

MINUTES OF REGULAR MEETING

February 11, 2020

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Sara Countryman declared a quorum was present and called the meeting to order at 6:00 p.m.

Present: Sara Countryman Mayor
Jon Bickford City Council Place # 1
John Champagne, Jr. City Council Place # 2
Rebecca Huss City Council Place # 4
Tom Cronin City Council Place # 5

Absent: T.J. Wilkerson City Council Place # 3

Also Present: Richard Tramm City Administrator
Larry Foerster City Attorney
Susan Hensley City Secretary

INVOCATION

John Champagne gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

CONSENT AGENDA:

1. Matters related to the approval of minutes of the Regular Meeting held on January 28, 2020.
2. Consideration and possible action regarding approval of an Escrow Agreement by and between the City of Montgomery and Chris Cheatham for the proposed Heritage Place Parking Expansion (Dev. No. 1905).
3. Consideration and possible action regarding approval of street closures for the Antiques Festival.
4. Consideration and possible action regarding adoption of the following Resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS
CONSENTING TO A PETITION FOR THE CREATION OF MONTGOMERY COUNTY
MUNICIPAL UTILITY DISTRICT NO. 160; OR ANNEXATION OF LAND INTO
MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 179 IN
MONTGOMERY COUNTY, TEXAS AND ESTABLISHING CONDITIONS APPLICABLE
TO THE CREATION OF THE DISTRICT. (Affirming action taken on October 8, 2019 in
Resolution form.)

Rebecca Huss advised she had comments on Consent Agenda Item 4. Rebecca Huss said the item states the City Attorney has advised that this Resolution is formally documenting the petition by Mr. LeFevre, which was approved. Rebecca Huss said that might be so, but the Resolution itself includes information that was not included in the petition and particularly, Subsection 9, which is on page 51 of the Agenda Pack, that states the cost of such improvements is approximately \$16 million dollars, which is fine she does not have an issue with that, however, City Council had discussed that they would, as part of allowing MUD's to be created, establish minimum criteria for the quality of such MUD's. Rebecca Huss said by including a \$16 million dollar price tag on the MUD itself, for the infrastructure of the MUD, it seems that the MUD itself has determined what its infrastructure is without the City being involved in that and if this is a new criterion that has been included in this document that was not discussed within the City and does not include any of the preconditions that the City has talked about wanting to be part of the creation of the MUD. Rebecca Huss said she did not think the City Attorney did not either see this or recognize this as a step beyond what City Council voted on in October 2019. John Champagne asked if this could be looked upon as an estimate. Mr. Foerster said that was all it was because it says it is an estimate. Rebecca Huss said that was fine but stated that figure is used to determine the tax rate and therefore is basically the infrastructure itself as already determined and what they plan on doing. Rebecca Huss said City Council had discussed in chambers what their own goals were in terms of allowing the first MUD to be created in the City. Rebecca Huss said they do not know what is included in the \$16 million dollars, it could be just streets and stop signs, and pipes without any of the extra things they had talked about being the additional quality they wanted as part of the MUD to justify the extra tax rate that our eventual citizens would be required to pay for part of this MUD. Rebecca Huss said this was part of the discussion of what a MUD offers that people who live inside of a MUD get. Rebecca Huss said this is billed on the Consent Agenda for City Council to not worry about it, it is something that City Council already agreed to, stating that if

you read the fine print this is not what they had discussed and agreed to at their October meeting, so she was wondering why Mr. Foerster did not bring this to our attention.

Mr. Foerster said his understanding was the petition that City Council has in front of them was the same petition that was submitted to the City Council back in October. Rebecca Huss asked if Mr. Foerster was stating that was his understanding or did he know that for sure. Mr. Foerster said he was relying on the fact that this came from the City Secretary in her records and asked the City Secretary if he was right or wrong on that. Ms. Hensley, City Secretary advised that she did not have the petition because it was discussed in Executive Session. Mr. Foerster said it would have been submitted to the City, so he assumed that was the case. Mr. Foerster said to answer the question he was relying on the fact that the petition was the identical petition, and Rebecca Huss is telling him that is no, so he does not know for sure and he would have to go back and compare those documents. Rebecca Huss said she was not averse to the timeline because she knows the timeline of it is important, but again one of the things that they talked about doing was establishing standards so that is an important thing to her personally, and that they had all talked about and been in general agreement.

Ms. Hillary Dumas said there was a draft of the Resolution that was discussed in chambers back in October 2019, and at that point, they were not sure if they were going to create their own MUD or if they were going to join an existing MUD. Ms. Dumas said today they know they are going to create their own MUD and go through that process; they are not going to join another MUD. Ms. Dumas said they are requesting that MUD 160 be created. Ms. Dumas said the \$16 million dollars is an estimate that is based on the land plan that she believed was in the Agenda Pack and is very similar to what they had in October. Ms. Dumas said they still have to come to the City for preliminary and final plat and all of that, so all of the amenities they discussed in Executive Session, they plan on doing and would be stupid if they didn't because they would not sell anything. Ms. Dumas said they are looking at a tax rate of \$0.68 cents and they want to stay at \$3.00 total, so that is what their goals have been. Ms. Dumas said they intend to do amenities such as splash parks, walking trails, dog parks and green spaces, which has not changed from what they discussed in October. Ms. Dumas said when they submit to the City for preliminary plat you will see those details then, this is just them going through the formal State deadlines that must be met. Ms. Dumas said right now they have surveyed the property and they have surveyed what they believe is the preliminary centerline of the road, with some changes that they made to that.

Rebecca Huss asked if that meant they could work with the City from this point forward to develop what they had talked about in terms of minimum MUD standards. Ms. Dumas said they are happy to and would love for the City to have minimum MUD standards, which would put everybody on the same playing field and they are not going to do something down the road somebody else does not have to do, but yet they have the same tax rate so they would be competing against the same tax rate and they have not done the amenities, they want this to be a good thing for the City. Ms. Dumas said they will not sell anything if they don't put the amenities in, which is the whole point for the extra \$0.68 cents or whatever it is. Ms. Dumas said most MUDs are \$3.20 or \$3.40, so they are low on the MUD and they hope will give them an advantage.

John Champagne said he appreciated Rebecca Huss looking at this the way she does, but his question was what number would not have brought her to this point. Rebecca Huss said any number is different than where they were in October, advising the number was not in the documents at all. John Champagne asked what number would have caused Rebecca Huss not to bring it up. Rebecca Huss said she was just saying these documents were not analogous which is the problem, it is not the amount, it is they were told they were doing something that we had already done and she did not feel that it is the same document. Rebecca Huss said she wanted to have the opportunity for City Council to say we don't want to skip over what they felt was an important step, which was being involved in establishing the minimum criteria for MUD's being involved in the City because she has been very averse to establishing MUD's, so if they have them she thinks they need to have hurdles. Ms. Dumas said City Council still can review their product because they still must come to City Council for their preliminary plat, which they hope to do. Ms. Dumas said they have surveyed the property and will make some minor changes, and she believed they were aiming for the preliminary plat in March. Rebecca Huss said she did feel that City Council needed to lay down something formal because otherwise, it is very much people's opinion on whether they do or don't like the product, but if they have the minimum standards for what they are then the developers know what they have to have in order to have a MUD in the City, rather than just the feel of City Council on the day they come before them. Ms. Dumas said she felt like that was two separate things, because City Council approving the Resolution tonight does not finalize anything. Rebecca Huss said she was talking about another separate item on the Agenda, maybe for the Planning and Zoning Commission to do or advise City Council for the minimum MUD standards. Rebecca Huss said she feels that the MUD minimum standards should be adopted, and it should not be done on a case-by-case basis. John Champagne said that was not

their deal, that is the City's deal. Rebecca Huss said if they have that process in motion and this development will be part of that eventual process, she is done.

Jon Bickford has a question regarding Consent Agenda item #3 and asked if they have any funds from the Montgomery EDC going to the Antiques Festival. Rebecca Huss said they have not yet asked for funds and said they might have one more year according to the External Festivals Guidelines of eligibility. Rebecca Huss said the funding would be up to the Montgomery EDC as a separate body. Jon Bickford said that would depend on the amount requested. John Champagne asked what the typical amount of funds were requested. Rebecca Huss said most of the Montgomery EDC's past ones have been \$9,900. John Champagne said historically it has been under \$10,000. Rebecca Huss said she has only been on the Board for a year. Jon Bickford said it might be worth looking into what they are getting out of it in terms of a tax return standpoint because they are supposed to be using those funds as investment dollars. Rebecca Huss said that was correct, just like every other festival. Jon Bickford said some festivals pay for themselves.

John Champagne moved to accept the consent agenda as presented. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

5. Consideration and possible action regarding acceptance of a Donation Deed and Release of Easement from Troy and Lisa Walker for 0.405-acres of land that is currently the westernmost 440-feet of College Street in the City of Montgomery.

Mr. Tramm presented the information to City Council, advising there was an access easement toward the back of the property that is now a roadway, and now that it is paved they have easy access, and the donation deed allows the conveyance to the City. Mr. Tramm said this was discussed several months ago.

Rebecca Huss moved to accept the Donation Deed and Release of Easement as presented. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

6. Consideration and possible action regarding a road paving request to be submitted to Montgomery County Commissioner, Precinct 1, Mike Meador.

Mr. Mike Muckleroy, Director of Public Works, presented the information to City Council. Mr. Muckleroy advised at the last meeting in his monthly report that he had sent a letter to County Commissioner Mike Meador requesting some streets be paved and they came out and looked at them. Mr. Muckleroy said Commissioner Meador sent a letter approving all of the streets, but between the process of requesting them and them coming out and looking at the streets, after talking with Mr. Tramm today, they have elected to hold off on McCown Street and John A. Butler Street to maybe incorporate them into the downtown revitalization, before they elect to pave them and then maybe have to rip them up. Mr. Muckleroy said they would be paving Baja Street, Worsham Street, Old Plantersville Road, Westway Street, and McGinnis Lane. Mr. Muckleroy said they have approved McCown and John A. Butler Street, but they are going to pull those streets off the list, for now, stating they could come back and get them paved later. Mr. Muckleroy said Caroline and College Streets have been given a verbal commitment of getting to them before the end of the year, and this is the first package they could bundle together and complete in a week's time. Mr. Muckleroy said his recommendation is to get the approval and get these streets knocked out and then as soon as they are done, he will immediately ask for the next round and see when they can get them done.

Jon Bickford moved to send the letter off to Commissioner Meador. John Champagne seconded the motion.

Discussion: Rebecca Huss asked if this would be approving all roads quoted except McCown Street and John A. Butler Street for an estimated cost of \$51,515 to be from the road fund. Jon Bickford accepted the amendment to the motion. John Champagne seconded the amendment.

The motion carried unanimously. (4-0)

7. Discussion regarding a future ordinance to create City Parks Advisory Board.

Mr. Tramm asked for direction from City Council as to the level of formality for this Board. Mr. Tramm asked if this would be more formal like the Planning and Zoning, MEDC, where they have posted agendas and minutes and appointed by City Council, or would it be more like TORC where it could be appointed by the City Administrator and Public Works Director and serve as an advisory for the Public Works Director.

Jon Bickford asked if Mr. Tramm had gotten any volunteers from the community that have said they would be interested in pulling that together and would there be enough people to do a voluntary board. Mr. Tramm said he felt there would be enough people, and while he does not have five people, they are close to that number just from the interest that is out there.

John Champagne said rather than having a formal committee, that committee would be under the auspices of the City Administration, Mr. Tramm and Mr. Muckleroy for guidance. Mr. Tramm said that would be correct. John Champagne said he did not want the formality and bureaucracy. Mayor Countryman said now that they will have a list of people that want to work together on the parks, if they can communicate with Mr. Tramm and Mr. Muckleroy that would be optimal and if it gets to the point where it gets disorganized or necessary to get more formalized. John Champagne said if it is not working, he will ask Mr. Tramm why it is not working. Tom Cronin asked Mr. Tramm how many people he was proposing to be on the committee. Mr. Tramm said he was proposing five members, one would represent each current park area and one for the City as a whole. Mr. Tramm said it would give them the opportunity to draw people from different areas. Jon Bickford asked if they would have a set of bylaws. Mr. Tramm said it could be organized by the City Administrator and Public Works Director and they will have written guidelines. Mr. Tramm said he did not know if term limits would be necessary, they could have defined terms.

John Champagne moved to move forward with the discussion and items discussed regarding the City Administrator putting together a council or City Park Board to manage the City Parks. Mr. Tramm said he would bring a report back to City Council. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

8. Consideration and possible action to schedule a date and time to conduct interviews for City Attorney and to provide direction to the City Administrator related to this item.

Mr. Tramm advised the City has received six submissions for this item, stating that he has a couple of staff members working with him and they will meet tomorrow to review the submissions formally. Mr. Tramm said his goal was to identify the top submissions and bring them back to City Council. Mr. Tramm said he wanted to discuss with City Council what their thoughts are regarding an interview schedule. After discussion, John Champagne said he

would ask for Mr. Tramm's recommendation when they meet. Mr. Tramm said he would prefer to schedule the interviews at the end of the next City Council Meeting. Mr. Tramm said they will take the opportunity to streamline the meeting as much as possible to allow the proper amount of time for the interviews.

9. Consideration and possible action regarding calling a Public Hearing for a rezoning request from R-1 Single-Family Residential to B—Commercial for Lot 16, Area D, Montgomery Townsite Section Four, a vacant lot behind 21123 Eva Street, as submitted by Cheatham Management.

Mr. Tramm said this property is partly zoned with two different uses, so at the request of the property owner they would like to have this all zoned commercial for use as additional parking. Mr. Tramm said this item is to call a public hearing and there will be public notice of the hearing.

Rebecca Huss moved to call the Public Hearing to be held on Tuesday, March 10, 2020, at 6:00 p.m. at City Hall for a rezoning request from R-1 Single-Family Residential to B—Commercial for Lot 16, Area D, Montgomery Townsite Section Four, a vacant lot behind 21123 Eva Street, as submitted by Cheatham Management. John Champagne seconded the motion.

Discussion: Jon Bickford asked if City Council can say as a caveat, that going forward this property only be used for a parking lot. Rebecca Huss said not if it is zoned commercial. Jon Bickford said if they agree to allow the zoning change, can you add specifics. Rebecca Huss said no you can't unless it was a special use permit. Mayor Countryman said they can't declare how they use the commercial property. Mr. Tramm said with the zoning change, anything that fits within in that zoning district is approved. Jon Bickford said they could be approving anything, which is what he is saying and long term they might not want that. John Champagne said they are not doing that now. Jon Bickford said once you do it, it is too late. Rebecca Huss said this is just to call the public hearing. Jon Bickford said it is something to think about post him being on City Council.

The motion carried unanimously. (4-0)

10. Consideration and possible action regarding accepting the resignation of Jon Bickford from City Council Place 1, effective February 12, 2020.

Rebecca Huss regretfully moved to accept the resignation of Jon Bickford from Montgomery City Council Place 1, effective February 12, 2020. Tom Cronin seconded the motion, the motion carried unanimously. (3-0)

Tom Cronin asked what if City Council did not accept the resignation. Mr. Tramm said the law does not allow refusal of the resignation letter.

11. Consideration and possible action regarding adoption of the following Ordinance:

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, PROVIDING FOR THE HOLDING OF A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF ELECTING A CITY COUNCIL MEMBER TO FILL THE VACANCY FOR THE UNEXPIRED TERM FOR CITY COUNCIL MEMBER PLACE 1; APPROVING ELECTION SERVICE AGREEMENTS WITH MONTGOMERY COUNTY, TEXAS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH SPECIAL ELECTION.

UNA ORDENANZA DE LA CIUDAD DE MONTGOMERY, TEXAS, QUE DISPONE LA CELEBRACIÓN DE UNA ELECCIÓN ESPECIAL QUE SE CELEBRARÁ EL 2 DE MAYO DE 2020, CON EL FIN DE ELEGIR A UN MIEMBRO DEL CONSEJO DE LA CIUDAD PARA CUBRIR LA VACANTE DURANTE EL PERÍODO RESTANTE DEL PUESTO 1 DE MIEMBRO DEL CONSEJO DE LA CIUDAD; APROBAR ACUERDOS DE SERVICIO ELECTORAL CON EL CONDADO DE MONTGOMERY, TEXAS; Y PROPORCIONAR DETALLES RELATIVOS A LA CELEBRACIÓN DE DICHA ELECCIÓN ESPECIAL.

Rebecca Huss moved to approve the Ordinance of the City of Montgomery, Texas, providing for the holding of a Special Election to be held on May 2, 2020, for the purpose of electing a City Council Member to fill the vacancy for the unexpired term for City Council Member Place 1; approving Election Service Agreements with Montgomery County, Texas; and providing details relating to the holding of such Special Election. Tom Cronin seconded the motion, the motion carried unanimously. (3-0)

12. Recognition of Jon Bickford for his years of service on City Council, 2011 – 2020.

Mayor Countryman presented Jon Bickford with a plaque recognizing him for his years of service with the City, and read the following:

In recognition of your many years of dedication to the City of Montgomery and service on:

City Council Place 1: 2011-2020

Thank you for your stewardship and diligence in preserving the history and ambiance of Montgomery, while promoting the economic development of this growing City. Your dedication and service will not be forgotten by the citizens of Montgomery, your fellow governing body, citizens and staff of the City of Montgomery.

Presented by the City of Montgomery Mayor and Members of City Council

on this the 11th day of February 2020.

Jon Bickford expressed his appreciation and said it has been a great pleasure serving the City and thanked everyone.

EXECUTIVE SESSION:

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

COUNCIL INQUIRY:

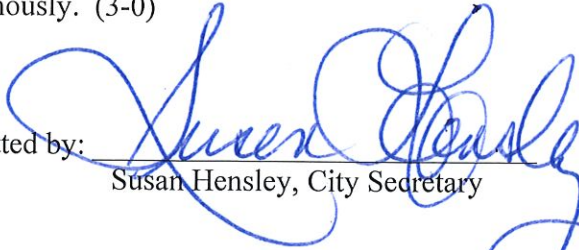
Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or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

Rebecca Huss said she would like to direct the City Administrator to move forward toward finalizing the MUD Standards and making it an action item. Mr. Tramm said he has made notes and has taken the comments as direction from City Council and he will work with the requestors for this MUD regarding that information. Rebecca Huss said that sounded good.

ADJOURNMENT

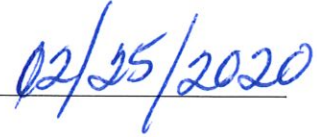
Rebecca Huss moved to adjourn at 6:34 p.m. Tom Cronin seconded the motion, the motion carried unanimously. (3-0)

Submitted by:



Susan Hensley, City Secretary

Date Approved:





Mayor Sara Countryman

