

**MINUTES OF PUBLIC HEARING and REGULAR MEETING**

**September 26, 2017**

**MONTGOMERY CITY COUNCIL**

**CALL TO ORDER**

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

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

Absent:

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

**INVOCATION**

John Champagne gave the invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**CONSIDERATION AND POSSIBLE ACTION:**

1. **Receive Final Report from the Planning and Zoning Commission on the requested rezoning of 0.28 acres of land from institutional use to commercial use, situated in the John Corner Survey, Abstract No. 8, Montgomery County, Texas otherwise described as approximately 150 feet south of Flagship Boulevard as submitted by Andrew Bay.**

Mr. Nelson Cox, Chairman of the Planning and Zoning Commission stated that they had submitted the Final Report in writing to City Council.

Mr. Yates stated that the Planning and Zoning Commission voted unanimously to approve and recommend the rezoning of the 0.28 acres of land from institutional use to commercial use, as submitted by Andrew Bay.

Dave McCorquodale moved to receive the Final Report as submitted from the Planning and Zoning Commission. Jon Bickford seconded the motion, the motion carried unanimously. (5-0)

### **PUBLIC HEARING:**

#### **Convene into Public Hearing**

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

2. **Public Hearing regarding a request to rezone 0.28 acres of land, from institutional use to commercial use, situated in the John Corner Survey, Abstract No. 8, Montgomery County, Texas otherwise described as approximately 150 feet south of Flagship Boulevard as submitted by Andrew Bay.**

Mr. Yates advised that there had been no comments received from the public by City Staff after the public notice and letters were sent.

#### **Adjourn Public Hearing**

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

#### **Reconvene into Regular Session**

The meeting reconvened into Regular Session.

### **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. LeFevre advised that he would wait to speak under a particular item.

**CONSENT AGENDA:**

3. Matters related to the approval of minutes for the Budget Workshop held on July 27, 2017 and Regular Meeting held on September 12, 2017.
4. Consideration and possible action regarding Change Order No. 1 for the Heritage Place Medical Center 12" Waterline Project.
5. Consideration and possible action regarding the Certificate of Acceptance for McCoy's public water and sewer extensions, pending receipt of the Warranty Bond.

Rebecca Huss moved to approve the Consent Agenda items 3-5. John Champagne seconded the motion, the motion carried unanimously. (5-0)

**CONSIDERATION AND POSSIBLE ACTION:**

6. Consideration and possible action on Department Reports.
  - A. Administrator's Report – Mr. Yates presented his report to City Council. Mr. Yates advised that he had been selected for the 2017-2018 Leadership Montgomery County and had attended the retreat yesterday and today. City Council extended their congratulations to Mr. Yates.

Mr. Yates said that he had heard that the City was awarded the CDBG-DR Grant for the bridge, which is \$350,000. Mr. Yates said that he had given the grant representative a tour of the Baja Project last Tuesday, and they scheduled a contract conference, so the City will probably get the CDBG Grant for the Baja Project, which is another \$350,000. Mr. Yates said that both of those were good news.

John Champagne asked about the two HMBA Meetings that Mr. Yates had attended, and asked what those meetings were about. Mr. Yates said that one of

the meetings was right after the TxDOT Meeting at the Community Center, and the other meeting was with about five of the individual property owners in that area, and there was also a third HMBA Meeting this past Thursday. Mr. Yates said that the meeting with the property owners was the report that TxDOT had provided earlier in the month and it went well. Mr. Yates said that he also gave that report to the HMBA Meeting last Thursday. John Champagne asked if the City Engineer was with Mr. Yates. Mr. Yates advised that they were not present. John Champagne said that he thought Katherine Ferry was going to be part of those meetings. Mr. Yates said that she will attend the TxDOT Meetings, but not the HMBA Meetings.

John Champagne asked if they were making any progress in terms of being able to submit to TxDOT what it is that the City wants. Mr. Yates said that they were, and said that the TxDOT Meeting that they had in early September went very well, as far as what they agreed to regarding parking and for the use of the property on FM 149. Mr. Yates said that both he and the HMBA felt that the meeting went very well. John Champagne said that as he understands it, since the State Representative is involved, this project has been put off until May. Mr. Yates said that was not correct, that was TxDOT's first announcement, but they have put it off until September 2018 to bid. Mr. Yates said that the work would begin in January or February 2019. John Champagne said that, at some point between now and then, the City will have some type of mockup of what is anticipated, in terms of how FM 149 will look. Mr. Yates said that was correct. Mayor Jones said that there is a plan for the City and TxDOT to meet once per month during that time period. John Champagne asked how approval of the FM 149 project by the City comes to fruition, or whether it was now out of the City's hands. Mr. Yates said that, at this point, he thought that the City would have another meeting, because everything that TxDOT said last month was tentative. Mr. Yates said that he thought what would happen after their next meeting, was they would get down to the detailed drawings. Mr. Yates said that there would be a point where they would get a detailed set of plans for the entirety of the project, including the downtown section. Mayor Jones said that, at this time, the City has just been communicating general concerns to TxDOT, and they have been communicating general responses

in return. Mayor Jones said that they have not gotten down to certain details because what they want might not be applicable in certain areas. John Champagne said that it was a bit convoluted in his mind and he was trying to connect the dots. Rebecca Huss said that it was definitely easier when TxDOT was doing what they wanted without talking to the City. John Champagne said that when the City stays involved with the City projects, it is always a good thing. Mr. Yates said that Katherine Ferry would be taking notes at the meetings.

- B. Public Works Report - Mr. Mike Muckleroy, Public Works Manager, presented his report to Council. Mr. Muckleroy advised that they had six water leaks for the month, five being private and one was City related on the irrigation system. Mr. Muckleroy stated that they had one sewer stoppage, which was a lift station. Mr. Muckleroy said that there were 10 water taps and three sewer taps for the month.

Mr. Muckleroy advised that they painted Homecoming Park restrooms to cover the graffiti. Rebecca Huss asked if this was extra graffiti in addition to the instance that occurred before school started. Mr. Muckleroy advised that it was the same graffiti, Cedar Brake Park graffiti fell in one month and Homecoming Park fell in the following month. Mr. Muckleroy said that they had security cameras and new aluminum gutters installed at Fernland Park. Mr. Muckleroy advised that the docents at Fernland Park reported a total of 316 visitors for the month and provided 19 tours. Jon Bickford asked if they had yearly statistic, and asked how the 316 visitors compared to last year's visitors. Mr. Muckleroy said that the visitors went way down compared to last month, but the trend for the year continues to rise.

Mayor Jones asked how the Wine Festival was this year as far as clean up. Mr. Muckleroy said that it was excellent, and said that he did not think they had ever seen it as good as it was this year, because they did not have to do anything. Mr. Muckleroy said that all the barricades were put back in the same place that they were when they dropped them off, and everything was taken care of and it was very nice.

Rebecca Huss asked if the crack sealing machine was going to be rented. Mr. Muckleroy said that they rented it last week for a full week, but they had a problem with the machine on Thursday, so they had to shut it down for Thursday afternoon and Friday. Mr. Muckleroy advised that the company came out yesterday and replaced the part that was bad and let them keep the machine for two more days, so they finished all the product that they had purchased today. Mr. Muckleroy said that they did all of the Buffalo Springs neighborhood, every street and all of Bessie Price Owens and the Historic District, minus John Butler, because it is past the crack sealing point. Mr. Muckleroy said that today, they finished all the way down C.B. Stewart. Mr. Muckleroy said that when they do the next round they will start C.B. Stewart and Buffalo Springs in November.

Rebecca Huss said that during the budget process they would do an analysis of the City streets to prioritize them, and asked if that had been done or whether they were in the process while they are doing the crack sealing. Mr. Muckleroy said that they did a section and identified the area that they did and graded it on a 1-3 basis, 1-needs crack sealing and 3-needs a lot of work. Mr. Muckleroy said that they would continue to do the analysis in sections as they work on the roads. Mayor Jones stated that in the analysis, he assumed that they might have found some streets that will need to be repaved. Mr. Muckleroy said there were some areas that were beyond crack sealing and some that are questionable. Mr. Muckleroy said that he told his crew that if the condition of the road is questionable, and there are cracks already there, go ahead and seal the crack because it will be just a little bit of product and will not hurt anything, and if it does not work they will replace the crack seal. Mr. Muckleroy said that they are in the learning process with the crack seal. John Champagne said that it looked like they were doing a good job. Mr. Muckleroy said that the guys did an excellent job. Mayor Jones said that you could tell that the work had been done. Mr. Muckleroy said that this was a very good machine that they are using, it is the top of the line, where one guy can apply the product and the other can go over the materials. Rebecca Huss asked if the results were as good as when they hired the job out. Mr. Muckleroy said that it was better, because the company that they used had put sealant on the road where there were no cracks and did not pay attention to where they were applying the product.

Mayor Jones asked if Mr. Muckleroy felt like they could get more linear feet for the money than what they have done in the past. Mr. Muckleroy said he absolutely could, because they spent right at \$4,000 for the week on rental and materials and a temporary employee for \$600, and they got twice as much done as what they paid twice as much for before. Rebecca Huss said it was also cheaper than buying a new road.

- C. Police Department Report – Chief James Napolitano presented his new officer, Abel Aguirre, from the Crockett Police Department. Chief Napolitano advised that Lt. Belmares and Lt. Rosario met him at a class that they attended and now he is with our department.

Chief Napolitano said that the highlights that he would like to hit are that Harvey came in at the end of August and was here a little bit of September. Chief Napolitano said that the City did not have any real serious problems as they had the year before when they had the May flooding. Chief Napolitano said that they had issued Mr. Muckleroy and his crew police radios so they could communicate back and forth on the back channel without having to call on the telephone. The Chief advised that Mr. Muckleroy still uses the radio to contact him if they have a problem.

Chief Napolitano announced that National Night Out would be October 3, 2017 in Cedar Brake Park from 6 p.m. to 8 p.m., and invited everyone to come out and enjoy the event.

Mayor Jones said that citations are way down. Chief Napolitano said that when citations are down that means that the officers are out doing something else. The Chief advised that there is a difference between calls for service, calls for service that the officer initiates himself or someone comes and calls him and self-initiated police work. The Chief advised that as the calls for service go up or people request their assistance, their ability to write tickets goes down. John Champagne asked the Chief about a typical DUI that has to be transported to Conroe and how much time the officer is tied up with the call. The Chief advised that for a DUI arrest,

they are looking at 5 hours, because they have to go to Conroe ER to have a blood draw, and you wait just like any other person, then they have to transport the person to the jail and get them booked in, then the officer can get back on the street. The Chief advised that it is not quite as much time with just an arrest, but a warrant arrest is approximately two hours. The Chief advised that the times are different with each type of arrest. John Champagne said that, if the officer is tied up with an arrest at 10 p.m., what law enforcement is left in the City. The Chief advised that right now they are one officer down, with light duty due to surgery, and now they have one officer transferring over to warrants, so that will reduce the force by two officers. The Chief said that on B-shift they have a day shift officer and a night shift officer, instead of having a swing shift like they currently have on A-shift. The Chief said that the day shift has three officers and the night shift has two officers, so something has to give when they are short staffed. Jon Bickford said that when someone is not on light duty, because light duty does not last forever, they would have two officers on the day shift and two officers on the night shift. Chief Napolitano said that they have one officer during the day from 6 a.m. to 6 p.m., then they have a swing shift that comes on duty on Sunday, Monday, Tuesday and Wednesday, from noon to midnight, and they have a 6 p.m. to 6 a.m., so that they overlap shifts. The Chief said that they have two shifts that consist of those schedules, so truthfully what he wanted to see them do in the future as they go along, which was part of his strategic plan, is to have two officers on days, two officers on nights and the Lieutenants and swing shift in between those shifts.

Rebecca Huss said that she appreciated the number of calls and types, and asked if it was possible to include the previous months' numbers. The Chief said that he wanted to wait and put in quarterly numbers, because he felt that would give them better numbers to review.

- D. Court Department Report – Mrs. Rebecca Kendall, Court Administrator, presented her report to City Council. Mrs. Kendall advised that the warrants have stayed pretty good this past month. John Champagne asked Mrs. Kendall how her office was running. Mrs. Kendall said that it is as it always runs. John Champagne again asked how Mrs. Kendall's office was running. Mrs. Kendall said that her office



runs good. John Champagne confirmed that Mrs. Kendall has two assistants in the Court. Mrs. Kendall said that she did not have assistants, but she had two Deputy Court Clerks and a Warrant Officer. John Champagne said that would make four employees in the Court.

- E. Utility/Development Report – Mr. Yates presented the report to City Council. Mr. Yates noted that in the past month there was \$131,619 paid in the Utilities Department, which was primarily because they had a 19% percent increase in the water billed. Mr. Yates said that there were 39 permits totaling \$20,029, which were new residents and seven commercial permits. Mr. Yates advised that the Community Center was rented and brought in \$730. Mr. Yates said that there are 699 active water accounts, which is up quite a bit. Mr. Yates said that the City water consumption was pretty consistent, with Memory Park still remaining high. Rebecca Huss said that due to the weather being really dry, shortly after Harvey, people started irrigating, which was really strange to have had that much water and then having people irrigating.

Dave McCorquodale said that on the permits issued he saw that the City issued a burning permit, and asked what triggers someone to get a burn permit. Mr. Yates said that when it is rubbish and if there is going to be more than just a small amount, which is what the ordinance states. Mr. Yates said that if they are going to burn enough that the Fire Department or Police Department would get calls, then they issue a burn permit and notify both Departments.

Dave McCorquodale said that the Community Building showed \$730 in revenue, but he did not see any bookings. Mr. Yates said that the number of bookings was accidentally left out of the report.

John Champagne asked what the City's cost was for producing water. Mr. Yates said that it was about \$5.50 per 1,000 gallons.

- F. Water Report - Mr. Williams, with Gulf Utilities, presented his report to City Council. Mr. Williams advised that they had a large amount of district alerts for Well #4. Mr. Williams said that on July 18, 19, 24 and 28, and August 11, 14, 15

and 17, were all power influxes at the plant, and said that there has been an improvement to Water Plant #3 and they have not received any calls in the last couple of weeks. Mr. Williams advised that they did not have any power call outs for the month, which was a good sign. Mr. Williams said that they had an issue at Lift Station 8, where there was a tripped breaker, so the operator reset the breaker.

Mr. Williams advised that August 7 and 11, Lift Station 2, had two separate callouts for the lift pumps. Mr. Williams said that both pumps had to be taken in for repairs and they are currently checking on everything with Magna Flow to see if this might be related to the project. Mayor Jones asked if Magna Flow was done with their project. Mr. Williams advised that Magna Flow has still not completed their project. Mr. Roznovsky advised that when they went on site to look at the Lift Station, and the field guy from Magna Flow advised that they still had half the project left to complete. Mr. Roznovsky said that they are still working on getting all the information and timelines together to see what makes sense with the project. Mr. Roznovsky said that Magna Flow was not communicating internally regarding the project, so when they spoke to the Project Manager, he thought that the work was completed and would be delivering the videos by Friday, then the field guy advised the supervisor that the project was not complete.

Mr. Williams stated that on August 10 there was a callout for a high wet well, where they found no flow coming to the Sewer Plant from Lift Station 1, which is located just outside the Plant and feeds all the sewage from the City. Mr. Williams said that pump had to be taken in for repairs and is now back in operation. Mr. Williams said that on August 16 Lift Station 3 had a lift pump that was not operating, and so another lift pump was installed. Mr. Williams advised that there was a large amount of rags inside the pump. Rebecca Huss asked if they were repairable. Mr. Williams said that it was more economical to replace versus repair. Mr. Williams said that the last alert, which was Lift Station 13, where they had a no power call and they found out Entergy was upgrading service to Summit Business Park, so the Lift Station was down for four hours and service was restored then it was pumped back down.

Mr. Williams advised that the City had an effluent flow of 5,107,000 gallons for the month of August, with the daily peak flow on August 8 with 268,000 gallons, and average flow was 159,000 gallons that is 40% percent of the permitted value. Rebecca Huss asked what the flow was during the hurricane. Mr. Williams said that the flow during the hurricane was outside this reporting period, but he recalled that it was about 900,000 gallons. Rebecca Huss said that the daily limit is 400,000. Mr. Williams said that it was slightly higher than what they are permitted for, but the State has issued that they are not going to be holding anyone hostage for flow violations or even effluent violations.

Mr. Williams said that there were no excursions during the month of August, with 14.16 inches of rain. Mr. Williams advised that the rain gauge was disabled from August 25 – 27, 2017.

John Champagne said that compared to the situation that they had a year and a half ago, with all that rain, was the volume comparable with the hurricane. Mr. Williams said that the volume was a lot greater for the hurricane.

Mr. Williams said that the water report which shows that they produced a total of 12.718 million gallons, flushed 203,000 gallons, sold 11.127 million gallons, which gives a percentage count of 89% that is 3-7% lower than what they are used to. Mr. Williams said that they do not have any indicators of leaks or unauthorized unmetered water use. Rebecca Huss said that was a lot of water to lose, which is 10% percent of the water produced.

John Champagne asked about calibration of the automatic radio meters, and how the calibration is checked. Mr. Williams said that the meters will send an error message if they are not reading. John Champagne asked if the meter knows when it is out of calibration. Mr. Williams said no, but if the system senses that it has not received a read from the meter in 72 hours it will send an alert to Mr. Muckleroy to check the meter. Mr. Williams said that the calibration of the meter needs to be manually checked. John Champagne asked what the City's procedure was for manually checking the calibration of the meters. Mr. Williams said that Gulf

Utility does not handle that procedure, but they will go out with another meter, hook it up to the house, make sure no one is using water, and they will run 10 gallons of water through the meter at high, medium and low velocity. John Champagne asked if this would be a question more directed to Mr. Muckleroy. Mr. Muckleroy said that there is not a set calibration plan in place because it is not cost feasible, that it does not make sense to calibrate every meter in the City. John Champagne said that he was not saying that. Mr. Muckleroy said that the meters are recommended to be replaced after 1 million gallons, according to the manufacturer. John Champagne said that they could do a statistical check on these meters without having to check every meter, and he thought it would be wise to do that. John Champagne said that he heard, after this past water cycle, a number of people complaining about the water usage going way up, and more than likely it is their usage, but if we are not doing a periodic check, everything breaks, so there is some statistical ways that you can get a good idea whether they are all in calibration, so we might want to consider that. Mr. Muckleroy said that the way that the meters are designed they always fall to the customers advantage, and every case where someone has called to have their meter checked, it has been an irrigation issue. John Champagne confirmed that Mr. Muckleroy was checking the meters. Mr. Muckleroy said absolutely. Mr. Muckleroy said that he has a meter on his truck that is used to check a meter just like Mr. Williams described. Rebecca Huss said that Mr. Muckleroy has also gone out and helped people with their irrigation and figuring out how to set their system up properly, which is a service that other cities do not necessarily provide to try and keep peoples water bills under control. John Champagne said that, if in fact, Mr. Muckleroy is responding to complaints to a question of the meter reading correctly or calibrated right, and it is coming out right, that is a statistical check. Mr. Muckleroy said that they have probably checked a total of 10 meters over the last year and a half, and out of 500+ every one of them has been spot on.

Mayor Jones asked about using Well #2 and whether they were staying away from it for this time. Mr. Williams said that Well #2 is where they were having a lot of the surges, so they were unable to run the Well #2 and Well #3 ran the majority of the water because Well #4 was having electrical issues, as well. Mr. Williams said

that they were down to 12.7 % percent remaining on the shared allotment for those two Wells. Mayor Jones asked if Well #3 and #4 are on separate in feeds. Mr. Williams said that they were completely separate. Mr. Williams said that Well #3 and #4 share the common incoming down to the Water Plant and separate, and Well #4 draws a lot more power with the Cooling Tower and the Well. Mr. Williams said that on August 24 he received notification that upgrades had been made and they have not had any electrical issues in the last couple of weeks.

Rebecca Huss asked Mr. Williams to check his connections numbers because on the irrigation, she could name 11 people that have irrigation meters, so she is guessing that there is more than 11 in the City. Mr. Williams said that number was wrong it should be 100 and the hydrant meter number is 8 so there should be a total of 108 connections. Rebecca Huss asked where the irrigation meters were located. Mr. Williams said that the irrigation meters are not broken out on this report, they are mixed in with the residential meters. Dave McCorquodale said that looking back on last month's report, it showed about 30% percent remaining on Well #2 and Well #3 and this month shows there is 12% percent remaining, so they have used half of what they had remaining for the year and 12% percent does not look like it will get the City through the end of the year on Well #2 and #3. Mr. Williams said that with the electrical analysis that they had with the Plants, they were forced to use Well #3 for the majority of the water, which used 27 million gallons. Mr. Williams said that they have early conversion credits that they can use. Mr. Williams said that they have been using Well #4 primarily and pulling minimal amounts from Wells #2 and #3 to help compensate. Mr. Roznovsky said that they are compiling the documentation so that if they have to, they can show why the numbers are what they are. Rebecca Huss asked if the City could get a special dispensation versus using the early conversion credits. Mr. Roznovsky said that right now they are still going to be running off as much of the Catahoula Well as they can. Mr. Roznovsky said that they would not be penalizing the City because of the circumstances that the City was in. Mayor Jones said that this was based on calendar year. Mr. Shackelford said that was correct, January 1 through December 31.

Mr. Williams said that this month they treated 5.107 million gallons and sold 11.127 million gallons, giving them a 46% percent return to the Sewer Plant, with 14.16 inches of rain. Rebecca Huss said that the chart said that there was only 6 inches of rain, but said that if there was 14.6 inches of rain there is no way that the return is 46% percent. Mr. Williams said that he would see about getting the chart separated to run with the billing cycle. Rebecca Huss said that she still did not buy that return number because it is too low for that amount of rain. Mr. Williams said that he agreed, but the majority of that rain that they got was after the 18<sup>th</sup> of the month, so the chart clashes with the report. Mayor Jones asked what a normal number was in the summer for other systems that they are involved with. Mr. Williams said that this would be 40% – 60% percent. Mayor Jones said that was a pretty wide range. Mr. Williams said that it would depend on the types of connections and the area, because some areas do more irrigation than others.

- G. Engineer's Report – Mr. Roznovsky presented his report to City Council. Mr. Roznovsky said that there were separate agenda items for some of the items on his report. Mr. Roznovsky said that the Bois D'Arc extension is underway, and regarding the Lone Star Bend project, they are working with the developer to get the final plat recorded so the project can move forward. Rebecca Huss asked whether the developer had submitted the bond. Mr. Roznovsky said that they are waiting for the fiscal guarantee. Mr. Roznovsky said that Lone Star Parkway is now open from SH 105 to the Kroger driveways. Mr. Roznovsky said the next sections will be from the Kroger driveways to Buffalo Springs and Buffalo Springs to SH 105. Dave McCorquodale said that at Buffalo Springs and SH 105, this has got to put a strain on the officers in the morning, that road is really a mess because you have cars that are trying to pull out two and three at a time in the dark. Dave McCorquodale said that this side of the County is abysmal in terms of the planning of this, and maybe they told the City how long it was going to take and he just missed it, but it seems like this is just terrible. Mr. Shackelford said that they did advise that the project would run through November and the way that they are doing the project, by blocking off certain sections rather than doing it all at once, is quicker than if they did it one half of the road at a time. Mr. Shackelford said that if they only did half of the road at a time, you might have an East bound lane

working and detouring all of the West bound traffic. Mr. Shackelford said that doing the project this way was more efficient; it is just happening at a very busy time in the City.

Mr. Roznovsky advised that the Capital Improvement Advisory Committee met last week and they will be presenting a report to City Council next month with their recommendations.

Mr. Roznovsky said that the final item is the Terra Vista Canal on page 6, which was taken out during Hurricane Harvey, with an additional 160 feet that eroded and damaged a water and sewer line that serves Terra Vista. Mr. Roznovsky said that they met with the builder and his engineer a few weeks ago and they are working up a couple of repair proposals and they are offering to fund the repair. Rebecca Huss asked if they were also going to pay for the 1.2 million gallons of water that leaked out. Mr. Roznovsky said that they would be getting with the City Attorney to see where that water would potentially be charged. Mr. Roznovsky said that was one thing that was not shown in the report, but what was shown was the 1.2 million gallons of water because it was in the middle of the night during Hurricane Harvey and Mr. Muckleroy was receiving calls out from the Water Plant and all the levels were bad because the water line that goes through this creek was flowing water down into the creek. Mr. Roznovsky said that both the water and sewer lines were damaged and the sewer line is not served by anyone, as of today. Mr. Roznovsky said that the water loss is real money, with 1.2 million gallons of water that was pumped and treated and ended up in the Terra Vista Canal. Rebecca Huss said that was 1.21 million gallons from the Gulf Coast Aquifers so the City is potentially paying for that with credits as well. Mayor Jones asked what size that line is. Mr. Roznovsky said that he believed that it was an 8 inch line that crosses the canal.

- H. Financial Report - Mr. Yates presented the report to City Council. Mr. Yates said that the deposit in all City accounts, except MEDC, was \$2,452,988. Mr. Yates said that General Fund revenues are over the expenses by \$132,053. Mr. Yates said that the sales tax, which is not on the report, was \$181,000, which is the second highest month for September over the last 10 years. Mr. Yates said that the Utility

Fund has \$367,000 surplus, of which a lot of that will be transferred to the Capital Projects Fund for next year.

Rebecca Huss said that in the Utility Fund, just to note that it was not a bonanza year; it was that there was a big underspending in Capital Budget and Capital Items. Mr. Yates said that was correct.

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

Jon Bickford stepped out of the meeting at 7:02 p.m.

7. Consideration and possible action regarding approval of Emma's Way Extension construction plans.

Mr. Roznovsky presented the information to City Council, stating that they had submitted a memo and a copy of the red lined plans that are ready for provisional approval, with minor items to be addressed, as well as easements being recorded. Mr. Roznovsky said that their recommendation is approval subject to final comments being addressed, which is what the Planning and Zoning Commission did at their meeting.

John Champagne moved to approve the construction plans as presented by the City Engineer for the Emma's Way Extension. T.J. Wilkerson seconded the motion.

Discussion: Rebecca Huss said that to be specific, none of these roads require any City financing or investment. Mr. Roznovsky said that was correct. Rebecca Huss said they are private roads to be conveyed at some later time after construction. Mr. Roznovsky said that was correct; after construction process, as in other projects, they will recommend City acceptance of that infrastructure.

The motion carried unanimously. (4-0)

8. Consideration and possible action regarding approval of Lake Creek Village Section III Final Plat and acceptance of financial guarantee.



Mr. Roznovsky advised that he had submitted a memo regarding this item, and stated that this project will now be called the Estates of Lake Creek Village, which will be at the same location. Mr. Roznovsky said that they are recommending final approval of the Final Plat, subject to the final items being addressed, and since the construction is not quite complete, a bond to cover that remaining construction cost be submitted prior to recordation of the plat. Mr. Roznovsky stated that the Planning and Zoning Commission discussed and conditionally approved the plat last night, according to the conditions recommended tonight.

John Champagne moved to approve the final plat of Lake Creek Village, Section Three as presented by the City Engineer, in acceptance of the fiscal guarantee. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

9. Consideration and possible action regarding an Eagle Scout Project for Cedar Brake Park involving placement of a sandbox at the Park by Conner Jones.

Mr. Connor Jones, presented his Eagle Scout Project, which is an ADA compliant sandbox for Cedar Brake Park, on the East side of the Park, next to the small children's play area. Mr. Jones said that 12' foot by 16' freeform sandbox to match the rest of the Park's play areas that are all freeform. Mr. Connor said that it will have a similar board at the other areas of the Park, and will have 10 inches of sand in the sandbox. Mr. Connor said that he had spoken to Mr. Muckleroy and said that he wanted to make sure that the sidewalk that came up to the sandbox would be easy to be maintained by the mowers. Mr. Connor said that he kept the sandbox ADA compliant by leaving an opening at the sandbox, to allow someone in a wheelchair or on crutches to enter the sandbox and use the play area.

Mr. Yates said that the concern about cats did come up in the discussion, but the feeling was that there is already a sand volleyball court and they have not had any serious problems with that area.

Jon Bickford returned to the meeting at 7:07 p.m.

Rebecca Huss asked if they had to do a lot to maintain the volleyball court. Mr. Muckleroy said that they really did not have to do a lot, and being a smaller area and an actual sandbox, they will probably make sure that it is raked out more often to try and keep it nice. Mr. Yates

said that the entirety of Cedar Brake Park is ADA compliant, so he was kind of concerned about the handicapped access of this, and his suggestion to Mr. Conner was to build a pedestal up to a specific, ADA required, height and put sand in that so that a child in a wheelchair could play in a sandbox. Rebecca Huss said that this would be an elevated sandbox. Mr. Yates said that it would be roughly 30 inches in height, and it could be adjacent to the concrete. Mr. Yates said that since this is an all ADA Park, it seemed worthwhile to maintain that criteria. Jon Bickford asked if all the parks were ADA compliant, or was Mr. Yates suggesting that they designate certain parks as ADA. Mr. Yates said that he thought that Cedar Brake Park was all ADA compliant, and he was not sure about the other parks. Rebecca Huss said that Fernland definitely was not ADA compliant. Jon Bickford asked if all parks should be ADA compliant, and should they be mindful of that. Mayor Jones said that he thought that they should where it is possible. Mr. Yates said that he would have to check on that information.

John Champagne asked Mr. Jones whether he planned on working in government. Mr. Jones said that he did not, he said that he was looking at engineering. John Champagne said that he and City Council certainly appreciated what Mr. Jones was doing.

Mayor Jones asked how many fellow Scouts and man hours was he looking at. Mr. Jones said that he can get started on this project on October 6 and 7, 2017, and then they will only have to fill the box with the sand and wait for the concrete to dry. Mr. Jones said that they will come back the following weekend on October 14, 2017 to finish the project. Mr. Jones said that he has some guys from his church that will supply concrete and materials. Mayor Jones asked if they were going to hand mix the concrete. Mr. Jones said that he was not sure at this point.

Jon Bickford moved to accept the Eagle Scout Project for Cedar Brake Park involving the placement of a sandbox in the Park by Mr. Connor Jones and his crew. John Champagne seconded the motion.

Discussion: Jon Bickford said that the Scouts are a blessing to the community, and said thank you very much for the projects that they bring, specifically this kind of effort. Mayor Jones said that Jon Bickford was right, the City of Montgomery is the beneficiary of a lot of Eagle projects.

The motion carried unanimously. (5-0)

Mr. Connor Jones, Eagle Scout Candidate, thanked City Council.

10. Consideration and possible action regarding an Encroachment Agreement for a sign located on a 2.0795 acre tract of land situated at the southwest corner of FM 2854 and SH 105 as submitted by First Hartford Realty Corporation.

Mr. Roznovsky presented the information to City Council. Mr. Roznovsky advised that that the location is in the neighborhood of a sewer line, and the agreement, as they have proposed to the City, allows the City to make any repairs, and it is not the City's responsibility for the cost. Mr. Roznovsky said that they do not have any objection to the agreement.

Jon Bickford asked if the reason for the request was because it is over a sewer line or because they were trying to get closer to the street. Mr. Roznovsky said that it was because it is within a City utility easement and they are requesting to encroach on that easement. Jon Bickford asked if this easement will allow them to move onto the property. Mr. Roznovsky said no, this would be adjacent to the right of way of the street. Mr. Roznovsky said that the most recent one that they did was the one catty corner to this location, the Care Now Clinic, who requested a variance for a sign, same size easement and it was approved. Jon Bickford asked if they were doing this to get the signs closer and closer to the street, was his question. Mr. Roznovsky said yes, it would allow them to put the sign closer to the street or else it would have to be outside the right of way. Mayor Jones asked if that was an extra-large easement. Mr. Roznovsky said that the easement is 26 feet wide.

Mr. Brian Morris, with Foresight Group, Inc., said that he was representing the developer, First Hartford Realty Corporation, and that where the property fronts SH 105 there is a 26 foot wide utility easement for the City sewer that runs along the entire frontage. Jon Bickford asked if that was something that they knew when they purchased the property or was this brand new easement rule put in place since they purchased the property. Jon Bickford said that the line has been there from the beginning, and said this is what really frustrates him to no end. Jon Bickford said that, for example, if he was a developer, and he bought property that stuff is not where he wants it to be and he can't do what he wants with the property and can't get the sign

where he wants it, so he is going to come to the City to ask for some consideration from the City.

Mr. Morris said that he understands Jon Bickford's frustration, but said if they look at the line compared to where the easement is, when you get towards the intersection there is a section of the property, where the sewer line actually parallels the road, and then when you go toward the corner of the intersection their property is mitered at the corner. Mr. Morris said that the easement follows the mitered section and the line actually starts going back into the right of way as they go toward the corner, but the easement still follows the property. Mr. Morris said that as you go towards the corner of the property, you have the 26 foot utility easement, but the line is not actually in the easement as you get to the corner. Jon Bickford asked where this would put the sign relative to other signs on the street. Mr. Roznovsky said, on his side of the street, there is not any other signs. Jon Bickford said that once they establish this, then all the rest of the businesses are going to want to be out there as well. Mr. Roznovsky said that you would assume that the rest would line up all the way down, but they have not requested that yet.

Rebecca Huss said that in doing this agreement, they are not actually agreeing to increase the size of the sign by 10% percent, this is purely the location of the sign. Mr. Roznovsky said that this was just the consent to encroach.

John Champagne asked if this information had been presented to the Planning and Zoning Commission. Mr. Roznovsky said that it had not because this is just the encroachment agreement, it is not the sign permit. John Champagne asked how high the sign is proposed to be. Mr. Morris said that it would be a 10-foot tall monument sign that will be 2.5 feet wide. Mr. Morris advised that he had provided a rendering of the sign.

Rebecca Huss said that if they install their sign and the City decides that something has to happen with the sewer, Mr. Muckleroy can come out and tear the sign out, and the owner would have to put the sign back if they want it back. Mr. Morris said that was correct. Rebecca Huss said that the City's obligation, to be polite, would be to notify you and give you a chance to pick the sign up, etc.

Dave McCorquodale asked Mr. Roznovsky about approving an easement on a roadway that size, and asked if what they are requesting is different from what other instances that they might see, and whether this exception was closer. Mr. Roznovsky said that he did not remember where Kroger's sign is in relation to the right of way, but he did say that this is not significantly closer, just because the easement there is smaller, but he would have to pull the plans. Mr. Roznovsky said that this is a similar request to what City Council saw a few weeks ago for the Care Now property, which had a 26-foot easement and requesting an encroachment to put their sign. Mr. Morris said that the distance from the paved shoulder to the right of way line is approximately 50 feet to get to the property, and they are requesting that the sign be placed about two feet off of that. Jon Bickford asked where it would go if it were not allowed to encroach the easement, and asked how far off the easement they are requesting to place the sign. Mr. Morris said that it would be an additional 20 feet further back to get it out of the easement.

Dave McCorquodale asked Mr. Roznovsky, stating that it appears that the parking lot will also go into the easement, so would that be included. Mr. Roznovsky said that this was only addressing the sign. Mr. Roznovsky said that they have not submitted construction plans for review. Mr. Roznovsky said that normally driveways do not require an encroachment agreement because it is a normal thing to cross an easement to get over, but if there is a parking lot area, he would need to confirm. Dave McCorquodale said that this very likely is not the very last time that they will see this. Mr. Roznovsky said that plans have not been submitted yet. Rebecca Huss said that she was confused because the sign is usually the least important thing. Mr. Morris said that they typically like to get any items that have to go through zoning or get a variance out of the way up front. Rebecca Huss said that Mr. Roznovsky is saying that they might end up having to get several variances, so they will have to go through zoning one way or the other.

Jon Bickford said that what he is hearing and seeing, if they approve this action, then they can move forward with all the rest of the plans and ask for those additional variances. Rebecca Huss said that if they approve this request, then it will build upon the request for other variances. Jon Bickford said that whoever builds next to them will want their signage out there also, and they will say the City did it for them, so they will want it done for them. Mayor Jones

asked why they did it for the other business. Jon Bickford said he did not know, because he would not have approved it if he would have been here.

Mayor Jones asked if the request was to make the sign more visible or more center on the property for aesthetics, or to allow more room for a parking lot. Mr. Morris said that if they looked at the site plan, their outside row of parking is within the easement, and the utility line follows parallel with the road, but once you get closer to the intersection, the property miters, so the easement actually follows the property and there is limited space up front to place the sign to have it be on the edge of the parking lot. Mr. Morris said the only other place to put the sign, outside of the easement, would be west of the site, which is in the floodplain area that they are trying to preserve.

Rebecca Huss asked to confirm that they were going to have to come back and get a variance for the parking lot, because that is also going to need an encroachment easement. Mr. Morris said that they were not anticipating that action. Mr. Roznovsky said that the last encroachment agreement that he remembers was for light poles and a sign within the easement, and he believed that the paving was allowed.

Mayor Jones said that this is not a major encroachment. Mr. Morris said that the size of the sign is 11-feet by 2.5 feet. Jon Bickford said that the sign was a north/south sign. Jon Bickford said that they will either have to move the sign 20 feet north to get it in the easement, or south 20 feet, which is going to get it closer to the highway. Mr. Morris said that the northern edge of the easement is the same as the property line, so they would not be able to move the sign north of the easement, because it would be in the TxDOT right of way. Mr. Morris said that they would not be able to move the sign south of the easement because that would put them in the parking lot. Mayor Jones said that no matter what, the City will always have access to the utilities that might be under the sign. Mr. Roznovsky said that parking is allowed within the easement, so they would not need to come back for another encroachment agreement, so this is only for the encroachment of the sign into the easement.

Rebecca Huss said that she was definitely sympathetic to Mr. Morris, and she understood about the construction of the site and where the easement falls, but she feels a little uncomfortable about not having a site plan, and they don't have anything for sure to set this sign. Rebecca

Huss said that nothing is official, they will still have to go through Planning and Zoning and City Council to get approval, so to her, she would like to see it happen as a total package. Mr. Roznovsky said to summarize what Rebecca Huss was saying was that she would rather have the construction plans come forward for a conditional approval subject to entering into a construction agreement, so then they would have a plan set that is ready to be signed and approved and then enter into an agreement. Rebecca Huss said that to her that would make more sense, because then they would know exactly where everything belongs and it would make sense to have everything done at once. Rebecca Huss said that she understood the developer's point, they don't necessarily want to go ahead and do something and set on construction plans, without knowing and being confident that they are going to put the sign in a specific spot.

Mr. Morris said that if they looked at the site plan where the sign is being placed, within the easement that is really the only place the sign can be placed. Jon Bickford said that is only if you keep this plan the same. Mr. Morris said that was correct, but said that they were limited by the pad to the south of their location. Mayor Jones said that the floodplain and the creek does not give Mr. Morris much choice of where to put things. Jon Bickford said that they could put the sign in the floodplain, they would just have to build it up. Rebecca Huss said that there is a limit on how high the sign can be.

Mr. Roznovsky said that one thing to note is that this is just to approve the encroachment somewhere, and the final construction plans will show the final location of the sign, distances from the right of way, and distances from the driveway, which will still have to be approved. Mr. Roznovsky said that this action would just be the concept of allowing the sign to be placed within the easement, subject to everyone else being okay that it is not going to impact utilities and meets the sign ordinance requirements. Mr. Roznovsky said that this agreement is just saying that he will be allowed to place the sign within the easements, subject to approval of the construction plans for that sign. Dave McCorquodale asked if City Council approves this sign being placed in the easement, with the exception of 12-inches, the sign could not get any closer to road, because he did not take any exception to the sign being located where it is shown. Jon Bickford said that they are going to get as close to the road as they can, through the easement and close to the road, and said that they would be setting a precedent and everybody else is going to come behind them and say that they want their sign located there also, because nobody

wants their sign behind another sign. Dave McCorquodale said that was true, but his concern was if he approved the sign in the easement, he wanted to make sure that there was no way the sign would be closer to the road. Rebecca Huss said that out of all of City Council, Dave McCorquodale has the most esthetic experience.

Dave McCorquodale moved to approve the variance to place the monument sign in the easement as submitted in writing, and to enter into an encroachment agreement pursuant to the City Engineers information. T.J. Wilkerson seconded the motion. The motion carried with the following votes (3-2):

Aye – T.J. Wilkerson	Nay – John Champagne
Aye – Rebecca Huss	Nay – Jon Bickford
Aye – Dave McCorquodale	

11. Consideration and possible action regarding appointment of the City of Montgomery Board of Adjustment members.

Mr. Yates advised that there were two seats that are about to come up for appointment on the Board of Adjustment, which are Ann Young and Rebecca Huss. Mr. Yates said that he was unable to confirm that the two members were willing to serve on the Board of Adjustment. Mayor Jones asked how many times this Board has met in the last two years. Mr. Yates said that they have not met in the last two years. Rebecca Huss said that she has met once on the Board since she was appointed. Mr. Yates said that their terms are up right now and they have an item for the Board of Adjustment. Mr. Yates said that any variance related to a Zoning Ordinance has to go before the Board of Adjustment. Mayor Jones said that he knew State Law required the City to have a Board, but he just did not see the City using one very often.

Jon Bickford asked what City Council is needing to approve. Mr. Yates said that they need two appointments on the Board, one for Ann Young and one for Rebecca Huss. Jon Bickford asked if Rebecca Huss was volunteering for the seat on the Board. Rebecca Huss said that considering that it has not cost her any babysitting time in the last four years, she was willing to volunteer. Jon Bickford asked about Ann Young and whether she wanted to volunteer for this position. Mr. Yates said that he did not know if Ann Young would want to serve because



he was not able to get in touch with her. Mayor Jones suggested that they go ahead and nominate Ann Young and then if she does not want to serve, they can address that later.

Jon Bickford moved to reappoint Rebecca Huss and Ann Young to be the designees to the Board of Adjustment. John Champagne seconded the motion, the motion carried unanimously.  
(5-0)

12. Presentation: Proposed adjustment to the City's water and sewer rates.

Mr. Yates said that as an element of the rate study, that was conducted last year, City Council reviewed and raised water and sewer rates this past year. Mr. Yates said that they were still under the cost per 1,000 gallons that it actually cost the City to produce the water and sewer. Mr. Yates said that last year they had a three-year plan, and this is year two. Mr. Yates said that what he has before City Council is Option 1 or 2. Mr. Yates said that Option 1 is the proposed year two of all rate classes as proposed last year. Mr. Yates said that Option 2 is an increase in residential sewer charges of \$.50 cents/per 1,000 gallons up to 20,000 gallons per month, which would increase the cost of \$4.75 to \$5.25 for in-City service. Mr. Yates said that this would make an average bill of 7,000 gallons consumption would not increase the water, but there would be a sewer increase of \$1.20. Mr. Yates said that out of City residents would go from \$5.00 to \$5.50 for 1,000 gallons. Jon Bickford asked if the City charged the same rates for inside and outside the City service. Mr. Yates said no, they charge \$.55 cents more for outside the City. Mr. Yates said that commercial (in City) is an increase in sewer of \$.50 cents per 1,000 gallons and increases over 20,000 gallons from \$6.50 to \$9.35, and for commercial (outside City) sewer increases \$.50 cents per 1,000 gallons and increases over 20,000 gallons from \$6.75 to \$9.50. Mr. Yates said that for an average bill of 50,000 gallons consumption for a commercial, in City service, it would increase the water \$17.50 and sewer to \$95.50.

Mr. Yates said that the institutional use, in the City, would be an increase in the base sewer rate from the current \$150 to \$300, and for an average bill of 118,000 gallons consumption, it would increase the water \$38.25 and the sewer \$658.75.

Mr. Yates advised that the multi-family increase is an increase in the base sewer rate from the current \$150 to \$300 and for an average bill consumption of 157,800 gallons would increase the water \$48.75 and the sewer \$623.75.

John Champagne asked for the percentage shortfall for the City to break even. Rebecca Huss said that on the residential side, for 20,000 gallons of water and sewer and over they are charging the actual cost of production, for institutional this would bring them to the actual cost of production, with the same for multi-family. John Champagne said that the question was what percentage shortfall is the City realizing to break even, which takes the differential and divide it by the cost. Rebecca Huss said that she was not sure what the shortfall is. Mr. Yates said that with Option 1 it would be 23% percent. John Champagne said that he thought he heard that right now the rates do not cover the City's costs. Mr. Yates said that was correct. John Champagne said that there is a percentage between what our cost for production is and what we are charging, and asked for the shortfall. Rebecca Huss said that the cost for production is \$5.50 per 1,000 gallons.

John Champagne said that his frustration was, if the City were competing against another water entity for this business, the first place they would look would be the supply chain and the process. John Champagne said that he was assuming that we have the best run water treatment and sewage facility on the planet. Mr. Muckleroy said that was correct. John Champagne said that was mistake number one, we don't. John Champagne said that every time something is looked at within this type of situation, we are always looking at the taxpayer to make up the differential, instead of looking at the process. John Champagne said that he has brought this up before and all he ever hears is this is as good as it gets, and said that it isn't as good as it gets, it is never as good as it gets. John Champagne said before he would vote for an increase, he wants to see the analysis of the process, the supply chain and where the waste is in this process, because he has not seen it. Dave McCorquodale said that he knows that staff has been looking at this information, and asked what equipment was installed to start reusing potable water, which was a big dent, in fairness to the process. John Champagne said that he is not saying that it is not, but he has not seen the analysis. Dave McCorquodale said that he also had not.

Jon Bickford said that he had another Pandora's Box that he would like to open, which will be a big one. Jon Bickford said that in the spread sheet it shows classes, water users and water usage average, and asked if that was monthly water usage in 1,000 gallons. Rebecca Huss said that was correct. Jon Bickford said the monthly average water usage of Memory Park, is 165,000 gallons. Mr. Yates said it could be. Jon Bickford said that when he looks at the usage from all these places, he asked when they are going to address the elephant in the room, which is the amount of water used by Memory Park and the fees the rest of us are paying. Rebecca Huss said that if Jon Bickford is talking about Memory Park, last year the City began paying out of the General Account to the Utility Fund for the actual cost of water that every department in the City uses, so that is not something that is being subsidized by the water payers. Jon Bickford asked if Rebecca Huss believed that was captured on the spreadsheet. Rebecca Huss said that she knew it was, because if you look on the financial reports there are checks being written to the Utility Fund to cover water. Jon Bickford said that he was just trying to understand this chart, because it shows all the different users, and there are only two areas that use institution, average 157,000 gallons, and multi-family, and asked where Memory Park would be in the chart. Jon Bickford said that if the Memory Park usage is being paid for it is not being accommodated for in the collections. Mr. Yates said that they are getting charged the residential rate. Jon Bickford asked to confirm that it was being paid into the water and sewer funds. Mr. Yates said yes it was being paid to the water and sewer funds. Rebecca Huss said that as part of the process, where they wanted to look at what the City was charging that the City was being fair and not asking the residents to subsidize City operations. Jon Bickford said that he just wanted to make sure that cost was being covered. Mr. Yates said that it has been covered for 6-8 months. John Champagne said that all they have done is taken money out of one pocket and put it in another pocket, which is good accounting. Rebecca Huss said that it takes it from the burden of the tax dollars that the City collects to run the City, and when they calculate how the water and sewer fund is doing they are including the cost of the water that the City is using in the revenues rather than having it as unbilled water. Jon Bickford said that was fine, because if the City was not paying that, then the citizens would have to pay. John Champagne said that the citizens are paying it anyway. Rebecca Huss said that if they are talking about unpaid water, they use to have terrible numbers every month, so she felt that they have improved efficiencies and they are not wasting drinking water, they are trying to do things more efficiently to reduce cost.

Jon Bickford asked if they recently came up with the \$5.50 cost or did they have that at the time they set the rates. Mr. Yates said that they had it at the time the rates were set. Jon Bickford asked when they set the rates. Mr. Yates said that City Council wanted to do the increase over a 3-year period to gradually raise the rates. Mr. Yates said that since they collected enough last year to create a huge balance in the Utility Fund, they do not have to increase the rate to the full maximum level for the second year as proposed. Mr. Yates said that last year City Council had a 3-year plan, and year one went so well that Option 2 is only about a \$20,000 difference, but the residents would not be hurt as much with Option 2. Rebecca Huss said that she did not want them to think that they are having surpluses and everything is great, they are saving money to make large investments in the future. Rebecca Huss stated that when they saw the state of some of our Lift Stations that had not been remedied, they are saving money to deal with those things and they are spending more money on preventative maintenance. Rebecca Huss said that while they have the money, they are saving it specifically for things and those funds are not going into the General Fund, it is going into Capital Funds that will be used for Capital Projects. Jon Bickford said that he was trying to understand why they were moving that third year increase to year two. Rebecca Huss said that Mr. Yates is saying that he could defer the year two increase if they want to. Mr. Yates said that the cumulative total for Option One is \$89,898.64 and Option Two is \$69,177.28.

John Champagne said that he was not convinced that the City's cost is as low as it can be, and he would like to see a three year snapshot of what the costs have tracked and what the cost was three years ago compared to what it is today. John Champagne said that he refuses to believe that there is not any inefficiencies in the City's process, until he sees it. Rebecca Huss said that she is sure there are, but she thought that the Rate Study costs \$5,000. Mr. Shackelford advised that was what the City paid. Rebecca Huss said in order to get the updated information, it would cost money as well, and they probably need to do the study on a semi regular basis; the question is how often the benefits of finding updated information outweigh the cost of the process. John Champagne said that his question is relative to other municipalities we have to compare to some degree. John Champagne said that before he would vote for this he wants a report from Jones and Carter; he does not want an elaborate report, he wants an efficiency and process, procedural report to show where we were three years ago and where they are today, and how do we compare with best practices. John Champagne said that until he sees that information he is not voting for an increase.

Mayor Jones said that there are some things that will confuse the information, such as all the electricity problems that they have been having that have caused problems. John Champagne said that was part of the inefficiencies and it is not being addressed. Dave McCorquodale said that was unfair, staff is meeting with Entergy on a weekly basis. John Champagne said that he did not care, it has not been resolved. Jon Bickford asked if those kind of issues, such as the power issues, are causing our cost to represent something other than steady and normal operations that they are trying to get through and therefore they are having to raise rates to cover this crazy period. Mr. Shackelford said that the constant dealing with Entergy and the operator being called out because power tripped, has an impact, and he could not say at this point whether it was 5 -10% percent. John Champagne said that was his whole point. Rebecca Huss said that they are pumping cheaper water, from the Gulf Coast Aquifers, because it is cooler and using less electricity and not paying the GRP. John Champagne asked Rebecca Huss if she could quantify what she just said. Rebecca Huss said that she would need to calculate the information.

Mayor Jones asked if this is a choice for an action item, the suggestion of a study. Mr. Yates advised that this was just a presentation not an action item. Rebecca Huss said that if they looked back to where they were two years ago, they ran the Utility Fund on a cash flow basis and starved the Utility Fund of preventative maintenance money. Rebecca Huss said that what Jones and Carter did was try and put them on a path of looking at what the City's longer term costs were, depreciation and preventative maintenance, which they do now. Rebecca Huss said that if water does not cost anything, people will use it and not respect the water. Rebecca Huss said that they tried to protect the people at the average and low user. Rebecca Huss said that two thirds of the City averages 7,000 gallons per month and one third of the City is 2,000 gallons or below, so they left that tier alone when they went through that process. John Champagne said that he would submit that most of the focus is on one side of the equation and not on the other, because he can ask questions about the cost and process. Rebecca Huss said that it also depends on from where the water comes because those costs are different and you can't compare those costs. John Champagne said that there is an analysis that can be done, and if in fact they are doing the very best that they can, it is what it is. Rebecca Huss said that there is always room for improvement, but she was saying that they have been making improvements. John Champagne said that he was not denying that.

Mr. Yates said that approximately two years ago they asked the same questions of the Public Works Department and he did a report on that so maybe he could do that on water and sewer. John Champagne said that he was asking for that to be done again, but he was asking Jones and Carter to perform the study. John Champagne said that what he would like is a totally transparent, raw report of an evaluation of the process, all the entities involved, all the competencies and incompetencies, and of course it will be a subjective evaluation, but that is what he wants authorized. John Champagne said that he did not want to hear that it is really not their place to say, he wants to know where we are and how and if they can improve. John Champagne said that it would be \$300-\$400 maximum. Mr. Yates said that he thought that if Mr. Muckleroy, or Mr. Roznovsky and Mr. Shackelford knew of any obvious insufficiencies they would say something. John Champagne said that he would bet that they do, he knows that there are some things that they can improve upon. John Champagne said that he was not accusing anyone of finding the easy way out, all he is saying is if they were competing against another water provider and it meant them staying in business, he promised the City would find a way to get the cost and prices competitive. John Champagne said that they do not have to compete, they have a captive market. Dave McCorquodale said that one thing that might be good to have in that report, would be when they initially looked at the water and sewer rate study, one of the big things that they found was that the residential customers were subsidizing the institutional and commercial users, so to that end, he knows that those rates have been adjusted on their side. John Champagne said that there might still be some of that subsidizing. Rebecca Huss said that was part of the rate adjustment that was proposed, so by doing nothing, they leave it as it was. John Champagne said that he was not proposing to do nothing, he was proposing to get some information and moving quick, and he liked putting end dates on things, arbitrary. Mr. Yates said that he would plan on giving a report at the next meeting. John Champagne asked if Mr. Yates or Jones and Carter was going to give the report. Mr. Yates said that John Champagne has asked Jones and Carter. Mr. Yates said that he could ask the City Engineers to work on a study. John Champagne said that for \$300 - \$400. Mr. Yates said that it would be more than that cost, which is the reason that he felt that he should be involved. Dave McCorquodale asked Mr. Yates when he thought that he could come back to City Council with that information. Mr. Yates said that he thought he could at the next meeting. Mayor Jones said that Mr. Yates had eluded to the fact that they need to make a decision on this pretty quick. Mr. Yates said that whatever Option that City Council leaned toward, they would have

a public meeting that they would advertise, but he would not move forward until City Council was sure of what they wanted.

Mayor Jones said that no matter what they decided, they need to recognize where they were and where they are now, because it was a pretty long trip. Mayor Jones said that they have done some good things. Rebecca Huss said that they should also recognize that the City Engineer, Public Works and the Operator have done a massive job in terms of bringing things to the City's attention and getting things done. Rebecca Huss said that they do a lot of work that nobody sees, and she appreciates the work that they have been doing. Jon Bickford said he would second that statement. John Champagne said that they are doing their job and they are good at it.

13. Presentation: Buffalo Springs Bridge Report by the City Engineer.

Mr. Roznovsky reported that as Mr. Yates mentioned earlier, today they did receive confirmation that the grant will be awarded to the City, for the part of the City's local match of the project. Mr. Roznovsky said that as of today, they are still waiting on FEMA, and said that FEMA has not provided them with the final approved documents that they said that the City would have by now. Mr. Roznovsky said that they have not had any response to the correspondence sent to FEMA. Mr. Roznovsky said that they had a conference call today to begin the 60-day process to go through the project review. Mr. Roznovsky said that all the items can be done concurrently while they are waiting for FEMA approval. Mr. Roznovsky said that they are hoping to begin construction in December 2017. Mayor Jones asked about the other approvals. Mr. Roznovsky said that they are working with the Corp. of Engineers to answer their clarification questions, and as late as last week they had received some additional correspondence. Mayor Jones asked about the Congressional Meeting. Mr. Roznovsky advised that the last they heard from FEMA was that it is still in Legislative Affairs for review. Mr. Roznovsky said that Congressman Brady's office has been informed and they are included on every correspondence to FEMA, so they are aware of the process. Mr. Roznovsky said that he is going to reach out again and see how they can work on moving the process along faster.

Mr. Yates said that the intention is to proceed to publish the project and to be accepting bids, and then City Council can accept the bids, they just cannot execute the contract until final

approval. Mr. Roznovsky said that the only thing that they can't complete ahead of the 60 days is they can't execute a construction contract. Mr. Roznovsky said that for the grant process you have to have an environmental study before you enter into the contract. Mr. Roznovsky said that they can have everything ready to proceed and then once they receive the approval they can move forward. Mr. Roznovsky said that they will have the contracts at City Hall ready for signature, so that once they are ready it can be signed and ready. Mayor Jones asked if they would go out for bid again. Mr. Roznovsky said that the environmental review process is 6-8 weeks, 60-days from today, which is the end of November or first of December, to have an executed contract. Mr. Yates said that they would advertise early next week. Mr. Roznovsky said that they would advertise for bids next week, and get contractors to start looking at the information. Mayor Jones said that was good.

Mr. Shackelford said that because of the complexity of the project, normal advertising is 21 days, they might want to give the ad an extra week. Jon Bickford said that would give people time to look at the information, with the holidays coming.

Mr. Roznovsky said that the grant has been secured and obligated, conditional upon the final FEMA documents being approved.

14. Consideration and possible action regarding amendment to the Montgomery Economic Development Corporation's mission, goals and objectives statement.

Mr. Yates presented the information to City Council, stating that this is to discuss the primary purpose(s) of the MEDC. Mr. Yates said that the MEDC had a similar worded item on their September 18, 2017 Agenda. Mr. Yates advised that at the meeting Mr. Randy Moravec, MEDC Board Treasurer, proposed amending Section 2 of the Mission and Goals Statement by adding Item 2(d) to read as follows: "to quantify the process of economic development efforts, the MEDC will report to the Montgomery City Council no less frequently than once per calendar quarter, economic development activities and the estimated number and types of jobs brought into or retained by those activities." Mr. Yates advised that Mr. Moravec said that he was proposing this partially based upon the City Council discussion at its September 12, 2017 Meeting regarding effectiveness of MEDC activities regarding economic development. Mr. Yates said that the MEDC discussion then evolved into the issue of "primary jobs" and its



relevance to marketing to retail businesses. Mr. Yates said Mr. Moravec said the report was the responsibility of the Board to perform and present to City Council. Mr. Yates said that in the Council packet is a copy of the MEDC Mission, Goals and Objectives Statement, with a job description of the Economic Development Director and a brief history of the MEDC.

Dave McCorquodale stated that he wanted to go over why he brought this up; when he was initially asked about this, his questions were directed a lot along the lines of jobs and utility rates, and when he looks at what the City and MEDC spends on economic development, which to be very clear is defined as jobs that are in pursuit of producing things, making things that aren't to be consumed by the people who live in the City. Dave McCorquodale said that you do not open a taco stand and sell tacos to residents in the City; the State does not call that economic development. Dave McCorquodale said that when he looks at the budget, his question is, if MEDC is spending \$650,000, which was the most recent budget, as an example, if they average \$500,000 per year, over the past six years, they spent have \$3 million dollars in pursuit of economic development activities, and his question was, is there a quantifiable number of jobs for \$3 million dollars. Dave McCorquodale said the answers that he got was no they can't quantify that information. John Champagne said that he thought Dave McCorquodale made a good point, and today when he was reviewing this information he said that for every dollar spent he likes to see an anticipated rate of return on investment.

John Champagne said that the problem, as he sees it, as it pertains to Ms. Shannan Reid, Economic Development Director, you have a representative who he would call an outside sales person, and there are a lot of times when his outside sales person falls into things or by the result of them marketing paraphernalia or on the web site they might get a lead. John Champagne said to quantify and to bring those dollars, some of which needs to happen, but sometimes it is hard to have those dollars track exactly where they initiated and how they ended up here. John Champagne said that the other thing that he would say, definitions used by the State may be one thing, but part of economic development is the improvement of the quality of life in the City. John Champagne said that it is like asking somebody to go out there and sell widgets when you don't have any widgets in inventory, so if you want to go out and sell a company on the virtues of moving into a small City, what do you have here and why would you want to come here. John Champagne said that governments do not create jobs. John Champagne said that, in his opinion, the City is in the business of making this the best City

that we can make it, providing the best services and, hopefully, it matches up with some corporations and private entities that want to do business here. John Champagne said that for us to say you go out and find us a business and bring it to the City, to him, is ridiculous. Dave McCorquodale said that he would politely disagree with John Champagne. Dave McCorquodale said that he would call Mrs. Reid's position a Director, and asked Mr. Champagne if he were interested in finding out how efficient the City water system is running and the rates, do you have someone that you would point to and say that is your job. John Champagne said yes, he would point to staff. Dave McCorquodale said that when he looks at economic development, what he looks at is the Director and asked if he was wrong in thinking that. Jon Bickford asked if Mrs. Reid was the Director of the Chamber of Commerce. Dave McCorquodale said that what we pay Mrs. Reid for is Director of Economic Development. Dave McCorquodale said that the alternative is that they have spent \$3 million dollars for the past six years, but it is unfair to hold anybody accountable, is that fair. John Champagne said that he would hold the people sitting on the MEDC Board doling out money as being partly responsible. Mayor Jones said that he agrees with the accountability part, but he feels that it is an accumulation of a lot of the things that they do that brings business in to the City. Dave McCorquodale said that his honest concern, with the way things are now, they are spending a whole lot of time and a whole lot of money messing around the edges working on retail and festivals, and the quality of life, which is all really important, but he believes that their focus is really on that at the expense of primary jobs. John Champagne asked what he meant, a machine shop or what type of business. Dave McCorquodale said that would be an example of a primary job. John Champagne said that what he thought would be better, a tech group where the cost of living is low and they can set up an office and operate 15 people doing web marketing or web site flipping. John Champagne said that these people live all over the world because of cost of living and quality of life, because it is a different world. Rebecca Huss said that those jobs are high quality, industrial jobs are not all smelly smoke stacks, there are jobs that are high skilled, blue collar with high wages, that also can and do exist in this community, we just don't necessarily know about it.

Rebecca Huss said that one of the big discussions that Council needs to think about is, are retail jobs worth pursuing. Rebecca Huss said that her feeling is that retail jobs, Kroger and McCoy's came here, not because of anything that we did; they have been wanting to come here for years because of Walden, Bentwater, they are looking at the dollar value of the homes and the

estimated money that people make in this area and they come here because of profits. Rebecca Huss said that, for the most part, the City does not lure businesses to the City, they come here because they can make money based on the people that are already here, so those jobs are a byproduct of what already exists here because it is the profits that lure them. Rebecca Huss said that Taco Bell does not care at all about our quality of life, they care about the profits that they make from the people that already live here. Rebecca Huss said that with retail jobs tend to be minimum wage jobs and tend to work part time, and these are not the type of jobs that would allow people to live in this community, they do not have a lot of apartments and homes in the \$150,000 range, so those jobs are primarily high school students. Rebecca Huss said those jobs are where people come in to work and live somewhere else, so she did not feel that they should put their money into chasing those types of corporations that are just here for the profits, they are not here to bring in jobs and quality of life.

Mr. Philip LeFevre stated that he was not here to talk about whether individuals should or should not work, he personally thinks that MEDC has been a disaster for the last 5, 6, 7 or 8 years. Mr. LeFevre said that he does agree that the retail is coming. Mr. LeFevre said that the retail is coming because this is a void, you have 44,000 people within 12 miles averaging over \$100,000 per year and basically with Kroger here, HEB has to come because they have to keep market share. Mr. LeFevre said that all these guys do their own studies, they do not need MEDC to tell them what to study and they are coming because of the location. Mr. LeFevre said that it is because of Walden and some of the stuff that they have in Montgomery. Mr. LeFevre said that a few years ago Montgomery really worked hard on its branding. Mr. LeFevre said that to a degree he feels that they have lost some of that because they have been chipping around the edges. Mr. LeFevre said that he has only seen one business come in the last few years that actually hires people that are not retail, that are welders and that person now has 38 people working for him and he has had no help from the MEDC, no help from the City, in fact he hates the City because they have given him nothing but grief. Mr. LeFevre said that this business owner wanted to donate a museum, but now he does not want to because the City basically ignored him. Mr. LeFevre said that he has been to one or two MEDC Meetings and it is crap, MEDC needs to be in the business of marketing the City lifestyle and aggressively going after businesses. Mr. LeFevre said that years ago Mr. Tom Stinson worked with Conroe Economic Development Corporation and he aggressively went after businesses; the point is Conroe has done an extremely good job of targeting businesses, getting businesses and jobs

into the City, which in turn helps the retail. Mr. LeFevre said that he personally thinks that MEDC needs to put much more focus on attracting businesses that are welders, high tech people, etc.

Jon Bickford said that he thought that was Mr. LeFevre's version, and he appreciate his view, but there are a lot of citizens here, himself included, that he would just as soon not have another building here; that is not why he moved to Montgomery. Jon Bickford said that he was all about quality of life, and by the way he makes more than minimum wage and he spends money here in town, and travels other places to do his work, but he is very happy living here. Jon Bickford said that he gets less and less happy living here every time he sees another piece of property of SH 105 get cleared out and knows another building is coming. Jon Bickford said that with the new buildings comes more traffic, more headaches and people doing everything that he did not move to Montgomery for, because if he wanted all that crap, he would have moved to Conroe, where they have it all. Jon Bickford said that is not what he wanted here, so at some point, this may not be where they want to be because it is going to grow and turn into Conroe because we are attracting more big businesses and we want more people to come in here, which is some peoples feeling, but not everybody's feeling that lives in the City.

Mr. LeFevre said that he understood, but with respect, in 2003 it took an hour to get through town in the morning and an hour in the afternoon, and that was solved by development. Jon Bickford said that the people that lived here were apparently happy and they chose to live here. Mr. LeFevre said that their logic was that they did not need any more development because they lose money on the water and sewer. John Champagne said that was economic development because you improve the quality of life. Mr. LeFevre said that was correct. Rebecca Huss said that the other thing was that the government, unlike other States, Texas has very strong private property rights so there are limited amounts that we can do to prevent development from happening, which is why they had the corridor enhancement type of thing, and the thing is to find the best development possible that keeps Montgomery the type of place that they all want to live in and see if there are ways to have the type of growth that is most beneficial to everyone. Mr. LeFevre said that he accepts the quality of life point, but they did not have a library a few years ago, they did not have parks, they did not have anything. Jon Bickford said that they have more parks per capita than any other City that he can think of and he went looking. Mr. LeFevre said that Memory Park is probably the biggest draw in the

County. John Champagne asked what that is doing for the City. Mr. LeFevre said it gives the City an extremely good reputation. John Champagne asked Mr. LeFevre to put that in dollars, because they are talking about chasing businesses. Mr. LeFevre said that John Champagne would not be here if not for him, and he said that City Council would not be here because of him because there was a picture of what they wanted as a balanced City that had parks, walking trails, etc. Jon Bickford said that was not why he moved into the City. John Champagne said that he agreed with Mr. LeFevre more than it might sound, but all he is saying is they are talking about a \$30,000 investment. Dave McCorquodale said that he was talking about a \$650,000 per year expense. John Champagne said that Dave McCorquodale indicated that they have a Director, and what is the Metrix by which they can measure her. Dave McCorquodale said that John Champagne brought up Mrs. Reid, he had said that he held a Director accountable for a \$650,000 budget and he is wondering where the jobs are. John Champagne said that Director is not in charge of the \$650,000 budget.

Mr. LeFevre said somewhere during 2008-2009 Conroe paid to have a study done to see what to do to make Conroe better, and one of the recommendations was to be more like Montgomery. Mr. LeFevre said that now, if they did the study, they would probably say don't be more like Montgomery. Mayor Jones said that Mr. LeFevre was right, they have all these grand plans in their head, they just don't have the money because \$650,000 won't go very far and they have to bring businesses in to make that money. Mayor Jones said that when the State goes to finding things like small cities and stuff like that they say under 50,000, but the City of Montgomery is super small, and maybe the only advantage that they have is a lot of the people that spend their money here live somewhere else, which is like bringing in the money for people that do live here, which is almost like a primary job for our City. Mayor Jones said that the State says that they can spend a significant portion for quality of life and they do, but it also limits how much they can spend on marketing and that ties their hands. Mayor Jones said that the biggest portion of MEDC's budget is for infrastructure associated with economic development. Jon Bickford asked where the \$650,000 come from. Dave McCorquodale said that money is from the taxpayers. Jon Bickford said that the \$650,000 comes from sales tax, and sales tax comes from retail. Dave McCorquodale said that you do not chase retail with retail dollars. Rebecca Huss said that what she said earlier was that the retail comes based on the conditions that exist on the ground, so they are wasting money going after retail, they should be using our money going after jobs, the money should be spent with specific goals to create

jobs. Rebecca Huss said if you look at what they are spending money on it is not creating jobs, it is primarily the retail coach, presenting Montgomery demographics to people who might not know about it who don't have their own demographics company. Rebecca Huss said that they are wasting their money on presenting Montgomery's retail numbers.

Dave McCorquodale said with respect to the changes in the Mission and Goals of MEDC that really makes him happy and he likes it a lot, because what that does is again helps to quantify things. Mayor Jones said that there will be some retail and primary jobs both reported, because they are probably going to get more retail. Dave McCorquodale said that as long as they are not blending the two. Dave McCorquodale said that his point was they have spent \$650,000 per year and they said if they just had another festival that is when job creators would come in. Mayor Jones said that the festivals are not necessarily designed to create jobs, but they might, indirectly. Mayor Jones said that everything they do does not have to create jobs. Dave McCorquodale said that when he asks a question about the creation of jobs and it is nowhere on the radar, that is what peaks his interest to effect some kind of change. Jon Bickford said that this is an amendment to the MEDC Mission and Goals. Dave McCorquodale asked if they need to approve this. Rebecca Huss said that she did not think that City Council should change their Mission and Goal Statement.

Mr. Yates said the MEDC approved the change in their Mission and Goals Statement. Mr. Yates said that it did not require Council action. Mr. Yates said that he put it as an action item, in case City Council wanted to take any other type of action. Mayor Jones said that City Council did not have any change that they want to make to change what MEDC has done.

Rebecca Huss said that she would like to have some honesty in terms of what jobs are actually created by the MEDC; McCoy's, does not count because they came to the City, they had been talking to Mr. LeFevre for years. Rebecca Huss said that the MEDC upsized their water line, which is great for future development that may or may not be predicated on having an upsized line. Rebecca Huss said that those are retail jobs that are coming because of Walden. Mayor Jones said that everything that they do might contribute to jobs locating here, so if we say you can't count McCoy's, why can't we, they are just going to report that jobs came to town, they do not know how they got here exactly. Dave McCorquodale said that was part of the reason he is asking these questions, he thinks that they talk in a vacuum like there is people out there

who don't understand and do economic development every day and do these things to create jobs. John Champagne said that other than creating bureaucracies and intergovernmental departments, government has not created one job; we don't create jobs, and we create an environment that, hopefully, businesses will want to locate here. Dave McCorquodale said that his point is they are not directing those incentives in the right manner. Dave McCorquodale said that all he wants is MEDC to find somewhere in that \$650,000 year budget, to focus on finding out how to go about creating that space for jobs to grow. Mayor Jones said to consider it done. Dave McCorquodale said that when children graduate from high school and they want to end up right back here, because a vibrant community isn't a whole bunch of people that live here and drive everywhere else to work and then return back home to our bedroom community. Dave McCorquodale said that in his opinion, a vibrant community has a broad representation of everybody in the socioeconomic spectrum and the demographic, age spectrum, and in 20 years, we are all going to be gone; we are just hoping that some other people come in and move into our bedroom community. John Champagne said that if he attracted a bunch of older people, they are going to build a hospital, so that is one way that they can do it. Dave McCorquodale said that then you would have primary jobs. Rebecca Huss said that if they thought bigger, they could have bigger results. Mayor Jones said that was fine with him. Jon Bickford said that they could put tighter clamps on the MEDC Budget, and say that a certain amount of dollars are allocated for specific things. Mayor Jones said one last thing, over these years MEDC sits there beating their heads thinking what can they do, they have had people come in to try and help them. Dave McCorquodale said that they have had a retail coach come in and try to help them, and he said that they are looking for the wrong help. Jon Bickford said that they really only have one option and that is to hire somebody from outside that is going to cost big money, and that \$650,000 won't go very far. Mayor Jones said that the MEDC needs to have this discussion with City Council. Rebecca Huss said that if you say it is \$650,000 per year and they can't do the big things, so they will spend what they have an chip away at the edges, then pretty soon it will add up to serious money, so the question is what do you do. Mr. Yates said that there are development planners just like there are land use planners, and maybe that is what they need to do, think about where you are going to be 10-15 years from now and what type of jobs you want to have and start working toward that goal.

No action was taken on this item.

**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.

15. 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 city attorney); and
- b. 551.072 (deliberation regarding real property).

Mayor Jones convened the meeting into Closed Executive Session at 8:43 p.m.

16. Convene into Open Session.

Mayor Jones reconvened the regular Open Session at 9:06 p.m.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

17. Consideration and possible action resulting from the item(s) listed under Executive Session.

There was no action taken.

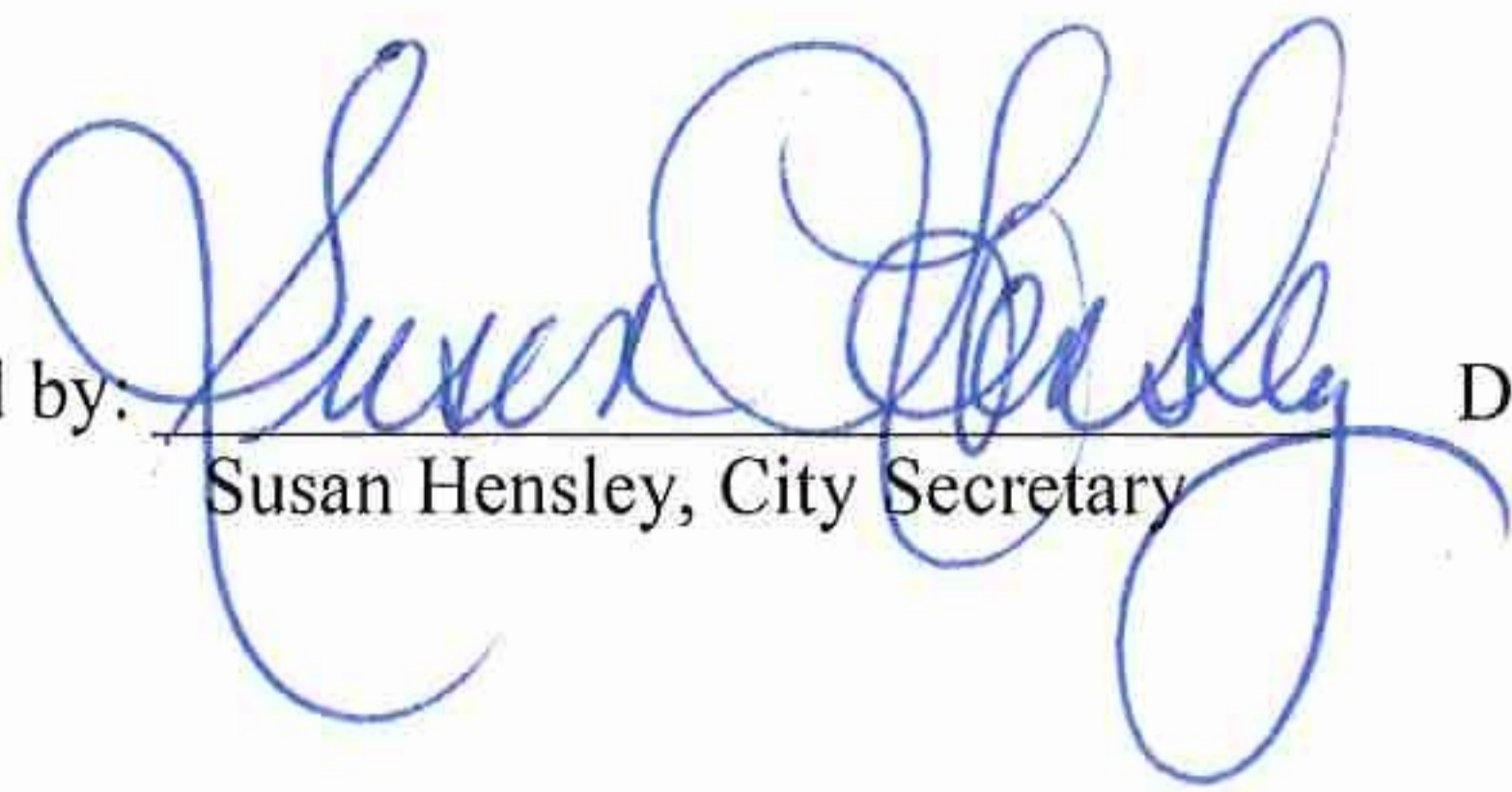
**COUNCIL INQUIRY:**

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.

**ADJOURN**



Jon Bickford moved to adjourn the meeting at 9:06 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

Submitted by:   
Susan Hensley, City Secretary

Date Approved: 10/10/17

  
\_\_\_\_\_  
Mayor Kirk Jones

