

MINUTES OF REGULAR MEETING

November 10, 2015

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Kirk Jones declared a quorum was present, and called the meeting to order at 6:01 p.m.

Present: Kirk Jones Mayor
 Jon Bickford City Council Position # 1
 T.J. Wilkerson City Council Position # 3
 Rebecca Huss City Council Position # 4

Absent: John Champagne City Council Position # 2
 Dave McCorquodale City Council Position # 5

Also Present: Jack Yates City Administrator
 Larry Foerster City Attorney

INVOCATION

T.J. Wilkerson gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

No citizen's comments were made.

CONSENT AGENDA:

1. Matters related to the approval of minutes for the Regular Meeting held on October 27, 2015.

Rebecca Huss moved to approve the minutes as amended. T.J. Wilkerson seconded the motion.

Discussion: The City Secretary, Susan Hensley, advised that the revision was made for clarification purposes. Rebecca Huss advised that the clarification added “Water Distribution System” to the Modeling and Master Plan that was discussed.

The motion carried unanimously. (3-0)

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action on department reports.

A. Administrator’s Report – Mr. Yates presented his report to City Council. Jon Bickford asked whether there were any updates on Pizza Shack or Kroger. Mr. Yates stated that Pizza Shack was approved by the Texas Capital Grant Fund last Thursday and they are now finishing up their plans. Mr. Yates advised that Kroger also received approval by the Texas Capital Grant Fund. They would be meeting with Kroger either tomorrow or Thursday to review their plans. Mr. Glynn Fleming advised that Jones and Carter had begun the Pizza Shack site survey.

Rebecca Huss asked about the progress regarding the ordinance to charge pro rata fees for people along SH 105 to access the City’s water and sewer. Mr. Foerster said that the ordinance had been drafted and he was looking for feedback on the formula by which they would determine the pro rata amount. Mr. Foerster said that there was already a pro rata formula in the City’s Code for pro rata payment. Mr. Foerster said that he has spoken to the City Engineers and they are both agreed that it is too convoluted and they need to find a simpler formula. Rebecca Huss asked if they could get that information from other municipalities. Mr. Foerster said that he could check with the City of Conroe.

B. Public Works Report – Mike Muckleroy, Public Works Foreman, presented his report to City Council.

Jon Bickford said that on Caroline Street, between Liberty and Pond, there was a yellow house on the north end, where there is some trees and brush causing a sight problem. Mr. Muckleroy advised that they had cleaned that whole corner two months ago, on the side facing the Clover residence, but they will check on that again. Rebecca Huss said that it might be the property owner that needs to do something. Jon Bickford said that if it is the property owner, then they need to talk to them.

- C. Police Department Report – Chief Napolitano presented his report to City Council. Chief Napolitano stated that the burglary of a habitation that they had reported on earlier in the month turned out to be workers that were supposed to be at that location. Chief Napolitano introduced the new Police Officer Kevin Thompson to City Council, who was hired two weeks ago and has been training with Officer George Hernandez. Chief Napolitano advised that the tickets being written this month were down, but arrests were up.

Chief Napolitano spoke about the truck accident at Cedar Brake Park and said that the victim had been lucky to survive the accident. Jon Bickford said that it was a miracle that nobody got killed. Chief Napolitano said people are racing in that area because they know that once they pass 149 the road turns into a two lane highway.

Rebecca Huss asked about the burglary that occurred on Baja and asked if that had anything to do with trends. Chief Napolitano said that they were still investigating the case, but said a trend would be if he had 5 or 6 cases. Rebecca Huss said that what she took away from the Community Meeting that they held during the summer was the fact that people in town always complain about traffic, but no one complains about safety of their kids, homes and cars. Rebecca Huss said that it would be great to continue that feeling. Chief Napolitano said that they work traffic pretty hard, which keeps people that do not live here but might come in to do a crime, away from the City. They know that if they drive through the City they know that there is a possibility that they might be stopped.

Mayor Jones asked the Chief why he was in formal dress uniform. Chief Napolitano advised that they had gone to College Station and made a presentation to former President George Bush making him an honorary Chief of Police for the City of Montgomery. Chief Napolitano said that President Bush has done everything else, such as head of the CIA, Commander in Chief, a fighter pilot, you name it he has done it, except being a police officer, so they made him an honorary Chief of Police. Chief Napolitano said that Lt. Belmares, Sergeant Lehn and Sergeant Rosario were all there for the presentation. Chief Napolitano said he asked President Bush to come by the next time he is in the area. Rebecca Huss said that President Bush could lead the Christmas Parade. Chief Napolitano said that he would send President Bush an invitation.

- D. Court Department Report – Rebecca Lehn, Court Administrator, presented her report to City Council. Ms. Lehn advised that again this has been one of the highest months for the court. Ms. Lehn advised that one officer had two DWI's in one day. Chief Napolitano said that they are pushing the DWI's because of calls like last night, where they lost another citizen to a DWI driver on Watson Ranch Road.

Mayor Jones asked if Ms. Lehn's Court was staffed well. Ms. Lehn said that they were currently staffed well, but would lose one clerk to maternity leave in January for about three months.

- E. Utility/Development Report – Ashley Slaughter, Utility Billing Clerk, presented her report to City Council. Mrs. Slaughter advised that the report now includes more information as was requested by City Council. Mrs. Slaughter noted that there are 525 active accounts, which include 30 idle accounts. Mrs. Slaughter said that they sent out 26 door hangers for cutoff notices. Mayor Jones asked if 26 was an average number of door hangers. Mrs. Slaughter advised that it typically starts out with 35-45 door hangers, and as the day goes by and people come in and pay.

Mrs. Slaughter said that she had followed up on the online utility billing systems, and she and Mr. Yates have discussed the information and feel that they will probably go

with Incode. Mrs. Slaughter said that they will be able to do online bank withdrawals, but they will not be able to do online credit card withdrawals since credit cards are processed through a third party processor. Mrs. Slaughter said that she contacted all the surrounding cities and no one can offer automatic credit card withdrawals. Mayor Jones stated that if someone wants to call in and use their credit card they can do so. Mrs. Slaughter said that was correct, and advised that the customer can also pay their bill with their credit card online.

Mrs. Slaughter advised that she had also included the City account consumption in her report, which includes 13 accounts, that have been separated by regular and irrigation accounts. Mrs. Slaughter included three months consumption to provide a comparison.

Mayor Jones asked about the people that used the Community Center for the haunted house and about the condition of the building afterward. Mrs. Slaughter advised that they had some broken ceiling tiles and trash was left out, so they ended up losing their security deposit. Jon Bickford asked if they have a cleanup policy for Fernland. Mrs. Slaughter advised that she does not handle Fernland. Jon Bickford said that they need to obtain deposits in the future for Fernland.

Rebecca Huss said that she wanted to point out that the water consumption was very interesting, especially if you apply the current rate to the use. Memory Park during August used \$1,000 in water and \$675 in GRP. Rebecca Huss said that was very expensive on a monthly basis, especially the GRP cost, which is actual cash out of the City funds. Mr. Yates advised that he was working on that information and should have some type of suggestion in December on how to reduce that amount substantially. Mr. Mike Muckleroy advised that in the past they had used 5 million gallons and this year they are set to use 2 million. Jon Bickford said that the issue is that the City loves to take on projects, but they need to understand the ramifications involved. Rebecca Huss said especially when it involves the GRP costs, electric costs, etc. Rebecca Huss asked how many gallons of water the City sells in a year. Mrs. Slaughter said that she did not have that total. Mr. Glynn Fleming, Associate Engineer with Jones & Carter advised that the City sells 5 – 7 million gallons per month.

Rebecca Huss stated that she liked the additional information in the report. Mayor Jones said that it included some good information. Mr. Shackelford, City Engineer, clarified that the number that Mr. Fleming advised was for City wide usage.

- F. Water Report – Mr. Williams presented his report to City Council. Mr. Williams advised that they had responded to Lift Station 8 six times. Mr. Williams noted that the flow at the sewer plant was 3.335 million gallons for a daily average flow of 113,000 gallons. Mr. Williams advised that they were in compliance in all parameters of the sewer plant.

Rebecca Huss asked about the three hydrant accounts and whether only three hydrants have meters on them. Mr. Williams advised that the hydrant account registers when there is a contractor working in the area and they hook their meter up to the hydrant for water. Mr. Muckleroy advised that the Fire Department reports their usage to the City, not for charges but for accountability.

Rebecca Huss asked if there was any resolution with Entergy on how to clean up the power problem. Rebecca Huss said that they have more power now because people are not running their air conditioners, and asked if they were set when people begin running their heaters. Mr. Williams advised that there was still no word from Entergy on a resolution to the problem.

Mr. Shackelford advised that when they were at TxDOT Meeting regarding the 149 Project Monday, Entergy was also at the meeting. Mr. Shackelford advised that they spoke to the people from Entergy about the dirty power and what they realized was there are three substations that feed into the City of Montgomery. Mr. Shackelford stated that all three of those substations have an unbalanced load on the three legs of power. Entergy's goal before the end of the year is to identify what electric taps need to be switched over to different legs to balance the power. Mr. Shackelford said that Entergy does have a plan that they are working on, which is the first measure to balance the load. Jon Bickford said that the good news is that Entergy has admitted that it is on their end, and asked if that meant that the City could get some reimbursement. Mr.

Shackleford said that was not discussed. Jon Bickford said that the City had spent a lot of engineering time trying to get to the bottom of this matter.

Mr. Williams advised that out of all the water produced, the City had a 33% percent return to the sewer plant to be treated. Mr. Williams advised that the time period for the report was September 21, 2015 through October 19, 2015. Rebecca Huss said that she thought that 33% percent was a small number. Mr. Williams said that for the time of year when people are not watering their lawns, the number is average. Rebecca Huss said that it says to her that they really need to let people know about irrigation meters, because people are paying for 100% percent of their water to go to the sewer when only one third of it is. Rebecca Huss said that was a really expensive cost that people are bearing. Mrs. Slaughter advised that anytime someone calls in or is upset about their bill, she stresses the fact that they can offer an irrigation meter. Rebecca Huss said that she feels they need to do more as part of the adjustment process, with the City Administrator doing a letter to the residents and maybe figuring out when the breakeven point is for people. Jon Bickford said that they need to make sure and adjust the rates on the irrigation meters, and that the water is counted on top of the water that the same customer is using versus being counted as a separate meter. Jon Bickford asked if the customers with irrigation meters receive two separate bills. Mrs. Slaughter advised that both meters are on one bill for the customers.

Mayor Jones asked if it was his imagination, or since they have been able to manage and use a higher percentage of the Catahoula Well, that his water does not seem to be as hard. Mr. Williams advised that the Mayor was completely accurate on that because the Catahoula Well pulls the water from a lot deeper and the water is a lot softer. Mr. Williams said that a water salesman had done a test on the water a couple of months back and the hardness was at 36, and last month when he pulled another test it was 4. Mr. Williams said that they have actually been able to bypass the water softener at the sewer plant and able to save \$50 on salt.

- G. Engineer's Report – Mr. Fleming presented the report to City Council and detailed some of their ongoing projects. Mr. Fleming presented the completed Water System

Analysis and Master Plan for the City of Montgomery and will review the material under a separate agenda item. They are currently working with the operator to obtain some additional data for the Sanitary Sewer System Modeling and Master Plan.

Mr. Fleming stated that the Texas Capital Fund Grant for Milestone/Kroger grant application has come back and is officially approved, and they are prepared to proceed with site surveys. They are just waiting for confirmation from the developer, which they anticipate receiving it later this week or early next week.

Mr. Fleming stated that the Texas Capital Fund Grant for Pizza Shack has also been approved as well, and they have already mobilized and have survey crews in the area.

Mr. Fleming reported that on November 2, 2015, they attended a development meeting with City staff to run through current development phasing and to discuss some potential revisions to the development guidelines, City Code and platting process.

Mr. Fleming advised that he was contacted this week regarding a potential development on the west side of town and he and Mr. Yates have a tentative meeting set for Friday with the potential property owner and their engineer to discuss a 67 acre tract. This would be an additional development for the west side of town.

Mr. Fleming stated that they also met with Pizza Shack on November 2, 2015 as a project kickoff meeting. Mr. Fleming said that the Terra Vista and Waterstone projects are both underway and progressing nicely.

Mr. Fleming advised that the pumps for Lift Station 8 would be delivered a week later than previously stated. This will move the installation date to the first week of December. Mr. Fleming advised that he is doing his best to get them to proceed as quickly as possible.

Mr. Fleming reported that over the weekend the bridge crossing over Town Creek in the Buffalo Springs area had an area of concern with the slope paving on the east side

of the bridge on the northern bank of the Creek. Mr. Fleming advised that Mr. Yates had received a phone call from one of the developers on Friday afternoon indicating that there was a failure in the slope paving. Mr. Fleming showed photos and advised that it appears that the slope paving has been undermined by water runoff for some time unbeknownst to anyone. Mr. Fleming said that he was under that bridge in late March and all the slope paving at that time was completely intact with no indication that anything was amiss.

Mr. Fleming stated that the slope paving has been completely undermined and they are well aware of it. Mr. Fleming advised that he had met with a contractor at that location this afternoon to get his opinion on some possible actions that they could take to remedy the problem. Mr. Fleming advised that he had a couple of requests for City Council this evening. First and foremost, Mr. Fleming requested authorization to proceed with some emergency repairs deemed necessary. Second, Mr. Fleming said while they don't feel there is an immediate cause for concern in terms of integrity of the bridge, he would also like to ask City Council to grant the request to hire a structural consultant, Stanley Sperling, who has indicated that they could be out first thing in the morning. Mr. Fleming said that he would like to have permission to have the structural engineer take a look at the bridge and sign on it that there is not a larger issue. Jon Bickford asked how long it would take. Mr. Fleming advised that it would be a couple hours travel time from Houston and a short one or two page report on the bridge. Jon Bickford asked if they would have to take measurements and test soil. Mr. Fleming advised that he did not believe that would be necessary at this time, and there is no indication that they would need to do so. If they do need to do more tests, Mr. Fleming said he would advise City Council.

Mr. Fleming advised his request was twofold: 1) authorize them to proceed with emergency repairs as necessary, for an amount not to exceed \$25,000, and 2) authorize him to meet with a structural consultant, as soon as possible to get an assessment, for an amount not to exceed \$5,000.

Mr. Fleming advised that Mr. Yates had received an email from TxDOT regarding the bridge indicating that they had seen the bridge and that something was amiss with the side sloping. This led them to send out a TxDOT bridge inspector and they have indicated that their initial reaction was to downgrade the rating of the bridge to a 4 to indicate there is a cause for concern. Mayor Jones asked if that meant that they would have to limit the weight crossing the bridge. Mr. Fleming said that he did not believe that to be the case at this time, but that will be one of his questions for the structural consultant. Mayor Jones asked what the downgrade of the bridge meant. Mr. Fleming advised that TxDOT has a rating system for bridges and the original rating was a 5 and they have downgraded this bridge to a 4, which means they see a need for immediate action and immediate repairs to take place. Mr. Fleming said that until those repairs are completed that rating stands. Mr. Fleming said that once the City notifies TxDOT that they have taken some action, TxDOT will come back out and take a look at the bridge and there should be no reason for the bridge not to be restored to its original rating.

Mr. Yates said that the funds for this work could either come from the budgeted street repairs contract line item or from general fund reserves.

Mayor Jones asked the City Attorney whether they could take action since this was not an agenda item. Mr. Foerster advised that the agenda states possible action on Departmental Reports, and because this is an emergency Council should treat it that way and proceed.

Mr. Shackleford advised that the contractor that they had met with this afternoon was someone that he has worked with over the years, and he is available to mobilize on Thursday on the immediate need to try and fill in the cavity under the pavement. Mayor Jones said that they are expecting rain tomorrow.

Mr. Shackleford stated that one of the thoughts of the contractor would be to drive into the ground, vertically, 20 x 8 steel sheets, and then drill through the deck to fill the void. The steel sheets would be there to keep the material intact until the repair cures.

Then at some point, those steel sheets would be removed. Mr. Shackleford said that they are trying to phase the work to avoid putting the slope paving back and then having to bust through it to place the waterline.

Mr. Foerster advised that they would not have to go out for competitive bids since the cost was under \$50,000. Mr. Foerster also stated that this is treated as an emergency, which is one of the exceptions of the Texas Local Government Code, so even if it was over \$50,000 it would not be required to go out for competitive bids. Mr. Foerster said that if City Council needed to call an Emergency Meeting to authorize future action, they would only need a two hour notice to be posted for the meeting.

After discussion, Jon Bickford moved to 1) authorize Jones & Carter to spend up to \$5,000 for a structural engineer consultant to take a look at the bridge; and 2) authorize spending up to \$25,000 for emergency repairs to the bridge, which will be coordinated with City staff. Mr. Shackleford stated that this would be an interim fix. Jon Bickford said that he understood. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

Rebecca Huss stated that her preference would be to have the expenditure come out of the streets budget line item, because they had placed extra funds in that line item. Rebecca Huss said if they need to go into reserves, they can deal with that later.

Jon Bickford noted that the photo that shows under the bridge, it looked like the wooden bulkhead is pushing out. Mr. Shackleford said that there were some minor issues with the bulkhead.

Mayor Jones asked if the water erosion was from above or underneath. Mr. Fleming advised that the aerial photo shows a drainage swale that runs south along the eastern side of the road in a roadside ditch, and that flow is what reaches that area and runs down into the canal. Mr. Fleming said that the indication, looking at the concrete, is that there was not much of a wall to begin with, so the water was eventually able to work its way underneath the concrete instead of over it. Mr. Fleming said that the ditch

carries a fair amount of water. Mayor Jones asked if the ditch was carrying more water due to recent development. Mr. Fleming said that he would not say that. Mr. Fleming advised that he would be meeting the structural consultant tomorrow morning between 8-9 a.m.

- H. Financial Report – In the absence of Mrs. Cathy Branco, Mr. Yates presented the report to Council advising that all the funds were positive for the month and up from last month, with \$1,115,000 in the General Fund, \$568,000 in the MEDC Fund, and \$223,608 in the Utility Fund. Mr. Yates stated that the rest of the report was the Quarterly Investment Inventory Report that details the amount of funds in the money market accounts and the City’s pledged securities. Mr. Yates advised that the total for the money market accounts is \$1,297,000, and pledge securities is \$1,128,000.

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

3. Consideration and possible action regarding adoption of the following Resolution:
RESOLUTION CASTING VOTE(S) FOR CANDIDATE(S) FOR THE ELECTION
OF THE MONTGOMERY CENTRAL APPRAISAL DISTRICT BOARD OF
DIRECTORS.

After discussion, Rebecca Huss moved to adopt the Resolution casting the City’s two votes, one (1) vote for Bruce Tough and one (1) vote for Mike Meador. Jon Bickford seconded the motion.

Discussion: Mayor Jones said that it could be treated as an election and asked if there was anyone else that City Council wanted to nominate. Council concurred that they were good with the nomination.

The motion carried unanimously. (3-0)

4. Consideration and possible action regarding Fernland Park Board request for approval of Lighting Project.

Mr. Mike Newman thanked City Council for the City's efforts regarding the street closure behind Living Savior Church. Mr. Newman also stated that Travis Wilson, Eagle Scout, whose project was approved by City Council, will be starting his project this Saturday, weather permitting.

Mr. Newman then introduced Mr. Tony Westlake, who serves on the Board for Fernland, to present the information for the lighting program.

Mr. Westlake stated that this project has been discussed by the Fernland Board for the last couple of years, because they felt that they needed some enhancement and security measures. Mr. Westlake said that they have investigated the lighting of the buildings mainly on the outside and some inside lighting. Mr. Westlake said that they settled on a company called Pro Lighting located in The Woodlands.

Mr. Westlake stated that the cost of the project is \$18,240, and they are proposing that the Fernland Board put in \$8,240 and from what they understand Montgomery Economic Development Corporation (MEDC) has up to \$10,000 earmarked for the project. Mr. Westlake said that would include lighting three of the five buildings, internal as well as external. Mr. Westlake said that the cost for the project also includes the first year of maintenance on a quarterly basis. Mr. Westlake stated that the equipment had a 7-15 year warranty and Pro Lighting had similar warranties regarding their work. Mr. Westlake advised that this would be a buried system, and upon completion they would receive a detailed plot plan for future reference. Mr. Westlake said that they hoped to have the project completed by Christmas for the Christmas in Montgomery Home Tour.

Mr. Yates said that this project will be presented to MEDC Board at their meeting next week.

Jon Bickford stated that he did not understand why we are asking MEDC to pay more than 50% percent of the cost, and part of the reason he does not understand and it is something that they have requested in the past, what is in the coffers of Fernland and what projects are earmarked for the use of that money. Jon Bickford said that after the warranty is done, then the City will be responsible for the maintenance. Jon Bickford stated that the City is struggling with maintenance costs and taking on new projects because the costs continue to grow.

Jon Bickford said that clearly they are great enhancements for the City, but there is only so much money that they have, just like now the City has to work with this bridge issue. Jon Bickford said that he knew they have been asking and they are trying to get an agreement in place to get some kind of summary of fiscal data and projects from the Fernland Board. Jon Bickford said that they need to know what the Board has planned and how the money is going to be spent, and then the City needs to plan on how much money they are going to put forth.

Jon Bickford said that his concern was that Mr. Newman was working very hard at Fernland, and it is tough to keep up. Jon Bickford said that there are other things that need to be repaired and they need to determine a schedule of things that need to be done, and how is it going to be paid for.

Mr. Newman said that Mr. Yates attends every meeting and receives all documents. Fernland has limited funds. Mr. Newman said that the only thing that is lit at Fernland is the bell tower, and this lighting will enhance the security for the Park. Mr. Newman also advised that he had approached the City in the past regarding charging for tours, such as \$5 per person, with the exception of school children, but they have not received any indication that the City would be in favor of that. Mr. Newman said that Fernland is not just a Park, it is a museum and is a part of the City's history.

Mayor Jones stated that MEDC funds have been earmarked for two to three years for a lighting project, and City Council has approved the MEDC budget. Mayor Jones said that MEDC funds cannot be used to fix bridges, so they do quality of life and economic development projects. Mayor Jones said the City has said over and over that they are

willing to give up to \$10,000, and it could be more, but that is the number that they used. Mayor Jones said that these guys maintain the Park on behalf of the City.

Rebecca Huss said that at some point they need to spend money on the assets that they already have, and maybe spend some time to meet with Mr. Yates to see what their maintenance plan is and what will need to be done. Mayor Jones said that the City has a maintenance budget for the Parks.

Jon Bickford said that one of the reasons they did not want to charge for tours was they did not want the docents handling money at the Park where they would be in the position to get robbed. Jon Bickford asked if Fernland had any other capital projects that they had planned for this year. Mr. Newman said that they did not have any plans, unless he found a church to move into Fernland.

Mr. Westlake advised that they have donation boxes at Fernland that the Board members collect. Mayor Jones asked whether they could put tour money in the donation boxes. Mr. Yates said that they could arrange a ticket to be purchased at City Hall.

Mr. Newman said that he felt the Park was something worth fighting for and asked Council to consider the project. Mr. Newman said that there should be some way to charge the photographers, such as a possible annual registration fee with the City.

T.J. Wilkerson asked if the Park would be open for the Christmas holidays and whether it would be open during the evening. T.J. Wilkerson said that he would hate to have someone's child out there and have something happen to them, because they did not have lights.

Jon Bickford asked if someone could show City Council, on a quarterly basis, what the earmarked plans are for the funds that are being collected at Fernland. Mr. Newman said that he thought the information that he was sending to Mr. Yates, was being given to City Council. Jon Bickford said that he would like someone from Fernland to present the information to Council. Mr. Westlake said that they could do that. Rebecca

Huss said that quarterly might be a little aggressive. Jon Bickford said that six months would be fine and he would feel much better going forward with the proposal. Jon Bickford said that he just wanted to make sure that they had a solid plan to take care of that beautiful facility. Mr. Westlake said that he would be more than happy for City Council to attend any of the Board meetings that they have that are held on an as need basis, but they will notify City Council when they are held.

After discussion, Jon Bickford moved to approve the proposal, once the Montgomery EDC approves their participation on the Lighting Project of up to \$10,000 for Fernland, as presented, with the provision that within six months from today City Council will have their first bi-annual briefing on the capital project plan and budget for Fernland to be presented by someone on the Fernland Board. T.J. Wilkerson seconded the motion.

Discussion: Rebecca Huss said that they cannot actually link the two actions together because they are giving the money today for a meeting six months from now, and there is no provision if they don't get the report or they are not happy with the information. Mayor Jones said that if they don't have the information he will personally go to their meeting and get the information and bring it back to City Council.

The motion carried unanimously. (3-0)

Mayor Jones thanked Mr. Newman and Mr. Westlake for all that they do for both Parks.

5. Consider and possible action regarding lease for food cart on City property – Edward Siegelman.

Mr. Yates introduced Mr. Siegelman who made his presentation to City Council. Mr. Siegelman presented information on his background in the food industry and how he wanted to move to Montgomery to sell Chicago style hot dogs.

Mr. Siegelman said that he would not keep the cart on the property, but would take it home every evening.

Jon Bickford asked Mr. Foerster if there would be any problem with the City leasing out property. Mr. Foerster said there would not be a problem as long as the City was properly reimbursed at fair market value.

Mr. Yates said that there were two points to consider, one being the free world and economic system, and anyone can set up where they want, especially if the City is going to receive \$300, which he felt was fair compensation.

Mr. Yates said that the other side is there are a couple of businesses there that sell essentially the same type of product, not necessarily Chicago style hot dogs, but lunch food. Mr. Yates said that the merchants have invested a lot of money in their buildings and the community. Mayor Jones said that point is very important, because they have potentially four brick and mortar businesses in the area selling food, and this would compete directly with them. Mayor Jones said that those merchants have been participating in the community and paying their ad valorem tax and sales tax, and he would suspect at the next meeting they would have torches and pitch forks if City Council allowed this. Jon Bickford said that location might be a little too close to the other merchants. Mayor Jones said that it would be the City sponsoring that competition by leasing the property, he felt that they would look at the City as the bad guy. Mayor Jones said if they would locate on private property that would be different.

Mr. Siegelman said that he felt his business would add to the businesses as an alternative. City Council made some recommendations for alternate locations. Mr. Yates said that his suggestion would be to have Mr. Siegelman work with a private property owner. Jon Bickford said that Mr. Siegelman would still have to have a permit to operate in the City, but it would be better for City Council for him to go with a private property owner. Jon Bickford asked Mr. Siegelman if he would look into other private property locations. Rebecca Huss said that she would like to see Mr. Siegelman pursue a private property placement, because she would like to see him be successful in Montgomery.

After discussion, Rebecca Huss moved to deny the request at this time, as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

6. Consideration and possible action regarding appointment of Planning and Zoning Commission Board Members.

After discussion, Rebecca Huss moved to reappoint Jeffrey Waddell and Carol Langley to the Planning and Zoning Commission for a full term. T.J. Wilkerson seconded the motion.

Rebecca Huss said that she would like to see new blood and have Mr. Easley considered as a small business owner, which is not well represented on the Commission. Jon Bickford said that he would appoint him in a heartbeat if he wants to serve. Mayor Jones said that they would treat this as an election process and accept nominations.

T.J. Wilkerson nominated Arnett Easley to serve on the Planning and Zoning Commission.

Mayor Jones said that since there were no other nominations, Arnett Easley was appointed to the Planning and Zoning Commission by a vote of acclamation.

The City Secretary asked for the vote on the motion made for Carol Langley and Jeffrey Waddell.

Rebecca Huss moved to nominate Jeffrey Waddell, Carol Langley and Arnett Easley to serve on the Planning and Zoning Commission. Jon Bickford seconded the motion, the motion carried unanimously. (3-0)

Mayor Jones said that Mrs. Harriette Cummings has served tirelessly for many years on the Commission and he was hoping that they could recognize her at the next meeting.

7. Consider and possible action regarding the Water System Analysis by Glynn Fleming, Associate Engineer with Jones & Carter.

Mr. Fleming presented the Water System Analysis to City Council. Mr. Fleming noted that there was correction on page 23, with a corrected page inserted. Mr. Fleming advised that he would like to have an item on the December Council Agenda to discuss the information.

Mr. Fleming advised that they looked at the City's system as it stands today and how that system will react with the demands placed on it five years from now. They tried to identify the systems shortcomings that exist currently, and ones that will manifest in the coming years. Mr. Fleming said that they did not make any far flung predictions made regarding population growth or development, the information comes from the Texas Water Development Board using their predictions.

Mr. Fleming said that they were able to identify nine Capital Projects. Mr. Fleming noted that Capital Projects 1 and 2 need to be done as soon as possible, and Capital Project 3 is considered significant. Mr. Fleming said that Capital Projects 4-9 require a little bit of an open mind and could move up depending on growth.

Mr. Fleming advised that Capital Project 1, Water Plant No. 2 GST Backfill - would be some piping modifications at Water Plant 2 that would allow them to fill the existing ground storage tank from Well No. 4. (Catahoula) by backfilling from the distribution system. This would allow the plant to be put online on a full time basis and utilize it daily to better serve the west and southwest side of the City. This would provide adequate pressure and fire flow, and maintain minimum pressures during an emergency event. Mr. Fleming advised that the work would all be done within the existing fence line at the plant.

Mr. Fleming stated that Capital Project No. 2, Buffalo Springs Bridge Crossing, will provide a waterline loop to the east side of the City.

Mr. Fleming advised said that Capital Project No. 3, includes downtown and SH105 Improvements, is to provide a better path for water from Water Plant No. 3 to Water Plant No. 2. Mr. Fleming said that they were already considering options for not only upsizing that line, but a new route and how to do so more efficiently. Mr. Fleming said that to upsize that line at its current location would be messy and disruptive. Mr. Fleming advised that line currently begins on the east side of 149 as it leaves Water Plant No. 3 and at some point near Jim's Hardware it jogs under the road to the west side. Mr. Fleming advised that it is a 12 inch line up to where it crosses under the road, then steps down to an 8 inch, and then a 6 inch line. Mr. Fleming advised the line turns on to SH 105 and heads west. Mr. Shackelford advised that the some of the lines on

SH105 and 149 need to be upsized. Jon Bickford asked if it would make sense, while the road is tore up, for the City to install the new pipe. Mr. Fleming said if they had the ability to do that it would absolutely make sense. Mr. Fleming stated that they cannot place their line in the TxDOT Right of Way.

Mayor Jones said they have to start thinking about Capital Project 3 because they are going to start work May – June 2016. Mr. Shackelford advised that the State would put the project out to bid in May 2016, and generally ninety days later the contractor is on the project. Jon Bickford asked if the State was going to construct sidewalks. Mr. Shackelford advised that they would be putting in sidewalks. Jon Bickford said that they could put the lines under the sidewalks, just not under the road. Mr. Fleming stated that the plans show curb and gutter streets. Mr. Shackelford said that if the water line has to go, then maybe they would want to be on a parallel street, so if there ever was a waterline break in the future, they would not have to tear out pavement or sidewalks to get to the waterline. Mr. Shackelford advised that now that they have TxDOT's preliminary information on what they found, now they need to go and identify the location and depth of the City's waterlines.

Mr. Shackelford stated that TxDOT has advised that the current lines, if not moved, would be located underneath the pavement. Mr. Shackelford said that TxDOT's expectation is if the line replacement/relocation is not part of their project, the City will come in advance and resolve the issue. Mayor Jones said that the City could hire TxDOT's contractors. Rebecca Huss asked if the City would have to pay them to remove the City's lines. Mr. Shackelford said that one option would be to design it and put it in the State's job, then their contractor will construct it with the City's money. Mr. Shackelford said the other alternative would be to leave the existing lines in place, route around, then deactivate the lines that are on 149.

Mr. Fleming said that the underlying intent is to remove the undersized line so that they serve the west side of town with one continuous 12-inch line. Mr. Fleming said that longer term, and also included on this list is that at some point in the future they will extend 12-inch waterlines all the way out Lone Star Parkway to the west and loop back into the end of the current 12-inch waterline. Mayor Jones asked whether that would take away the necessity for an elevated storage tank. Mr. Fleming advised that it would

not. Mr. Shackelford stated that the more connections that you add to your system, the more storage you will need, either in ground storage or elevated storage. Mr. Shackelford said that when most entities get to 2,500 connections the State requires elevated storage unless you can prove to them that you can solve that problem without an elevated tank, such as, ground water storage tanks, booster pumps and hydro-tanks.

Mr. Fleming advised that they have discussed Capital Projects 1-3. Mayor Jones stated that this document is a key component to the City's Comprehensive Plan and remains fluid as things change. Mayor Jones asked what process would be used to change the document. Mr. Fleming said that document is intended to be a living document. Once they get past items 1-3, it will be fluid, they will have no way of knowing and will have to react development wise. Mayor Jones said that for the sake of maintaining a Comprehensive Plan would they need to update this document annually. Mr. Fleming said that he felt that was a fair assessment.

Mayor Jones asked when City Council would see the Sewer Master Plan. Mr. Fleming advised that would probably be presented in January 2016.

Rebecca Huss moved to accept the Water System Analysis & Master Plan as prepared by Jones & Carter. Jon Bickford 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 current items at this time.)

COUNCIL INQUIRY:

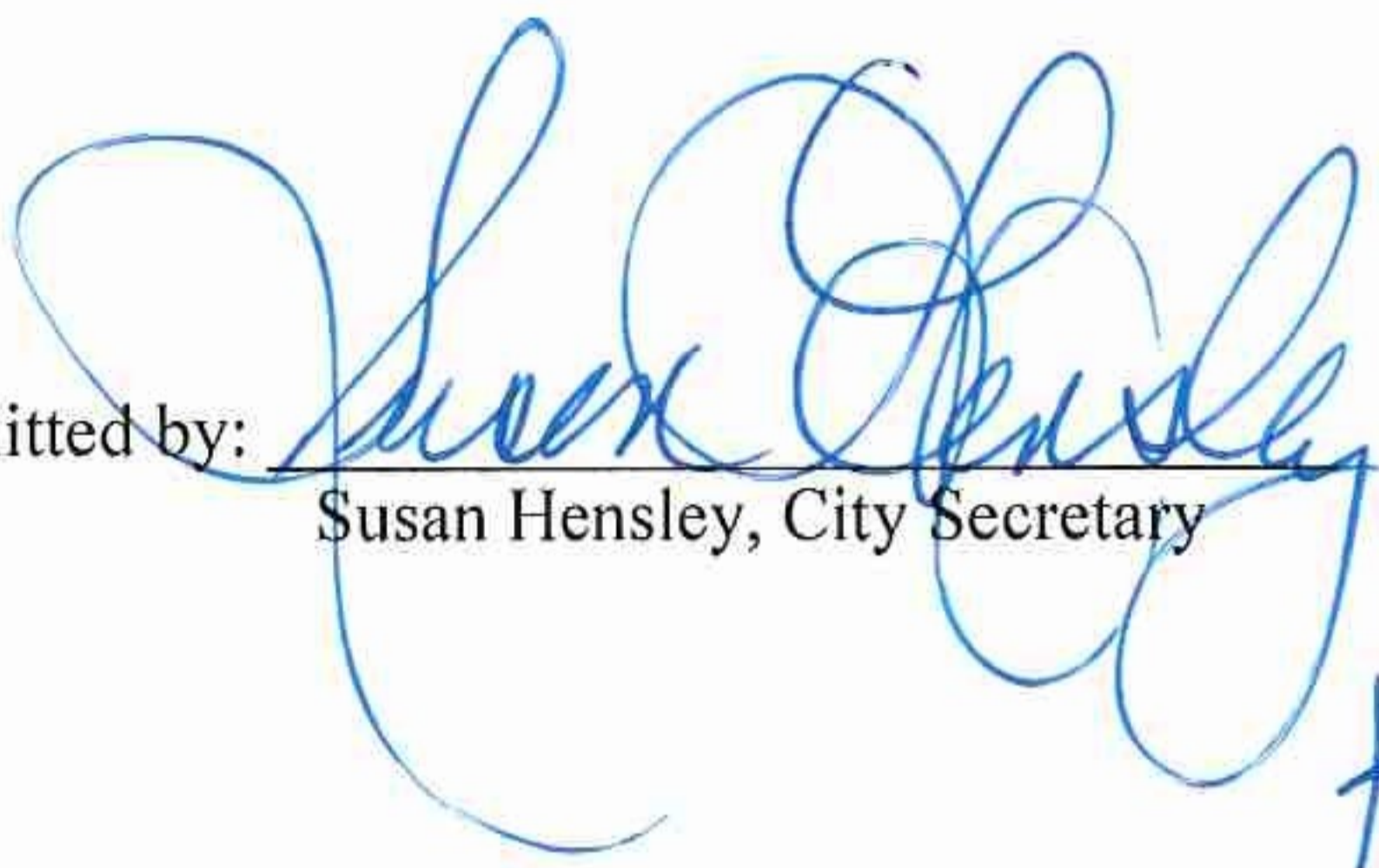

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy

or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

No comments were made.

ADJOURNMENT

Jon Bickford moved to adjourn the meeting at 8:42 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

Submitted by:  Date Approved: 12/08/15
Susan Hensley, City Secretary

Mayor Kirk Jones

