

Montgomery City Council-----February 10, 2015

Montgomery City Hall-----6:00 p.m.

Present:	Jon Bickford	Position #1
	John Champagne	Position #2
	Kirk Jones	Position #3 Mayor Pro Tem
	Rebecca Huss	Position #4
	Dave McCorquodale	Position #5
	Jack Yates	Interim City Administrator
	Larry Forester	City Attorney

Mayor Pro Tem, Kirk Jones declared a quorum and called the meeting to order.

Council Member, John Champagne gave the invocation.

**VISITOR/CITIZENS FORUM:**

James Langley, city resident spoke on the new proposed subdivision being a one street with a lot of traffic on small city streets and lots of houses. He stated that he has concerns about the streets. Scott Love, city resident spoke on the new subdivision, residents would be using Caroline street which is not adequate for that amount of traffic and that they need a enter and exit off of Hwy. 105.

**CONSENT AGENDA:**

1. Matters related to the approval of minutes for the regular meeting on January 27, 2015  
Dave McCorquodale made the motion to approve the minutes as written. Rebecca Huss seconded the motion. Kirk Jones, Jon Bickford, John Champagne, Rebecca Huss and Dave McCorquodale all voted for the motion.

**CONSIDERATION AND POSSIBLE ACTION:**

1a. Engineering Report

Ed Shackelford with Jones & Carter, Inc. presented to the Council an update on projects that they have been working on. Discussion was taken on the Water Plant #3 Improvements, invoicing for bi-monthly meetings with Montgomery Summit Business Park and Drainage Study.

2. Consideration and possible action on approval of joint election agreement with Montgomery County for the City Election on May 9, 2015

Discussion was taken on the joint election agreement which is with Montgomery County but allows for the Montgomery School District to hold a joint election with the City and County. Dave McCorquodale made the motion to approve the agreement with Montgomery County for the joint election agreement. Jon Bickford seconded the motion. Jon Bickford, John Champagne, Kirk Jones, Rebecca Huss and Dave McCorquodale all voted for the motion.

3. Consideration and possible action on approval for placement of Lake Creek Settlement Historical Marker

Jack Yates, Interim City Administrator announced that Kameron Searle asked about placing a Historical Marker in the area for the Lake Creek Settlement. Larry Foerster, City Attorney also stated that it would take a year or more to get the application done and then to get the sign approved, but the application has to have with it a letter of permission from the property owner to place the sign on it. Discussion was

taken about the different locations that were mentioned. Jon Bickford made the motion to proceed with the project and install it at the Montgomery Community Building located in downtown Montgomery and owned by the City. John Champagne seconded the motion. Kirk Jones, Jon Bickford, John Champagne, Rebecca Huss and Dave McCorquodale all voted for the motion.

4. Consideration and possible action on approval of budget change for Public Works from pickup to new equipment

Jack Yates, Interim City Administrator explained that in the budget the line item for capital improvement was for a new truck in the public works department with the amount of \$27,000 in it. The department head at this time would like to not purchase a new truck at this time and consider it for next year and purchase some equipment for the department that is needed. The equipment is listed and totals \$17,000. Discussion was taken on the two trucks they have and that the equipment would help the department. Jon Bickford made the motion to purchase the new items and consider the truck in next year budget. Dave McCorquodale seconded the motion. Kirk Jones, Dave McCorquodale, Rebecca Huss, Jon Bickford and John Champagne all voted for the motion.

5. Consideration and possible action regarding water and sewer service to area east of Lone Star Parkway and approve grant application

Jack Yates, Interim City Administrator explained to the Council that applying for the Texas Capital Fund grant could help pay for the cost of the water and sewer lines to be extended to areas to be annexed. Discussion was taken on the estimates from Jones & Carter, Inc. for the projects, annexation, time line for the projects, deadline for the grant and how the grant writer gets paid. John Champagne made the motion to approve the city staff to proceed with the grant application with J. Rice for the Texas Capital Fund grant. Jon Bickford seconded the motion. Jon Bickford, John Champagne, Kirk Jones, Rebecca Huss and Dave McCorquodale all voted for the motion.

6. Consideration and possible action to receive presentation for the Stewart Creek Regional Drainage Study, and if deemed appropriate, authorize Jones & Carter to proceed with the additional hydrology and hydraulic study for regional detention

Ed Shackelford with Jones & Carter explained the Stewart Creek Regional Detention Feasibility study and discussion was taken on the structures to be used in the creek, properties in the area that would use it instead of a pond, cost of the project and next step to do the hydrology and hydraulic study to place and size control structures. John Champagne made the motion to authorize Jones and Carter to proceed with the additional hydrology and hydraulic study regional detention not to exceed \$30,000.00. Jon Bickford seconded the motion. Jon Bickford, John Champagne, Kirk Jones, Dave McCorquodale and Rebecca Huss all voted for the motion.

7. Consideration and possible action on acceptance of \$5000 deposit from the Signorelli Company for the utility and economic feasibility study and authorize Jones and Carter, Inc. to prepare the utility and economic study and report back within 30 days with study results

Ed Shackelford with Jones & Carter, Jack Yates, Interim City Administrator and Larry Foerster, City Attorney explained to the Council that this is a project outside the city limits with it being in the Conroe ETJ and Montgomery ETJ and will be 450 to 500 single family houses done over a 4 to 5 year plan. They are requesting public water and sanitary sewer service from the City. They are asking for a commitment letter and to do that this study needs to be done. The developer has attached a copy of the check to be put in escrow for this project. Rebecca Huss made the motion to prepare the utility and economic study and report back within 30 days. Dave McCorquodale seconded the motion. Kirk Jones, Jon Bickford, John Champagne, Rebecca Huss and Dave McCorquodale all voted for the motion.

8. Discuss, and if deemed appropriate, accept the request from Blackline Partners to perform a utility and economic feasibility study for the 33 acre Stewart's Landing tract and authorize Jones & Carter, Inc. to prepare the utility and economic study and report back within 30 days with study results

Ed Shackelford with Jones & Carter presented to the Council a subdivision project outside the city limits but requested to be annexed. The company has sent the \$5000.00 and the balance will be used for the study with additional funds to be paid at the time of need. John Champagne made the motion to authorize Jones & Carter to prepare the utility and economic study and report back within 30 days. Rebecca Huss seconded the motion. Jon Bickford, Kirk Jones, John Champagne, Rebecca Huss and Dave McCorquodale all voted for the motion.

9. Discuss the repair options for the Town Creek Wastewater Treatment Plant Lift Station Generator Transfer Switch, and if deemed appropriate authorize the repair/replacement of the Transfer Switch

Ed Shackelford with Jones & Carter presented to the Council options for repair of the Town Creek Wastewater Treatment Plant Lift Station standby generator transfer switch. The options are to replace the motor and will have spent 11,050.00, option 2 is replace the entire transfer switch with a brand new same brand, and option 3 is to replace the entire transfer switch with another brand that is stainless steel enclosures and recommended by the engineers and operator. Discussion was taken on the parts could be stored from the other one and used if needed. Jon Bickford made the motion to replace the existing transfer switch with a new GE/Zinth transfer switch. Dave McCorquodale seconded the motion. Kirk Jones, Rebecca Huss, Dave McCorquodale, John Champagne, Jon Bickford all voted for the motion.

10. Consideration and possible action on approval of variance of lot size for Cedar Brake Crossing

Levi Love with L Squared Engineering presented to the Council a subdivision of 23 acres and 72 lots. The Planning and Zoning Commission had heard the request for variances and had the greenspaces taken out and the lots made bigger at the south side of the subdivision. Discussion was taken on the one street in and out, lots too close together on the south side of the street, turns for the fire truck, driveways, walkways, building lines, types of houses built and the size of lots vary. Dave McCorquodale made the motion to deny the variance to allow lot sizes lower than 9,000 sq. feet, 75 by 120 like the ordinance. Jon Bickford seconded the motion. Jon Bickford, John Champagne, Rebecca Huss and Dave McCorquodale all voted for the motion. Kirk Jones voted against the motion.

11. Consideration and possible action regarding building lines to be 7.5' next to street as opposed to 15' city requirements for Cedar Brake Crossing.

Discussion was taken on the side corner lot building lines (next to streets) are 7.5'. A proposed common area between ROW and lot lines in lieu of this requirement. This will be a 10' wide restricted reserve used as a sidewalk and landscaped area for residents. This will give a cumulative distance of 17.5' to the BL from the ROW, as opposed to the 15' as stated in the ordinance. The reserve will be owned by the HOA. Discussion was taken on the street situation for the traffic problem. Dave McCorquodale approved the variance to allow the side corner lot building line to be 7.5' with the 10' landscape area. Rebecca Huss seconded the motion. Jon Bickford, John Champagne, Kirk Jones, Rebecca Huss and Dave McCorquodale all voted for the motion.

12. Consideration and possible action regarding building line to be 7.5' as opposed to 10' requirement for Cedar Brake Crossing

Discussion was taken on the side lot lines reduced from 10 to 7.5' and concerned that lots were too small. Jon Bickford made the motion to deny the variance for the side lot line to be reduced to 7.7'. Rebecca Huss seconded the motion. Jon Bickford, Dave McCorquodale, Rebecca Huss and John Champagne all voted for the motion. Kirk Jones voted against the motion.

13. Consideration and possible action regarding Landscaping/median agreement for Cedar Brake Crossing

Discussion was taken on allowing trees to be planted in the ROW, allowing medians to be placed in the cul-de-sac streets. Larry Foerster, City Attorney stated that a 30 foot easement was picked where Caroline Street would be extended by the title company and recommended abandonment of roadway at the next meeting. Rebecca Huss made the motion to approve the preliminary landscape/median plan pending the approval of the final agreement. Dave McCorquodale seconded the motion. Dave McCorquodale, Rebecca Huss, Kirk Jones, Jon Bickford and John Champagne all voted for the motion.

14. Consideration and possible action regarding repayment to overpayment from the Texas Comptroller of Public Accounts to sales tax collections of the City

Jack Yates, Interim City Administrator explained to the Council that the City received a letter stating that the City had received sales tax money that was from a taxpayer that was not in the city limits so therefore the options to repay are (1) full reimbursement by check, (2) apply all monthly collections to the overpaid amount until the amount is repaid or (3) arrange a payback agreement where a monthly deduction is made until the amount is paid in full. Jack Yates, Interim City Administrator stated that he called and received a confirmation that the city could have the deductions occur over the next four years. Discussion was taken on this matter occurring two years ago and how can the City check on it better. John champagne made the motion to go with option # 3 for the 48 months of deductions. Dave McCorquodale seconded the motion. Rebecca Huss, Dave McCorquodale, Jon Bickford, Kirk Jones and John Champagne all voted for the motion.

**EXECUTIVE SESSION:**

15. Pursuant to the provisions of the Texas Open Meeting Act, Chapter 551 of the Government Code, in accordance with the authority contained in 551.074 (personnel matters) regarding the employment of the City Administrator

Kirk Jones, Mayor Pro Tem closed the regular session and convened into executive session at 8:25 p.m. Kirk Jones, Mayor Pro Tem reconvened into regular session at 8:46 p.m.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

16. Consideration and possible action on employment of City Administrator

Jon Bickford made the motion to move forward with negotiations with Jack Yates as the City Administrator. John Champagne seconded the motion.

**ADJOURNMENT**

Jon Bickford made the motion to adjourn. John champagne seconded the motion. All voted for the motion.