

MINUTES OF REGULAR MEETING

May 11, 2021

MONTGOMERY CITY COUNCIL

CALL TO ORDER

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

Present: Sara Countryman Mayor
Carol Langley City Council Place # 1
Kevin Lacy City Council Place # 2
T.J. Wilkerson City Council Place # 3
Julie Davis City Council Place # 4

Absent: Tom Cronin City Council Place #5

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

INVOCATION

T.J. Wilkerson gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

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

Mayor Countryman stated she will be speaking on behalf of a resident who frequents Old Plantersville Road. Mayor Countryman said it seems two aggressive dogs chase runners, walkers, and bikers and asked what should the residents be directed to do in this case. Mayor Countryman said she knows the County has a dog catcher but by the time they get there it would be too late. Mayor Countryman asked if this would need to be directed to 911 or some way they could meet with the owners and make sure they can restrain their dogs. Mayor Countryman said she does not know if the dogs are getting out via a fence. Mr. Tramm said he can approach them and in general, residents can contact City Hall.

Mayor Countryman said the second item is not on the Agenda but is certainly worthy and necessary to ensure that it is discussed this evening. Mayor Countryman read:

A Proclamation of Peace Officers Memorial Day and Police Week 2021:

In 1962 President Kennedy proclaimed May 15th as National Peace Officers Memorial Day and the calendar week in which May 15th falls as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others. Every day we ask a great deal of the men and women of our nation's law enforcement agencies from ensuring public safety to serving as frontline workers, to responding to incidents involving domestic violence, substance use disorders, mental health challenges, and homelessness often with limited resources. Every morning our nation's law enforcement officers pin on a badge and go to work not knowing what the day will bring and hoping to come home safely. This year 294 officers died, 184 of them from COVID-19 related issues. Even as the COVID-19 pandemic took a physical, mental, and emotional toll, our officers, deputies, and troopers demonstrated courage and dedication in continuing to support our communities. As we recognize Peace Officers Memorial Day and Police Week, we honor those who lost their lives in the line of duty and thank them on behalf of this grateful City and this nation for their service. Even during these trying times these men and women of law enforcement continue to be on the front line of their communities. We also honor those who are still putting their lives on the line each day to make our communities safe for both the residents and the visitors.

NOW, THEREFORE, I, Sara Countryman, Mayor of the City of Montgomery, do hereby proclaim May 15, 2021, as Peace Officers Memorial Day and May 9-15, 2021 as Police Week. I call upon all the citizens of Montgomery as well as across America to observe these events with appropriate

ceremonies and activities. I also call on the Governors of the United States and its territories and appropriate officials of all units of government to direct that the flag be flown at half staff on May 15, 2021, on the Peace Officers Memorial Day. I further encourage all Americans to display the flag from their homes and businesses on this day. – Mayor Sara Countryman.

Mayor Countryman said she did some research on the history of this and does not believe the City has ever recognized our law enforcement and we certainly have never celebrated Peace Officers Memorial Day and Police Week. Mayor Countryman said she is proud this is the first of an annual event. Mayor Countryman thanked the Police Chief for all he does and for the team he has built.

CONSENT AGENDA:

1. Matters related to the approval of minutes of the April 27, 2021, Regular Meeting.

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

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action to adopt the following Ordinance: AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY OF MONTGOMERY GENERAL ELECTION HELD ON MAY 1, 2021, FOR THE PURPOSE OF ELECTING THREE (3) CITY COUNCIL MEMBERS, PLACES 1, 3 AND 5, TO THE CITY COUNCIL FOR THE CITY OF MONTGOMERY, TEXAS.

Mayor Countryman said the Montgomery County Elections Administrator Suzy Harvey has provided the certified official canvassing reports for the City of Montgomery which are attached as Exhibit A of the Canvassing Ordinance. Mayor Countryman said there were a total of 262 votes cast with no provisional ballots. Mayor Countryman said the Certified Official Canvass for the General Election held on May 1, 2021, reflects that the following named persons received a number of votes set opposite their names in the respective positions to be filled.

CITY COUNCIL, PLACE 1

<u>Candidate</u>	<u>Votes Received</u>
Carol Langley	158
Jenny Stewart	98

CITY COUNCIL, PLACE 3

<u>Candidate</u>	<u>Votes Received</u>
T.J. Wilkerson	154
John Champagne, Jr.	100

CITY COUNCIL, PLACE 5

<u>Candidate</u>	<u>Votes Received</u>
Byron Sanford	135
Tom Cronin	114

Mayor Countryman stated the Certified Official Final Results of the General Election held on May 1, 2021 certify that the following persons were duly elected to their respective positions as follows:

- Carol Langley - City Council Place 1**
- T.J. Wilkerson - City Council Place 3**
- Byron Sanford - City Council Place 5**

Julie Davis moved to accept the Certified and Official Final Results of the General Election. Kevin Lacy seconded the motion, the motion carried unanimously. (4-0)

3. Mayor Countryman will administer the Oath of Office to the following duly elected officials from the May 1, 2021, City of Montgomery General Election:

- Carol Langley – City Council Place 1
- T.J. Wilkerson – City Council Place 3
- Byron Sanford – City Council Place 5

Mayor Countryman administered the Oath of Office.

4. Recognition of outgoing Council Member Tom Cronin.

Mayor Countryman read the certificate of recognition as follows:

“From the City of Montgomery, Texas presented to Tom Cronin in recognition of your years of dedication to the City of Montgomery and service on City Council Place 5: December 2018 – May

2021. Thank you for your stewardship and diligence in preserving the history and ambiance of Montgomery, while promoting the economic development of this growing City. Your dedication and service will not be forgotten by the citizens of Montgomery, your fellow governing body, citizens, and staff of the City of Montgomery.

5. Consideration and possible action to elect the Mayor Pro-Tem for the term of one (1) year as provided by Texas Local Government Code § 22.037(b).

Mayor Countryman said T.J. Wilkerson is currently the Mayor Pro-Tem, and City Council now has the opportunity to select the Mayor Pro-Tem.

Kevin Lacy moved to retain T.J. Wilkerson as the Mayor Pro-Tem. Carol Langley seconded the motion, the motion carried unanimously. (5-0)

6. Consideration and possible action to appoint a replacement position to the Montgomery Economic Development Corporation (MEDC) Board of Directors.

Mr. Tramm said Tom Cronin served as one of the positions on the Montgomery Economic Development Corporation (MEDC) and that term is current in January 2022. Mr. Tramm said a new person needs to be appointed from this body to replace Tom Cronin. Mr. Tramm said Carol Langley is also serving on MEDC so she is not eligible. Mr. Tramm said it is up to City Council to appoint one of its members. Kevin Lacy asked if this position starts immediately or at the end of Tom Cronin's term. Mr. Tramm said since Tom Cronin is no longer on City Council the MEDC position is automatically vacated until someone is appointed as a replacement and will take effect immediately. Mr. Tramm said the next MEDC meeting is next Monday, May 17, 2021.

Byron Sanford said he is new to City Council but does have an interest in economic development and would like to be considered.

T.J. Wilkerson moved to appoint Byron Sanford to the Montgomery Economic Development Corporation (MEDC) Board of Directors. Kevin Lacy seconded the motion, the motion carried unanimously. (5-0)

7. Consideration and possible action regarding City Engineer.

Mr. Tramm said in January of this year he had presented a recommendation from the interviews from the Statement of Qualification process for City Engineer. Mr. Tramm said at that time the recommendation was to continue with Jones & Carter, which was strongly based on the experience with the engineers they dealt with, Mr. Chris Roznovsky and Ms. Katherine Vu. Mr. Tramm said several qualified firms were submitted and the decision was there was not enough reason to change from Jones & Carter because of that experience.

Mr. Tramm said since that time the situation has changed. Mr. Tramm said Jones & Carter remains the City Engineer, however, the two people they primarily dealt with have left the firm. Mr. Tramm said he took that opportunity to review and look at the firms that were submitted and also had discussions with Jones & Carter. Mr. Tramm said Jones & Carter did provide new staff to work with the City. Mr. Tramm said he thinks Jones & Carter is a fine firm, but he does not think it is in the City's best interest to retain them as the City Engineer. Mr. Tramm said he would continue to use them for projects that are underway and future projects. Mr. Tramm said he thinks the City would be best served by going with the firm Ward, Getz & Associates where both Mr. Chris Roznovsky and Ms. Katherine Vu have gone. Mr. Tramm said it's a firm he does have some, but limited, prior experience which was all positive. Mr. Tramm said the recommendation he made back in January remains the same.

Mr. Tramm said he thinks the hands-on, direct personal experience of those two individuals would continue through a different firm and thinks the relationship part of it is very important. Mr. Tramm said he would work with that firm to bring the contract back to City Council for them to replace Jones & Carter as the City Engineer. Mr. Tramm said he had conversations with Jones & Carter and they have indicated they would continue to work with the City through any transition or process. Mr. Tramm said they would prefer to keep all the business, but he thinks the City would be well served by keeping them in place for the ongoing projects that are well underway.

Mr. Tramm said this would not be a vote to change the engineer, this would be to allow him to have discussions to bring something back to City Council. Mr. Tramm said as he has stated before, he thinks the City would be better served by having projects that are considered big-ticket items done through an RFQ process and potentially trying to get the best work from multiple firms. Mr. Tramm said he thinks Jones & Carter should continue to do the things they have been doing but thinks the City Engineer duties are best served by moving to another firm. Mr. Tramm said if he has the support of City Council to bring that back then he will do that at the next City Council meeting.

Julie Davis said just to clarify, two weeks ago City Council decided that Mr. Tramm would bring three firms back to City Council. Julie Davis said she has big concerns that Ward, Getz & Associates does not have GIS services which is basic civil engineering. Julie Davis said that puts the City in a position to use two different civil engineering firms, which means there will need to be some kind of narrator within the staff that is going to balance that. Julie Davis asked if Mr. Dave McCorquodale would be the person to present the engineering report every month. Julie Davis said the more we diversify this and send it out to multiple firms, the less we are going to have continuity throughout the City. Julie Davis said you are not going to have a representative come and be the spokesperson and present an engineer report if you farm it out to multiple different firms. Julie Davis said it is not financially going to be in their wheelhouse to do that.

Mayor Countryman asked if there is one City Engineer and then if the City has other engineering firms, the City Engineer will know everything going on with all the other engineering projects in town. Mr. Tramm said that is largely correct. Mr. Tramm said with any one firm, it is not just one engineer working. Mr. Tramm said if you have a large firm, you have a City Engineer and there are other engineers within that firm and the City Engineer is going to be in coordination with that firm. Mr. Tramm said it would be two or three professional firms coordinating and communicating on a professional level. Mr. Tramm said he has worked in places where multiple engineers have worked on different projects and have been able to coordinate. Mr. Tramm said he has that experience in his background.

Mayor Countryman asked Mr. Petrov if he has seen other cities do this and if this is common practice. Mr. Petrov said yes, and depending on the type of project, there may be an engineering firm that specializes in road and highway type work and another firm that specializes in wastewater treatment plants for water and sewer work, and then another firm that specializes in drainage work. Mr. Petrov said yes it does happen.

Mayor Countryman asked if the City could still use Jones & Carter for GIS. Mr. Tramm said the City certainly could. Mr. Tramm said the City previously had a separate contract with Jones & Carter for GIS. Mr. Tramm said they could even go to another entity. Mr. Tramm said some time ago the City employed BGE as an engineering firm. Mr. Tramm said they had the communication between the City Engineer and BGE and it was not internal within a firm, it was external, but the City has already taken steps in that direction.

Kevin Lacy moved to direct the City Administrator to enter into discussions with Ward, Getz & Associates and bring the results back to City Council. Byron Sanford seconded the motion, the motion carried unanimously. (5-0)

8. Consideration and possible action on setting Exemptions for use on 2021 Notices of Appraised Value and 2021 Assessment Rolls.

Mr. Tramm said in recent years the City had exemptions of \$50,000 for over 65 and \$70,000 for disability. Mr. Tramm said he would recommend keeping those exemption levels. Mr. Tramm said the City does not have a homestead exemption and he thinks in this time of increasing home values, now would be a good time for the City to consider adding a homestead exemption to qualified homes within the City. Mr. Tramm said his recommendation is for City Council to add a \$10,000 homestead exemption for 2021 and going forward. Mr. Tramm said this will result in a \$40 decrease in annual property taxes for the City on properties qualifying for the homestead exemption. Mr. Tramm said he knows that does not necessarily sound like a lot of money, but for the year 2019-2020 the average home values for just assessment increase, increased by \$22. Mr. Tramm said essentially this would be rolling back that automatic increase for property values by two years. Mr. Tramm said he thinks this is something City Council can look at each year.

Mr. Tramm said his recommendation is to maintain the \$50,000 for over 65 and \$70,000 for disability exemption and adding a \$10,000 homestead exemption.

Julie Davis said she almost disagrees with the dollar amount just because everyone else sees new percentages and there are so many people inside the City limits that do have large lots of land. Julie Davis said if you put a percentage amount on it, those people with large amounts of land are getting agg exemptions anyway. Julie Davis said \$10,000 is going to be straight across the board. Julie Davis said it seems more like socialism rather than government. Julie Davis said it would seem like a percentage would be what the streamline is based upon every other city around us within the County.

Mayor Countryman asked if the City does this, how long is this exemption good for. Mayor Countryman asked if they could try it for a year and see what the impact is and then maybe go back to the board. Mayor Countryman asked how many homestead houses are in the City. Mr. Tramm said about 400. Mayor Countryman said then if it grows because it is going to grow substantially, they can go back to the drawing board and chose a percentage such as one or two percent, but start

with a small step and then next year elevate it. Mr. Tramm said every year this comes back before City Council for all these items and not just the homestead but all these classifications come back to City Council for review and approval.

Mayor Countryman asked if it is hard or normal practice for a city to do a sliding scale of zero to 300,000 or five percent then zero to 500,000 gets two percent. Mr. Petrov said you cannot do that. Mr. Petrov said you either have a flat amount or a percentage. Mr. Tramm said he thinks the cities have tried to do that and that is why they go to a percentage. Julie Davis asked why not do something like five percent, which is not horrible off the top like 20 percent, but it is also not one percent at the bottom of the line. Julie Davis said five percent means it is fair dollar to dollar what the property value is versus everyone gets equal no matter who you are.

Mayor Countryman said she thinks starting out doing a blanket amount they will know exactly and have a better idea and with percentages just get used to it. Julie Davis said the percentages are ever-changing and the dollar amount is fixed. Carol Langley said she thinks the school district's homestead is \$5,000 and is a set amount but she did not look up what other school districts were. Mayor Countryman said because they never had this before it's like being a fish out of water. Mr. Petrov said it varies just like the chart. Mayor Countryman asked if they were wrong in wanting to start with \$10,000 or should they do a percentage and move forward. Mr. Petrov said that is not wrong at all because it does impact the revenues the City receives and the first year you can see what that impact is and then adjust from there. Mr. Petrov said if the impact is minimal and you can handle more to help the residents then you know then. Julie Davis said she understands the math in it but this makes it a fixed dollar amount exactly to the penny and we know exactly what the City is losing.

Julie Davis moved to accept the exemptions as presented. Byron Sanford seconded the motion, the motion carried unanimously. (5-0)

9. Consideration and possible action regarding adoption of the following Ordinance: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CHAPTER 86, TRAFFIC AND VEHICLES, ARTICLE VII, TOWING SERVICES, SECTION 86-236, DEFINITIONS, AND SECTION 86-237, TOWING SERVICE ROTATION LIST GUIDELINES, TO UPDATE THE CITY'S ROTATION LIST GUIDELINES FOR NON-CONSENT TOWS AND THE DEFINITIONS RELATED TO SAME; PROVIDING A

SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Tramm said upon recent review by the City of Montgomery Police Chief and the City Attorney the attached proposed Ordinance is provided to replace the current Ordinance. Mr. Tramm said this includes updating voluntary record service rotation lists, guidelines provided by the Police Department, and also includes the applications for both tow truck companies and the tow truck drivers. Mr. Tramm said under this Ordinance the City will review and approve the applications of both the tow truck companies and the individual drivers to operate as tow truck service providers for the City. Mr. Tramm said this is updating the previous Ordinance.

Mayor Countryman asked how many tow truck service companies there are. Chief Solomon said there is only one right now. Chief Solomon said they had others that have inquired about coming here but they need to have the proper paperwork to ensure who the drivers are and also make sure the vehicles have the proper insurance for liability for injuries. Chief Solomon said they also need to make sure they are paying the rotation fees and maintaining their vehicle inspections.

Julie Davis asked if they are doing background checks on the drivers. Chief Solomon said yes. Julie Davis asked if Chief Solomon or staff will reach out to Stowe's to make sure that we have drivers as we need them. Chief Solomon said they intend to have a meeting with Stowe's tomorrow to bring them up to date on all their paperwork and let them know they need to have the driver information because right now they are not sure who is driving those tow trucks. Chief Solomon said this way they will be sure as each driver will have to come in and provide the information regarding their driver's license and also complete a criminal background check. Julie Davis asked if it was similar to what they did in Harris County a couple of years ago. Chief Solomon said yes, and it is something that should be done because it takes the liability away from the City and you are sure the company has insurance.

Julie Davis moved to accept the Ordinance as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

EXECUTIVE SESSION:

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real

property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

10. Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, in accordance with the authority contained in the following: a) Section 551.071 (consultation with attorney) – Liquidated damages for Lift Station No. 1 Contract.

Mayor Countryman adjourned into Closed Executive Session at 6:38 p.m.

11. Reconvene into Open Session.

Mayor Countryman reconvened into Open Session at 6:51 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

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

Julie Davis moved to accept the offer of the Surety. Byron Sanford seconded the motion, the motion carried unanimously. (5-0)

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 it has come to her attention that a previous Council Member, as of this evening, voted in purchasing some property the City was offered and did not recuse himself from that and actually did purchase that property. Mayor Countryman said she does not know what should be done in this case, but full well knowing they were purchasing and still voted on it. Mr. Petrov said it could amount to a conflict of interest but you would have to investigate some of the facts to be sure. Mayor Countryman asked Mr. Petrov if when they obtain the facts can they then present them to him. Mr. Petrov said yes. Mayor Countryman thanked him for the clarification.

Mr. Tramm said several meetings prior the City authorized a bond refunding, essentially a refinancing of a series of the City bonds. Mr. Tramm said that the sale took place and the interest rate cost of that sale went from 3.55 percent over the next 18 years to 1.41 percent. Mr. Tramm said that results in a cash flow savings over the term of the life of \$757,952.50, which is equal to a present value for today's value of \$691,745.36. Mayor Countryman asked if that was through 2038. Mr. Tramm said yes. Mr. Petrov said he thinks it is even better than what they were talking about. Mr. Tramm said it is although he does not remember the exact numbers he wanted to say that what was presented to City Council was approximately \$540,000-\$550,000 spent in savings and while that was certainly a significant number, the final result came out much better.

Mr. Petrov said when you go to the market with any kind of bonds the interest rate changes daily as the stock market does. Mr. Petrov said you are making a guess when you make these projections. Mr. Petrov said when the projections were made in March it was a pretty significant savings at that time and yet it came out even better.

ADJOURNMENT

Kevin Lacy moved to adjourn at 6:56 p.m. Julie Davis seconded the motion, the motion carried unanimously. (5-0)

Submitted by:  Date Approved: 05/25/2021
Susan Hensley, City Secretary


Mayor Sara Countryman

