

**MINUTES OF REGULAR TELEPHONE CONFERENCE/VIDEO MEETING**

**October 13, 2020**

**MONTGOMERY CITY COUNCIL**

**CALL TO ORDER**

Mayor Pro Tem T.J. Wilkerson declared a quorum was present and called the meeting to order at 6:01 p.m.

Present:	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:	Sara Countryman	Mayor
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Also Present:	Richard Tramm	City Administrator
	Susan Hensley	City Secretary
	Alan P. Petrov	City Attorney
	Dave McCorquodale	Assistant City Administrator

**INVOCATION**

Kevin Lacy 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.

Dr. Tom Kosak called in to say he expressed all he wanted to say at the Planning and Zoning Meeting he attended, but he was appreciative to be invited to listen in and know what is happening during the City Council meeting.

**CONSENT AGENDA:**

1. Matters related to the approval of minutes of the September 15, 2020, Public Hearing and Special Meeting and September 22, 2020, Regular Meeting.

Kevin Lacy moved to approve the minutes of the September 15, 2020, Public Hearing and Special Meeting and September 22, 2020, Regular Meeting. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

2. Consideration and possible action regarding an Application by Cindy Haynes and business partner Damon Haynes, Playhouse Media, LLC, for a **BG - Wine and Beer Retailer's Permit** for Wings over Montgomery located at 14335 Liberty Street, Montgomery.

Tom Cronin asked Ms. Susan Hensley if protocol is having the City's approval at the end of the 60-day notice. Ms. Hensley said that is through TABC. Ms. Hensley stated there no longer needs to be a City Council public hearing and said that change was made a couple of years ago. Tom Cronin asked if assuming this approved, will they still have to post the 60-day notice. Ms. Hensley said that is correct and they are in the pre-qualification stage right now.

Kevin Lacy asked where they are in the process of opening for business. Mr. Dave McCorquodale said last Wednesday they reissued the Certificate of Occupancy. Tom Cronin said they cannot sell beer and wine until they get their license officially. Mr. McCorquodale said that is correct. Ms. Hensley said just as a note, they submitted this information last week, just in time for the meeting so there has not been any delay.

Tom Cronin moved to accept the application by Cindy Haynes and business partner Damon Haynes, Playhouse Media, LLC, for a BG – Wine and Beer Retailer's Permit for Wings over Montgomery located at 14335 Liberty Street, Montgomery. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

**CONSIDERATION AND POSSIBLE ACTION:**

3. Consideration and possible action regarding the presentation of Town Creek Watershed Study by William Kotlan, P.E., of BGE.

Mr. Richard Tramm said Mr. Bill Kotlan was here to provide a report to City and the City Engineer, Mr. Chris Roznovsky will follow the report to explain the next steps in the process.

Mr. Kotlan said the study of Town Creek is from Buffalo Springs to Lone Star Parkway. Mr. Kotlan said Town Creek is also referred to as Anders Branch from Town Creek back up to FM 1097. Mr. Kotlan said the drainage areas that drain into Town Creek are about five square miles, which is a very large drainage area with the ability to cause rapid flooding that comes downstream from that watershed. Mr. Kotlan said the flood plain of Town Creek goes from Buffalo Springs over to Martin Luther King Drive where it crosses and then begins to move forward to the north.

Mr. Kotlan said the purpose of their study was to look at the flooding that was between FM 149 and Martin Luther King Drive and a bit north of that inside the City limits. Mr. Kotlan said to make sure they did not cause any issues downstream they studied the drainage flow all the way down to Buffalo Springs Drive.

Mr. Kotlan said they found a couple of things worth noting. Mr. Kotlan said one is there are two 54" culverts crossing FM 149 and those culverts are constricting the flow. Mr. Kotlan said a second problem is the creek is very thick with the trees and underbrush, and there is not very much cross-section to the creek between FM 149 and Dr. Martin Luther King Drive. Mr. Kotlan said those are the two main issues found as far as flooding issues.

Mr. Kotlan said they also found there are some high velocity flows downstream particularly at FM 149 but also as you come up to Buffalo Springs Drive as there has been a lot of erosion in that area from Buffalo Springs Drive up to the intersection of Anders Branch and Town Creek and then a little bit further upstream on either side from that intersection. Mr. Kotlan said if that erosion is not stopped with some kind of improvement it will continue to make its way toward Lone Star Parkway and Plez Morgan Drive.

Mr. Kotlan said they looked at two options to see which one would be best as far as improvements. Mr. Kotlan said option number one is to put two ten-foot by four-foot box culverts across FM 149 in place of the two 54" pipes and to clear and widen the channel of Anders Branch from FM 149 up 700-800 feet towards where it comes into a clearing. Mr. Kotlan said that will bring down the water level between one foot and a foot and a half during the 100-year storm. Mr. Kotlan said currently even a 10-year storm will flow over the top of FM 149 and this would limit that overflow to be a 50-year storm and greater that would flow over FM 149 and anything smaller than that would not, but it would also lower the level of the flooding in the area between a foot and a foot and a half. Mr. Kotlan said they would also need to do a retention pond probably downstream on FM 149 or in that area.

Mr. Kotlan said those are the main projects they are recommending. Mr. Kotlan said they also looked as an alternative to do a bridge instead of box culverts crossing FM 149, and while that caused a little bit of improvement particularly close to FM 149, it really didn't do enough to justify the extra cost, in their opinion, and so they are recommending the box culverts. Mr. Kotlan said in their recommendations they mentioned using some kind of structures to stop the erosion downstream in the future, which may not be a City project, but a developer project, and also to reevaluate the erosion control around the bridge at Buffalo Springs because of the excessive velocity there.

Mr. Kotlan said they are ready for the City to send the report to the grant agency. Mr. Kotlan said he met with Mr. Roznovsky.

Rebecca Huss said in the summary Mr. Kotlan mentioned there had been residential structures that have been impacted by flooding and it is her understanding that during the Tax Day, Memorial Day and Hurricane Harvey related flooding, they did not have homes that were damaged by flooding. Rebecca Huss said she is wondering which homes Mr. Kotlan was referring to. Mr. Kotlan said that was a comment that Mr. Roznovsky made as well and that he thinks he may have misunderstood something Mr. Roznovsky had said. Mr. Kotlan said they are going to take all the mention of flooding out of the report before they send it to the State.

Rebecca Huss said she had some major concerns about the impact of increasing the velocity of the water upstream having an impact on the downstream property owners because she assumes that the faster the water goes, the more debris it can carry. Mr. Kotlan said they looked at that and found by putting the detention pond along with the wider crossing of FM 149 the actual flows did

not increase either upstream or downstream. Mr. Kotlan said what they are recommending will not increase the volume of water going downstream. Mr. Kotlan said the improvements they are recommending will not increase the velocity.

Rebecca Huss said they are also doing the improvements based on the 100-year flood and in the time she has lived here, they seem to have exponentially larger than 100-year floods with some regularity. Rebecca Huss asked what kind of structures do they need to put in place to make sure that a 100-year structure is not overtopped and/or damaged the way the outfall structure was that was previously protecting Town Creek at the mouth of the outfall into Lake Conroe. Mr. Kotlan said they did not design the structures that are going to reduce the velocity as it goes downstream or allows the water to step down. Mr. Kotlan said what they would do is instead of having one 20-foot fall where all that energy falls in one place, what they would do is step it down three or four feet at a time over a distance with structures that would dissipate that velocity in smaller increments. Rebecca Huss said that gets the City a larger area, but what about prime commercial/residential private property. Mr. Kotlan said this would be in the actual creek so they would be little step-downs. Mr. Kotlan said for example you would probably need three of them in between the confluence of the two channels and before you get to Plez Morgan Drive, so southeast of Plez Morgan Drive there would be several step-downs and there would be several step-downs between Lone Star Parkway and the same place on that branch to stop the erosion. Rebecca Huss asked why not hold the water back further up in the area above Martin Luther King Drive where there are places where there is less expensive land and less worry about erosion. Mr. Kotlan said they could possibly find a location on the west side of the channel to replace the storage, but they are trying to replace storage that is currently there around FM 149. Mr. Kotlan said the further away from FM 149 they get in providing that storage, the less impact it has and that is why they picked the location they did. Mr. Kotlan said once that gets into design, that can be relocated depending on which landowners cooperate and where they find the land is least expensive.

Mr. Roznovsky said a lot of the area where the pond is being proposed is flood plain floodway that is not being used. Mr. Roznovsky said where you see the proposed pond and between that and the existing pond, he does not think there is going to be a lot of usable space in terms of development because there is an old well site and there are also drainage easements that exist along the banks of that channel. Mr. Roznovsky said this plot is a three-acre footprint based on the information they have. Mr. Kotlan said the pond can be any shape, it does not have to be square.

T.J. Wilkerson asked if the pond is located on the east side of FM 149 and what effect will it have on the cemetery. Mr. Roznovsky said the pond itself will likely be closer to the creek than toward the cemetery and the pond should not have any effect. Mr. Roznovsky said what this does is act as a way to shock absorb the extra amount of water that is coming out so the amount of water that goes under Plez Morgan Drive is not more than it is today. Mr. Roznovsky said there is more coming underneath FM 149 at a quicker rate because it is open and the pond is there to help absorb the extra water and the rest is released down to go under Plez Morgan Drive at the rate it is today. T.J. Wilkerson asked what if they started behind Lincoln School and came around the branch. Mr. Kotlan said they studied back behind the Lincoln Elementary School and came all the way around in the study, but they are not recommending any improvements behind the school as all the improvements are between the south side of Martin Luther King Drive and FM 149. Mr. Roznovsky said one of the reasons is the steel pipe that is at Martin Luther King Drive is not a restrictor, so with water getting out behind the Sneed and Shoemaker residences quicker, it will allow the area north of that to also see benefits.

Randy Burleigh asked if they do the first recommendation will they still have water overtopping Martin Luther King Drive with a 50-year flood or higher. Mr. Kotlan said keep in mind that you are lowering the water level by a foot and a half and even though it may infrequently go over the road, it is improving every greater storm as well. Mr. Kotlan said even if they put a bridge there they only saw a couple of inches difference so he thinks this is the best you can do without spending much more or rebuilding the entire creek and raising Martin Luther King Drive and FM 149. Randy Burleigh said the pipe is higher than the road elevation and that is a problem. Mr. Kotlan said the problem with Martin Luther King Drive is as you come east from that point, the road dips way down and that is where the water runs over the road in front of the school.

Randy Burleigh said he sees Mr. Kotlan used Atlas 14 data and asked if he used the old data from 2008, or did FEMA have all the new data that Mr. Lefevre used in 2018. Mr. Kotlan said all their geometry was updated. Mr. Kotlan said they also updated their hydrology. Randy Burleigh said he noticed they went past the bridge and had some comments about the bridge. Randy Burleigh asked why they added only the four pipes, two on the north and two on the south to gather the water and bring them in below the water level. Randy Burleigh said that water cannot really get out and the water will not go to those pipes anymore. Mr. Roznovsky said what they are seeing is the water is pushing its way out and when they go out after the big rains, they can see the trails coming from the ends of those pipes where the water has pushed out because it is such fine material

at the bottom. Randy Burleigh asked if it would clear the whole pipe or just a section of it. Mr. Roznovsky said you can see where water is leaving the pipe and coming through. Randy Burleigh said erosion was a big factor and once you increase the velocity past the east side of Plez Morgan, you are going to run into a problem where it meets in Town Creek. Randy Burleigh said it was about to erode through the first pond on the corner and it will not be long before that pond is gone. Randy Burleigh said they are building another pond so there are a lot of changing conditions in that whole developed area and there will be even more in the next two or three years. Mr. Roznovsky said they are expanding the pond that is there. Randy Burleigh said the area between FM 149 and the bypass on Town Creek is a bad area as far as water flowing under the propane tanks and he is hoping a log never flows under the propane tanks and hits the small piping that is pressurized because there will be a propane incident.

Randy Burleigh said the scope of what Mr. Kotlan did for the study was what they were supposed to do, going up to the bridge and maybe a little past. Randy Burleigh said he has questions about why the rest of it was not in the scope because some of the bids had it in their scope and to him, it is important to have that portion in the scope. Randy Burleigh said with this system you cannot just pick little pieces of it as it is a bigger entity on its own of how we manage this water. Mr. Kotlan said they did the hydrology for the whole watershed so they have a model that can easily be modified to look at the rest of Town Creek but that is not the area the grant was based on, so they were answering questions with the model they have within the limits of the grant.

Mr. Roznovsky said with the GLO process it is scored based on low to moderate-income households so when you include the affected population on Anders Branch or Tributary 1, it goes up across Martin Luther King Drive, and then you compare that to the low to moderate-income household population on the other branch. Mr. Roznovsky said the requirement is you have to use 70 percent of the money for 51 percent low to moderate-income so they could not do work on the main channel of Town Creek because it is over the low to moderate-income threshold for where you spend your funds with this grant. Mr. Roznovsky said you have a small portion of the total funds that you can outside of the LMI area, but it was only a small percentage of the total grant. Randy Burleigh said that makes it clear because before he was trying to figure out why the scope was so narrow, not based on private or public property and thinks all the creek is on private property. Mr. Roznovsky said that is correct and other than existing today, other than the stretch between FM 149 and Plez Morgan there are no easements or anything like that for that creek. Randy Burleigh said they could also use the money they have for those erosion weirs that Mr. Kotlan was talking about at the merge of Tributary 1 and Town Creek. Mr. Roznovsky said they

could not put the weir on the one going under Lone Star Parkway and said they have more of an argument, which he thinks is still worth having and he will continue to have conversations with them to see if there is something that can be done or at least partnering on what should be done on that tributary that goes underneath Plez Morgan. Mr. Roznovsky said the other area is out just because there are too many non-low to moderate-income households that are upstream. Randy Burleigh said with the GLO they have a very narrow scope. Mr. Roznovsky said yes it is very specific on what you can and cannot do and that is really the next step on this and what Mr. Kotlan alluded to. Mr. Roznovsky said they will take this now to GrantWorks and the GLO and get their environmental clearance and their blessing to go forward with the concept of this. Mr. Roznovsky said they will also go to TxDOT and see if when you look at the cost estimate for this on redoing the culverts and redoing FM 149 was about \$250,000 to do the two ten-foot by four-foot box culverts and maybe that is something they can get TxDOT to include in their scope of the FM 149 project within the next few years or at least a portion of and then we would have more funds to use elsewhere instead. Rebecca Huss said she thinks Mr. Roznovsky is jumping the gun because they have not addressed if this is the direction they want to go and she thinks Randy Burleigh's comment that none of this fixes the problems that were addressed, and they have not talked at all about the long-term maintenance problems and capital problems that this might be creating. Rebecca Huss said she thinks this is one way to look at it and it is not necessarily the only way to look at it. Rebecca Huss said they are not fixing the problem that was identified and she thinks that is a big problem when you are looking at spending over \$1,000,000. Rebecca Huss said she thinks it would be incredibly irresponsible to move forward without a little more investigation of what they are trying to do for the taxpayers over the long-term and what the long-term implications are of not fixing the problem.

Mr. Roznovsky said he did meet with TxDOT today and received an update on their cleanout and the culvert work at the propane tanks location. Mr. Roznovsky said the scope of this was where the GLO funds can be used, and yes he agrees with Rebecca Huss's point of determining if this action was best over the long term.

Rebecca Huss said she does not disagree that Project A was better than Project B, but she thinks the bridge is a silly idea because it does not change the fundamentals all that much, like was mentioned, it is only an extra inch per \$100,000 but is this the direction they want to go at all and what will this cost long-term. Rebecca Huss said they told Mr. Lefevre all along that this erosion is his problem so he has been dealing with it and then all of a sudden we are saying we are the government and we are here to help you, and is our solution really going to make things better.



Rebecca Huss said she does not want to say this is their fault because it is not, but we need to be cognitive of the fact that he has put something in motion because we told him that he had to fix it himself and thinks it is incumbent on us to not make things harder for him by imposing a solution that we want, given that he has been working on a solution from another angle. Rebecca Huss said she thinks there are a lot of issues they must decide on before they go to the GLO and say they want to spend their money now. Randy Burleigh agreed and said he thought the plan originally was that once they got to this step here which is good information from Mr. Kotlan that they would meet with some of the stakeholders and the community as a group and look at the situation and put the proposal out there and look at what they are doing and see if they can make this work short-term and long-term. Mr. Kotlan said to clarify, the cost estimate they gave did not include anything for erosion control for Mr. Lefevre's property, it was only for the bridge, the channel improvements, and the detention pond. Rebecca Huss said if they have the detention pond it is going to cost money to hold onto it and maintain and all you can do is look at his outfall structure and realize that nothing that you make lasts forever especially when you are trying to hold back the angry water.

Mr. Roznovsky said the reason for the bridge alternative was put in there is the initial direction they were given by GLO was that you could not do culvert work for this project. Mr. Roznovsky said they went back to press the issue again with a different person and was told they can do culvert work as long as it is functionally independent on the results, so essentially you cannot get the results without doing the culvert work so that is why they already started with the bridge and they looked at it both ways because they got a different answer from them. Rebecca Huss said the culverts are practical in terms of they are already there and if it does not change the outcome all that much for the price, it seems so outrageous to rule them out as an option.

Randy Burleigh asked Mr. Roznovsky if they were under a timeline with the GLO. Mr. Roznovsky said how the grant is written is you are supposed to utilize the funds essentially within a year from now by the end of September, but with everything else that has been going on with COVID-19, he thinks it is very likely to request an extension.

Rebecca Huss said she thinks for sure they need to engage the other stakeholders as Randy Burleigh mentioned and that as a government they cannot impose this result on a single stakeholder who is going to be footing the bill alone for what decisions they make. Mr. Roznovsky said it is also dependent on the people that are along this channel. Mr. Roznovsky said there are a lot of people involved and a lot of property owners that must get on board. Mr. Roznovsky said

this is an imposing project because how it looks today and how it looks after will be completely different.

Randy Burleigh asked if there is a way to get on TxDOT's worklist to change those culverts. Mr. Roznovsky said when TxDOT did the scope of the FM 149 improvements project they were originally not proposing to change out the culverts at this location. Mr. Roznovsky said a couple of years ago they pressed that issue with them and asked to relook at this as it has flooding issues and the road is overtopping and TxDOT said their study says it is fine and therefore they were not going to change it. Mr. Roznovsky says now they have the study that shows differently and here is the issue they have found and the recent study was completed last week with all the recent data, and ask to reevaluate whether or not to change out the culverts at this point. Mr. Roznovsky said based on their last schedule for FM 149 improvements he believes it was a 2023 or 2024 bid date, so they have a little bit of time but they are a key player in this because they would have to approve anything within their right-of-way. Randy Burleigh said right now it is not on their list. Mr. Roznovsky said that is correct. Randy Burleigh said he thinks they need to push it and help them put it on their list. Mr. Roznovsky said he agrees. Mr. Roznovsky said they met with them and a couple of Council meetings ago they asked about Town Creek and cleaning it out and TxDOT agreed to clean it out and said they would be out there next Tuesday. Mr. Roznovsky said TxDOT went out there and realized they could not get down and have access to the creek, so he and Mr. Muckleroy met with them today and let them know that the City owns property on the west side of the street where the sewer plant is and now they have said they will show up the first part of next week to clean out those culverts as well as cleanout the channel and move debris from what they can reach with an excavator. Mr. Roznovsky said they are moving more on the maintenance items but does not think they would consider the culvert replacements.

Kevin Lacy asked if considering what they were talking about earlier and the fact that they have not had any residential flooding with any of the major storms that have happened within the last five years, what is at risk if they do nothing. Mr. Roznovsky said the do nothing risk is essentially you will have what you have today, so it gets close to having more frequent over topplings of FM 149, so it overtops the less than the 10-year storm versus it over tops at the 50-year storm with the proposed work. Mr. Roznovsky said nothing is happening that makes this worse right now in this area, so there is not development upstream and if there is development upstream they must account for that, it just does not get better on its own. Randy Burleigh asked if they have cleared the ditches and cleaned up the whole area with the road work and the new sewer/waterline because it looks like there is a lot of good drainage now within the last couple of years. Mr. Roznovsky said there

has been more along the roadside ditches along Martin Luther King Drive and Baja Road in that area and one of the associated projects in the GLO funds is to do that on the opposite side of the street that did not get done as part of the CDBG fund projects. Mr. Roznovsky said a couple of years after Hurricane Harvey that the National Guard came in and did a lot of work to clean out on both this tributary of Town Creek and the one right there at the propane tanks. Mr. Roznovsky said there is a lot of debris that has accumulated over time and so there is some cleanout work that can be done and maybe that is the intermediate solution.

Rebecca Huss asked if they could look at the other side of Martin Luther King Drive, building a new detention pond rather than relying on between Plez Morgan and where Mr. Lefevre is building and maybe they catch the water before it starts overtopping Martin Luther King Drive and if it does not overtop Martin Luther King Drive maybe it does not overtop FM 149. Rebecca Huss said if the water goes more slowly into that area perhaps it is less of a problem before it even gets into the City. Mr. Roznovsky said that could be correct and essentially reduce the amount that is making it to this point instead of trying to slow it down after it gets here. Rebecca Huss said it is worth thinking about if the water is consolidated enough at a location, maybe two locations where it would be worth trying to catch it there instead of looking at all these changes they are talking about, it might be cheaper to maintain than trying to have a very wide channel that always clogs with debris because this huge rush of water is coming through and brings the debris with it. Mr. Roznovsky said he had some conversations with Mr. Kotlan and his group and that is one thing they looked at was a pond further upstream and they can regroup this week and dig into it a bit more and knows there was not as much benefit but does not remember what the actual result of that was. Mr. Roznovsky said he thinks it is going to be one of those grant things of spending money outside the limits, but there is land between FM 149 heading north upstream that could be utilized. Rebecca Huss said that might have the biggest benefit to the residents if you are not having to clear land and not having to have a big impact on their backyards essentially because you slowed the water down and the quantity to a more manageable level, which has a beneficial impact further downstream as well.

Mr. Roznovsky said they will meet with Mr. Kotlan and his group and look at different alternatives even if it is just selective clearing underneath within the channel, removing the underbrush, removing the dead stuff, and opening it up, along with some of the pond work upstream to help slow it down and detain it. Rebecca Huss said it might be a combination of everyone's ideas or nobody's ideas, it might even be a fifth idea.

Mr. Roznovsky said the City was awarded the amount of money of the grant based on the amount of damage during the 2016 events. Mr. Roznovsky said Montgomery County was given \$24,000,000 from the GLO to distribute to cities and other entities within the area, so they took a chunk of that money \$13,000,000 if he remembers correctly and to do buyouts. Mr. Roznovsky said the rest of it they distributed it between Conroe, Magnolia, Montgomery, Cut-and-Shoot, Patton Village, and all the other small cities around, and they scored it based on the population of those towns, and the monetary value of the damages that incurred. Mr. Roznovsky said since Montgomery at the time had a relatively small population especially when you compare it to Conroe, and the bridge damage, which was a high cost, the City scored very high and therefore was given the \$2.8 million allocations of those funds. Mr. Roznovsky said what it would take to change that is they would then have to go back and look into the criteria of what can apply. Mr. Roznovsky said the low to moderate-income does not change and the only two places in town that count as low to moderate-income are this area of Simonton, Lawson, Baja, Martin Luther King Drive, Community Center Drive, but also they can count south of town by the Heritage Apartments as low to moderate-income because based on the door-to-door study they did they also fit into the threshold. Mr. Roznovsky said what that means is you could do projects on water/sewer drainage in those two areas. Mr. Roznovsky said if they decide instead of going forward with this \$1,000,000 project to do the work that is shown here and they chose selective clearing, no culverts and only do half the size of the detention pond on a cheaper piece of property at \$500,000 instead, you can apply or request a change in scope essentially and use those funds elsewhere. Mr. Roznovsky said one thing that they will have to look at is there are rules and stipulations about penalties and scoring on future grants. Randy Burleigh asked if the money goes back to GLO. Mr. Roznovsky said he does not remember if it goes straight back to the GLO or if it goes back to the County to reallocate but thinks it skips the County and goes back to the GLO. Randy Burleigh said so they penalize you if you do not spend all the money. Mr. Roznovsky said they do because they want you to utilize the funds. Mr. Roznovsky said they had a list of other potential projects that they can look at to see if they better fit, but the first thing would be to nail down this one with what the actual estimated cost is and then meet with Grant Works and GLO and say let us go forward with what we have that we agree upon and we think we are going to be short so let us get through the bidding and get through getting contracts and documents signed and get an extension on time to do something else in the future if there is some money left over. Randy Burleigh asked if you could use it for converting to liquid bleach. Mr. Roznovsky said it had to be tied to a failure to function so they made the argument that there were power losses during those rain events and therefore that is a failure to function of the water plant and therefore to mitigate that you had to do a generator. Randy Burleigh said things like that they need to look at creatively. Mr. Roznovsky

said you have to be creative in making sure that you are staying within the guidelines of the grant and that you are using the funds appropriately, but you have to think outside the box and make sure you read the rules.

Rebecca Huss said since you already have all the work on Simonton, Lawson, Community Center Drive, etc., there is scope to use a significant amount of money in an area that could sure use those investments so this is not the only way they can use this money or else you get penalized for future grant submission, but thinks it is a weight off Council's back in terms of they do not have to spend all of the \$1,000,000 here or else they will suffer later. Mr. Roznovsky said correct and also there has been a lot of work done in this area, they have the water system addressed and with this project, they will get the sewer system and the drainage addressed and it makes more sense.

Randy Burleigh asked how much money they have left. Mr. Roznovsky said \$2.3 million or \$2.8 million left. Mr. Roznovsky said all the projects had to get started together and you could not separate and they wanted them to be able to find one contract for design to do it all to get the drainage work done and the study and scope complete and then everything can move forward.

Rebecca Huss asked how much the generator costs. Mr. Roznovsky said he is guessing \$400,000 but will need to follow up with the actual number. Randy Burleigh asked if that was just for Well #4 and the cooling tower. Mr. Roznovsky said that was correct and Well #4 and the cooling tower were the only things that were not connected to a generator currently and the booster pumps and Well #3 are already connected to a generator. Randy Burleigh asked if there would be two generators there or just one. Mr. Roznovsky said there will be two generators because there are two electrical services. Randy Burleigh asked if they still have the option for Well #3 or #4 on generator power. Mr. Roznovsky said that was correct.

Mr. Roznovsky said they will meet with Mr. Kotlan and his team and go through the long-term costs and look at some alternatives. Rebecca Huss asked if they want to be prepared to do the culverts because if you are talking about a negative score and that takes a chunk of change and it is two to four years out before they get the project, should they do that one if they decide to go forward is that one they should just pay for with the grant money. Mr. Roznovsky said he would say so because you also do not have control over TxDOT, and the culverts cleanout in the detention pond and there is no reason to do the detention pond if you are not doing the culverts so he does not think they can really and he is not going to say rely on TxDOT because TxDOT has been helpful, but their timeline can move and they can be waiting there for multiple years waiting for

the culverts to be done and waiting for the benefit of everything else they did. Rebecca Huss said even in theory if you built 20 detention ponds upstream, theoretically, if Montgomery develops all up in there you could still have additional runoffs happening and larger culverts would help and will also relieve some of the pressure from flooding right in that area.

Randy Burleigh said Mr. Kotlan did a lot of good work. Mr. Kotlan said it was great being with everyone again and he will meet with Mr. Roznovsky and staff and check out some of the other options.

T.J. Wilkerson asked between Martin Luther King Drive and Lawson, is that Town Creek or is it Atkins Creek. Mr. Roznovsky said between Martin Luther King Drive and Lawson and Simonton that is called Tributary #1, according to Mr. Kotlan in his report, and they refer to it as Anders Branch. Mr. Roznovsky said Atkins Creek is the one over there by the Terra Vista subdivision and FM 1097. Randy Burleigh said one of Mr. Kotlan's drawings if you look closely at it, it did say Town Creek on that tributary, but you may have covered up the tributary word with the red color.

T.J. Wilkerson asked Mr. Kotlan if while researching this if he found a branch called Doc Branch. Mr. Kotlan said he did not. Mr. Roznovsky asked where that was supposed to be. T.J. Wilkerson said it was supposed to be where you come from the school.

T.J. Wilkerson said going forward do we recommend to revisit and look at the long-term costs and alternatives on this proposal. Mr. Tramm said we will take the input that we received and then Mr. Kotlan, Mr. Roznovsky, and staff can circle back and take these comments and see how they can come back to Council for a plan to move forward, and concurrently check with GLO to make sure we stay within the parameters that they will fund.

Mayor Countryman arrived at 6:39 p.m.

T.J. Wilkerson said Mayor Countryman had arrived and he would relinquish it and turn it over to the Mayor.

4. Consideration and possible action regarding approval of construction plans for Hills of Town Creek Section 4.

Mr. Tramm said the construction plans have been reviewed and approved by the City Engineer and the City Engineer's plans and memo are attached. Mr. Tramm said the recommendation for the construction plans to approve as submitted is contingent on a developer providing plans for the proposed amenity park to include perimeter fencing and execute a detention pond maintenance agreement before the City accepts the infrastructure and issuance of any building permits for the homes.

Rebecca Huss said this plat looks familiar as they recently approved this within the last couple of months. Mr. Roznovsky said they approved the preliminary plat that is correct, but they have not approved the final plat yet.

Randy Burleigh asked where the drainage is going across the new street, Colby's Way. Randy Burleigh said today it is probably at 15-20 feet wide, three-foot deep gulley going right through there so what you are proposing is to have a 20-foot easement on the first leg until it runs across Colby and it will go under Colby and then will it go into a 20-inch pipe. Mr. Roznovsky said what they are proposing is that the pipe that is there today will remain and serve what it is serving and to serve this section they will put in an adjacent 24-inch pipe to go into the same pond that will serve Colby's Way. Mr. Roznovsky said yes to answer your first question and said they have a good amount of regrading to do based on the updated sizing of that swale so it is smaller getting from the back where Emma's Way is to the street and then since it is also the overflow for Colby's Way it is larger on the east side of Colby's Way. Randy Burleigh asked if the first leg will be the drainage easement and then after it crosses the street will it go into a pipe or under the street into the pond. Randy Burleigh asked what if the pipe is a restrictor and cannot handle the water flow, will the water just run down the street on Colby's Way. Mr. Roznovsky said the 60-inch pipe goes all the way from Emma's Way to the pond and then there is a swale on top of that from Emma's Way to the pond and then it crosses over the street and then keeps on going across. Randy Burleigh said so it flows across the street. Mr. Roznovsky said that is correct in the extreme event so when that 60-inch pipe is full that is the slow path to get to the pond instead of between homes. Randy Burleigh said you do your calculations, but you know how Mother Nature is.

Mr. Roznovsky said some of the other things since the last time you saw this there have been a few changes so when you are looking at the plat itself they originally did not have the pocket part, which was a comment on the preliminary plat stage so that has been added and there is sidewalk access to it that is part of the same property so the sidewalk is on the HOA property. Mr. Roznovsky said the comment from Planning and Zoning was that they had plans for that park

before acceptance, so it is not just a grassy field, as well as giving detail on the fencing and how they will control people from not just walking into the neighborhoods.

Randy Burleigh said he noticed the drainage easement is also to be maintained by the HOA and asked if we need to be sure that they agree to that also or have they already agreed to that. Mr. Roznovsky said they have already agreed to that and it is only on the back lot one so the normal pipes and the drainage through the street and the pipe going into the pond would be public, but these that just serve the back lots of the homes there is a private swale on a private easement. Mr. Roznovsky said they did the same thing with the Villas of Mia Lago and it should not be the City's responsibility for private site drainage from these individual lots and having to go into people's backyards to make sure it is clear so that will be on the HOA.

Mr. Roznovsky said the other changes are if you are going up Emma's Way and right past the apartments, the big group of trees there on the east side, that was originally in the back lots of lot 26 and 27 and they have since carved that out to make it a separate reserve as well so it will always remain open space. Mr. Roznovsky said other than that, it is the same design and pretty straight forward and they did have them keep the waterline larger up until it gets to the end of the cul-de-sac by the future water plant site so that way it can be tied into it in the future.

Rebecca Huss said she appreciates Planning and Zoning's work on this as it seems like they spent a lot of time thinking about it.

Rebecca Huss moved to approve the construction plans as submitted contingent on the developer providing plans for the proposed amenity park including perimeter fencing and executed detention pond maintenance agreement prior to the City's acceptance of the public infrastructure and issuance of any building permits for the homes. Randy Burleigh seconded the motion, the motion carried unanimously. (5-0)

5. Consideration and possible action regarding the Certificate of Substantial Completion, Certificate of Acceptance, and completion of the one year warranty period for the 18" Gravity Sanitary Sewer Line Extension Phase II project.

Mr. Tramm said the timing of certifying completion in accepting this project was delayed due to the construction pace of the Lift Station #1 project. Mr. Tramm said the line was tested and has been in service since October 2019. Mr. Tramm said following the completion of Lift Station #1,



the gravity sanitary sewer line was retested, and all necessary documentation was provided by the contractor on October 20, 2020. Mr. Tramm asked Mr. Roznovsky to cover the uniqueness of this item.

Mr. Roznovsky said Montgomery Shoppes funded this project to put in and relocate the lift station to the sewer plant instead of currently on the Chick-Fil-A parking lot. Mr. Roznovsky said Montgomery Shoppes provided the funds to extend these lines and it was done in two phases. Mr. Roznovsky said the first phase was completed and the second phase was to tie into the existing system and it was done separately based on the timing of the rest of the project so the rest of the development could move forward while this project was done. Mr. Roznovsky said when this one was completed and they pulled the plug, is when the Lift Station project was online and since it was completed back in October 2019, up until a couple of weeks ago, the line that was in was full and surcharged due to how the bypass system was working for the plant. Mr. Roznovsky said now that the Lift Station is done and has been operational, that line is no longer surcharged, and they were able to do their testing which included two tests. Mr. Roznovsky said one was called a mandrel test where they run a fixed object through the pipe to make sure that it is still round, and it has not been crushed over time. Mr. Roznovsky said one of the concerns that were brought up with this line regarding Chick-Fil-A was the retaining wall near the location of this line and that was done close to a year ago now that at least that retaining wall portion has gone in. Mr. Roznovsky said the mandrel test passed and there were no issues with any changing of the shape of the pipe from forces outside. Mr. Roznovsky said they also did a pressure test to make sure it could hold pressure and was not leaking, and it passed both. Mr. Roznovsky said those tests are typically done immediately after construction, so it would have been done a year ago, but since it was full they had to delay it until now. Mr. Roznovsky said that is why it is a bit different and they are recommending both substantial completion, which is dated back in October 2019, acceptance of the infrastructure, saying you agree and you paid the final pay estimate, as well as ending the one year warranty period since essentially we have gotten the one-year warranty period and has been in use and they normally would not have done this testing, but the one year they would have done it a year ago but since the Lift Station project was held up it was not done.

Randy Burleigh asked if this is the line that covered up a manhole in the parking lot. Mr. Roznovsky said that was correct and they raised it and resealed it and that was after it was resealed when it was pressure tested to make sure it was sealed up. Mr. Roznovsky said the manhole was covered up by the site contractor unrelated to this project and it was not on this contractor's punch

list to raise, the site contractor raised the manhole and this contractor tested it after that work was done.

Randy Burleigh asked if it has been in service for a couple of months now. Mr. Roznovsky said it has been in service since October 2019. Randy Burleigh asked if they are using it for the bypass. Mr. Roznovsky said correct. T.J. Wilkerson said the date on the report is October 20, 2020. Mr. Roznovsky said the series was complete on October 25, 2019, and the time they were able to do the final testing in bills paid and as bill drawings was October 2, 2020, so a whole year lapsed between being substantially complete and being able to close it out due to the Lift Station contractor having the line surcharged.

Rebecca Huss said this is a big deal in terms of the timing and the choreographing of getting the line moved so that Chick-Fil-A could start building and it was very important for them to be open on time and everyone was working extra hard to make that happen. Mr. Roznovsky said the contractor did not fight on the wait to test a year later. Rebecca Huss said she assumes the contractor does more than just the Montgomery Chick-Fil-A for Chick-Fil-A as it was probably worth maintaining a good relationship with that developer.

Randy Burleigh moved to approve the Certificate of Substantial Completion, Certificate of Acceptance, and completion of the one-year warranty period for the 18" Gravity Sanitary Sewer Line Extension Phase II project. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

6. Consideration and possible action regarding approval of Certificate of Substantial Completion for the Stewart Creek Wastewater Treatment Plant Lift Station Relocation project.

Mr. Tramm stated the startup for this was dated September 3, 2020, and Jones & Carter deemed the facility fully operational on September 17, 2020. Mr. Tramm said approving the Certificate of Substantial Completion will give an official end date for this construction work which is needed to make a final determination on liquidated damages and provides the starting date for the contractor's warranty period.

Mr. Roznovsky said this is not the acceptance of the project and this is not saying that you are paying them and not charging damages. Mr. Roznovsky said this is saying yes it is substantially complete, it is online and it is operational which it is and now what this does is it sets in stone

from the difference between the original contract period end date and this end date to go back and calculate the damages and all the back up to that to come back to the next meeting to see how Council wants to proceed.

Rebecca Huss asked what is estimated for the liquidated damages. Mr. Roznovsky said around \$90,000 if he remembers correctly. Rebecca Huss said that is going to hurt them as it is a big number with no weather event. Mr. Roznovsky said that is what they have been collecting from them. Mr. Roznovsky said some of the delays were Entergy related and waiting on power and they are getting documentation on all those acceptable delays to present to Council so they have all the information. Rebecca Huss said that was Hurricane Laura related and that was a very short period of time. Mr. Roznovsky said he completely agrees and that might count for a week or two of the six months.

Randy Burleigh said he was glad the operation of the bypass was in the contract also or it would have been another large bill. Mr. Roznovsky said correct.

Rebecca Huss moved to approve the Certificate of Substantial Completion for the Stewart Creek Wastewater Treatment Plant Lift Station Relocation project. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

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

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CHAPTER 98, "ZONING," ARTICLE II, "ADMINISTRATION AND ENFORCEMENT," DIVISION 2, "PLANNING AND ZONING COMMISSION," SECTION 98-50, "MEMBERSHIP AND APPOINTMENT," OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS TO CONFORM TO THE ADMINISTRATION OF THE BOARD OF ADJUSTMENT; REPEALING ALL OTHER CONFLICTING ORDINANCE PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE

Mr. Tramm said City Council dissolved the Zoning Board of Adjustment in 2019 and takes up the actions that would otherwise be performed by the Zoning Board of Adjustment itself. Mr. Tramm said in reviewing the Planning and Zoning Commission appointment process, the City Secretary discovered that the Zoning Code requires the Planning & Zoning Commission to contain at least one member of the Zoning Board of Adjustment. Mr. Tramm said since City Council members

cannot concurrently serve on Planning and Zoning and City Council, the staff recommendation is to remove this requirement. Mr. Tramm said they are striking the statement "At least one member of the commission shall be a member of the Board of Adjustment."

Rebecca Huss moved to strike the sentence "At least one member of the commission shall be a member of the board of adjustment." from Section 98-50. Tom Cronin seconded the motion.

Discussion: Ms. Susan Hensley, City Secretary asked if they are also adopting the ordinance. Rebecca Huss said her motion also includes a subsection that they are adopting a new ordinance without a said offensive clause.

The motion carried unanimously. (5-0)

8. Consideration and possible action regarding establishing minimum standards for creation of Special Purpose Districts.

Mr. Tramm said City Council in recent years has allowed two in-city MUD's and some of the discussion that has gone along with that previously has been looking at establishing a standard guideline, something that can help them justify what is the need and why should the City allow these in the terms of a Special Purpose District and may exclusively in the future be a MUD or a Municipal Utility District and what would the need be and why should the City allow a Special Purpose District in the City and in the ETJ.

Mr. Tramm said as the staff has looked at this, they have looked at a wide variety of purposes as to why or why not they might want that. Mr. Tramm said one of the things they have determined is that they wanted to try and avoid the cookie-cutter approach because one size does not fit all in this situation and what they want to look to do is to develop a concise framework to guide the City and developer in negotiations.

Mr. Tramm said as they have looked through how they would want to approach this, they have three fundamental goals in mind.

Mr. Tramm said one is how does it benefit the residents of that district, primarily amenities, maybe things like pools and splash pads related to other recreational uses amenities and what do they provide of concrete and usable value. Mr. Tramm said a second would be how does that benefit

the broader community, perhaps it offers a variety of housing types not available in the City or some other benefit to the community that brings us something that we are looking for, something that we need and overall, how does it benefit the City and is it fiscally beneficial to the City overall and are there other benefits and what does it bring us that we do not have. Mr. Tramm said some of the criteria they have discussed include such things as minimum sizing of the district or even potentially a maximum size and should they require a sunset provision in that ultimately it would have an end date and would not be perpetual in length. Mr. Tramm said when they issue bonds, would it be something they would require City Council approval on regarding what the components of the bond are. Mr. Tramm said they can have a voice in the financial transparency of these districts as they are operating. Mr. Tramm said perhaps a district wants to offer amenities the City would not want to fulfill, in that particular case they may require that there be an HOA or another entity in place that would take on the maintenance of those items that would not ultimately want to be transferred to the City especially with the sunset provision.

Mr. Tramm said they are looking to get some discussion and input back from City Council but ultimately the staff recommendation is to direct the City staff to work with a MUD specific attorney to develop Special District Guidelines that will meet these three fundamental goals which he outlined; how does it benefit the district residents, how does it benefit the broader community, and how does it benefit the City overall and to bring these back to Council into helping formulate them in a final workable form.

Mr. Tramm said he thinks one of the long terms benefits of this is that as new developers come forward in the future and will want to have a Special Purpose District in place, by having guidelines along these lines in place they know we are serious about working with those districts but they also know we have serious expectations that they need to bring something to the table that will be beneficial to the City and to the residents of that district as well.

Mr. Tramm said one of the reasons to work with the MUD specific attorney is those are the people that would be engaged by those developers and we want to make sure we are working with them from the beginning in that line of thought. Mr. Tramm said essentially it might cost hundreds or a couple thousand dollars extra with a different attorney to bring that in and then coordinate that with our attorney. Mr. Tramm said the benefit of that is we could avoid thousands, tens of thousands, potentially even hundreds of thousands of dollars of mistakes down the road. Mr. Tramm said those are the thoughts that the staff has put together in bringing this recommendation to Council.

Mr. Tramm said the recommendation is to direct City staff to work with a MUD attorney to develop the Special District guidelines to meet those three fundamental goals discussed earlier benefiting residents, the broader community, and the City as a whole.

Kevin Lacy asked if Mr. Tramm has someone in mind. Mr. Tramm said he has not contacted anyone specifically and there are several large firms in the Houston area that among those several firms encompass at least 80 to 90 percent or more of the MUD creations. Mr. Tramm said he has interacted with those firms in the past, and before contacting anyone he would discuss with the City Attorney and see if he has any specific recommendations.

Rebecca Huss said a consistent objection to in-city MUD's is that she always felt that they do not provide services commensurate with what the taxing amount is. Rebecca Huss said the City is providing water and sewer and what MUD's were traditionally set up for, a utility district, so we are providing utilities, what are the residents getting if they buy into an in-city MUD. Rebecca Huss said by setting up a framework and by having a professional working for us rather than sitting on the other side of the table will make it easier for elected representatives in the future to say we have thought about this and proactively looked at things and set up guidelines. Rebecca Huss said at least you can look them in the eye and say we did a good job of working for you as MUD residents, as regular residents current and future to maximize the benefit for everyone. Rebecca Huss said sitting on the City Council side of the table, we had a different attorney at the time, but felt significantly outmatched and felt like we were being told what we should be doing, which in any negotiation you never want to rely on the person on the other side of the table to tell you what is best for you, and by being proactive in the situation to develop the guidelines to decide what our goals are which Mr. Tramm established three goals that she can live with and they are important to be able to work towards and thinks that is an important step to live with MUD's, which are here to stay. Mr. Tramm said he would like to add that he does not think that asking to be able to work with a MUD specific attorney, there is no disrespect intended toward our current City Attorney as he has a wide range of experience that involves dealing with MUD's especially from a municipal perspective, but they want to get the widest possible range of opinion from both sides of the issue so they can best position the City, but best protect the current and future residents of the City as well. Rebecca Huss said you can have the best heart surgeon but you go to a cancer doctor if you have cancer and some people specialize in things even when they are very good at something else so having someone that they will later face on the other side of the table writing our guidelines is the smartest thing they could be doing and then having our attorney helping us

navigate our guidelines once we are there. Randy Burleigh said he agrees especially when you start mixing MUD's inside City limits. Rebecca Huss said she was not thinking that you could have a MUD but then it just dissolves and then the City owns everything and that would be a particularly difficult set of circumstances to navigate and you would want to think long and hard at the creation of the MUD, what that means for the City and the residents and what the City inherits if that happens. Rebecca Huss said she thinks there are a lot of circumstances that they are just totally unprepared for as they currently stand and knows with all of the undeveloped land in the City and the ETJ that this is happening so they have to get moving now.

Mr. Tramm agreed and said it is not a matter of if but a matter of when and how many times that they will be approached on this issue it is a matter of the City staff and the City being prepared for those discussions. Mr. Alan Petrov, City Attorney said it is always better to be prepared on the front end as you do not want to have to be playing catch up when the developer has walked in the door already and you are trying to then figure out what your plan is after the fact so it is very good to be proactive.

Rebecca Huss said to some extent they also need to figure out what they have already given away and where our pressure points are for the MUD's they have already agreed to like where they still have negotiating points because she has heard at least one of them say they can do whatever they want and she was not aware that they had given that away already and is sure they have not but would like to know where in that process they have their power still and that should be laid out easily in an ordinance or a series of ordinances that both developers and the residents understand. Mr. Petrov stated nowadays it is very common to enter into development agreements that lay out some very detailed specifics of what the MUD is responsible for in the long term. Rebecca Huss said she thinks it is probably better and somewhat sounds onerous but they are trying to prevent things from happening and is not suggesting not, but thinks it makes for a better partnership if everyone understands who is doing what and what the terms are and leads to fewer misunderstandings later and less hurt feelings. Mr. Petrov said it is not a matter of preventing as much as a matter of planning. Mr. Petrov said he has been in situations where cities took a no-growth stance and just adopted the thought that they were not going to build roads, sewers, or anything and people will not come. Mr. Petrov said people are still coming and people are still going to like your city and move in and then the roads are going to be inadequate, water lines are going to be inadequate and you will be playing catch up if you are not ahead of the game. Mr. Petrov said that is one of the things he liked about Montgomery when he interviewed here was forward-thinking and being proactive. Rebecca Huss said everything is cheaper if you plan ahead

for it and saving a little bit is good too and playing catch-up costs you double at least. Mr. Petrov said you are in a rush in those cases and that is when you miss things. Mayor Countryman said it is easier to put together something in a back offer and negotiate terms if you have them in place and it is harder to get them in place if they are not already established. Rebecca Huss said she thinks it is better for them to understand and set up a framework to look at it more as a partnership than an adversarial situation and look at ways to keep what they love about the City in place.

Mr. Tramm said he is not sure how specific the need for a motion is but he thinks having the motion to give him direction helps solidify that they have a record of it and puts in place a record that the Council is definitely in favor of moving in this direction.

Kevin Lacy motioned to direct City staff to work with a MUD specific attorney on behalf of the City of Montgomery, Texas. Rebecca Huss seconded the motion.

Discussion: Rebecca Huss said she is on board with Mr. Tramm's three main goals and hopes everyone else is thinking that as well because she thinks he articulated it very nicely.

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);
  - b) Section 551.072 (deliberation regarding real property); and
  - c) Section 551.074 (personnel matters) concerning the City Administrator's Performance Review.



Mayor Pro Tem T.J. Wilkerson adjourned into Closed Executive Session at 7:51 p.m.

Reconvene into Open Session.

Mayor Countryman reconvened into Open Session at 8:34 p.m.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

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

Rebecca Huss moved to offer the City Administrator, Mr. Richard Tramm a three-year contract with a \$10,000 raise for this year and note that he exceeds expectations. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

City Council congratulated Mr. Tramm.

**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.

Randy Burleigh said back in August he asked Mr. Tramm about Entergy and isolation and where they are at on their engineering on the north side. Mr. Tramm said they have a meeting on October 21, 2020, with Entergy, Mr. Muckleroy, and Mayor Countryman. Mr. Tramm said the local area contact for Entergy that they have dealt with has retired and so someone from the eastern part of the County as well as South County is covering that area until a new person is appointed. Mr. Tramm said the woman who is in the replacement position is someone he has previously worked with in the past and she is bringing a couple of other contacts from Entergy to that meeting to give them a complete update.

Randy Burleigh asked if Mr. Tramm had followed up regarding CenterPoint and if they were supplying gas to Waterstone through Buffalo Springs. Mr. Tramm said he has not been able to track down confirmation on that and he will follow up with that information and get back to him during the month.

Randy Burleigh asked Mr. Tramm if when he presents his report at the next meeting, will he be covering a road maintenance plan that may be in place for the future. Mr. Tramm said there are plans in place and the next couple of months he will bring that to Council. Mr. Tramm said one of the things they need to make sure they can do is in the past it has been contracted through Precinct 1 and we have a new incoming Commissioner pending the election so they will need to make sure they continue to operate under the same arrangement with the new Commissioner. Randy Burleigh said it also included a lot of cracks as they have had a rough summer and a lot of the roads they repaired are overlaid and a few years ago they cracked very bad and need a temporary band-aid as far as what your crews can do inhouse. Mr. Tramm said he will speak with Mr. Muckleroy about that and now that they are in the new fiscal year they have some additional funds available for that since they are starting over. Rebecca Huss said it will help now that they are having cooler weather. Randy Burleigh said it is a small window and if you wait too long it is too cold and one year the City did it when it was cold and that was like taking a magic marker and running it over the crack which did not have any effect and they just wasted their money. Rebecca Huss said that might have been the company because when the crew at Public Works first did the crack sealing what they found is that some of the spray marks were done over perfectly good pavement so it was quite inciteful when they did it themselves. Randy Burleigh said it was the contract crew they paid, and they just wasted their money. Rebecca Huss said it could have been the weather or it could have been just their lack of enthusiasm for what is not a great job at all. Rebecca Huss said their crews do not like it, but they are willing to do it because that is how they do every job is to do it well. Rebecca Huss when you are walking the entire City and looking down at the ground at every crack they found some interesting things about the previously outsourced crack sealers.

Mayor Countryman said she just sent off a note to Mike with CenterPoint and said they will get together with him as he has now moved into a management role and thinks they will be in good hands.

### **ADJOURNMENT**

Rebecca Huss moved to adjourn the meeting at 8:42 p.m. Kevin Lacy seconded the motion, the motion carried unanimously. (5-0)

Submitted by:

*Susan Hensley*  
Susan Hensley, City Secretary

Date Approved:

*10/27/2020*

*Sara Countryman*  
Mayor Sara Countryman

