

**MINUTES OF REGULAR MEETING**

**May 23, 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  
                  T.J. Wilkerson                City Council Place # 3  
                  Rebecca Huss                City Council Place # 4  
                  Dave McCorquodale        City Council Place # 5

Absent:         Jon Bickford                 City Council Place # 1  
                  John Champagne, Jr.        City Council Place # 2

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. Council may not discuss or take any action on an item, but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

There were no comments made.

**CONSENT AGENDA:**

1. Matters related to the approval of minutes for the May 9, 2017, Regular Meeting.

Dave McCorquodale moved to approve the minutes as presented. Rebecca Huss seconded the motion.

Discussion: Mayor Jones confirmed that there was a correction of the spelling of the name of Michelle Ellis.

Rebecca Huss stated that at some point she felt that they should probably mention to the audience that in response to the long discussion at the beginning of the last meeting regarding the Buffalo Springs Bridge and the FEMA money, the City is having a special meeting on May 30, 2017 at 7 p.m. at the Community Center across from Jim's Hardware. Rebecca Huss said that they will be talking specifically about the bridge and a lot of the details about funding, timing, drawings and etc.

The motion carried unanimously. (3-0)

**CONSIDERATION AND POSSIBLE ACTION:**

2. Mayor Jones will administer the Oath of Office to the following certified unopposed and duly elected officials from the May 6, 2017, City of Montgomery Cancelled General Election:

Jon Bickford - City Council Position 1

T.J. Wilkerson – City Council Position 3

Dave McCorquodale – City Council Position 5

Mayor Jones stated that Jon Bickford was not present tonight. Mayor Jones then administered the Oath of Office to T.J. Wilkerson, City Council Place 3 and Dave McCorquodale, City Council Place 5.

3. Consideration and possible action electing the Mayor Pro Tem for the term of one (1) year as provided by Texas Local Government Code §22.037(b).

Mayor Jones announced that at this time Rebecca Huss is serving as the Mayor Pro Tem.

T.J. Wilkerson moved to nominate Rebecca Huss to serve as the Mayor Pro Tem. Dave McCorquodale seconded the motion. Rebecca Huss accepted the nomination as Mayor Pro Tem.

The motion carried unanimously. (3-0)

4. Consideration and possible action on Department Reports.

- A. Administrator's Report - Mr. Yates presented his report to City Council. Mr. Yates advised that they had discussed General Land Office Federal Flood funds that are available at the County. Mr. Yates said that Mr. Chris Roznovsky, City Engineer, is at a meeting now discussing how those funds are going to be distributed. Mr. Yates said that it was a large pot of money. Mr. Yates said that in the near future City Council would be hearing more about those funds because the City will probably need to hire a grant administrator. Mr. Yates said that he learned about those funds from the Grantworks people.

Mr. Yates said that he has been working on information regarding zoning changes in the City with the Planning and Zoning Commission. Mr. Yates said that was something that City Council will be hearing about soon because the Planning and Zoning Commission will want to have a joint meeting with City Council to discuss the Land Use Plan and Proposed Zoning Changes. Mr. Yates said that they might also have the Mobility Plan to discuss.

Rebecca Huss said that when Mr. Yates talked about getting specs on paving the parking lot, she asked if he was also including what they are using at Hodge Podge Lodge to see if that would be an appropriate use of an alternate paving technology. Mr. Yates said that he will list that as an alternate bid. Rebecca Huss asked if Hodge Podge Lodge had started laying out the materials, because she felt that it would be nice to watch it being installed before springing for it themselves.

Dave McCorquodale asked about the FEMA funds at the County level, and said that they just need to understand how they represent their case for those funds. Mr. Yates said that they were Federal funds through the General Land Office, instead of the Office of Emergency Management. Mr. Yates said that the County Emergency Management person is involved in the method of determination (“MOD”), which is the meeting that Mr. Roznovsky is attending. Mr. Yates said that they were not sure if the County or the City would be managing the funds. Rebecca Huss said that they need to remember what happened the last time they administered some disaster mitigation funds, which was less successful and the City is still paying for that today. Mr. Yates said that he understood.

- B. Public Works Report – Mr. Mike Muckleroy, Public Works Manager, presented his report to City Council. Mr. Muckleroy said that they excavated the drainage ditches on Mason and Prairie Streets, repaired sidewalk sections on Caroline and Liberty Streets and excavated and mapped waterlines at Eva and Sheppard Streets. Mr. Muckleroy advised that for the month they had 6 water taps, 5 sewer taps, 2 water leaks and no sewer stop ups. Mr. Muckleroy said that they set bollards at the Community Center entrance to protect the stone wall and hopefully alleviate future accidents that damage the stone wall. Mr. Muckleroy said that they replaced a large section of the back porch at the Simonton House that was rotten. Mr. Muckleroy said that they had also painted the Simonton House, which is not on the report. The docents reported, for the month, they had a total of 937 visitors at Fernland and they provided 68 tours.

Rebecca Huss said that she wanted to express how much she appreciated Mr. Muckleroy and his guys for being so responsive to things that come up. Rebecca Huss said that she called Mr. Muckleroy today about a stop sign that had been turned and was facing the wrong direction. Rebecca Huss said that she went by 2 hours later and it was fixed, so she appreciated how quickly they responded.

- C. Police Department Report – Chief of Police, James Napolitano presented his report to City Council. Chief Napolitano said that the only thing that was in addition to the report this month was the Racial Profiling numbers for the year that speak for

themselves and show that they are out there working and not targeting any one particular group.

Chief Napolitano congratulated Lt. Belmares and Lt. Rosario for going to a SWAT school for a week and graduating. Chief Napolitano said that he got lots of reviews on them and they all said that they did very well. Mayor Jones asked if the City of Montgomery now has a SWAT team. Chief Napolitano said they did not, the reason they send them to SWAT school is to basically get more tactical training in case they ever had an incident.

Mayor Jones asked if the Racial Profiling Report was State mandated. Chief Napolitano advised that it was, which is why he was presenting it to City Council. Chief Napolitano advised that the program that they purchased four years ago, CopSync Program, keeps those numbers for them as each officer makes a traffic stop. Chief Napolitano said that it was very easy for them to download those numbers and review them, then submit them to the State.

Rebecca Huss asked about the reserve officers, stating that the report shows that they only have one person that was active in April, so it was her understanding that a reserve officer should be operating a certain number of hours per month, especially if they are buying guns for all of them. Rebecca Huss said that if they don't actually work, the purchase of guns might not have been a useful use of City money. Chief Napolitano advised that the reserve officers use the weapons when they work, so in the month of May they all worked at the Antique Festival and they will be working next weekend for the Homecoming Parade. Chief Napolitano said that the reserves do come out and work when they need them, but some of them have jobs that take them out of town and they can't work every month, but they try to get as many hours as they can, including when they have special events. Chief Napolitano advised that the Racial Profiling numbers did not include warnings, and said that the State was very specific about that because a lot of agencies were including warnings.

Rebecca Huss asked why that number did not match the 2,402 citations filed in 2016 from the Court numbers, which is on page 40 of the pack, because it was half of what

the Court listed. Chief Napolitano said that he did not know the answer to that and said that he would have to look up that information. Rebecca Huss stated that the Court number states 2,400 and the Police number states 4,700. Chief Napolitano said that at any particular stop, the person might receive more than one citation. Rebecca Huss asked whether the Court citations should include all citations. Chief Napolitano said that he would have to ask Sergeant Lehn about that information and what the difference was in the numbers.

Chief Napolitano advised that the Racial Profiling Report came up because people were assuming that they were only stopping people because of their race or ethnicity. Dave McCorquodale said that if they take the 4,700 people stopped and look at that on average, it looks like about one person every two hours. Dave McCorquodale said that anyone with a familiarity of the City, if you drive around the City you can certainly find someone in a two hour span going way faster or more reckless than what they need to drive, so to him it looks like the posture of the City's Police Department is certainly in context with the size of the City. Dave McCorquodale said that he would think that there are a whole lot more folks that are getting through as opposed to getting stopped in the City. Chief Napolitano said that while the officer is making a stop, they are out of service so other people can go by as fast as they want.

Chief Napolitano advised that last week they had a DWI with a 3 year old in the car, so they had to get CPS involved, and then last Thursday they had a four year old left unattended at the apartment complex, which took him and Officer Hernandez out of service for 4-5 hours.

Chief Napolitano advised that he would check on the difference in the report numbers and get the information back to City Council.

- D. Court Department Report – In the absence of Ms. Rebecca Lehn – Kendall, Court Administrator, Mr. Yates presented the report to City Council. Mr. Yates stated that the Court took in \$47,163.40 during the month, and \$9,307 in warrants. Mr. Yates stated that the warrant officer resigned and decided to attend nursing school, so they

will be replacing that person and the thought is to replace that position with a full time person because it is well worth the time. Mr. Yates said that they had been splitting the salary between the Court and the Police Department, but the Police Department did not use her very much, so the new employee will be solely in the Court. Mr. Yates said that they will take the funds for the part time in the Police Department and move it to the Court, so it won't make a difference.

- E. Utility/Development Report – Mr. Yates presented the report to City Council. Mr. Yates advised that there was \$94,337 collected for utilities, which is \$15,000-\$17,000 over last year. The City collected \$32,035 for permits, and of that number \$6,542 was residential, and \$20,274 in commercial building permits.

Rebecca Huss asked Mr. Yates if he was still making progress towards our next rate analysis. Mr. Yates advised that he was going to start working on it because they would be getting ready for the budget in the next week or two.

Mr. Yates said that an item that is not on this report is the public water consumption, but it will be back on the report next month. Mr. Yates reported that the sewer plant this last month was at about 2,000 gallons after the recycling system was installed. Rebecca Huss said that was great information, because at least that unit of the City is matching the 30 percent of the City that uses the minimum amount of water. Rebecca Huss said that was well done. Mr. Yates said that the payback on that improvement will be much quicker than what had been originally thought.

- F. Water Report – Mr. Christopher Townsend, Area Manager with Gulf Utility, presented the report in the absence of Mr. Mike Williams. Mr. Townsend reported on the 8 district alerts, with 3 of them being specific to power failures at Lift Stations 4, 6 and the Wastewater Treatment Plant. Mr. Townsend advised that once Entergy was able to restore power everything was put back in place, and they did find that one pump had been damaged. Rebecca Huss asked whether that damage was caused by a spike in electricity. Mr. Townsend said that it was due to a spike in electricity. Rebecca Huss asked if Mr. Yates was adding that to the bill for Entergy. Mr. Yates

said that he was including that in the bill. Mr. Townsend said that he would have Mike Williams provide the information related to the power surge to the City.

Rebecca Huss asked if they still had an Entergy monitor on the lift station. Mr. Muckleroy said that as of this morning he did not have an answer. Rebecca Huss commented that their customer service has not improved either. Mr. Muckleroy said that they discussed this information at their weekly meeting, and Mr. Roznovsky had not received a response from Entergy either. Rebecca Huss said that it is ridiculous that the City is still dealing with this issue.

Mr. Townsend advised that due to the power failure Gulf Utility was able to negotiate with NTS to have a rental pump installed and they are currently rebuilding the other pump.

Mr. Townsend advised that on the 12<sup>th</sup> of the month they had a high wet well call out for Lift Station No. 4, and in this particular instance, the electricians that went on site found that the incoming power phases had been reversed, which is what caused the issue. Rebecca Huss asked if that was due to someone just messing around with the wires. Mr. Townsend said that he had been told by Mr. Williams, they had been doing work in the area, and when power was restored the phases were reversed and that causes the pumps to reverse. Rebecca Huss said to write that down to include on Entergy's bill. Mr. Muckleroy said that it was on Mr. Roznovsky's list to talk to them about. Rebecca Huss said those guys should not be working with electricity. Mr. Muckleroy said that normally they advise the City when they are going to change the phases, and they did not advise the City.

Mr. Townsend advised that the total flow for the sewer treatment plant was 4,100,015 gallons, and during that time they had a peak flow of 292,000 gallons on April 3, 2017. The average daily flow for the facility was 132,000 gallons, which is 33% of the permitted value. The effluent monitoring showed no excursions to report and the total rainfall for the period covered was 4.78 inches.



Mr. Townsend reviewed the water report, Well No. 2 produced 2,600,000 gallons and Well No. 3 produced 1,800,000 gallons and Well No. 4 was 3,100,000 gallons, giving the City a total of 7,600,000 gallons produced for the time period. Mr. Townsend said that of the 7,600,000 gallons, 467,000 gallons were accounted for in flushing and they sold a total of 6,900,000 gallons, for an accountability of 96%.

Rebecca Huss said that she had problems with the sewer plant totalizer that the City is using, and said that is not any more accurate than the previous one was, because they are getting such huge changes in the return numbers that are not exactly correlated with rainfall. Rebecca Huss said that the numbers do not make sense, and the last time that they did not make sense the totalizer was wrong. Rebecca Huss said if they looked at the return numbers, which this report shows 60%, 71% last report, 102% the month before, with almost an inch more in rain, and then 83% the month before that. Rebecca Huss said that the numbers are all over the place and they do not make any sense. Mr. Townsend said that he would relay the information to Mr. Williams so that he can stay on top of the matter. Mr. Townsend said the totalizer is calibrated annually. Rebecca Huss said that it was calibrated before and it still did not work correctly, so that is not an indication of accuracy, it just means that they spent money to calibrate the equipment. Mr. Muckleroy said that they did make a decision to start calibrating twice a year. Mr. Townsend said that he would ask Mr. Williams to report the next time they are scheduled for calibration. Rebecca Huss said that the totalizer was brand new in November or December. Mr. Muckleroy said that it was probably time for it to be calibrated. Mr. Townsend said that they do have the capability of monitoring the calibration and will have Mr. Williams get that information to the City.

- G. Engineer's Report – Mr. Ed Shackelford, City Engineer, presented his report to City Council. Mr. Shackelford presented City Council with a draft of the Mobility Study, and said that they have delivered copies to the Precinct Offices and have a meeting scheduled with them next week to review the comments. Mr. Shackelford asked City Council to review the information and to formulate their comments and questions, and then they will come back and present the Mobility Study in a formal presentation in June. Mr. Shackelford said that they were proceeding with the sewer plant

renewals. The Texas Capital Fund Grant for Kroger, has their final inspections ongoing. They will have inspections for Pizza Shack on the 25<sup>th</sup> of the month.

Mr. Shackelford said that they were finalizing the engineering drawings for Flagship Boulevard and should be bringing bids back at the June 13, 2017 City Council Meeting. Mr. Shackelford said that this project was under the threshold so they should be able to solicit quotes from contractors versus actually advertising for bids. Mr. Shackelford advised that the legal notice was in the paper today regarding the advertisement of bids for the medical center water line replacement, which is the section that is in front of Mr. Cheatham's building.

Mr. Shackelford stated that they have been working with Montgomery County Precinct 1 on Lone Star Parkway, Lone Star Bend and Bois d'Arc, and they have received bids on Lone Star Parkway, and there should be a preconstruction meeting shortly and they have asked to be included so they can offer guidance as to what the City would like to see constructed first and traffic control.

Mr. Shackelford said that the final plans for Lone Star Bend and Bois d'Arc have been delivered and will be bid as one package, so they are waiting to see when that will be advertised for bid. Mr. Shackelford said that one thing that they are certain of is that Lone Star Bend will be constructed first before the Bois d'Arc improvements are done. Mr. Shackelford said that he sees that they are still waiting for a final plat of the Villas of Mia Lago to get approved, which they will get with the developer to get it moving so the County is not delayed in constructing the project.

Mr. Shackelford spoke about the GLO projects, which has essentially \$23 million dollars allocated to Montgomery County, and they identified approximately 11 projects for consideration that totaled almost \$9 million dollars. These projects include water, sanitary sewer and streets and are things that would benefit low to moderate income areas of the City. Mr. Shackelford said that they have given FEMA a revised cost estimate on Plez Morgan repair and resurfacing. Mr. Shackelford advised that Mr. Bowen has taken care of his escrow accounts.

Rebecca Huss asked about the Montgomery Shoppes meeting and whether they were still planning on having a City Council person attend. Mr. Shackelford said that he was, as requested. Rebecca Huss asked if the City was ready to go on the Flagship Boulevard repairs since school is out on Friday. Mr. Shackelford said that they are ready, because they will receive bids on the 13<sup>th</sup> and asked if City Council would like to designate a person for the Shoppes at Montgomery meeting. Rebecca Huss said that she would nominate Dave McCorquodale, because he has a good eye for property and size. Rebecca Huss said that as they had discussed before, it would be better for City Council to not be completely blindsided and not hear anything about the project. Mayor Jones said that it was his position that City Council not be involved in the meetings until they can all deliberate together on the matter. Rebecca Huss said that she did not feel it that it hurt to have a Council person that has an expertise and interest in something being aware of the information and has some input. Mr. Shackelford said that they would be happy to make the date and time of the meeting known and go from there.

T.J. Wilkerson asked if there had been a decision on what would be done with Baja. Mr. Shackelford said that they had submitted a Community Development Block Grant application for funds to do some work on the drainage and streets. Mr. Shackelford said that one of the GLO projects included relocating water, rehabilitation of the sanitary sewer, fixing drainage and replacing the street. Mr. Shackelford said that they are waiting to hear whether the applications have been approved and on the CDBG it is the September/October time frame, and the GLO will probably be the same time. Mr. Shackelford said that they are trying.

H. Financial Report and Quarterly Investment Inventory Report – Mr. Yates presented the report to City Council. Mr. Yates advised that the General Fund has reserves of \$214,000, and all funds are reserves of \$2,428,000. Mr. Yates said that the General Fund is \$168,471 revenue over expenditures for the year. Mr. Yates said that the Utility Fund is \$158,877 revenue over expenditures for the year. Mr. Yates advised that personnel wise, they allowed \$1,320,000 and they are on target for \$1,261,000.

Mr. Yates said that last month there was a question about payroll, and noted that he had responded that there were three payrolls during that month.

Rebecca Huss said that they still did not have a Groundwater Reduction Plan (“GRP”) Fund, which was something that they had discussed, because GRP monies are only to be used on certain types of projects and it would be easier to segregate the funds. Rebecca Huss asked if Mr. Yates had thought about what the auditor said at the last meeting, about the City being able to take some of our unrestricted reserves and make them restricted, which would mean that they would not count in the surplus calculation. Rebecca Huss said if they get too high on their surplus, they might have to reduce their tax rate. Rebecca Huss said that they obviously have a lot of big projects that they are saving money for, but the \$1.2 million dollars that they have in the General Fund that could cover the bridge, while they wait for the FEMA funds.

Mr. Yates said that the GRP revenue is \$77,000 for the year, so far. Mr. Yates said that he knew that they had discussed a separate fund, but he did not know that they had decided to put that into a different fund. Rebecca Huss said that she felt that legally, they needed to specifically allocate expenses that they use the revenue for that are compliant with the GRP mandate. Mr. Yates said that he did not think that it was a legal issue, but instead an accounting issue. Rebecca Huss asked Mr. Yates if he thought that since they are collecting GRP money they are not legally required to spend it on GRP activities. Mr. Yates said that he thought that was true, and that is what he thought the Capital Outlay (\$105,000 capital outlay project) and the Utility Fund (\$95,000 utility fund project). Rebecca Huss said that not all utility projects are GRP projects. Mr. Yates said he supposed so, but most of these particular projects are GRP related, but said that he would look into the matter. Rebecca Huss said that she felt it would be easier to account for as they go along, rather than someone asking a question four years from now and having to back track. Mayor Jones said that he thought the discussion early on was that the City would continue charging the fee, but would dedicate that money to water projects and he felt that a separate line item would be a good idea. Mr. Yates said he would look into it.

Rebecca Huss asked if they needed to have a legal opinion regarding restricting the funds for particular projects. Rebecca Huss asked if the City reached a certain amount of reserve funds would the tax rate election be affected. Mr. Yates said that he would check on that information. Mayor Jones said that it might be safer to identify some projects and draw down on the funds. Rebecca Huss said if there are projects like the water recycling project, you would make your money back. Mayor Jones said that the City has a bunch of lift stations that need rehabilitation, so maybe they spend \$200,000 toward that. Rebecca Huss said that was also miles of sewer lines to camera. Mr. Yates said that they would discuss this information during the budget process. Rebecca Huss said that she wanted to make sure that if they designated those funds, that they would also be able to reallocate the funds, if needed.

Rebecca Huss moved to approve the Departmental Reports as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

5. Consideration and possible action regarding adoption of a Proclamation in observance of May Motorcycle Safety Awareness Month.

Mayor Jones read the Proclamation into the record, as follows:

**WHEREAS**, the month of May marks the traditional start of riding season; motorcycles become more prevalent on our streets; the need to be aware of their presence is of the utmost urgency; and

**WHEREAS**, Motorcycle Awareness Month is designed to increase public awareness about motorcycles; encourage their safe and proper use among motorcycle riders; is worth special recognition; and

**WHEREAS**, motorcycles occupy a very important position in the history of our State and Nation; and

**WHEREAS**, the motorcycle is an efficient vehicle which reduces fuel consumption, has little impact on our overworked roads and highway system, is an important mode of transportation for commuting, touring and recreation; and

**WHEREAS**, over two-thirds of car-motorcycle crashes and nearly one-half of all motorcycle crashes are caused by car drivers, not by motorcyclists; and

**WHEREAS**, several organizations are committed to increasing the safe operation of motorcycles by promoting rider safety education programs and by providing safety instruction at local chapter meetings; and

**WHEREAS**, citizens should recognize the fact that motorcycle operators have the same rights and privileges as operators of other vehicles on all roads and highways; and

**THEREFORE**, it is in the best interest of our community and citizens to note the increase in the amount of motorcycle traffic, as we enter the warm weather months, to enable the reduction of accidents and injuries involving motorcyclists.

**NOW, THEREFORE, BE IT PROCLAIMED** that I/we, City of Montgomery, Texas City Council, do hereby recognize May 2017 as **MOTORCYCLE AWARENESS MONTH**.

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

6. Consideration and possible action to schedule a Public Hearing to be held on June 13, 2017 at 6 p.m., regarding an Alcohol Beverage Application for China Tasty Restaurant, to be located at 20212 Eva Street, Ste. 140, Montgomery, Texas as submitted by Liqun Lin.

Dave McCorquodale moved to schedule a Public Hearing to be held on June 13, 2017 at 6 p.m. regarding an Alcohol Beverage Application for China Tasty Restaurant, to be located at 20212 Eva Street, Ste 140, Montgomery, Texas, as submitted by Liqun Lin. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

7. Consideration and possible action regarding use of City Street or Community Center grounds for Farmer's Market - Historic Montgomery Business Association.

Ms. Shauna Riley, Chairperson of the HMBA, was present. Mr. Yates said that the HMBA is asking for permission to use the Community Center and to close off some streets. Mr. Yates said that in his notes he had several questions.

Mayor Jones said that he wanted to comment on Mr. Yates questions, and said they have a similar activity that occurs now and does include a Farmer's Market, and whatever rules they follow, should be applied to the HMBA efforts. Rebecca Huss said that they have persistently had problems with the Chamber sponsored version with the vendors putting stakes through the irrigation lines, even though they are not supposed to, she might actually prefer the safety of having a street closed for the infrastructure.

Rebecca Huss said that she thought this was a great idea, and she loved the idea of having an extra event in the City every month. Mr. Yates said that his recommendation is for them to decide where they want the event. Mr. Yates said that they would not charge for the event, unless they started leaving trash every week that would be an issue. Rebecca Huss said that they could charge the vendors in order to hire someone to do the cleanup, which seems to be the largest sticking point. Mr. Yates said that they did not charge the 1<sup>st</sup> Saturday vendors, so they are not going to charge these vendors. Mayor Jones said that it would be okay for HMBA to charge for their vendors. Mr. Yates said that he just wanted direction from City Council as to whether they were okay with not charging for the vendors and to have the street closing. T.J. Wilkerson asked when the Farmer's Market would occur. Ms. Riley said that they were hoping that it would be every Thursday from 5 p.m. through dark. Mrs. Riley said that they are hoping to start June 8, 2017 and they are advertising to make sure that everyone will come. Ms. Riley advised that they wanted Thursday nights because the Rancher's Daughter, Whitley Winery, Cozy Grape and the Old Montgomery Steakhouse is open and have quite a following so they should have a lot of people attending. Ms. Riley said that she has vendors identified and ready to go. Mayor Jones said that they never have had enough produce vendors or they run out of stock at the 1<sup>st</sup> Saturday.

Rebecca Huss asked the City Administrator to work this out positively. Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

8. Presentation of Electric Code Amendment Ordinance regarding electrical wire.

Mr. Yates advised that City Council after recommendation from the Building Code Committee, approved amending the Electric Code Ordinance. At the time of the Code amendment discussion, it was presented by Mr. Rick Hanna, City Building Inspector, that other area cities have amended their Codes to the heavier gauge wire and that it would add slightly to the cost of a new home, but for the safety sake it was recommended.

Mr. Fultz has submitted a statement against the amendment saying that the Electric Code allows the lesser gauge wire, which he considers safe and if he had to go to the higher gauge wire it will increase his quotes on local jobs in the City. Mr. Yates said that Mr. Hanna is opposed to rescinding the ordinance and says that the stronger gauge wire is safer and other cities have adopted the same stronger wire. Mr. Yates said that if all the contractors are bidding on the same new requirement, no contractor would have an advantage over the other contractor.

Mr. Fultz advised that he has been an electrical contractor since 1995 and his primary business is residential wiring and he finds that the National Electric Code is adequate. Mr. Fultz said that for people to try to create new mandates and stuff without any knowledge or experience, he finds wrong, which is what he feels happened here. Mr. Fultz said upsizing the wiring does not make a house safer, and he feels like he has experience to prove it. Mr. Fultz said that just because another city mandates this is no reason for the City of Montgomery to do so, because it causes everything to go up. Mr. Fultz said that is why he is here to rescind that decision that was made in February.

Dave McCorquodale asked how the size of the wire mean going from the larger size to the smaller size wire. Mr. Fultz said that they have a chart with the National Electric Code book that has been there forever that tells the capacity of the wire, and said that the Code book has been in existence since 1897, and it is revised and updated every three years. Mr. Fultz explained the different ways that he calculates the wiring for homes.

Mayor Jones asked Mr. Fultz if he were to wire a whole house with 12 gauge wire, could you put more plugs or lights on that circuit. Mr. Fultz said that you probably would, based on experience you would do that. Mayor Jones asked if that would not be more of an advantage



with less breakers needed. Mr. Fultz said not really, because if you learn to do something one way and then you go do it another way, it is an over kill. Mr. Fultz said that the whole country should be regulated by the National Electric Code, but every municipality wants to tell them something different. Mayor Jones said that our Building Inspector said that all cities in the area are using the same rule, and asked if Mr. Fultz found that to be different. Mr. Fultz said that even if they were, you don't jump off a bridge just because someone else did. Mr. Fultz said that they have been wiring houses here in Montgomery for over three years, and this change will just increase the cost to build the home.

Mr. Yates said that the Building Inspector and a local electrician were on the Committee and felt that the increased gauge of wire was safer, and the cost for the increased gauge was approximately \$500 more per house. Mr. Yates said that this would provide that everyone has the same standard of wire.

Rebecca Huss said that she appreciated Mr. Fultz's understanding of it and passion, but she has a really hard time going against our inspector and Mr. Solomon, who is a local inspector, and when it comes down to talking about \$500 and safety, you are talking potentially about some child's life. Rebecca Huss said that she did not feel comfortable going against the Committee's recommendation and she feels more confident going with their perspective at this point.

Dave McCorquodale said that he would tend to agree with Rebecca Huss at this point, but he would like to sit down with Mr. Hanna and Mr. Solomon to get a better understanding of this information because he is not an electrician. Dave McCorquodale said that the safety of his family and the residents in the City are of the utmost importance, but he also wanted to make sure that they understand as best as they can what we are talking about and get their understanding of what the benefit of the larger gauge. Dave McCorquodale said that he is very sympathetic to the guys that come in and work in the City, but he wants to be open to both sides of things and get all the information. Dave McCorquodale said that it could be a five minute dialog with Mr. Hanna and Mr. Solomon. Mr. Yates asked if City Council wanted to hear the information or just have Dave McCorquodale meet with them. Rebecca Huss said that she did not need to hear the information.

T.J. Wilkerson asked if this was similar to the three prong plug versus the two prong plug. Mr. Fultz said that it was not, this is just where people think that bigger is better.

Mr. Foerster said that since this is not an action item, the Mayor could independently or as a Council continue the investigation as Dave McCorquodale has indicated, and if justified, revisit the amendment to the Electric Code. Dave McCorquodale said that he would just like to have a better understanding of why the Committee made the recommendation for the larger gauge wire, which is above and beyond what the National Electric Code recommends. Mr. Yates said that he will get a better explanation in writing and send it out to everyone.

Mayor Jones thanked Mr. Fultz for coming to City Council.

9. Consideration and possible action regarding presentation of Greg Nemeth regarding outside City development.

Mr. Yates said that Mr. Nemeth could not attend the meeting tonight, but his letter has been distributed to City Council, that requests the City to influence a possible, not yet applied for, building permit that would be issued by Montgomery County to a wedding/corporate event center located in the City's ETJ. This location is near the intersection of Dr. Martin Luther King, Jr. Drive and West FM 1097. Mr. Yates said that Mr. Nemeth's concerns are street safety, the water table being stressed with a larger well and possible contamination of water wells with installation of a septic system for this larger facility.

Rebecca Huss said that finding out what the time line is might be useful, because it sounds like Mr. Nemeth has a lot of concerns but she is not sure that he has direct knowledge of exactly what they are talking about. Rebecca Huss said that she would like to see the information on the water and sewer contamination if it is a legitimate business, the City might look at running water and sewer out there. Rebecca Huss said that there are a lot of different options, but they don't know what to do if they do not really know what is happening.

Mr. Yates said that Mr. Nemeth is concerned with someone that is going to build near him. Rebecca Huss said that she would like to know some facts before they try to tell the County how to make any decisions. Mr. Yates said that they are located in the City's ETJ.

Mr. Yates said that the City has no legal standing on outside City permits, other than subdivision platting in the ETJ. Mr. Foerster concurred with Mr. Yates and said that the City has limitations to control development in its ETJ.

Mr. Foerster said that FM 1097 West is a State maintained road. Mr. Foerster said that 2-3 years ago on FM 1097 East there was a new company that was constructing their facility and the State Highway required, at their expense, to put a turn lane in on FM 1097 East. Mr. Foerster said that if this is a wedding venue, there will be times where there will be a lot of traffic, and it might be advisable for Mr. Nemeth to contact the District Engineer to say that he has a concern. Dave McCorquodale said that, unless there is an existing driveway there, when they get a permit for a culvert that is the point in the process when TxDOT catches it and makes their requirements known. Dave McCorquodale said that he was inclined to agree he would like more information before he would be ready to do anything on any of it. Mr. Foerster said that it would not hurt for Mr. Yates to approach the property owner and ask questions, but in terms of us giving directions or ultimatums, he did not think that the City was in the position to do that.

After discussion, Rebecca Huss moved to table this item. Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

10. Consideration and possible action regarding award of contract for Water Plant #2 GST Backfill Connection.

Mr. Shackelford advised that there was a letter from Jones and Carter that they received one bid, after public advertisement, they had a couple contractors show up at the pre-bid meeting. Mr. Shackelford said that the bid was about \$30,000 over the estimate. They contractors advised that there were some large projects on the street, and they felt that the City would have gotten a better price if this would have been coupled with another project.

Mr. Shackelford said that they were recommending not awarding the bid and to combine this with Water Plant No. 3 and go out for bids later in the fall, when they should see better bids at that time.

Dave McCorquodale moved to reject the bid by Black Castle General Contractor for Water Plant #2 GST Backfill Connection, and rebid the project with Water Plant No. 3 later this year. T.J. Wilkerson seconded the motion.

Discussion: Rebecca Huss asked if the power issue at Plant No. 2 impact the backfill. Mr. Shackelford said that it did a little in the sense that there is electrical work that is upgraded. Mr. Shackelford said that what is proposed is some automation as pressure changes in the water system, valves would open or close, so part of the electrical issue that they are having with Entergy could affect the functions of this proposed project. Rebecca Huss said that it could presumably increase the cost of repairs for everything. Rebecca Huss said that they are trying to do a Groundwater Reduction Plan and Entergy is standing directly in our way.

The motion carried unanimously. (3-0)

11. Consideration and possible action regarding authorize bidding of Buffalo Springs Drive Bridge Repair.

Mr. Shackelford made a presentation of drawings showing the Buffalo Springs Drive Bridge information.

Dave McCorquodale asked about the water going to the road side ditches. Mr. Shackelford advised that on the west side of the bridge they are proposing a pipe that will go into a manhole, turn and go under the asphalt pavement to the east side, drop about 20 feet straight down, where it will hit the long pipe that goes out to the canal. Rebecca Huss stated that they are basically driving the water underground rather than letting it flow over the land. Mr. Shackelford said that the two lead pipes going back up to catch the roadside ditch are 24 inch pipes, from the manhole on the east side of the road out to the canal is a 30 inch pipe. Mr. Shackelford said that the drop manholes are estimated at \$60,000 because of the depth of 30 feet.

Rebecca Huss asked what they are calculating the volume that this will be able to handle on an hourly basis versus the rainfall that we had that caused all this damage. Mr. Shackelford said that the rainfall events that they had in April and May last year are probably the worst that they have seen since the 1994 rains. Mr. Shackelford said that they sized this for a 25 year rainfall event, not a 100 year rainfall event. The reason is, the property outside the right of way is going to develop and they are going to intercept a lot of the overlay and sheet flow that will go through its own storm system. Rebecca Huss said that would be the case as long as they are directing the flow to a different location other than toward Buffalo Springs.

Mayor Jones asked if this system gets overwhelmed and water starts running over what happens. Mr. Shackelford said that there are swales along the embankment and concrete slope paving, so any water that would exceed the 24 inch pipe will still run over land, but won't be as damaging as what they saw last year. Mr. Shackelford said that another reason that the water won't infiltrate like it did last year is they are putting 3 foot deep toe walls on all the concrete slope paving so that water can't undermine the slope paving. Mr. Shackelford stated that the slope paving that failed last year did not have toe walls, the drawings did, but the actual walls did not.

Mr. Shackelford advised that the rain they received last year exceed 5 inches in one hour, and 4.75 inches in an hour is considered an extreme event. Mr. Shackelford said that the pipes are sized to receive about 2.5 inches per hour, but because once the water gets in the pipes there is nothing that will slow it down. There are larger pipes on the north side. Mayor Jones said that there is safety with the swales.

Mr. Shackelford stated that on the northeast corner there is a 3x2 box culvert, and on the northwest corner there is a 36 inch pipe, then a 54 inch pipe that is the outfall into the canal. Mr. Shackelford advised that these pipes are coming in below the pool elevation of the lake so the head pressure will push the water down the canal without any problem. Dave McCorquodale asked what would keep someone or something from entering that pipe, is there a series of grates? Mr. Shackelford said that you can put grates in front of the pipes, but then there will be a maintenance issue to keep the grates unclogged from cut grass and debris. Mr. Shackelford said that is a safety concern that they will have to think about, but they will have safety grates.

Rebecca Huss asked about the volume and the speed of the water going into the canal, and whether it was expected to cause any erosion there or push silt downstream. Mr. Shackelford said that one of his concerns has always been on how steep those slopes are, they are 2 to 1, but the bulkhead being replaced under the bridge and on either side of the bridge they are raising it 3 feet above the wood bulkhead elevation under the bridge so that they can put the slopes back at a 2 to 1 instead of what they are today. Mr. Shackelford said that the water in the canal will slow the water down as it enters the canal. Mr. Shackelford said that the bottom of the canal and the bulkhead is going to be reinforced concrete all the way across to minimize erosion from the water flowing into the canal and is necessary for the special integrity of the bulkhead. Mr. Shackelford said that the bulkhead is not flat on the bottom.

Mr. Shackelford advised that that they will go to within the right of way and then they will put a toe wall on the slope paving and then they will bury large rocks upstream and downstream to minimize any undermining of the toe walls. Rebecca Huss said that as part of the structure with the toe walls, the rock and the reinforced, she assumed that there would be a fair amount of dredging going on. Mr. Shackelford said yes, they are proposing a structural system that lines the bottom of the canal, then you have a 12 inch thick vertical wall replacing the wood bulkhead, then slope paving going up the slope. Mr. Shackelford said the contractor will have to put a dam upstream and downstream of the bridge, bypass pump around the work to clean this out to be able to install the bottom that is part of the work. Mr. Shackelford said that they have a bypass pump system that will pump around normal flow. Rebecca Huss asked if the estimated depth would equal what they hear the channel is supposed to be. Mr. Shackelford said yes it would.

Dave McCorquodale asked about the stakeholders that were getting together about a larger solution upstream. Mr. Shackelford said that there has been conversation about trying to do something with Town Creek all the way up to Lone Star Parkway, the developer that was looking at that, his engineer told him it would be between \$700,000 and \$800,000 worth of work to clean up that natural ditch. Mr. Shackelford said that they were hoping to develop a TIRS or MUD, some sort of entity that as people built and tied into Town Creek, they would pay to reimburse for the improvements. Mr. Shackelford said that the developer's plans are on hold at this time. Mr. Shackelford said that it is one of the project in the GLO package, one

was to rework portions of Town Creek, on private property with easements or right of way, and the other was a natural man made ditch.

Mr. Shackelford said that the reason he has gone over the drawings is because he is bringing City Council up to date. Last week FEMA needed a hydraulic study, and we are also going to have to go to the Corp of Engineers because we are proposing to mitigate. Mr. Shackelford said that there are two conditions that Council needs to keep in mind, one is pre-flood conditions and what it takes to put everything back to the condition it was prior to the flood and they have priced that out. Mr. Shackelford said that because they do not want to see this happen again, there is mitigation expense, and mitigation is what they need to upgrade it to a condition to minimize the chance of this ever occurring again.

Mr. Shackelford said that the pre-flood condition FEMA will pay 75% to put it back to pre-flood condition and there needs to be a local match of 25%. The City has applied through CDBG Mitigation funds for the 25%. FEMA said that they will pay 100% of the mitigation, so they are still talking \$1.2 to \$1.3 million. Mr. Shackelford said that they have revised all the cost estimates based on their comments, which they have done multiple times every time they get a phone call. Mr. Shackelford said that Mr. Roznovsky got a call today advising that Michelle Ellis' supervisor did not understand their cost estimates and they needed to be fixed, so Mr. Roznovsky was scrambling to get that done.

Mr. Shackelford said that they have done the hydraulic study and submitted it, they are now working with the environmental consultant that they brought out to the job site early on and he is giving them a proposal to do the submission to the U.S. Army Corp of Engineers for the mitigation of this work, which is the concrete lining of the canal and the rip rap that is on either side of the concrete lining. Mr. Shackelford said that he needs about two weeks before he can get started on the work and it will take about two weeks to prepare and submit to the Corp. Mr. Shackelford said that they are submitting under a Nationwide Permit, which is something that has a more defined approval process timeline that is typically a 30-45 day process with the Corp and it should go pretty smoothly. Mr. Shackelford said that FEMA will not approve funding until the City has all their approvals, and something that they threw at them this week that we have to go to TxDOT and get them to review and approve the drawings even though this is not a TxDOT bridge they do bridge inspections in their system, and this bridge is in the

system. TxDOT got assigned to the bridge because they did an inspection shortly after the disaster and said that the bridge was fine.

Mr. Shackelford said that he is recommending that the City defer advertising for bids until the City has received their Corp permit, and then from there, immediately advertise. Mr. Shackelford said that they have been told by FEMA that this project will be invoice driven, which means that the City has to pay the pay requests from the contractor and then submit for reimbursement from FEMA. This means that at any given time a pay request could be received for \$300,000 to \$500,000 for work performed. Mayor Jones asked how long the turnaround for payback is. Mr. Shackelford said that he did not know that yet, it could be 60 - 90 days. Mr. Yates said that he knew that the City could borrow the funds for this, but then you would have the issuance cost and higher interest. Rebecca Huss said that they have \$2.4 million in funds, so she would hope that they could draw from some of the other accounts that have positive fund balances. Dave McCorquodale said that it would depend on what the terms of the contract are regarding when their invoices are payable. Mr. Shackelford advised that State Law requires invoices to be paid in 30 days. Mr. Yates said that the money actually comes from the State Department of Emergency Management. Mr. Yates advised that he is also in the process of applying for what is called advanced funding, which basically says that the City can't afford the \$300,000 - \$500,000 hit to our reserve fund. Mr. Yates said that by having more time it will allow him to apply and hear from them in the next 30 days. Mr. Yates said if they are approved they will get the entire amount. Mayor Jones asked if the 25% that the City is getting for the non-mitigated amount was a lump cash sum. Mr. Yates advised that it was probably 25% of the contract payments by invoice. Rebecca Huss said that she felt that it was doable but it really makes her nervous, because it is not something that they can do for very long. Rebecca Huss said that they pay way too much in issuance costs, and asked if they were going to do an RFP for new financial advisors and bond counsel. Mr. Yates said that was correct.

Mr. Shackelford said that they are looking at bidding in August, with 4 months to construct, so you are looking at February or March 2018 before the bridge is open to the public. Mr. Jeffrey Waddell advised that there are 22 other towns that have applied for relief and asked if the City knew where they stand as far as mitigation is concerned. Dave McCorquodale said they could be waiting on the same things that the City is waiting on, and it might be something good to



know to let the citizens know that they are all in the same boat as the City. Mayor Jones asked if this would have been a different situation if this bridge would have been an emergency.

Mr. Shackelford said that in most cases of emergency, counties would find a temporary solution. Mr. Shackelford said that that FEMA requires the funding to be done within 18 months of a disaster, if they do not finish by December 11, 2017 they will exceed that deadline. Mr. Shackelford said that he is also requesting authorization to file on behalf of the City for an extension that would cover the timeline that they need to finish the project.

Rebecca Huss moved to defer bid process for Buffalo Springs Drive Bridge until the U.S. Army Corp permit is received, and authorize the City Engineers to file the request for the 18-month extension with FEMA to be accomplished by the City Administrator and City Engineers. Dave McCorquodale seconded the motion.

Discussion: Rebecca Huss said that she concurred with Mayor Jones' comment that we are backed into a corner on this, despite wanting the bridge to be under construction and to start spending money on improving people's quality of life. Rebecca Huss said that we really don't have the money to use ourselves so we are waiting for State and Federal agencies, on their time schedule, which we have to accommodate them on their schedule if we want their money. Rebecca Huss said that makes her unhappy, but she does not really see that they have a choice.

The motion carried unanimously. (3-0)

12. Consideration and possible action regarding Emergency Generator Repair at Water Plant No. 3.

Mr. Shackelford presented the additional information on this item as requested at the last City Council Meeting. Mr. Shackelford said if Council chooses to repair the radiator, the upper and lower seals of the radiator that are leaking will be repaired and there will be a one year warranty on the entire radiator.

Mr. Shackelford said if they choose to purchase a new radiator, which is a little less expensive, but takes 120 days from start to finish, during hurricane season. Mr. Shackelford said that they obtained the cost for a standby generator to be used during the 120 days that will run \$2,600

per month for 5 months for a total cost of \$12,700. Mr. Shackelford said that the estimated electrical for the standby generator to be hooked up would be another \$4,500. Mr. Shackelford said that by the time you buy a new radiator, pay for the rental of the generator and electrical the cost is at \$35,200 versus \$21,000 for the repaired radiator. Mr. Shackelford said that either option carries a one year warranty.

Mr. Shackelford said that they determined that the most cost effective and quickest option is to allow Gulf Utility to have Worldwide Power come out and pull the radiator and take it to a repair shop to be serviced and put back in place, which can occur in ten (10) days. Mr. Yates said that he agreed the best option was to repair the radiator. Mr. Shackelford said that it was a unanimous recommendation from Gulf Utility, Mr. Muckleroy, Mr. Yates and the City Engineers to repair the radiator.

Dave McCorquodale moved to refurbish the existing radiator for a cost of \$21,575.20. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

Rebecca Huss thanked Mr. Shackelford for looking into the information. Mayor Jones concurred, and said that the warranty helped seal the deal.

13. Consider authorizing the City Attorney to file a lawsuit against Barnier Construction and Sargent Plumbing Company to collect damages to a City water main on Eva Street.

Mr. Yates said that this has to do with the February 28, 2017 leak that the City feels was caused by the person doing the boring for Mr. Cheatham's property. Mr. Yates said that the City Attorney has said that the City could not sue Mr. Cheatham because he was not in control of the independent contractor at the job site. Mr. Yates said that they did send a letter to Barnier Construction and Sargent Plumbing Company and asked them to pay \$6,737.32 within 30-days, which we have not received payment.

Mr. Foerster said that the suit can be filed in the local J.P Court, Judge Mack, because it is under \$10,000 dollars. Mr. Foerster said that when they looked into the information originally, it looked like the City missed where the waterline was by 4-5 feet, which is considerable. Mr. Foerster said that if the contractor had looked at their engineer's plans, the line was identified

as 6 feet from where they were digging. Mr. Foerster said that based on that and other conversations that they had, he felt that they could show by expert testimony that they were negligent in failing to look at their own engineer's design as to where the line was located, but regardless of the fact that the City missed the line by several feet, we would still have a valid claim for their negligence. Mr. Foerster said that in negligence claims you are not entitled to get attorney's fees, you can only recover the amount of the damage and court costs. Mr. Foerster said that his costs would be somewhere around \$600 to \$700 dollars for the case.

Mr. Foerster said that Mr. Muckleroy, in his due diligence, sent him an email during the meeting, where he found a legal article that states there is a Facilities Act, that provides guidance that the Railroad Commission can have as to the lines, and they in turn looked at another public works program that generally describes a tolerance zone of 18 inches on either side of where the line would be located. Mr. Foerster said that they say that generally if the contractor is within the tolerance zone, and if he digs within that tolerance zone, then he may not be liable if they missed it by more than 18 inches. Mr. Foerster said that he has not had a chance to study this further, so what he would recommend tonight is for City Council to give him the authority, if they choose to do so, and if they want to proceed with the claim for the \$6,737.32, to make the decision as to whether this is a winnable claim, and then he will be responsible for making that decision, based on information that he will get not only from this article, but further conversation with Mr. Muckleroy and the consultants.

Rebecca Huss said that they are assuming that the 18 inch tolerance zone should just be laterally, but really if you look at it on a horizontal basis, they drove right into the pipe horizontally. The pipe was right in the middle of where they were drilling. Mayor Jones said that general workmanship practices would say if you are looking for a waterline you take little bits. Mr. Foerster said that was their position, why didn't they poke around in those areas, which is what the contractors normally do, they went outside a marked area and without doing additional checking, they ended up striking our waterline. Mr. Foerster said that the waterline was probably identified on the engineering design. Mr. Foerster said that even though there is an 18 inch tolerance line, there might be other arguments that could be made that they should have had reasonable and prudent action on the part of the contractor or his sub, Sargent Plumbing. Mr. Foerster said that their engineer, L Squared, had a pretty good idea of where the line was located, because they were right on target of the line location.

Rebecca Huss said that she would guess that Gulf Utility has a procedure manual that goes through the procedure to locate the line, and said that when they installed her landscape meter tap there was an unmarked phone line, which they felt when they were digging. Rebecca Huss said the digging people did not locate the phone line, but Gulf employees found the line. Dave McCorquodale said that he would agree with Mr. Foerster's sentiment that they give him the latitude and he would trust his judgement on recovery of the costs and whether it is worth it. Mr. Foerster said that he reached out to Chris Cheatham and he urged him to assist us in getting this matter settled without having to file a lawsuit. Mr. Foerster said that he has not heard back from Mr. Cheatham. Mr. Foerster said if City Council gives him the authority to proceed, he will contact Mr. Cheatham's attorney, Bill Fowler, tomorrow and visit with him.

Mayor Jones asked if Mr. Barnier was still working in the City. Mr. Foerster said that he assumed he was the general contractor. Rebecca Huss said that he was the one that dropped the tree on Houston Street.

Mr. Foerster said that he feels there was negligence in this case, even though the City did not properly identify where the line was, he felt that they could have avoided this action.

Dave McCorquodale moved to give the City Attorney latitude to use his best judgement on whether or not to pursue action against the General Contractor or Sub-Contractor to recoup costs. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

#### **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:**

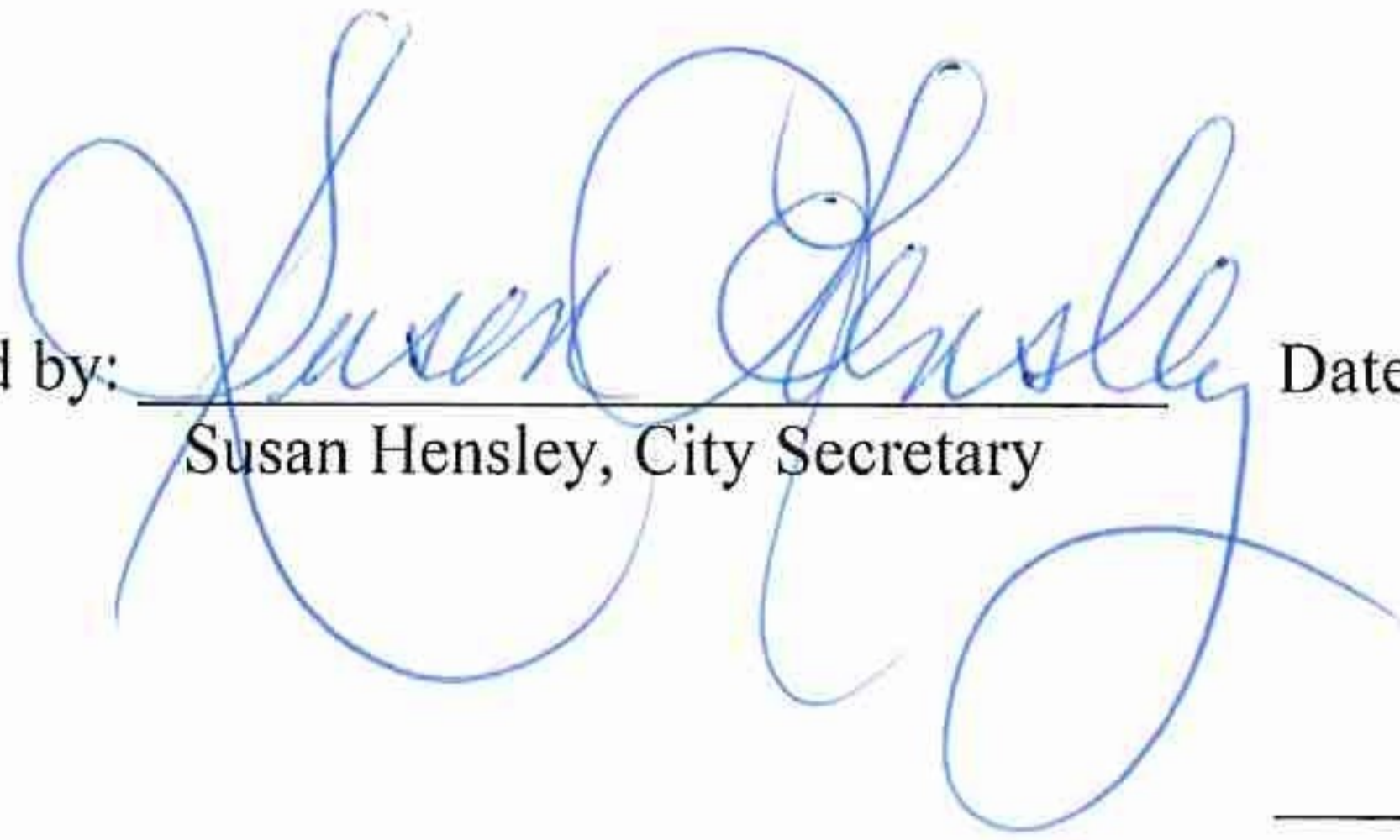
Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or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

Dave McCorquodale advised that he would be out of town June 5-24, 2017, so he would miss one Council Meeting. Rebecca Huss stated that she would be out for the second Council Meeting in June, 2017. Mr. Foerster advised that he would be out of town for the first Council Meeting in June, 2017.

**ADJOURN**

Dave McCorquodale moved to adjourn the meeting at 8:35 p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

Submitted by:



Susan Hensley, City Secretary

Date Approved:

06/13/2017



Mayor Kirk Jones

