

MINUTES OF SPECIAL TELEPHONE CONFERENCE/VIDEO MEETING

December 22, 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
	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
	Alan P. Petrov	City Attorney

INVOCATION

T.J. Wilkerson gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

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

There were no comments made.

CONSIDERATION AND POSSIBLE ACTION:

1. Consideration and possible action regarding appointment of Municipal Court Judge and Associate Municipal Court Judge. (Action Tabled at 12/08/20 City Council Meeting)

Mr. Tramm said this item is required by the City's Code of Ordinances and these terms follow along with the term of the Mayor. Mr. Tramm said Robert Rosenquist has currently been serving as Municipal Court Judge and Gary Scott serving as the Associate Municipal Court Judge. Mr. Tramm said this item was considered and tabled December 8, 2020, to allow staff to explore the opportunity that was there for Precinct 1 Justice of the Peace Wayne Mack to also serve in the position of Municipal Court Judge. Mr. Tramm said he spoke with Judge Mack and he indicated he would be interested in working with the City. Mr. Tramm said Judge Mack and the Court Administrator Kimberly Duckett had a productive conversation.

Mr. Tramm said if Council wants to appoint Judge Wayne Mack to the position instead of Judge Rosenquist, that is something he believes staff can support and recommends going in that direction if it is Council's desire.

Mr. Tramm said, also, he did speak to Judge Rosenquist on Friday and he has supplied a letter of resignation that would take effect upon his replacement. Mr. Tramm said that clears out any question of the position auto-renewing and Judge Rosenquist is providing that in case Council wants to go in a different direction. Mr. Tramm said upon speaking with Judge Rosenquist, he was also prepared to continue in this position.

Tom Cronin asked if Judge Rosenquist is still interested in remaining in the position of Municipal Court Judge. Mr. Tramm said that was his understanding, but he also supplied the letter of resignation to allow Council to make the decision either way. Mr. Tramm said the wording of the resignation letter states it takes effect upon his replacement and obviously if he is not replaced then it does not take effect.

T.J. Wilkerson asked if Judge Mack replaces Judge Rosenquist would the Court Administrator and staff remain in their positions or would Judge Mack bring his people with him. Mr. Tramm said they would continue to function as they are functioning now, but the

difference would be the duties that Judge Rosenquist has been filling would instead be filled by Judge Mack in the same capacity. Mr. Tramm said there could be other changes made in the future but that is not what is being discussed tonight. Mr. Tramm said what they are currently discussing is the position that has been fulfilled by Judge Rosenquist and whether or not to re-appoint him or appoint Judge Mack and operate in the same fashion.

Tom Cronin asked if Judge Mack can bring his staff in if he wants to down the road 30 or 60 days later. Mr. Tramm said that was not his intent to say it that way. Mr. Tramm said if there might be other changes they would look at making, that would be something they could discuss down the road and what he means by down the road is much longer down the road. Mr. Tramm said they have their budget set for the fiscal year and have their plan in place to operate a certain way and he was not looking at making any significant structural changes during this fiscal year.

Mr. Tramm said if they are working with Judge Wayne Mack, anything that he is doing in his current capacity at the Precinct office, if there might be ways they can find to make improvements whether in terms of efficiency or cost, then he thinks those would be changes they would look at implementing in the future.

Mayor Countryman asked if they could ask Ms. Kimberly Duckett, Court Administrator if there would be changes that would be welcomed because she was not aware there would be changes if the current Judge was replaced. Mr. Tramm said that is their intent and the only change if they did change to Judge Mack, would be he would operate in the same capacity as Judge Rosenquist is currently operating. Mr. Tramm said Mrs. Duckett could certainly comment and is welcomed to do so.

Mayor Countryman said if Judge Mack were to be appointed and later down the road brought his staff, how would that affect Mrs. Duckett and Mrs. Christy Reed, Deputy Court Clerk. Mrs. Duckett said that could potentially put herself and/or Mrs. Christy Reed out of their positions and stated she was highly not in favor of Judge Mack bringing in his staff. Mrs. Duckett said she has been in Court for over five years and her current position for two and a half years and she does not want to jeopardize their positions for the appointment of a Judge when they can function with Judge Rosenquist. Mayor Countryman asked if that was the

Judge's call or if it is the City's call because he is working on behalf of the City. Mrs. Duckett asked as far as the Judge bringing in their staff. Police Chief Solomon said that would not be the Judge's function as he has a staff that he uses in Precinct 1 and some of the changes they would be looking for if Judge Mack came in is Judge Mack has a very good juvenile program. Chief Solomon said Precinct 1 also gets all the revenue from many citations that are handed out at the schools and they have schools that are clearly in this jurisdiction that they are not getting a response from because they are all being handled in Judge Mack's court. Chief Solomon said if Judge Mack comes to Montgomery those citations would be handled in Montgomery's court. Chief Solomon said as far as their staff changing, that would be up to the City.

Alan Petrov, City Attorney said when cities appoint the Municipal Judge, the judges can vary from time to time, but the cities employ the staff so that typically does not change. Tom Cronin asked if Judge Mack were to come in would he have the authority to make a change here at the local level. Mr. Petrov said that is correct. Mayor Countryman said that is what she prefers. T.J. Wilkerson asked if it would need to come before Council. Mr. Petrov said yes, Council would have to approve the change.

Mr. Tramm said what he is saying is there might be things they look at in the future, but he would consider any changes like that to be well into the future as first in his opinion they would have to see how that relationship would work and give him and City staff opportunities to work together and become more familiar with each other and at that point allow the Judge and Mrs. Duckett the opportunity to figure out how any changes might best work for the future and bring those to him the City Administrator and ultimately to City Council.

Julie Davis asked if there are any concerns Judge Mack is not an Attorney of Law regarding legal action for the City itself. Julie Davis said Judge Rosenquist is a degreed attorney and asked what our liabilities are. Julie Davis asked if Judge Mack is involved in several litigations with the County right now concerning things happening in his court and are they then opening that pandora's box for the City of Montgomery. Mr. Petrov said he is not that familiar with Judge Mack so he could not speak to what he may be involved with, but regardless of whether he is a licensed attorney, as long as he meets the qualifications for appointment as a Municipal Judge that is not a problem. Mr. Petrov said some people like

to have an attorney as the judge with a feeling they may have a bit more knowledge of the law but other individuals have picked it up over years of service too.

Mayor Countryman said to consider the consequence. Mayor Countryman said the City has had Judge Rosenquist since she has been Mayor and it had come to her attention that the City had been overpaying him by \$500 a month and he knew it and did not say anything. Mayor Countryman said she has a problem with that, but if the City was to keep him, that is great too, but she just wanted to bring up that point. Julie Davis said someone had mentioned that to her, but she was told that in a Council meeting that his pay was increased by \$500 a month and was authorized by the City and when Judge Rosenquist was addressed regarding this, he immediately suggested during the pandemic to go down to the \$1,000 a month instead of the \$1,500. Mayor Countryman said she does not recall adjusting his pay but remembers being told that the City was paying him \$1,500 a month and that he knew that was what Mr. Jack Yates and Council had agreed upon that he was getting paid \$1,500 a month instead of the \$1,000 a month which was the actual agreement. Mayor Countryman said he accepted those checks for quite a long time and did not say anything about it.

Carol Langley asked how many court nights they have now. Mrs. Duckett said it has been twice a month for court nights and sometimes it is once a month. Carol Langley asked if Judge Mack would be able to make both court times. Mrs. Duckett said she does not have her schedule made out for 2021 according to Judge Rosenquist and for the payment issue regarding Judge Rosenquist that was authorized by the previous Court Administrator and Mr. Yates.

T.J. Wilkerson asked if Mrs. Duckett and Ms. Reed had visited with Judge Mack. Mrs. Duckett said only she visited with Judge Mack in a phone conversation and not Ms. Reed. Mrs. Duckett said the conversation was for Judge Mack to let her know he was interested in the position.

Julie Davis said she would like to re-appoint the same two judges and leave it as it is.

Tom Cronin said he would like to make a motion to re-appoint Municipal Court Judge Robert Rosenquist and Associate Municipal Court Judge Gary Scott. Julie Davis seconded the motion, the motion carried unanimously. (5-0)

2. Consideration and possible action regarding acceptance of the bid and award of the construction contract for Water Plant No. 3 Improvements.

Mr. Tramm said this item was originally brought to Council in September 2020. Mr. Tramm said a large part of the project scope of work was the replacement of a 100,000-gallon ground storage tank with a 210,000-gallon ground storage tank which would match the other tank in operation at that facility.

Mr. Tramm said the decision was made to postpone awarding the construction contract at that time to make a better determination of the condition of the interior of the tank and try to see if there might be a possibility of recoating the tank to extend its service life for a safe extended period of time. Mr. Tramm said after reviewing the inspection results, the recommendation of the City Engineer, City staff, and TORC is to proceed with replacing the existing tank with a new larger tank per the original scope of work. Mr. Tramm said the City Engineer's memo explains in greater detail. Mr. Tramm said he would like to add that he also took the time to tour the inside of that tank and he is part of the ones who concur with this and thinks if several years ago the decision was made to recoat that tank, it might have done some good then but as it is, the decision was made that time to put them on the path to where they are today toward replacing that tank. Mr. Tramm said while they could put a coating inside of the tank, he thinks there is no guarantee it would hold and things like that tend to go out at the worst possible time. Mr. Tramm thinks they run the risk if they did not replace the tank that they would be looking at the potential of a tank earlier and if that occurs at the wrong time of year, they could be going through the entire summer on a drought contingency plan which really would not be palpable to most citizens.

Mr. Chris Roznovsky, City Engineer said this project is funded through the Texas Water Development Board and is a loan the City has, and the funds are in the bank ready to use for this project.

Mr. Roznovsky said back in 2015, 2016 when the issues of this tank started to be noted, the decision was made by Council at the time to not put money toward this tank for two reasons. Mr. Roznovsky said the first reason was it was already starting to show it was in pretty bad shape and two, just the size of it and knowing the needs and the growth of the City that larger tank was going to be needed in the future and saving them \$50-60,000 then and replacing it with a larger tank in the future with that capacity was going to be needed.

Mr. Roznovsky said what is in the packet Council received is their memo from August when the bids were received, going through the alternates and then the sizes, and the one he wants to point to is on the bottom of page five in the packet where there is base bid plus Alternate 2 which is what the recommendation is. Mr. Roznovsky said that shows where they are in terms of ESFC capacity and also it varies depending on what item you are looking at. Mr. Roznovsky said for where they are today, the limiting factor of their ability to serve water is the hydropneumatic tanks followed by the ground storage tanks. Mr. Roznovsky said what is in the project and what they all agreed upon is the 15,000-gallon hydro-tank which gets them from the 875 connection count up to 2,500 connections and that is just based on the rule that says if you have 30,000 or greater you can do 2,500 connections. Mr. Roznovsky said once that was out, you then look at the ground storage tank capacity which the City is at 2,175 connections, and if after this project you have 2,725 connections, then there are an additional 500 connections for that tank.

Mr. Roznovsky said the inspection report was done in October 2020. Mr. Roznovsky said in looking at the photos of the interior of the tank you can see all the rust spots on the bottom and walls and some of those rust spots go through the tank and water shoots up from the void that is underneath. Mr. Roznovsky said they inspected it and the next day had the tank's manufacturer inspect it to give their opinion on options and alternatives and then ultimately have staff review for the ultimate recommendation.

Mr. Roznovsky said he sent out photos for comparison sake from the interior of the same tank from 2016. Mr. Roznovsky said there is nothing more to note but you can see the differences that the past five years have made in the interior of that tank.

Mr. Roznovsky said there is a second memo dated November 19, 2020, that he sent out right before the meeting. Mr. Roznovsky said from the outcome of the meeting, this was tabled, and these were the items that were requested to be re-evaluated to make sure the recommendation they had was sufficient. Mr. Roznovsky said one item in the scope of work was cathodic protection which is a chemical reaction protecting against corrosion. Mr. Roznovsky said the recommendation was to take that out of the scope of work and they agree with that and said there will be a slight deduct change order to take that out. Mr. Roznovsky said the reason they are comfortable is that they are not going back with the same material of the tank and are not going back with a galvanized tank because what they have found is the galvanizing process changed back in the early 1990s and ever since then tanks have been having more issues of galvanizing. Mr. Roznovsky said it is to the point now where galvanizers are not warranting their work so the tank manufacturer has to warranty it and the person he used to galvanize it which there are only one or two businesses in Houston that will do it and will no longer warranty it. Mr. Roznovsky stated it says a lot that the galvanized tank is not warrantable. Mr. Roznovsky said they are going with a factory-coated tank and that way it has a protective coating on it and as that coating tends to wear out over time, which is why they inspect it regularly, you go in and blast and recoat, so you keep the coating on there to protect against corrosion going forward.

Mr. Roznovsky said one of the items that were in there as an alternate was an additional booster pump at the plant. Mr. Roznovsky said that is not their limiting factor and there is not a lot of cost savings in doing it now versus doing it as a separate project. Mr. Roznovsky said the recommendation is still to not go forward with a booster pump at this time. Mr. Roznovsky said they did agree to go forward as they move forward in the future to reevaluate and see where that is best served concerning size, location if it is at a new water plant, and on the west side of town if it is Water Plant No. 2, or Water Plant No. 3 but ultimately not doing any of that work right now which is about a \$90,000 addition to the contract.

Mr. Roznovsky said the groundwater storage tank that is being proposed is a larger footprint, so it is a larger diameter tank and requires breaking out the existing foundation and redoing some onsite piping and putting the new tank in place. Mr. Roznovsky said they looked at if they can utilize the same foundation and make the tank taller. Mr. Roznovsky said an issue with that is you then have tanks of different heights and they function on an open line so they

are connected to equalize and if you have tanks of different heights they are not going to function as they should, or you will never be able to use that additional capacity in your hollow tank because it will just flow out the top of the other one.

Mr. Roznovsky said they looked at how to repair the tank that is there and what they found is the first tank is made up of a metal floor and three metal rings that go around to make up the sides. Mr. Roznovsky said the bottom two rings and the floor all needed to be replaced. Mr. Roznovsky said they obtained a price from the manufacturer to replace those rings and it was around \$94,000-\$100,000 just to replace them so you do not end up with the tank any larger, you are just replacing it with the same size as those pieces and a cost of a new tank of the same size was around \$120,000. Mr. Roznovsky said it did not make sense to try and fix it versus just replacing it with the same size. Mr. Roznovsky said then what is the difference between the same size tank and the new tank, and the difference was around \$313,000 after you include the foundation work, etc. Mr. Roznovsky said another 110,000 gallons gets you another 550 connections and if you take an average home value of \$250,000 and take that down to taxable value to the City, that is \$550,000 a year in taxable revenue from those 500 homes that you can construct now that you have that capacity on the ground. Mr. Roznovsky said put this in terms of the Kammerer development that is under a feasibility study now, that is 517 homes. Mr. Roznovsky said if you did not have this larger tank, you would be right up at your capacity after that builds out and those home prices there are between \$400,000-\$500,000.

Mr. Roznovsky said concerning their options and the monetary value of it, they felt it was most advantageous to go ahead and do this now because the tank is in the condition where they can spend a little bit of money and get them further down the road. Mr. Roznovsky said they are already paying \$120,000-\$125,000 to replace the tank and \$300,000 extra to get another 500 homes, it gets you a lot further down the road.

Mr. Roznovsky said there is also the second cooling tower on the site and right now the water that comes out of the Catahoula Well comes out hot and it goes through a cooling tower and is on recirculation so it continually 24 hours a day circulates through the system to cool it. Mr. Roznovsky said this project puts in a second cooling tower unit so now it will go out of

the well, get cooled, and then go into the tanks and will not have to be recirculated so there will be some efficiency costs and also you get better cooling out of doubling the capacity.

Mr. Roznovsky said the other thing they did talk about that was mentioned at the Council meeting was a conversion to a different disinfectant being a liquid bleach versus the chlorine gas that is currently being used at the two facilities. Mr. Roznovsky said the main issue was the safety concern of having chlorine gas cylinders in proximity. Mr. Roznovsky said they did put together a couple of cost options and discussed that with staff and TORC and the intention is this is something that does not get included in this project again it is a different standalone project, and not doing work here would save them from doing this later, but it is high on the priority list to get done in 2021 as budget sales tax revenue comes in and is fit into the budget.

Mr. Roznovsky said they have been in contact with the contractor and talked with him earlier today. Mr. Roznovsky said the contractor has been holding his bids since August since he bid the project and he was not required to hold them this long and he has been able to talk with all of his suppliers and have them hold their prices as long as we can act on this in this fiscal year and give him a letter of intent, that way he can move forward. Mr. Roznovsky said the contractor told him today he ordered the large ground storage tank, but if this fell through, he would be able to return it at no cost. Mr. Roznovsky said tonight we either move forward with this contractor or they will have to rebid the project next year.

Mayor Countryman asked what the life cycle of the tank is. Mr. Roznovsky said it should be 25 years if you take care of it, do a sufficient coating on it, inspect it, and keep it up, then you can get a much longer life out of it. Mr. Roznovsky said they have steel tanks that have been installed in the early 1970s that are still in use today and they can keep them going just because it is a coated tank and is recoated every seven to ten years and it is touched up when corrosion spots appear which makes it easier to extend the life of the tanks. Mayor Countryman asked what the age of the tank was. Mr. Roznovsky said this tank was installed in 2007. Mr. Roznovsky said a couple of questions that were asked was how are these different because the other ground storage tank they inspected earlier in 2020 has not had any issues and it was installed later in 2013 or 2014 but it is not having these corrosion issues that this tank is. Mayor Countryman asked if it was the same material. Mr. Roznovsky said

yes, the same material and same manufacturer, but different dates. Mr. Roznovsky said maybe there was a different sub that did the galvanizing work or a different batch that day, it is hard to say.

Mr. Roznovsky said what this project and this scope does is it gets the City to a point where they now have the capacity on the ground that the next decision is the elevated water tank and where that goes and Water Plant No. 3 and based on their projects this gets them through until 2025, 2026 to start diving into those decisions. Mr. Roznovsky said it is always going to be based on growth and if more development comes along that will change the timeline, but it gets them a lot further down the road than staying with the same tank size they have. Mayor Countryman asked if there was a lemon law. Mr. Roznovsky said no there is a manufacturer's warranty but that has expired. Mr. Roznovsky said even the manufacturer has said this is one of the worst tanks he has seen, and no one had a good reason why that tank, when the other tank is fine, was having and showing these issues.

Tom Cronin asked what the lead time is on this project. Mr. Roznovsky said they will be working with the contractor on schedule and lead time is the contract will be done as quickly as possible. Mr. Roznovsky said if he has already ordered his tank maybe there is a chance the tank will be completed before the summer, if not they will work with him to recommend adding additional days to his contract and delay the tank portion until the fall but get all of the rest of the work done so they do not have facilities offline during summer. Mr. Roznovsky said the calendar days he bid were 270 calendar days from the notice to proceed and based on the timeline to get the Texas Water Development Board to approve the contracts, it is likely that notice will be going out at the end of January for the contractor to get started and then 270 days from there.

T.J. Wilkerson asked when they accept the bid will they give you a schedule with target dates and goals. Mr. Roznovsky said yes and after the contract is finalized and the issue notice is received, the contractor is required to submit a detailed schedule which is the first submittal requirement to go through.

T.J. Wilkerson asked if the tank is pulled up and the foundation underneath is bad would there be a need for a rebid to redo the concrete slab or is that all included. Mr. Roznovsky

said that is included in the project. Mr. Roznovsky said since they are going with the larger diameter they are already going to pull out that slab and repour a new footprint for that tank.

T.J. Wilkerson asked if they are going to put a coating underneath the tank. Mr. Roznovsky said he will need to go back and look at the specs to see what type of seal there is between the concrete and the metal. Mr. Roznovsky said there is a gasket around the outside edge but for what type of preparation is done for the surface between the bottom of the tank and the concrete, he needs to go back and review that.

Julie Davis asked if this tank is going to feed the Kammerer development or if it could feed that large of a new footprint of 500 homes. Mr. Roznovsky said it could feed that large of a new footprint of homes. Mr. Roznovsky said right now the Kammerer development is still preliminary, but he thinks that even if this current developer goes away there is a lot of interest in that tract and there is a lot of other tracts that the 500 homes could be used on. Julie Davis asked if Water Plant No. 3 feeds that area. Mr. Roznovsky said it does. Mr. Roznovsky said how their system works is they have the two water plants, and it feeds the entire City, so all the pipes are interconnected, and they do not have different zones for different plants and the City already owns property off of Emma's Way by Hills of Town Creek for a future water plant on that side of town just depending on how development occurs to make sure they have enough pressure.

Julie Davis said she thought the whole loop was not finished and that is why she thought it goes three-quarters of the way around the loop before it gets to Kammerer property because that loop is not finished. Mr. Roznovsky said that is correct and what will be part of the Kammerer Study and they are working on the model now to show how it is going to work. Mr. Roznovsky said there is a waterline on Old Plantersville Road at Womack Cemetery that they will initially tie into the first 30-40 homes and after that, which they are determining now is they would continue and close the loop back to SH 105 by the high school and there would be a water line that would go all the way from SH 105 at Old Dobbins Plantersville over to City Hall and Old Plantersville and SH 105 to close that waterline loop to serve them and everyone else that is in that area. Julie Davis said she is on that loop and there is not enough pressure on that line to come down Womack Cemetery to supply her house much less 30-40 more homes. Mr. Roznovsky said the project that is ongoing now that will have a

contractor move in on-site in a few months is upsizing the waterline down SH 105, Pond Street, and FM 149. Mr. Roznovsky said right now how the system is set up is there are waterlines north of Berkley and there are large lines west of City Hall and then smaller diameter lines in the middle. Mr. Roznovsky said the project has already been awarded, the contract signed, and the contractor was waiting to get through the holidays before he started to upsize that line to improve the flow and the pressure that then branches off down Old Plantersville and ultimately the other direction.

Julie Davis moved to accept the Agenda item as presented for Water Plant No. 3 Improvements. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

3. Consideration and possible action regarding acceptance of the Town Creek Watershed Study.

Mr. Tramm said Mr. Bill Kotlan with BGE, Inc. is the one whose firm has done the study for this item and has put together the scope and recommendation so they can put that to the task of the money that is in the GLO Grant for drainage. Mr. Tramm asked Mr. Kotlan to give a brief overview of what he presented before as well as what he did as a result of Council's request since then.

Mr. Kotlan said what they were looking at was what they call Town Creek Tributary No. 1 which is the part of Town Creek that splits off and goes north and crosses FM 149, then crosses Martin Luther King Drive headed toward FM 1097 going north. Mr. Kotlan said the reason for focusing on that piece was because the grant money was related to lower to middle-class properties and their goal was to try and reduce the flood elevations along that tributary, but they also looked at Town Creek to make sure whatever improvements they did along the tributary did not add to any other problems downstream.

Mr. Kotlan said they looked at three alternatives initially. Mr. Kotlan said the difference between those alternatives was that where they are crossing FM 149 and Alternative 3 they were adding a couple more 54" pipes, Alternative 1 added the box culverts to make it a bit wider, and Alternative 2 they put a bridge over the creek. Mr. Kotlan said they looked at the results of those and did cost estimates for Alternatives 1 and 2 which are summarized on the graph.

Mr. Kotlan said they picked the one in the middle with the box culverts which was a total estimated cost of \$1.4 million. Mr. Kotlan said in addition to the box culverts was cleaning out the Town Creek to the west side of FM 149, between FM 149 and Martin Luther King Drive, the Tributary of Town Creek, and adding a detention pond just east of FM 149. Mr. Kotlan said the detention pond would be to replace the storage in the creek that was being removed by lowering the water surface. Mr. Kotlan said they analyzed that, and it worked very well to lower the water surfaces in there significantly but there will still be times it floods and goes over FM 149 because of the elevation of FM 149.

Mr. Kotlan said when they presented that alternative, Council asked them to look at two other things. Mr. Kotlan said one was rather than doing an improvement to the culvert crossing FM 149, look at doing bigger detention ponds upstream on the Tributary, and the other was to evaluate annual maintenance costs.

Mr. Kotlan said they looked at the alternative and put the detention pond up next to the school on Martin Luther King Drive and it did not do much to improve any of the flooding along there. Mr. Kotlan said they also looked at the estimated annual cost and did the same for Alternate 1 and Alternate 2 as both of them added a detention pond and a channel section that together were about five acres. Mr. Kotlan said he received a bid to do a Comprehensive Maintenance Program on the five acres including mowing regularly and fertilizing and reseeding it in the wintertime and coming in every year to remove silt at \$20,000 a year. Mr. Kotlan said he added another \$1,500 a year to go into the culverts once a year and remove brush, tree limbs, or anything in there. Mr. Kotlan said the City would not be maintaining culverts themselves because those would be TxDOT culverts, but the City might want to spend the money to have them cleared out occasionally, so they do not become plugged up in case TxDOT does not do that. Mr. Kotlan said the \$21,500 would be the high-end of manual maintenance.

Mr. Kotlan said they are recommending the City move forward with Alternate 1 which is the box culverts, the detention pond, and the channel improvements. Mayor Countryman said she had the pleasure of walking that property and believes Rebecca Huss brought up the detention pond north of there to stop the water because there is so much that comes down and the property has disintegrated, Lefevre's has and sees that it is put on alternate and there

is no consideration on cost or where that would go. Mayor Countryman said she thinks Rebecca Huss was spot on regarding stopping the water upstream. Mr. Kotlan said they evaluated that, and the improvement was so minor that it did not do much good. Mr. Kotlan said he had an idea before he ran the model they might find that. Mr. Kotlan said the way those models work and the way the rain works in a creek is that there are two factors, the conveyance in the creek, how much water goes down the creek, and then the storage in the creek. Mr. Kotlan said as rain falls over a pattern and over some time, the water comes into the creek and then the water level in the creek comes up and that is storage and based on how much it comes up then water leaves and that is the discharge, so you keep routing through those three items, storage, inflow, and the discharge and that is how the computer model works.

Mr. Kotlan said since that was their goal to get the water level to go down, doing a detention pond upstream just did not do that. Mr. Kotlan said that does work on a smaller scale with maybe a smaller acreage but the watershed that is coming down that stream is so big they would have to do a massive detention pond to reduce the flooding. Mr. Kotlan said they looked at the biggest pond they could fit in that undeveloped area, taking out all those trees in there and putting in a six-foot deep pond and it did not even touch the water surface of the floods.

Mr. Roznovsky said he, Mrs. Vu, Mr. McCorquodale, and Mr. Tramm met with Mr. Lefevre last week to go over the study and talk about options. Mr. Roznovsky said what Mr. Kotlan has in the recommendation is an increase downstream but that is what the pond does downstream to help mitigate that impact so there is more going underneath the bridge and the downstream pond between FM 149 and Plez Morgan that helps to mitigate that impact. Mr. Roznovsky said what they discussed with Mr. Lefevre was to let them find a way as he is going through his plans and the City is going through their plans to see how they can work together to make sure that Plez Morgan is protected and no further issues are created. Mr. Roznovsky said they went over the memo and study with Mr. Lefevre last week and he felt they had Mr. Lefevre's consent in agreeance with the scope of work they had proposed.

T.J. Wilkerson asked if the clean up of the Town Creek bridge was part of the same deal. Mr. Roznovsky said that was different. T.J. Wilkerson asked Mr. Roznovsky if he heard anything

lately about the rock. Mr. Roznovsky said no he has not, and he is still waiting and said he knows he probably will not get a response until next year, but he will ask them again.

Mr. Roznovsky said what they are looking for tonight is Council's concurrence with the alternate to go forward with and where this goes now is between GLO and TxDOT to start ironing out the details and get this approved to be put into a project. Mr. Roznovsky said they have had the scope and initial conversations with TxDOT about the culverts and the crossings and just have some follow-up once this is decided to then put together the plan of action to address the project listed in Mr. Kotlan's report being the pre-clean out, the culverts, the detention pond, and the land acquisition, a lot of what they discussed with Mr. Lefevre and the people who own the surrounding area that the pond is going to impact.

Mayor Countryman asked if they put out a bid for this study. Mr. Roznovsky said yes there is an RFQ for the study and an RFQ for the entire GLO Project Engineer.

Julie Davis asked for clarification, the estimates they are seeing the \$1.4 million and the \$1.7 million on Alternate 1 and 2, the entire financial burden of that would be the City of Montgomery and TxDOT is not bearing any of that burden regarding crossing FM 149. Mr. Roznovsky said the entire grant the City received was \$2.3 million and three projects are currently included in that between this one, some other drainage and sanitary sewer improvements along Martin Luther King Drive, McGinnis, and the Baja Road area then also an additional generator.

Mr. Roznovsky said when they talked with TxDOT, there is a likelihood that if TxDOT took this on it would not be complete until 2026, at least the culvert crossing, which then you have done a culvert cleanout, maybe dug a detention pond that serves no use until the culverts are done, but that is the next step in working with them to see if there is a way to share in the cost or share in the scope to get this accomplished and it makes sense on both sides. Mr. Roznovsky said the number you see is all within the grant the City has. Julie Davis asked if that is including the other two projects and are they still within the \$2.3 million grant. Mr. Roznovsky said it is going to be close and that is one thing they are going to reevaluate to see if there is an order of priority.

Mr. Roznovsky said they have the generator at Water Plant No. 3, and this is just an additional generator to power some of the equipment not powered by the current one and so their order of importance is this project for the drainage of improvement followed by the sewer and other drainage improvements and then the generator so if something needs to come off it might be the generator, but they will go through and see what options there are to restructure it to get the most amount done that they can out of the grant.

Julie Davis asked if any of the damage on Water Plant No. 3 could have been caused by the overflow of this creek that runs right by it just like the watershed. Mr. Roznovsky said no.

Tom Cronin moved to accept the Town Creek Watershed Study as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

4. Update on Montgomery County Municipal Utility District 160 (MCMUD 160).

Mr. Tramm said this is an information item he wanted to help make sure everyone is on the same page because there will be an item related to MUD 160 coming up in one of the next two meetings that will need some attention and where possible he hates to put something on the Agenda to be heard the first time and say he needs something passed and that is why he wants to give some background of this and what they are looking at at the moment and to be aware that you will hear this again but will be closer to a recommendation for Council at that time in the future.

Mr. Tramm said Montgomery County MUD 160 was previously approved as an in-City MUD by the City of Montgomery City Council. Mr. Tramm said the land is in the early development process and this area will include approximately 175 single-family homes and that number is subject to change as the area continues its planning. Mr. Tramm said as part of the MUD process the developer will need to set up residence for voters that are part of the MUD startup process. Mr. Tramm said they are currently working with Mr. Phillip Lefevre in terms of how that will take place. Mr. Tramm said typically that is often done by moving a mobile home onto the property establishing a residence that would need to be in place, full utilities, full connections, and then someone living there for up to six to nine months. Mr. Tramm said at the moment the only place to locate that is essentially in the highly visible

area right across from the Waterstone area. Mr. Tramm said it is going to be expensive for Mr. Lefevre and it is also going to be highly visible and probably have several people who are unhappy looking at that because it will need a variance from Council to locate that trailer, but it is also going to be somewhat unsightly in some people's opinion.

Mr. Tramm said Mr. Lefevre is looking at another option of potentially annexing another piece of land he owns into MUD 160. Mr. Tramm said the other piece of land is in the City already and he is considering annexing it into Montgomery MUD 160 and has a residence that is already on it, but it needs some rehab work, and it would be something he could move on more quickly and cost-effectively. Mr. Tramm said this is something they are still in discussion with them and he just wants to let Council know this item might come up. Mr. Tramm said what you are seeing brought up in the blue area of the drawing is the current boundary of Montgomery County MUD 160 within the City. Mr. Tramm said the area is bounded by FM 1097 to the north, Plez Morgan to the west, Lonestar Parkway to the south, and Buffalo Springs to the east.

Julie Davis asked if they do not have enough water supply for that to be City supplied water and that is why they have to have a MUD. Mr. Tramm said in this case the MUD is a developer vehicle so they can get reimbursement for their investments and the City would be supplying the utilities for this. Mr. Tramm said an in-City MUD is something that is commonly used in several areas, and it has not been used commonly in Montgomery in the past. Mr. Tramm said it is used throughout a lot of areas to assist the developer in getting reimbursement for a lot of the early expenses that end up being paid for by taxes on those living within that MUD area. Mr. Tramm said residents of that area will be both in the MUD and will also be City residents.

Mayor Countryman asked if the residents will be paying City tax, City water, and then MUD taxes. Mr. Tramm said that is correct. Mr. Tramm said they intend to provide not just the basics of development, but additional amenities that go beyond those which are already in the City. Mr. Tramm said those go back to previous discussions that Council has had regarding when they would or would not consider allowing it in the City MUD, essentially asking questions such as what the benefit to the residents is, what are the benefits to the City

of allowing an in-City MUD, and what are the benefits to the overall community that they know as the City of Montgomery moves toward allowing an in-City MUD.

Mr. Roznovsky said one of the things it helps with is the cost of the infrastructure has to be paid for somehow and a lot of times when it does not have a MUD or a financing mechanism, that land cost is in the house, in the lot and this helps in being a little more competitive when you look down the street, across SH 105 and FM 2854 there are MUD's that are existing when it comes to competitive home prices, etc. and hopefully, it drives up sales and gets more residents in.

T.J. Wilkerson asked if this MUD would only be between Plez Morgan and Buffalo Springs. Mr. Tramm said it already exists according to the map and it is south of FM 1097, north of Lonestar Parkway, east of Plez Morgan, and west of Buffalo Springs. Mr. Tramm said it is not all of that area in there but there is a little bit of the area near FM 1097 in the north section that is not part of the MUD. T.J. Wilkerson asked if it is only on the south side of FM 1097. Mr. Tramm said yes, and this particular MUD does not cross FM 1097.

Julie Davis asked for most MUD's that form, do they normally put a trailer in for their first residents. Julie Davis said she thought they built a few model homes, and someone lived in a model home to kick-off a MUD. Julie Davis said she has seen a construction trailer but has never seen a residential trailer. Mr. Tramm said it is something that is commonly done and knows of at least one and maybe multiple companies that contract those services out for MUDs that are in formation. Mr. Petrov said Mr. Tramm is correct and it is very typical with a temporary residence just to get the initial confirmation and bond election passed. Mr. Petrov said some companies are somewhat like Airbnb where they set up the residence for people to live there temporarily long enough to qualify as electors to have the MUD elections.

Mr. Tramm said he just wanted to present this to Council as an update item and they will continue to work with the developer to see which route may be the best for them and for the City to look to proceed and then bring it back to Council for action.

EXECUTIVE SESSION:

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas. (There are no items at this time.)

COUNCIL INQUIRY:

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

T.J. Wilkerson said he would like to meet with TxDOT and see if the speed limit can be lowered between the Shell station at FM 149 as this was brought to his attention. T.J. Wilkerson said there are a lot of senior folks driving out of there and the other people coming through that area are driving a bit too fast. T.J. Wilkerson said when they drive over the hill it is hard to get out at that section. Mr. Roznovsky asked if T.J. Wilkerson was referring to the north side of town, north of FM 1097. T.J. Wilkerson said yes FM 1097 where they are building the townhomes coming over the hill. T.J. Wilkerson asked if they had heard anything regarding widening FM 1097 down to FM 149. Mr. Roznovsky said that was not mentioned at their last meeting with TxDOT, but he will follow-up with them. Mr. Tramm said regarding the speed limit, he knows it has been at least a year since it has been previously brought up with TxDOT and he will follow-up to see if they did move forward with that in any way and see what updates they can obtain or what they can do to move in that direction.

Kevin Lacy said the wall in front of the Community Center looks great since it has been repaired.

ADJOURNMENT

Tom Cronin moved to adjourn the meeting at 7:56 p.m. Julie Davis seconded the motion, the motion carried unanimously. (5-0)

Submitted by:

Susan Hensley
Susan Hensley, City Secretary

Date Approved:

01/26/2021



Sara Countryman
Mayor Sara Countryman