

**MINUTES OF PUBLIC HEARING AND REGULAR TELEPHONE
CONFERENCE/VIDEO MEETING
September 8, 2020
MONTGOMERY CITY COUNCIL**

CALL TO ORDER

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

Present:	Sara Countryman	Mayor
	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
	Tom Cronin	City Council Place # 5

Absent:

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

VISITOR/CITIZENS FORUM:

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

- State or type your name at the time of making your comment.
- Limit comment to a maximum of three minutes.

Mr. Oscar Huss, with Boy Scout Troop 491, was present as part of the requirements to earn his communication merit badge. Mr. Huss thanked City Council for allowing him participate in the meeting.

CONSIDERATION AND POSSIBLE ACTION:

1. Consideration and possible action regarding acceptance of the bid and award of the construction contract for Water Plant No. 3 Improvements. (Tabled at the August 25, 2020, Meeting)

Mr. Tramm presented the information to City Council advising that no action was being requested at this time. Mr. Tramm advised they had a meeting on September 3, 2020, to discuss this item with City staff, City Engineer and Randy Burleigh. Mr. Tramm said it was agreed the City should conduct an internal inspection of the ground storage tank, which they were looking at replacing and reevaluate the condition of the tank and make a determination whether the City should rehabilitate or replace the tank. Mr. Tramm said due to the ground storage tank representing a significant portion of the total project, removing the ground storage tank would necessitate rebidding the project. Mr. Tramm said they are looking at whether to have the inspection done by a diver or internal inspection of a fully drained tank is appropriate. Mr. Tramm said if they are going to do a drained internal inspection they are going to have to wait until the weather cools down and they have less demand on the water system. Mr. Tramm said it was determined and agreed upon by the group the City should remove the cathodic protection item from the bid consideration, and the 15,000-gallon hydro-pneumatic pressure tank, new cooling tower and exterior recoating items should be included in the work to be completed.

Mr. Tramm said several items were discussed as possible change items, including the conversion of water treatment plant facilities from gas to liquid feed chlorine. Mr. Tramm said the installation of a 500-gallon booster pump could be included if the City were to decide it was going to rehabilitate the ground storage tank versus replacement as described in the base bid.

Mr. Tramm asked the City Attorney if they should continue to table the item. Mr. Petrov, City Attorney, advised that they should table the item for the next meeting. Mr. Tramm said if the City does not replace the ground storage tank, but instead does maintenance items, they would need to amend the budget in the future so they are not categorizing maintenance work to be paid from the capital projects fund.

Mr. Tramm said the City Engineer is going to get with the bidder to see if they would be willing to hold their bid until the tank can be inspected and they determine if the project needs to be split or they should rebid ahead of the tank inspection.

Mr. Roznovsky, City Engineer, said he thought they should have a better idea by the next meeting of their potential options and decide on what to do with the tank and the rest of the items. Mr. Roznovsky said if they need to wait to inspect the tank in person, they will likely want to delay the whole project because they do not want to replace the tank too late in the year.

Randy Burleigh asked about inspection of the external thickness of the tank with the tank still in service. Mr. Roznovsky said that was an option and they are looking at the pros and cons to make sure they can get a good enough reading to determine how that tank looks inside. Mr. Roznovsky said a lot of the issues they saw five years ago were pitting locations versus metal thickness loss.

Rebecca Huss said her only comment was maintenance work should never be paid from the capital projects fund, regardless of which path they choose. Rebecca Huss advised she did not feel they should amend the budget in the formal way, they just need to change what they are looking at prior to formal approval of the project.

Mr. Tramm said he knew they did not want to expend capital funds on maintenance projects and he knew that amount will fluctuate, pending on whether the tank is replaced or becomes a maintenance project. Mr. Tramm stated the final amount will not be known until their final determination is made. Rebecca Huss said some of the other items in the original bid were also for maintenance items, so those items should be stripped out regardless of what path they

choose. Mr. Tramm said he agreed with this action, stating the maintenance items should be paid out of the water and sewer funds and capital items out of the capital projects fund.

Mr. Roznovsky said he did not think they would be able to inspect the tank and get the work done prior to the next City Council meeting. Mr. Roznovsky said his recommendation was to continue to discuss and table the item, so if things change and the contractor agrees to hold his bid price beyond the required 60 days, and the inspection comes back and shows they agree that the tank needs to be replaced, they will already have the bid and contractor in place. Rebecca Huss said tabling the action shows the contractor that we are sincere in addressing the issue, which is what the City Attorney is recommending as well. Mr. Petrov said that he did recommend tabling the item.

Rebecca Huss moved to table the item until the next regular meeting to be held on September 22, 2020. Randy Burleigh seconded the motion, the motion carried unanimously. (5-0)

PUBLIC HEARING

Convene into Public Hearing:

For the purpose of giving all interested persons the right to appear and be heard regarding the following:

2. **Budget Public Hearing:** for the proposed of hearing public comments regarding the proposed 2020-2021 City of Montgomery Fiscal Year Operating Budget.

“THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$50,255 OR 4.62%, AND OF THAT AMOUNT, \$31,618 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.”

Mayor Countryman convened the Public Hearing at 6:14 p.m.

There were no comments made during the Public Hearing.

Adjourn Public Hearing

Mayor Countryman adjourned the Public Hearing at 6:14 p.m.

Reconvene into Regular Meeting

Mayor Countryman reconvened into Regular Meeting at 6:14 p.m.

CONSENT AGENDA:

3. Matters related to the approval of minutes of August 25, 2020, Regular Meeting.

Rebecca Huss moved to table approval of the minutes until the next September 15, 2020, Special Meeting. Kevin Lacy seconded the motion, the motion carried unanimously. (5-0)

4. Consideration and possible action regarding an Encroachment and Maintenance Agreement for The Shoppes at Montgomery proposed monument signage.

Rebecca Huss said she had concerns with approving this item prior to receiving compensation for the water loss and repairs that occurred on August 21, 2020. Rebecca Huss said she would rather table or pass the agreement pending payment of the invoice. Rebecca Huss stated the contractor ruptured the City's 12-inch waterline on August 21, 2020. Rebecca Huss said she wanted to make sure the City was compensated for the repair of the waterline and water loss prior to approval of the Encroachment Agreement. Rebecca Huss said this was a real loss to the City's water users, which is borne by somebody, and if not, the overall taxpayers it is the water users including the smallest ratepayers.

Mr. Tramm said he no objection to those items, stating if they approve it contingent upon the receipt of all the funds due to the City that will allow staff to process it quicker because they could move on it between Council meetings, but he was open to what City Council decides. Mr. Tramm said if a similar situation occurs in the future, they will be holding the item until they have the invoice processed and payment received or confirmation it is being sent. Mr. Petrov said City Council could legally approve the Agreement contingent upon payment being received.

Rebecca Huss asked if there was any feeling by the contractor or developer this was not their fault. Mr. Tramm said he has not heard any comments back stating the invoice was just sent out today. Mr. Tramm said it was pretty clear that this was their issue because the waterlines were marked and they used their machinery where the line were marked.

Tom Cronin asked what the total amount of the invoice. Mr. Tramm advised the invoice was for \$3,300. Mayor Countryman asked if that included the loss of water. Mr. Tramm advised that included the loss of 250,000 gallons of water. Mr. Tramm said they set the rate of the water as they do when they have a fire hydrant, with no wastewater costs included. Randy Burleigh asked if they had to pay a contractor to repair the leak. Mr. Tramm advised the repairs were done internally by staff and Gulf Utility, and their time was included in the invoice. Rebecca Huss said she did not like the thought of losing 250,000 gallons of water during a burn ban and this time of the year, stating it is a dangerous time to be rupturing large water pipes.

Rebecca Huss said she would like it to be a policy of the City going forward that no business be brought forward until the bills are cleared in cases like this. Rebecca Huss said they need to use the City's ability to encourage payment of debt before the Certificate of Occupancy, at the very least, especially when they are asking for things to be approved when they have incurred cost to the City. Mr. Tramm said he was certainly agreeable to that and they will not be bringing things like this before City Council prior to payment to the City.

Kevin Lacy said he felt they could approve the Agreement contingent upon payment and satisfaction of the invoice. Randy Burleigh said he could agree with that action.

Rebecca Huss moved to approve an Encroachment and Maintenance Agreement for The Shoppes at Montgomery proposed monument signage, contingent upon receipt of payment for the full amount of damages for breaking the 12-inch water line and the loss of water. Kevin Lacy seconded the motion.

Discussion: Randy Burleigh asked Mr. Roznovsky about the document that states there is a force sewer main below where the sign is going to be installed and if that was a six-inch line they are going to use for Lift Station #3. Mr. Roznovsky advised that was the same line but not where they are going to use it, it would end closer to McCoy's and tie in there. Mr.

Roznovsky said right now that line is capped at the end where it used to go from Lift Station #1. Randy Burleigh asked if that was going to be close to a dead line, main sewer and main water. Mr. Roznovsky said that was correct, adding the sewer is deep at that location and the water is the main concern.

The motion carried unanimously. (5-0)

CONSIDERATION AND POSSIBLE ACTION:

5. Consideration and possible action regarding adoption, by record vote, of the following Ordinance:

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS ADOPTING AN OPERATING BUDGET FOR THE FISCAL YEAR 2020-2021.

“THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$50,255 OR 4.62%, AND OF THAT AMOUNT, \$31,618 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.”

Mr. Tramm advised City Council conducted a Budget Workshop on August 31, 2020, and the comments and changes discussed had been completed. Mr. Tramm advised pending final decision of the Water Plant 3 bid, specifically the ground storage tank, these decisions will adjust the amount of funds that are expended for capital construction and maintenance. Mr. Tramm said when a decision is made, he will approach City Council with the budget amendment to revise the amount transferred from the water and sewer fund to the capital projects fund. Mr. Tramm said this also includes two fund transfer items in the current year budget that were noted for correction by staff that will be picked up during the planned year-end budget amendment. Mr. Tramm said since those items are in the current year budget they are not noted for adoption for today.

Mr. Anthony Lasky, Senior Accounting Clerk, reported there were updates to four funds, and that the police asset and forfeitures, court security, court technology and hotel occupancy did not change. Mr. Lasky said the only things done on the debt service side was updating the ad valorem tax number, which in turn changed the surplus number for debt service.

Mr. Lasky said the water and sewer fund was more cosmetic changes, with one change to Line Item #26901 which changed from \$46,311 to \$46,211 because of \$100 on page 21, groundwater reduction expense that was off by \$100. Mr. Lasky said that figure has been corrected in the summary as well.

Mr. Lasky reported in the capital projects fund he had changed the summary and revenue pages, by moving interfund transfers separately to their own category and separated out the surplus and GLO funds.

Mr. Lasky advised in the general fund revenues, they had updated the ad valorem taxes to \$847,070, and the building permits amount of \$245,000 will remain. Mr. Lasky said on the administration side they updated the transfer to surplus and transfer to mobility investments and added the accounts for the infrastructure and mobility investments they will be corresponding to.

Mr. Lasky said on the police side the only change was the \$8,000 that was moved out of capital outlay miscellaneous into a new account called office equipment. Mr. Lasky said in the court fund it was just a couple of changes that were discussed during the budget workshop. Mr. Lasky said in public works under #16299 – inspection permits was discussed and \$192,500 was a good number.

Randy Burleigh asked about the capital project fund summary page, where they are starting the proposed budget year with \$2.5 million dollars, and asked about the calculation of the total cash flow, surplus of \$1.3 million dollars, and then adding in the \$767,000 as income. Mr. Lasky advised that was correct, that was what offsets the \$4,578,713 in expenditures. Randy Burleigh said they were the same, so if they take the revenue from expenses as zero, they start out with \$2.5 million dollars and asked why they are ending up with \$1.1 million dollars. Mr. Lasky said that was because they were using surplus to pay the remaining projects that are

going to be budgeted for this fiscal year. Randy Burleigh asked if they were counting it twice. Mr. Lasky said it was not really being counted twice, stating that it was like the debt service side. Rebecca Huss said \$1,181,000 plus \$1,382,000 equals \$2,564,000, stating they are drawing out of the City's bank to pay for the projects, and then the \$1.181,000 million that is left over is what remains in the bank. Rebecca Huss said most of that money is the TWDB money the City borrowed a couple years ago that has not been used.

Mayor Countryman asked if there is a home for those funds, or are they going to continue to carry over the funds. Rebecca Huss said there are identified projects for those funds. Mr. Roznovsky said those funds are for the Lift Station No. 1, which is finalizing now, the Waterline Replacement that was awarded in July and they are finalizing the contracts, Water Plant No. 3, which is being discussed, and the fourth project is a force main reroute that is not in the budget but is one they put on hold. Mr. Roznovsky said if there are funds available next year, they would use them. Mayor Countryman said they got the funds prior to her being elected, over 2½ years ago, and we are just now spending the funds. Mr. Roznovsky said they are spending it in bits and pieces as the projects progress. Mayor Countryman asked if the funds were in an account where they make money on the GLO funds. Mr. Roznovsky said he did not know about the GLO, but they are making high interest with the TWDB funds. Mr. Petrov said with bond funds if you earn interest over the interest paid you ultimately must repay that to the IRS and is considered Arbitrage. Mr. Tramm said they are not able to make Arbitrage, however, with the current interest environments he felt there was no chance of that occurring. Mr. Petrov said they could recoup their expense and zero it out, so you are not losing money. Rebecca Huss said she did not think they were making loads of money, she thought it was just that it was not hurting the City to sit on the funds and it turned out some of the projects were less urgent and the needs had changed, which is why the funds did not get spent. Rebecca Huss said depending on what happens once they get to the end of their originally envisioned projects; they might need a final project approval.

Mayor Countryman asked if they were able to change the scope of the project or the items from the initial list. Mr. Roznovsky said they have submitted the original scope of the projects when they started, and then they submit when they go through design and construction. Mr. Roznovsky said when the TWDB came out last week to do the inspection on the Lift Station,

they had lists, and based on what the City provided, they did the inspection to make sure the scope of what was approved was what was done.

Randy Burleigh asked about the Hurricane Harvey refund of \$365,000, which he saw in the capital project fund as a revenue, and he thought it was in the general fund also as a revenue and asked if that was a transfer from the general fund to the capital project fund. Mr. Lasky said it came in from the capital projects fund and was transferred into the general fund.

Randy Burleigh commented that in the future it would be good to work on cleaning up the budget for the future City Council. Mayor Countryman said she thought that would evolve over time and said it is now a lot cleaner. Mr. Tramm said it is a work in progress and said they have plans to work on this long before the next budget cycle.

Rebecca Huss moved to adopt the Ordinance previously read to adopt the Operating Budget for Fiscal Year 2020-2021 for the City of Montgomery. Kevin Lacy seconded the motion. The motion carried with the following record vote:

Rebecca Huss – Aye

Kevin Lacy – Aye

Tom Cronin – Aye

Randy Burleigh – Aye

T.J. Wilkerson – Aye

The motion carried unanimously. (5-0)

6. Consideration and possible action to ratify the property tax increase reflected in the Budget, by record vote, since the 2020-2021 Budget will require raising more revenue from property taxes than in the previous year.

Mr. Tramm advised on August 25, 2020 City Council approved the proposed tax rate for 2020 at .4000/per \$100. Mr. Tramm said since this rate is above the No-New Revenue Rate it will generate more revenue than the previous fiscal year, this is required by statute to be ratified with an additional record vote.

Rebecca Huss moved to ratify the property tax increase of \$.4000/per \$100 valuation as reflected in the Budget, that was originally approved by City of Montgomery City Council on August 25, 2020, by record vote, since the 2020-2021 Budget will require raising more revenue from property taxes than in the previous year. Kevin Lacy seconded the motion. The motion carried with the following record vote:

Tom Cronin – Nay

Randy Burleigh - Aye

Kevin Lacy – Aye

Rebecca Huss - Aye

T.J. Wilkerson – Aye

The motion carried with a vote of 4-Ayes and 1-Nay by Tom Cronin. (4-1)

7. Consideration and possible action regarding a variance request for a proposed sign located at 14030 Liberty Street as submitted by Freedom Benefit Solutions.

Mr. Azmir Islam with New Modern Sign presented the sign variance request, advising he was working with DeeDee and Bonnie Albright. Mr. Islam said they were trying to place the sign in a spot where they could get the proper height for visibility and it was rejected because he was told it was too tall. Mr. Islam said he surveyed six to seven signs that are within one mile of this location, the bank, and restaurant across the street have signs that are 21 and 32 feet in height. Mr. Islam said they shrunk the sign down and took the skirting off, but they want good visibility for the sign so they were seeing if they could get a variance to get the desired height of 18 feet 7 inches. Mayor Countryman asked Mr. McCorquodale why the City rejected the sign proposal.

Mr. McCorquodale said staff does not have the ability to approve the sign because it does not meet the requirements, so ultimately to have the sign approved as it is City Council would have to grant the approval. Mr. McCorquodale said staff must go by the City Code. Mayor Countryman asked if the property was in the Historic District. Mr. McCorquodale said it was not in the Historic District. Randy Burleigh asked if the Planning and Zoning Commission reviews this information. Mr. McCorquodale said no they do not review the sign ordinance.

Mr. Tramm said the signs that they are referring to that do not comply were in place before the City's ordinance was in place. Rebecca Huss said the ordinance was put in place when she got on City Council because there was concern as the City was growing they would end up looking like FM 1960, so monument signage was an important part of the overall look of the City. Rebecca Huss said control of how the City looks is an important part of maintaining the aesthetic appeal of the City. Rebecca Huss said she would continue with the monument signage and restriction on height as an important thing they go forward with, so she is definitely not in favor of this.

Mr. Islam advised the property is in a ditch, so it sits lower. Mr. Islam said when they proposed the sign they did set it up as a monument sign and put skirting on the bottom to meet the looks of the City, but the skirting is making the sign go over the square footage allowed. Mr. Islam said if they remove the skirting and raise the sign, then they meet the square feet but then they have a height restriction problem. Mr. Islam said that is why they did a second drawing for a variance, where they can make a smaller skirting, reduce the sign a couple of feet, and still fall within the guidelines of the square footage. Mr. Tramm said the problem with reducing the skirting is you create a pole sign, which is a violation of the sign ordinance. Mr. Islam said for the variance they can do smaller skirting and have everything covered, and maybe instead of 18 feet 7 inches, they could go with 15 feet. Mr. Islam said since the property is in a ditch there is a five to six-foot difference in height compared to their neighbor's sign.

Rebecca Huss said the sign ordinance is what it is and was freely available on the City's web site. Rebecca Huss said the aesthetics includes the skirting. Rebecca Huss said she is sorry her property is in a ditch, but the way the City looks is an important part of what City Council, over the last six-plus years, has been working toward. Rebecca Huss said making an exception like this is a slippery slope, whereas the signs used in the backup material are exactly what they are trying to get away from and not using as a base reference for variances. Mr. Islam said they want to see if they can get a little more height than what the City is authorizing. Rebecca Huss said 15 feet is a 50 percent increase in the height, which is not a little bit, that would be five inches. Mr. Islam said Ms. Albright deals with a certain type of customer, so they want to get that message across to the traffic passing by. Rebecca Huss stated if the signs that are in the area were to fall, they would not be allowed to be put back up because they are pole signs.

Rebecca Huss said they can replace certain parts of their signs, but they cannot replace the pole portion of the sign.

Ms. Albright said their business is not a normal insurance agency, so without letting people know what kind of business they do they cannot stay in business. Ms. Albright said they need the sign, so people know they are offering specialized self-insured and Medicare agency and there is no way to advertise that any other way. Kevin Lacy asked if the issue was regarding the height of the sign. Ms. Albright said they will make the sign look professional; it is just the sign is in a ditch. Ms. Albright said they are trying to get the base of the sign to the level where their building base starts. Ms. Albright said they were trying to get a variance, so they did not have to bring in dirt to build up the ground to put the sign in. Ms. Albright said if they must bring in extra dirt and a retainer wall, they will do that, but she felt they could make it look good.

Tom Cronin asked if Mr. McCorquodale if he could meet with them to come up with an acceptable consensus that could be brought back to City Council. Mr. McCorquodale said he would be glad to do that. Mr. McCorquodale said the dirt work could negate the need for the variance, but the cost and effort to do that would probably out weight the benefit of having it higher. Mr. McCorquodale asked City Council if there was a comfortable height, knowing the property will be approximately five feet lower than the street elevation, or any other direction that they want to provide.

Mayor Countryman asked if there was some type of vegetation that could go around the sign, or if there was some way of having the sign inside the bricks. Mr. McCorquodale said they could build up the planting base around the sign around 24-inches and shrubs under the sign. Mr. McCorquodale said there might be an option of a raised planter around the base of the sign while keeping the skirting around the bottom, so it still appears to be a solid mass.

Rebecca Huss said she was not willing to compromise on the pole sign, but if they have the appearance of the ground, not lattice skirting, but solid like brick or a combination of brick and permanent greenery, she would be willing to compromise on that. Ms. Albright said they could look at doing that. Mr. Islam asked if they do the masonry work and do a smaller skirting, or get rid of the skirting, and just do masonry work so the sign does not have to decrease in size.

Mr. McCorquodale said City Council would like to see several feet in height come off of the sign, and when he stated the skirting he is talking about metal, with a retaining wall and vegetation. Mr. McCorquodale said they need to take three or more feet off the height of the sign. Mr. Islam said he can create some renderings and if they do reduce the height, they would just like to keep the cabinet and LED display the size it is, which is below 100 square feet, and they will add the shrubs and masonry so the sign does not appear too small.

Mayor Countryman asked if the sign lights up at night. Mr. Islam said yes, the top portion of the sign stays lit and the bottom portion is the LED display where every five minutes the message changes. Mr. Islam said they can advertise the temperature, weather or even lost children announcements for the City. Mayor Countryman said they have enough information to give direction. Mr. Islam said he can provide all the renderings when he meets with Mr. McCorquodale, which he can adjust to satisfy the requirements. Mr. McCorquodale will schedule a meeting with Mr. Islam. Ms. Albright said she really appreciated the City Council listening to her and hopefully they can work something out. Ms. Albright asked if this would have to come back to City Council. Mr. McCorquodale said yes it would come back to City Council on September 22, 2020. Ms. Albright said it is open enrollment for Medicare, which happens one time a year and begins on October 1, 2020. Ms. Albright said if they miss open enrollment, that is 90 percent of their business. Ms. Albright asked if Mr. McCorquodale could approve the variance. Rebecca Huss said no, he would not be allowed by the statutes of our City to make decisions like that, City Council has rights and responsibilities to the citizens, and this is one of them. Mr. Islam asked to confirm that Mr. McCorquodale would help them with their presentation and then bring it back to City Council. Rebecca Huss said that is correct. Mr. Islam said they appreciate City Council listening to their requests.

Mr. Tramm said if they were ready to present the information, they could add this item to the September 15, 2020, Special Meeting. Kevin Lacy asked how long it will take before the sign is erected. Mr. Islam said it would take about two to three weeks.

Mr. Petrov said City Council can direct staff to work with the applicant and bring back to City Council at whichever meeting might work.

Rebecca Huss moved to direct staff to work with the applicant on this item. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

8. Consideration and possible action regarding a Consent to Encroach for Lot 33, Block 3, of Waterstone on Lake Conroe Section One.

Mr. Tramm presented the information to City Council, stating this property is a vacant lot and was originally planned to be a corner lot. Mr. Tramm advised when Section 2 was platted and developed this street ended up moving one lot to the north, which resulted in this becoming an interior lot. Mr. Tramm said normal interior lots in Waterstone have a five-foot side building line in compliance with the requirements of the City at the time. Mr. Tramm said the owner is requesting consent to encroach on the original 20-foot line into the utility easement and side building line so it would leave the effective five-foot side yard. Mr. Tramm said if approved, this agreement would result in the same building lines of the other interior lots in Waterstone, Sections One and Two. Mr. Tramm said there are no utilities located in the utility easement and staff has no objection to this request.

Kevin Lacy asked if the five-foot issue was there when they purchased the property. Mr. McCorquodale said yes it was five feet at the time this was platted.

Rebecca Huss asked if they will ever officially replat the property. Mr. McCorquodale said this instrument gives them a clean title instead of having to replat the property and get signatures from all the property owners. Mr. Petrov said this will take care of the matter without having to replat the property.

Randy Burleigh asked about the symbol that goes across the street and into the lots across the street. Mr. McCorquodale said that is a 20-foot drainage easement. Mayor Countryman said that was the ditch that comes from FM 1097, Atkins Creek. Mr. Roznovsky said that is a 20-foot drainage easement that goes from the reserve, the park area behind the homes, down to the water.

Tom Cronin moved to Consent to Encroach for Lot 33, Block 3, of Waterstone on Lake Conroe Section One, as presented. Kevin Lacy seconded the motion, the motion carried unanimously.
(5-0)

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.

9. Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, in accordance with the authority contained in the following:
 - a) Section 551.071 (consultation with attorney); and
 - b) Section 551.072 (deliberation regarding real property).

No Executive Session was conducted by City Council.

Reconvene into Open Session.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

10. Consideration and possible action(s), if necessary, on matter(s) deliberated in Closed Executive Session.

No action was taken.

COUNCIL INQUIRY:

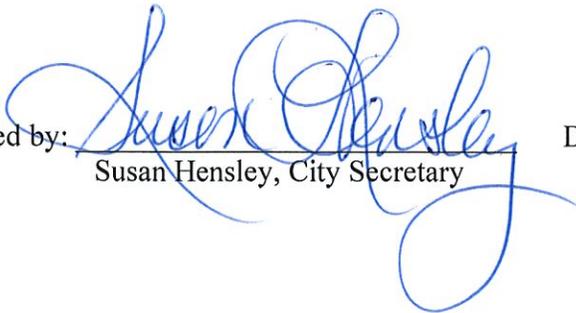
Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy

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 made by City Council.

ADJOURNMENT

Rebecca Huss moved to adjourn the meeting at 7:19 p.m. Randy Burleigh seconded the motion, the motion carried unanimously. (5-0)

Submitted by: 
Susan Hensley, City Secretary

Date Approved: 09/22/2020


Mayor Sara Countryman

