105 and FM 149 they recommended northbound and southbound left turn lanes on FM 149, SH 105 at FM 2854 and Lone Star Parkway the construction of northbound and southbound double left and right turn lanes, and finally construction of a traffic signal at Lone Star Parkway and Buffalo Springs.

Mr. Wright advised that was a brief overview report of the changes that had been made to the Mobility Plan, and said that he would be happy to answer any questions.

Rebecca Huss said she was displeased with the elimination of the right hand turn lane at SH 105 and FM 149 because obviously it would get rid of more lanes when they are talking about improving mobility and decreasing wait times at the busiest intersection in town. Rebecca Huss briefly discussed that ideally, the best conditions for intersections is a right and left turn lane, and if they have to choose, they start with the left turn lanes, but if something happens and they have the ability to do both, they need to have all three, straight, right and left and should be in the Plan.

Mr. Wright said that they developed the future analysis for 10 years from now and if they do nothing, what the level of service would be like, so their first goal was to try and mitigate back to an acceptable level of service. Mr. Wright said that after they came back from the last meeting, they looked at the schematics as to what would happen to the intersection; they wanted to see what they could do and they looked to see if getting rid of the right turn lanes and just having the left turn lanes would actually give them a basic level of service. Mr. Wright said that based on that it did, so the most important thing there is the left turn lanes, which is the priority improvement that gives the biggest bang for your buck. Mr. Wright said that he agreed 100 percent that he would like to have double left and right turn lanes at every intersection, because it provides better capacity. Mr. Wright said that the

intent was not to tell them that they do not want right turn lanes, it was that the biggest bang for your buck is to do the left turn lanes. Rebecca Huss asked that they write it into the report with that wording, so that 10 years from now they don't forget this conversation, and said that she did not want to lose or have the idea that they did not say to put in a right hand turn lane, should future conditions allow them more space. Rebecca Huss said that she agreed that the caveat should remind them that it is the best bang for the buck is the left hand turn lane, and not to do right hand turn only, use the left if you have to choose.

Mr. Wright said that they did not recommend right hand turn lanes on SH 105 mainly because the level of service improvement from those was minimal compared to the cost, so the preference would be to have right hand turn lanes as well on SH 105, and he thought that they could include a general statement that right turn lanes should be evaluated or recommended where feasible at all intersections. Mr. Wright said that they can amend the Study to include consideration for right hand turn lanes where feasible. City Council concurred.

Dave McCorquodale asked about the level of service and asked if they were working on the I-10 and 610, would they use the same level of service unit that you would use at an intersection of a Farm to Market Road and State Highway. Mr. Wright said that there are different levels of service for freeway operations. Mr. Wright said that the level of service acronym is different for a stop sign approach versus a traffic signal. Mr. Wright said that there was a difference between intersection levels of service and roadway level of service, they are different categories. Dave McCorquodale said that he wanted to see if the level of service was scaled to what they were looking at in the City, and it sounds like it is.

Rebecca Huss said that the intersections should have a right and left turn lane, because it would help clear traffic. Mr. Wright said that having a right or left turn lane would help any intersection. Dave McCorquodale said that by FM 2854 and SH 105 where they were talking about the additional turn lanes, when you look at a site like the shopping center, even there you can tell that the west bound traffic turning right into the shopping center, right next to the bridge, where the idea of getting over is difficult, does TxDOT ever look back and what would trigger them to look at an area that has congestion. Mr. Wright said

that TxDOT has done a good job, long term, with access management guidelines, and he would say, specific to driveways along major thoroughfares with high traffic volumes, every driveway along that thoroughfare is going to have a level of service, so that is why you will see TxDOT going back and adding medians to improve the safety, and eventually that will happen in the City as well. Mr. Wright said that TxDOT has a safety improvement program that identifies funding for high accident locations, but he did not know how they arrive at which locations are chosen. Dave McCorquodale asked if they felt, long term, points like Lone Star Parkway, that is slightly off in alignment, and asked if that was something that would hang on through the design and construction process or would they anticipate a jog like that actually lining up in the design phase. Mr. Wright said that he thought the intention of the Major Thoroughfare Plan is not to say a roadway goes here, it is to say this large area they anticipated needing a major roadway, so as different size tracts develop you can work with the developers to see where the roads fit within their development, as compared to where they would like the road placed. Mr. Wright said that their information was to provide a planning tool. Mayor Jones said that in the near future they will probably need to have discussions with property owners in the south, either the City or Precinct 2 or both, because the south half of the loop would be helpful.

Rebecca Huss moved to accept the final Mobility Study with the caveat that they adjust a few of the right hand turn lanes recommendations, and highlighting the value of the left hand turn lanes, as otherwise presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

16. Consideration and possible action regarding approval of The Shoppes at Montgomery Section 1 Final Plat.

Mr. Roznovsky presented the information to City Council and advised that they were recommending approval of the final plat, which was approved by the Planning and Zoning Commission last night at their regular meeting.

John Champagne moved to approve The Shoppes at Montgomery, Section 1 Final Plat, as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

Mr. Yates said that this will clear the building permit for the new CVS and they will begin construction in a couple weeks. Mayor Jones said that he has seen surveyors from Jones and Carter out on the rest of that property. Mr. Roznovsky said that during the last couple of days they were working on the lift station replacement project, and there are some geotechnical bores being done, and there is also the surveyor starting Friday to stake out the boundaries for the wastewater treatment plant and they will be getting quotes on a fence and do some final elevations for the gravity sewer lines coming from SH 105 to the south. Mr. Roznovsky said that most of the survey was provided by the developer.

17. Buffalo Springs Bridge Report by City Engineer.

Mr. Roznovsky advised that the project is underway and demolition began a couple of weeks ago, and they were held up by the ice storm. Mr. Roznovsky said that as of today, all the slope paving is gone and most of the bulkhead has been removed and the road is starting to be removed. Mr. Roznovsky said that this week and next week the contractors will begin rebuilding the bulkhead and start to bring in the new materials for construction. Mr. Roznovsky said that in the next few weeks the storm sewer pipes will start showing up on site. Mr. Roznovsky said that right now the contract end date is July 2, 2018, but per the original schedule, the initial substantial completion will be mid-June 2018, and the contractor is pushing to complete the project as quick as he can. Mayor Jones said that at one time Mr. Roznovsky had stated that the roadway might be open prior to completion of the bridge. Mr. Roznovsky said that the contractor is pushing to get the bridge open as quick as he can, and will complete the project and open the road at the same time, with clean up to begin around June 19, 2018. Mayor Jones said that they will plan on a ribbon cutting ceremony on June 19<sup>th</sup>. Mr. Roznovsky said that he would say by the end of June 2018.

**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

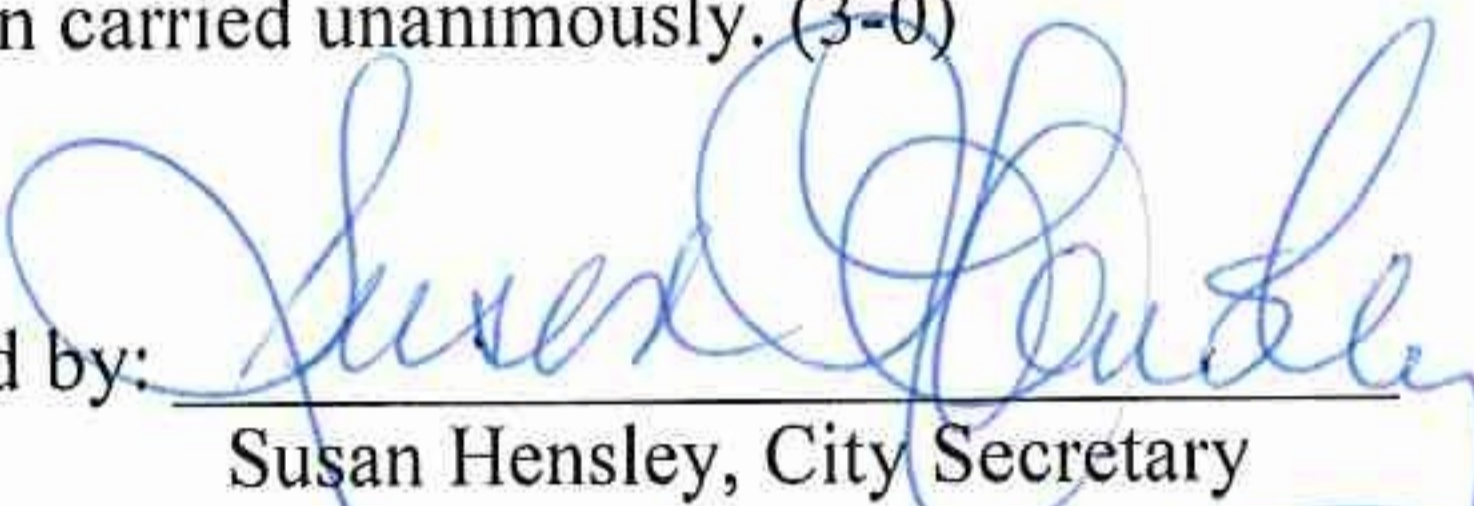
development negotiations) of Chapter 551 of the Government Code of the State of Texas. (There are no items at this time.)

**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**

Dave McCorquodale moved to adjourn the meeting at 8:25 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

Submitted by:   
Susan Hensley, City Secretary

Date Approved: 02/13/18

  
Mayor Kirk Jones

