

MINUTES OF REGULAR MEETING

November 15, 2016

MONTGOMERY CITY COUNCIL

CALL TO ORDER

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

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

Absent:	Larry Foerster	City Attorney
Also Present:	Jack Yates	City Administrator

INVOCATION

John Champagne 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.

Ms. Tina Ritchie stated that she was supposed to have been on the agenda tonight, which she had been told by two different City employees, that in fact, they were on the agenda for tonight. Ms. Ritchie stated that she got a phone call saying that the City Administrator called a meeting with all the City Council members, and that each and every one of them told her to remove her from the agenda. Ms.

Ritchie said that she guessed that City Council did not want to hear how bad, unprofessional and insubordinate these employees are, which is a clear and given statement. Ms. Ritchie said that so called meeting was not a posted meeting, so she is not sure, but she guessed it would all come out in the wash. Ms. Ritchie said that if City Council had a meeting, meetings have to be posted, according to the Texas Open Meetings Act.

Ms. Ritchie said that the City has an employee here that wears plain clothes, and she got in a man's face, with her name badge attached to her blouse. She did not dis-attach the name badge, she left it attached and climbed all up on him hollering at him that "it is not ma'am, it is Sergeant." Ms. Ritchie said that the employee sat right in front of City Council at the last meeting, Mr. Bickford was not here, acting like a little school girl stating "that was me, that was me", which Ms. Ritchie said was pathetic. Ms. Ritchie said that she threw the shirt away. It was just plain nasty. Ms. Ritchie said that the employee needs to stay off of people. Ms. Ritchie said that was all because he witnessed the City Secretary, Director of Public Works and his employees, Ashley and the employee, Becky, all of them in their unprofessional escapade, with me on speaker phone in the lobby of City Hall. Ms. Ritchie said that the employees feel that is a professional way to handle a phone call. Ms. Ritchie said this is all going on under City Council's leadership or lack of leadership.

Ms. Ritchie said that she has sent every City Council member an email, and either City Council does not check their City emails or they just don't care. Ms. Ritchie said that she understood that City Council did not get paid to do their job, but just to have this position to make yourselves feel important "shame on you."

Mr. John Allen Butler commented that he had something to say, that most people in this room can't say, Montgomery, Texas is his home town and his family has had property here for over 50 years. Mr. Butler said that at one time this City was considered a very friendly town, people wanted to move in and it was so nice here. Mr. Butler said that nowadays, you get a bunch of people in here that act like they have too much on their agenda to treat the old time people like the old time people that they are. Mr. Butler said that it was very aggravating to him. You used to come in to City Hall and ask the City Secretary where "so and so" was and how to get somewhere and she would tell you. Mr. Butler said that now he comes in and the City Secretary with half your paid force is in the lobby on speaker phone with people making complaints about misinformation they were given.

Mr. Butler said that it did not seem like the City cared because he tried to contact several people in here and they do not seem to want to deal with the matter. Mr. Butler said if you don't want to deal with it, then don't and quit trying to be in charge of everybody's stuff. Mr. Butler said the same City

Council will stop you from saying something if it goes against their outlook, they will put a fine on you to talk about it. The City Council will take you off of the agenda after you are already on it, if they don't want to hear it. Mr. Butler said for them to quit picking and choosing what they want to hear, and hear things that pertain to the City, not just happy day week like it was last month. Mayor Jones thanked Mr. Butler for speaking. Mr. Butler thanked Mr. Jones.

Mr. Philip LeFevre stated that at the last meeting the City had a presentation regarding Waterstone about the bridge and the channel. Mr. LeFevre said that he wanted to update City Council and raise a couple of small issues. Mr. LeFevre said that obviously there was a catastrophic flood and his suggestion to the Waterstone residents was that they get the homeowner's with frontage on the channel together and dredge the channel. Mr. LeFevre said that there was a limited window, because if Mr. Bowen sells his 60 acres, or if he sells his land, there won't be a place to put the dredge. Mr. LeFevre said that he would encourage them to pay their 50 percent and get the channel cleaned.

Mr. LeFevre said that the next issue is upstream, because it was a catastrophic failure of the stream. There are two choices, the engineer stated that it was a big enough storm and it has done whatever it is going to do and to just let it be, which is the cheap way to go. Mr. LeFevre said that there is another outlook, which is maybe they should fix it for the next 50 years. Mr. LeFevre said that he had hoped by now to have an engineer hired and to come up with a design on what they should do and then a mechanism for how to do it, but he has not got that far yet.

Mr. LeFevre said that it would be down to two or three choices. One being, the City will have to watch what happens upstream, because there is about 6,000 acres that flood through that creek, which is not his land, they only have 60 acres. They will either be forced to let it be because that was a storm and it has done what it has done, or if they need to fix it they are probably going to have to come up with some type of drainage district or something that would enable them to get their money back because it is going to cost at least half a million dollars. Mr. LeFevre said that he did not have anything that would formally state that information at this time.

Last, but not least, Mr. LeFevre said that he has watched, and eight years ago they built a bunch of roads, the loop, Harley, Bessie Price Owen, Anna, Weisinger, Clepper, C. Stewart and Buffalo Springs Drive. Mr. LeFevre said that in 8-10 years since he built the roads, he has not seen the City do any preventative maintenance, which really worries him because he has watched the MEDC give money away to various things, and now MEDC is talking about funding an outside agency to do things. Mr. LeFevre said that for every \$10 that you spend on preventative maintenance avoids you spending \$10 in the future.

Mr. LeFevre said that as a City Council, you have been very diligent about saving money and you have done a very good job, but he did not see that they have been any different from any other City Council. Mr. LeFevre said that if you walk down Buffalo Springs Drive, which is closed, he sees a couple areas of catastrophic failure that could be fixed. Mr. LeFevre said that they had a really good maintenance team, and they could probably repair the road. Mr. LeFevre said that he knows of areas on C.B. Stewart and other areas where if they just did crack sealing every year it would add years to the life of the roads. Mr. LeFevre said that the best investment is to fix things before they break, because if you let it break you are multiplying by ten the ultimate cost. Mr. LeFevre said that he knows the money is tight and if he has to pay more taxes, he would, and he urged City Council to look at road maintenance because he felt that it was critical to what was going to be ahead of them in the next few years.

Mr. LeFevre said that last item that he wanted to address was the Buffalo Springs Bridge. Last weekend when they closed FM 149, they saw absolute chaos on the north side of town. The only north/south route was Plez Morgan. They saw traffic blocked in all directions and there was only one police officer available.

Mr. LeFevre said that Montgomery is a hub town, so if you are coming from the north to the south or south to the north, or even from Bentwater, Montgomery is the hub. Mr. LeFevre said that the Buffalo Springs Bridge is really causing a problem. He understands that it is good that they are getting FEMA to fix the bridge, but structurally the bridge is fine. Mr. LeFevre said that he did not see why they should not, as a City and a matter of practicality, fix the approaches and put up barricades and make it 20 mph. Mr. LeFevre said that he wanted them to open the bridge because the difference between the Kroger in Montgomery and Willis is one mile. Mr. LeFevre said that if the bridge remains closed, they will not come in this direction. The people that live in Waterstone pay taxes and are part of the City. Mr. LeFevre said that if he lived in Waterstone, he would feel ignored. Mr. LeFevre said that if it costs \$50,000 - \$100,000 you need to get the bridge fixed, because if the bridge was located on Caroline Street, it would be fixed by now.

Mr. LeFevre said that they have always said that Montgomery only has one branch of the family tree and when they look at this, they see that, so they need to get that bridge fixed. Mr. LeFevre said if they need to have more taxes, then they need to do that. Mr. LeFevre said that right now we look like Bambi in the headlights. Mr. LeFevre said that he did not think that it was just that expensive to get the approaches to the bridge fixed, but it needed to be done because it is really hurting the City's image and the residents on the north side of town.

Mayor Jones said that some of the issues regarding the Buffalo Springs Bridge might be addressed later on in the meeting.

CONSENT AGENDA:

1. Matters related to the approval of minutes for the Public Hearings and Regular Meeting held on October 25, 2016.

Rebecca Huss moved to table the minutes until the December 13, 2016 meeting. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

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

A RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES TO TRANSACT BUSINESS WITH TEXPOOL PARTICIPANT SERVICES.

Rebecca Huss asked if the people on the list of authorized signors have to sign together, or any one of them and how it worked. Mr. Yates advised that it would be any one of the authorized signors could sign.

3. Consideration and possible action regarding renewal of firewood sales Special Use Permit to Mr. Roderick L. Lawson at 14611 Liberty Street, Montgomery.
4. Consideration and possible action regarding scheduling a Public Hearing regarding a Special Use Permit to operate a Bed and Breakfast at 811 Caroline Street, Montgomery, as requested by Mary Sims, to be held on December 13, 2016 at 6:00 p.m. at City Hall.
5. Consideration and possible action regarding declaring surplus property for disposal as submitted by the Police Department and Public Works.
6. Consideration and possible action regarding adoption of the following Resolution:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY DESIGNATING THE CONROE COURIER AS THE OFFICIAL NEWSPAPER FOR THE CITY OF MONTGOMERY, AND AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE CONTRACT.

Rebecca Huss moved to approve the Consent Agenda Items 2-6 as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

CONSIDERATION AND POSSIBLE ACTION:

7. Consideration and possible action on Department Reports.

- A. Administrator's Report – Mr. Yates presented his report to City Council detailing his activities for the month. Mr. Yates said that he has asked the City Engineer to report on Buffalo Spring Bridge.
- A. Public Works Report – Mr. Mike Muckleroy presented his report to City Council. Mr. Muckleroy advised that he had also included an Annual Report highlighting all the projects and activities for the year. Mr. Muckleroy advised that they had the Automatic Meter Reading System completed and it is 100% percent functional, with all the reads correct. Mr. Muckleroy said that for the year they had a total of 36 water taps, 26 sewer taps, 38 water leaks, 4 sewer stoppages and 28 sewer inspections. Mr. Muckleroy advised that on the park side, they completely rewired the Community Center with LED lighting, replaced all the downtown lights in the parks to LED lighting, completed the parking lot bollard replacement project at Homecoming Park and replaced the drinking fountain at Cedar Brake Park. The totals for the year reported by the Fernland docents were 6,309 visitors and 395 tours were provided. Jon Bickford said that Fernland had 1,000 likes on their Facebook page.

Rebecca Huss asked about the smoke testing that was done and how much of the City had been tested. Mr. Muckleroy said that looking at the map, they had completed half of the whole sewer system.

Mr. Yates said that, because it was brought up earlier, Mr. Muckleroy had supervised the street crack filling project. Mr. Muckleroy said that was correct, they had a company come in and do several streets, which included C.B. Stewart, Clepper, Harley and Berkley.

Mayor Jones asked if they had plans to do more crack sealing this year. Mr. Yates said that they had the funds for it, but they have not discussed it yet. Jon Bickford said that he thought it was a good suggestion to do it. Mr. Muckleroy said that he had actually looked a while back at a company that they deal with out of San Marcus that has a cold crack seal product that he wants to research a little more. Mr. Muckleroy said that if it works out as well as the cold mix asphalt did, then it would be a good product. Mr. Muckleroy said if the product worked out, then they could look at doing the work

themselves, because it would essentially be purchasing a couple of tools and the materials to make the repairs.

Rebecca Huss asked whether the County did road work on Lone Star Parkway last year. Mr. Muckleroy said that was correct, they repaved half of it, and they are supposed to do the other half prior to Kroger opening. Mayor Jones also stated that MEDC funds cannot be used for street repairs as was mentioned earlier. John Champagne said that he was sure that the City's focus was to make sure that the streets are in good order, but said that the streets are in a bit of disrepair and he felt that refocusing our efforts on the streets might not be a bad idea for everyone. Mr. Muckleroy said that they have a lot of problems with what is under the asphalt. Mr. Muckleroy said that there is no point in filling the cracks that are over an inch wide. Jon Bickford asked if they occur over time. Mr. Muckleroy said that they crack over time and due to weather, dry and wet conditions make the underlying material called "black gumbo" move and then they get cracks. Mayor Jones said that the drought really hurt the streets.

- B. Police Department Report – Mr. Yates, in the absence of Chief James Napolitano, presented the report to City Council. Mr. Yates advised that the arrests and charges for the month included 31 misdemeanors, 6 felonies. Traffic enforcement included 313 citations and 194 warnings. For the year, there were 44 DWI arrests, 115 vehicle accident investigations, 515 reports generated 344 misdemeanor arrests, 48 felony arrests and 298 vacation/security checks.
- C. Court Department Report – Mr. Yates, in the absence of Court Administrator Becky Lehn, presented the report to City Council. Ms. Lehn was currently at a crime scene in the City. Mr. Yates advised that the Court deposited \$23,000 to the City, with \$15,771 going to the State, for a total in collections of \$44,138. Mr. Yates then reviewed the additional report on warrants that lists the total amount of warrants collected since hiring Purdue is \$608,000, which has a balance of \$1,642,000 remaining, covering the period from 1999 through 2016. Mr. Yates said that Ms. Lehn advised that the reason that 2015 collections were so low, was because they were so busy and they got behind. Mr. Yates said that until they got their Customer Service Committee together and discussed the Court, they had lagged on their Court date, so now they have added more Court dates. Mayor Jones said that should leave a lot of warrants for Officer Flores. Officer Flores advised that from now on she would be preparing a warrant report.

D. Utility/Development Report – Mrs. Ashley Slaughter, Utility Billing Clerk presented her report to City Council. Mrs. Slaughter said the main thing for October was that they had completed the new rate increases that were effective this month, so they will notice the jump in the revenue. Mrs. Slaughter said that they did have some complaints on the increase, but mostly it was from people that have sprinkler systems that don't have a separate irrigation meter. Mrs. Slaughter said that she had discussed getting an irrigation meter with those that only have one meter, and directed them to the AMRS web site so they can monitor their own water consumption, and suggested ways that they could use less water. Mrs. Slaughter said they had 16 new water accounts this month and \$215 revenue for Community Center bookings.

Mayor Jones asked about the Haunted House use of the Community Center. Mrs. Slaughter advised that they had doubled their deposit and after the event Public Works went and checked the building. The Haunted House did not have any deductions in their rental of the Community Center and they did really well. Mr. Muckleroy said that he had spoken to them about four days prior to the event and advised them that he understood that in the past they had always hung things from the ceiling, and asked them to get away from doing that to prevent damage to the ceiling. Since it was such short notice, they agreed to take a double deposit, and next year they will come up with a plan to no longer hang anything from the ceiling or tape things to the walls. Mr. Muckleroy said that they did a really good job this year, because they rented it for the next day to allow them time to clean the building instead of cleaning it the same night. Mr. Yates said that after reviewing information from Ms. Slaughter and Mr. Burleigh, who provides a detailed report on each account, he determined that the September/October billing period was 16% percent more water usage August/September, which was part of the reason for the higher water usage. Mr. Yates said 164 customers were under the 2,000 gallons had no change in their bill, and 176 people used more than 11,000 gallons. Mr. Yates said that the 10,000 gallon users is where the rate made a big jump. Mr. Yates said that most of the increase in the water bills was due to the increased consumption, and the increase in the institutional rate that went up quite a bit.

John Champagne asked what the process was for disconnecting water accounts for nonpayment. Mrs. Slaughter said that the bills are sent out on the 29th of the month and due on the 22nd of the following month. Mrs. Slaughter said that she checks the

drop box and goes to the Post Office to check for payments received on the 22nd by 9:30 a.m. John Champagne asked if there is another notice sent to the customer before they cutoff. Mrs. Slaughter said that a late notice is sent out on the 23rd of the month stating that they have until the 10th of the following month to pay the bill, unless it is falls on a Friday or a weekend, then they wait until the following Monday. Mrs. Slaughter said that they also place door hangers at the customer's door the day prior to the cutoff date.

- E. Water Report – Mr. Mike Williams, with Gulf Utility, presented his report to City Council. Mr. Williams said that they had a total of six district alerts, with the top two occurring on September 23 and 25th that were high wet wells due to weather. Mr. Williams reported that on October 7th they had to unclog a line at the Stewart Creek Wastewater Treatment Plant due to a ball of rags. Mayor Jones asked if Mr. Williams if he felt that the improvements that the City made to Lift Station 8 is letting the rags pass through now and causing the problem farther downstream. Mr. Williams said that the plant currently has a bar screen to screen out rags, but it only stops a small percentage of the rags. They are talking about upgrading the screen to the plant to stop the rags, which is a costly process. Mr. Williams said that there are some different options that they are researching with the City Engineers. Mr. Williams reported that the average flow was 49,000 gallons per day that is 12% percent of the permitted value, daily peak flow on September 26 was 102,000 gallons. There were no excursions for the month of October, .56 inches of rain, and the accountability is back up to normal levels at 95% percent. Mr. Williams said that they were looking into renting a temporary flow meter for the sewer plant, the return is down to 16% percent from water sold, so they want to make an effort to verify that meter is running correctly, even though it was just recalibrated in August.

Mayor Jones asked what the status was for the reuse of the effluent. Mr. Williams advised that Geotechnical Services has started construction and they have electrical conduit and main breaker set up, and the forms have been set for the pads to be poured. Mr. Williams said that their timeline for completion is the end of this month and he will keep Council updated.

John Champagne asked Mr. Williams about Well 4 that had an issue, and he saw that Well 4 was below its average and Well 3 exceeded the production of Well 4. Mr. Williams said that they had originally started using Well 3 more to help cool the water

down since one of the cooling fans was out, but then they started coming into a shortage of permit. They are permitted to pull 75.1 million gallons from Well 4, and at the last meeting they were at 65 million gallons, and they are currently at approximately 69 million gallons. Jon Bickford asked if that was 75 million for the calendar year. Mr. Williams said that was correct, January 1, 2017 it will start over. John Champagne asked who mandated that usage. Mr. Shackelford advised that it was by the Lone Star Groundwater Conservation District. John Champagne said that he thought the Catahoula was nonregulated. Mr. Shackelford said that the Catahoula Well was nonregulated, but it was still permitted and the usage is monitored. John Champagne said then it is regulated. Mr. Shackelford said yes, it is regulated, but it is a nonregulated aquifer. Mayor Jones asked what happens if you go over the permitted usage. Mr. Shackelford said you either pay the fine or apply to increase your permitted amount. John Champagne asked why they did not increase the permitted amount. Mr. Fleming said that they are working on increasing the permitted withdrawal for next year. Mayor Jones asked how much they were going to request increasing the permitted amount. Mr. Fleming said that they were targeting 80-85 million gallons. Mr. Shackelford said with the growth in the City the increase will be easy to justify. Rebecca Huss said that they have good reason to do it now while it is unregulated and get the permit number as high as they need. Mr. Fleming said that they did weigh the financial impact of exceeding the permitted withdrawal and the penalty versus the increase in cost to use the GRP that is still in effect for this year, so they are doing the right thing by increasing the withdrawal of Well 3. Mr. Shackelford advised that the SJRA sits on the Lone Star Groundwater Conservation District Board, as one of nine members.

Mr. Williams said that they noticed an increase in water quality calls regarding discolored water that they received in the City for the northeast and south side of town. Mr. Williams said that he and Mr. Muckleroy are going to work on the problem. John Champagne said that the chlorine smell is stronger. Mr. Williams said that he would check the residuals, but there have not been any reports from the operators on raised level of residuals. Mr. Williams said that changing from Well 4 to Well 3, the water is coming from a higher iron well and there will be more discoloration of the water. Mayor Jones said that a while back, they were told that when they started pumping out of the Catahoula it might cause residue in the pipes. Mr. Williams said that Well 4 has

more corrosive water, so whatever residue was in the pipe, they have to feed polyphosphate to prevent it from stripping residue from the pipes. John Champagne asked if Well 4 was more corrosive because of the salt. Mr. Williams said that it was due to the chemical makeup of the water and said that he did not have the breakdown. Mr. Shackelford said the Catahoula Well has a higher TDS than the Jasper.

- F. Engineer's Report – Mr. Glynn Fleming, City Engineer, presented his report to City Council. Mr. Fleming advised that regarding the Impact Fee Analysis, the Capital Improvements Advisory Committee had its final meeting, prior to the Public Hearing on December 13, 2016. Mr. Fleming said that the Committee has seen the final report and offered some written comments on the report, which they will be delivering to City Council within a week to ten (10) days in advance of the December meeting.

Mr. Fleming said that they had discussed the Joint Mobility Study at the last month's meeting. Mr. Fleming advised that the traffic counts have been completed and they are working on a draft report that they should have for City Council in December.

Mr. Fleming advised that the Texas Capital Fund Grant project, as you may have noticed, the contractor has mobilized to the Kroger site and they have started some excavation and having materials delivered.

Mr. Fleming stated that the Grant funded Pizza Shack extension is getting close and there has been some activity on that site with the earth work beginning. Mr. Fleming said that there have been a few modifications to the plans sent to accommodate the proposed SH 105 Retail Center, at the corner of Lone Star Parkway and SH 105. Mr. Fleming said that they are preparing that project for bids and to move forward in the very near future.

Mr. Fleming noted that Flagship Boulevard emergency repairs to the storm sewer line are complete and the road reopened on October 29, 2016, that will be addressed on a standalone agenda item. Mr. Fleming said that their intent is to address the permanent paving of the road under the FEMA claim hopefully next summer when school is not in session to alleviate the traffic impact that occurred when it was closed. Mayor Jones said that someone had mentioned the Christmas break, and asked if that would be possible. Mr. Fleming said that he thought that would be pretty ambitious, given the timeline that they are working on with FEMA.

Mr. Fleming said that Montgomery County was about to begin work on the eastern section of Lone Star Parkway, from SH 105 to FM 149. Mr. Fleming said that they delivered an 80 percent plan set to the County Engineer's office on November 4, 2016, and they have a meeting with them tomorrow morning to review the comments on those plans. Rebecca Huss asked whether the repairs would make that road up to standards for Texas Highway traffic, like SH 105. Mr. Fleming said that he did not see repairs of that magnitude. There will be some additional center turn lanes added where the Kroger driveways are located. Mr. Fleming said that they have asked for further consideration of a center turn lane at Buffalo Springs and possible Plez Morgan. They are also looking at trying to improve the turning radius at SH 105 north onto Lone Star Parkway, so they can maybe facilitate some of the wide load truck traffic from SH 105.

Mr. Fleming said that Mr. Williams had mentioned the cooling tower fan at Water Plant No. 3. Mr. Fleming said that they have been working on a warranty replacement of that fan. They have had contact with Delta, who is the original equipment manufacturer of the fan, and as of today, it looks like they have approved the warranty replacement of that fan so they are working on getting that credit. Mayor Jones asked why these things take months to resolve. Mr. Fleming said that, unfortunately, that is just the process that they require. They required a third party to come out and remove the fan, and then send it to an authorized repair shop and service center. Mr. Fleming said that the shop had to assess the problem and then prepare a written report, deliver the report to Delta, and then Delta had to process it through their channels of approval before they came back to them with a determination that it was in fact a warranty claim. Mayor Jones asked why they could not just replace the fan and then determine the credit later. Mr. Fleming said that they had to adhere to their warranty replacement program so that they did not adversely affect the warranty.

Mr. Fleming said that one item that came up with the Capital Improvements Advisory Committee was a tour of the City's facilities by City Council, Planning and Zoning Commission and the Committee. Mr. Fleming said that they have talked with the Public Works Department and Utility Operator about the facility tour. Mr. Fleming said that he would be working with the City Secretary in the next couple of weeks to propose some dates and see what kind of attendance they might be able to generate.

Mr. Fleming commented on the Buffalo Springs Bridge, stating that he had spoken to the City's FEMA coordinator yesterday morning to discuss both the bridge and

Flagship Boulevard. Mr. Fleming said that they are on the same timeline that they always have been on, with the hope that the FEMA claim complete and ready for submission immediately after the first of the year, with hopes for construction to begin very early in the first quarter of next year. Mr. Fleming said that he had spoken to Mr. LeFevre as the upstream property owner, and they are well aware of his plan of action. Mr. Fleming said that they have requested a meeting with Mr. LeFevre and the downstream property owners to take place either late this month or early December. Mr. LeFevre has expressed an interest in participating in the meeting. Mr. Fleming said that Mr. Foerster reached out to the downstream property owner a couple of times and he expects them to attend.

Mr. Fleming said that all systems are a go with the FEMA claim. Mr. Fleming said that they have had several different contractors out to look at the Buffalo Springs Bridge and to propose fixes, and they are working on a solution. Mr. Fleming said that they have commissioned geotechnical studies to sample the soil on both sides of the Bridge. They have also commissioned a site survey to obtain some real topographic information and the elevations that they are working with on both the approaches down to the canal. Mr. Fleming said that their original time line holds true, and he did not think that there has been any deviation. John Champagne asked for the anticipated timeline. Mr. Fleming said he thought that they would have the FEMA claim ready for submission very late this year, and in talking with our FEMA project coordinator, she would like to have the claim submitted before the end of this year.

Mr. Fleming said that he has talked with several Waterstone residents, and some of them on a regular basis, every couple of weeks, if not more frequently. Mr. Fleming said that he is well aware that there is a lot of frustration because, to the naked eye, some folks believe that there is really not much happening. Mr. Fleming said the best assurance that he can offer them is that there is quite a bit of work being done behind the scenes on this project, both by them and the City staff, to see the FEMA claim come to fruition. John Champagne asked Mr. Fleming when he would anticipate receiving FEMA funds, following the claim submittal. Mr. Fleming said that they are requesting advanced funding form FEMA for this repair, just because of the magnitude of the project. Mr. Fleming said FEMA does not give them a definitive time line to receive the funds, but he would like to think 6-12 weeks.

Mayor Jones said that Mr. LeFevre made the claim that he felt that they could drive over Buffalo Springs Bridge. Mr. Fleming said that he respectfully disagrees with Mr. LeFevre. Mayor Jones asked if Mr. Fleming had notified Mr. LeFevre of his opinion about the bridge. Mr. Fleming said that he had done so, but he would be glad to do so again. Mr. Fleming said that the barricades on the bridge are there for a reason. They do not want people out there at the bridge because there is a significant void beneath the pavement. Mr. Fleming said to say that the bridge could take vehicular traffic is simply not accurate, and he would not be doing a very good job as your City Engineer if he would allow a school bus, as such, to travel across that bridge. Mr. Fleming said the bridge was closed for a reason, and he did not think that it was a quick fix to come in and restore the paving. When you see the amount of degradation and the slopes knows that it is not a matter of coming in and putting fill material in because there is nothing to hold it in place. Mr. Fleming said that after the first big rain it will be in the same condition. Mr. Fleming said that repair will be a complete fix done in its entirety at one time. Rebecca Huss said that given the amount of money that they are spending and the safety concerns, she would definitely prefer to take our time and get the absolute correct solution, so if you spend \$1.5 million dollars it ends up being the solution, rather than a temporary patch, just to assure that people aren't driving an extra half mile, so there is no point in speeding this project up and faster than physically possible.

Mr. Fleming said that he understands the traffic impact that the bridge and Flagship Boulevard has around town, he was out there and saw the amount of cars that were backed up. Mr. Fleming said that the idea was to fix it correctly so they do not have to come back and do it again. Mr. Fleming said the storm sewer line beneath Flagship Boulevard is repaired correctly, and all they have to do is go back and complete the paving work, which will be an inconvenience

- G. Financial Report – In the absence of Mrs. Cathy Branco, Financial Consultant, Mr. Yates, presented the abbreviated first report of the year to City Council. Mr. Yates advised that they had \$892,000 in General Fund, \$122,000 in the Debt Service Fund, \$757,547 in the MEDC Fund, and the Utility Fund is starting out with \$115,744, which is a good balance to begin the year.

Jon Bickford moved to accept the Departmental Reports as presented. John Champagne seconded the motion, the motion carried unanimously. (5-0)

8. Presentation and discussion regarding The Giving Trees Festival, which is raising funds for the Green Zone Housing: Supporting our Homeless Veterans by Melanie Davis, Vice Chairman and Campaign Director.

Ms. Melanie Davis made the presentation to City Council regarding The Giving Trees Festival that is raising funds for the Green Zone Housing to support homeless Veterans. This program gives Veterans the opportunity to be a project manager in the construction of their own home. Ms. Davis showed how they take shipping containers and transform them into homes for the Veterans, with the help of volunteers. Ms. Davis said that they will unveil an example of what they homes will look like at the Giving Trees Festival. Ms. Davis said they are hoping to establish the first Green Zone Housing area in the City of Montgomery with one of the homes on exhibit.

Mayor Jones said that they need a donation of trees for the auction at the Festival. Mayor Jones and Judge Wayne Mack will be judges at the Festival judging the trees. Ms. Davis said that she is getting a lot of support from the community and the Chamber of Commerce. It is nice to see how the community will come together to show our love and support for the Veterans. Ms. Davis said that once you do this event, it becomes a tradition. Ms. Davis said that they have a moving company that will come and pick up the donated trees. Ms. Davis asked about the signage placement. Mayor Jones advised Ms. Davis to speak to Mr. Yates.

9. Consideration and possible action regarding adopting a Lease Agreement by and between the City of Montgomery and Ramon M. Laughter.

Mr. Yates advised this property lies at the northeast corner of Caroline Street and FM 149. It is a vacant piece of property that has been used for many years as a parking area without the permission of the owner, Mr. Laughter. This lease would be part of a proposed paving project that will combine this lease with another lease that is forthcoming with Mr. Cronin that will result in a large MEDC funded asphalt parking lot from the south side of the Cozy Grape Restaurant to Caroline Street.

John Champagne asked whether the asphalt parking was not a requirement. Mr. Yates said that was correct. Rebecca Huss said that she would like to clarify that when City sponsored festivals take place, there is signed approval and that property owner is added to the insurance policy for the event.

Mayor Jones said that part of the issue with that property is that there is a strip in between the Cozy Grape and Mr. Laughter's property that has been up for sale. Mayor Jones said that MEDC considered purchasing the property, but they thought that it was too expensive. There was always the question of losing the parking for City events if someone else had the property. Mr. Cronin purchased that property, and he would like to partner with the City to make it a City parking lot.

Rebecca Huss said that her only comment on the contract is that the term is 12 months, and if the City invests in putting down asphalt paving, it should have a perpetual renewal term or at least some period of time where they get the investment back, since it would cost \$50,000 for paving. Mr. Yates said that the contract is automatically renewed. Rebecca Huss said that they still have the problem because if it only runs for 12 months, so it could be terminated at that point, with a new asphalt parking lot on it. Mr. Yates said that he just did not think that would happen. Mayor Jones said that Mr. Laughter refused to do more than a one year lease. Jon Bickford asked if it was mandated to pave the parking lot. Mayor Jones said no. Jon Bickford said that there is not a proposal for paving on the table at this time.

Jon Bickford moved to adopt a Lease Agreement by and between the City of Montgomery and Ramon M. Laughter for the property at FM 149 and Caroline Street. John Champagne seconded the motion, the motion carried unanimously. (5-0)

10. Consideration and possible action regarding authorizing payment of an invoice from L.N. McKean, Inc. for work on Flagship Boulevard.

Mr. Yates presented the information to City Council and said that he would recommend taking the funds out of street maintenance funds.

Rebecca Huss said she thought that was fine, but with the earlier discussion regarding preventive maintenance for the streets, shouldn't they leave those funds. Mayor Jones asked if they should, especially as they evaluate budgets in the future, should they make this its' own line item as emergency repairs or catastrophic repairs. Mayor Jones asked if they could wait for FEMA. Mr. Yates said that he was recommending that they take the money from the street maintenance line item in the budget.

John Champagne moved to authorize the payment of an invoice from L.N. McKean, Inc., out of street maintenance line item in the budget, for work on Flagship Boulevard. Rebecca Huss seconded the motion.

Discussion: Rebecca Huss asked that if they amend the budget during the year, they add back whatever funds they need to get back to \$18,000 available for street maintenance.

The motion carried unanimously. (5-0)

11. Consideration and possible action regarding City Sponsorship Letter for Heritage Place Medical Center driveway permit.

Mr. Fleming presented the information to City Council, and said that the developer needs this letter to complete their driveway cut and to obtain TxDOT permit. Mr. Fleming said that he offers no objections to the action.

Jon Bickford moved to approve the City Sponsorship Letter for Heritage Place Medical Center driveway permit. John Champagne seconded the motion.

Discussion: Rebecca Huss said that last time they saw the developer, the developer had originally said they would put money toward the Houston Street improvements, and then when it came down to it, the amount got lower. Then the City suggested that the developer put the amount of money in escrow, and they said no they were not willing to do that. Rebecca Huss said that she was feeling like similar to other circumstances, the City will need to fix Houston Street, and it will have to be done without the developer, because there is no incentive for them to participate. Rebecca Huss said this could be their incentive to finally be encouraged to open an escrow account to be used to help fund Houston Street improvements, which they did say they were going to do.

Mr. Fleming said that Rebecca Huss was correct. Mr. Fleming noted that part of that discussion in meeting with TxDOT, was an increased turning radius and they were going to improve Houston Street. Mr. Fleming said that the developer has already agreed in principal in dedicating that to the City or TxDOT, whoever it needs to go to, via plat, as well as contributing financially to some degree, whatever improvements need to be made to Houston Street. Mr. Fleming said as part of that concession, they withdrew their request for a driveway cut out onto Houston Street, at this time, and we all have agreed to revisit that at a later future date. Mr. Fleming said, per the City Code, the one thing we can't do is deny them access to their property. Mr. Fleming said that at this time, this is the only point of egress to the property to SH 105.

Rebecca Huss said that if they don't issue a letter of support, they are not denying them, or do they absolutely have to have that letter in order to get that driveway. Mr. Fleming said in order

to have an approved permit from TxDOT, he believes, yes, the letter is required. Rebecca Huss said there was a difference between being indifferent and not helpful and supporting.

The motion carried with 4-Aye votes and 1- Nay vote by Rebecca Huss. (4-1)

12. Consideration and possible action to select an Engineering Firm to provide engineering services associated with Application Preparation and Project Implementation associated with Texas Community Development Block Grant Applications.

Mr. Yates advised that this recommendation is the result of City Council appointing a Committee that consisted of Rebecca Huss, TJ Wilkerson, Susan Hensley and himself to solicit the Request for Qualifications (RFQ's) from prospective engineers. Mr. Yates said that the Committee interviewed two engineers, Jones and Carter and JF Fontaine. The Committee is recommending Jones and Carter because of their familiarity with the project area and because of their known expertise.

Mr. Yates said that if City Council approves, the contract will be prepared and signed before the end of November/early December to determine what a proposed CDBG project will be, then a public hearing will need to be held, with the application being submitted in late January. Mr. Yates said that ultimately City Council will decide what the project will be, but at this time it looks like it might be Baja. Mr. Yates said that the funding for the engineer will come from the grant itself, and is a set percentage as determined by the grant.

Jon Bickford moved to designate Jones & Carter as the engineering service provider for the 2017-2018 Texas CDBG Community Development Fund application and project related engineering services. Dave McCorquodale seconded the motion.

Discussion: Rebecca Huss stated that they have brought this up before, but it bears acknowledging every time that it comes up. Rebecca Huss said that Jones & Carter does in fact have a conflict of interest, because as our City Engineer they are working one side, and on this side they would be presenting plans, and as City Engineer, different people would be raising objections to or making sure that they conform to the City Code. Rebecca Huss said that it is obviously something that they feel comfortable with, as they have before, but she felt that they did need to acknowledge that we trust them on both sides. John Champagne asked what the resolution was. Rebecca Huss said that she was just making a comment, that by voting in favor of this motion, they are accepting the conflict of interest because Jones and Carter will be working both sides. Rebecca Huss said that she thinks that it bears bringing it up every time that it occurs, so that it is clear that we accept it.

The motion carried unanimously. (5-0)

13. Consideration and possible action to select a Grant Administrator to provide professional services associated with Application Preparation and Project Implementation associated with Texas Community Development Block Grant Applications.

Mr. Yates stated that the same selection process was conducted by the same Committee as the previous item, and stated that the Committee interviewed two firms, Grant Works and Public Management. Mr. Yates said that Public Management has handled grant writing and administering City grants for many years. While Public Management presented themselves well and have substantial experience in CDBG grants, the company's performance on the present Texas Capital Fund grant was less than expected.

Mr. Yates advised that Grant Works is the largest grant servicing company in Texas and has an office in Huntsville. Their range of grants available and success in their applications was highly thought of by the Committee. Grant Works writes virtually every state grant that is available, and has a staff large enough to know the integral aspects of each of the grants, yet our person in Huntsville would always be the City's project manager. Mr. Yates noted that two former directors of the Texas CDBG program now work at Grant Works.

Mr. Yates stated that the Committee is recommending Grant Works as the grant writer and administrator of the CDBG grant. Mr. Yates stated that funding for the grant writer is within the grant and there is no fee if the grant is not awarded.

Jon Bickford moved to declare Grant Works as the administration service provider for the 2017-2018 Texas CDBG Community Development Fund application and project implementation. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

Ms. Kelle Odom, Senior Project Manager, with Grant Works was present and thanked City Council on behalf of Grant Works for trusting them and they are looking forward to partnering with the City and the Engineer to have a successful project submitted in February. Ms. Odom said that Ms. Martha Drake, from the Huntsville office and she is in the Galveston office, so they partner together for this area. Mayor Jones thanked Ms. Odom for attending the meeting.

14. Consideration and possible action regarding construction project for the front lobby of City Hall.

Mr. Yates made a presentation regarding the cost and materials necessary for safety procedures for the front offices of City Hall. Mr. Yates said that this would include bullet proof glass for

the billing clerk's office, as there is for the Court window, and a door that would be a reliable escape route, through an internal office, should the need arise.

Mr. Yates said that he would recommend that half the cost (\$8,390) come from the Court Security Fund and the other half (\$8,390) come from the Utility Fund Capital Projects.

Jon Bickford asked Mr. Foerster if this was common with other cities, and asked what they have in the form of security. Mr. Foerster said that he could only think of one city, the City of Willis that has a similar security. Mr. Foerster said that most of the other cities that he represents can't afford it and have not seen the need for it as of yet. Mr. Foerster said that even a \$16,000 investment would be large for the cities that he represents. Mayor Jones said to keep in mind that this clerk handles a lot of cash. Rebecca Huss said that she does not object, but said that it is ridiculous to think that is at all protective when you have hollow core doors at the entrance, but just buys you 30 seconds. Mayor Jones said that 30 seconds is a lot of time. Jon Bickford said that bullet proof glass serves as a deterrent, and what you are hoping to prevent is somebody snapping and making a flash move, or pulling a weapon and shooting. Jon Bickford said that if somebody wants to get in, they will get in, just like locks only keep honest people honest. Rebecca Huss said that if they are really concerned about security, they should look at it on more of a holistic basis, rather than just this. Jon Bickford said that he is often worried about the door being opened and being visible from the street, because he could get tagged while sitting here.

John Champagne asked if the Chief of Police was consulted on this matter. Mr. Yates said that they had spent quite a while working with him on this. John Champagne asked if the Chief was on board with this item. Mr. Yates said that he was on board with it. John Champagne said that he was good with it then.

John Champagne moved to approve the construction project for the front lobby with half of the funds coming out of Court Security and the other half out of Utility Fund Capital Projects. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

15. Consideration and possible action regarding Certificate Pay for employees.

Mr. Yates made the presentation to City Council regarding certificate/license pay in addition to the basic salary for many positions within the City. Mr. Yates presented a listing of proposed certificate pay for the employees. Mr. Yates said that this information has not been reviewed in quite a while and asked that City Council not be deterred by thinking that this is extra pay for people. Mr. Yates said that he would ask City Council to consider that the certificate pay

is not being given grudgingly, but to honor and respect the extra effort made by the employees to obtain the extra knowledge so that they can do their job better.

John Champagne said that the key phrase that Mr. Yates used was to acknowledge their efforts, and said that he does not acknowledge efforts, he acknowledges results. Mr. Yates said that would be a test or obtaining their license. John Champagne said that was one of the things that bothers him about government, is that it is all about effort, it is not about results. Mayor Jones asked said that he was all for continuing education, and no doubt that benefits the City, or should, and hopefully they are not doing it just for the fun of it. Mayor Jones said that he assumed or maybe a lot of the education is being paid for by the City. Mr. Yates said that was true. Mayor Jones said that the question he had was whether this was a one-time payment and not a bump in their salary or continuous. Mr. Yates said that it would depend on which one it was, but they are paid every month. Mr. Yates said the total for the certificate pay is \$1,375 per month or \$16,500 per year, if City Council accepts the proposed certificate pay. Rebecca Huss said that would be a 1.3% percent increase in personnel costs.

Mayor Jones said that when Mr. Yates said stipend, and to him that is a one-time payment. Mr. Yates said that term is in the City's policy. Mr. Yates said that the certificate pay that had been approved, in the past, was paid per month. Mayor Jones asked if they hired someone with different levels of achievements, would they also be paid for those certificates or only those they received while employed. Mr. Yates said that it would depend on the position and whether it was required for the job. Jon Bickford said when do they decide whether that certificate is a necessary part of the job, or not, because you can make a career out of getting certificates. Jon Bickford said that the position should state that it requires specific levels of education, and if you have those, then great, if you have more, we will pay more for these certificates. Jon Bickford said that annually, it could be looked at during the annual review and part of the evaluation instead of a stipend because it is way too subjective and who determines the levels. Mr. Yates said that the job description would determine the level required. Jon Bickford said that they need to define what is important for the level of training for each position. John Champagne said that we happen to have an excellent Public Works Manager, but he could care less what he has, but if he has a license to save the City money without having to contract someone, then that license is worth something to him. John Champagne said if he has a license to just say he has a license, it brings no value to the City. Mr. Yates said that his value is his day to day work. John Champagne said that he feels this is put in place, especially government, to find ways to up your salary by not having to do anything more, which is his take.

Mayor Jones said that he thought what was being said was continuing education is good, as long as it brings value, and they should roll the reward into their annual salary increase, which is a lot simpler than what is being described.

John Champagne said the reason people make different salaries, is because of their worth, so if they pay one person \$50,000 and another person \$30,000, the City is making money on the \$50,000 also, just like they are on the \$30,000, they just don't get as much value from the \$30,000 as they do from the \$50,000. John Champagne said the only reason to pay a person more in an organization, is because they bring more value per period. Mr. Yates said that all the certificates add value to the job. John Champagne said that at the end of the year they will get it. Mr. Yates said that he was fine with it either way. Jon Bickford said there was a long list from each department, and it is almost like they are swarming on this and they need to review the list and assess the value of what they bring to the City so that they can be supportive and say yes to them, and you will get a bump in pay. John Champagne said that the only way that you will be able to evaluate the information would be to look at the individual.

Rebecca Huss said that she sees the merit in looking at someone's performance, and Mr. Yates has a pool of money where the ones that added the most value would get a permanent increase. Rebecca Huss said if they did that they would need to consider changing people's base pay now, because they are being paid for certificates and that stipend is part of why they chose the job or why they stayed here. Rebecca Huss stated that by eliminating what they are already being paid, they run the risk of losing people that have added value to the City. Rebecca Huss said that their certificate pay adds into their decision to stay at the City. Mayor Jones asked to confirm that this would be an ongoing payment, not a one-time payment, so you would just figure that was their base salary. Mr. Yates said that he could figure it that way if they would like. Mr. Yates said that the licenses that are up for certificate pay were very specific, state designated.

Jon Bickford said that he would need to understand, if they are going to award the certificate pay, how did they get along without that certification before, and if they are going to go and get that certification, does it allow the City to avoid an expense somewhere or not hire a consultant or a different person to get the job done. John Champagne asked if the value proposition could be stated. If they are going to add a certificate because it will bring more value to the citizens of the City and they can make the case, then he is all for it.

After discussion, Rebecca Huss moved to table action on this item. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

EXECUTIVE SESSION:

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas. (There are no current items.)

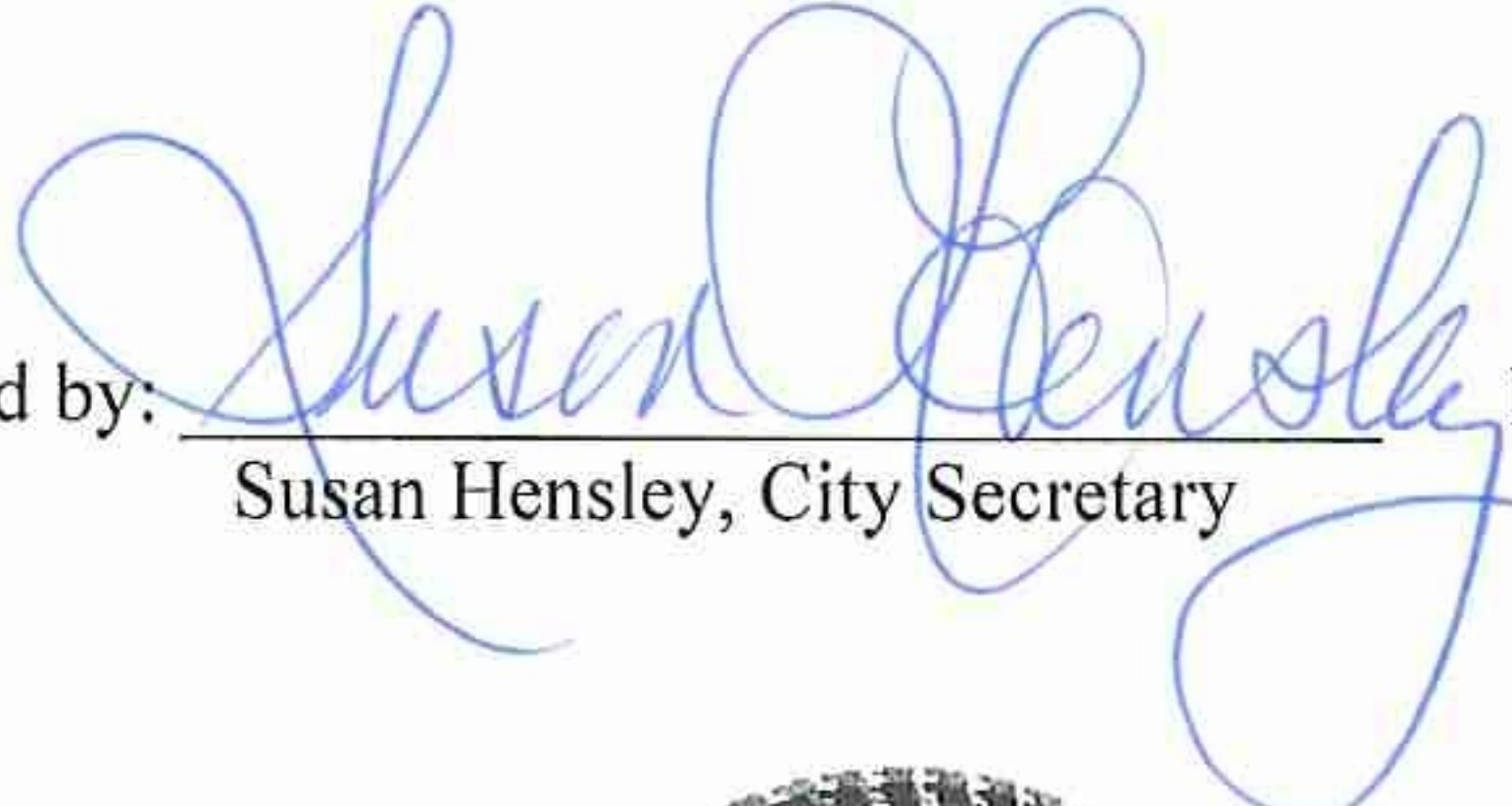
COUNCIL INQUIRY:

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


No comments were made.

ADJOURN

John Champagne moved adjourn the meeting at 8:05 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date Approved: 12/13/16
Susan Hensley, City Secretary




Mayor Kirk Jones