

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

**January 12, 2021**

**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
	Carol Langley	City Council Place # 1
	Kevin Lacy	City Council Place # 2
	T.J. Wilkerson	City Council Place # 3
	Julie Davis	City Council Place # 4
	Tom Cronin	City Council Place # 5

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.

Mr. Nathan Moxley, Secretary for the Board of Directors for Montgomery Little League commented on behalf of the Members of the Board. Mr. Moxley said this past year has been an especially trying year for Montgomery Little League and as you are acutely aware, all of our community as a whole. Mr. Moxley said last Spring, our State and County governments put regulations in place prohibiting them from providing services and facilities to children that desperately needed it. Mr. Moxley said youth sports activities that these kids, disrupted from their regular schedules and lives, relied on to feel a sense of normalcy during the lockdowns. Mr. Moxley said many leagues across the County, State, and Nation did not resume or even begin a youth baseball season.

Mr. Moxley said through the work of this Board of Directors and working with local officials, they found a way to proceed and even finished the Spring season. Mr. Moxley said they were able to complete a successful Fall season, adhering to the restrictions put in place, and during this time, they were also able to continue the progress they had been making in improving the facilities they provide for our community. Mr. Moxley said nearly \$100,000 has been spent in the past year to improve the baseball complex at West Montgomery County Park. Mr. Moxley said all four of their main fields received dugout makeovers increasing the space and privacy allocated to the players and improving the aesthetics of each of the fields. Mr. Moxley said they also were able to build a brand new covered, lighted batting facility increasing the number of cages available at their park to nine. Mr. Moxley said they have improved the drainage in the walkway areas and added asphalt where there had previously been dirt and mud. Mr. Moxley said their netting over the concessions and between fields improved the safety of the complex and privacy screens all around utility areas have given the complex a much more professional feel. Mr. Moxley said in short, the City of Montgomery's youth will be experiencing the absolute best Little League experience in the area.

Mr. Moxley said he has come to City Council today to ask for the support of this Council, City staff, and guests to help make this year opening day on February 27<sup>th</sup> at 9:00 a.m. the most memorable in Montgomery Little Leagues history. Mr. Moxley said they are asking for each of City Council to show support for Montgomery Little League by attending their Opening Day Ceremonies, touring the new complex, and being a part of the Montgomery Little League family on this important day.

Mr. Moxley said it would be their honor to invite Mayor Countryman to throw out the ceremonial Opening Pitch at the conclusion of their ceremony. Mr. Moxley said they look forward to hearing back from the City to arrange the details.

Mayor Countryman said she would love to go and will start practicing with a tennis ball right now, so she does not embarrass herself. Mayor Countryman thanked Mr. Moxley and said she appreciated that. Mayor Countryman said that was no small feat what Mr. Moxley has done and mentioned she has several parents across the State she is friends with whose kids did not get to play, and it has been challenging all the way around. Mayor Countryman said how Mr. Moxley was able to pull that off was stellar and they did a great job.

**CONSENT AGENDA:**

1. Matters related to the approval of minutes of the December 8, 2020, Regular Meeting.
2. Consideration and possible action regarding adoption of the Election Services Agreement by and between the City of Montgomery and Montgomery County Elections for the May 1, 2021 Election.
3. Consideration and possible action regarding adoption of the Joint Election Agreement by and between the City of Montgomery and Montgomery County Elections for the purpose of sharing jointly conducting elections to be held on May 1, 2021.
4. Consideration and possible action regarding adoption of an Escrow Agreement by and between the City of Montgomery, Texas and Panda Restaurant Group, Inc for the Panda Express Tract (Dev. No. 2010).

Kevin Lacy moved to approve the Consent Agenda items as presented. Julie Davis seconded the motion, the motion carried unanimously. (5-0)

**CONSIDERATION AND POSSIBLE ACTION:**

5. Consideration and possible action to schedule a Public Hearing to be held on February 9, 2021, for the purpose of reviewing the need to continue City of Montgomery Ordinance 2018-05, Juvenile Curfew Ordinance, Codified in Division 2 of Chapter 62 of the Code of Ordinances of the City of Montgomery, Texas in accordance with Section 370.002 of the Texas Local Government Code, and to determine whether the City shall abolish, continue or modify the ordinance.

Mr. Tramm said the City is required to hold a hearing and review the Juvenile Curfew Ordinance every three (3) years. Mr. Tramm said it was last reviewed in 2018 and is due for review this year. Mr. Tramm said Police Chief Anthony Solomon will be reviewing the Ordinance for recommendations he feels might be considered for any necessary updates at a future meeting. Mr. Tramm said the recommendation is to call a Public Hearing for the purpose of reviewing the City of Montgomery Ordinance 2018-05, Juvenile Curfew Ordinance for February 9, 2021.

Julie Davis said just to clarify is the only thing they are doing is approving or not approving a Public Hearing. Mr. Tramm said that is correct and what Council is doing is setting a hearing date and then you will be able to take the testimony and comments from the public. Mr. Tramm said Chief Solomon will be able to provide any recommendations and then Council will be able to discuss how it wants to proceed.

Julie Davis moved to accept this item as presented. Kevin Lacy seconded the motion, the motion carried unanimously. (5-0)

6. Consideration and possible action on a Resolution regarding a Petition for Consent to Annexation of Land into Proposed Montgomery County Municipal Utility District No. 160 as submitted by Hilliary Dumas.

Mr. Tramm said the developer of the MUD is requesting to add this parcel of land to their MUD to facilitate the MUD creation process. Mr. Tramm said there are some points to consider in the request. Mr. Tramm said the requested parcel has an existing building with living quarters that could provide the housing needed for the resident who will vote in the MUD election. Mr. Tramm said the alternative to the MUD voter living in this location is to move a manufactured home onto the property currently in the MUD. Mr. Tramm said the likely location for the trailer is adjacent to the Buffalo Springs Bridge across the street from the Waterstone considering availability in that area to local existing utilities. Mr. Tramm said they feel there may be a number of the public who negatively perceive that, but it is a requirement for the MUD to have a resident there in place. Mr. Tramm said the City Council in order to allow the manufactured home to be in place if it went that route would need to grant a variance to the existing ordinances to allow that.

Mr. Tramm said the parcel to be annexed is currently owned by the developer and once that parcel is annexed into the MUD it cannot be removed from the MUD. Mr. Tramm said this property would be subject to the MUD tax and it may not be subject to the HOA dues depending on how that is set up by the developer. Mr. Tramm said this does not take it out of the City's jurisdiction, it will still be in the City and subject to City taxation. Ms. Dumas said she was present in case there were any questions.

Mr. Tramm said this item is presented to Council to consider the request to consent to the land annexation into the MUD and act on the Resolution as they see fit. Mr. Tramm said from his point

of view as a recommendation he does not see a negative for the City to allow this to go forward as requested.

Julie Davis asked if they gave a variance for the manufactured home, would it be an indefinite variance or would it be for a set term, such as three years until the subdivision is built. Mr. Tramm said he believes Council can set limitations on that. Mr. Alan Petrov, City Attorney advised you could and said as a general rule, variances run with the land but you can apply conditions to variances so you could make it for some specific time period. Kevin Lacy asked what the time frame is for the manufactured home and doesn't it need to be there for six months so they can qualify for the MUD. Mr. Petrov said realistically it would probably be more time than that because they have to have a person that lives there long enough to get a driver license and voter identification registered at that location and you have to time it with the timing of an election because they also have to have their uniform election dates the same as the City's.

Ms. Dumas said from their standpoint, there is a third-party vendor that is often used when you are creating a MUD that provides the manufactured home and the minimum would be nine months because you have to get a tenant and most people do not want to move in less than nine months, so it is typically nine months to a year. Ms. Dumas said they expect to have houses on the ground in six months so from their perspective they also did not want a trailer in a nice new subdivision where they are trying to sell houses and lots and is adjacent to the road. Ms. Dumas said it just was not something they felt was ideal.

Julie Davis asked Ms. Dumas if there are any concerns in the future with the section being discussed for annexation being completely separate from the neighborhood such as how do you explain the tax rate increase for that one little lot versus this entire section. Ms. Dumas said in general they have multiple tracts they may ultimately annex into the MUD that are not adjacent to Section 1 or Section 2 of Town Creek Crossing. Ms. Dumas said they would be different developments such as the property near Ransom's, which is 15 acres, they have looked at a duplex/townhouse more of a multi-family type project there and that is one of the properties that is listed which could be in the MUD as well. Ms. Dumas said they do not see any issue with it not being adjacent and it shows up as a recorded item and so it shows up on your tax roll and any time a title is pulled. Ms. Dumas said she owns the land and right now it is a metal building that looks like a barn, but it has a one-bedroom apartment on it. Ms. Dumas said it was just a logical place to have a tenant that can stay for a year or more and from the tenant's perspective it makes sense. Ms. Dumas said the land is a little over three acres and is somewhere they have personally talked about building a house. Ms.

Dumas said you pay more in taxes because it will be subject to the MUD taxes, but they also can utilize those amenities if in the future they chose to sell it.

Ms. Dumas said to them it was a better option than having a trailer on-site and something that does not require a variance and is just a cleaner transaction for the City and them.

Mr. Tramm said from the City's point of view in the points he made earlier, he thinks there are some benefits for the City to stay away from the visibility of the trailer home on the main road across from the subdivision and thinks this is coincidentally beneficial to both parties.

Tom Cronin moved to consent to the land annexation into the MUD and act on the Resolution. 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 OF THE CITY OF MONTGOMERY, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON MAY 1, 2021, FOR THE PURPOSE OF ELECTING THREE (3) CITY COUNCIL MEMBERS, PLACES 1, 3 AND 5; APPROVING ELECTION SERVICE AGREEMENTS WITH MONTGOMERY COUNTY, TEXAS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

Consideración y posible acción respecto a la adopción de la siguiente Ordenanza:

UNA ORDENANZA DE LA CIUDAD DE MONTGOMERY, TEXAS, ESTIPULA QUE LA ELECCIÓN GENERAL SE LLEVA A CABO EL 1 DE MAYO DE 2021, CON EL PROPÓSITO DE ELEGIR A TRES (3) MIEMBROS DEL CONSEJO MUNICIPAL, PUESTOS 1, 3 Y 5; APRUEBA LOS ACUERDOS DE SERVICIO DE ELECCIÓN CON EL CONDADO DE MONTGOMERY, TEXAS, Y PROPORCIONA DETALLES RELACIONADOS A LA REALIZACIÓN DE LAS ELECCIONES.

Kevin Lacy moved to approve the Adoption of the Ordinance to hold the General Election on May 1, 2021. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

8. Consideration and possible action regarding the updated signature cards and signors for all City banking accounts.

Mr. Tramm said due to the changes on City Council they need to update the signature cards for the City banking accounts. Mr. Tramm said the current account signers that are still with the City are Mayor Countryman, Councilman Tom Cronin, and himself. Mr. Tramm said he plans to add each

of the remaining City Council members who are not currently signers as signers unless there are any who prefer not to be listed. Mr. Tramm said they will have the bank draw up the paperwork and bring it back to obtain signatures from everyone and that will give them the maximum number of signers available in case the people who primarily sign may not be available due to vacation or other emergencies.

Tom Cronin moved to authorize the City Administrator to take action to have the updated City signature cards prepared for City banking accounts. Kevin Lacy seconded the motion, the motion carried unanimously. (5-0)

9. Review and discuss Chapter 6 of the City Code of Ordinances – Expanding the area and time for allowing the public to walk with alcoholic beverages in a defined area in downtown Montgomery.

Mr. Tramm said before the COVID-19 pandemic, City staff was asked to investigate options related to the extension of the legal provision that allows the public to walk with alcohol in a defined area during special events by extending this to be effective on a regular basis. Mr. Tramm said the defined area is generally in the Historic Downtown area that is home to many restaurants and shops, as well as the area for special events.

Mr. Tramm said staff has considered some minor changes to the area and made some updates to the proposed mapping that is attached to provide greater clarity and uniformity to the designated boundary. Mr. Tramm said they have also discussed and proposed expansion of dates and special events to this being a full-time provision, while still being limited by time of day, both with the City's Attorney and Police Chief with neither having objections to these modifications.

Mr. Tramm said staff expects this could be a boost to several downtown businesses that sell alcohol in the Historic District, as well as other local shops that could benefit from the additional foot traffic. Mr. Tramm said what they are asking for tonight is not an approval of this, they are looking for guidance from City Council and is this something Council wants them to proceed to update and bring back for future approval, or if Council wants to have an additional discussion.

Mayor Countryman asked if it is typical when an event is over they are not allowed to walk around with alcoholic drinks. Mr. Tramm said it is listed in the Ordinance as existing and the exception is based on the time of day and it is different for certain days of the week when there are those events. Mr. Tramm said, for instance, Monday through Saturday it is 7:00 a.m. to midnight and on Sunday

it is noon to midnight, and Saturday it is through 1:00 a.m. Mr. Tramm said there is a bit of variation for the exact day of the week, but it is written around special events. Mr. Tramm said in their reading of this the Ordinance does not list the special events, so they have interpreted that to be special events as they have been approved by Council. Mr. Tramm said even if City Council does not want to take action to do any long-term expansion, he does think they need to come back and clean up a few of the gaps in the Ordinance. Mr. Tramm said he knows there are other cities around the State that do this, and they are not the only ones.

Tom Cronin said the only problem he sees is it says alcohol and he does not think it would be wise for people to walk around with a mixed beverage, so he thinks it should be specific to beer and wine. Kevin Lacy said to start at 6:00 a.m. Mr. Tramm said he appreciates the input and that is certainly the kind of thing they can take into modification to bring back to Council. Mayor Countryman asked if that is how other cities do it as she did not recall it included mixed drinks. Tom Cronin said in Fredericksburg you are allowed to walk into retail stores and a lot of times they have complimentary wine, but you can walk around as long as you are not inebriated. Tom Cronin said he thought it would help the retailers in the Historic Downtown area to be able to do that whether it is to provide a complimentary or just allow someone to come into their shop with a plastic cup of wine or beer while they look at retail items and consider shopping and purchasing. Tom Cronin said he would not be able to so he certainly does not have to recuse himself because he has a mixed beverage license and he cannot sell wine, beer, or alcohol out the front door but thinks it would benefit people like Whitley Vineyards, Rendy Kerr, and H Wines, etc. to provide plastic cups so people could walk around the Downtown Historic District during whether it is on a Saturday or Thursday evening shopping. Mayor Countryman said she could not agree more. Mayor Countryman said also in the event people leave the shop and go to dinner or elsewhere this would also fall under that. Tom Cronin said it would to his knowledge.

Julie Davis asked if there is a way to have a Public Meeting on this topic as well because after speaking with several people that live in the downtown area there were big concerns about this. Kevin Lacy said he was sure they could and asked what days are currently allowed and is it a Thursday through Sunday situation or seven days a week. Julie Davis said seven days a week. Kevin Lacy said he would be fine with Thursday through Sunday and it depends on what the enforcement looks like. Kevin Lacy asked are they going to have the police officers out there looking for people to pick up. Tom Cronin asked Julie Davis what were some of the concerns people expressed. Julie Davis said the biggest concerns were extra littering and there is already quite a bit of theft going on in the downtown area, the response time for the police department to



get there on the scene if you have public intoxication and it goes down into the Historic area. Julie Davis said another concern that was mentioned by a business owner was if one store is giving out one wine here and one wine there, how do you control whether or not you are serving someone who is intoxicated and at what point does it become a liability to people walking along FM 149 as they already have traffic that is somewhat out of control and over the speed limit that was talked about multiple times and what happens if someone accidentally missed steps and it is in FM 149. Mayor Countryman said that could happen at a restaurant and you would be able to see the signs of inebriation. Tom Cronin said it is the responsibility of a responsible restaurant operator to be schooled and certified by TABC to recognize those signs. Tom Cronin said they get people from other places and they do not serve them if they are intoxicated and some of the other owners of wine bars, etc. have discussed it and it is a huge liability for them if they do serve someone that is inebriated, and they certainly refuse service to a lot of people and would hope that others would also.

Tom Cronin said he is curious about the theft downtown and asked if Chief Solomon can address this and have they had a lot of reports filed. Chief Solomon said no they have not and said he was curious about that himself and asked if they are reporting these thefts. Julie Davis said she is not sure, but Damon Haynes mentioned it to her and said that he has had quite a bit of theft out of his vehicle at Wings Over Montgomery and from contractor vehicles. Mayor Countryman asked if he was locking his vehicle. Julie Davis said she is not sure. Julie Davis said it was all being reported. Chief Solomon said he will check again but they have not had any burglaries of a motor vehicle and they normally look at those reports every morning, and he has not seen those, but he will recheck.

Mayor Countryman said as far as the trash goes, she does not know that there is going to be an increase in the trash just because if you are going from place to place either they will take the cup with them or they will dispose of it in a location where they are drinking. Mayor Countryman said she would be willing to try it and see and if these things come up then go back and address it as they certainly have that option. Mr. Tramm said yes and if you look at the way the Ordinance is written now you could put different exceptions onto days if you wanted to do seven days a week or just Thursday through Sunday, those become options and you can be a bit more limiting or expansive on the hours of the day. Mr. Tramm said you could also approve it and then they will review it in six months and if it is not having the desired impact or has negative implications then plan to rescind it or reaffirm it at that time. Mr. Tramm said he thinks City Council has some very wide latitude in moving forward in one way or another.

Kevin Lacy said he would like to move forward and continue on and if anything becomes a problem they can address that, but he would like to move forward to make the downtown area open and happening and fun and knows if there are any issues they will be addressed very swiftly as Mayor Countryman had mentioned. Kevin Lacy said they should go ahead and open it up and allow the patrons to patron. Julie Davis said in wintertime when people are not out in force, what is the harm in having a public forum or discussion that is open to the City so they can hear from more people now when it is winter before spring and then bring this back up at the next Council meeting in February or March. Kevin Lacy said it does not matter to him as he is fine with it and it is up to everyone else.

Chief Solomon said he just checked their log, and they have no reports of burglary of motor vehicles in the City at all. Chief Solomon said he knows a lot of cities are having them, but they have not had a report on this. Kevin Lacy asked if Mr. Tramm needs Council to approve him to work on this and get back with them or does he need a motion of anything at all right now. Mr. Tramm said he does not even need a specific motion on this as he just wants to make sure he has some clarity on what direction Council wants them to move. Mr. Tramm said he has received some input on limiting it to beer and wine and not including mixed drinks. Mr. Tramm said it sounded like the area included was not going to be a problem at least to bring forward on a draft. Mr. Tramm said any time they bring this forward it will be in the format of an Open Meeting, so the public can attend and comment on that. Mr. Tramm said it is up to Council if they would rather they have this in a separate format type of meeting, either a Special Meeting or hold it for the first meeting instead of the second meeting of the month, and any guidance on that he is happy to receive.

Tom Cronin said he is all for that and thinks earlier in the month and does not see having a public forum because the public is already welcome to these meetings and they also have the ability to go in the public comment section previous to the Council meeting. Tom Cronin said one thing he would recommend is to come up with a nine-ounce plastic cup that is not filled with nine ounces of wine, usually, it is half of that so that way people cannot come in with a 12- or 16-ounce cup to the retailer and ask if they would fill it with complimentary wine. Tom Cronin said he thinks they have to be specific on the container people are walking around with and make sure they are all consistent and uniform. Mayor Countryman said like a standardized cup or size of cup. Mr. Tramm said he thinks that is a wise consideration.

Mr. Tramm said they will plan to bring this item back at a first meeting of the month, more than likely February and they can proceed as Council desires.

**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.

**COUNCIL INQUIRY:**

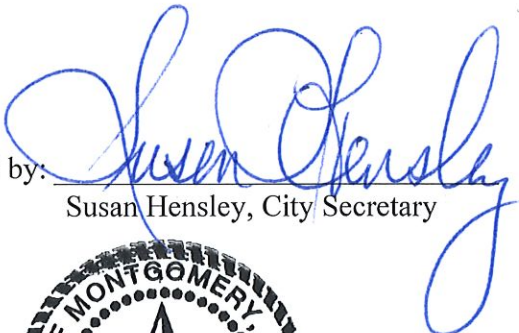
Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to the recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation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

T. J. Wilkerson asked if Mr. Tramm or Mr. Roznovsky had an update on the speed limit on FM 1097. Mr. Tramm said he will be speaking with Mr. Roznovsky tomorrow and he will follow up with him on that matter and will make sure to give T.J. Wilkerson a phone call or an email if there is any update and if there is not, he will remind Mr. Roznovsky to check into it. Mr. Tramm said the police department has their speed equipment continually move around the City in different areas and have taken some of that more recently downtown because of complaints of traffic in that area.

**ADJOURNMENT**

Kevin Lacy moved to adjourn at 6:38 p.m. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

Submitted by:

  
Susan Hensley, City Secretary

Date Approved:

01/26/2021



  
Mayor Sara Countryman