

MINUTES OF PUBLIC HEARINGS and REGULAR MEETING

April 28, 2015

MONTGOMERY CITY COUNCIL

CALL TO ORDER

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

Present: John Champagne Position # 2
 Kirk Jones Position # 3 (Mayor Pro Tem)
 Rebecca Huss Position # 4
 Dave McCorquodale Position # 5

Absent: Jon Bickford Position # 1

Also Present: Jack Yates City Administrator
 Larry Foerster City Attorney

INVOCATION

John Champagne gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARINGS:

Convene into Public Hearings:

1. Public Hearing regarding the City of Montgomery Curfew Ordinance, as provided by Division 2 of Chapter 62 of the Code of Ordinances of the City of Montgomery, Texas, in accordance with Section 370.002 of the Texas Local Government Code.

Mayor Pro Tem Jones convened the Public Hearing at 6:05 p.m.

Mr. Foerster advised that every three years, by state law, a City Council that has enacted a curfew ordinance for juveniles, must review that curfew ordinance and conduct a public hearing prior to making a decision to reinstitute or continue the ordinance. Mayor Pro Tem Jones advised that the curfew ordinance was for all persons under the age of 17, with curfew hours 11 p.m.-6 a.m. for Sunday, Monday, Tuesday, Wednesday and Thursday, and 12 a.m. 6 a.m. on Friday and Saturday. Mayor Pro Tem Jones advised that there were exceptions for emergencies and such.

Mr. Nelson Cox stated that if it was not broke, don't fix it.

Chief Napolitano advised that the ordinance works and is used when necessary. Chief Napolitano also advised that the City's ordinance was exactly the same as the one used by Montgomery County.

John Champagne asked if the ordinance was time specific. Mr. Foerster advised that it was, and noted that there were provisions for a number of different reasons, including working hours.

Dave McCorquodale asked about the fines. Chief Napolitano advised that the fines were not more than \$200. Dave McCorquodale asked whether, due to the age of the violator, they would have to locate the parent. Chief Napolitano stated that they would either locate the parent or they would take them home. Rebecca Huss asked if there were many curfew citations written in a year. Court Administrator Lehn advised that they handled approximately thirty per year.

After discussion, Rebecca Huss also stated that if it was not broke, do not fix it.

Mayor Pro Tem Jones adjourned the Public Hearing at 6:11 p.m.

2. Public Hearing regarding removal and replacing a manufactured home, as submitted by Jane Hoover, to be located on 808 Community Center Road, Montgomery, Texas.

Mayor Pro Tem Jones convened the Public Hearing at 6:11 p.m.

Mr. Yates advised that a letter from the neighbor of Jane Hoover had been submitted in support of moving the manufactured home onto the property.

Mrs. Kristen Andrew, owner of manufactured home, advised that the property belonged to her mother-in-law, and she and her husband would be moving in a new 2014 manufactured home as their new residence. Mrs. Andrew advised that the old manufactured home had already been removed from the property.

Mayor Pro Tem Jones adjourned the Public Hearing at 6:14 p.m.

Reconvene into regular session:

VISITOR/CITIZENS FORUM:

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

There were no comments made.

CONSENT AGENDA:

3. Matters related to the approval of minutes for the regular meeting on April 14, 2015 and special meeting on March 31, 2015.

Rebecca Huss moved to approve the minutes for the regular meeting on April 14, 2015 and special meeting on March 31, 2015, as presented. John Champagne seconded the motion.

Discussion: Rebecca Huss asked about the PSI issues discussed during the special meeting regarding the apartments. Mr. Ed Shackleford, City Engineer, advised that on the City's side of the meter it was 40 PSI. Mr. Shackleford stated that they were probably at 60-65 PSI at the plant, so there is a little bit of a drop probably caused by change in elevation, and there is further drop across the meter and the back flow. Mr. Shackleford said that they might lose 10 pounds going from one side of the meter to the other, which could be devastating for them to get to the third floor of the apartments. Rebecca Huss asked if the City had met their legal minimums in terms of what fire hydrants can produce for safety reasons. Mr. Shackleford confirmed that they City had met its requirements.

The motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

4. Consideration and possible action on department reports.

- A. Administrator's report – Mr. Yates presented his report to Council. Mr. Yates advised that the grant person had advised them not to turn in the information for the grants because the 149 project was too small, and the Clepper Street project did not fit their intentions for the grant. Mr. Yates stated that the 149 crosswalk could still be accomplished with Montgomery EDC funds, donations and community funding.

Mr. Yates advised that the TAPS Grants had gone away, but they could still apply for the Texas Capital Grants for downtown infrastructure in \$150,000 increments, and the Houston Galveston Area Council Grants in \$25,000 increments. John Champagne asked that in the future, Ms. Shannan Reid give an update report to Council.

Mr. Yates said that he had received confirmation today that they had received the Texas Capital Grant Fund Grant for \$750,000 regarding the Kroger Project. Mr. Yates advised that the Pizza Shack Grant had not been processed, because information had been left out regarding retaining jobs. Mr. Yates stated that the application was submitted by Jay Rice.

Mr. Yates reported that he and the City Attorney had a conference call with Kroger regarding the 380 Agreement, and one of their questions was the type of welcome sign that the City would want. John Champagne advised that they had established a prototype for the sign. Mayor Pro Tem Jones advised that he had discussed in the past, having a large berm with a large Texas flag, since the City is the birthplace of the Texas Flag. John Champagne stated that the Planning and Zoning Commission could get involved in the decision. Mayor Pro Tem Jones stated that there was a rough drawing that Shannan Reid has. John Champagne stated that he would like to see at least three options.

- B. Public Works report – Mr. Mike Muckleroy, Public Works Foreman, presented his report to Council. John Champagne asked what had caused the large blowout of the big main at Summit. Mr. Muckleroy advised that they had excavated a spot for the meter box to be

set, and the valve blew off the end of the line. John Champagne asked who prepared that site. Mr. Muckleroy advised that it was Summit.

John Champagne asked if there was a particular lift station in Buffalo Springs that is in disrepair. Mr. Muckleroy advised that there were a couple of problems over there. The meter box where the electrical comes in is hanging off to the side, and there are some more issues that the City Engineer can touch base on.

John Champagne stated that the issue of Fernland Park and Memory Park has been discussed in the past, and he wanted to put some type of notification signs stating that there are no motorized vehicles permitted in the parks.

- C. Police Department report – Chief of Police Napolitano presented his monthly report and 2014 Annual Contact Report to Council. Mayor Pro Tem Jones asked if the Police Department was in compliance. Chief Napolitano advised that they were in compliance, and all police vehicles were equipped with the video cameras as required by the State. John Champagne asked if the police were over burdened with paperwork that could be done away with, and whether the monthly report was time consuming. Lieutenant Belmares advised that he worked on the report for approximately 8-10 hours per month. Chief Napolitano said that he felt that the report allowed Council members to see exactly what the officers are doing. John Champagne commended the entire Police Department and said that he appreciated all their efforts. Chief Napolitano said that he had to commend the three people present, Lieutenant Belmares, Court Administrator/Sergeant Rebecca Lehn and Sergeant Rosario for doing such a great job. John Champagne stated that if there was a choice to be made between paperwork and police work, he would chose the police work.

- D. Court Department report – Court Administrator Lehn presented her report to Council, advising that last month was the busiest month in history. Ms. Lehn advised that they were barely keeping up with the work, but noted that it was possible due to an officer that is on light duty working in the Court. John Champagne commented that they were doing a good job.

- E. Utility/Development Report – Mrs. Ashley Slaughter, Utility Clerk, presented her report to Council. Rebecca Huss asked about the unpaid water bill from the school and how much that was valued. Mrs. Slaughter advised that she had not looked into that matter yet, but she would be working on it this month. Mrs. Slaughter said that the only way to fix their bill is to do a manual bill each month. John Champagne asked what the plan was to resolve the matter. Mrs. Slaughter stated that she had discussed the matter with the City Administrator, and it would be brought to a future City Council Agenda. Mr. Yates advised that the reason it would need to be brought to City Council was due to the amount of money involved, and he would write a recommendation for Council action.

Frank Garcia with H2O presented the water production report to Council. John Champagne said that the ratio between the wells was doing well. Mr. Garcia said that they could probably adjust more. John Champagne stated that the numbers were a lot better than they had been. Rebecca Huss asked about where the City was regarding getting electronic meters. Mr. Yates advised that he was working on that item and that the cost would be approximately \$60,000 that he did not have in the budget. Rebecca Huss stated that she thought that the project would be financed from the savings that they would experience from the meters. Mr. Yates advised that he would be getting back on that project.

Mayor Pro Tem Jones stated that they had experienced a couple of big issues during the last month, including a large water leak and an electrical fire. He commented how they responded very quickly, and he appreciated it.

- F. Engineer's report – Glynn Fleming, Associate Engineer, presented the report to Council, updating on the ongoing projects.

Mr. Fleming requested that Agenda item number 9 be postponed until the first meeting in May, so that they could have an opportunity for Council to review prior to presentation. John Champagne asked if any property owners had been contacted. Mr. Fleming advised that they had not.

Rebecca Huss commented on the Lonestar Cowboy Church, and stated that if they have to come before City Council for any variance requests, she hoped that they could change the exterior of their SH105 frontage to match the City's corridor enhancement regulations.

Dave McCorquodale asked what the requirements were regarding lighting for parking lots in the City, and if they only required an electrical permit for the connection. Mr. Fleming advised that based on the structures they are about to add, they are bound to submit a full set of drawings, including architectural, electrical and plumbing. Dave McCorquodale stated that when new developments are coming in with 200 plus spaces, they needed to look at the type of lighting and spacing. Mr. Yates advised that he would check into the lighting and into "Dark Sky" ordinances. Rebecca Huss stated that they might need to pick up the pace.

Mr. Fleming advised that per request by City Council, they had provided two mounted sets of water and sewer maps to be used as a dry erase board.

Dave McCorquodale asked whether the Buffalo Springs Shopping Center plans were coming back like they had presented. Mr. Fleming advised that they did not have anything that gave them concern and they don't appear to have any substantial changes, but at this time no drawings have been submitted.

G. Financial report – Mrs. Cathy Branco presented the report to Council. John Champagne advised that sales tax was off this month. Mrs. Branco stated it was a little down, and that the quarterly deposit was the high amount. John Champagne stated that the City is \$28,000 behind budget for March 15, and year-to-date they are right on budget. Mr. Yates advised that the City is at the 50 percent mark for the year in taxes. John Champagne advised that the following items were over budget by the following amounts:

- Engineering - \$35,000
- Accounting - \$9,000
- Repairs - \$8,000
- Operating Supplies - \$13,000
- Supplies/Equipment - \$34,000

John Champagne advised that where we can, be austere. Rebecca Huss stated that they had managed to catch up on the personnel expenditures, because they were significantly over budget, and they are reducing that number. Rebecca Huss stated that the engineering expenses also included items where the City receives revenue that pays for engineering costs. Mrs. Branco advised that the feasibility money does not show up on the report, it is a liability, which is why it does not show up. The budget only shows revenues and expenses. Mrs. Branco advised that the feasibility study deposit account is set up similar to an escrow account.

John Champagne stated that he was not complaining or raising a red flag, but felt he would be remiss not to make a note that the City is running ahead substantially on some budgets. Mrs. Branco stated that they were going to be reviewing the budget and looking at making a few adjustments.

Dave McCorquodale moved to accept the departmental reports. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

5. Consideration and possible action on adoption of the following ordinance:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, RENEWING THE JUVENILE CURFEW ORDINANCE CODIFIED IN DIVISION 2 OF CHAPTER 62 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS, IN ACCORDANCE WITH SECTION 370.002 OF THE TEXAS LOCAL GOVERNMENT CODE; AFTER A PUBLIC HEARING ON THE NEED TO CONTINUE THE ORDINANCE, CONTINUING THE JUVENILE CURFEW ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; DECLARING COMPLIANCE WITH TEXAS OPEN MEETINGS ACTS; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.

John Champagne moved to renew and adopt the following ordinance: AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, RENEWING THE JUVENILE CURFEW ORDINANCE CODIFIED IN DIVISION 2 OF CHAPTER 62 OF THE CODE OF ORDINANCES OF THE CITY OF

MONTGOMERY, TEXAS, IN ACCORDANCE WITH SECTION 370.002 OF THE TEXAS LOCAL GOVERNMENT CODE; AFTER A PUBLIC HEARING ON THE NEED TO CONTINUE THE ORDINANCE, CONTINUING THE JUVENILE CURFEW ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; DECLARING COMPLIANCE WITH TEXAS OPEN MEETINGS ACTS; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

6. Consideration and possible action on a request for removal and replacing a manufactured home, as submitted by Jane Hoover, to be located on 808 Community Center Road, Montgomery, Texas.

Rebecca Huss moved to approve a request for removal and replacing a manufactured home, as submitted by Jane Hoover, to be located on 808 Community Center Road, Montgomery, Texas. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

7. Consideration and possible action to authorize the sale of a 0.291 acre tract of land that comprises the abandoned portion of Cemetery Street between Church Street and Caroline Street to Living Savior Lutheran Church in Montgomery and adopting the following Ordinance: AN ORDINANCE BY THE CITY COUNCIL FOR THE CITY OF MONTGOMERY, TEXAS, APPROVING THE SALE OF A 0.291 ACRE TRACT OF LAND LOCATED IN THE PREVIOUSLY ABANDONED CEMETERY STREET RIGHT-OF-WAY BETWEEN CHURCH STREET AND CAROLINE STREET IN THE CITY OF MONTGOMERY, AND AUTHORIZING THE MONTGOMERY MAYOR TO EXECUTE THOSE DOCUMENTS NECESSARY TO CONSUMATE THE SALE TO LIVING SAVIOR LUTHERAN CHURCH OF MONTGOMERY, TEXAS.

Mr. Foerster reviewed the history of the property, advising that back in June 2014 the strip of property was abandoned by the City and the question for Council tonight is whether they want to sell that property to the Living Savior Lutheran Church in exchange for the \$10,000 that has been tendered to the City, and your willingness to continue to provide their parking lot facility lease for all the public events that they have in the City. Mr. Foerster stated that they intend to expand the Family Life Facility across and over the Cemetery Street area so they will have a larger facility. Mr. Foerster advised that the City cannot give the property away, but City Council can determine what they deem to be fair market value for the property. Mr. Foerster stated that if they deemed the \$10,000 to be of value together with other good and valuable consideration, which could include the use of the parking lot for public use, then City Council could find that this is a good value for the strip of property. There could be other considerations of value to consider, such as, the facility is going to be available and larger, and they have a policy of making the facility available to the public for other activities and City events.

Rebecca Huss asked if they could put it in writing that the City would like them to be particularly cognizant of the impact they have on the residential neighborhood, in terms of lighting, screening, architecture and landscaping. Mr. Foerster stated that he was sure that would be addressed when they come before the Planning and Zoning Commission and City Council.

Dave McCorquodale asked about the survey, and whether the City would lose access to Church Street from SH105. Mayor Pro Tem Jones advise that from SH105, Cemetery Street would still exist up until the point where it hits Church Street, and then you will have to make a left turn.

After discussion, John Champagne moved to authorize the sale of the 0.219 acre tract of land located in the previously abandoned Cemetery Street right-of-way between Church Street and Caroline Street in the City of Montgomery, and authorizing the Mayor to execute those documents necessary to consummate the sale to Living Savior Lutheran Church of Montgomery, Texas, with other good and valuable considerations, inclusive of parking and the payment of \$10,000 to the City. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

8. Consideration and possible action on presentation of Annual Financial Report for the year ending September 30, 2014 – Anthony Cardiel, C.P.A.

Mr. Cardiel presented the Annual Financial Report to City Council. Mr. Cardiel advised that everything in the Audit was clean and accurate.

Rebecca Huss stated that this report is about seven months after closing, and whether the delay in receiving these reports does anything to the City's ability to borrow funds. Mr. Cardiel said if the City was consistently behind he would be more concerned about that, but it really depends, and said it was not abnormal. Rebecca Huss asked if a larger City would be in a higher priority queue for the auditor, because she felt like the City is not that complicated a process. Rebecca Huss then asked if the City was behind because they were small and a low priority. Mr. Cardiel advised that they knew this year they were either going to have to start the City early, or be late because there was so much turnover going on. They were not able to start the audit at the beginning of January, so they started late on March 1. Mr. Cardiel stated that they had hoped to be done by March 31, which is the disclosure requirement, but they stopped work at the very end of March. Rebecca Huss asked whether the turnover was with the Auditor or the City. Mr. Cardiel advised it was the City's turnovers. Rebecca Huss said that they City still had Mrs. Branco. Mr. Cardiel stated that he understood that the City still had Mrs. Branco, but from an Auditor's perspective, it takes longer, because they come with a list of things wrong, who are you going to give that list to and who is going to execute the findings to make the City better. Mr. Cardiel advised that they did move the schedule back so that things could be addressed for the next year. Mr. Cardiel advised that this was the first year for him to do the City's Audit. John Champagne advised that the Audit was not late last year. Mayor Pro Tem Jones advised that they were really quick last year. John Champagne asked why the City changed firms. Mr. Cardiel advised that the previous Auditor had retired, and they had assumed most of his firms. Mr. Cardiel advised that they are a firm that only does audits, and moving forward they would not have to worry about the audit starting so late and taking so long.

Mrs. Branco advised that when they are preparing for the Audit, they always have everything boxed and ready to go to the Auditor when it is due. Mayor Pro Tem Jones thanked Mr. Cardiel. Rebecca Huss thanked Mrs. Branco for all her hard work.

Rebecca Huss moved to accept the Annual Financial Report for the year ending September 30, 2014, as presented by Mr. Cardiel. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

Mr. Yates stated that he would like to commend Mrs. Branco and the entire staff for their work. Mayor Pro Tem Jones said that the Audit was done during a period of high turnover and the City survived with flying colors.

9. Presentation of Stewart Creek Regional Detention Study-Phase II Report and Findings.

Rebecca Huss moved to table action on this item. John Champagne seconded the motion, the motion carried unanimously. (4-0)

10. Consideration and possible action on request for authorization to proceed with Water and Sewer Rate Analysis.

Mr. Ed Shackleford, City Engineer, made the presentation to City Council. Mr. Shackleford handed out a sample rate analysis. John Champagne stated that this evaluation would base the rates on average usage and not necessarily looking at the costs to provide it, but they are looking at usage and the expenses are not a variable. Mr. Shackleford advised that they would itemize operating costs.

Mr. Shackleford understood wanting the water rate to be as low as possible, but he also knew that typical costs to produce, disinfect, and distribute ranges from \$1.75 - \$2.50 per 1,000 gallons, plus the GRP costs on top of that. John Champagne stated that he was proposing that the City look at the process and benchmark. Mr. Shackleford advised that the City would benchmark against other entities of similar size.

Mr. Yates advised that there was a management review of operations that should probably be done, before the completion of the study, which he could complete. John Champagne stated that his focus first and foremost was that we are running an efficient department, and he did not know if we are and asked Mr. Yates if he knew. Mr. Yates said that he believed that they were running an efficient department based upon the revenues and expenses, and having faith in the people in charge. Mr. Champagne said that he appreciated that, but would like to be a little more objective.

Mr. Shackleford stated that if the Council wants them to proceed, they need to authorize them to proceed with gathering the information needed to identify what the City's costs. Then they will come back with a recommendation on what the current rates provide in the way of revenue against what the projected preventative maintenance costs should be, which is not being included in your current costs.

Mr. Yates stated that they also needed to decide where the money is going to come from, and when the bill will be due. Rebecca Huss advised that on her spreadsheet the rate analysis was listed at \$5,000. Mr. Shackleford advised that would be the discounted price. Mr. Yates recommended taking the money from either the reserve funds or utility funds, and if the City does borrow funds, then they could tie this in to the borrowed funds. John Champagne asked Mr. Garcia if he had ever conducted an evaluation of our process. Mr. Garcia advised that he had not done an evaluation. John Champagne asked if it made sense to do that first. Mr. Garcia advised that an evaluation could be done. Mr. Yates advised that they would all meet together and he would put together a Public Works Management Report in a couple weeks. John Champagne said that he was good with that, and then they could consider moving forward, because he would like to look at the process. Rebecca Huss said that the rate analysis would have to be done regardless of the process. Mayor Pro Tem Jones asked if the projects could be done simultaneously. Mr. Yates advised that he thought that the Management Report should be done before the rate analysis. Rebecca Huss said that they needed to move forward with the rate

analysis so that they could have it for budget time. Mr. Shackelford advised that they could be gathering the basic data while the management review was being conducted.

Mayor Pro Tem Jones stated that staff will conduct the management study and Council will approve or not approve the Water and Sewer Rate Analysis.

After the presentation, Rebecca Huss moved to proceed with the Water and Sewer Rate Analysis as described. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

11. Consideration and possible action on presentation of bids and offer recommendation on repair of degrading sanitary manhole with force main tie-in.

Mr. Fleming advised that the manhole was located on Lone Star Parkway and described the condition of the manhole. Mr. Fleming reviewed the two bids received and recommended T-Grade who submitted the lowest bid of \$13,878.13.

After discussion, John Champagne moved to approve the contract and award the bid to T-Grade for \$13,878.13. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

12. Consideration and possible action on request of authorization to proceed with comprehensive water distribution system modeling.

Mr. Shackelford advised that this item has been discussed at several meetings. Mr. Shackelford said that they need to be able to let developers know if the water system is capable of servicing their land, or if it is not, then we need to be able to tell them what upgrades need to be made. Mr. Shackelford stated that they felt that this and the next item were very timely.

John Champagne asked whether the plan would take into consideration anticipated developments in certain areas. Mr. Shackelford said that it would need to consider the areas and the type of demand. Mr. Shackelford said that it would be subjective and based on what the current ordinance requires, such as, minimum lot sizes, etc. Rebecca Huss stated that some of the ground work has already been done, and is shown on the spreadsheets provided.

Mayor Pro Tem Jones stated that they have discussed how important this is, and asked if the water and sewer could be done simultaneously. Mr. Shackelford said that it could be done together, while some of the information will be shared, the modeling will be different for each one.

Mr. Shackelford advised that the cost for each project was \$15,000 for a total of \$30,000 for both projects. Mr. Foerster said in answer to a question of whether the comprehensive plans are included in the water system remodeling and/or sanitary sewer system modeling, he guessed it would depend on the definition of modeling. Mr. Shackelford mentioned the possibility of shared MEDC funds. Rebecca Huss said that there was also the unspent bond funds that Mr. Shackelford will provide the information. Mr. Yates said that he felt that they should do the system modeling and the motion should include the comprehensive plan.

After discussion, Rebecca Huss moved to authorize both the water system modeling, the sanitary sewer system modeling and comprehensive plans for both systems, as listed under Agenda Items 12 and 13. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

13. Consideration and possible action on request of authorization to proceed with comprehensive sanitary sewer system modeling.

Action on Agenda Item 13 was approved under Agenda Item 12.

14. Report regarding Buffalo Springs water line connection.

Mr. Shackleford stated that this item was more of a reminder and/or refresher regarding the 700 – 750 foot gap in the 12-inch water line that needs to be completed from north side of the bridge in Buffalo Springs up to the entrance of the development. Mr. Shackleford advised that in the budget presentation to Council in January, they had suggested that cost would be around \$72,000, which would include construction and any engineering inspection. Mr. Shackleford advised that they had checked and the developer remembers writing the check, but the amount of the deposit was only \$15,000, so the City would need to go back to the developer for more money.

Mr. Shackleford stated that in addition to that, there is a need to have the engineer that the City hired to update the drawings and prepare a technical spec with bid items, because that was not done. Mr. Shackleford advised that Mr. Kotlan was still with the City when this occurred, and Levi Love prepared the drawings. Rebecca Huss asked if that would be within the scope of the agreement, so there would be no questions as to whether they owe that to the City. Mr. Shackleford stated that he did not know what Mr. Kotlan had asked the engineer to do. Mr. Shackleford said that technical specs and bid items are not expensive items, and if it was not part of the original scope they can pick it up and have Mr. Love take care of it. Mr. Shackleford advised that once that is done they will need an updated cost estimate based on the drawings, and then present a letter to the developer saying that here is the cost of the job because he is responsible for the completion of the gap. Mayor Pro Tem Jones asked what would happen if the developer will not pay, because he does not think they will. Mr. Shackleford said that he had made an indication in a recent meeting that he would follow through, and asked Mr. Yates if that was his understanding. Mr. Yates advised that he did not think it was as clear to him as it was to Mr. Shackleford.

Dave McCorquodale asked what the timeline was for the waterline. Mr. Shackleford advised that the waterline needs to be in place no later than when Kroger opens. Mr. Shackleford said that it would take 45 days to install the waterline. The engineer would need less than 30 days to get the documents ready to bid, and 60 days to have bids in hand, so it would take 90 days. Mayor Pro Tem Jones said that he felt this is where they could use the remainder of the bond funds. Mayor Pro Tem Jones said that they need to proceed and pay for it. Mr. Shackleford said that his recommendation would be to start October 1, so that they are completed by the end of 2015. Dave McCorquodale said that that were not waiting on anyone else, and as soon as they find out how much it will cost and get a bid that is acceptable, they need to do it. Dave McCorquodale said that it was nothing bad against the developer or anyone else, but the City needs to proceed. Mr. Shackleford advised that he would come back to Council at the appropriate time with a request for action, this was just a report.

15. Consideration and possible action regarding a Resolution granting two (2) petitions for annexation of a total of 9.450 acres of land, more or less; setting a date, time and place for two public hearings on the proposed annexation of said properties by the City of Montgomery, Texas.

Mr. Foerster briefed City Council on the 3 tracts of land run along 105 east toward the Stewart Creek landing, and is part of the Pizza Shack project. Mr. Foerster advised that there is one tract that is immediately on the northeast corner of the Lone Star Parkway and 105. There is a tract there that is already annexed, so this is running along 105 on the north side of 105 to Stewart Creek Road, where the new Pizza Shack will be located. Mr. Foerster described the process for the annexation to be completed, along with the appropriate notifications to the Montgomery ISD, ESD and Montgomery County. Mr. Foerster advised that after the public hearings, it will be 20-40 days before you can actually annex the three tracts, which will be the second meeting in June. Mr. Foerster reported that he had also updated the City's service plan, which is required by law, and he is waiting for staff to advise if there are any changes that need to be made.

Rebecca Huss asked if this would be the time to do the capacity charges and the percentage tie in for infrastructure costs that they are going to have to put in either through the Texas Capital Grant Fund or the MEDC's plan B, for the pro rata share for the cost. Mr. Foerster said that he had looked at what other cities are doing, and TML had sent him a draft of what the City of Hillsboro is doing for pro rata portions. Mr. Foerster advised that he has sent a copy of the draft to Mr. Yates, but they have not had a chance to discuss the information. They need to also include a pro rata reimbursement to the City or the MEDC for their expenses. Rebecca Huss stated that if the City is running the water line, they are using public funds to increase the value of private property, and without getting the City's share back she was not keen on giving developers money that the City does not have. Mr. Foerster said that there are other cities that have had the same situation, so they are not breaking new ground, and the sooner the City moves forward to do that the better. Mayor Pro Tem Jones said that it definitely needed to be done before another developer comes in.

John Champagne moved to accept the two (2) petitions for annexation, and schedule two (2) Public Hearings to be held on the annexation of the specific properties in question. Dave McCorquodale seconded the motion.

Discussion: Mayor Pro Tem Jones asked if the motion needed to include the date and times of the public hearings. Mr. Foerster advised that they needed to identify that this is the Council's pleasure that the public hearings be held on May 12, 2015 at 6:00 p.m. and May 26, 2015 at 6:00 p.m.

John Champagne amended his motion to schedule the public hearings to be held on May 12, 2015 at 6:00 p.m. and May 26, 2015 at 6:00 p.m. Dave McCorquodale amended his second.

Discussion: Rebecca Huss asked to confirm with Mr. Foerster that this would not obligate the City to annex, just to conduct the public hearings. Mr. Foerster advised that after the public hearings if there was some type of uproar or some concern, they could choose not to annex one or more of the tracts.

The motion carried unanimously. (4-0)

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.

16. Government Code § 551.074 Deliberation regarding Personnel – Consider promotion of Mike Muckelroy to Public Works Foreman.
17. Government Code § 551.074 Deliberation regarding Personnel - Consider action on position of Community Development Director.

Mayor Pro Tem Jones moved to adjourn into Executive Session at 8:42 p.m.

Mayor Pro Tem Jones reconvened the regular meeting at 9:22 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

18. Consideration and possible action resulting from the item(s) listed under Executive Session.

Dave McCorquodale moved to promote Mike Muckleroy to Public Works Foreman. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

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.

There were no inquiries made by City Council.

ADJOURNMENT

Rebecca Huss moved to adjourn the meeting at 9:21 p.m. John Champagne seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date Approved: 05/12/15
Susan Hensley, City Secretary


Mayor Kirk Jones

