

MINUTES OF PUBLIC HEARINGS AND REGULAR MEETING

August 22, 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

INVOCATION

John Champagne gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARINGS:

Convene into Public Hearings:

1. Budget Public Hearing for the purpose of hearing public comments regarding the proposed 2017-2018 City of Montgomery FY Operating Budget. "This budget will raise more total property taxes than last year's budget by \$127,111 a 16.6% percentage increase, and of that amount \$92,619 is tax revenue to be raised from new property added to the tax roll this year."; and

Mayor Jones convened the Public Hearing at 6:08 p.m.

Mr. Yates stated that after the last City Council budget workshop, there was a positive balance of \$144,219.01 in the General Fund, and as discussed, \$15,000 was transferred from General Fund - Police to Capital Projects toward the purchase of a police vehicle, and set aside \$15,000 because they normally buy a police vehicle each year. The remaining balance of \$129,212.01 was put into Contract Labor-Streets line item in Public Works. Mr. Yates advised that the two changes result in a balanced income/expense budget for the General Fund.

The Water/Sewer Fund is budgeted for \$38,764 income over expenditures with \$453,700 transferred from the Water/Sewer Fund to the Capital Project Fund. Mr. Yates said that the Capital Project Fund is being fully utilized this year; a variety of funds going into that account to pay for upgrades primarily to water and sewer projects. Mr. Yates stated that the Debt Service Fund has two new Texas Water Development Board debts to pay, and with the increase in the assessed value the Debt Service Fund will have a balance of \$249,900.

Dave McCorquodale asked to clarify that the City needs about \$15,000 more this year than what it needed last year to operate, in a manner consistent with what they operated last year. Mr. Yates said that was correct and that is with adding a position and a half in the General Fund.

Mr. Yates then presented a brief overview of the 2017-2018 Budget. (A copy has been attached to the minutes.) Dave McCorquodale said that he appreciated the detail in the presentation, and asked Mr. Yates if he could provide a 60 second synopsis of the financial state of the City; leaving last year and going into this year, how he would summarize what he just presented.

Mr. Yates said that they have had a very good year, with a General Fund balance of \$141,000 for last year. Mr. Yates said that he guessed there was about \$30,000, and they ended last year with approximately \$40,000 as a fund balance. Mr. Yates said that they always try to stay low on revenues and high on expenses. Mr. Yates said that the revenues can come in slightly higher, and the expenses have been watched very well.

Mr. Yates said that the Utility Fund was doing considerably better. Mr. Yates said that he remembered one time last year when they did not know if they were going to be positive for the end of the year, and this year they are at \$361,000 revenue over expenditures. Mr. Yates said that part of that is due to the rate increase but it is also watching the expenses. Mr. Yates said that he wanted to commend Mr. Mike Muckleroy and Mr. Michael Williams for the improved maintenance and foresight in maintenance of the water system. Mr. Yates said that he would say that he knows that we are doing much better financially.

Rebecca Huss said that she thought it was important to note, when talking about the money that we've accumulated in the water and sewer fund, there has been a significant period of under investment and under maintenance that we're accumulating funds to address those deficiencies, and those investments are going to be very possible. They are investing in the City's future by saving money now.

Mayor Jones stated to Mr. Yates that, like most small cities, the General Fund Budget is very dependent on sales tax revenue, and asked what the approximate percentage of sales tax revenue was to the whole budget. Mr. Yates said that it is about 55% to 60% because the General Fund revenue is \$3.1 million and \$1.8 of that is estimated to be from sales tax. Mayor Jones said that he remembered a time, maybe a decade ago, where it was nearly 90%.

Mayor Jones asked if anyone would like to speak, and stated that the budget is one of the most important things that City staff and City Council do on behalf of the citizens. It is the roadmap for the up and coming year. There were no comments made.

Mayor Jones adjourned the Public Hearing at 6:26 p.m.

2. Alcohol Beverage Permit Application regarding an Alcohol Beverage Permit Application for the Cozy Grape Wine Bar and Bistro to change their existing Alcohol Beverage Permit to include mixed beverages as submitted by Tom Cronin.

Mayor Jones convened the Public Hearing at 6:26 p.m.

Mr. Yates advised that there have been no comments received from the mail outs that were sent to the people on the tax roll that are located within 200 feet of the Cozy Grape. Mr. Yates said that he did not think that there has been any telephone contacts or any oppositions on the matter. Mayor Jones asked whether anybody from the public wanted to speak. Mayor Jones advised that Mr. Cronin, owner of the Cozy Grape, has a beer and wine permit, and he used to have a mixed beverage permit down the street. Mayor Jones said that Mr. Cronin is combining the two permits. Mr. Cronin advised that according to TABC this is considered a change of location for the mixed beverage permit.

There were no other comments made.

Adjourn Public Hearings

Mayor Jones adjourned the Public Hearing at 6:27 p.m.

Convene into Regular Meeting

Mayor Jones convened into Regular Meeting at 6:27 p.m.

VISITOR/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. Council may not discuss or take any action on an item, but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

Ms. Brenda Ryland stated that she wanted to speak under an item on the agenda.

CONSENT AGENDA:

3. Matters related to the approval of minutes for the Budget Workshop Meeting held on July 20, 2017, and the Regular Meeting held on August 8, 2017.

Dave McCorquodale moved to approve the minutes for the Budget Workshop Meeting held on July 20, 2017, and the Regular Meeting held on August 8, 2017, with the only change being that he did not second any action on the August 8, 2017 minutes, since he was absent. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

4. Consider and possible action regarding adopting Escrow Agreement and authorizing a Utility and Economic Feasibility Study for the following properties:

- A. 80-Ac. Mabry Property single family development located east of the City limits with the City ETJ south of FM 1097;
 - B. 5.7-Ac. Peter Hill Development located east of the City limits partially within the City ETJ and south of SH-105;
 - C. 2.3-Ac. Plez Morgan Drive Machine Shop located east of Plez Morgan Drive between FM 1097 and Lone Star Parkway; and
 - D. 1-Ac. Westmont Square commercial development located west of Liberty Street and north of College Street.
5. Consideration and possible action regarding authorize street closures for the Wine and Music Festival beginning on Friday, September 15, 2017 at 5 p.m. through Saturday, September 16, 2017 for College, McCown, Maiden, Caroline, and John A. Butler Streets.
6. Consideration and possible action regarding authorizing the Alcohol Beverage Permit Application for the Cozy Grape Wine Bar and Bistro to change their existing Alcohol Beverage Permit to include mixed beverages as submitted by Tom Cronin.

Mayor Jones asked if there were any questions on the next items, 4-6 on the Consent Agenda,

Rebecca Huss said that she had a question on Agenda Item 4, Feasibility Studies, and whether the prices were different because of the size of the parcels. Mr. Ed Shackelford, City Engineer, said that was correct.

Dave McCorquodale said the Feasibility Studies are in no way an endorsement of the City, these are common projects that we hope to go forward; the study determines the pros and cons of each project that we are considering.

Mr. Shackelford said that the Study will help identify what is necessary to extend utilities to the properties and evaluate the economic feasibility of the project. Mr. Shackelford stated that then they would bring that study back to City Council for consideration, which in most cases, they accept and then it's up to the developer to decide whether he can afford to proceed.

Mayor Jones asked if there were any other questions on any of the other Consent Agenda items.

Rebecca Huss said that for the Antiques Festival, they work really hard to make sure that the Old Montgomery Steakhouse customers have been able to access their parking lot, and the supply trucks have been able to deliver food supplies so that their business has not been disrupted by the event. John Champagne asked if that has been an issue. Rebecca Huss said that it has been an issue.

Mayor Jones said that the Wine Festival is different than the Antique Festival. Rebecca Huss said that it is, but the business is still important to the people that run it. Mayor Jones said that this is the exact same thing that has been asked the last several years.

Mayor Jones said that they will work it out and he did not think that City Council needs to worry about it. Rebecca Huss said that they can ask that they work it out. John Champagne asked who they would ask to work it out.

Dave McCorquodale said that would mean the owner of the Old Montgomery Steakhouse and the parties that put the event on, meaning The Chamber. Dave McCorquodale asked when we close that road, we're not prohibiting deliveries during this time for their business. John Champagne asked if that was an issue. Rebecca Huss said that it has been an issue in the past. Dave McCorquodale also said that it has been an issue in the past.

Mayor Jones asked Miss Shannon Reid to speak to this matter because she has been doing this for years and she can tell us how it works.

Miss Reid advised that when she communicates with the Ashenbakers, their deliveries are on Friday morning and that doesn't impact our street closures, because as you see the street closures begin at 5:00 p.m. or after the close of business. Miss Reid said that they try to leave the streets open as much as possible until all of businesses finished at the end of Friday night. Miss Reid said that they have not had any complications with Wine Festival in the deliveries to Old Montgomery Steakhouse. That problem occurred during the Antiques Festival because it covered a larger span of time.

Dave McCorquodale said that everybody's going in with eyes wide open. Mayor Jones said that it was not their first rodeo. Dave McCorquodale said absolutely, but it would be remiss of Council not to just make sure. Mayor Jones said that the comments were so noted and asked Miss Reid to make sure this was taken care of. Miss Reid said that she absolutely would take care of it.

Jon Bickford said that it might be a good idea to have Miss Reid let City Council know at the next Council Meeting that she has checked with the Old Montgomery Steakhouse and everything is good to go for the Wine Festival. Mayor Jones said that City Council does not need to know that, they will take care of the matter, he promised. Jon Bickford said that apparently somebody had a problem. Mayor Jones said that somebody has a problem, but there is not a problem.

Dave McCorquodale said that it sounds like there is a problem. Dave McCorquodale said that he wants to make sure that everybody downtown is okay.

Rebecca Huss said that it is the Council's business, in that we're closing the streets and we are causing the circumstances that we're talking about.

Mayor Jones asked if City Council heard the schedule, they will close the streets down Friday night and the deliveries occur Friday morning. Rebecca Huss said that was correct, but they are also open on Saturdays. Mayor Jones said that on Saturday the whole parking lot is shut down, as part of the festival. Mayor Jones said that is not for City Council to decide regarding the parking lot.

Dave McCorquodale said that he thinks that if City Council decides to close down the streets, he thinks it is incumbent for us to ask every issue of closing down the street. Dave McCorquodale said that he was confused about how closing down the street doesn't involve making sure that access to the streets is sorted out. Mayor Jones said that the streets are closed and there is no access, which is the purpose of closing a street. Dave McCorquodale asked if deliveries are scheduled to be made down a public street, is it not our issue to make sure that everybody's on the same page?

John Champagne asked whether there would not be some communication between a business owner and the people charged with running this Festival. John Champagne asked how many years have they been running the Festival. Miss Reid advised that this will be the twelfth Festival. John

Champagne asked if there has been communications between the business owners and the Festival people. Miss Reid said that there has been.

Dave McCorquodale moved to keep the City Council out of closing the streets for any festivals that rely on this body to close down streets in order to enact a festival.

Mayor Jones asked if that was a motion.

Dave McCorquodale advised that yes, it was a motion.

Dave McCorquodale said that he moved to keep the City out of the business of closing streets if we're not interested in making sure business deliveries are made during those dates. If we're not concerned about delivering to those businesses during those dates, why are we closing down streets?

Mayor Jones asked if this was a proper motion for the agenda item. Dave McCorquodale asked how that is not a proper motion.

Mr. Foerster said that this is all part of the Consent Agenda and you may want to pull this item out of the Consent Agenda.

Dave McCorquodale moved to approve items 3 and 4 of the Consent Agenda as presented. T.J. Wilkerson seconded the motion.

Discussion: Mayor Jones asked if they wanted to include Item 6 in the motion.

Dave McCorquodale amended his motion to include items 4 and 6 as presented. Rebecca Huss seconded the amended motion, the motion carried unanimously. (5-0)

Mayor Jones said that with regard to the street closures, there was a motion by Dave McCorquodale and asked if he would repeat the motion.

Dave McCorquodale moved to ensure that if the City Council authorizes closure of streets, we also authorize City staff to ensure that coordination is made between businesses and the Festival presenters to ensure that business deliveries are made on time and without interruption.

Jon Bickford asked, to make sure he understood, that they are going to close down the street, and rather than have The Chamber of Commerce be responsible solely and authorized to declare whether or not a business is going to get deliveries, they need to check with the City. Dave McCorquodale said that was absolutely correct.

Dave McCorquodale said that he was asking that, if they authorize closing down the streets, we are authorize to take responsibility for businesses that don't get deliveries during that time.

Rebecca Huss said that the issue came up four or five years ago when the festivals were talking about putting up a fence to charge admission, and businesses within the fenced area were concerned about the economic impact of people that were not willing to pay. Rebecca Huss said that it was discussed and it really was a bigger discussion of whether the City should impose things on businesses that are not good for those businesses, for the benefit of festivals. Rebecca Huss said that she guessed this was what Dave McCorquodale was talking about, when you have a street closure, if it's not good for a specific business, are there ways that we can mitigate that, or should we do something that could harm a business.

Mr. Cronin said that they just planned for the event, and he knew that the Old Montgomery Steakhouse has been around a lot longer than he has. Mr. Cronin said that all of the food purveyors deliver first thing in the morning, and the alcohol purveyors usually delivery midafternoon because they all want to be back in their warehouses by 5:00 p.m. because of traffic. Mr. Cronin said that as a business owner, he did not really see the road closure as being an issue, he just thought that it takes some planning. Mr. Cronin said that the reason that they block off streets is primarily for safety, and if it is an issue with the Old Montgomery Steakhouse, then find a route, possibly Clepper to Maiden. Mr. Cronin said that he did not know any other business owners that have an issue. Mr. Cronin said that as somebody that operates a restaurant, he never had that issue.

Mr. Muckleroy said that he spoke to Miss Ashenbaker before the last festival, and the delivery that's in concern comes in on Maiden Street, and that portion is never shut down, it shuts down at

College. Mr. Muckleroy said that it was not an issue last time; they came in and out and there were no barricades in the way.

Mayor Jones said that we have been doing this for 12 years and suddenly we are having a problem. Mayor Jones said that there was a motion on the floor.

The motion died for lack of second.

Dave McCorquodale said that he does not want somebody dealing with this just because it is the way we've always done it. Dave McCorquodale said that if everybody downtown is working it out, that's awesome. That's what we want, but ignoring somebody, is not working it out. Mayor Jones said that was not the plan, it is not being ignored. Mayor Jones said that he was speaking passionately on other side because for the last 12 years he has been intimately involved, and he knows what goes on and he understands that concern, but they have it worked out and have for a long time. Dave McCorquodale said that what they are asking for this year is what they did last year, assuming that is going to carry over this year. Mayor Jones said that the same personnel is involved.

John Champagne asked what has changed. Mayor Jones said that nothing has changed. Jon Bickford asked if this could be as simple as if a business owner needs a delivery made, that the City authorize the opening. Mayor Jones said that the streets are not closed until 8:00 or 10:00 p.m. on Friday night. Dave McCorquodale said that on the agenda item it says 5:00 p.m. Jon Bickford asked if the suggestion that he made would solve the problem. Dave McCorquodale said that it would.

Jon Bickford asked whether it was as simple as not giving The Chamber the authority to say that they can't do that, so the business owner is not stuck. Dave McCorquodale said that on the surface, what they are saying is, The Chamber can close streets as they wish, and if anyone else has an issue they can work it out.

John Champagne asked who is enforcing the closure of the streets. Mr. Yates said that ultimately he would say, himself and the Chief of Police. John Champagne said that if a delivery needs to be made, wouldn't it be appropriate to check with the Police. Dave McCorquodale said that was

what he was asking to make sure. John Champagne said that in his mind, they have a check and balance, the streets are closed by the function of the presence of City Police.

Mayor Jones said that if there is a barricade in somebody's way, they will run right through it, or they will move it. Dave McCorquodale said that what they are relying on is an open invitation to not obey the law. Dave McCorquodale said that what he is asking for is to make sure that everybody downtown is on board with the street closures and when they happen.

John Champagne said that he was about to make a motion, and said that he still did not get it, but he respects Dave McCorquodale's position and opinion, but he does not get this. Jon Bickford asked if someone has complained or something.

Dave McCorquodale said that he wanted to make sure that everybody whose livelihood depends on downtown businesses has the same input to street closures. Mayor Jones said that they get their input, they just don't come here to give it; they work with The Chamber. Dave McCorquodale said that if they are not a member of The Chamber, they're not allowed. Mayor Jones said that it does not matter if you are a member of The Chamber. Dave McCorquodale said that if they vote to close streets, it is not The Chamber's issue. Jon Bickford said that if there is a reason and somebody had a specific issue with the street closures they should come tell us.

Mayor Jones stated that the motion on the floor has died for lack of second and asked what Council was going to do.

John Champagne moved to approve the closing of College, McCallum, Maiden, Caroline, and John A. Butler as shown on the map, including the consent agenda item. John Champagne said that his motion reflects what he just read.

Mayor Jones asked if there was a second; the motion died for lack of second.

Jon Bickford moved to authorize the street closures for the Wine Music Festival beginning on Friday, September 15th at 5:00 p.m. through Saturday, September 16, 2017 for College, McCallum, Maiden, Caroline, John A Butler streets, and that, in the event, that a business holder needs a delivery made, they call the City and make arrangements to have that done. Dave McCorquodale seconded the motion.

Discussion: Mayor Jones said that was not practical. Dave McCorquodale said that the arbitrator is the City. Mayor Jones said that the event is on Saturday night. Jon Bickford said that the City could be the Police Department or Mr. Yates. Mayor Jones asked if that included Council members and the Mayor. Jon Bickford said that he did not think that City Council members could, but the Mayor probably could. Mayor Jones said that he would probably be down there and he could move a barricade as easy as anybody. Jon Bickford said that would be perfect.

The motion carried with 4-Ayes and 1-Nay by John Champagne. (4-1)

CONSIDERATION AND POSSIBLE ACTION:

7. Consideration and possible action on Department Reports.

- A. Administrator's Report – Mr. Yates presented his report to City Council. Mr. Yates said that during the month he had spoken to the April Sound Men's Club, attended the TxDOT Community Meeting and worked with staff and Council on 2017-2018 budget preparation.

Mr. Yates said that he had included a Buffalo Springs Bridge Waterline Chart that shows the project that they're designing now to be completed by February. Mr. Yates stated that it's basically the same time period as the bridge, because the waterline underneath the bridge is in connection with the FEMA Project. Mr. Yates said that the FEMA Project Report will be presented later. Mr. Yates said that he also had the Gantt chart showing the schedule for the bridge and Flagship Boulevard paving, which was completed last Thursday.

Rebecca Huss said that she was the first one to drive on Flagship Boulevard, it was great. Rebecca Huss said that today, especially it was really nice to have it because of the whole FM 149 south experience would have been worse without it. Mr. Yates said that he meant to drive on it today. Rebecca Huss said no he should not have, but she was sure that we will discuss it more during the Police Report.

Mr. Yates said that he would like to commend Susan Hensley, City Secretary, for her excellent work on the City insurance. Mr. Yates said that what Ms. Hensley did was save the City about \$7,000, while adding about \$4.5 million dollars to our insurance

inventory, which was done by working with the City Engineer and knowing the system. Mr. Yates said that it was excellent work and we came out of it \$7,000 cheaper and with much better insurance coverage. City Council thanked the City Secretary.

Dave McCorquodale said that in the report it states that Mr. Yates took MEDC minutes, and asked how long that took him to prepare them. Mr. Yates said it took about 30 minutes to do the minutes. Dave McCorquodale said that the two meetings lasted about 30 minutes each. Mr. Yates said that he does summary minutes. Mayor Jones said that they are not long, detailed minutes. Mr. Yates said that they are about two pages that takes him very little time to prepare. Mr. Yates said that he makes a memo during the meeting and then uses his transcribing program to type out the minutes.

- B. Public Works Report – Mr. Mike Muckleroy presented his report to City Council. Mr. Muckleroy advised that they replaced several damaged street signs, replaced the air conditioner on Well 2 control room, finished the painting of stop bars and speed humps, and repaired the ditch on Bessie Price Owens. They had 5 water taps, 3 sewer taps, 4 water leaks and zero sewer stop ups for the month.

Mr. Muckleroy said that they will be renting a crack sealing machine next month. They can get a week rental and two pallets of products for around \$4,500. Mr. Muckleroy said that they should be able to get quite a bit of sealing done. Mr. Muckleroy said this will be a big savings versus paying somebody to do it. Jon Bickford said thank you for doing that. Mr. Muckleroy said that they are going to try to start doing this once or twice a year, depending on how much they are going to get done.

Mr. Muckleroy said that on the park side, they repaired the check valve on the suction line from the Memory Park problem, installed a section pipe for storm water runoffs at Cedar Brake Park, repaired the footbridge at Memory Park and cleaned graffiti from the restrooms at Cedar Brake Park. Mr. Muckleroy said that the docents of Fernland reported 486 visitors for the month, and they provided 47 tours. Mayor Jones asked how many photographers are paying the \$250 permit. Mr. Yates said that he thought it was about 8 photographers. Jon Bickford said that they had done a little shift with some of them going over to Memory Park. Mr. Yates said that he has been asked to carry the permit fee over to Memory Park, but the reason that they talked about before was they did not really have a way of enforcing that. Mayor Jones said that you would

think one permit could get you both places. Jon Bickford said that they are not paying at one place, and they're going to the other so it would be great if they could pay for both.

T.J. Wilkerson said that he saw there was graffiti at Cedar Brake Park, and asked if they had any incidents at Homecoming Park. Mr. Muckleroy said that they had a pretty major mural painted at Homecoming Park this month, which will be on next month's report. Mr. Muckleroy advised that they had painted on all three sides of the building, so they went over immediately and covered it over trying to make a statement that it wasn't going to stay around, and it has not happened again.

Rebecca Huss asked if the Entergy fix that was being done worked. Mr. Muckleroy advised that it had not. John Champagne asked where they were with the Entergy problem. Mr. Foerster advised that the letter went out to Entergy, but he had not received any response. Mr. Muckleroy advised that Entergy came out and did an adjustment to a major step down transformer, by Phil's, that is taking 20,000 volts down to 7,600 volts. Entergy did some tweaking on it and it did not work, then they came back and they essentially cut most of the feed after the Well, and put it on Old Plantersville Road, converting 7,600 volts to 20,000 volts. John Champagne said that he appreciated that information, but asked if it worked. Mr. Muckleroy said it has not worked as of yet. Mr. Muckleroy said that they are still working on it, in fact, he met with the Entergy rep today at 4:30 p.m. Entergy is going to send a service guy out tomorrow and they are going to actually try to run the Well while they're on site, so they can compare the readings they're getting from their power monitor versus the one that we have and see what kind of leads we're getting. John Champagne said that other than this continuous mediocrity of customer service, what's the next step that we can do? Mr. Muckleroy said that since the letter went out, customer service has improved and they are constantly contacting us and actively trying to resolve this problem. Mayor Jones said that the attention we're getting now would have been nice months ago. Rebecca Huss asked if Entergy was also focusing on Well 4. Mr. Muckleroy said that it was one at a time, because they know about Well 4. Rebecca Huss said that they are only pumping regulated water when they fix Well 2, we will still only be pumping regulated water, and we need the Catahoula water. Mr. Muckleroy said that in the grand scheme, that's permitting issues that can be dealt with, Well 2 is a redundancy

that, if that well is down, that's our backup. John Champagne said that the point is it's increasing our cost of operation, markedly.

Mayor Jones said that someone suggested that we put a soft start on those motors that might help. Mr. Muckleroy said that is still a possibility, it's just if Entergy can fix it on their end like we think they should be able to, there would be no need for us to buy a soft start. John Champagne asked whether staff had totaled the additional expense incurred because of this problem. Mr. Muckleroy said that he did not think they have a total. John Champagne said the next letter needs to include that information. Jon Bickford said that they also need, to the best you can, keep track of the time that everybody is spending on chasing that around too. Mr. Muckleroy said that they are actively trying to fix our problem and it is not like it was a month ago, and they are supposed to do another test tomorrow.

John Champagne asked if all the generators are operable and ready to go. Mr. Muckleroy advised that they were. Jon Bickford said that there is a storm brewing. Mr. Muckleroy said that they have a preventative maintenance program. Jon Bickford said that they need to double check them before Saturday. Mr. Muckleroy said that he would.

Jon Bickford asked who owns the Freedom Festival. Rebecca Huss said that was The Chamber. Jon Bickford asked about clean-up after the event, and why staff is involved with Freedom Festival clean-up. Mr. Muckleroy said that they go Monday morning and pick up barricades and start picking things up that need to be cleaned up. Jon Bickford asked if it is cleaning up trash and mess. Mr. Muckleroy said that there is usually stuff left behind. Jon Bickford asked if that was not the responsibility of the Freedom Festival folks. Mr. Muckleroy said that it should be, but if there is stuff there they are going to pick it up and not leave it. Mayor Jones said that the biggest issue is the parade and all the candy that gets thrown to the crowd. Mr. Muckleroy said they picked up candy for hours. Jon Bickford said that, if we are going to continue to have events, then there is an expectation that it is cleaned up afterwards. Mayor Jones said that was correct. Rebecca Huss said that when she lived in Kingsville she did the local parade and they did not allow throwing candy. Jon Bickford said that to him it was more of a process detail; he was more concerned with the fact that if you are going to have a festival, you clean up or pay the City and we will do it. Mayor Jones said that

for the most part they do; they bring the barricades and extra trash cans. John Champagne said that the City could invoice them for the cost of cleanup. Jon Bickford said that he thinks they need to do that because he is getting frustrated by hearing this over and over again. Jon Bickford said the City charges if you use Community Center and leave it a mess. Mr. Yates said that he would look into charging for cleanup.

Mr. Foerster advised that it was just an observation, but the City of Willis, in their parade ordinance does not permit the throwing of candy, which was based on the Police Chief's concern about security, i.e., children running under vehicles while running to get candy, and doing things that put them into harm's way. Jon Bickford said all that makes great sense. Jon Bickford said that he was also talking about cups, paper, trash, bottles, cans and all the rest of the stuff that is left behind. Jon Bickford said that it should include all the festivals.

- C. Police Department Report – Chief James Napolitano presented his report to City Council.

Rebecca Huss said that she really appreciated the breakout of the information and said that it was exactly what she has been asking for and what she wanted to see. Rebecca Huss thanked Chief Napolitano.

Chief Napolitano said that they are also working on trend lines. Chief Napolitano advised that the problem they are having is they have a system called Copsync, which was purchased just as he was arriving as Chief, four years ago. Chief Napolitano said that they have tried to make Copsync work for the Court and for the Police and it seems to be working pretty well now. Chief Napolitano said that the Sheriff's office, who dispatches us, uses a new system called Spillman, which changed the parameters of how we have to operate with them. We don't pay for Spillman, we pay for Copsync, and sometimes for us to get information out of Spillman, we would have to be a paying customer. Chief Napolitano said that they have been able to get trend lines and will be able to get something to look at in the future.

Chief Napolitano said that there are two kinds of calls that we have for service. One that comes from dispatch and others that are self-initiated by the officer. Chief Napolitano said that if an officer is driving down the road and notices somebody speeding, he or she makes contact, which is a self-initiated call by the officer not by the dispatch. Chief Napolitano said that they are going to work on that information so that it becomes clear for you to make assessments of what the department is doing.

Rebecca Huss said that it took her two hours, round trip, to get to the school and she can see the school from her house. Rebecca Huss said that something needs to be done and we need to be billing MISD. Rebecca Huss said that she saw three police officers in the morning, and MISD had one officer. Chief Napolitano said that the City had 5 officers working. Rebecca Huss said that we need to be billing MISD for overtime, we need to be doing citations, because they built that school. Rebecca Huss said that when Bobby Morris came to our office, he said they would have less students, so there would be no problem with the traffic. Rebecca Huss said that they put more students there and they made no effort to adjust anything to deal with traffic. Mayor Jones said that when they had that conversation they planned on the other school. Rebecca Huss said that he knew but made no changes. Mayor Jones said that there is 150 more children in that school than was intended. Chief Napolitano said that on the first day of school, everyone has to be driven to school, and the other problem is that it is a kindergarten and Pre-K and a lot of the parents want to drive.

Chief Napolitano said that they were having a lot of conversations with people today and they were trying to move traffic as quickly as possible. Chief Napolitano said that they did really well with the high school traffic east and west, but when it turned south bound on FM 149, everybody just stopped in the middle of the road.

Rebecca Huss said that it was crazy; the bank was blocked by 2:30 p.m. and school is not let out until 3:40 p.m. Chief Napolitano said that they are going to work on that tomorrow.

Rebecca Huss said that the school has to be part of the solution, they cannot say that they are on a TxDOT road and they are off the property, and it's not their problem.

Rebecca Huss said that they must be paying for it, so that they can make their problem to be part of the solution, they cannot push that back on to the City.

Mr. Yates said that the principal of that school and Chief of the MISD met roughly two weeks ago, and he said that he would do whatever it took. Mr. Yates said that he will talk to the MISD Chief and insist that they need to hire more people or do whatever else to solve the matter. Mayor Jones said that he did not think that more police would solve the problem.

Chief Napolitano said that Officer Carswell had a major operation today, and he did well, so thoughts and prayers for Officer Carswell.

- D. Court Department Report – Rebecca Lehn-Kendall, Court Administrator, presented her report to City Council. Rebecca Huss asked if Mrs. Kendall had hired a warrant officer. Mrs. Kendall said that it would probably not be until after October 1, 2017. Jon Bickford asked if they were interviewing.

Mrs. Kendall said that her vision for warrants is that they are going within the department first. They will allow the officers to apply and see who wants to come over, if not we will put it out to the public. Mrs. Kendall said that this is the one position that can support itself. A lot of departments have warrant divisions and that's all they do, which is what she is hoping for. Rebecca Huss said that she would like to get somebody in there who will really work the warrants. Mrs. Kendall said that warrants are down right now. Mrs. Kendall said that for the past two years we were only at 5,000 and they have doubled that in the past month. Mrs. Kendall said that people are paying instead of wanting to go to jail. A lot of it is has to do with OMNI, meaning that they might have gotten their driver's license three years prior to getting the warrant.

- E. Utility/Development Report – Mr. Yates presented the report to City Council. Mr. Yates advised that during this past month they issued 34 permits for a total of \$8,343 and received \$1,865 for rental of the Community Center. Mr. Yates stated that there are 594 active water accounts.

Mr. Yates noted that they are also continuing to monitor the City account consumption and all of those reports are all in, especially the sewer plant water consumption was down to 1,000 gallons this past month due to the recycling apparatus. Mayor Jones

said that it used to run 200,000 gallons per month, so that recycling equipment paid for itself. Jon Bickford said that Memory Park is still higher than anything else.

- F. Water Report – Mr. Mike Williams, with Gulf Utilities, presented his report to City Council. Mr. Williams reviewed the district alerts, and said that out of those alerts, nine were due to a power balance at Well 4. Mr. Williams said that the other issues were on June 20th; they had an issue with the Waste Water Treatment Plant where there was a bad coupling.

Mr. Williams advised on July 7th, Water Plant 3 had a leaking coupling at the bottom of the cooling tower, and NTS was able to replace the pipe and fitting. Mr. Williams said that on July 14th, Lift Station 3, pump 2 had high run times again, so the pump was pulled and deragged, and Lift Station 9 had to have the pumps deragged.

Rebecca Huss asked if Lift Station 3 was going to be like Lift Station 8, where in six months we're going to look back and say, "why didn't we buy a new motor?" because we could have paid for it with all the extra fall-outs? Mr. Williams stated that actually, the most recent development; Lift Station 3 will need a new motor, which we discussed this morning during the weekly conference call.

Dave McCorquodale asked about the process when Mr. Williams has to call NTS. Mr. Williams advised that they will either pull a claim file for NTS, or NTS will. Mr. Williams said that it would depend on availability, and to keep the cost as low as possible if they have a truck in, we are going to call NTS, so that you all, in the end, pay less money. Dave McCorquodale said that was his question and he was just making sure that in terms of whoever ends up resolving the issue, it is still as official as it can be in terms of what the City is looking at in terms of overhead cost.

Mr. Williams advised that the effluent trend for the month of June was 4,092,000 gallons. Mr. Williams said that the daily peak flow was July 10th at 386,000 gallons, and 97% of the permitted value. Mr. Williams said that on that day they we had about 5 ½ inches of rain. The average daily flow for the month was 130,000 gallons, 33% of the permitted value. Mr. Williams stated that for this time frame they are at 99.3%

accurate. Rebecca Huss said that she loved it when it shows 106% accuracy. Mr. Williams advised that the 106% did stand out, but that was also the same day that they had 5 ½ inches of rain, so it does skew the information when you have that much flow coming in.

Mr. Williams advised the permit and the discharge limitations. All samples from the month of July are comfortably within range; at the end of the month, they had 6.37 inches of rain. Mr. Williams stated that the rain gauge from the sewage treatment plant totaled out to 92% accountability. Mr. Williams said that it was a little below average this month, but does recall last month they were at 101%, so it might have been a little of balancing out, also new developments might be doing some flushing, not through their hydrant meter.

John Champagne stated that in July, the City had over 6 inches of rain; in June we had 3 inches, cumulative, and Memory Park has twice the consumption of water in July. Mr. Williams said that in the month of July they pretty much got all of the rain in one day. Jon Bickford said that he just did some quick math, and Memory Park used 200,000 gallons of water in July. Jon Bickford said that was 10 times the average household, 20 times the amount of water we used in Cedar Brake Park, 40 times the amount of water we used at Fernland Park, and it's 100 times the amount of water that we used at Homecoming Park. John Champagne asked about the cost to get water to the tap. Mr. Yates said that if the water costs \$4.50 per 1,000 gallons. John Champagne asked what would be the cost to the City for 200,000 gallons of water. Rebecca Huss said she thought it would be about \$800 at the most.

Rebecca Huss said that since we are at the end of August there is 30% remaining on our 2017 permit which means that we have already exceeded our permit level. Mr. Williams advised that we have not exceeded our permit level as of yet. Mr. Williams said that they have about 15% of it left. Mr. Williams said that they have increased the usage out of Well 4, which has required a lot more resetting and he is teaming up with Mr. Muckleroy to accomplish. Mr. Williams said that Mr. Muckleroy has gone through training sessions on how to reset it and he has been taking on a lot of the resetting without costing the City a substantial amount.

Mayor Jones asked about a soft start and how much it costs. Rebecca Huss said that for a school building it costs about \$400,000 to run all their air conditioning and other

equipment. Mr. Shackelford said that he did not have number on it, but he would check on it. Mr. Shackelford said that the interesting thing is, a couple of years ago Well 2 was operating just fine without any adjustment to their system. Mayor Jones asked whether it would be better to soft-start a motor, for the life of the motor. Mr. Shackelford said that as he understood, yes, but he was not an electrical engineer.

Mr. Williams discussed the Water Accountability Chart. Rebecca Huss said that the accountability was ridiculously low. Mr. Williams said that it is slightly lower than average this month. Mr. Williams said that they are going to make sure that the contractors are using their hydrant meters to flush.

- G. Engineer's Report – Mr. Shackelford presented his report to City Council. Mr. Shackelford advised that they still have, on the Joint Mobility Study, a meeting with Precinct 2, which has been scheduled. They will discuss the recommendation on the mobility study. Mr. Shackelford said that, on the Wastewater Treatment Plant Permit renewals, they have received Stewart Creek and they are waiting on the Town Creek Permit. Mayor Jones asked if those permits last 5 years. Mr. Shackelford said that was correct.

Mr. Shackelford said the 12 inch waterline in front of Heritage Place Medical Center Building, has been installed, tested and the contractor is making the connections. Mayor Jones asked about the line on Caroline Street. Mr. Shackelford said that line has been disconnected. Mr. Muckleroy said the new line on Carolina is active. Mr. Shackelford said that the stretch between SH 105 and Caroline has been abandoned and then the new connection made.

Mr. Shackelford said that regarding the Buffalo Springs Bridge, they have been talking with FEMA, and Mr. Roznovsky has been stressing the deadline for submission is September 1. Mr. Shackelford said that FEMA has said they are going to give us all the information we need to be able to submit. Mr. Shackelford said that the grant administrator will be working on the environmental, and the U.S. Army Corp. of Engineers has received our submittal and is going through their reviews. Mr. Shackelford said that they can be advertising during the environmental review, they

can also accept bids, but they can't execute contracts. Mayor Jones asked how long before they can put it out for bid. Mr. Shackelford said that it would be about 30 days.

Mr. Shackelford discussed the water distribution system analysis and metric plan, Capital Project No. 3, Downtown and SH 105 Waterline Replacement Project, which is the one that replaces the line on SH 105 and makes a connection to Water Plant 2. Mr. Shackelford said bidding is to occur during the November/December time frame, and contracts estimated to start in January 2018.

Mr. Shackelford advised that the Water Plant 3 Project, which is doing some of the items that were found on the Water Plant Inspection Report, but also adds the second cooling tower, repairs or replaces the ground storage tanks, and basically improves that facility so that we have full cooling capacity. Mr. Shackelford said that construction is slated for February 2018.

Mr. Shackelford said that Lift Station 1 Replacement, which is another Water Development Board Project, and they have provided comments to the City's attorney on the Montgomery EDC Agreement, which is instrumental in providing additional land for the Sewer Plant. Mr. Shackelford advised that once they have that agreement and funds from the developer in escrow with the City, they are prepared to start design. Mr. Shackelford said that it will take roughly six months to design and seven months to construct. Mr. Shackelford said that they are trying to get the southwest corner store up and running by January 1 of 2019, which is not dependent upon Lift Station renewal or replacement. Mayor Jones asked if they could tap in and out front. Mr. Shackelford said that they can still get there.

Mr. Shackelford said that the other Water Development Project, which is fairly significant for Station 3 Force Main reroute, and noted that right now it goes to gravity lines and feeds to the Town Creek Sewer Plant. Mr. Shackelford said that the reroute is to realign that force main to discharge to Stewart Creek. Mr. Shackelford said that they think construction on that will start about November of this year. Mr. Shackelford said that Mr. Williams made reference to the televising and cleaning on FM 149 in his report, the contractor was Magna Flow. Mr. Williams stated that the project was

around \$17,000 worth of work and it looks like they have created more than \$18,000 worth of damage to the system. Mr. Shackelford said that it was his understanding that as they were jetting the line, they were not capturing the debris that was being jetted, and the debris made its way to this Lift Station. John Champagne asked if we have paid them. Mr. Shackelford said that they have not been paid. Mayor Jones asked what kind of debris that would be. Mr. Shackelford said that it was rocks. Mr. Shackelford said that it was something that would jam the impeller and not allow the impeller to work, so they are evaluating that damage. Mayor Jones asked if the contractor is done with what they intended to do. Mr. Shackelford said that they are done with the televising and cleaning, but they still have videos to deliver to us. Mr. Shackelford said that they are looking at the total value of the damage caused, and they are looking at City's contractors' time to deal with the issue.

Mayor Jones asked if we quickly replaced the impellers. Mr. Williams said that they currently have rental pumps in their place. Mr. Shackelford said that they have notified the contractor and they're liable for the damage, so they are looking at that. Rebecca Huss asked to make sure that they are not going to hold the videos back as part of this. Mr. Shackelford said that this is a sizeable company, so that should not be an issue. John Champagne asked if this contractor was the lowest bidder. Mr. Shackelford advised they were the lowest bidder, but they also did not have many bids because it was a small project.

Mr. Yates advised that they were going to have a conference call tomorrow morning at eleven o'clock to discuss the results of Magna Flows answer and how to proceed. Mr. Yates said that it would either be an insurance issue or they just pay us, or make the replacement.

John Champagne asked if using rental pumps were because impellers were not available at this point. Mr. Williams said that they take time to ship and each part is not readily available, so they are looking anywhere from a couple of days to two months to get the part delivered.

Mr. Muckleroy advised that rental is a standard procedure when one pump goes down, especially with the size of Lift Station 2.

Mr. Shackelford advised that, if replacement parts are on the shelf, it is a quick turnaround, but if not, they have to be ordered and it could take two to three months. Mr. Shackelford said that they are working with Magna Flow to get this resolved.

Rebecca Huss asked if they are going to follow this up with smoke testing, because even if you did or did not find damage in the line from the televising, the smoke testing might reveal damage so it would make sense to do both. Mr. Shackelford said that smoke testing would be most beneficial on the service lines, or the public lines of the building. Mr. Shackelford said that they will find that in brand new subdivisions where the power company has driven a ground rod through a gravity line.

Rebecca Huss said that you can't assume that everything is fine because you televised here, so she is wondering if it makes sense to have the two work together, so that you can be relatively sure that this area has been thoroughly tested on both sides. Mr. Shackelford said that they would get with Mr. Williams and work through that.

Mr. Shackelford reviewed the Water Plant Inspection Form. Rebecca Huss asked if they had all of the things already planned to fix and repair, and do they have that money allocated or are there things that are pretty urgently required to be addressed. Mr. Shackelford said that it needs to be addressed when Water Plant 3 construction occurs and some of it was already in test paper.

Mayor Jones asked about the FM 149 Widening Project going south, and how far this way are they're going to come. Mr. Shackelford said that it would not be very far. Mayor Jones asked if it would be up to the City limits. Mr. Muckleroy said that he got a utility locate request going from Keenan to Montgomery City limits. Mr. Shackelford said that it looks like they are making certain that they can have 12-foot lanes, plus shoulders.

Mr. Shackelford said that Buffalo Springs Shopping Center Phase Two, the water and sanitary sewer lines are in, so the developer is ready to move forward with construction of the drainage phase.

Rebecca Huss asked about the Living Savior Lutheran Church, and said that she heard a rumor that they were planning on removing the old Methodist Church. Mr. Shackelford said that he had not heard that rumor. Rebecca Huss said that if they should see those plan, she is sure that is a historical building in the Historic District. Mr. Shackelford said that he knew it was not part of the original plans.

Mr. Shackelford said that they are still working with the developers of Villas of Mia Lago to resolve differences of opinion on what they want to design versus what the County is constructing on Lone Star Bend. Mayor Jones commented that was still not resolved. Rebecca Huss asked what needs to happen to resolve the matter. Mr. Shackelford said that they have offered back a recommendation to the developer's engineer and he has revised the drawings. Mr. Shackelford said that now the developer is asking questions about what the potential cost are that are associated with what they suggested and recommended. Mr. Shackelford said that he is working on getting those costs identified, but other than that they have addressed all the other issues.

Mayor Jones asked if this non-resolution is holding up the project. Mr. Shackelford said that the contractor for the County was able to move over to Bois D'Arc and reconstruct that street. Mr. Shackelford said that it was his understanding that contract would be ready to move to Lone Star Bend in mid-to-late September, so we don't have a whole lot of time to get this resolved. Mayor Jones asked what they were talking about, a couple of feet elevation between the two places. Mr. Shackelford said they told the developer there needs to be a junction box where the culverts cross the road on the north and west side, adjacent to his development and he's asked a price for that box.

Rebecca Huss asked if there is a possibility that this whole thing can fall apart if the County gets tired of waiting or if this slips passed. Mr. Shackelford said the contractor that's doing Lone Star Bend is also the same one doing Bois D'Arc which is also the same one reconstructing Lone Star Parkway. Mr. Shackelford said that on Lone Star Parkway, the contractor is going to be here through October or November of this year, and he has also been in a couple of other projects in the immediate area. Mr. Shackelford said that he was at Commissioner's Court today and he was awarded those projects, so he is going to be in the immediate area for some time. Mr. Shackelford said

that the contractor expressed interest to the County that he's still interested in working on Lone Star Bend.

Mr. Shackelford said that what the County is reliant on, is the signing and execution of the plat, and the plat being recorded and dedicating the right of way. Rebecca Huss asked if we have any leverage or do we need to help. Mr. Shackelford said that right now, they are trying to get prices which he hope to have by early next week. Mayor Jones said that he could not imagine the project not happening at this point. Mr. Yates said that he will make sure that the project goes on.

Mr. Shackelford said that the contractors are making good progress on Bois D'Arc and should be finished by mid-October, or a little sooner. Mr. Shackelford said that for Lone Star Parkway, the contractor is anticipating being complete with the area between SH 105 and the Kroger driveway by the end of August, and all the way to Buffalo Springs by the end of September, then all the way to FM 149 by the end of November. Mayor Jones said that it does not seem like there's anyone out there working on that project. Rebecca Huss said that there is a lot going on at the Dental Empire. Mr. Shackelford said that contractor is working from Lone Star Bend back to the SH 105 area.

H. Financial Report and Quarterly Investment Report– Mr. Yates presented the report to City Council. Mr. Yates advised the total deposits in all accounts of the City is \$2,639,045; the General Fund balance is revenue over expenditures of \$141,093; the MEDC is \$56,864 to the negative, but their fund balance is \$701,000. Mr. Yates reported that the Utility Fund is \$361,989 revenue over expenditures. Mr. Yates advised that the Quarterly Investment Report, which is a required report from our investment officers, really repeats the information given by Mrs. Branco.

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

8. Consideration and possible action regarding selection of General Land Office Grant Administrator.

Mr. Yates advised that this is the \$2.2 million grant that was made available by Montgomery County, approving the method of distribution. Mr. Yates said that the method that set aside funds for the City that now have to be applied from the GLO by the City, and a certified administrator is required by and paid for by the grant. Mr. Yates advised that the Review Committee was made up of Rebecca Huss, TJ Wilkerson, Susan Hensley and himself. Mr. Yates advised that the Committee interviewed GrantWorks and Public Management, and the Committee is recommending GrantWorks, the Grant Administrator because they have successfully administered many GLO grants, and they were originally the group that alerted the City to the possibility of this grant. GrantWorks aided the City during the method of distribution and determination process which, in part, resulted in a large amount of this grant.

Jon Bickford asked if their costs were fixed or are they relatively the same. Mr. Yates said that it was negotiable. Jon Bickford asked if the two proposals were relatively close. Rebecca Huss said that they were close between the two of them and the GrantWorks guy said that he looked forward to the opportunity to negotiate his prices downwards. Jon Bickford said that was outstanding.

Jon Bickford made a motion that we select GrantWorks to be administrator of the GLO Grant. Dave McCorquodale seconded the motion.

Discussion: Rebecca Huss said that she didn't actually know this, but GrantWorks was the reason that the County was made aware of the GLO money in the first place. Rebecca Huss advised that Mr. Yates forwarded the information to the County Judge and that is how this money came to the County in the first place and how we applied for it. Rebecca Huss said kudos to both GrantWorks and Mr. Yates.

The motion carried unanimously. (5-0)

9. Consideration and possible action regarding selection of General Land Office Grant Engineer.

Mr. Yates advised that this is for the same GLO grant and an engineer is required and paid for by the grant. Mr. Yates advised that the engineer works with GLO and the City to prepare the plans. The same Review Committee as was used for the grant administrator, recommends that

we select Jones & Carter for the engineer. Mr. Yates advised that there were two other firms that submitted qualifications, and they interviewed all three. Mr. Yates said that one of the firms was the one that did the Baja project.

Jon Bickford asked whether Jones & Carter indicated that they were looking forward to negotiating as well. Rebecca Huss said that they did, enthusiastically. Mr. Yates said that he thought so. Mr. Shackelford said that they always looked forward to that.

John Champagne moved to select Jones & Carter as the engineer of the GLO grant. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

Mr. Shackelford thanked City Council for their selection.

10. Consideration and possible action regarding adoption of the following Resolution:
A RESOLUTION REGARDING PLANNING FOR FM149 TEXAS DEPARTMENT OF TRANSPORTATION PROJECT IN THE CITY OF MONTGOMERY, TEXAS.

Mr. Yates advised that the resolution describes the request to the City is to temporarily delay the FM 149 project and to immediately provide more communication that has been held with interested parties, requesting right and left turn lanes be part of a longer range plan, to have as little change as is possible requiring vehicle parking on Clepper Street and Caroline Street, and that the City staff is directed to working to coordinate with the Texas Department of Transportation staff and any individual interested in property owners and business owners to let them individualize discussion regarding the project and to advise the Texas Department of Transportation of City decisions regarding timely and final construction decisions within the City.

Mr. Yates said that he spoke with TxDOT yesterday morning, and TxDOT said that they are going to delay the project until May of next year. Mr. Yates said that the reason that they did that was primarily because of the letter from the Representative Metcalf.

Mayor Jones asked how Representative Metcalf got involved in this matter. Mr. Yates said that other than learning about the project, he did not speak with him or anyone at the City. John Champagne asked if Representative Metcalf spoke to anyone on City Council. Rebecca Huss

said that she did not communicate with Representative Metcalf personally, but she knew that several people in the City spoke to him personally and people on his staff. John Champagne asked if Rebecca Huss was referring to citizens of the City. Rebecca Huss said that was correct.

Mayor Jones said that so everyone knows, after that surprise meeting, that Mr. Yates, myself and TxDOT agreed to put things on hold until we could have an opportunity to speak to everybody, and everybody gives some input. Mayor Jones said that he received phone calls from County Commissioners, the County Judge, and they all wanted to know what we are doing. Mayor Jones said that in the meantime nobody bothered to speak to Mr. Yates or himself. Mayor Jones said that things are happening on your behalf.

Rebecca Huss said that she would still like to go ahead and pass this resolution without the time limit because the important components are, (a) the City has some priorities that TxDOT had not previously considered in terms of the mobility issues with the signaling improvement and intersection improvements that were talked about. Rebecca Huss said that after today's debacle with the school traffic there might be some need for changes on the south side of the intersection where they are planning no projects in terms of the turn lane to Flagship Blvd. Rebecca Huss said that, if we are talking about spending money, the State Government is spending our tax money in our City to allegedly help us, then the money should be spent in a way that actually helps us. Rebecca Huss said that she thought that we should also be very clear that people do not want to be spoken on behalf of without actually being spoken to and having their views understood and heard before somebody assumes that they can represent them.

Rebecca Huss said that she thought there are several other points where what works for other cities, like Willis, that had a similar project happen to them might not be appropriate for the circumstances of a State Highway running through the center of our Historic District, which is also an important component of what makes Montgomery unique and what draws people here.

Rebecca Huss said that she thought it was important to highlight, by passing the resolution, that TxDOT managed to not contact a number of landowners who are on FM 149, and they left off business owners who do not own property, but lease property, who will be dramatically affected by their plans. Rebecca Huss said that TxDOT did not include the people who are

business owners and/or property owners that would be affected by those plans. Rebecca Huss said that she thought that there are a lot of things in the resolution that they should pass, because it sets out the tone and scope of the communication that should happen between the City, the landowners and TxDOT to achieve what we're hoping to have for the City, which is improvement in mobility, aesthetic improvements, and communication.

Mr. Yates said that he would also recommend that City Council pass the resolution. Mr. Yates said that probably the result of the delay, will be that that they will advertise in May and the downtown improvements would not happen until February, March or April 2019.

Mayor Jones said that he agreed that they need to press them real hard for this mobility, but we have to separate the two. Dave McCorquodale asked which two Mayor Jones was referring to. Mayor Jones said that whatever is going through downtown and then the turn lanes that we need on the south side and the north side. Dave McCorquodale asked if the Mayor thought that they should separate the roadway. Mayor Jones said that they should separate the projects, but demand that they be looked at because it is going to require right of way acquisition, which takes a long time. Rebecca Huss said that the man at the meeting said that it did not require right of way acquisition because we were looking at left turn lanes, as long as they weren't planter boxes along on the way. Rebecca Huss said that they could have flowers and sidewalks or a functioning intersection.

Mr. Yates said that what the resolution says is that you want them to seriously consider a right and/or left turn lane at the intersection, and to not make improvements between Caroline Street and SH 105 if that gets in the way of the turn lanes.

John Champagne said that since Representative Metcalf was involved with the process, would he be involved with the day-to-day operations or approval of what takes place regarding this project. Mr. Yates said that he would not think so. John Champagne asked why he is involved now.

Mrs. Susan Fauss asked to address City Council. Mayor Jones said that would be fine. Mrs. Fauss said that her husband brought this to her attention, and that those of us that have property and/or are business owners in town, that don't live within the City limits, have no elected

official other than to go to the State level to have our voice heard. Mrs. Fauss said that there have been times when the attitude has been if you don't live in the City, you don't elect the Council. Mrs. Fauss said that those that live outside the City did not have a voice. Mrs. Fauss said that they probably should have talked to City Council, but sometimes they had to go to the person that they actually had voted for to get an ear.

Mayor Jones said that was understandable, but you and Gerald are as much a fixture of Montgomery as anybody and you can talk to us anytime.

John Champagne said that it is a State highway, so Representative Metcalf does have a right to get involved. Rebecca Huss said that Senator Nichols is a Transportation Commissioner of the State. John Champagne asked if all meetings and plans will now involve the State of Texas. Mayor Jones said that it already does. John Champagne said that they had no state representative injected into the process; it was the City dealing with TxDOT. Dave McCorquodale said that it still all runs through the State, so it does not matter if it is a Representative or an organization. John Champagne said that it does, because the representative is now part of the process.

Mayor Jones said that he thought if they updated Representative Metcalf he would take his hands off the project.

Mayor Jones said that he would like to let Ms. Reiland speak. Mayor Jones asked to keep in mind that it's late, and make it about three minutes for the presentation.

Ms. Reiland presented a letter to the City Council and City Secretary. Ms. Reiland, owner of PETZ WHZE a natural pet food store located at 211 Liberty St. Montgomery, Texas, read the following letter to Council:

"I've been at this location since August 2012 and I'm also a member of HMBA. As a business owner, one looks at many aspects of property when deciding to open a business in a particular location. When we decided about four years where to locate our store and we found an area, there were many things that affected us, to the store downtown Montgomery. The location, the size of the building, the ambiance of the community, and the ease of access for our customers because of the sidewalk and on-street parking. As the town has grown traffic along Liberty

Street, Highway 149 has increased significantly, especially the larger axle chart traffic. It's become a problem to pedestrian traffic. However, because we are able to maintain our on-street parking in front of our store, safety for our customers was less compromised. The current TxDOT Montgomery Highway 149 Liberty Street Project, as we understand, and was explained to us on August 9th, eliminates the on-street parking. Eliminating on-street parking would make Historic Downtown Montgomery less desirable and less safe for pedestrian traffic. Having to cross a state highway to shop from the satellite parking area or walk to a restaurant from the parking area several blocks away is unsafe. We request a pause to the plan as presented and request a new plan within 90 days from TxDOT, as she understands that may have been put aside.

What we'd like to accomplish is the following: one sidewalk (not dual sidewalks and landscape areas) running north and south along 149 Liberty Street. That we accommodate parallel parking on both sides of Liberty. We put a left and turn lane on 149 to 105 East. That we slow traffic down to 20 miles per hour between Clepper Street and SH 105 and we enforce it. Pedestrian crossways at Caroline and College Street. Common lanes throughout the Historic district to call attention to our beautiful City. Underground electrical services to, again, beautify the area and no complete closing of Liberty Street during all this construction. We look forward to hearing back from the City and scheduling meetings with TxDOT to go over the new plans, and as always come visit us in downtown Montgomery to shop. Thank you.”

Mayor Jones thanked Ms. Reiland.

Mayor Jones said that he knew a lot of the things on your list are things we all wish for, and we also probably realize that when we do get to visit with TxDOT, they might, for whatever their reasons and policy, say that you can do this, but, no, this is against our policy; it's a terrible safety issue, and it may not be able to happen. Mayor Jones said that everybody may not be able to get everything they want, and he was in the same boat as you guys, because he does not want to lose his front parking either. Ms. Reiland said if they don't ask, they don't get. Mayor Jones said that is right.

Rebecca Huss said that it was more about a seat at the table and having the process include the people who will endure the construction and the results. Rebecca Huss said that she thought it was also about asking.

Jon Bickford said that the item on the Agenda says that they are putting a plan in place that says lets go have these conversations and make this happen.

Ms. Reiland said that Jon Bickford was right, but said that she wanted to give a little bit of history, which, up until very recently, those of us who worked, owned businesses, owned property in downtown Montgomery heard rumors that there was a project. Ms. Reiland stated that when they asked about the project.

Ms. Reiland said that they got a letter that said on August 9, 2017 TxDOT will be here. Ms. Reiland said that they thought they were going to just be there to ask questions. Ms. Reiland said that they were told that in November of 2016 there had been an agreement between the City of Montgomery and TxDOT to move forward with this project, which they had never even talked about.

Jon Bickford said that this issue has been floating and they said that something was going to come for years, which is about as much as we knew. Jon Bickford said that they have not been given a report for years. Jon Bickford said that there was something about a year-and-a-half to two years ago where they were talking about paving sidewalks and stuff like that, and everybody said they had to scuttle that because when FM 149 comes through, they're going to tear it all up and throw it away. Jon Bickford said that his point was the agenda item and recommendation agrees with what you folks are saying, so he feels like we're arguing with ourselves a little bit.

Ms. Reiland said that they were not arguing; they had been given the idea that that there was going to be a proposal or whatever you want to call it from the City going forward. We didn't know, but we just want the City to understand how they feel because we have not ever been talked to, and this is our wish list and they are asking that the City include us with the future plans and keep us updated.

John Champagne stated that every two weeks, City Council meets, and you're always very welcome. John Champagne said that we did a little research; this is MEDC, which is not the City and this issue has been talked about, in conjunction with another grant, about eight times in the last couple of years. John Champagne said that he was not aware of a final decision being made by TxDOT, but it had been discussed numerous times in public forums. John Champagne said everyone has the freedom and the ability to be here as often as you please. Ms. Reiland said that she will be. John Champagne said that was a good thing.

Ms. Ryland asked where the information could be found regarding the MEDC Meetings. John Champagne advised that the information was found on the City's web site. Jon Bickford advised that it was mandatory that the meeting information be made public. Jon Bickford said that his point was they are just as shocked about this thing happening as quickly as it did, and what happened as you folks are.

Dave McCorquodale said he has heard a couple of times that the City had no earthly idea of what's going on, and asked to confirm that Ms. Shannon Reid has the City's point of contact. Dave McCorquodale said that when he was on MEDC, Ms. Reid was the point of contact. John Champagne said absolutely. Jon Bickford said that they have heard nothing at City Council about anything going on.

Dave McCorquodale asked if Shannon has been updating MEDC. John Champagne said that Ms. Reid has been updating MEDC and said that he can show records of at least eight times in the last two years. Dave McCorquodale asked if John Champagne had been comfortable with where things have been in terms of the schedule. John Champagne said that he has been, for the most part.

Mr. Yates said that almost every time that there have been reports from Ms. Reid, they were that TxDOT had changed the engineer. John Champagne said that was exactly correct; there was never anything that had been hammered down, just that TxDOT would change something.

Jon Bickford moved to approve the resolution with or without the deadline of September 30th, which captures all of what Mr. Yates said, which is temporary delay of the project, provide more communication to the interested parties and request the right and left turns lanes.

Mr. Yates suggested to make the motion without the deadline. John Champagne said that the deadline is a moot point since it's been shut down until May. Mr. Yates said that he was recommending that it be without the deadline.

Jon Bickford moved to approve the resolution without the deadline of September 30th, which he thought would give the City and the business owners the capacity and the capability to get better integrated with whatever they hear from TxDOT and cause them to follow the process and do the right thing. Mr. Yates said that was correct. Dave McCorquodale said that he would second the motion without the inclusion of arbitrary time tables of when things get resolved.

Discussion: Mayor Jones said that since he does not get to vote, he wanted to say that Ms. Reid's role in this has been to, hopefully as TxDOT was doing their vanilla project down our street, that maybe we got something a little nicer to look at, like some light poles and if they were going to put in sidewalks, make them a little prettier. Mayor Jones said that Ms. Reid has nothing to do with curb cuts and taking away parking. Rebecca Huss said that Rendy Kerr was told that if she had problems with her parking, she should talk to Ms. Reid. Mayor Jones said that he, as a property owner, received a map and a letter that stated that if you have problems, contact me and to call by this particular date. Mayor Jones said that he tried to call and email, and the only response was that they were sorry they would get back to him later. Mayor Jones said that he had tried to call several more times, as a property owner and as the Mayor of the City of Montgomery. Mayor Jones said that Mr. Yates also tried to contact them. Mayor Jones said that if Rebecca Huss and he had not stumbled into Mr. Roznovsky in the parking lot, they would not have known that TxDOT was in town that night, so we really did not know what was coming. Mayor Jones said that they have been waiting for something for 10+ years, four Mayors and four City Administrators ago, and every couple of years the subject would pop up, and then go away. They would say that it had been delayed, or they would change engineers every other week. Mayor Jones said that he guessed he was making excuses, but TxDOT is not the greatest communicator we have found out, so we're going to change that.

John Champagne said that now the State is involved full force. John Champagne said that before he votes on this, it was his understanding that whatever we decide as a City has to go

through Mr. Metcalf's office. Mr. Yates said no, that is not correct. John Champagne said that Representative Metcalf shut it down so he is trying to understand. Mr. Yates said that he did not think so, but he would think Representative Metcalf has enormous power to influence TxDOT. John Champagne said that he was sure that he does.

Rebecca Huss said that the area engineer told us when we were at the Community Meeting that we needed to talk to our elected representatives. Rebecca Huss said that they told him that they had two elected representatives there and he said he did not, in fact, mean us. John Champagne asked to confirm that he did not mean City Council. Rebecca Huss said yes, he did in fact say that he did not mean City Council. Dave McCorquodale said that they are basically trying to influence Representative Metcalf. Mayor Jones said no, this resolution was happening before Representative Metcalf got involved. John Champagne said that he understood.

Mayor Jones said that he and Mr. Yates told TxDOT that we will come together as a City and tell them what we want, and they said okay. John Champagne said that they are going to give them a statement.

The motion carried with 4-Ayes and 1-Nay by John Champagne. (4-1)

11. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY ACCEPTING AND APPROVING AN ANNUAL UPDATE TO THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR CITY OF MONTGOMERY PUBLIC IMPROVEMENT DISTRICT NO. 1; PROVIDING FOR PAYMENT OF THE ANNUAL INSTALLMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, LOCAL GOVERNMENT CODE, AS AMENDED; AND PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Mallory Craig, stated that she was representing the developer, which is Summit Business Park and Mr. Ogorchok and advised that they need to adopt an updated service assessment plan. The original service assessment plan was adopted in 2015, and they usually do annual updates or when assessments are triggered, which they have been for about a little over six acres that are included in this district. Ms. Craig said that now is the time to update the service

assessment plan showing that the assessment has been triggered for the six acres, which will equal a collection of \$35,778. Ms. Craig advised that \$400 of that stays with the City, the rest will then be transferred back to the developer per the reimbursement agreement that the City also adopted in 2015.

Ms. Craig said that once the collections come in, then the County will work with the City to reimburse the developer the amounts owed. Ms. Craig said that the developer has worked with Mr. Yates, with the amounts that are owed and once those are all approved, then we'll start reimbursing every year when the collections come in.

Mayor Jones asked if everyone remembered the PID that adopted and now it is time to pay up. Ms. Craig said that it has to go through the City, of which the City will get an administrative fee for each parcel, so \$400 will stay with the City for those administrative fees.

Ms. Craig said that they are asking for City Council to adopt the resolution, which adopts the updated service assessment plan.

Rebecca Huss moved to adopt the ordinance as previously read. John Champagne seconded the motion, the motion carried unanimously. (5-0)

Mayor Jones asked that the record reflect that John Champagne is back on board.

12. Consideration and possible action regarding calling a Public Hearing on rezoning a 0.28 acre tract of land 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 said that Mr. Bay has applied for rezoning. Mr. Yates said that property is currently zoned institutional and the piece of property is just north of the creek and adjacent to the pond there at the apartments. Mr. Yates said that it is a small parcel of property that somehow was left institutional and he is not sure why.

Rebecca Huss asked if it was commercial originally, and then rezoned as institutional. Mayor Jones said that the school might have owned it at one time or it might have been part of the bus barn lot.

Rebecca Huss asked what the \$500 fee covered. Mr. Yates said that it was for the legal costs for the administrative time for the City Secretary and himself to go through the process.

Mayor Jones asked if this was going through the Planning and Zoning Commission as well. Mr. Yates advised that was correct. Mayor Jones said that they need to set a public hearing and asked what would be the best date. Mr. Yates advised that September 26, 2017 at 6 p.m., and the Planning and Zoning Commission will meet on September 25, 2017.

Dave McCorquodale move to set the public hearing to be held on September 26, 2017 at 6:00 p.m. for the referenced tract rezone as submitted by Andrew Bay. John Champagne seconded the motion, the motion carried unanimously. (5-0)

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. (No items at this time.)

COUNCIL INQUIRY:

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

No comments were made.

ADJOURN

Jon Bickford moved to adjourn the meeting at 8:35 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

Submitted by: *Susan Hensley* Date Approved: 09/12/17
Susan Hensley, City Secretary

Kirk Jones
Mayor Kirk Jones

