

MINUTES OF REGULAR MEETING

August 8, 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: 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

Absent: Dave McCorquodale City Council, Place # 5

Also Present: Jack Yates City Administrator
 Larry Foerster City Attorney

INVOCATION

T.J. Wilkerson gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. City 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. Cord Abbott, Shift Commander with the Montgomery County Hospital District (“MCHD”), presented a summary of what has been going on in the MCHD, advising that they provide healthcare for the indigent in Montgomery County, and they provide emergency medical services, manage

Montgomery County's Public Health District and Emergency Preparedness. Mr. Abbott said that he wanted to discuss EMS in particular, advising that at the beginning of the year EMS was involved in a 3-day study, which is an accreditation of ambulance services. Mr. Abbott said that only the best services in the Country go after this accreditation that is very difficult to obtain. Mr. Abbot said that they were proud to announce that when the surveyors came out, they were 100% compliant, and they had no deficiencies found. Mr. Abbott said that one of the surveyors said that he had been doing this for 20 years throughout the world and he said that MCHD was one of the top 5 that he has ever seen. Mr. Abbott said that they were very proud of that status.

Mr. Abbott said that every year they have reduced their tax rate, and in addition they have reduced their billing charges by 45%. Mr. Abbott said that even though they are already one of the least expensive services around, they are now one of the least expensive major services throughout the Country. Mr. Abbott advised that if you had chest pain in the Houston area and you called them out, last year it would have cost you approximately \$1,500, but this year it will be \$775.00, which is a real benefit to the citizens.

Mr. Abbott said that they like to focus on quality of care, and of the 60,000 calls that they made last year, they focused on strokes, cardiac and trauma. Mr. Abbott said that they had them individually reviewed by a third party medic that works in their clinical department or a physician that is on staff, and if they found anything that they felt needed to be improved on, they would call the crew in and discuss the procedure. Mr. Abbott said that they have a continuing education class that they all have to attend. Mr. Abbott said that they also review their routine calls so that they do not let anything fall through the cracks.

Mr. Abbott said that something that is very important to them, is if you call for an ambulance on your worst day, they want you to have compassion from the medics that show up to take care of you. Mr. Abbott said that he could not express how important compassion is to them, it is one of their core values that the employees created a long time ago. Mr. Abbott said that people normally do not remember what you say and they seldom remember what you do, but they always remember how you treat them. Mr. Abbott said that proudly they have a third party service that does surveys of every patient that they come in contact with, and for the last two years they have been ranked number one out of comparable services in the entire Nation in customer satisfaction. Mr. Abbott said that their

goal is to provide the very best clinical care at the most efficient price, and most important to give you or your loved ones the compassion that you need, during your time of need.

Rebecca Huss asked if anyone that calls 9-1-1 will get the MCHD, and asked if she wanted to go to Memorial Hermann Hospital in The Woodlands, St. Luke's or Conroe, they would be the ones that would do the transport. Mr. Abbott said that was correct.

Mr. Lonnie Clover advised that he had spoken at the last meeting about his concern with the drainage on Pond Street with the new extension and whatever is being proposed. Mr. Clover said that was still his main problem, but he had some other things that he would like City Council to think about. Mr. Clover said that he thought that they needed to have a documented study of what the effect of this additional runoff will have, other than just somebody telling you that it will not flood. Mr. Clover said that right now they have such a problem with the existing drainage down there, so if they start adding more to it, it will cause even more problems. Mr. Clover said that he did not know if anyone has thought about the possible damage to the properties to the north of this project on Pond Street, because when you start adding more and more water to that drainage ditch, you will end up eroding out a channel of some sort. Mr. Clover said that he did not know how it would affect all the residential people that face FM 149, because he was not sure where the water would go, or the back end of the Lone Star Estates people, therefore, property values may drop drastically. Mr. Clover said that they need to think further down the road; if the Berkley property sells, someone will come in and put a building on the property and there will be additional water that will cause even more problems than what they have now. Mr. Clover said that, regarding the traffic flow pattern, he did not know if there was any way to check that or do a study, because they will be dramatically changing the traffic pattern in the downtown area. Mr. Clover said that as the commercial area goes up FM 149, which he is sure it will eventually; they will be loading up Pond Street basically with all that traffic coming out of there and they will have to do something to slow them down. Mr. Clover said that Pond Street was never intended to be a major thoroughfare, and it will have all that traffic coming down and headed to SH 105.

Mr. Clover said that he would suggest that City Council do some sort of a study and see what kind of drainage channel can be put in to take care of all this extra water that is going to eventually be dumped into it, because otherwise every time it rains they will have a flooding situation, and he feels that it would be better to take care of it now versus later. Mr. Clover said that they are making that whole

area at College and FM 149 a surface that will not take any water, and if they don't have a permeable surface of some sort it will have to go someplace and cause a horrible problem, particularly for the Ackers. Mr. Clover said that City Council needed to think about what they would be gaining with the project, parking spots. Mr. Clover said that no one will use that parking lot for shopping, the only people that will use it will be the people that work in the building or coming to meet someone in the office. Mr. Clover said that they have lost so much history in town, by knuckling under to developers, that he said it is time to stop and think about where they are going. Mr. Clover said that they are just increasing the traffic enormously at the edge of the residential and Historic District, and he is just not sure it is worth it.

Mrs. Cindy Acker, expressed her thanks to Mr. Clover, stating that everything that he said was true. Mrs. Acker said that there was a definite need for everyone to slow down and look at how this is being carried out. Mrs. Acker said that she received a letter written by Mr. Yates to Tim Conrad that says that the sponsorship of the proposed Pond Street connection at FM 149, City of Montgomery, that City Council was going to approve the driveway. Mayor Jones said that they will know when they get to Agenda Item 12. Mrs. Acker said that with that being said, she did not think that the City Engineer, Mr. Shackelford, has had the opportunity to look at the following: a traffic impact analysis (TIA), which is in the Transportation Code, Section 203.021, which states very clearly that there are to be public hearings about every form and fashion of information that is pulled, a study about the traffic impact and provides information on the projected traffic expected from a proposed development. Mrs. Acker said that the TIA also evaluates the impact of proposed development on roadways in the immediate proximity of the proposed development. Mrs. Acker said that the TIA should identify all potential traffic operational problems or concerns and recommend appropriate actions to address such problems and concerns. Mrs. Acker said that the TIA should be consistent with the Code requirements from the Transportation Criteria Manual, the geographic area is to be considered and shall be established by the director of the TIA. Mrs. Acker said that the neighborhood traffic analysis is a simplified TIA that assesses the impact of a proposed project on residential streets. Mrs. Acker said that every TIA is limited to an evaluation of an existing and projected operating levels of residential streets and identifying measures needed to minimize traffic impact. Mrs. Acker asked if any City Council members were familiar with Section 203.021. Ms. Acker asked that a lot of the people here do not live in the City. Mrs. Acker said that John Champagne lived up on a hill. John Champagne said that he lived in the City of Montgomery. Mrs. Acker said that John Champagne lived up on a hill in a nice community, Buffalo Springs, not behind a ditch, and she is glad for him. Mrs. Acker said that

City Council was here to protect her and her investment, which is part of the oath that City Council took to protect the citizens, their hard work and investments and participation in the value of all the fun and joy they bring to the community.

Mayor Jones said that Mrs. Acker needed to wind up the presentation. Mrs. Acker said that she was going to wind it, and said that there is a Hydraulic Design Manual from TxDOT that is online and will give you research and best practices for water flow, how to contain it and what to watch for, and asked if the City Engineer was familiar with these things, and asked if that was why Flagship was falling apart? Mayor Jones said no. Mrs. Acker asked if that was why the bridge went out in Buffalo Springs. Mayor Jones said no. Mrs. Acker asked where were the engineers and who were they. Mayor Jones asked Mrs. Acker to finish up her presentation. Mrs. Acker thanked Rebecca Huss for the detailed minutes from the last meeting; they were very supportive and so was Mayor Jones, and there were a lot of questions that were brought up on their own that said, in quote and at one point "Mayor Jones said that he thought that Rebecca Huss was right about her feelings to make sure that they look at this project properly to make a knowledgeable decision before they move forward, and there would have to be some engineering looked at, but he asked if they want to look at it." Mrs. Acker said that the people feel that they do want to look at it. Mayor Jones said that was what they decided, that they wanted to look at the project. Mrs. Acker thanked City Council for their time, and said that she was sorry that she was nervous because this is so close to her heart. Mayor Jones said that the process is down the road. Mrs. Acker said that if that is the case, they do not need a sponsorship letter from the City.

CONSENT AGENDA:

1. Matters related to the approval of minutes for the Joint Workshop Meeting held on July 13, 2017 and Regular Meeting held on July 25, 2017.

2. Consideration and possible action approving a leave of absence for Council Member Jon Bickford.
Mayor Jones commented that they did not have to act on this item, since Jon Bickford was present.

3. Consideration and possible action regarding adoption of the following Resolution:
RESOLUTION APPROVING THE MONTGOMERY COUNTY EMERGENCY COMMUNICATION DISTRICT BUDGET FOR FISCAL YEAR 2018.

Rebecca Huss said that she would like to comment on Mrs. Acker's comment about the information that is available about our last regular meeting in the minutes. Rebecca Huss said that was entirely due to Ms. Hensley's attention to detail and taking down word for word pretty much what everyone says, which is something that they have been lucky to have, ever since they were lucky enough to get her on staff, and said thank you to Ms. Hensley.

Rebecca Huss moved to accept the consent agenda items number 1 and 3 as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

Mayor Jones thanked Mr. Chip VanSteenberg, Executive Director, Montgomery County Emergency Communication District, for being present.

CONSIDERATION AND POSSIBLE ACTION:

4. Consideration and possible action regarding calling a Public Hearing regarding the City of Montgomery 2017-2018 Proposed Operating Budget.

Mr. Yates presented the information to City Council.

Rebecca Huss moved to schedule August 22, 2017, at 6:00 p.m., as the Public Hearing date regarding the City of Montgomery 2017-2018 Proposed Operating Budget. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

5. Consideration and possible action to Accept the 2017 Effective and Rollback Tax Rates.

Mr. Yates stated that this was the acknowledgement of the effective tax rate and roll back rates as submitted by the County Treasurer. Mr. Yates said the effective tax rate is \$.3660 per \$100 and the roll back tax rate is \$.5110.

Mr. Yates said that the effective tax rate is what the tax rate would be to collect the same amount of taxes in 2016-2017. With the increase of approximately \$35,000,000 of taxable value the effective tax rate would be \$.3660.

Mr. Yates said that the roll back rate is the available tax rate that the City could collect legally based on the percentage of increase allowed each year in the law. Mr. Yates said that City Council has decided that growth of the assessment is roughly equal to the growth in City services needed so the City Council is keeping the same \$.4155 tax rate, just as it has for the last six years.

Rebecca Huss asked Mr. Yates to advise approximately how much they are spending on investments next year in terms of water, sewer and roads. Mr. Yates said that they are setting back around \$600,000 to \$700,000 in the capital improvement project program. Rebecca Huss said that was coming out of the City budget, and then they are also borrowing an additional \$4 million dollars to spend on the other projects. Mr. Yates said that they would be borrowing \$2.606 million dollars from the Texas Water Development Board, and they are also setting back an additional \$650,000 from the utility fund revenues for undetermined capital improvements.

John Champagne asked Mr. Yates if the increase in revenue is a result of valuation increases, not a result of increase in taxation. Mr. Yates said that was correct. Mr. Yates said that the ideal that City Council has taken in the past, was the increased assessment would be equal to the growth needed in the general fund for additional services. John Champagne said that the first opportunity that they have to lower the tax rate, they will do it, but in this case, over the last six years they have not increased it at all. Mr. Yates said that was correct.

Mr. Yates said that all that City Council has to do is acknowledge the effective tax rate and worksheet that is provided by Montgomery County Treasurer.

John Champagne moved to acknowledge and accept the Effective Tax Rate and Rollover Tax Rate calculations as presented in the City of Montgomery Worksheet from the County Treasurer. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

6. Consider and Discuss the Tax Rates Needed to Fund the 2017/2018 Budget for Maintenance and Operations and Debt Service.

Mr. Yates stated that this is a required action to establish a proposed tax rate for the public hearings. Mr. Yates said that the total property taxes at \$.4155 would bring in a total of \$818,414. Mr. Yates said that the current split of the tax rate is \$.2043 for maintenance and operations that goes to the general fund, and \$.2112 for debt service. Mr. Yates said that the increased amount from last year for maintenance and operations is \$71,505 and the increase to debt service is \$73,920.

Mr. Yates said that City Council felt, during budget discussions, that keeping the current split would allow growth in each of these funds enough to allow for the related increase in services due to growth in the City. Mr. Yates said that for maintenance and operations, property tax and the increase in sales tax collections will increase the general fund budget. For the debt service, the increase allows an opportunity to set aside enough funds to borrow for long term needs, should they arise. Mr. Yates said that in debt service, they will create a fund balance, by keeping the same split. Mr. Yates said that either this year or next year, they may decide to borrow some money for water and sewer or general fund type improvements.

Rebecca Huss said that they know they have some pretty significant sized projects on the medium term horizon and she appreciates Mr. Yates' rationale. Mayor Jones said that they might also point out that Montgomery Economic Development Corporation contributes significantly to debt service fund for eligible projects, which helps keep the tax rate lower. Mr. Yates said that one additional item is that in 2005 or 2006 the citizens of Montgomery voted for $\frac{1}{4}$ of a cent to go for property tax reduction. Mr. Yates said that if not for that $\frac{1}{4}$ cent reduction, there would have been \$18.6 mils to the tax, so that would have brought the tax rate up to \$.6017 instead of \$.4155. Mr. Yates said that everyone that comes into the City and pays money and then leaves and goes home, at the end of the day it helps keep the tax rates lower in the City. Rebecca Huss said that she thought that they could continue with that same rationale.

7. Consider and Vote on a Proposed Tax Rate for 2017.

Mr. Yates said that this is a proposed tax rate, but it is the \$.4155 that they have been discussing. Mr. Yates said that the reason that they need to adopt the proposed rate is because they are going to be over the effective rate, so that requires public hearings. In order to have the public

hearings, they need to state what the proposed tax rate is so that they can place that in the public notice. Mr. Yates said that the motion is to propose that the 2017-2018 property tax is \$.4155 per hundred dollars of property valuation.

Rebecca Huss moved to propose in the 2017-2017 budget the property tax rate of \$.4155. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

8. If the Tax Rate needed to fund the budget exceeds the lower of the 2017 Effective or Rollback Tax Rate Presented, Consider and approve two (2) Public Hearing dates.

Mr. Yates said that since they will be exceeding the effective tax rate, City Council will need to call two public hearings, with the suggested dates of August 22, 2017 and August 29, 2017 at 6 p.m.

Mayor Jones asked if there were any special requirements for attendance. Mr. Yates said other than having a quorum, no there are none. Mayor Jones confirmed that they would not need to have a super quorum.

Rebecca Huss moved to set August 22, 2017 and August 29, 2017 at 6 p.m. at City Hall, 101 Old Plantersville Road, Montgomery, TX, for the two public hearings regarding exceeding the effective tax rate for the 2017-2018 budget. T.J. Wilkerson seconded the motion.

Discussion: Rebecca Huss asked the City Secretary to have the worksheet, which is attached as the backup for this item, as a handout at the meeting and on the overhead screen. Mr. Yates advised that he had the sheets and would have them at the meeting. Jon Bickford said that it might be good to have handouts at the meeting.

The motion carried unanimously. (4-0)

9. Consideration and possible action regarding adoption of the Design Manual by the City of Montgomery, Texas for the Installation of Network Nodes and Node Support Poles pursuant to Texas Local Government Code, Chapter 284.

Mr. Foerster advised that this was the culmination of previous reports that he has presented to the City Council and the Planning and Zoning Commission regarding a new law that becomes effective in about one month, that will allow new telecommunication companies that provide antenna like nodes to use the City's public right of ways. Mr. Foerster said that the law, while it strips the City of having the right to contact with these network node providers, it does give them some ability to regulate and collect fees for the use of these services. Mr. Foerster said that now with new technology, these companies like Sprint, AT&T, T-Mobile and Verizon are going to these network providers that have these small boxes that hang from poles or any type of apparatus, and in some cases from apparatus in a public right of way, such as the City's right of way. Mr. Foerster said that one of the companies, Mobility, has attempted in the past to get agreements with the City of Montgomery, and we have been dragging our feet on that. Now, because all these people have gone to the Legislature in Austin, and they have legislation that requires cities to make these nodes and transfer facilities which are, in effect, the power lines that connect to these nodes available in public right of ways. Mr. Foerster said that item 9 has to do with adoption of a design manual for the installation of the nodes and support poles, and item 10 is the pole attachment agreement. Mr. Foerster said that he had drafted an ordinance adopting both of these items. Mr. Foerster said that the design manual allows the City to give them some limitation on how they create and install the node. Mr. Foerster said that they will have to complete an application form for the node, which will tell the City when they are going to locate the node; they have to comply and make sure that it will not interfere with any other antenna in the area, and there is some regulation regarding the Historical District and in some cases, residential areas as well.

Mr. Foerster said that items 9 and 10 would require them to fill out a pole attachment agreement, for which the City can charge a fee, and also approve a design manual. Mr. Foerster said that it was his recommendation, as he has made with other cities, and he thought that City Attorneys around the State are doing the same thing, which is to urge City Council to approve the design manual as referenced in item 9 and the pole attachment agreement as referenced in item 10, both of which would be incorporated with the approval of an ordinance that approves both the design manual and pole attachment agreement.

John Champagne asked Mr. Foerster if the design manual will allow the City to have some input in some limitations on how these things are implemented. Mr. Foerster said that was

correct. John Champagne asked if it would allow the City to keep these nodes from being attached to some pole in the Historic District. Mr. Foerster said that the design manual does reference preferred locations or where the nodes can be placed, like an industrial commercial area. John Champagne asked if the State has essentially come in and gutted the City's ability to keep the Historic District from having these nodes placed. Mr. Foerster said that was correct. Mr. Foerster said that it is a great demonstration of what lobbyist can do to influence our State Legislature.

Jon Bickford asked Mr. Foerster about page 13 that describes how ground equipment can be placed, but not within 250 feet area of an intersection and not within 250 feet of a park. Mr. Foerster said that was correct, there were some limitations on where they can place the equipment. Mr. Foerster said that he did not know how many nodes the City may get, but it is presumed to help everyone's phone reception. Rebecca Huss said that was the argument that they gave for the tower that was to be placed on LeFevre's property, and she has not really noticed a reduction in the quality of her phone signal, so it is all convenient when it is about money, but it is not necessarily the truth. Rebecca Huss said that she would say they need to be prepared, should they want to place the node on a pole, to eliminate that pole and drive it underground and get rid of where they want to hang them and be prepared to spend money to do so. Jon Bickford said that he had one idea, the Nat Davis Library and the old Community Center could both be made parks, because if they did that and you have the 250 feet rule, then you would pretty much have FM 149 covered. Rebecca Huss said that you could then have T.J. Wilkerson's old school designated as a park.

Mr. Yates said that he noticed on Section 3A, page 8, where it prohibits nodes in 50-foot wide or less pavement areas, because they do not have any streets that are anywhere near 50 feet wide.

Mr. Foerster said that Mobility wanted to come into the City of Willis, and in the entire City, they only wanted to put up 2 nodes, and they wanted to be very accommodating. Mr. Foerster said that he would assume that these companies will probably be the same way, they will not need a node on every block of the City. Mr. Foerster said that there are no tall buildings in the City, which is helpful.

Mr. Foerster said that he was asking City Council to approve an ordinance that would approve item 9, design manual for the City, and item 10, pole attachment agreement for the City.

Jon Bickford moved to accept item 9 (Design Manual) and item 10 (Pole Attachment Agreement) to be incorporated into an Ordinance as prepared by the City Attorney. Rebecca Huss seconded the motion.

Discussion: Mr. Foerster advised that the Design Manual would be attached as Exhibit A, and the Pole Attachment Agreement as Exhibit B of the Ordinance, which he has prepared.

The motion carried unanimously. (4-0)

10. Consideration and possible action regarding approval of a Pole Attachment Agreement regarding wireless telecommunications.

This item was approved under item 9.

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

A PUBLIC RIGHT-OF-WAY MANAGEMENT ORDINANCE BY THE CITY OF MONTGOMERY, TEXAS; AMENDING CHAPTER 74 OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 74.23 AND ADDING ARTICLE III TO CHAPTER 74; REGULATING THE PHYSICAL USE, OCCUPANCY AND MAINTENANCE OF CITY RIGHTS-OF-WAY BY WIRELESS NETWORK PROVIDERS; DESCRIBING THE PURPOSE; PROVIDING DEFINITIONS; REQUIRING COMPLIANCE WITH THE CITY DESIGN MANUAL AND APPLICABLE CODES FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES PURSUANT TO CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING CITY PROCEDURES FOR APPLICATIONS FOR PERMITS; ESTABLISHING TIME PERIODS FOR APPROVAL OF PERMIT APPLICATIONS; PROVIDING APPLICATION FEES AND ANNUAL PUBLIC RIGHT-OF-WAY RENTAL RATES; PROVIDING RESTRICTIONS ON PLACEMENT OF NETWORK NODES AND NODE SUPPORT POLES IN MUNICIPAL PARKS, RESIDENTIAL AREAS, HISTORIC DISTRICTS AND DESIGN DISTRICTS; PROVIDING INDEMNITY FOR THE CITY;

PROVIDING REPEALING AND SAVINGS CLAUSES; PROVING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF SEPTEMBER 1, 2017.

Rebecca Huss asked whether the caption should state “PROVIDING A TEXAS OPEN MEETINGS ACT CALUSE;” instead of “PROVING.” Mr. Foerster said that was a typo and it will be corrected.

Mr. Foerster said that this allows cities to require any company to submit their information, including their certificate of insurance, certificate showing that they have the FCC certification and other documentation, and the City has, by statute, a certain amount of time to review and approve or disapprove. The City can also charge an application fee. Mr. Foerster said that the original draft that Mr. Foerster had sent provided \$75.00 per node, transfer fee and pole fee, but what he is recommending tonight is \$100 instead of the \$75 fees. Mr. Foerster said that the statute prohibits them from charging for engineering and legal fees regarding this matter. Mr. Foerster said that the statute also limits what you can charge, and states that you can charge up to \$500 for five (5) nodes, so what he did was make it \$100 per node. Mr. Foerster said that they can't put more than 30 nodes in the City. Jon Bickford said that they are charging a fee per application, but one application can have up to 30 locations. Mr. Foerster said that he has already prepared a permit application, which sets all the requirements. Jon Bickford asked if they could charge \$100 per location. Mr. Foerster said that the ordinance calls for \$100 per node, \$100 per transfer facility, \$20 for the pole attachment and there is a rental fee that the City can charge. Mayor Jones asked if Verizon and T-Mobile needed nodes, they would all be separate nodes. Mr. Foerster said that was correct.

Mr. Foerster said that they are complying with the law and doing everything that they can do to make sure that we have some input into what is going on in the City. Mr. Foerster said that it was his recommendation that you approve the Right of Way Management Ordinance to include a \$100 application fee rather than \$75.

Jon Bickford moved to approve the Right of Way Management Ordinance with a fee of \$100 everywhere it says \$75 in the ordinance, which includes the application fee, per node fee and pole fee. John Champagne seconded the motion, the motion carried unanimously. (4-0)

12. Consideration and possible action regarding Sponsorship Letter to Texas Department of Transportation for driveway adjacent to Monte West proposed Development on Liberty Street

Mr. Yates stated that this was a proposed letter to TxDOT of City support of the Monte West intention to place a street access for his proposed development. Mr. Yates said that both he and the City Engineer think that the support letter is premature, however, he wanted to give Mr. West an opportunity to discuss this proposed letter since he missed a Planning and Zoning Commission and City Council Meeting, where his development was discussed. Mr. Yates said that he thought that Mr. West wants to get TxDOT approval known before he moves ahead with his development efforts. Mr. Yates said that it was his suggestion that City Council either approve the support letter with a statement to Mr. West that while sending the TxDOT letter does not mean that the City has or will approve the design of the street. Or as an alternative, Mr. Yates said that City Council could direct the City Engineer to put more thought into the access question and report back to City Council at the next meeting.

Rebecca Huss said that honestly, this is the third time that this has been on the Agenda in the last two months, and this is not the way that it has been done before, they do a Feasibility Study, hear from the engineers and then they move forward. Rebecca Huss said that this nonsense of making decisions and giving opinions of things about which they know nothing about, with drawings that her children could do, and they are making decisions. Rebecca Huss said that City Council should not be doing a support letter to anyone, if Mr. West wants a support letter, he can send his own letter to TxDOT. Rebecca Huss said that, in her opinion, they are done, he can go and get a Feasibility Study and pay his deposit, which is when they have their engineers look at the project. Rebecca Huss said there is no reason why they should be doing this project any differently than they have been doing any other development.

Mayor Jones asked if there was a possibility that Mr. West is trying to get that driveway in before the FMI49 project. Rebecca Huss said that she did not care, he can do a Feasibility Study with the engineer and do it formally like they do with everyone else. Jon Bickford said that haven't they always had the developer put the money up to fund the engineering. Mr. Roznovsky said that he would put up the deposit for the Feasibility Study and he would be responsible for doing the in-depth analysis and providing that information. Jon Bickford said

that then the engineers would review the information. Mayor Jones asked if City staff has had the conversation with the developer. Rebecca Huss asked why it has been on the Agenda three times in a row.

Mayor Jones asked Mr. Yates if Mr. West has been notified of the process and if he wants to develop the property, here is the procedure to follow. Mr. Yates said that Mr. West has been advised of that information and the process. Mr. Yates said that he has also offered to go and meet with Mr. West separately to clarify the process. Mayor Jones said that he knew that they were all probably a little frustrated with Mr. West and the way this is going about, but just asking for a driveway is not a big deal. John Champagne agreed. Mayor Jones said that does not mean that the rest of his project is going to happen, and he is entitled to a driveway because he has frontage on FM 149. Rebecca Huss said that he can get the driveway himself, he does not need the City's support for the driveway, and she did not see why they should be supporting the driveway. Jon Bickford asked if there was some reason that Mr. West needs us to do something because he owns the property. Mayor Jones said that they supported something for Mr. Chris Cheatham's project.

Mr. Roznovsky advised that TxDOT requests letters of sponsorship. Mr. Roznovsky stated that Gardner Street, which is a public street, Houston Street and the Medical Center driveway, TxDOT requested that the City submit support letters. Mr. Roznovsky said that this letter is normally something that you would see after the Feasibility Study has been completed.

Jon Bickford moved to table this item until the proper process is followed, the Feasibility Study is done, Council gets a report and they do for this development what we have done for all the rest of the developments, because he does not know why they would do something different, because unless he is missing something, it seems pretty straight forward to him. Jon Bickford said to follow the process.

John Champagne asked to understand exactly what the letter is asking for from the City. Mr. Yates said that the letter is asking for the City's support for the driveway, based upon the drawing that they have in their pack.

Jon Bickford said that his motion is to table action until, like they have done with any other development, where they bring drawings, they have a Feasibility Study done, they advise what they want to do, such as the Cheatham development. Rebecca Huss said that Mr. Roznovsky advised that they also had a preliminary plat before they submitted the support letter for the driveway. Mr. Roznovsky stated that so far nothing has been submitted.

Mayor Jones asked if there was a chance that this driveway would become a City street if the project went as planned. Mr. Roznovsky said that was correct, because the Pond Street right of way is City land around the property in question. Mayor Jones said that at some point in time they might want to sponsor this, but not until they know that they are going through the process. Jon Bickford said that they need to understand, especially if the City is going to have anything to do with it, what the implications to the water flow are, and they have an obligation to do so. Rebecca Huss said that now they are talking about possibly agreeing to sponsor something that might turn into the City's own road. Rebecca Huss said that again, they need a Feasibility Study and a plat and they need to go back to the process.

Rebecca Huss seconded the motion to table this item, the motion carried unanimously. (4-0)

Rebecca Huss asked Mr. Yates to please not bring this back to City Council until they are back to the formal process and procedure.

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

RESOLUTION SUBMITTING NOMINEE(S) AS CANDIDATES FOR THE ELECTION OF THE MONTGOMERY CENTRAL APPRAISAL DISTRICT'S BOARD OF DIRECTORS FOR THE 2018-2019 TERM.

Mr. Yates presented the information to City Council. Rebecca Huss asked about the candidate that spoke at the last meeting that will be running against Charlie Riley and asked if Charlie Riley was not reelected, would he lose that position. Mr. Yates said that Charlie Riley was on the Board as the Commissioner. Rebecca Huss said that if Charlie Riley gets replaced, his replacement will be on the Board. Mr. Yates said that either that or the Commissioner's decide who to put on the Board. Jon Bickford asked if they could nominate somebody that is not on the list. Mr. Yates said that they could nominate anyone they like.

John Champagne nominated Mr. Greg Parker. Jon Bickford seconded the motion.

Discussion: Mr. Yates said that this is just the nomination, so they will also be asked to vote for the candidate in a couple of months.

The motion carried unanimously. (4-0)

14. Consideration and possible action regarding Change Order No. 1 for Flagship Boulevard Pavement Repair Project.

Mr. Roznovsky advised this Change Order is to take some additional work out of the contract and get back to the budget number that the City was looking for. Mr. Roznovsky said that those two are the concrete overflow paving, the slope paving that is behind one of the inlets to direct the water, which has some damage, but the City can monitor it and fix in time instead of spending \$10,000. Mr. Roznovsky said that the rest of it is pavement striping, which the City is in the process of acquiring equipment to do that work as well as for other locations to reduce cost. Mr. Roznovsky said that was the change order that is resulting in a net \$12,615 reduction in cost.

John Champagne asked if they were still planning to have this job completed before school starts. Mr. Roznovsky said that was correct, and said that they are supposed to start the project tomorrow, but due to weather, they will be starting Monday, if not sooner, weather permitting. Mr. Roznovsky said that no matter which date they start, they will still be done by school opening on August 22, 2017. Mayor Jones said that the street would be closed for four days. Mr. Roznovsky said that was correct.

John Champagne moved to approve Change Order No. 1 for Flagship Boulevard Pavement Repair Project Contract. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

15. Report regarding Buffalo Springs Bridge.

Mr. Roznovsky advised that everything has been submitted to FEMA and to the Army Corp of Engineers as of yesterday afternoon. FEMA is in the process of completing their internal review and they will continue to go through their process to get the funds obligated. Jon Bickford asked if Mr. Roznovsky had received any pushback or had FEMA switched any people on the project again. Mr. Roznovsky said no they have not switched people again, and said that he had provided all the clarifications that FEMA had asked for, they have revised the studies as they have asked, provided additional clarification and all the additional documentation. Mr. Roznovsky said that they received a receipt from the courier with the time and date, and person that received the permit application.

Rebecca Huss asked if there was any movement from Entergy, and information on the Waterwells or Permits. Mr. Roznovsky said that as far as the response to the letter that the City sent to Entergy, he had not heard, but the local Entergy person that they have been working with, removed a power meter today from the plant site to do a post evaluation to see where it stands, and they should hear something in the next few days. Mr. Roznovsky said that in the field that have seen some improvements at Water Plant 2; they have been able to have limited run time out of it versus virtually none. Mr. Roznovsky said that in the past week, since they have had a lot of rain, and it has been cooler.

John Champagne said that he is looking at all applications being done by August. Mr. Roznovsky said that all of that is complete, and said that the only thing that is outstanding as far as application wise, is the grant administration for the DR Grant. The hold up for the DR Grant to be submitted is they have to have it approved on the Project Worksheet. John Champagne said that the best case scenario they are looking for the end of February or beginning of March as the completion date for the Bridge. Mr. Roznovsky said that was correct. Mr. Yates said the best case scenario would be if they were to get the Project Worksheet in August, then they could go out for bids in September, which means that they could award the bid in November and then best case completion at the end of February.

Mr. Yates asked if the information that he provided in the Gantt chart for the Bridge Repair, Buffalo Springs waterline and Flagship Boulevard were what City Council had in mind. City Council concurred that they liked the chart. Mr. Yates said that it is his intention to do a Gantt chart on virtually every larger planned City project that is in progress and to have them as part

of the City Administrator's monthly report. Mr. Yates said that most of the reports will be milestone related. John Champagne said that this will give them an overview of where we are. Mayor Jones said that this would be a good tool. Mr. Yates said that it will also be a scheduling tool for the staff. John Champagne said that it would keep everybody on task.

Jon Bickford said that he could see having boards up with the projects so that as people come in to the Council Meeting they can see the progress of projects and be able to plan around them. Mr. Yates said that he might also add the information to his Development Report that he does once a month. City Council said that the information could be put on the web site and the electronic sign.

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.

ADJOURNMENT

Jon Bickford moved to adjourn the meeting at 7:12 p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

Submitted by: *Susan Hensley* Date Approved: *08/22/17*
Susan Hensley, City Secretary

Kirk Jones
Mayor Kirk Jones

