

MINUTES OF REGULAR TELEPHONE CONFERENCE/VIDEO MEETING

July 14, 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
Randy Burleigh City Council Place # 2
T.J. Wilkerson City Council Place # 3
Rebecca Huss City Council Place # 4

Absent: Tom Cronin City Council Place # 5

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

INVOCATION

T.J. Wilkerson gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

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.

Mayor Countryman said she did not see any requests and asked Ms. Hensley to comment. Ms. Hensley stated she had not received any emails for requests.

CONSENT AGENDA:

1. Matters related to the approval of minutes of June 4, 2020, Workshop Meeting and June 23, 2020, Regular Meeting.
2. Consideration and possible action regarding adoption of an Escrow Agreement by and between the City of Montgomery and Cheatham Management, LLC for Hills of Town Creek, Section Four.

Ms. Hensley stated she had sent out two amendments to the minutes to City Council including a spelling change on the June 23, 2020 minutes. Rebecca Huss said she did not have any comments on the minutes or the Escrow Agreement.

Randy Burleigh asked about the 380 Agreement and what it entails. Mr. McCorquodale said there were some water and sewer lines put in and it is a reimbursement of the ad valorem taxes as a way for the developer to recoup some of the infrastructure investment he made. Randy Burleigh asked if they would pay an impact fee for the connections if it does not get around the impact fee unless it has a P.D.D. Mr. McCorquodale said Sections Two and Three were platted before the impact fees, but Section Four will be subject to impact fees, but that is irrespective of the 380 Agreement. Rebecca Huss said the only thing the 380 Agreement has to do with it is the source of funds for this as she understood. Mr. McCorquodale said right, and he does want to clarify the impact fees for the subdivision will be eligible for reimbursement as part of the 380 Agreement. Mr. McCorquodale said it's based on ad valorem and impact fees so, in theory, he would get the impact fee back, but again that is based on at a time of connection so it's not like he gets all of the impact fees back at once. Randy Burleigh asked if we are just reimbursing him for the 380 fees as a part of his escrow fund. Mr. McCorquodale said that is exactly right and the check is due in about two weeks per the agreement and so essentially instead of swapping checks, we are just going to move it over. Randy Burleigh asked if it causes issues as far as plain paperwork. Mr. McCorquodale said not to his knowledge, but they will run it past the auditor to clarify the best way to track those transfers. Randy Burleigh stated it sets an example from what they talked about previously regarding the SRI report where the State gave the City too much money last year for sales tax and they took it back a couple of months later this year, so looking at the mean data and all the trends on the report is all askew because the money is there but you just can't see it in the right place.

Rebecca Huss moved to accept the Consent Agenda with the changes Ms. Hensley sent out earlier today. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

3. Consideration and possible action regarding adoption of the following Resolution:

RESOLUTION APPROVING THE MONTGOMERY COUNTY EMERGENCY COMMUNICATION DISTRICT BUDGET FOR FISCAL YEAR 2021.

Mr. Tramm stated the Montgomery County Emergency Communication District and their proposed budget must be approved by most governing bodies in the participating jurisdictions within the County to take effect and approval is assumed if an entity does not provide any action. Mr. Tramm asked Mr. Chip VanSteenberg, Executive Director from the district if he could make a brief presentation.

Mr. VanSteenberg stated the Montgomery County Emergency Communication District is the regional 9-1-1 authority recognized by the State of Texas that serves as the go-between with the telecommunication providers and the 9-1-1 emergency call centers that operate in Montgomery County. Mr. VanSteenberg said there are four 9-1-1 centers in the County, and they are run by the Sheriff's Office, Conroe Police Department, Woodlands Fire Department, and by the Montgomery County Hospital District. Mr. VanSteenberg said they supply those agencies with equipment and the network they operate on and provide the go-between with the telecommunication companies to make sure when a customer dials 9-1-1, it is directed to the appropriate call center. Mr. VanSteenberg said they also do all the addressing for the County and maintain a GIS system that has all the road centerlines, the street address ranges, everything address related happens at the MCECD agency. Mr. VanSteenberg said they provide funding for the two call centers that are primary PSAPs (Public Safety Answering Point), so the City of Conroe or the Montgomery County Sheriff's Office where 9-1-1 calls are originally answered where they provide funding to those agencies for a certain percentage for their staff members to answer those 9-1-1 calls. Mr. VanSteenberg said if it is a law enforcement call, those agencies handle that call and stay with the caller to the end if it's a caller that needs fire rescue or emergency medical, that call will get transferred to one of the secondary PSAPs. Mr. VanSteenberg said they provide funding for the primary PSAPS and they also provide additional services like translating for multiple foreign languages, emergency alerting, public education, as well as a training program for all dispatches in the County.

Mr. VanSteenberg stated their budget is up for approval every year and they submit it to the Counties and the Commissioner's Court and a statute requires that a majority of the cities either

vote to approve it or take no action at all in addition to the Commissioner's Court vote for approval. Mr. VanSteenberg said they operate under a five-member board as appointed from different entities, the cities appoint two members to our board, and right now there is a vacancy from the City representatives and I believe you all have a ballot out for representation on our board. Mr. VanSteenberg said two of their members are appointed by the Commissioner's Court and one member is appointed by the Fire Chiefs of all the Fire Departments in the County.

Mr. VanSteenberg stated their budget of about \$4.7 million was funded by the 9-1-1 fees that people pay on their phone bills whether that is a landline service, a VoIP phone, a contract cell phone or prepaid cell phone, each has a 9-1-1 fee that will go to their agency and they will provide the services mentioned. Mr. VanSteenberg said overall, their budget revenue projections for the coming year are fairly flat based upon the economy and their income stream is fairly inelastic, although one income stream he believes that might be vulnerable to the economy would be prepaid cell phones, but that is a very small part overall of their revenue picture. Mr. VanSteenberg said he is projecting a 0.4% increase in revenue for the coming year and on the expenditure side, a 2.1% increase and the total expenditures are estimated at \$4,770,580. Mr. VanSteenberg said their largest single line item over \$1.7 million is for the salary reimbursements they make to the Sheriff's Office and the Conroe Police Department to answer the 9-1-1 calls and an additional \$240,000 for the data connections and phone lines necessary to connect all the call centers with the carriers. Mr. VanSteenberg said they also offer another large line item which is certificate pay and bonuses to all the call takers if they will make an effort towards additional continuing education and improvement and also for the service enhancements like translation services, emergency alerting where they provide a system where callers can submit a profile of their household that will give first responders additional information when they make a 9-1-1-call, text messaging, all those additional services are budgeted at \$145,300. Mr. VanSteenberg said those are all in their largest category of expenditures called Cost of Service and all those expenditures together increased by 3.6% for next year.

Mr. VanSteenberg said their other large category of expenditures is their personnel expenditures where they have a staff of 11 people, tech people, GIS people, and the primary parts of their budget that are an increase of 1.8% over the current year.

Mr. VanSteenberg stated they have a category of their expenditures known as general administrative for things like fuel and maintenance where they are budgeting that down 1.4% for next year.

Mr. VanSteenberg said out of their capital reserve they have some capital expenditures planned, the largest one being whether they want to purchase some land for a new facility. Mr. VanSteenberg said the facility they are in right now was built as a regional 9-1-1 call center planned back in the late '90s and they have only one entity in their building right now in Conroe at the Sheriff's Office complex. Mr. Van Steenberg said the district owns the building beside that complex and part of the building includes a call center floor, which is on the second floor of their building, and right now it just has the Sheriff's Office in it because it's not large enough to do anything on a regional basis. Mr. VanSteenberg said they are in the middle of a master planning process, so they have set aside money to buy some land if that is determined to be the need for what they want to do in the future. Mr. VanSteenberg said they have also budgeted \$500,000 that they make available to the 9-1-1 call centers for improvements in those call centers which is a revenue participation sharing program. Mr. VanSteenberg said all together it is a capital budget of over \$2 million for next year.

Rebecca Huss stated last year they added around \$80,000 to the capital fund from revenues over expenses and this year you are hoping for flat, but you were spending \$3 million in capital outlay last year, \$2 million this year, and last year was mostly technology, and your expectations are for around \$3.5 million in the capital fund at the end of this year, so how do you build up your capital fund again with that kind of continuous annual outlay if you are not saving along the way. Mr. VanSteenberg said this particular year they made a major upgrade to their system which happens about every five years and they have been setting aside some money for a possible district relocation or new facility should that be the case and have traditionally budgeted conservatively. Mr. VanSteenberg said they have been adding to their capital reserve, usually around \$250,000 to \$300,000 per year based upon their budgeting practice and said they had to trim it down a bit this year so not sure why that much, but it's just been revenues over expenditures. Mr. VanSteenberg stated they pay cash for everything and have no debt at this point. Rebecca Huss said she was just wondering because if you look at the last two years, it seems like if you have \$1.5 million in technology expenses coming up again or \$1 million or \$2 million every year, you are going to run out of reserves to pay for stuff quickly. Mr. VanSteenberg said that is a great observation and you just happened to catch the two years where we drew out of reserves a very large amount the current year we are in and planning to next year. Mr. VanSteenberg said they do a five-year capital plan and the capital plan always shows them going to zero at the end of the five years, but they always have an increasing balance because of their budgeting practices. Rebecca Huss said it is hard because she would imagine at the end of five years the stuff you invested in at the

beginning is almost worthless so there is no residual value for you to sell to someone else when you are investing in potentially lifesaving equipment. Mr. VanSteenberg said that was correct. Rebecca Huss said then you must continue to repeat every five years and put that kind of money aside and invest in that kind of technology. Mr. VanSteenberg said he agreed. Kevin Lacy asked if they had any discussions on where they might consider placing the new facility. Mr. VanSteenberg said they have some prerequisites for what type of land they would be looking for with some of the characteristics, for example, having the ability to draw power from multiple substations or at least two substations, which puts the limit on a lot of pieces of property. Mr. VanSteenberg said they are exploring a piece of property right now that is close to Montgomery near the bunker that meets their criteria.

Rebecca Huss stated she appreciates Mr. VanSteenberg coming out and said she is sure Mr. VanSteenberg remembers even though this shows up on our Consent Agenda it is usually quite a contentious topic with a lot of interest and should never be on the Consent Agenda. Mr. VanSteenberg said he has been with MCEDC for eight years and has attended four Montgomery City Council meetings. Mr. VanSteenberg said some of the cities will just approve the budget and will not even let them know, but Montgomery has always been kind enough to invite him out which he appreciates. Rebecca Huss said we are detail-oriented, and it can be tedious for some people.

Randy Burleigh moved to approve the Resolution of the Montgomery County Emergency Communication District Budget for Fiscal Year 2021. Kevin Lacy seconded the motion, the motion carried unanimously. (4-0)

4. Consideration and possible action regarding acceptance of bid and award of the construction contract for the Downtown Waterline Replacement Project.

Mr. Tramm said this is the second time this funded project has been bid this year and the first bidding process resulted in one bid submitted for \$1.3 million, which was rejected by City Council. Mr. Tramm said when the project was rebid, some items were removed from the base bid and itemized as alternate bid items, and some of the material selection changes in the project specifications were made to attract more contractors and potentially reduce the cost of the project. Mr. Tramm stated this is part of a roughly \$1.7 million funding to complete this project and Water Plant #3 improvements. Mr. Tramm said the timeline for the Water Plant #3 project is for Council to award the construction contract at the August 11th meeting with work starting in late

September or early October. Mr. Tramm said additional work on the storage tank is planned for later in the year.

Mrs. Katherine Vu, Jones & Carter, stated this is the rebid of the Downtown Waterline Replacement Project. Mrs. Vu said the first bid came in around \$1.3 million and was significantly higher than what they were hoping for. Mrs. Vu said they modified the scope to include part of it as alternate bid items and they also looked at some of the pipe material to see if there was a different pipe material they could also include as an alternate in the event it could potentially come back with better prices. Mrs. Vu said they wanted to present more options to the City to try to find the best price.

Mrs. Vu said their recommendation of award is in the packets as well as an exhibit showing how they broke it down into base bid and Alternates No. 1 and 2. Mrs. Vu said the base bid includes SH 105 from Shepperd Street over to Pond Street, it goes north on Pond Street and cuts across FM 149 at Pond Street in front of the Community Center and then goes north on FM 149 and ties in at Berkley Street. Mrs. Vu said this is upsizing all those lines, up to 12-inch lines. Mrs. Vu said through the process of rebidding, the bids came back and there were a substantial amount of alternate options for them and they ended up saving about, if you do the kind for kind, with what their original bid was with that same scope of work would be with the rebid, it is about \$204,000 lower than what it was with the rebid and the option they are recommending is about \$433,000 less than the original bid they received. Mrs. Vu said there is a substantial savings that you will experience by rebidding.

Mrs. Vu said their recommendation is to proceed with Nerie Construction for the amount of \$913,338 and what this will give you is the base bid along SH 105, Pond Street, and up FM 149 with restrained joint PVC instead of fusible PVC as the contractors were able to give them a better price and they find it to be an equivalent product. Rebecca Huss asked if that would change the maintenance outlook for the same duration in terms that it is not going to cost the City more to maintain, so we're not going to have leaks, outages, or anything like that. Mrs. Vu said no, as far as maintenance after the project is completed, a restrained joint is an equivalent product to fuse a PVC as far as duration and maintenance and it is not an inferior product to fuse PVC. Randy Burleigh asked if the one they are looking at, the restrained joint, has a bolted-on cufflink to hold it together. Mrs. Vu said that was correct. Randy Burleigh asked if those are made of iron. Mrs. Vu said she would have to go back and check, but she believes so. Randy Burleigh said he believes they make them out of iron and put some kind of coating on them because there is always a possibility of them rusting and giving way, but going back to what Rebecca Huss asked,

why didn't we use this pipe to start with and isn't this a lesser alternative than the first one. Mrs. Vu said she wouldn't necessarily say it's a lesser alternative and whenever they were putting the plans together for ease of construction and wanting to try and get out of the way as quickly as possible, the feasible PVC seemed like the ideal option. Mrs. Vu said it is a significant amount of pipe bursting and trenchless work in this project so fusible, as far as constructability would potentially be a little bit easier for contractors, but restrained joint is also an acceptable option and is not an inferior product. Mrs. Vu said the reason they saw some prices come back higher for fusible is just a familiarity difference and that was some of the feedback they got from contractors after the first bid was that they just weren't familiar with fusible PVC as much so their prices were a little bit higher. Randy Burleigh asked if we have used this type of joint on the other 12-inch lines that we have installed around town, specifically the one on SH 105 to the high school around four or five years ago. Mrs. Vu said she would have to go back and check and see what they did there as that project is not familiar right off hand. Randy Burleigh asked if the contractor is familiar then with this type of joint and not the fusible. Mrs. Vu stated yes they are, and they submitted a list of references and have done a lot of work with the City of Houston, both sanitary sewer and water lines, and have done fusible and restrained joint. Mrs. Vu stated they called their references and they said that they were good to work with and they offer no objections to working with them. Randy Burleigh asked if the two contractors we are looking at are the two that bid on the second bid or is one of these the first bid we rejected. Mrs. Vu said no, neither one of them bid on the first project.

Kevin Lacy asked if the contractors that originally bid could come back and counter or rebid the project. Mrs. Vu and yes they were given the opportunity. Kevin Lacy asked if they still did not come down on price. Mrs. Vu stated the original bidder did pull plans, but they did not submit a bid. Mayor Countryman asked what the expected life cycle is for this 12-inch line. Mrs. Vu stated usually with PVC the expected life cycle is about 40 years. Randy Burleigh asked what the linear feet of the waterline being installed is. Mrs. Vu said offhand it is 3,300 linear feet. Randy Burleigh said he was reviewing the masterplan that Jones & Carter did for the City and the City accepted in 2015, the project was for 5,000 linear feet and the price was around \$500,000 and he knows that was five years ago, but this project is almost double with a little more than half the linear feet and it looks like we have underestimated what this cost would be. Mrs. Vu said a little bit of it was in the underestimation and some of it is with the environment we are in right now with the Corona Virus. Rebecca Huss asked Mr. Tramm if it makes sense to wait on this until things stabilize or should we go ahead with this because we have already borrowed the money and are already paying for the project, so what is the cost of waiting until the Corona Virus costs

have subsided. Mr. Tramm said he has given thought to the subject in general for projects looking forward and in this case as stated, we borrowed the money and are incurring the payments, so time is an element here. Mr. Tramm said he does think we can get by for the short term without this work being done, but with the uncertainty out there, in the environment in what we are looking at over the next six months, if we end up with greater restrictions on working, he thinks there is a greater likelihood that some of those costs could go higher and said there is much more opportunity for them to go higher than it is for them to go lower. Mr. Tramm said it is a guess either way, but he thinks there is more risk of putting the project off. Rebecca Huss said they have also felt this would improve water pressure and safety on the west side of town and asked if this is still the case. Mrs. Vu said yes, the original intent behind this project was to increase pressure to the west side. Rebecca Huss said, in which case, safety does not have a value that you can quantify so going forward makes much more sense. Mrs. Vu agreed and said there is a risk of bidding a project a third time where contractors lose interest. Rebecca Huss said that was a good point.

Rebecca Huss asked about the location, they were talking about the line going north on Pond Street but sees that there are parts of Pond Street that she's never driven on included on this map, and asked if they are doing something to Pond Street as part of this project. Mrs. Vu said no, this project does not include developing Pond Street into a drivable road.

Randy Burleigh said he was all for putting the 12-inch line in and leaving out Alternative No. 2 as he doesn't think it is needed, but the original map plan and the original scope have the 12-inch line going from Pond Street going east to Flagship Blvd. right in front of the funeral home and tying into the existing 12-inch, so apparently, part of that was taken out of the project. Randy Burleigh said the last little piece which is the eight-inch in yellow Alternate No. 1 is now being taken out. Randy Burleigh said if Alternate No. 1 would be put in, you would have 12-inch to the 10-inch it ties into doing away with the eight-inch. Mrs. Vu said that is correct and that was in the original scope and she believes the 2015 did have it tying in across with the funeral home, and said the reason this was removed from the scope of work was due to budget restraints and as far as getting pressure out to the west side of the City, which was the primary purpose for this project, that piece was not as necessary to get pressures over to the west side. Mrs. Vu said originally it was included in because TxDOT was going to be doing their downtown work at the same time and so the City has approached TxDOT about AFA (Advanced Funding Agreement) where when TxDOT is already doing the work downtown, they would install the waterline at the City's expense. Mrs. Vu said since TxDOT is not doing that project at this time, the timing

doesn't work out as well as they would hope and then with the budget restraints, it is a piece that eventually will need to be done but it does not need to be done right at this moment. Randy Burleigh said a lot of that 12-inch on the east side also went into the master plan as far as fire contingencies.

Randy Burleigh stated he has no problem with what they are trying to do, but the problem he has is with the process of trying to lump these projects together and with this one we undershot pretty good, so now we have to take a cut and whatever is left in the pot, we will have to fight over for Water Plant #3 and that is the process that has killed the City in the past like Water Plant #3 and the coolant tower issue that they dealt with for the last four years. Randy Burleigh said he has no problem with the project as we need the 12-inch line. Randy Burleigh said it would be nice to be able to do one project at a time instead of tying it into a package with preset funds. Randy Burleigh said now we are going to have to cut these projects up from the master plan which everything was decided on five years ago, the impact fees are based on all of that and now we are dividing it up because of budget, which will impact all the calculations and decisions that were made five years ago. Rebecca Huss said you have to also take into account that five years ago was a really long time ago in terms of the development and things have changed significantly, so it might be time to reevaluate how some of the pieces fit given how things have developed in what needs to be done and there may be a different way to achieve some of the goals given how some things have built out already. Randy Burleigh said he thinks the first thing he would do before he would get the loan, based on that data, would be to get down to brass tacks and see how much it would cost, but we have already borrowed the money and are stuck now and have to stay within those constraints like we did with Catahoula Well, as it happened to us then and would hate to see it happen to us again. Randy Burleigh said he agrees the price has changed from 2015 to now, he has no issue with that, the problem is maybe they got the loan too early before they knew what they would need for these projects. Rebecca Huss said she hopes there is opportunity to modify the scope on some of the projects even if they are in the right ballpark at least, maybe they are shooting for left field instead of center field on some of them and might get approval for specific projects as long as they are fairly close to what they originally borrowed.

Kevin Lacy asked about what they are planning and is there going to be enough for what needs to be done, are any of these projects going to have to be redone or modified later based off the growth that is going to happen. Mrs. Vu said the projects that are being completed are intended to serve the future productions of the City. Mrs. Vu said the study that Randy Burleigh has mentioned was completed in 2015 and there were some projections completed in that study as well and they have gone back and revised their projections based on how development has

occurred and seeing the pace of growth based on what has actually happened compared to what was projected in 2015, which is a projection, and so taking the actual data and actual growth, they have modified it and so these projects, both this one and the Water Plant #3 Improvements Project will be sufficient to carry us into the future for the future growth of the City. Kevin Lacy asked if this is enough to continue forward. Mrs. Vu said yes. Rebecca Huss said there is no reason as well, even though this is the pot of money the \$1.7 million for this project and Water Plant #3 does not mean they can't find more money to put into what needs to be done for Water Plant #3 if what needs to be done is what needs to be done, they will have to find the money to pay for it. Rebecca Huss said if a house needs a new roof, you can not just fix half of it, you have to fix the whole thing regardless of how you pay for it so there is the convenience to have the money from the TWDB at low-interest rates, but if we have to find the money then we will need to find it somewhere even if it is not from the same source. Mrs. Vu said that is right and after the Water Plant #3 project bids which is in three weeks or so, they will be sitting down with City Staff and looking at budgets for how did the Water Plant #3 project come in which has some alternate items to give them the same kind of flexibility they experienced with this project and see what makes sense and what is necessary for the City and what does the City have to do and where is the funding going to come from whether it is from the TWDB and then get City Staff's input on any other potential funding sources if needed. Rebecca Huss said it may be as well where things are modular where you can get a lot of it done all at once and then something could be added on at a separate time when money is more available or as a second project.

Randy Burleigh said he looked at three different maps and all of them were different and hopefully the last map is correct from where the existing lines are and where this line is going to go because the first one in 2015 of the master plan shows it going down FM 149 and replacing the line down there where the six-inch line was. Randy Burleigh said the last map shows it being moved to Pond Street and now the water line shows to be on Pond Street. Randy Burleigh asked if they did any verification to make sure the lines are where they think they are because just in three or four years he sees maps with lines in different places. Mrs. Vu said since those maps were originally created, they have done more verification and worked with Public Works to verify the location of those water lines and whenever the survey was completed for this project, she went out with Mr. Mike Muckleroy and Mr. Muckleroy potholed some of the lines to make sure that especially in the undeveloped portion of Pond Street that this is where the water line is because they don't want to be replacing a water line that doesn't exist. Randy Burleigh asked if this was all trenchless pipe. Mrs. Vu stated there is some open cut whenever they are going across in areas where they can do open cut, they are doing an open cut, and prices come in a little bit

better, but there is a significant amount of trenchless work to be done in here. Mrs. Vu said another part of the scope of this work is they included a temporary water line in the bid so it is one of the bid items and the contractor is required to set up a temporary water line and temporary connections to keep everyone in service and try to minimize the impact to everybody. Randy Burleigh said in front of Mr. Chris Cheatham's building by Cedar Brake Park, it has nice paver stone along SH 105, he thinks they put the 12-inch line in there already, so it will not need to be torn up. Mrs. Vu said that is correct and so whenever he was developing his site, they went ahead and put in that 12-inch line there and it is stubbed out on the northwest corner in Cedar Brake Park so they will be tying into the stub-out right there and as you continue to go east, there is another stub-out on the other side of his property. Randy Burleigh said they do not see any problem with the eight-inch on the east side with Alternate No. 1. Mrs. Vu said no, not at the moment but eventually it would be nice to upgrade that to a 12-inch and extend it to the funeral home, but as of right now that is not a point of restriction for getting water over to the west side of the City and increased pressure and water quality and so the route they are taking is what they have determined to be the most efficient way to get those increased pressures and better water quality to the west side. Randy Burleigh stated he thinks that is for the east side of town, Kroger and all the commercial on the east side, especially if you lost the water supply coming across the bridge that was replaced a while back and all the water will have to come through here and Buffalo Springs to get to all the commercial businesses on the east side, correct. Mrs. Vu said the commercial businesses on the east side have a water line that comes down Lone Star Parkway. Randy Burleigh said that was correct and that is why they put in a 12-inch across the bridge, but the best plan was trying to make a loop in case you lost one source you could get it from the pipe right there and that is why it was being put in a 12-inch versus an 8-inch.

Rebecca Huss moved to award the contract to Nerie Construction, LLC based on the proposal for the base bid plus Alternate No. 3 in the amount of \$913,338. Kevin Lacy seconded the motion.

Discussion: Mayor Countryman said she did not have Alternate No. 3 on the bid sheet; it says Alternate Item No. A16. Rebecca Huss said Alternate No. 3 is the substitution of the waterline material included in the Base Bid from fusible PVC to restrained joint PVC and it replaces Bid Item Nos. 2, 15, and 22 with Bid Item No. A16.

The motion carried unanimously. (4-0)

5. City Administrator update regarding unattended donation boxes.

Mr. Tramm stated since the last City Council meeting staff has been looking more closely at the unattended donation boxes as well as the formulation of an Ordinance related to the item. Mr. Tramm said staff believes we should look at an Ordinance that requires a donation box within the City to be manned and while that will limit the number of sites out there, staff thinks that is the best solution. Mr. Tramm said they plan to put together a list of donation opportunities that are available in the local area to keep at City Hall and to include with the regular mailers.

Mr. Tramm stated the recommendation and input from staff is they want to see if Council would be agreeable for moving in that direction or if Council wants them to go in the direction of permitting the unmanned sites and if that is the case that Council wants, we will make that work, but staff's recommendation in this regard is to go the direction for manned sites. Mayor Countryman said it would be great when folks come in to connect their water account and who are probably moving in and purging and maybe in the welcome bags we can give them donation information as well. Mr. Tramm said we could do that for incoming people where we give them welcoming information and we would plan to send it out regularly with mailings. Mayor Countryman said it sounds like great alternatives to what she has been seeing in town.

Rebecca Huss said she is disappointed because it is not the outcome that she wanted but understands and respects what staff has tried to come up with and it just doesn't look like it makes sense from a workflow perspective or a visual attractiveness perspective, so she doesn't see that they have an alternative unless they go with what is being recommended. Mr. Tramm said it is not the direction he thought they would end up at, but the closer they looked at it, it just seemed to be the most realistic. Mr. Tramm said the part that got him the most was there were a couple of these they took photos of so as they monitored them, you would see in one photo one item moves from one area to another and then in a third photo it moves again and staff ends up feeling like they are wearing the striped shirt of the referee. Mr. Tramm said they are not doing the complete job and the City ends up potentially suffering.

Kevin Lacy said he would like to introduce a third option and would very much like to consider banning them from the City simply because there are lots of different opportunities for donating through government, churches and different organizations here in Montgomery where they will actually take those items and give them to people that are in need rather than selling them or chopping them up and selling as oil rags for profit.

Mr. Tramm said one of the reasons they didn't look at an outright ban is that ends up being a tall hurdle to get over, but it is certainly one that he can discuss later this week with the City Attorney and we can bring that back to Council either way. Mr. Petrov said outright bans come with some constitutional issues, first amendment issues and there are some cases out there where cities have outright banned it and it is like the bans against panhandling, you can regulate it but you really can't ban it. Mr. Petrov said the way most cities are going is to require the manned collection stations, which for the most part does effectively ban it because these companies are not going to put a live person out there and keep him there on the payroll for the most part, but we can look into that further if you want us to. Kevin Lacy said these are not donation boxes, it is a for-profit business that is taking these things and selling them, and his question is what are the benefits to the City, are they paying taxes to us from what they collect. Mr. Petrov said there is going to be a difference between the for-profit and the non-profit. Kevin Lacy said he is more interested in the non-profit that goes to help people. Rebecca Huss said that is a personal choice and said recycling is not a problem for her, as long as it is fairly labeled she does not think that is an issue, but either way, avoiding litigation and the expense thereof seems to be an important priority and she talked it up last time so what they were hoping to go for doesn't seem to be an option so let's do what Mr. Tramm said and try and go the route that involves the least staff time and results in the best looking City while avoiding litigation. Kevin Lacy said he agreed with Rebecca Huss and that would be his preference. Mr. Tramm said when it comes to the items that we would put together with the donation list, one of the first things they discussed internally is contacting the local churches and the local organizations that are here in Montgomery where something you might donate would go to somebody within the community and he was sure they will have other larger organizations that might be further out countywide and regional on the list, but they will try to keep the City-specific ones closer to the forefront of the list. Rebecca Huss said you can always put for-profit recycling in there as a category. Rebecca Huss asked if they agreed that is the best way to go. Mr. Tramm said it sounds like we do, and he is satisfied. Rebecca Huss said unfortunately she thinks they don't have a choice as that is where they've come to as you can't leave it as it is and you can't outright ban it so the middle road seems to be the only choice they have. Mr. Tramm said since that was different from the conversation they had at the last meeting, that is why he wanted to come back with an update and get input from Council before they would proceed. Kevin Lacy asked just to be clear, we are not talking about permitting, we are talking about requiring staffing. Mr. Tramm said yes. Kevin Lacy asked what hours and days are we asking for the staffing. Mr. Tramm said that is something they will need to discuss internally, and they did not want to proceed further until they had input from Council.

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.)

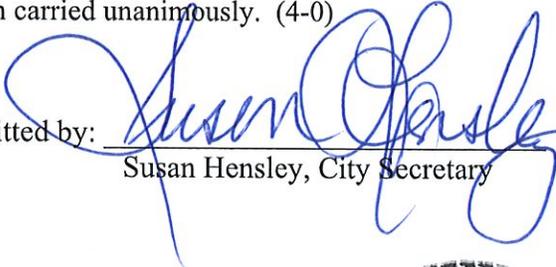
COUNCIL INQUIRY:

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

There were no comments.

ADJOURNMENT

Rebecca Huss moved to adjourn the meeting at 7:00 p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

Submitted by: 
Susan Hensley, City Secretary

Date Approved: 07/28/2020

Mayor Sara Countryman

