

**MINUTES OF PUBLIC HEARING AND SPECIAL TELEPHONE  
CONFERENCE/VIDEO MEETING  
September 15, 2020  
MONTGOMERY CITY COUNCIL**

**CALL TO ORDER**

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

Present:        Sara Countryman        Mayor  
                  Kevin Lacy                City Council Place # 1  
                  Randy Burleigh            City Council Place # 2  
                  T.J. Wilkerson             City Council Place # 3  
                  Rebecca Huss              City Council Place # 4  
                  Tom Cronin                 City Council Place # 5

Absent:

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

**INVOCATION**

T.J. Wilkerson gave the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

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

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

## **PUBLIC HEARING**

### **Convene into Public Hearing:**

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

1. **Tax Rate Public Hearing: - the 2020 tax rate of \$.4000 per \$100 valuation as proposed by the governing body of the City of Montgomery as the 2020 City Tax Rate.**

Mayor Countryman convened the Public Hearing at 6:02 p.m.

Mr. Tramm advised there were no comments submitted to the City for the Public Hearing.

### **Adjourn Public Hearing**

Mayor Countryman adjourned the Public Hearing at 6:02 p.m.

### **Reconvene into Special Meeting**

Mayor Countryman reconvened the Special Meeting at 6:03 p.m.

## **CONSENT AGENDA:**

2. **Matters related to the approval of minutes of August 25, 2020, Regular Meeting. (Tabled at the September 8, 2020 Meeting)**

Randy Burleigh moved to approve the minutes of August 25, 2020, Regular Meeting. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

## **CONSIDERATION AND POSSIBLE ACTION:**

3. **Consider, Adopt and Set by Order the 2020 Ad Valorem Tax Rate for Maintenance and Operation, \$.2805/\$100.**

Mr. Tramm advised on August 25, 2020, the City Council unanimously voted to set the proposed tax rate for 2020 at \$.4000/per \$100 valuation, with maintenance and operations at

\$.2805 and debt service (interest and sinking) at \$.1195. Mr. Tramm noted that items 3, 4 and 5 are all linked.

Mr. Tramm stated on the final item, as stated by the Tax Assessor/Collector, Agenda Item 5 is the adoption of the tax rate.

Mr. Tramm said the first item is to set the tax rate for maintenance and operations at \$.2805/per \$100 valuation.

Rebecca Huss asked to confirm that the action was unanimous at the full quorum attended meeting to set the proposed tax ad valorem rates for maintenance and operations and debt service. Mr. Tramm confirmed that information. Mr. Tramm said attached in the pack was a copy of the Notice of Public Hearing on the Tax Rate Increase, which while the tax rate remains the same, it is called a Tax Rate Increase because it generates additional revenue and shows the record vote that took place at the meeting that showed all five votes being in favor of the rates, no votes opposed and the Mayor was noted as present but not voting.

Rebecca Huss moved to adopt and set by Order the 2020 Ad Valorem Tax Rate for Maintenance and Operations at \$.2805/per \$100 valuation. Randy Burleigh seconded the motion, the motion carried unanimously. (5-0)

4. Consider, Adopt and Set by Order the 2020 Ad Valorem Tax Rate for Debt Services, \$.1195/\$100.

Mr. Tramm said this was similar to the item that was just acted on, but this is for the debt service tax rate (interest and sinking rate).

Rebecca Huss moved to adopt the 2020 Ad Valorem Tax Rate for Debt Service at \$.1195/\$100 valuation. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

5. Consideration and possible action regarding adoption of the following Ordinance:  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS,  
SETTING THE AD VALOREM TAX RATE OF THE CITY OF MONTGOMERY, FOR

THE YEAR 2020 AT A RATE OF \$0.4000 PER ONE HUNDRED DOLLARS (\$100.00) VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MONTGOMERY AS OF JANUARY 1, 2020 SPECIFYING SEPARATE COMPONENTS OF SUCH RATE FOR OPERATIONS AND MAINTENANCE AND FOR DEBT SERVICE; LEVYING AN AD VALOREM TAX FOR THE YEAR 2020 PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR COLLECTION AND ORDAINING OTHER RELATED MATTERS.

Mr. Tramm advised this rate is the rate that was discussed and voted on by City Council for the proposed tax rate on August 25, 2020. Mr. Tramm said the two rates, \$.2805/\$100 for maintenance and operations, and \$.1195/\$100 for debt service added together total the tax rate of \$.4000/100 valuation. Mr. Tramm said this is the same tax rate the City has had for the last two years. Mr. Tramm said there is required language for the adoption of this Ordinance.

Rebecca Huss moved to adopt the Ordinance and that the property tax rate be increased by the adoption of the tax rate of \$.4000/per \$100 valuation, which is effectively a 4.09 percent increase in the tax rate. Randy Burleigh seconded the motion.

Discussion: City Secretary Susan Hensley asked to confirm that Randy Burleigh seconded the motion. Randy Burleigh confirmed that he had done so.

Randy Burleigh – Aye

Kevin Lacy – Aye

T.J. Wilkerson – Aye

Rebecca Huss – Aye

Tom Cronin - Aye

The motion carried unanimously. (5-0)

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

Mr. McCorquodale advised at the last City Council Meeting, City Council directed staff to work with the applicant and sign company to find a solution that might be more in keeping with the spirit and intent of the City's sign ordinance. Mr. McCorquodale said they have included the revised sign, where they are asking for a variance of four feet on the overall area of the sign, which would mean the maximum height of the sign would be 14-feet.

Mr. McCorquodale said the sign would be in the area to the left, where a portable sign used to be located. Mr. McCorquodale said the static display would be internally lit and have the business name on it. Mr. McCorquodale said they want to make sure the sign company understands the programming of the sign and what is allowed regarding messages and the length of time it must remain before changing so there are no flashing messages. Mr. McCorquodale said they are showing approximately five feet of a masonry base for the sign.

Mayor Countryman asked if the sign was at the roof line or below. Mr. McCorquodale said it would be below the roof line. Randy Burleigh asked to confirm the sign has the same message on both sides. Mr. McCorquodale said that was correct. Rebecca Huss said the masonry looks like cinder block and asked if it is the intent to have that covered with a facing of some type. Mr. McCorquodale said yes, it would be a brick veneer. Mr. McCorquodale said they would construct the sign with cinder blocks and then would be clad in brick. Rebecca Huss said they had done a good job of making the sign comply with the spirit of the sign ordinance. Randy Burleigh said he really liked the sign with the shrubs around the base. Mr. McCorquodale said the shrubs are an option that they are willing to add around the foundation if City Council would like that. Randy Burleigh said the landscaping makes the sign appear smaller and not as tall.

Mayor Countryman asked to confirm that the sign would not impede on the intersection. Mr. McCorquodale said that was correct, the center of the sign would be staked out and the foundation would be set, and they would have a building inspection, where they will ensure the sign is placed correctly.

Randy Burleigh said they show a good sign on top of the building, which they are not the only business in town with this, and asked if the ordinance regulates the number of signs a business can put on their building. Mr. McCorquodale said the ordinance does, but it is not very

limiting. Mr. McCorquodale said for roof signs, they can be 24-inches or higher above the roofline, in terms of wall signs a business can have up to 60 percent of the wall as a sign. Mr. McCorquodale said there are conditions when it gets to an elevation that faces a residential area, there are restrictions related to that, but in the large part, there are not a whole lot of restrictions. Mr. Burleigh said he noticed with the new businesses in town they have so many signs plastered all over the building and every window has a sign in it, but that was something for another day.

Kevin Lacy said he loves the new sign design but wanted to make sure that bottom section that is LED was not blindingly bright as some signs are at night. Kevin Lacy asked if there was any way to make sure it is either dammed or disabled at night, so it does not blind drivers approaching the sign. Mr. McCorquodale said yes, one of the requirements, in terms of the brightness of the LED sign or internally lit sign, is they cannot be greater than a specific number of lux which is similar to a lumen, but this is measured from the outside. Mr. McCorquodale said when they are too bright, they are almost unsafe, but they do have safeguards in place to regulate that. Randy Burleigh asked if the Code Enforcement Officer would be the person that would be responsible for checking those signs. Mr. McCorquodale said Public Works crews will often check those signs. Randy Burleigh said Kevin Lacy is right, when the sign on the bypass first was installed it looked like Las Vegas from five miles away, and it could have distracted people enough that they could have an accident.

Mr. Islam advised they could adjust the brightness of the sign by setting a schedule so at different times the sign could be dimmed at night and they could adjust the level of brightness and meet the City's desired brightness level. Mayor Countryman asked if there were nighttime lumens that they cannot exceed. Mr. McCorquodale said the City's requirement is 24 hours per day at 700 lux, but said when a sign is too bright it is obvious, so it is good to hear the sign has the ability to be adjusted if there is a safety issue. Mr. Islam advised the sign is controlled by a laptop computer.

Ms. Bonnie Albright said the brick on the sign will look very nice, and said they had different options, but they picked one they thought would look older like the historic area in town. Ms. Albright said the sign will look classy, and noted they were paying an extra \$2,000 just to have the brick on the sign to make it look as nice as they can. Mayor Countryman said they are

taking the “old” comment as a compliment. Ms. Albright said she meant it as one, stating they are here because they love Montgomery.

Rebecca Huss moved to allow a variance request for the proposed sign located at 14030 Liberty Street for 38 square feet of additional signage area and four feet over the height allowance. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

**EXECUTIVE SESSION:**

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

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

No Executive Session was conducted during the meeting.

Reconvene into Open Session.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

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

No action was taken.

**COUNCIL INQUIRY:**

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

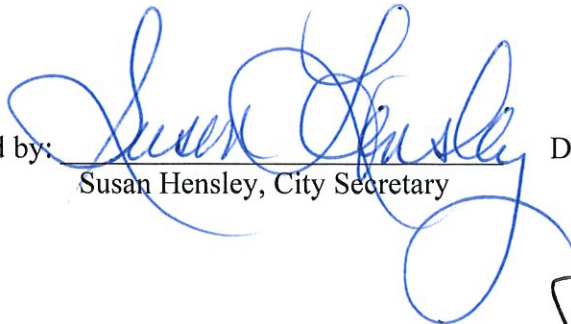
or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

There were no comments made.

**ADJOURNMENT**

Kevin Lacy moved to adjourn the meeting at 6:25 p.m. Tom Cronin seconded the motion, the motion carried unanimously. (5-)

Submitted by:



Susan Hensley, City Secretary

Date Approved:

10/13/2020



Mayor Sara Countryman