

**MINUTES OF PUBLIC HEARINGS AND REGULAR TELEPHONE/VIDEO
CONFERENCE MEETING**

May 26, 2020

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Sara Countryman declared a quorum was present and called the meeting to order at 6:01 p.m.

Present: Sara Countryman Mayor
Kevin Lacy City Council Place #1
T.J. Wilkerson City Council Place #3
Rebecca Huss City Council Place #4
Tom Cronin City Council Place #5

Absent: John Champagne, Jr. City Council Place # 2

Also Present: Richard Tramm City Administrator
Dave McCorquodale Assistant City Administrator
Susan Hensley City Secretary
Alan Petrov City Attorney

INVOCATION

T.J. Wilkerson gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARING(S):

Convene into Public Hearings for the purpose of giving all interested persons the right to appear and be heard regarding the following:

1. **Convene into Public Hearing** – By the City Council, acting as the Zoning Board of Adjustment, regarding variance request for a front building line of 25-feet instead of the required 35-feet for the proposed Heritage III development along SH 105, west of the Louisa Street intersection, as submitted by Cheatham Management.

Mayor Countryman convened into the Public Hearing at 6:03 p.m.

Mr. Tramm stated this item was originally brought up March 10, 2020, however, there was not the required number of council members present to act as the Board of Adjustment from Council. Mr. Tramm said the properties are on the south frontage of SH 105, west of Louisa Street where two houses were demolished a couple of months ago. Mr. Tramm said instead of typical developments that place the parking lot near the street, the developer wants to locate the parking behind the building. Mr. Tramm said a legal notice that was published for this revised hearing date was posted on the City's website and published in the Courier on the 4th and 11th of May. Mr. Tramm stated 10 certified letters were sent to surrounding property owners with a copy of both the legal notice and a map of the subject properties. Mr. Tramm said Dave McCorquodale has put up an imagery of the proposed building and stated it is not for public action as of this time, but there is potential action for it later in the meeting and this is the opportunity for public comment.

There were no other comments.

Adjourn Public Hearing.

Mayor Countryman adjourned the Public Hearing at 6:04 p.m.

2. **Receive Final Report** - from the Planning and Zoning Commission regarding a rezoning request from R1-Single-Family to B-Commercial: for Lot 16, Area D, Montgomery Townsite Section Four, a vacant lot behind 21105 Eva Street, Montgomery, as submitted by Cheatham Management.

Mr. Tramm stated the Planning and Zoning Commission held two public hearings to receive comments on the rezoning request for the vacant lot behind Heritage Place and attached is their final report of their findings and recommendation.

Rebecca Huss moved to receive the Final Report of the Planning and Zoning Commission regarding the public hearings for rezoning Single-Family residential for Lot 16, Area D, Montgomery Townsite Section Four, and amending the official zoning map as submitted by Cheatham Management. Tom Cronin seconded the motion, the motion carried unanimously. (4-0)

3. **Convene into Public Hearing – Regarding a rezoning request from R1-Single-Family to B-Commercial; for Lot 16, Area D, Montgomery Townsite Section Four, a vacant lot behind 21105 Eva Street, Montgomery, as submitted by Cheatham Management.**

Mr. Tramm stated this request is for the vacant lot behind that's behind the Heritage Place building nearest to the Valero fueling station. Mr. Tramm said the property lies equally in two zoning districts. Mr. Tramm said it's both B-Commercial on the eastern half and R1-Single for residential on the western half. Mr. Tramm stated the owner has applied to rezone the entire property as B-Commercial and construct an additional surface parking lot to serve the Heritage Place development. Mr. Tramm said nine property owners have been notified by certified letter mailed on May 13th and a legal notice was published in the paper on May 4th and May 11th. Mr. Tramm said the action for the rezoning will occur on the June 9th City Council meeting day and the action on the rezoning must occur more than 30-days after the first date of legal notice publications. Mr. Tramm said for tonight Council is just here to receive public comments for consideration. Rebecca Huss stated just to be clear this is exactly the item that we took before as Planning and Zoning have already had their formal recommendation on this, but City Council then must have a public hearing as well. Mr. Tramm said yes this is the other item that was held over from March 10th for failing to have enough Council members here to act.

Mayor Countryman convened into the Public Hearing at 6:09 p.m.

There were no comments.

Adjourn Public Hearing.

Mayor Countryman adjourned the Public Hearing at 6:09 p.m.

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. City 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 submitted.

CONSENT AGENDA:

4. Matters related to the approval of minutes of the Regular Telephone/Video Conference Meeting held on May 12, 2020.
5. Consideration and possible action regarding completion of a one-year warranty period for Lake Creek Village, Section Three and release of the maintenance bond.

Rebecca Huss stated she didn't have any concerns regarding either of the issues. Tom Cronin said he did not as well. T.J. Wilkerson asked if the Final Inspection report date was supposed to be June 2020 or May 2020. Mr. Roznovsky said this has been going on for a long time as the original inspection was back in October of 2018. Mr. Roznovsky said the main thing that was left was the ditch. Mr. Roznovsky said they went out there last week and said it was May 2020. T.J. Wilkerson said the document was showing June 2020. Mr. Roznovsky said the only thing they have been waiting on for a very long time was the roadside ditch, which is what the pictures are of. Rebecca Huss said she thinks T.J. Wilkerson is right to say on page 37 of the packet, someone is signing off in advance. Mr. Roznovsky agreed and said he will add the year to it because it will clarify the information and he will get that changed out and it will be added into the packet.

Rebecca Huss moved to accept the Consent Agenda as presented pending the clarification of page 37 for dates. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

6. Consideration and possible action on Department Reports.

A. City Administrator's Report and COVID-19 Update – Mr. Tramm advised he would report on Items A-E. Mr. Tramm said we are starting to see activity and life begin to resume a bit towards normal in the City. Mr. Tramm said Sip -n- Stroll has resumed starting two weeks ago as they were spacing different areas out and people were generally observing the term we have all gotten to know quite well social distancing. Mr. Tramm said Montgomery Mudbugs Festival has not yet had time to reschedule. Mr. Tramm said he's talked with the promoter and he is hoping once allowed to move that festival fairly quickly within two weeks with the events being allowed, the question is what kind of timeline will he be able to work on, we don't have answers to that question. Mr. Tramm said he and the Police Chief will be meeting with the Chamber to discuss how to conduct the Freedom Fest event that is coming up soon. Mr. Tramm said everyone is trying to get things back to normal and there are obvious challenges associated with that. Mr. Tramm said none of the three are specifically City events, but all would occur within the City.

Mr. Tramm said with regards to COVID-19, City Hall has reopened for the public coming in and we are asking to limit numbers in the lobby area. Mr. Tramm said so far there has not been a crowd begin to build up there, but we would ask them to wait out in the front if necessary. Mr. Tramm said there is also hand sanitizer available to the public as soon as they walk in and we are directing Court traffic through the left door and the Utility and Permit traffic through the right door, to do our best to move traffic along.

Mr. Tramm said in April, businesses do not file their sales tax reports until the end of May, so there is a lot of information about April's business activity that won't be available to us until next month, but said he has been doing some analysis and looking through our list of providers for sales tax. Mr. Tramm said one thing he thinks is working to the City's favor at the moment is the relative lack of large retail stores that some of the other cities in Montgomery County have so those shutting down and being large sales tax providers in those areas put them in more of a detriment than they are seeing in Montgomery. Mr. Tramm said he originally felt like he was expecting an average 30% sales tax reduction for the rest of the fiscal year, he thinks it will definitely be under that number, but until we have actual data, it is hard for him to offer conjecture on the item. Mr. Tramm said looking at the actual previous data, six of our top seven generating companies in the City account for over 55% of our sales tax collections and from the looks of their activities, he thinks they are likely to be at normal or greater in their April sales than previously, like Kroger, Brookshire Brothers, McCoy's, and Jim's

Hardware. Mr. Tramm said some of the remaining generating companies are also less likely to show a significant decrease and may even show an increase. Mr. Tramm said areas such as online shopping, cell phone companies, internet services are probably resistant and those are services a lot of people relied on during the shutdown period. Mr. Tramm said local retail shops and restaurants that were closed provide sales tax for the City, but they represent a smaller piece of the sales tax pie. Mr. Tramm said at the moment it's hard to come by too much significant real data but he's feeling much more comfortable that it won't be a crisis. Mr. Tramm said things will be tight and he has gone through with all department heads and identified areas where things can be cut and moved to another fiscal year and how to limit expenses. Mr. Tramm said each department has done their job and have identified a large portion of the money. Mr. Tramm said one thing which we'll take a side benefit from is the truck that was ordered by Public Works had its production delayed and we won't even have that available to us until next fiscal year so that's one example of money that can be moved from one year to the next. Mr. Tramm said we're not hiring new personnel and we've identified several hundred thousand dollars of items that we think will fill in for the gap that we will have. Mr. Tramm said he plans on having the sales tax consultant out here next month to report and following having that data, it won't be until July to get the best data in which to present the revised budget to Council, and then we'll be able to take that figure and walk right into budgeting for the next fiscal year.

Mr. Tramm stated each City official will be receiving an invitation to cyber security training. Mr. Tramm said it's being required from the last legislative session and must be completed by June 14th. Mr. Tramm stated it will be an online class so keep an eye out for it. Mayor Countryman asked who the invitation will be coming from to look out for. Mr. Tramm said Ms. Hensley will be coordinating it, however, the class itself will be conducted by TML in which you'll be given a link that will take you to the TML site and will be easy to identify. Mr. Tramm said if you have any questions or trouble with it to give him or Ms. Hensley a call and we will make sure we can get you through that. Mayor Countryman thanked Mr. Tramm.

- B. Public Works Report - Mr. Tramm said concerning Public Works, the street repairs that were started and contracted to Montgomery County Precinct 1 have been complete and they have also recently completed a street sign inventory of the City and transferred it to Excel. Mr. Tramm said they've also completed as a side project, which some of you may have seen in the downtown area, a decorative parking stop in just one area that was well-received on social

media and is something Public Works will look at progressing in the City as they have time between other projects.

- C. Police Department Report – Mr. Tramm said the RAD and Citizens Police Academy have been postponed until further notice and are mostly waiting on that for such activities to be able to resume.

- D. Court Department Report – Mr. Tramm said the Court is working on a plan with the Judge to obtain approval to resume full-court operations in June and they expect to have a regular full Court date on June 11th.

- E. Utility/Development Report – Mr. Tramm said regarding development within the City, the one big question he's been asked most in the last year is when does Chick-Fil-A open. Mr. Tramm said this week people finally got to see the answer to this question was May 21st and the public turned out in droves. Mr. Tramm said if anyone attending the meeting has not been to Chick-Fil-A, he thinks at this point if you're in this City and haven't, you're probably in the minority. Mr. Tramm said they definitely had a large traffic backup opening day. Mr. Tramm said he went over there today at lunchtime and they probably had 25 or more cars in the drive-thru lane, but they were getting those cars through in under 12 minutes. Mr. Tramm said they know how to move a high volume of traffic through that area. Rebecca Huss said there's no correlation between needing to restart the Court and opening Chick-Fil-A and having a traffic problem is there and asked if it was a coincidence rather than a correlation. Mr. Tramm said in his notes one was just before the other and is hoping there is no correlation between opening Court and Chick-Fil-A. Mr. Tramm said he had development down as his next item at that point following the Court. Rebecca Huss said there is some crazy driving with those chicken sandwiches. Mr. Tramm said in regards to the traffic out there, there is an area that he and the Police Chief have driven around and the Police Chief has been in contact with TxDOT related to some potential traffic issues that could occur on SH 105, so the Chief will make sure that stays on the TX Dot radar. Mr. Tramm said he does think the biggest potential traffic issue out there could be people trying to turn whether it's left from the westbound side of SH 105 into Chick-Fil-A or turning left out of Chick-Fil-A to go westbound where you are crossing several lanes of traffic in a way that is not optimal. Mr. Tramm stated he wouldn't be surprised if TxDOT takes some specific action in the future on that.

Mr. Tramm said one item that has just come up on his radar will belong on the development side. Mr. Tramm said in the last couple of days we've been advised that the Home Grant homes should enter the construction phase sometime in June because he didn't have more of a description of that other than sometime in June, but he imagines it will be closer to the end of the month. Mr. Tramm said he was advised later today that there will be some updated documents to extend the timeline to allow a June construction start for one of the homes. Mr. Tramm said they are intending to move all four of the homes on the same timeline. Mr. Tramm said there were originally three that were approved and there is just one more that just needs some final paperwork to be completed, but they are trying to get them all done at the same time. Mr. Tramm said one item he wanted to note moving on to the Utility report is if you looked at the reports closely, you will see that March posted 60-day arrears of \$2,244.17 for 23 accounts and April reported a similar amount of \$2,298.25 for 34 accounts so it's a much greater number of accounts for essentially the same dollar amount. Mr. Tramm said that discrepancy is due to one of the 23 accounts in March was reported at being almost \$900 in that category, which is well above what is usually in that range and that has since been collected and was the apparent discrepancy between a changing number of the accounts but essentially the same dollar.

Mr. Tramm said during this last month Ms. Ciulla, Utility and Permit Clerk completed her training for the billing software which she learned how to fully use the InCode software for that system. Mr. Tramm said one of those which is timely right now is being able to input a customer payment plan into the system so it will automatically report forward on the bills without having to be manually adjusted. Mr. Tramm said as we're returning to normal operations here at the City, we've given some slack to some of the customers who may have had financial issues and we are putting everyone who has a balance owed into a payment plan that we can work with them to get everyone on track so we are not extending them indefinite credit. Rebecca Huss asked if customers are making progress in paying down, she said she knew there were issues six years ago that the stealth payment plans were such that people were never catching up on their balances, asking if so are they paying off their current balance as well as making progress on their past. Mr. Tramm said yes, they are required to pay the current bill plus at least a one-sixth share of the back bill and that he is approving anything that goes beyond six months. Mr. Tramm said if there is some very extreme overriding concern, he would be happy to talk to an individual customer about that, but as of yet nothing like that has been brought to his attention. Rebecca Huss said she thinks that is reasonable.

Mayor Countryman said she noticed on the Police Department report there was a burglary and asked if that would happen to be the deer that broke through Rancher's Daughter or is that like a car burglary. Police Chief Solomon said no that was a car burglary and a burglary of a home, an outside attachment of the home, but no, it was not the deer although it caused a whole lot of damage. Mayor Countryman also said it has been brought to her attention by a lot of residents that we have a missing person in town. Mayor Countryman asked how we are addressing and working on that. Mayor Countryman said she sees through social media it is being socialized, and she has seen it in the Courier online, but what are we as a City doing. Police Chief Solomon said they found out a week later that the person was missing and last Friday they had Tomball bring in their gyro, which they flew over the area and tried to see if they could find the person. Police Chief Solomon said they did not find him. Police Chief Solomon said on Saturday morning around 8 a.m. they brought in a search team with dogs and searched the last place he was seen, but to no avail, they did not find him. Police Chief Solomon said our Investigator is working on the case every day and spoke again with the mother this morning and went to the home where he lived and looked at his room. Police Chief Solomon said they are still talking to a few people and said this person has done this before, but this seems to be a little bit unusual this time. Police Chief Solomon said last time he was found in Conroe, but he has been found as far away as the Dallas area. Police Chief Solomon said they are making all the different contacts and keeping it upfront. Police Chief Solomon said they have talked with a lot of different agencies, so we have it on our radar. Mayor Countryman said she didn't doubt their abilities, she just wanted to know how they were addressing that because she was being asked. Mayor Countryman thanked Police Chief Solomon.

- F. Water Report – Mr. Michael Williams with Gulf Utility Service, Inc. presented his report to Council. Mr. Williams said there were several district alerts as listed. Mr. Williams said all but one was weather-related and other than the weather-related one, there was a concerned citizen who called in noise at Water Plant #2. Mr. Williams said they had just put that plant back online and a pocket of air had made its way into the booster pump, so they were able to drain the air off and get it running normally again.

Mr. Williams said on the April daily affluent trend page, the month of April was 5.942 million gallons, the daily peak was on March 22nd with 493,000 gallons and daily average flow was

191,700 gallons. Mr. Williams said on page 5 are the discharge limitations and affluent monitor reports and all samples complied for April with 8.25 inches of rain. Mr. Williams said he wanted to point out the new rain gauge is out there so reports look a little bit differently, the thin blue line is the daily rainfall total and the higher blue highlight area is the intensity, which he has tried to remove but there is no way to remove it so he wanted to explain that because it can be a little misleading. Mr. Williams said on page 6 of the water report they pumped a total of 7.259 million gallons, flushed a total of 192,000 gallons, bringing us to a 100% accountability and recorded a total of 950 connections. Mr. Williams said the permanent increase that was reported last month was an error on Lonestar's side meant for the City of Magnolia, so he restored the permit amounts on the report so everything is recorded accurately and we are still 89% on the permit that was increased so we're still doing good there. Mr. Williams said pages seven, eight, and nine are supplemental charts and page nine is the water sold versus water treated and said there is an 84% return to the sewer plant for treatment.

Rebecca Huss said it seems like we have an I & I problem or potentially another gauge problem and it seems like our gauge is on a wave where you go from 25 to 40 to 50 to 60 to 70 to 80 percent return and it seems like it's a very convenient slope and it's not even related to how much water we pump, or the weather, it is not related to anything, it's just sort of on its own plan or we have an I & I problem still. Mr. Williams said they did have a bunch of I & I and said if you go back to that rainfall chart he explained you can see the intensity on some of these rainfalls is going to lead to a lot of infiltration. Rebecca Huss said the numbers are not making sense and you know that with two inches of rain we have a 77% return, which is still not entirely making sense. Mr. Williams said he can see where Rebecca Huss is coming from on that. Mr. Williams said he will need to get together with Public Works and investigate it further. Rebecca Huss said maybe get back to the idea of the predicted return number versus the actual return number that we are calculating at one point and see if those numbers are closer to a match. Mr. Williams said he would look at that as well. Rebecca Huss thanked Mr. Williams.

- G. Financial Report and Quarterly Investment Report – Mr. Anthony Lasky, Senior Accounting Clerk presented his report to Council. Mr. Lasky said going through the account balances, there is currently four and a half months' worth of reserve for the general fund and the TexPool rates have been a lot lower over the last month which he is keeping an eye on. Mr. Laskey stated he checked it today and it is currently at .22%. Mr. Lasky said after discussing with Mr.

Tramm, as well as Municipal Accounts, they're thinking if it gets to be .05 to .1 range that is when we may want to consider moving most of it to the checking account with First Financial, still keeping some of the accounts open so when the rates do go back up again we at least have that fund available. Mr. Lasky stated he is going to keep a good monitor on it just to make sure that if it does drop that we do not risk losing any of that money just to be safe. Mr. Lasky said there is two years reserve in the MEDC account and ten months reserve in the Utility fund. Mr. Lasky stated regarding the cash flow that last month he spoke with the City Engineer and they were able to refund seven of the current escrow agreements so those have been completed and taken care of. Mr. Lasky said in reference to the budget, he fixed the line item Rebecca Huss had mentioned in an email to him yesterday and so going forward they will make sure it will be a 12-month accrual to where it's the same amount going forward. Rebecca Huss said just so everyone knows, the sales tax in lieu of ad valorem tax number right now shows that we're way behind year-to-date, whereas right now we should be a little bit ahead and we will fall behind later, but the way Cathy Branco had it set up it showed that our target was the entire lump sum from the 12-month rate from month number one, whereas for the other ones it's divided by 12. Rebecca Huss said now the way Mr. Lasky set it up, we're shooting for the total number divided by 12 cumulative each month rather than the whole number, so it's the way the rest of the accounts are set up. Mr. Lasky agreed and stated if there is anything going forward that would be more preferred on a monthly basis which he and Mr. Tramm had discussed trying to do it monthly rather than quarterly, then that way it flows a lot more easily, definitely he's all for that for sure so that way there is a more consistent number and a more consistent transfer as well. Rebecca Huss said she appreciates how quickly Mr. Lasky has been dealing with things as they come up and tackling things. Rebecca Huss stated she knew MEDC was confused at one point because we were talking about the May numbers and somebody said this can't be the May sales tax because it's only the third Monday in May and someone else said no, they thought it was the real number, and it turns out yes, it was the number and it was something we'd never seen before so early, so she thanked Mr. Lasky. Mr. Lasky stated the only other thing he needed to point out is the quarterly investment report was also sent out with the regular reports.

- H. Engineer's Report – Mr. Roznovsky said the Baja Phase I & II improvements are being closed out by our Grant Administrator and he'll be working on that today with the switching of the contractor in termination of one and it's gotten complicated in trying to get everyone to understand that we're working through that. Mr. Roznovsky stated the downtown waterline

replacement will have bids at the July 14th meeting, which is later than we said at the last meeting, but once we got into addressing some of the concerns from the contractors and giving them the 30-day notice, our time to bid, so it is currently advertising in the paper that it won't be until the July 14th meeting.

Mr. Roznovsky said regarding Water Plant #3 improvements he's addressed all the comments from the TORC Committee and is submitting those to the Water Development Board for final approval this week, so once we receive approval back, we need to advertise for bids on that one. Rebecca Huss asked Mr. Roznovsky if he could give a summary as to what the comments from the TORC Committee included. Mr. Roznovsky said the main things were some clarifications on sizing and so what we're doing is adding some alternatives so the original scope had, for example, a 10,000-gallon hydramatic tank and we're going to put in an alternate bid for 15,000 gallons just to see if it makes sense to go ahead and get a little bit larger now versus later. Mr. Roznovsky stated it is the same thing for the booster pump and then there were some recommendations on changing out some of the gauges and placing the additional gauges to help with monitoring of the performance were the main points. Mr. Roznovsky stated this will give us the flexibility so if prices come in good and a 15,000-gallon tank isn't going to cost a lot more, we can make that decision at that time and also we'll get budget and everything else to see if we do that now, or the original plan was as older tanks wear out, instead of replacing them in time with the size they are, upsizing then, so we can weigh in both options when we get there. Rebecca Huss said she supposes if you have to do it later and it's much cheaper to get all of that capacity now, then you just do it as part of this one and we have the money that we're paying for and now that our interest rate we're receiving is even lower, then we should be spending our money sooner rather than later. Mr. Roznovsky agreed.

Mayor Countryman asked regarding the Baja Road water drainage improvement is that with MMG or are we no longer working with them. Mr. Roznovsky stated MMG is still involved in helping out, but they don't have anything to do now and what got complicated is the work that was completed by Bortex, but not paid to Bortex, and so it's trying to show the State that yes, the City needs to get that money back because the value of that work was included in the settlement agreement, but it's making that understanding that has been difficult. Mr. Roznovsky said MMG has provided everything they need to. Mayor Countryman asked if MMG was finished with the work. Mr. Roznovsky stated the only thing left, obviously their in the warranty grade so there is warranty stuff that needs to be addressed and the corner, but

the corner is not MMG, so Mr. Muckleroy has gotten prices on that and thinks that is moving forward as well, but a much better price than MMG provided. Mayor Countryman stated she was just making sure because she went down there and was looking at the roadwork by Precinct 1 and noticed that corner is still there and actually saw a guy from Precinct 1 fall down into the ditch and said that ditch is dangerous. Mayor Countryman said she has said it many times and is saying it again as well as the backstop at the Youngs and is continuing to talk about it because she is not hearing any updates. Mr. Roznovsky said where that stands is they got a price from MMG around \$25,000 to do the corner and everything else and Mr. Muckleroy got a price from Laurel Paving to do similar work, a slightly different scope but still works for half price of what it is so he believes they were moving forward with that and working out those details. Mr. Tramm said he wanted to add that he and Mr. Muckleroy were planning tomorrow afternoon, weather permitting to walk through that area, and go over the details with the work Laurel was proposing and how that compares with what MMG was proposing to do.

Mr. Roznovsky said regarding the lift station project from pictures in the report on page seven, there is the amount of \$145,000 for the contractor, as of April 27th he was 128% complete by time and only 58% by value since then, so the pictures in the report they have installed the generator, one of the light poles is in, as well as having the top slide poured for the lift station. Mr. Roznovsky said the low groundwork is done, minus piping, mechanical, etc., but the structural work is pretty well complete. Mr. Roznovsky said there is still a long way to go on the project and they aren't anticipating completion until closer to July or August now of this year based on their current schedule. Mr. Roznovsky stated they do have liquidated damages in the contract and are working through the City staff and the contractor to make sure those are addressed appropriately to cover the additional cost incurred up to that time. Rebecca Huss asked if we would get liquidated damages or will they call force now. Mr. Roznovsky said it is to be determined as they will be working through them. Mr. Roznovsky stated they have substantial delays and the delays have not been caused by anything but themselves, so we should be able to get liquidated damages on this contract, but we're working through them and we're going to start to continue to have those conversations early so we don't hit them at the end of the project with a large lump of liquidated damages. Mr. Roznovsky said they've been put on notice months ago that they were running late and there are liquidated damages in the contract of \$500.00 a day so they are aware of it, they're just behind. Rebecca stated she would like to get this done and done well, but they are a long way behind. Mr. Roznovsky

agreed and said they are substantially behind especially when the original end date was March 7th and they won't be complete until likely the end of July, first of August, so we're talking five months plus a delay on a project that was not supposed to take that long.

Mr. Roznovsky said regarding the developments, a couple of things to note from the plat reviews is he will be coming in tomorrow to sign two of the plats that are ready which are a mending plat for Montgomery Shoppes and a minor plat for Depado Development. Mr. Roznovsky stated on the development map you will see it's the north/west side of Plez Morgan between 1097 and Lonestar Parkway and that's all commercial reserves, no plans at the moment just platting so it can be subdivided. Mr. Roznovsky said Eagles Nest minor plat is a new name and that is the Plez Morgan townhome project on the east/south side of Plez Morgan the townhome development that is going in and we returned those comments earlier this month.

Mr. Roznovsky said there is nothing new to discuss regarding the one-year warranty and we've already discussed Lake Creek Village Section Three. Mr. Roznovsky stated one thing he did want to discuss is the Atkins Creek/FM 1097 Tx-DOT study that was done to determine how to address the erosion right by them and for future expansion of FM 1097. Mr. Roznovsky said if you look at the report, there are a couple of excerpts from their study and we have received confirmation from Tx-DOT today that they plan on going with alternate three which is what he included as well as they have an anticipated let date of January 20, 2021, to complete the work. Mr. Roznovsky said one thing it does not address, which he followed up with them today, was downstream. Mr. Roznovsky said this stops essentially at the curve where the fence line stops along Terra Vista. Mr. Roznovsky said if you are going down FM 1097 where the fence line goes adjacent to the creek where it ends is where the scope of this work ends. Mr. Roznovsky stated he's asked Tx-DOT a handful of questions regarding that because the intent or at least what we took from it was are we looking further downstream than that and said they did study it but their recommended improvement stopped short for them. Mr. Roznovsky asked Tx-DOT would the City be able to at least entertain if we had enough parties, a finance agreement with Tx-DOT to include all this in a scope of work, as well as how the structure of that agreement could look. Mr. Roznovsky said Tx-DOT is wanting the City's assistance in acquiring the additional Right-of-Way to do this structure and said they are working through the relatively new details and he wanted to show what Tx-DOT was proposing which is essentially just the first 230 or so feet of a concrete-lined ditch that drops. Mr. Roznovsky said it would ultimately be a four-lane with a middle medium. Mr. Roznovsky

stated what is being proposed in January 2021 is not the roadway, it's just the drainage work. Mr. Roznovsky said what Tx-DOT looked at was when they expand this to be four-lane, with a center median, how would the runoff from that be handled. Mr. Roznovsky stated again what would be in January 2021 is just on page 133 of the report and is the only thing being proposed by Tx-DOT that they would fund today and that's what we're working through to see if some options are there for additional funding and/or upping their scope of work because that doesn't address the erosion upstream or where it's backing up to the lots in Terra Vista. Mr. Roznovsky said he knows a new home builder has come in and purchased those lots that back up to the creek, so he is going to be wanting to know what is going to be left after this. Rebecca Huss asked just to be clear that he's not talking about the City participating in funding, but just getting Tx-DOT to extend their funding to include a wider scope of work. Rebecca Huss also said the City doesn't own anything in Atkins Creek. Mr. Roznovsky said correct and we only have an easement that crosses so it's more of helping push along for the property owners to come in and help find a solution. Mr. Roznovsky said when we met with them months ago that was what was proposed is their participation in coming up with a long-term solution and they were willing to participate obviously, no numbers or anything yet to it. Mr. Roznovsky said Tx-DOT now has what they have proposed seeing that there is a way to expand that and then going down that route with the property owners and Rebecca Huss was right, the City does not own property along Atkins Creek, it's on private property and it's not a City issue other than where it affects the City.

Mr. Roznovsky said the water well performance test is done twice a year on the wells that go through our operator and both results came back and reviewed and everything is working as it should and no action will be taken at this time.

Rebecca Huss moved to accept the departmental reports as presented. Kevin Lacy seconded the motion, the motion carried unanimously. (4-0)

7. Consideration and possible action regarding a Request for Verification of Exemption Information (Homestead, Over 65 and Disability Exemptions) for use on the 2020 Notices of Appraised Value and 2020 Assessment Rolls.

Mr. Tramm said the City's current exemptions are zero additional for Homestead, \$50,000 for Over 65 that effects 148 property owners in the City which includes a total reduction in taxes levied by the City of \$27,962.13, and a disabled Disability of \$70,000 exemption that affects 35 property

owners in the City for a total of \$12,779.32 reduction in the total taxes levied. Mr. Tramm stated that attached to the paperwork for this item is a list of current exemption amounts for regional cities and some other political entities noted in the orange box that highlights the surrounding city exemptions in our area. Mr. Tramm said also attached is the Montgomery Assessment role grand totals reports which contain details on total assessed valuation and various exemptions. Mr. Tramm stated attached are two versions of that report, one for properties that are under protest and one is for the properties that are not under protest, so those are meant to be added together and the properties that are under protest may be altered based on results of those protests. Mr. Tramm said we have until July 1st to return this item so it doesn't have to be done tonight and he's heard no comments from City Council previously that they were looking to amend these items, but it is being brought to Council for action here and available for action tonight.

Mayor Countryman said she remembers when they were all passed less than two years ago and thinks they are still current and does not think they are out of date. Kevin Lacy asked what the July date was to move on this item. Mr. Tramm said if the Council wanted to make any change, it would have to be made before July 1st and said he doesn't necessarily see there is a need for change and if you look at the other cities that are in our area, generally speaking, he thinks our exemptions are more than most and a couple that is more such as Shenandoah and the City of Houston, their tax base is significantly different than the City of Montgomery.

Kevin Lacy moved to maintain the current exemption amounts as they currently exist today, as we are in line with our neighbors. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

8. Consideration and possible action of the City Council, acting as the Zoning Board of Adjustment, regarding a 25-foot front building line variance request instead of the required 35-feet for the proposed Heritage III development along SH 105, west of the Louisa Street intersection, as submitted by Cheatham Management.

Mr. Tramm said this is the Zoning Board of Adjustment item that was the subject of the hearing earlier tonight, Section 98-181 of the Zoning Ordinance calls for a 35-foot building set back along major streets. Mr. Tramm stated the developer is asking for a 10-foot variance to allow the front of the buildings to be set back 25-feet from the street. Mr. Tramm said in lieu of typical developments that place parking near the street, the developer is requesting to move the buildings toward the

street and locate the parking behind the building. Mr. Tramm stated this is an action item for the City Council acting as the Zoning Board of Adjustment and needs a supermajority of at least four votes in favor to pass.

Kevin Lacy asked to see a detailed picture of the parking garage behind the building. Kevin Lacy also asked if that's the same setback they are looking at with the other building as well. Mr. Tramm said the other Heritage building down the road, the red brick building closer to Valero is a 35-foot setback for the actual building structure by comparison to be 10-feet closer to the road. Mayor Countryman asked if Heritage Place Two is 25-foot then. Mr. White said Heritage Place Two is 35-feet. Mayor Countryman said buildings one and two have 35-feet and this would be the only one that's asking for the 25-feet of the three buildings of the same developer. Kevin Lacy asked if buildings one and two had parking behind it as well. Mr. White said yes. Kevin Lacy asked why is there a difference for the third and is it a size difference. Mr. White said correct and another one of the reasons is with Heritage Place Two, there was a different take on the Ordinance that required a buffer between the parking and the property line and we were 5-feet off there and we had already gotten the variance approved and the Ordinance refers to a 25-foot vegetative setback between R-1 and commercial development so with that one we were able to get five and this one we had 11 and we got a variance for that for the parking structure and we'll do a living wall system on that so we are a little bit further setback from the back of that garage structure to the property line by 6-feet. Mayor Countryman asked if there is the parking garage and then also additional parking. Mr. White stated the rendering that is on the screen is for a frame of reference only and it is not an actual rendering of their facility. Mayor Countryman asked if there was a rendering of an actual facility. Mr. White stated no they don't have one and this is just something that is in a complex in Conroe right now and we wanted them to be able to utilize that as what we will ultimately end up with, but until we get the general okay with these kinds of concepts and if we can get it approved with that we'll move forward with the actual architectural renderings to show you what the final product will look like.

Rebecca Huss asked if it would be possible to link the first variance with the 11-foot vegetative buffer and the living wall as a screening covering the entire south portion to the 25-foot setback on this one with the historic look and nature of this Heritage Place III color rendering. Rebecca Huss said she was sort of joking at the meeting that we discussed it but obviously once we give a variance, tied to what we intend the project to look like if something happens and again Mr. Cheatham was bought out by a big mattress company conglomerate who decides to build a completely different

concept if we don't nail down the look and style, what can be built to something completely different. Rebecca Huss stated part of that question is for Mr. McCorquodale or Mr. Tramm in terms of what we can do to link the two variances together and also to Mr. White in terms of if we grant this, she expects this building or something substantially similar to it with the historical style, the three stories, the brick pavers, and the forecourt to be built and would like our motion to request that. Mr. McCorquodale stated he thinks with the action that you will take tonight; you can tie a condition like that to it and said he would let Mr. Petrov steer him in the right direction. Mr. McCorquodale said he does believe that you could condition this building line variance on a particular look or aesthetic or a material of a building that you would want to see. Mr. Petrov said correct, you can add conditions to any variance, just be as specific as you can so that when the plans do come in, the person reviewing can look at the variance, look at the conditions, and can judge whether the plans meet what was expected. Mr. White said to answer Rebecca Huss' question, he doesn't think they will have an issue and if you require it to have something similar to this architectural rendering you have on the screen, this is exactly what Mr. Cheatham wants to put up and I don't think he is going to settle for less. Rebecca Huss asked if she could have the proper terminology so she could write down, so she doesn't say like eyebrow windows which turn out to be something completely different and 10 times more expensive than what Mr. Cheatham was intending. Rebecca Huss said some of these architectural things have a different meaning to engineers than they might to civilians. Rebecca Huss said to give her a list of characteristics to get her what she wants. Mr. White said he will do his best given that he is not an architect and knows probably less of the terms himself. Mr. White stated he thinks we're going to want some of the brick paver systems in the front and it's been contemplated with the brick planter boxes or some kind of formal landscaping in the front and usually you have to fight Tx-DOT with that because they do like to come in and maintain a lot of those trees and cut off the limbs as they did in front of the first building. Mr. White added to brick all four sides and mobility is probably key between intersections because he thinks we are trying to create some kind of corridor down SH 105 between Heritage Place One, Two and this being Three, hopefully, to continue further down, but those are kind of some of the particulars. Mr. White said just for Kevin Lacy he brought up a couple of the dimensions for Heritage Place, the medical facility across the street. Mr. White stated the depth on that was 181 and he is getting a rough scale of about 169 to 170 on this lot so it is shallower.

Tom Cronin asked Mr. White if Mr. Cheatham anticipated doing retail on the entire first floor or is that just for the rendering. Mr. White said he would like to, and the idea would be like maybe some boutique shops or coffee shops, small little quaint restaurants like that, and then some of the other

floors could be a series of offices including medical. Mr. White stated things have slowed down a little bit given the current situation we're in with these spaces, but Mr. Cheatham is still talking to a lot of people, but within the last week this has started to come back up with people gaining more interest. Mr. White said they always have an intent of the user that will go in there and whoever is the end-user it sometimes will change, but the intent is to have some component of retail on the bottom and offices in the second and third stories. Mayor Countryman said they have thought in the past of making that an ordinance of having retail on the bottom and either living space or office space up top and asked if this is something that could institute here. Mr. White said he thinks it is difficult to plan how the user would be in this building given its current state. Rebecca Huss said she thinks our current ordinances don't allow for more than one living space above because it's not cumulative zoning. Mayor Countryman agreed and said but we can say office on top and retail on the bottom. Kevin Lacy said something similar to what's in The Woodlands Marketplace type situation. Rebecca Huss said that might be a better discussion to have with MEDC. Kevin Lacy asked if the intent with this is the one we are looking at as far as having the parking behind it and a three-story parking garage. Mr. White replied it will be a two-story for now and we will need to get to the required parking count. Mr. White said it is going to be something similar to the rendering shown, but this is more like steel piers and beams that go up, but we're going to try to decorate the back end a bit more, having a living wall system and we want the park and structure to kind of play off of the historic feel of the building and we don't want vast changes in what this is going to look like but it will kind of complement each other. Rebecca Huss said given the lack of zoning ordinances and such that were in place when the first Heritage Place building was built, she found the building itself to be a good addition to the area and she is certainly not averse to where we're going with this at all, but she likes to nail down details as she is that kind of person so that is certainly what she would like to do in getting this done. Kevin Lacy said he would like to see an actual rendering of the facility as well, if possible, of the front and back garage. Rebecca Huss asked Mr. White if he said it would be in a similar style or complementary style. Mr. White said yes the parking structure will complement the building and the structure that is shown on the screen is just from a building that was done in Conroe that gave us the idea of what we can do back here, but in no means will it look like that, it's just how the minimum space you have to work in plays off of this one. Mr. White said the only reason they haven't been able to turn the parking structure into a color rendering is that there is a lot of money and expense that goes into the architectural portions of that to get to rendering so we're hoping to be able to have some form of approvals by the Board of Adjustment, Planning and Zoning and Council, for some of these variances that we need so we can move forward with those expenses. Mr. White stated he thinks even the other

vegetative buffer variances that we did get earlier on was certain requirements to be met on that parking structure with the living wall system and things like that and having trust those will happen and we will have to be able to submit the plans and specs to the City for review so if we can get semi-specific on what you need to see, staff and consultants will be able to make sure what we are submitting is exactly what you need and if there is anything in question we can always bring it back to you. Rebecca Huss asked Mr. Tramm to confirm if anyone made comments on this issue in the public hearing. Mr. Tramm said no comments were made on this in the public hearing. Kevin Lacy asked if the neighbors behind did not have anything either way. Mr. White said he knows Mr. Cheatham has talked to them a couple of times, he does not know how recent, but they did not seem to have an issue in the initial conversations. Mr. White stated a letter was sent out to them as well. Kevin Lacy said he would like to see it move forward if he can get the details as far as verbiage and making sure it's substantially similar to what we're looking at. Kevin Lacy stated he would like to see that happen. Rebecca Huss asked if brick would be on all four sides. Mr. White replied yes. Rebecca Huss said that sounds like a lot of brick.

Rebecca Huss moved to approve the 10-foot variance to allow the front facade of the building to be set back 25-feet from the street for Heritage Place III with the caveat that this building is a three-story brick façade on all four sides, contain a brick paver system in front for the 25-feet, include formal brick planter boxes in front assuming that is acceptable to Entergy, obviously we can't interfere with electricity production, also that this includes historical architectural features and an aesthetic and architectural relief to the front façade or an approved equal system with a complimentary or similar parking structure or approved equal system on that as well. Kevin Lacy seconded the motion.

Discussion: Rebecca Huss asked Mr. White if she included anything outlandish. Mr. White replied no he did not think so.

The motion carried unanimously. (4-0)

9. Consideration and possible action regarding reducing or waiving water and sewer impact fees for a qualifying affordable housing project: Gulf Coast Estates Section Two, located at the end of Baja Road.

Mr. Tramm said you may recall this project was a subject of a flag lot of approval turning three lots into four at the end of Baja Road several months ago. Mr. Tramm stated the developer and contractor Walker Montgomery CDC is a 501(c)(3) that builds affordable housing and assist low-income individuals with low-interest financing to purchase the homes and they work with at-risk youth to build the homes through the Gulf Coast Trades Center in Walker County. Mr. Tramm said the project will be assessed impact fees as listed. Mr. Tramm stated the water impact fee would be \$5,008, the wastewater impact fee \$11,172 for a total of \$16,180. Mr. Tramm said their water and sewer tap fees separate from the impact fees and these would be \$14,860 for the project. Mr. Tramm said the Texas Local Government Code doesn't allow many exemptions for impact fees but the one he's familiar with that they do is for affordable housing and they could be exempted from those fees if approved by the City Council. Mr. Tramm said the four properties after construction would generate approximately \$2,400 a year and ad valorem tax for the City based on a \$150,000 home price and the City's current tax rate. Mr. Tramm stated two of the homes have started construction and permitting process and will take roughly one year to complete the remaining two will start construction after the first two are complete. Mr. Tramm said normally we wouldn't ask City Council to consider a reduction or waiver of impact fees especially because there are few exemptions allowed by law, but we feel this particular project might be worth the special consideration due to the Affordable Housing Benefit created by this project. Mr. Tramm stated this is not something he's brought forward to Council before so there's not been the previous discussion for him to have any basis of what Council's thought is, but this being the first opportunity in an area where it might be worthy is why he's bringing it to City Council at this time. Mr. Tramm asked if Council would even be willing to consider either a waiver or reduction of the impact fee for this project. Rebecca Huss said she thinks it is an acceptable 501(c)(3) nonprofit and she appreciates their goal of teaching people a trade so she would be fine with it. Mayor Countryman stated she felt that way as well and feels the impact fee is something we could certainly look at considering waiving and then keeping the wastewater tap fees. Rebecca Huss said the tap fees itself which are the cost of providing the service is something we need to keep in place, but it's the impact fee itself which is the future capacity cost is something they can waive. Mr. Tramm said that was how the staff was looking at it and why we thought this particular project was significantly worthy as a possibility to bring to Council. Tom Cronin asked if we do go forward then it's not a given, he assumes, but the other homes we would probably have the same request for the other three. Mr. Tramm stated what you see here are total amounts for what all four properties would be so group limit tonight would be the one time you would have to approve it and this would apply through all four of the homes. Mr. McCorquodale said he should have made note of it here, but the impact fees

are assessed at the time of the tap and two of the homes have taps and the last two homes will start next year so the other half of these impact fees wouldn't be assessed until 14 or 15 months from now. Rebecca Huss stated she would also like to point out that this money doesn't go into our unrestricted budget. Rebecca Huss said impact fees go into a separate account essentially to be saved and only spent on projects that are specifically designated in response to growth so like a future water tower or a future water treatment plant so this is not money that would replace lost sales tax but it's essentially money that would go into a bank account to be used maybe three or four years in the future. Mayor Countryman said it's limited in its usage.

Tom Cronin moved to waive the water and sewer impact fees for the qualifying affordable housing project Gulf Coast Estates Section Two located at the end of Baja Road. Mayor Countryman asked Tom Cronin if he was waiving both or waiving one. Tom Cronin stated he wanted to waive the water and sewer impact fees for the qualifying affordable housing project Gulf Coast Estates Section Two located at the end of Baja Road. Mayor Countryman thanked Tom Cronin. Kevin Lacy seconded the motion.

Discussion: T.J. Wilkerson asked who would get the waiver, would it be Walker Montgomery CDC or the Gulf Coast Trades Center. Mr. Tramm stated the waiver would be going to the Walker Montgomery CDC, the 501 3c. Mr. Tramm said the housing project itself is the Gulf Coast Estates Section Two, but the applicant is the Walker Montgomery CDC. Rebecca Huss said it's not actually money changing hands it's the lack of a bill from the City going to them. Mr. Tramm agreed.

The motion carried unanimously. (4-0)

10. Consideration and possible action regarding nominee(s) to serve the balance of the two-year term (currently held by Jack Yates) May 1, 2020 – September 30, 2020, and a nominee for the term October 1, 2020, through September 30, 2020, on the Montgomery County 9-1-1 Board of Managers.

Mr. Tramm stated this is a position that Jack Yates formerly served until there was a recent resignation from the position with the 9-1-1 Board of Managers. Mr. Tramm said he was one of two representatives appointed by the cities in Montgomery County. Mr. Tramm advised he let some other city administrators in the county know that he would be willing to serve as a replacement since that had been the previous administrator in that position and if Council is willing for that then

he would be happy to do that in that position. Rebecca Huss asked Mr. Tramm if he should have asked Council first. Mr. Tramm replied he probably should have, but you can always tell me no. Mr. Tramm said ultimately this is not the selection of whoever the person is, this is a nomination form and then ballots will circulate out to the City later. Rebecca Huss asked if there is a benefit to the City for this. Mr. Tramm said yes you will have someone plugged into the 9-1-1 Board if in the event there is something pertinent to this area then he would be able to get that data and be responsive to it sooner than most people would. Rebecca Huss asked what the cost to the City would be. Mr. Tramm stated the Board meets during the middle of the day in Conroe so once a quarter probably up to two hours of his time. Rebecca Huss stated she was fine with it if he is interested. Mr. Tramm stated he thinks from an interest point of view it would be worth doing on behalf of the City and then if he doesn't think this has time value in the long term he wouldn't be interested in repeating it. Rebecca Huss asked if they needed to make a motion. Mr. Tramm responded yes.

Rebecca Huss moved to nominate Mr. Tramm as a nominee for the unexpired term to run through from September 30th and as the regular term from October 1st, 2020, and September 20th, 2021. T.J. Wilkerson seconded the motion.

Discussion: Rebecca Huss stated just to clarify her motion is for the Montgomery County 9-1-1 Board of Managers, not for any other position.

The motion carried unanimously. (4-0)

11. Consideration and possible action regarding accepting the resignation of City Council Member, Place 2, John Champagne, Jr., effective May 13, 2020.

Mr. Tramm stated on May 13, 2020, he received the resignation letter from John Champagne, Jr. who was resigning from Montgomery City Council Place 2 and attached to the action item for Council today is to accept that letter.

Rebecca Huss moved to accept the resignation of Council Member Place 2 John Champagne, Jr. effective May 13, 2020. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

12. Consideration and possible action regarding the vacant position of City Council, Place 2.

Mr. Tramm stated because he received the resignation letter immediately after the last Council meeting, to give the City Council the widest possible latitude of action, he took it upon himself and placed an announcement on the City's website about collecting applications and also posted to the City's Facebook page. Mr. Tramm said two applications were received which he emailed out to Council late this afternoon following him sending out that there were no additional ones received. Mr. Tramm stated he did this without any specific advice from Council because we had just had the meeting when the resignation came in so he wasn't sure if Council is going to want to act sooner or later and he was trying to give Council the widest possible latitude if Council wanted to try to appoint a replacement on a short schedule or if Council wants to do something else, but by all means, offer him the direction you need to give him and he will go in a different direction. Mr. Tramm said this matter is put to Council for how they want to act in this matter and if they want to do something else to let him know.

Tom Cronin said he thinks they should fill it as soon as possible but said he had a question for Mr. Petrov. Tom Cronin asked Mr. Petrov if there is an issue with one of the respective appointees running for another City Council position and if there is any legal issue regarding that since he has announced he is running for a position, not the same position, but is there any conflict or anything we should take into consideration. Mr. Petrov said the issue is that he would vacate that assuming he's elected come November. Mr. Petrov stated if he is elected to the other position, he would automatically vacate the one that he would be appointed to but there is nothing illegal about that if that is what you are asking. Tom Cronin said no, it wasn't a legality question it was more of an advantage. Mr. Petrov said that is something you must consider because placing people in as incumbents if the race is contested, is something to consider because it can be an advantage to a person. Rebecca Huss stated she thinks that would be her biggest concern with that issue but she hears Tom Cronin's thoughts on having somebody fill the position not only for what seems to be a steady stream of City Council acting as the Board of Adjustment but given the current health environment, there could be a time when one or two of us or more could be unable to fulfill our duties and it seems to make sense to have all five positions filled and it seems silly to have four on purpose. Tom Cronin said he agreed. Mayor Countryman said Randy Burleigh has been around for a long time and has a lot of experience with the City and we need it during this time with budgeting and everything else coming up too so it's good to see that someone that has been here a long time has thrown their name in the hat. Tom Cronin asked if they want to do it tonight or do we want to

give it two more weeks and allow for more applications and perspective nominees because he was not aware that this had been posted on the City site but again in all fairness, it's in Council's pleasure but in all fairness, he thinks they should say they will appoint someone at the next meeting. Rebecca Huss stated she couldn't be happier with Randy Burleigh as an applicant as he's been involved with the nitty-gritty of the City, but in terms with what we have ahead of us in terms of the difficulties with sorting out the numbers related to our budget and the water and sewer fund, there isn't anybody who likes getting down into the numbers quite the way Randy Burleigh does so she is perfectly comfortable going forward tonight, if she's on her own then obviously that won't happen.

Mayor Countryman asked how long we posted the opening. Susan Hensley stated she believed Mr. McCorquodale and the City Administrator posted it. Mayor Countryman asked if there a timeframe that's necessary and did we meet all the criteria. Mr. Tramm said he's not aware of any minimum amount of time frame. Mr. Tramm stated the City has wide latitude and how it might seek names and thinks they have done more than some areas that he is familiar with would do just by posting it publicly in that manner. Mr. Petrov stated Mr. Tramm is correct in that there is not any minimum requirement. Rebecca Huss said she can't remember the exact metrics, but she wants to say 600 people or so saw on the first day that it was posted on the City Facebook page. Kevin Lacy said it's safe to assume that it's almost been two weeks that if any other possible candidates would have been interested, they probably would have applied by this point. Mayor Countryman said they certainly would have been informed.

Rebecca Huss moved to nominate Randy Burleigh to fill the vacancy in City Council Place 2. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

13. Consideration and possible action regarding authorizing the City Administrator to negotiate an agreement to conduct a Master Drainage Study of Town Creek Watershed with BGE for future City Council consideration.

Mr. Tramm stated the City staff originally received eight statements of qualification for this project and five engineering firms were selected for an interview and were considered by a staff committee consisting of the City Administrator, Assistant to the City Administrator, Public Works Director with the City Engineer acting in an advisory capacity for the staff committee. Mr. Tramm said it is the staff recommendation that BGE is the best firm for the City's needs for the master creative

study of the Town Creek Watershed. Mr. Tramm advised he is seeking the authority from City Council to negotiate an agreement to conduct the master graded study at the Town Creek Watershed with BGE and to bring that back to the City Council for future approval. Mr. Tramm said his goal would be to have it on the next agenda for City Council and if we're unable to reach an agreement with BGE, he would move on to HR Green as the second firm. Mr. Tramm said for the firms that they interviewed, he thinks they all were regarded as qualified and it was a difficult decision but everyone on the committee unanimously agreed for similar reasons that BGE was the best firm with HR Green being a close second. Mr. Tramm said the study will include a report on the hydraulics of the Anders Branch tributary to Town Creek including several roadway crossings. Mr. Tramm stated the study should deliver an initial results memo documenting the Anders Branch flow results to include removal of flow restrictions and a final written report with calculations, exhibits, models, final recommendations, construction cost estimates, and other relevant information for the City. Mr. Tramm said this information will be used while paid out of City funds will be used for a general Land Office grant that the City has already been awarded approximately \$2.2 million to design and implement drainage modifications. Rebecca Huss asked if this was related to Hurricane Harvey GLO money. Mr. Tramm said this is to identify the work for the GLO grant itself. Mayor Countryman asked if it was from Hurricane Harvey or Memorial Day Tax Day. Mr. Roznovsky said it was the Memorial Day tax day event and stated Montgomery County got a \$24 million grant and they had to distribute it between the cities so at that time they decided to base it off of population and cost of damage and with the bridge being damaged at that time, that's what got the City such a high proportion of the money. Rebecca Huss said she thinks we were the ones who told the County that they had ample opportunity to get that money. Mayor Countryman asked what the amount of money was. Mr. Tramm stated it was approximately \$2.2 million.

Tom Cronin moved to authorize the City Administrator to negotiate an agreement to conduct a Master Drainage Study of Town Creek Watershed with BGE for future City Council consideration. T.J. Wilkerson seconded the motion, 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. *(There are no items at this time.)*

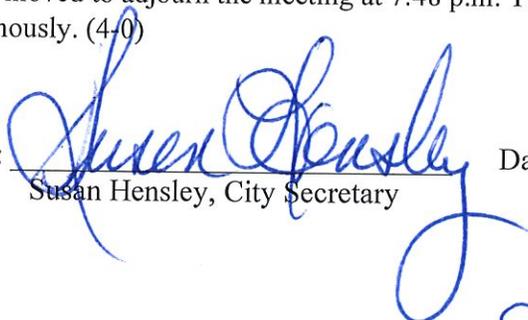
COUNCIL INQUIRY:

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 the 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.

ADJOURNMENT:

Rebecca Huss moved to adjourn the meeting at 7:48 p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

Submitted by:


Susan Hensley, City Secretary

Date Approved:

06/09/2020




Mayor Sara Countryman