

MINUTES OF REGULAR MEETING

April 27, 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
Julie Davis City Council Place # 4
Tom Cronin City Council Place # 5

Absent: T.J. Wilkerson City Council Place #3

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

INVOCATION

Carol Langley 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

1. Introduction of new Lion's Club President Patti Dugan.

Mr. Kevin Smith, President of the Lion's Club said Ms. Patti Dugan has started a new job but she is still a dedicated member of their Society. Mr. Smith stated he is the third President of the Montgomery Lion's Club and Ms. Dugan will be the President of the Lion's Club next year.

Mr. Smith said the Lion's Club is international and is the largest service organization in the world, over 104 years old. Mr. Smith said they claim 102 million Lions worldwide from over 140 countries. Mr. Smith said when there is a disaster, the Lions are normally the second group there as the first group is the victims themselves. Mr. Smith said in Texas they have 16 districts and in their district, there are 54 independent clubs. Mr. Smith said the way the Lions work is from the bottom up and it is about local community involvement. Mr. Smith said in the Lake Conroe area they have nine separate clubs and when there is a need, there is a Lion. Mr. Smith said all Lion's Clubs are independent of each other but they fall under an umbrella of resources, a support umbrella called the District. Mr. Smith said the Montgomery Lion's Club serves in the Montgomery area. Mr. Smith said before his time the Montgomery Lion's Club brought services to the town, sponsored and participated in seasonal celebrations like Easter egg hunts, Christmas parades, Fourth of July parades, and flag parades.

Mr. Smith said in the 1920's Helen Keller enlisted the Lions to be her knights on the war of blindness. Mr. Smith said to this day they collect and recycle eyeglasses and take them to their recycle center in Conroe. Mr. Smith said once restored, the eyeglasses are distributed locally, statewide, and also sent overseas on missions; however, the first call is local. Mr. Smith said in the past they have done 30-40 sets of eyeglasses a year.

Mr. Smith said in cooperation with the City and the County and the Local Chamber, they found many additional avenues of service for the community.

Mr. Smith said they have a proven legal program at Montgomery High School where they laid the groundwork for the Lake Creek Leo Club which was just chartered last week. Mr. Smith said they fund between six and ten \$1,000 scholarships a year. Mr. Smith said they started a

couple of years ago not only with the four-year institutions, but they also opened up 2-year institutions and trade schools. Mr. Smith said last year the COVID-19 situation cheated the City of Montgomery out of the first Music and Mudbugs Festival. Mr. Smith said this year was a very successful outing and the Lion's Club was tasked with operating parking and were expecting between 1,500 and 2,000 cars and received over 4,000 cars. Mr. Smith said what he is most proud of is their Bingo. Mr. Smith said it is a once-a-month opportunity and it has been done for generations. Mr. Smith said it is an opportunity where they have two hours where they allow many different generations of Montgomery residents to mingle, laugh, communicate, and have fun without their phones. Mr. Smith said the Bingo would not be possible without the use of the Community Building. Mr. Smith said the building and game are part of the history of Montgomery and the community has City Council to thank for that. Mr. Smith said in March their standard Bingo game turned into a bit more. Mr. Smith said they were able to help coordinate vaccination with the County Health Department. Mr. Smith said they were able to give 40+ people from the community their first COVID vaccine. Mr. Smith said he would love to invite everyone here to their next bingo on May 15th at 6:30 p.m. at the Community Building where one can get a taste of what Lionism is all about.

2. Entergy Update by Brittany Chandler, Customer Service Manager.

Ms. Brittany Chandler, Entergy Regional Customer Service Manager for the Montgomery area said she will discuss the winter storm and what happened, and how to get information during these weather events, and to spend some time regarding frequent questions they have had from the storm.

Ms. Chandler said Entergy is a regulated utility and a vertical utility. Ms. Chandler said unlike many of the companies in ERCOT, they are federally regulated and do own the generation, transmission lines, and distribution. Ms. Chandler said when they think back to this weather event, we all know there was a generation shortage that caused them to have to take customers out. Ms. Chandler said it was not just the cold temperatures or rain, it was the storm effect that happened with those sustained long, cold temperatures. Ms. Chandler said they knew the storm was coming and reached out to all the elected officials and started having those calls and having those conversations, putting out the conservation messages. Ms. Chandler said in many areas they did hit an all-time high in demand and people needing power to the maximum capacity

and experiencing extended cold temperatures and experiencing the freezing rain and ice, including the limited ability to get around the streets. Ms. Chandler said when that happened they were able to communicate that information. Ms. Chandler said she hopes that line of communication was helpful and will continue to do that for future storms.

Ms. Chandler said when the generation was going down they had a high demand on their system and they could not meet the load at the moment. Ms. Chandler said they have the Montgomery County Power Station, which just went online this year that helped significantly and shortened the amount of time they had to shed load and have that generation up and running. Ms. Chandler said looking forward going through the restoration process is not as simple as whenever they turn the lights back on and they work through the load shed event, that all the lights are going to go back on. Ms. Chandler said they still had the storm effects and they had to go back putting the load back into the system and they had some difficulties. Ms. Chandler said they had some outages that were caused by the weather, ice, vegetation being weighed down on lines, and lots of other things going on at one time.

Ms. Chandler said the best way to get information regarding answers to commonly asked questions, such as how long will the outages last, and when will the power be restored, is to go online and sign up for a My Entergy account online. Ms. Chandler said Entergy has this app where you can go into the outage map and see if your home is out of power and then report it and also the customer can see a full update of what is going on at the moment and all the details of the outage. Ms. Chandler said that is just a portion of what the app can do. Ms. Chandler said the customer can see their usage, report outages, change account information, and many other things. Ms. Chandler said she wanted to take this opportunity to direct people to use the app, especially now leading up to the storm season. Ms. Chandler said it is a new system where residents need to go and sign in even though they may have established their account a while ago. Ms. Chandler said this must be done to convert over to the new system and residents have the option of how they want to receive the updated information. Mayor Countryman said it is very user-friendly, extremely intuitive, and it is not difficult at all. Mayor Countryman said she highly recommends it as well. Ms. Chandler said a frequent question she is asked is how can one get the most recent up-to-date information during a storm. Ms. Chandler said they send as much information as possible to Mayors and they are also trying to update the outage map as

much as possible while being as accurate as possible regarding estimated restoration times so they can try and plan accordingly.

Julie Davis asked what Entergy is doing to be proactive in the future so that when they do have to do load sheds we are not dealing with such long intervals of time. Ms. Chandler said she is going to start with the duration of the load shed. Ms. Chandler said they are trying to look at their critical customer list first where they will do some additional reviews to what they have done in the past to make sure they are keeping all of the critical infrastructures such as hospitals, police stations, etc. on. Ms. Chandler said looking even deeper into that, they are trying to find ways to rotate those outages to keep them rolling. Ms. Chandler said internally there are a lot of different conversations about what will happen if this happens again because we do expect to have another active hurricane season this year. Ms. Chandler said they are continuously looking for ways to improve and find the best ways to serve their customers.

Julie Davis said she is probably the only one on City Council who has Midsouth and not Entergy as her provider. Julie Davis said many of her constituents ended up at her house during the storm because the longest they were without power was two hours on the rolling blackouts. Julie Davis said Midsouth did two hours then it was six hours on and 40 minutes off. Julie Davis said she feels that Entergy should be held more accountable and to a higher standard. Julie Davis asked how do we lessen this as some of the people in downtown Montgomery were without power for a week. Ms. Chandler said that was due to storm effects and not rolling outages or a specific line or equipment because they did have power restored by the end of the week. Mayor Countryman said that was on Old Plantersville and was a Hurricane Harvey issue that never got fixed. Mayor Countryman said for the record, Ms. Chandler was not on their account and it was someone else who was underserving the City. Mayor Countryman said that has actually been addressed and should there be an issue, that residence is in a much better place now because there has been new equipment put in place. Ms. Chandler said if there is a specific address they want to do a deep dive into that location, let her know and she will take it on and handle it. Ms. Chandler said she wants to make sure they feel good and prepared as they roll into this next storm season. Mayor Countryman said everyone at Entergy is dynamic and has been such a blessing to this town since they came. Mayor Countryman said Ms. Chandler has walked areas of the town with her to talk about the residents' concerns about poles and lighting, and she appreciates that every point she makes, Ms. Chandler comes back

with an answer or a game plan. Ms. Chandler said they appreciate the communication and teamwork and are very up in getting ready for that first storm. Mayor Countryman said there are 30 possible storms predicted. Ms. Chandler said on their end they are trying to prepare as much as they can and if there is an area where they feel needs to have extra eyes on it, let her know.

Julie Davis asked if there is a hotline or call-in center. Mayor Countryman said it is on the app where you can do everything. Ms. Chandler said she can send information out to people to direct them to the app if that will help people because she does think it will make a difference getting that information into everyone's hands. Mayor Countryman said they can do something in the water bill as well as on their social media and the City website to encourage everyone to download it. Mayor Countryman said even when they have new residents come in, they include information in the welcoming packages to tell them where to get their services and encourage them to download the Entergy app then.

Ms. Chandler said she appreciates everyone's time and always appreciates the opportunity. Ms. Chandler thanked the City for working with them through everything.

CONSENT AGENDA:

3. Matters related to the approval of minutes of the April 13, 2021, Regular Meeting.
4. Consideration and possible action regarding acceptance of the Certificate of Acceptance for public infrastructure included in the Hills of Town Creek Section Four Project (Dev. No. 2004), including acceptance of the Maintenance Bond.
5. Consideration and possible action regarding approval of an Interlocal Agreement by and between the City of Montgomery and Montgomery County for road and right-of-way repair and maintenance.

Julie Davis moved to approve the Consent Agenda as presented. Tom Cronin seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

6. Consideration and possible action to adopt a Proclamation proclaiming April, 2021 as National Child Abuse Prevention Month in the City of Montgomery, Texas.

Mayor Countryman read the Proclamation into the record:

PROCLAMATION:

WHEREAS, in Texas, more than 4 children die from abuse or neglect on average every week, 184 children are confirmed victims daily, and more than 7 children are maltreated every hour; and

WHEREAS, in Montgomery County last year we had 826 confirmed victims of abuse, 5 child fatalities, and 524 children in the care of Child and Protective Services.

WHEREAS, child abuse and neglect is a serious problem affecting every segment of our community, and finding solutions requires input and action from everyone; and

WHEREAS, our children are our most valuable resources and will shape the future of the State of Texas as well as the great City of Montgomery; and

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects that have lasting consequences for victims of abuse; and

WHEREAS, protective factors are conditions that reduce or eliminate risk and promote the social, emotional, and developmental well-being of children; and

WHEREAS, effective child abuse prevention activities succeed because of the partnerships created between child welfare professionals, education, health, community, and faith-based organizations, businesses, law enforcement agencies, pro-active non-profits and families; and

WHEREAS, communities must make every effort to promote programs and activities that create strong and thriving children and families; and

WHEREAS, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, and nurturing environment; and

WHEREAS, prevention remains the best defense for our children and families.

NOW, THEREFORE, I, Mayor of the City of Montgomery, Texas, do hereby proclaim April 2021 as **NATIONAL CHILD ABUSE PREVENTION MONTH** in the City of Montgomery, Texas and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

Kevin Lacy moved to adopt a Proclamation proclaiming April, 2021 as National Child Abuse Prevention Month in the City of Montgomery, Texas. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

7. Consideration and possible action regarding the adoption of a Proclamation designating the week of May 16-23, 2021 as Public Works Week.

Mayor Countryman read the following Proclamation into the record:

National Public Works Week
May 16-23, 201
“Stronger Together”
City of Montgomery Proclamation:

WHEREAS, Public Works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Montgomery, Texas; and,

WHEREAS, these infrastructures, facilities and services could not be provided without the dedicated efforts of Public Works professionals, who are engineers, managers and employees at all levels of City government and the private sector, who are responsible for rebuilding, improving and protecting our City’s transportation, water supply and treatment, wastewater

collection and treatment, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Montgomery, Texas to gain knowledge of and to maintain a progressive interest and understanding of the importance of Public Works and Public Works programs in our community and,

WHEREAS, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association be it now,

RESOLVED, I, Sara Countryman, Mayor of the City of Montgomery do hereby designate the week May 16-23, 2021 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our Public Works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our City's health, safety, and quality of life.

IN WITNESS WHEREOF, I do hereby proclaim on behalf of the City of Montgomery.

Kevin Lacy moved to adopt a Proclamation designating the week of May 16-23, 2021 as Public Works Week. Julie Davis seconded the motion, the motion carried unanimously. (4-0)

8. Consideration and possible action regarding the City Engineer.

Mr. Tramm said back a couple of months ago they went through the Statement of Qualification process with the City Engineers. Mr. Tramm said at that time it was his recommendation to stay with the firm Jones and Carter due to the institutional knowledge of the two engineers who primarily worked on our account. Mr. Tramm said a couple of weeks ago they were advised those two engineers had left the firm and were going to another firm. Mr. Tramm said as he told City Council two weeks ago, he wanted to use the time to come back to City Council with what was the best recommendation to go forward. Mr. Tramm said what he would like to do with the concurrence of City Council in the coming weeks is he would like to make the

recommendation that City Council look to contract the primary City engineering services with Ward, Getz & Associates, which is the firm that Mr. Christopher Roznovsky and Mrs. Katherine Vu went to. Mr. Tramm said he also wants to retain a lot of the services they currently have with Jones & Carter. Mr. Tramm said they are involved with a number of the ongoing projects the City has. Mr. Tramm said the City has their GIS services through them and a separate contract with them for the General Land Office projects. Mr. Tramm said for the two years he has been the City Administrator he has told City Council he thinks they need to have more diversification in the engineering services as a way of checks and balances. Mr. Tramm said they could have one firm primarily working on the main City account, but have most of the projects contracted out to at least one or more firms. Mr. Tramm said he thinks this is a perfect opportunity to make that move. Mr. Tramm said his recommendation is he would like to have those discussions and bring those steps forward to City Council at the next meeting. Mr. Tramm said essentially that would be if they could come to terms with Ward, Getz & Associates and that would be a separate contract and replace that element with Jones & Carter and it would also include working out a schedule of how to transition items and identify which items they would continue to work with Jones & Carter on into the future.

Tom Cronin asked Mr. Tramm if he looked at and considered any other firms. Mr. Tramm said back in January they considered seven firms through the Request for Qualification (RFQ) process. Mr. Tramm said he did go back through the submissions of the firms he had as number two, which was not Jones & Carter or Ward, Getz & Associates, who did not originally submit because they were not planning to seek those services, but now what they have done in the meantime is they are opening a separate office primarily for municipal and district engineering services. Mr. Tramm said that is why Mrs. Vu and Mr. Roznovsky were hired. Mr. Tramm said that is why he also believes they end up being the best option for the City.

Tom Cronin asked Mr. Tramm if it is because Mr. Roznovsky has a history with the City and does he not think Jones & Carter or someone else can get up to speed quick enough. Tom Cronin said what he is afraid of is the City might be sending a message and some sort of precedent that if you leave the current firm the City will go ahead and hire you. Tom Cronin said that is what it looks like to him and he thinks they need to look at it a lot more in-depth. Mayor Countryman said they have always liked Mr. Roznovsky and he has been very honest upfront, and forthcoming, and with a growing City, it would be easier to get him moving over

because he knows the City. Mayor Countryman said with the growth in the City she thinks they need his knowledge. Mr. Tramm said he thinks this is a unique situation in the fact that the two who had their hands on left from one firm to another, and the reason for the recommendation primarily was because of their history and their knowledge. Mr. Tramm said certainly Jones & Carter could continue to provide those services as they are a large firm with many resources, but he does not think they will do it as effectively because of the loss of that pre-existing knowledge and likewise, they originally received statements of qualification from seven firms and any one of those seven firms could have done the services. Mr. Tramm said they went from his point of view and the staff's interviews and they were going with the recommendations they thought was the singular best for the City and that is why he is looking to go in this direction, but he can only do that with the support of City Council.

Kevin Lacy said if he was understanding correctly, Mr. Tramm said they will still have contracts with Jones & Carter for other issues so they will diversify and still retain Jones & Carter for other services. Mr. Tramm said that is one thing he has consistently said as the City Administrator that he thought they should look at different firms for the primary engineering services and reviews as they do for the projects there. Mr. Tramm said there is always the hint of possibility, and he is not saying Jones & Carter has done that and he is not pointing a finger at any other firms, but they are talking about on one hand studying the needs of the City and then designing the projects to meet those needs such as water, wastewater, roads and such. Mr. Tramm said he thinks having multiple engineers who are looking at different ends of that provides the best point of view for the City. Mr. Tramm said this becomes a unique situation of it being a way to make that happen more effectively in one step than as the next four or five projects come up.

Julie Davis asked if there is a way for them to compare apples to oranges so to speak regarding WGA and some of the other firms that have already been looked at back in January. Julie Davis said before they compared everything to Jones & Carter and now they are saying they are going to put them to the side and do little things with them. Julie Davis said she does not want to just put all of their eggs in one basket with Mr. Roznovsky when she feels like they are just left out to dry without an engineer for a month. Kevin Lacy said he understands what Julie Davis is saying in that they have been wanting to diversify for a while and it just so happens where they have two individuals they have known and worked with just happen to go

to another firm where they can start to diversify and still work with the folks that are familiar with them and the City and still have Jones & Carter for some of the other aspects as well. Julie Davis asked if Mr. Tramm is talking about taking their main contract for the City to WGA.

Mayor Countryman said what Jones & Carter has started they will continue to fulfill and then the new projects would go to WGA if they are chosen. Mr. Tramm said his intent is as larger projects come up in the future, one of the things he would intend to do from the engineering end and in review from the staff end and the TORC Committee later this year is to review all of their longer-term capacity needs. Mr. Tramm said at some point in time they will need to extend additional water and wastewater capacity. Mr. Tramm said if things continue as they have been and they make no changes, those designs are all run through Jones & Carter, the same firm who helps with those will perform the design work and more than likely then administer the contracts all the way through. Mr. Tramm said what he would want to do if they continue that way is that at some point pick a different firm to carry through with the design from before. Mr. Tramm said this is what he is recommending at this point.

Tom Cronin said Mr. Roznovsky and Mrs. Vu are both very capable engineers, but he does remember history when Mr. Roznovsky was at Jones & Carter and brought them a recommendation that they approved \$35,000 in billings that they had not budgeted into the bridge. Tom Cronin said the City did deny it but are they looking out for the best interest of their client when they try and bring \$35,000 in overcharges that they want approval on. Tom Cronin said he will do whatever City Council wants to do, but he thinks they need to study it. Mr. Cronin said he thinks they are both very capable engineers, but their firm is brand new, and are they asking the City then to help them get started into municipal engineering. Mr. Tramm said that the firm has done municipal engineering and district engineering and what they are doing is expanding a small element and opening up a larger office that is in The Woodlands to do that. Mr. Tramm said if City Council will allow him to, he would suggest letting him have those conversations and if he feels like he can work that out into a workable item, let him bring Mr. Roznovsky and if necessary other representatives from that firm here to the next City Council meeting and let City Council pose the questions directly to them and let City Council see how they feel about it at that point.

Kevin Lacy asked if Jones & Carter has reached out and spoken about this in an attempt to keep their business with the City since Mr. Roznovsky is leaving. Mr. Tramm said until today, Jones & Carter did not know this was going to be his recommendation. Mr. Tramm said once they received Mr. Roznovsky and Mrs. Vu's resignation, they did reach out to the City about transitioning services and he did have those conversations. Mr. Tramm said he believes they, as well as many firms, could do it effectively, but he is trying to find what is the best route for the City. Mr. Tramm said one of the things he was less than thrilled with was it was about a week before he heard from Jones & Carter on the beginnings of their transition. Mr. Tramm said there is a representative from Jones & Carter here to provide the engineering report. Mr. Tramm said he is not the person who is responsible to reach out to them, he is the person who was assigned to them, but it was essentially a week that went by before the City began to get the gaps filled in as to here is how they are going to provide services which is part of his reluctance to stay with them.

Julie Davis said she does not know if she is locked into just WGA as she would like to know competitively what is out there, what did Mr. Tramm compare in January, and what are they looking at now versus just WGA. Julie Davis said she has a lot of similar concerns about it being a new office and new staff. Julie Davis said she would like to see some other options. Tom Cronin said he agrees. Tom Cronin said Jones & Carter is a big firm but he agrees they do not necessarily need to commit to either one. Tom Cronin asked if Mr. Kotlan has reached out at all. Mr. Tramm said Mr. Kotlan is with BGE and the answer to the question is yes. Mr. Tramm said several engineering firms touched base to let him know they submitted the paperwork back in January and they would certainly be willing to have the engineering services for the City of Montgomery. Tom Cronin said exactly and he is with Julie Davis in that he thinks they need to think about it long and hard before they commit. Julie Davis said she likes diversifying but she wants to make sure there is somebody that has enough field of play to be able to execute and manage it all and does that mean there is going to be another task for Mr. Tramm to manage three different or however many different engineers and how do those strings connect back because at some point it all has to connect back into the City and it is just more confusion if they have several engineers all doing different projects. Mr. Tramm said he has worked at places where different items were subjected out to different consultants in the same type of field whether it be legal or engineering and that can certainly

be effectively managed as he has done that before. Mr. Tramm said if City Council would like him to look a little broader he would be happy to do that.

Kevin Lacy asked if the intention was to decide at the next meeting. Mr. Tramm said the intention tonight is to make sure City Council hears the recommendation from him and he has an understanding from City Council that he will be having more conversations and bringing something firm back to them and he can do that related to more than one firm if that is what City Council wants. Julie Davis asked if he could narrow down the choices and at least give them the top three. Mr. Tramm said what he can do is bring back what he considers the top three firms and in the intervening weeks figure out how to work best and effectively through that with City Council so City Council can have a strong comfort level with making a final decision. Tom Cronin said references are extremely easy and is sure this industry talks with other cities. Mr. Tramm said yes, especially local. Mr. Tramm said he will make that how he follows through on that.

DEPARTMENTAL REPORTS:

9. City Administrator's Report for March 2021 – Mr. Tramm presented his report to City Council. Mr. Tramm said this is City Council's first meeting in this format and he is pleased with the outcome.

Mr. Tramm said one item he would like to specifically mention is Marshall Anderson of Boy Scout Troop 491 is participating through the Zoom streaming portion of this meeting as part of his activities to observe the actions of the local government.

Mr. Tramm said they have a bid out right now on utility operations and that should be back before the middle of May so it will not be ready to report back to City Council by May 11th, but by the next meeting.

Mr. Tramm said he would like to add on top of what Mr. Kevin Smith pointed out earlier about one of the Lion Club's meetings at the Community Center becoming in March a site for the Public Health Department to supply vaccines. Mr. Tramm said they have been coordinating with the Public Health Department since then and there was an April follow-up date scheduled

for people who received their first vaccinations and they have already reserved that building for a May date.

Mr. Tramm said they are working with the City's financial advisor to provide the information for the bond rating related to the bond refinancing they approved at a previous meeting.

Mr. Tramm said as he mentioned earlier, he plans to work with the City Engineer, staff, and the TORC committee this coming fall and winter on updating all the capacity projections in needs and identifying how far up the timelines are on this extension for water and wastewater.

Mr. Tramm said at the last Montgomery Economic Development Corporation (MEDC) meeting they approved the transfer of the \$160,000 toward City Capital Projects. Mr. Tramm said those funds were budgeted by the MEDC at the beginning of this fiscal year which was approved by City Council. Mr. Tramm said the City reached a point on the Waterline Extension Project that has been going on with Neer Construction that crossed the threshold of \$160,000 in expenditures so the MEDC transferred that money. Mr. Tramm said it does not show up in these financial reports for March as that activity occurred in April so it will show up in the next reports and it will go to Capital Projects Fund to cover the costs associated with that project.

10. City Administrator's Development Report – Mr. Tramm reported that both residential and commercial markets continue through the first quarter of 2021 to show strong activity. Mr. Tramm said they had nine new homes completed which is a little below the average amount they have been having but it is also during part of the year that typically construction lags and builders are starting to run out of lots to build on in the areas as they have been having mostly built in Town Creek. Mr. Tramm said four new single-family home permits were also approved specifically during March. Mr. Tramm said the Hills of Town Creek has a new 30-lot section that was just accepted earlier this evening and they will soon be able to move onto the new home sites in that area.

Mr. Tramm said he wanted to mention two items under transportation mobility. Mr. Tramm said one is the FM 149 turn lane that has been an ongoing item for a while. Mr. Tramm said in November 2020 TxDOT reached back out to the City on the land the City helped to provide to them. Mr. Tramm said an existing easement was found to have still covered that property and

the City worked to reach back through to the three easement holders to get the easements released and is now back in the hands of TxDOT as of March of this year. Mr. Tramm said TxDOT is planning to relocate the utility and traffic signals this summer and begin construction on the turn lane in the fall of 2021 and that is the last information they have from TxDOT.

Mr. Tramm said recently they also participated in the TxDOT 2021 Transportation Alternatives Call for Projects. Mr. Tramm said for them that was the submission for two projects seeking an 80/20 grant with the City on the 20 percent side. Mr. Tramm said for these two the Mobility Projects would be a Sidewalk Project along Martin Luther King Jr. Drive from FM 149 to the City limits and one project is a sidewalk connecting downtown to the public library and Memory Park on Bessie Price Owens Drive. Mr. Tramm said they are waiting to hear back on those from TxDOT.

11. Public Works Report for March 2021 – Mr. Muckleroy, Public Works Director said they had a fairly quiet month on the water, wastewater side mainly because of the heavy load they had on the building maintenance and the parks side. Mr. Muckleroy said for the streets they repaired two potholes and for the building facility maintenance, they removed a wooden ramp on the back of the Community Center Building. Mr. Muckleroy said they painted and installed the signs for the Exchange Zone at City Hall. Mr. Muckleroy said on the parks and recreation side they pressure washed all sidewalks and equipment at all the parks which they do yearly and completed the annual water sealing of the cabins at Fernland Park. Mr. Muckleroy said Fernland docents reported 1,204 visitors and provided 74 tours for the month. Mr. Muckleroy said at Memory Park they applied for and received a Certified Wildlife Habitat Designation through the National Wildlife Foundation and the sign has been posted. Mr. Muckleroy said they completed the quarterly heavy trash event and held their first Parks Advisory Committee meeting.

Julie Davis asked if the ramp is going to be replaced. Mr. Muckleroy said it is already handicap accessible and they do not need it because of the front. Mr. Muckleroy said it was not a full ramp and there was already a concrete ramp there. Mayor Countryman said she spoke with several residents who said they appreciate the blue area and when they sell things online they meet there and feel very safe doing so as well as for children to be a swapping point location.

12. Police Report for March 2021 – Chief Solomon said the increase in traffic does not mean accidents. Chief Solomon said he had the officers take a closer look at what was causing

accidents and most of it is distracted driving such as texting, makeup, alcohol, and eating while driving. Chief Solomon said they are looking to team up with TxDOT and get more grants and safety traffic grants to put more initiatives out there and try to decrease traffic accidents. Chief Solomon said the traffic is going to continue to grow so they need to make people aware of what they are doing while driving.

Chief Solomon said their exchange zone is working very well. Chief Solomon said their first Citizen's Police Academy starts tomorrow evening and the officers will be teaching the classes for six weeks. Chief Solomon said they will have one each year. Mayor Countryman asked how many will be attending the Citizen's Police Academy. Chief Solomon said they have 10 people attending and they did not want to exceed 12 people for the first class.

Julie Davis said she knows the City has DPS, the Sheriff's office, the Constables office, and the City's officers patrolling, but when they issue a ticket within the City do those tickets go to Judge Wayne Mack's office. Chief Solomon said yes. Chief Solomon said it is also the same with the school district as most of those tickets go to Judge Mack's office. Chief Solomon said his argument is those tickets from the school district should come to City Hall.

13. Court Report for March 2021 – Mrs. Kimberly Duckett, Court Administrator said for March they have \$45,260.60 in collections and 148 citations written. Mrs. Duckett said she would like to note the City of Waller came last week to observe how Montgomery runs its court. Mrs. Duckett said at that time they had a pre-trial docket and show cause and was running Zoom at the same time. Mrs. Duckett said the City of Waller was amazed as to how smoothly the court ran. Mrs. Duckett said they will probably go and visit the City of Waller to see how their court is run. Mrs. Duckett thanked the court and bailiffs for working very hard that night as they had a full courtroom. Mayor Countryman said that says a lot about Mrs. Duckett's leadership.

Julie Davis said she noticed the money is way up for March but the tickets are not up so is the court doing heavier collections, are the tickets just more aggressive where there are multiple citations with higher fines. Mrs. Duckett said it is not necessarily that the tickets are more aggressive. Mrs. Duckett said they have figured out different ways since COVID-19 for their citations, such as community service and different ways to help out and not just collecting the money, but giving them different avenues to take care of their balance. Mr. Tramm said he wanted to mention to Mrs. Duckett and her staff they had someone comment on the City's Google review page within the last month and they left a five-star review stating the ladies

helping them were wonderful and admitting in the review that it was their fault they received a ticket. Mr. Tramm said to see someone leaving a glowing report and then admit it was their fault they received a ticket and had to go to court but the people were wonderful, really warms their hearts to see the positive side of that because the person that left the comment did not have to.

14. Utility/Development Report for March 2021 – Mr. Tramm said there are several higher dollar collection items he wants to touch base on. Mr. Tramm said one was a little over \$4,000 in collection escrow fees for Town Creek Crossing expenses. Mr. Tramm said there were two receipts of insurance claims for TML on the Police Department claim and another came from Allstate on the guardrail damage claim.

Mr. Tramm said on the City's water account they had 872 water connections and is a number that continues to climb. Mr. Tramm said as he mentioned earlier, this fall and winter they are going to take a closer look at planning their future capacities and put that in the proper place of capital planning. Mr. Tramm said this is an area where that number has been rising since he has been with the City. Mr. Tramm said there are another 30 lots in the Hills of Town Creek getting ready to become available for construction. Mr. Tramm said several homes are under construction right now which are probably filling all the lots. Mr. Tramm said the Estates of Town Creek Crossing are working on having 199 residential lots added to it by the end of this year and other developers who are looking into the possibilities of other areas. Julie Davis mentioned the Kammerer Tract closed on Friday. Mr. Tramm said that is a perfect example as there are 400 to 500 homes right there. Mr. Tramm said it is very likely within the next four or five years they are going to double that number.

Mr. Tramm said on the City account water usage in March 2021 Memory Park pumping was up from 8,000 from the last month to 28,000 and is primarily significant because the weather was starting to warm up and we went through a bit of a drought period before the recent rains. Mayor Countryman said even the Community Building is up significantly month over month as well as year over year. Mayor Countryman said she does not recall March being a heatwave. Mayor Countryman asked if it was that significant from 1,000 to 6,000. Mr. Muckleroy said the month of March was when they turned the irrigation systems back on.

15. Water Report for March 2021 – Mr. Mike Williams, Vice President of H2O Innovation said there was only one alert to report which was a leak on the well header on water tank 2 which

was found to be an air release that was replaced. Mr. Williams said they recorded 7,082,000 gallons for the wastewater plant flow detail and daily peak flow on March 2, 2021, was 346,000 gallons. Mr. Williams said the average daily flow was 228,500 gallons with a 57% of permitted capacity.

Mr. Williams said for the effluent monitoring report all samples are compliant for March with a total of one and a half inches of rain.

Mr. Williams said they pumped a total of 10.103 million gallons and had a flushing amount of 843,000 gallons which there was still a little bit over from the freeze as they started identifying leaks around the City bringing it to a 94% accountability. Mayor Countryman asked if that was what it is because they were doing well at 98%. Mr. Williams said yes that was before the freeze hit. Mr. Williams said toward the end of the week was when this timeframe started and that was when everything was thawing out. Mayor Countryman said they start to get nervous when they see that number start going down. Mr. Williams said he thinks next month will be a lot better.

Mr. Williams said the groundwater production chart shows a thirteen-month history showing where the water is coming from. Mr. Williams said the water accountability chart also shows a thirteen-month history

16. Finance Report for March 2021 – Mr. Anthony Lasky, Senior Accounting Clerk presented his report to City Council.

Mr. Lasky said there is a total of \$353,000 in CDs that were purchased for the General Fund and a total of 7.5 months of operating reserve. Mr. Lasky said MEDC has a total of 23 months reserve and the utility fund was 11 months.

Mr. Lasky said for the cash flow report for the general fund \$306,201.64 was collected in sales tax for March 2021. Mr. Lasky said there was also a last deposit received from the Home Grant of \$13,600 which offsets the administrative fees for the Home Grant. Mr. Lasky said check #31034 for AV Design Pros was for the first installment of the live stream package which was purchased. Mr. Lasky said there was also a check just under \$12,000 for yearly audit fees.

Mr. Lasky said \$215,000 was collected in sales tax for April which will show on the next report with roughly \$53,000 going toward the MEDC fund and the rest \$162,000 in the general fund.

Mr. Lasky said the ad valorem taxes collected were roughly 97% of the ad valorem as of current last year were about 93% which is a fairly decent increase. Mr. Lasky said for the sales tax there was roughly \$1.1 last year and is at \$1.4 right now which is around a 24% increase. Mr. Lasky said the fines were lower last year at around \$147,000 and is up to \$191,000 which is definitely a lot more activity which is roughly a 29% increase. Mr. Lasky said if you take out the Home Grant there is a total of around \$2.6 million excluding those funds. Mr. Lasky said if you take what was there last year which was a little over \$2 million, it is about a 29% increase in revenue and this is all during this time last year in March.

Mr. Lasky said for the expenditures there are little increases here and there, mostly 4% and 5%, and personnel around 4% of an increase. Mr. Lasky said for the contract services there is roughly around 12% of an increase from last year this time to this year. Mr. Lasky said the biggest one he wants to point out is travel and training. Mr. Lasky said it is a lot lower this year and thinks a lot of it has to do with all of the virtual training they had throughout this fiscal year and it is down considerably. Mr. Lasky said they had around \$30,000 last year around this time and currently have \$15,000.

Mr. Lasky said going through the total expenditures and taking out the \$453,000 in Home Grant expenditures there is around \$1.8 million current at around this time and are at a 4% increase if you take those expenditures out from where it was last year at this time. Mr. Lasky it will be interesting to see with the May numbers coming up because they had gotten \$450,000 back in February and this being another quarterly filing month coming up it will be interesting to see what they get. Mr. Lasky said they are doing well so far and there is over \$800,000 in this fund.

Mr. Lasky said just to point out on the Capital Projects there is only one thing going on at this time. Mr. Lasky said as Mr. Tramm did point out earlier, they did transfer from the MEDC fund to the Capital Projects fund \$160,000 that has been done and will show up on the next month's report.

Mr. Lasky said for the Downtown Waterline Improvement Project, so far \$164,000 has been recorded and they did pay so they are up to \$207,000 and are up to \$371,668.50 on that particular project at this time.

Mr. Lasky said from the income items received one item he wanted to point out was check #15279 Montgomery Fencing and Exterior was for the fence installation for \$23,975.

Mr. Lasky said regarding the budget on the water/sewer side there was about a 16% increase from last year to this year, a little over \$1 million on the income side, with most of that being just higher collections in water and sewer and tap fees. Mr. Lasky said for the expenditures it was a little bit higher as well with around a 15% increase. Mr. Lasky said they do have slightly less of a net income from last year but are still doing very well even being over \$200,000.

17. Sales Tax Report – Mr. Ryan Fortner with Sales Revenue, Inc. presented the Sales Tax Report.

Mr. Fortner said the City of Montgomery was physically inspected in July 2020. Mr. Fortner said they found 351 entities total of which 227 were sales tax county holders and that was the largest number of physical sales tax county holders they found in the district. Mr. Fortner said many of those were registered home addresses and home businesses. Mr. Fortner said the dynamic shifted from people not going into the office as much anymore but are working from home. Mr. Fortner said what they are seeing is an increase in sales taxpayers for the district but not from their physical brick and mortar and they are seeing that from all of their clients. Mr. Fortner said it is the Cloud and E-Commerce that is going to save the City going forward and they are already seeing that.

Mr. Fortner said what they do each month is look at the Comptroller of Public Accounts total active taxpayers that are coded to the district and this could include E-Commerce as well. Mr. Fortner said 5,231 active taxpayers could at one point in time make a sales tax according to a local tax rate. Mr. Fortner said the actual monthly rate for 2021 was 1,874 tax filers. Mr. Fortner said 95% to 96% were E-Commerce related.

Mr. Fortner said in April 2020 there were 1,710 taxpayers and they were happy to get those, but this year there was a 9.5% increase and we are ahead of where we were last year.

Mr. Fortner said there are two date ranges when doing sales tax. Mr. Fortner said there is the calendar year, January through December, but the main identifier is March through February the following year which indicates true dollars and cents that were spent in the district in the actual year 2021. Mr. Fortner said for the calendar year the City received \$1,217,653 and for the tax year \$521,408.

Mr. Fortner said there are the top 25 sales tax filers for 12 months combined listed and a breakdown of what those businesses contributed which was in all \$1,838,778 just in the top 25 alone.

Mr. Fortner said they took the top sales tax filers from April 2021 which is a non-quarterly filing month and broke those down and in all those top 25 businesses made 50% of the combined sales tax refunds for April.

Mr. Fortner said there were 48 businesses in April that filed local taxes above \$1,000.00 and those 48 businesses alone are 63% of the total monthly allocations.

Mr. Fortner said for the non-quarterly filing months for March and April 2021 there are not businesses such as Kroger listed, but next month will be an important filing month so there will be a higher number of sales tax filers as well as a higher filing amount.

Mr. Fortner said 96% of sales tax receipts received in 12 months come from businesses that are located in the area. Mr. Fortner said in April 99 businesses were physical brick and mortar within the City and 1,780 were E-Commerce based. Mr. Fortner said since January 1995 the City has received \$34,811,927.96. Mr. Fortner said he wanted to point out that the April 2021 allocation is incorrect and he will correct the amount and submit it to Mr. Tramm tomorrow. Mr. Fortner said \$215,206.50 was the April 2021 allocation.

Mr. Fortner said the top 25 sales tax categories in Montgomery still show supermarket and grocery services as being number one. Mr. Fortner said total allocations in all from April 2020 to April 2021 was \$5,201,451. Mr. Fortner said since we are now in 2021 we will start comparing starting in February of last year and going forward each month of where the sales tax filers were, what the dollar amounts were, and how does that compare now to during the middle of the pandemic, and what it looks like side by side. Mr. Fortner said that a new graph will be forthcoming. Mr. Fortner said what he did in April 2021 was he included February because February represents actual dollars and cents that were collected in the City that made up the April allocation. Mr. Fortner said he is going to change this going forward as he wants to be able to clearly see each month as they went through last year compared to this year. Mr. Fortner said the fiscal year to date is \$2,091,902 which puts the City at 93.98% of the budget and showing a mean allocation each month of \$304,413.00. Mr. Fortner said only four months are presented in 2021 for the monthly allocations.

Mr. Fortner said with month-to-month variance you see the quarterly filing months and when not, it will show non-quarterly filing months in red.

Mr. Fortner said for 2021 the yearly allocations show as the lowest because of not having a lot of data.

Julie Davis said on page five Amazon is listed twice with one listed as Marketplace and one as LLC services. Julie Davis asked what is the difference between the two. Mr. Fortner said he does not know individually what the differences are, but every city has Amazon and Amazon Marketplace. Mr. Fortner said he has actually seen a third Amazon in the low top 25. Mayor Countryman asked if one is maybe Amazon Prime where it is subscription-based. Mr. Fortner said yes. Julie Davis said she was surprised that two made the top 25.

18. Engineer's Report – Mr. Don Durgin, Operations Manager with Jones and Carter said he wants to ensure City Council that Jones and Carter will do everything they can to make sure the City is receiving good service and if it means a transition they will help with that as well. Mr. Durgin said they pride themselves on providing all the City's products on time through customer service. Mr. Durgin said they would love to continue being the City's Engineer.

Mr. Durgin said with the departure of the previous Engineer they have rallied some resources to come in. Mr. Durgin said he has done program management for half of his career and most recently the Engineer for East Portland County. Mr. Durgin said Mr. Wesley Lay did a lot of the work digging in and getting up to speed on making the phone calls and contacting developers. Mr. Durgin said they still have Michael in the field and they are still doing their inspections and services and hopefully they are doing a good job for the City too.

Mr. Durgin said they have some GLO grants and grant-type funding projects. Mr. Durgin said they designated Mr. Matt Breazeale who is brilliant in this area and he was able to put together some things that have been drawn out for a little while and was able to get together with GrantWorks to make sure those contracts are on the table now and being reviewed.

Mr. Durgin said regarding the Downtown Waterline Replacement Project they are about 45% complete. Mr. Durgin said they are still working with TxDOT to finalize a utility installation permit across FM 149 and are waiting for the final utility permit to come through from TxDOT. Mr. Durgin said they approved Pay Estimate No. 3 for \$207,382.00 on that contract.

Mr. Durgin said they met with one of the City's constituents in the field just to make sure the relationships go well and to make sure things were taken care of.

Mr. Durgin said they are working with GrantWorks to release funds for the Baja Road Water and Drainage Improvements, Phase I & Phase II (CDBG) Project.

Mr. Durgin said the Water Plant No. 3 contracts have been delivered to the City for City Council to sign. Mr. Durgin advised the City Attorney had approved the contracts.

Mr. Durgin said they are continuing to coordinate with GrantWorks and City Staff regarding GLO Projects to finalize the engineering contract to match the budget and beneficiaries of the grant. Mr. Durgin said since they wrote this report, they finalized those contracts and submitted them to City Staff and GrantWorks.

Mr. Durgin said the City Attorney and Surety held a conference call on April 19th regarding Lift Station No. 1. Mr. Durgin said this matter is in the hands of the attorney at this time.

Mr. Durgin said plan reviews for Panda Express are under review and they have a few comments ready to return to the engineer. Mr. Durgin said Town Creek Crossing Section 1 is expected to be complete in July 2021. Mr. Durgin said regarding the Villas of Mia Lago, Section 2 the contractor is working to address the items identified at the one-year warranty inspection. Mr. Durgin said it has been dragging on a little bit but they will contact the developer. Mayor Countryman asked who the contractor is. Mr. Durgin said he does not know who the contractor is.

Mr. Durgin said it is their understanding TxDOT completed the installation of the additional rip-rap last week regarding Town Creek and FM 149.

Mr. Durgin said they are working with the Kammerer Tract and the developer is coordinating with the PUC to decertify the tract from the CCN boundaries.

Mr. Durgin said they have a bi-weekly operations conference call scheduled for next Tuesday with City Staff and representatives from H2O Innovations.

Mr. Durgin said there is currently no action on FM 1097 and Atkins Creek (TxDOT) or FM 149 and SH-105 Right Turn Lane Projects. Mr. Durgin said the SH-105 Right Turn Lane Project is scheduled to be let in 2021.

Mr. Durgin said they are coordinating with City Staff regarding the FM 1097 Speed Study and look forward to having a chance to work with TxDOT.

Julie Davis asked Mr. Tramm if he knows when SH-105 will be back open and running because of the waterline construction. Mr. Tramm said sometime in June. Mr. Tramm said they have to get those utilities increased in order to provide the water throughout the City.

Julie Davis moved to accept the Departmental Reports as presented (Items 9-18). Tom Cronin seconded the motion, the motion carried unanimously. (4-0)

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.

There was no Executive Session held.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

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.

Mayor Countryman said she went to Commissioners Court today to discuss the COVID-19 reimbursement of gross misrepresentation of the City that took place two weeks ago at their meeting. Mayor Countryman said it was recognized the City did not submit \$75,000 for COVID-19 reimbursements, but they did submit \$15,625.34. Mayor Countryman said of that \$15,625.34, \$5.94 was sales tax. Mayor Countryman said a motion was approved to receive a check of \$15,619.40 for

the City. Mayor Countryman said there also was a public apology and the vote was for one. Mayor Countryman said Commissioner Noack was opposed to the motion.

Mayor Countryman said she believes the City has been put back in a positive light at Commissioners Court and she believes they will hopefully see a check soon. Mayor Countryman said she would like to have an update when they receive the check.

Julie Davis asked if they know where they are at with the Community Center regarding the generator before they get into hurricane season. Mayor Countryman said they have been working together on an emergency plan, the City, PD, Montgomery ISD, and Montgomery PD. Mayor Countryman said the County has told her, although their plan was failed, they were not interested in redoing a new plan or having a backup plan. Mayor Countryman said the City is now going on its own and they are going to create their own plan that does not rely upon their generator. Mayor Countryman said she believes the problem was the County did not have gas for the generator. Mayor Countryman said they are going to have an emergency plan and look at everyone west of the lake. Mayor Countryman said they have had quite a few meetings and it is progressing nicely. Mayor Countryman said they will make sure the County, the City, and all MISD parents, everyone in their area is aware of what those plans are once they are solidified. Mayor Countryman said they have discussed methods in which they are going to share those plans and thinks they will see a rate of success much higher than what they had last time.

Julie Davis asked when they make those plans, can they consider having shelter on this side of the town. Mayor Countryman said yes. Mayor Countryman said hopefully with hurricane season coming up, their goal date was June to share those plans.

ADJOURNMENT

Julie Davis moved to adjourn at 7:43 p.m. Kevin Lacy seconded the motion, the motion carried unanimously. (4-0)

Submitted by:

Susan Hensley

Susan Hensley, City Secretary

Date Approved:

05/11/2021



Sara Countryman

Mayor Sara Countryman