

MINUTES OF REGULAR MEETING

October 12, 2021

MONTGOMERY CITY COUNCIL

CALL TO ORDER

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

Present: Sara Countryman Mayor
Carol Langley City Council Place # 1
Kevin Lacy City Council Place # 2
Julie Davis City Council Place # 4
Byron Sanford 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

CALL TO ORDER

INVOCATION

Byron Sanford 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.

Juanita Simmons, 21910 Twin Creeks Road, Montgomery, Texas said she posted on messenger the day before City Council's last meeting in order to receive public opinion. Ms. Simmons said 216 citizens responded and only two of those individuals were against the ice cream truck. Ms. Simmons said no matter what your personal opinion is, the majority of the citizens want the ice cream truck. Ms. Simmons asked to find a way to keep them because they are good for the City. Ms. Simmons said the Historic District on Mondays is dead except, this past Monday when it was packed. Ms. Simmons said the ice cream truck may not be historic according to the definition but they are good for that area and are bringing people in that are not just citizens of the City of Montgomery.

Ms. Simmons said she has reviewed the City Ordinances and has come up with a few items to be considered. Ms. Simmons said in Ordinance 2014-03, Article II of the Administrative and Enforcement Section 98-33 Special Use Permits and Section 98-35 Board of Adjustment; Appeals and Variances, items three and four seem to offer the solution to this situation.

Ms. Simmons said she would like to propose one thing under Item 7, an exception clause. Ms. Simmons said mobile food trucks that meet all County and State regulations, which use mobile services to comply with sanitation and health requirements, would be exempt from having to move every 48 hours.

Mr. Bill Clevenger, 388 Berkley Drive, Montgomery, Texas said he would like to clarify something from the last meeting. Mr. Clevenger said he never once said he was threatening to sue the City. Mr. Clevenger said he just wants to make sure a bright light is focused directly on the City of Montgomery.

Mr. Clevenger said he knows Mr. Tramm and Mr. McCorquodale have spoken numerous times with the officials at the Montgomery County Health Department. Mr. Clevenger said he finds it disturbing from the previous meeting that they both spoke about the 48-hour rule but never said once that Wilderlove Coffee and Texas Twist and Shakes are complying by having the service performed a couple of times each week to avoid having to move every 48 hours. Mr. Clevenger asked why is that and why not tell City Council, the Mayor, and everyone present and those watching that these two businesses are doing things by the book and are meeting all the requirements in place for mobile food

establishments without having to move every 48 hours. Mr. Clevenger said it is true they do not have to do it because they are complying with the State, County, and all City laws.

Mr. Clevenger said he and his wife own the property located at 404 Caroline Street and they pay taxes. Mr. Clevenger said they have followed every rule in place with the County and City. Mr. Clevenger said Texas Twist and Shakes was approved by both Planning and Zoning and the City Council last November.

Mr. Clevenger and he and Carol Langley have spoken many times about the ice cream truck and Carol Langley cheered him on. Mr. Clevenger said he does not understand the complete turnaround. Mr. Clevenger said when he ran for Mayor last time he wanted to let everyone know the money collected in this City is the people's money and not a slush fund for a select group to use for projects and favors that only benefit them.

Mr. Kade Jenkins, 14809 Lake Mount Pleasant Road, Montgomery, Texas said the proposed ordinance that was mentioned in the packet on page 73 states mobile food units operating within the City limits shall not remain on the same site or property whether in operation or not for longer than two consecutive calendar days. Mr. Jenkins said these ordinances, to his understanding, are usually passed in major cities such as Houston or Dallas where mobile food units can be set up on public property and operate as long as it is not a safety concern. Mr. Jenkins said these rules are placed in these cities but here in Montgomery, to his understanding, you cannot set up a mobile food unit on public property as it has to be on private property. Mr. Jenkins said the concern seems to be these different trucks coming in and setting up in front of businesses and disrupting the businesses. Mr. Jenkins said the concern is not valid. Mr. Jenkins said you need to have a letter from the property owner allowing you to operate and therefore in order for a mobile unit to set up and operate on any property in the City of Montgomery one must have the owner's approval. Mr. Jenkins said he knows this was a big discussion at Thursday's meeting last week and having to move the mobile unit every 48 hours does not make any sense to him.

Mr. Jenkins said at the Workshop last week, some of the Council members mentioned that if your business has wheels it should only be fair that they are required to use their wheels. Mr. Jenkins said the idea that City Council would pass a rule that requires a mobile unit to move based on the principle that it has wheels also does not make any sense to him. Mr. Jenkins said when his family decided to invest in the business they started they had to downsize their home since they knew they would not be

able to afford a mortgage and start a business which led them to move into a travel trailer. Mr. Jenkins said it would not make sense to pass an ordinance for people using trailers as a home should have to move their home as it is an unfair advantage to those who own a house. Mr. Jenkins said he would like City Council to consider these ordinances, consider the intent, and the logic in their decision.

Mr. Jenkins said they are currently on private property and are obeying all of the County and City Ordinances so please do not pass ordinances that are going to make their business harder to run.

Mrs. Brandi Chrisenberry, 18913 Bethel Road, Richards, Texas said she knows having a trailer and moving it is quite an ordeal. Mrs. Chrisenberry said she thinks if City Council were to go along with what is proposed in the ordinance, her child would not even be able to operate a lemonade stand.

Mrs. Chrisenberry said she would like to apologize to Julie Davis for interrupting and speaking out at the last City Council meeting. Mrs. Chrisenberry said she would much rather have a round table discussion format because she feels they would be able to get further.

Mrs. Chrisenberry said she knows they were discussing the business owners in the area decreasing for having competition and we cannot use that because then we would only be limiting ourselves to one antique shop and one burger shop in Historic Downtown Montgomery. Mrs. Chrisenberry said to correct her if she is wrong, but what she has heard from everyone in general and knows it is not completely accurate is that she gets the impression City Council is disinterested overall in food trucks. Mrs. Chrisenberry said Byron Sanford and Mayor Countryman seem to take more offense to the property owner than the businesses.

Mrs. Chrisenberry said she feels the people have spoken on how much they value the food trucks and how they add to downtown Montgomery. Mrs. Chrisenberry said she did not even know Kade and Katy Jenkins before this started. Mrs. Chrisenberry said she is excited about the fact that the people are passionate about this and are paying attention. Mrs. Chrisenberry said people are showing up and having conversations. Mrs. Chrisenberry said it is so nice to have these interactions with people regardless of where everyone stands. Mrs. Chrisenberry said we all are excited about our City and what it could look like. Mrs. Chrisenberry said let's not make these ordinances for things that do not make sense.

Mrs. Barbara Champagne, 209 Bessie Price Owens Drive, Montgomery, Texas said she has been here for 12-13 years and there are faces she has known for a long time and her husband served on City Council for 10 plus years.

Mrs. Champagne said she has seen this City Council change and remembers the days when we used to pray in this building during lunchtime. Mrs. Champagne said the administration that was before that was changed as well. Mrs. Champagne said she has gotten to meet a lot of people and loves them dearly and was very close to a lot of people in Buffalo Springs. Mrs. Champagne says she sees a difference in this community and believes there are people doing things that are not genuine. Mrs. Champagne said as we just said the pledge of allegiance "justice for all" she has not seen this town become any different than the nation. Mrs. Champagne said there is such dissension and hatred for people. Mrs. Champagne said she would like everyone to be able to see one another as they truly are. Mrs. Champagne said we are no different from anyone else as we are all children of God, but we are called to a higher standard and to do something that makes a difference. Mrs. Champagne said for this community being as small as it is she cannot believe where we are today.

Mrs. Champagne said she hopes everyone would go back and look at what the City was truly about at one time.

Mrs. Stephanie Clevenger, 388 Berkley Drive, Montgomery, Texas asked respectfully for the right to speak and said she does not take it lightly. Mrs. Clevenger said City Council is taking away a person's rights and a City's rights to love and enjoy each other. Mrs. Clevenger said let's grow and not put ourselves in boxes because we deserve more than that. Mrs. Clevenger said what is better than a smile, the laughter of a child, and family having an ice cream cone together.

Mrs. Clevenger said as someone pointed out several meetings ago, Historic Downtown Montgomery has one historic building and everything else is a facade. Mrs. Clevenger said what we need to do is create more beauty and more faith in each other.

Mrs. Clevenger asked Mr. Tramm to come out and see the people and enjoy an ice cream cone and he said he would look at the photos.

Mrs. Clevenger said to look at the good things in Montgomery. Mrs. Clevenger said she thinks coffee and ice cream are two good things.

CONSENT AGENDA:

1. Matters related to the approval of minutes of the September 28, 2021, Workshop Meeting and September 28, 2021, Regular Meeting.

Julie Davis moved to accept the consent agenda as presented. Kevin Lacy seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

2. Consider and possible action regarding an Application for a BG- Wine and Beer Retailer's Permit by Grillin' Gunner Inc. operating as the Old Montgomery Steakhouse located at 204 McCown Street, Montgomery.

Mr. Tramm said this was presented in accordance with Sec. 6-33 of the City Code regarding approval of license application by City Council. Mr. Tramm said all of the requirements have been met and included is a map showing the establishment complies with the 300-foot distance requirement from any church, school, or hospital.

Mr. Tramm said the submitter taking over the facility is here to give a brief introduction.

Mr. Wayne Kung, owner of Grillin' Gunner Inc., operating as the Old Montgomery Steakhouse, said he was in the military and was part of Desert Storm. Mr. Kung said he has been in the restaurant business for most of his life. Mr. Kung said he is lucky enough to take over for Mr. Lloyd Ashbaker as he is retiring and he wants to give him the best birthday present on October 25th.

Mr. Kung said he used to work for Ruth's Chris Steak House as the Executive Chef. Mr. Kung said for the last eight years he was contracted overseas to open a 22,000 square foot restaurant in the Red Sea. Mr. Kung said because he was overseas when his children were born and he was not able to spend time with his two little girls and now it is time for him to come home and make Montgomery his new home.

Julie Davis said she noticed on Mr. Kung's application he checked off both off-premise and consumption as well as on-premise. Mr. Kung said he was very sorry it was his mistake.

Kevin Lacy moved to approve the application for BG- Wine and Beer Retailer's Permit for Grillin'Gunner Inc. operating as the Old Montgomery Steakhouse located at 204 McCown Street, Montgomery. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

3. Consideration and possible action regarding adoption of the following Resolution:
RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF MONTGOMERY, TEXAS,
DESIGNATING THE COURIER NEWSPAPER AS THE OFFICIAL NEWSPAPER FOR
THE CITY OF MONTGOMERY AND AUTHORIZING THE CITY ADMINISTRATOR TO
EXECUTE A CONTRACT.

Mr. Tramm said they are required at the beginning of each fiscal year to make such designation as to where all official posts for the City shall be posted publicly as required by law. Mr. Tramm said the Conroe Courier is the newspaper in circulation for Montgomery County.

Kevin Lacy moved to adopt the Resolution for the City of Montgomery for the Conroe Courier to be designated as the official newspaper for the City of Montgomery. Julie Davis seconded the motion, the motion carried unanimously. (4-0)

4. Update from Public Works Director on tentative timeline for smoke testing of sewer lines.

Mr. Tramm said because there were some questions from a previous meeting and then questions from City Council he asked Mr. Muckleroy, Public Works Director to present this report to City Council.

Mayor Countryman said she followed up on some comments made. Mayor Countryman said when Mrs. Stewart stated there were snakes in toilets she called both residents. Mayor Countryman said the first resident she called she knew she would not get the truth but the second resident she found out there were no snakes in the toilet. Mayor Countryman said it was on the record he was misrepresented.

Mr. Muckleroy said the first stage of the process is the manhole inspections. Mr. Muckleroy said H2O has completed half of the inspections in the City. Mr. Muckleroy said they break it down by quarter, but since this had not been done in a couple of years they started off doing

half the City. Mr. Muckleroy said they anticipate having a full report by the 15th of this month and then they will take a couple of weeks to review the findings.

Mr. Muckleroy said the next step is making repairs on manhole lids. Mr. Muckleroy said if there are any that need grout work or a lid put back on, they need to do this first to get an effective smoke test. Mr. Muckleroy said once that is completed, he is anticipating a two-month time period to review for errors and then they will come in and start doing the smoke testing in-house. Mr. Muckleroy said this testing will take two to three weeks to complete and then they will compile a report. Mr. Muckleroy said there will be pictures taken in the field of any issues they find and they will put a white paint mark around the area whether public or private. Mr. Muckleroy said if they are private they will meet with the homeowner directly and let them know about the issues found.

Mr. Muckleroy said the first thing they will do is deliver a pink notice to everyone that is affected and will make a map for both commercial and residential areas letting them know what day they will be in the area. Mr. Muckleroy said the notice says it is smoke testing and they will notify the Fire Department because they will receive 9-1-1 calls. Mr. Muckleroy said it is a liquid that goes into a special blower that sits on top of a manhole forcing air down into it and when the liquid hits the exhaust it creates smoke. Mr. Muckleroy said they use two blowers, one on each end to force the smoke to the middle, and any areas of concern will surface and come up through the ground. Mr. Muckleroy said they will make a record of it and determine if it is a City issue or private problem. Mr. Muckleroy said if anyone should have any concerns to please call them ahead of time. Mr. Muckleroy said it is a non-toxic smoke that does have a bit of an odor.

Mayor Countryman asked for the record to confirm we have not done any smoke testing. Mr. Muckleroy said they have not done any testing.

Mayor Countryman said she also spoke to the master plumber who said 99 percent of the time snakes do not get in the sewers. Mayor Countryman said for the record the allegations that were made concerning the snakes were false.

Kevin Lacy asked what was the issue with the snakes. Mayor Countryman said Mrs. Jenny Stewart claimed three snakes came up through the toilets due to smoke testing when the smoke testing had not even begun.

Julie Davis said by her calculations manhole inspections will be done by October 15th, the reports done by the end of October, repairs on manholes done by the end of December, and smoke testing sometime in January, by which they should have the report by February 8, 2022. Mr. Muckleroy said that was correct.

Mr. Muckleroy said any major issues that are found with the manhole inspections will be addressed later. Mr. Muckleroy said what they are finding out, for instance, is in the Hills of Town Creek there are a lot of seals on the manhole sections and that is something they will need to have a contractor come in and do work. Julie Davis asked if that would fall under the warranty period. Mr. Muckleroy said it would but a lot of them are not under warranty. Julie Davis said Mr. Muckleroy said it has been a couple of years since this has been done. Mr. Muckleroy said it has. Julie Davis asked what Mr. Muckleroy would recommend and should this be done annually. Mr. Muckleroy said they are going to do manhole inspections annually. Mr. Muckleroy said if they are seeing large spikes in the I&I then it is time to begin smoke testing. Julie Davis asked if the manholes would have been done annually would they have caught the issues at Hills of Town Creek during the warranty period. Mr. Muckleroy said no that is completely different. Mr. Muckleroy said he does not know what exactly happened but it was a construction issue. Mr. Muckleroy said they do not do manhole inspections on new manholes as that is part of the capital side of inspections.

Julie Davis asked if there is a way for them to make sure that on the 360th day after construction begins that we do a testing so we do not miss out on them paying for it versus us paying for it. Mayor Countryman asked if that was typical. Mr. Muckleroy said manholes themselves are tough to test for that. Mr. Muckleroy said they do an air test on all the lines, but manholes are not air-tight. Mr. Muckleroy said you can do an air test on all the lines and that is done in the construction phase along with a manhole test and they pull a device through to make sure nothing is collapsed, but air testing on the manholes is not common to do, especially annually. Mr. Muckleroy said he thinks it will fall under better inspections on the front end in the construction phase.

Byron Sanford said if phases 1, 2, and 3 warranties are up in Hills of Town Creek and you are out there and seeing some common areas can you bring that to phase 4 and phase 5 and say here is something we are seeing repeatedly happen. Mr. Muckleroy said absolutely and that is something they are doing on the streets already. Mr. Muckleroy said the City Engineer was going to recommend some tighter restrictions on the PSI, concrete, sub work to try and keep

that from happening again. Mr. Muckleroy said it is something that if they catch it they will fix it for the next time.

5. Consideration and possible action on Procedural rules for Montgomery City Council Meetings.

Mr. Tramm said this item was first heard at the September 28, 2021, City Council meeting and was deferred to City Council to review the draft and submit questions and comments for the City Attorney.

Mr. Tramm said the proposed attached version is the same version that was at the last meeting. Mr. Tramm said he has received some comments that were forwarded directly to both him and the City Attorney.

Julie Davis said there are a lot of policies and procedures listed in the draft that is the opposite of the way they handle them now and her concern is it seems like it is going to take the meeting 10 times longer until everyone becomes accustomed to the new procedure. Julie Davis said also there are a lot of things listed for City Council members, such as discipline, and she is not in favor of it at all because this is a volunteer position and they are already following rituals of order generally and does not see a need for them to put additional restraints and reverse the way of doing things when they are already used to doing them. Julie Davis asked is there a reason this is a better method.

Mr. Petrov, City Attorney said typically the rules of procedure help people understand how to bring actions to City Council, how to make motions, what the public's right to comment is, and what those rights are. Mr. Petrov said this is certainly a very detailed version. Julie Davis said she sent Mr. Petrov two pages of questions. Mr. Petrov said he saw her email today and appreciates the feedback, but did not have a chance between meetings to respond. Mr. Petrov said it is always very helpful to get feedback because when you write up rules of procedures you know what you mean to say and it is interesting to see how someone else reads and views it and sometimes they read it differently than what you meant. Mr. Petrov said that kind of feedback is very positive.

Mr. Petrov asked if it would be more helpful to reduce the draft in half. Julie Davis asked if there is a way there could be a workshop or training session for them. Julie Davis said she feels

it would be better than having an overlapping procedural guide. Julie Davis said there was a lot of helpful information in the draft and a lot she did not know she had the authority to do.

Kevin Lacy said the main thing would be to reduce the draft to half the size and gear it more toward being more structured with the way they handle things now. Mr. Petrov said he thinks that is very doable. Mayor Countryman said there are some redundant items in the draft too which is not necessary and if those redundant items are removed that may reduce it by half. Mayor Countryman said there are some items such as “the council member who wishes to second the motion shall do so with the request of the Chair” which council members already know. Mayor Countryman said another item is “before a motion can be discussed it shall be seconded.”

Julie Davis said she did appreciate the fact there is an expectation written in the draft that those people who are on other advisory committees for the City should be able to come to City Council and present on what is happening in those areas so City Council is well informed. Julie Davis said she feels that would help a lot with the situations and issues that are happening within the City. Julie Davis said the only time when the other committees are coming to City Council is when they need voter approval. Mayor Countryman said for the second City Council meeting of every month they could add the committee reports to the departmental reports. Mr. Petrov said he does have cities that do that.

Julie Davis moved to table Item 5 until the November 9, 2021 meeting. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

6. Consideration and possible action on nominations for Montgomery County Appraisal District Board (MCAD) of Directors Election for the 2022-2023 term.

Mr. Tramm said this item was posted in terms of asking for applications for the nomination process and the City did not receive any. Mr. Tramm said City Council members can provide names they would like to suggest.

Mr. Tramm said MISD submitted the nomination of Adam Simmons, who is a former MISD Board Member and currently serving in the MCAD capacity and City Council may consider wanting to support him as he is a local name.

Julie Davis moved to nominate Adam Simmons for the Montgomery County Appraisal District Board (MCAD) of Directors Election for the 2022-2023 term. Kevin Lacy seconded the motion, the motion carried unanimously. (4-0)

7. Update and discussion on proposed revisions to the Vendor Ordinance relating to Mobile Food Units.

Mr. Tramm said City staff has provided an updated draft Vendor Ordinance based on feedback and discussion from the September 30, 2021 Workshop. Mr. Tramm said a summary of the revisions along with the draft ordinance is included for City Council to review. Mr. Tramm said staff is still discussing the proposed revisions with the City Attorney.

Mr. McCorquodale, Assistant City Administrator said they clarified some definitions to match what the County definitions are. Mr. McCorquodale said they are modifying the mobile food unit to mean it can also be a trailer, pushcart, or food truck.

Mr. McCorquodale said they are adding a food truck park to the definitions. Mr. McCorquodale said the question is does a mobile food vendor need to be mobile. Mr. McCorquodale said to him, clarifying a place where mobile food vendors are no longer mobile is a food truck park. Mr. McCorquodale said they are either hooked up to permanent water and sewer or they are mobile food units that are not attached and can move off-site.

Mr. McCorquodale said they are looking at removing roadside food vendors because the State statute has a good definition for it.

Julie Davis said just to clarify regarding the comparison of moving every 48 hours to live in a travel trailer, this is the difference between having an RV park and boondocking. Mr. McCorquodale said correct. Julie Davis said you have to move to boondock because you have to empty your septic and sewer and need water to fill the tanks versus a food truck park that has connections and you can stay long term.

Mr. McCorquodale said the special requirements for mobile food vendors were an existing part of the ordinance the mobile food vendors had to follow. Mr. McCorquodale said some of the

takeaways he and staff got from the Workshop was the remittance of taxes. Mr. McCorquodale said if you are doing business in the City you pay taxes. Mr. McCorquodale said by signing an affidavit you agree you will do all of these things which includes paying sales tax. Mr. McCorquodale said not only does it end up being an administrative function of a change to the application but we end up with that in the ordinance so we know what is going on.

Mr. McCorquodale said he thinks the 50-foot from an intersection requirement turns them into tape measure police. Mr. McCorquodale said if they see an unsafe situation let them correct it.

Mr. McCorquodale said the hours of operation requirement came down to the source of power being used. Mr. McCorquodale said City Council seemed open to an earlier start time. Mr. McCorquodale said he chose if operating without a generator the hours of operation would be 6:00 a.m. to 9:00 p.m., and if operating with a generator the hours would be different due to the noise and the effect it might have.

Julie Davis asked regarding being with or without power if they already have a permit to operate in the area and if they want to stay open past 9:00 p.m. because there is a festival, do they need a secondary street festival permit as well. Mr. McCorquodale said no if they were part of a festival or if the owned property where the festival was taking place on three or four sides of you then whether or not you are a vendor signed on to commit to that or whether it is just happening around you. Mr. McCorquodale said if there is an event going on downtown until 11:00 p.m. it does not seem like it serves any purpose for food trucks to close down at 9:00 p.m. because that is what their piece of paper says.

Kevin Lacy asked about the 48-hour rule to move every 48-hours, and if they need to include professional services that come every couple of days to remove the water out which is approved by the industry and County. Mr. McCorquodale said he has not seen in writing where the County says you do not and does not know how that system operates. Mr. McCorquodale said from the County's rules you have to move every 48-hours. Kevin Lacy said he thought Mr. Tramm discussed this with someone at the County. Mr. McCorquodale said you can get a verbal confirmation, but we need it in writing. Mr. McCorquodale said he would advise not to say it would be permanent because that would open up zoning and development questions. Mr.

McCorquodale said it is the mobility question of two or three or seven calendar days a month that whatever the number is they need direction from City Council.

Mayor Countryman said there is still so much ambiguity in this and she is disappointed because this is what we currently have. Mayor Countryman said she has gone through multiple cities and Conroe is air-tight with no gray areas. Mayor Countryman said she sees there were a couple of items taken from Conroe, but why not take more. Mayor Countryman said the 48-hours was discussed and everyone wanted it and now you are saying you do not know, what would you like, do you want seven days. Mr. McCorquodale said he gave his recommendation that is coming from staff, which is two calendar days consistent with the County and that is what he took from the Workshop.

Julie Davis said this was a surprise to her concerning the 48-hours because she said she felt they discussed hours of operation with a generator and without a generator. Julie Davis said a lot of these other items were more specific and if Mr. McCorquodale missed that she missed it too.

Mayor Countryman said the problem is we have someone saying semi-permanent when there is no semi-permanent. Mayor Countryman said it is either permanent or mobile and that is it. Mayor Countryman said if you are permanent and flush every 48-hours that is great and if you are mobile then you take the trailer off-site to get flushed.

Mayor Countryman said she did not see anything in the draft concerning someone who is permanent and the requirements they need to follow and then someone who is mobile and the requirements they need to follow.

Mayor Countryman said it was discussed that if it is pulled by a truck with wheels but does not have a motor it is mobile. Mr. McCorquodale said the definitions need to be clarified. Mayor Countryman said to her mobile means anything that moves or has the capability of moving whether it has a motor or not. Mayor Countryman said others have had different definitions. Mayor Countryman said she did not feel it was 100 percent clear and some items were not covered. Mayor Countryman said she has researched other cities and Conroe does six hours at a time and then the trailer must move.

Mayor Countryman said they are not against businesses or food trucks. Mayor Countryman said it is the Historical District that is the issue because that area has different rules. Mayor Countryman said she has spoken with the businesses in that area and they have not seen an increase in foot traffic due to the trucks, but they have seen an increase in trash.

Mayor Countryman said she believes City Council can easily agree on whether it will be the 48-hour rule or moving every seven days, flushed on site, not on site. Mayor Countryman said the main issue continues to be where the trucks are located.

Julie Davis asked if it was a Historic District zoning issue. Mr. McCorquodale said mobile food vendors should not be tied to land use. Mr. McCorquodale said his strong recommendation is for City Council to establish a time that constitutes mobility which was one of the three fundamental questions at the Workshop which an answer had not been determined.

Mayor Countryman asked Mr. McCorquodale what he found in his research that other cities typically do. Mr. McCorquodale said what is right for the City is the 48-hour rule. Mr. McCorquodale said it was very clear what cities were trying to do and that was keeping food trucks out. Mr. McCorquodale said he differs from a lot of folks in the City because he does not think you get a mobile vendor permit to open a permanent business. Mr. McCorquodale said his thought is trying to keep mobile food trucks out of Historic Downtown is working against what the City is trying to do downtown, which is to encourage more business activity.

Byron Sanford said on Saturday he went to Wilderlove Coffee which is truly the best coffee and what he observed was unsafe. Byron Sanford said he had to get up against there watching a white Silverado compete with a white Suburban because FM 149 had been blocked off.

Byron Sanford said referring to the verbiage it may need to be more elaborate because it says the placement of a mobile food unit shall not impede traffic nor visually impair any motor vehicle operation within a parking lot.

Byron Sanford said concerning the 48-hours he was feeling the decision was in keeping with what the County wanted to do and also in line with the County's health regulations. Byron Sanford said if we were going to be in line with the County health regulations that is why they

did not want to have a County standard nor did they want to try and absorb all the health regulations. Byron Sanford said that is part of where that 48-hours came from.

Mr. McCorquodale said someone could pull up for the weekend and then by Monday morning if you have a mobile food vendor permit it is time to be mobile. Mr. McCorquodale said that is his opinion but his recommendation is to have it in writing.

Kevin Lacy said we need to find a solution for frozen desserts before we go any further. Mayor Countryman said this is about the ordinance not about one particular business. Kevin Lacy said on page 79 we added food trucks including those with frozen desserts. Julie Davis said that is because frozen desserts were mentioned in the original ordinance.

Kevin Lacy said we need to have special verbiage put in the ordinance regarding the County and the Health Department. Kevin Lacy said either move every 48-hours or the mobile food truck needs to be pumped to stay in compliance.

Kevin Lacy said his concern regarding the two food trucks currently at 404 Caroline Street is what will happen when their permits are up in January and the new ordinance goes into effect. Mayor Countryman said everyone will be held to the same standards and permits change all the time. Julie Davis said the permits are temporary and it will change. Kevin Lacy said when everything was happening regarding 404 Caroline Street we all knew that was supposed to be a permanent situation.

Julie Davis said the difference is had this been a permanent situation, not requiring a permit or a special use permit, and had it been an actual Panda Express that required zoning and sign permits and if the ordinance was changed they would be grandfathered. Julie Davis said because this is a temporary situation off the truck, disconnected, on wheels, mobile, and temporarily permitted for six months, the minute the ordinance changes they will be subject to whatever City Council decides. Julie Davis said carefully executing what needs to be in the ordinance for the best interest of the City is what Mr. McCorquodale is trying to create. Julie Davis asked Mr. McCorquodale if on the County contract is it a motion of ambiguity that they say for 48-hours or be pumped every 72-hours.

Mr. Tramm said he had a discussion with the Health Department and was told yes, there was a provision to keep from moving every 48-hours, but it was not intended to be a permanent situation as it was intended to be an occasional item. Mr. Tramm said he never received further detail and it is not in writing. Mr. Tramm said the largest, boldest type on the description of their requirements is moving every 48-hours.

Kevin Lacy asked if they removed the tires from the trailer they would no longer be mobile food units. Julie Davis said no, the moment it is disconnected from a truck and made not moveable, under these standards, it becomes subject to restaurant conditions.

Mr. McCorquodale said a mobile food trailer is still a mobile food unit. Mr. McCorquodale said the definitions were supposed to clarify if it is hooked up to a motor or not hooked up. Mr. McCorquodale said it is not meant to say if you own a mobile food trailer you have to have the truck hooked up to it. Mr. McCorquodale said the County says when you cease moving for 48-hours and establish a permanent utility connection it is not readily moveable.

Kevin Lacy asked what do we need to do to make sure in January there are no issues for Wilderlove Coffee and Texas Twist and Shakes located at 404 Caroline Street regardless of what is decided with the ordinance.

Mr. McCorquodale said he would not recommend doing anything to cause you to carve out one exception for one person. Mr. McCorquodale said he would recommend if you obtain a mobile food vendor permit in the City you do remain mobile. Mr. McCorquodale said the 48-hour window is not set in stone and needs to be decided by City Council on what is appropriate, but his recommendations remain 48-hours. Mr. McCorquodale said no one is against an ice cream or coffee trailer but if you move in to do business in the City in a permanent location and you have found a way around all the regulations, it does not matter what the architectural solution is to the business but all businesses need to abide by the same rules.

Byron Sanford said he appreciates Mr. McCorquodale's comments and what he is giving us are facts and data to develop consistency. Byron Sanford said he had a conversation last week with Mr. Tramm and said he does not like the idea of another committee making some authorization first before it gets approved here. Byron Sanford said when someone comes to

obtain a permit they should never have the idea that it has fully been approved. Byron Sanford said safety is an issue. Byron Sanford said if there is any compassion we need to show it and do what is right and is not in favor of doing wrong things because of the ramifications in the end.

Kevin Lacy said no matter what they decide with the ordinance right now it still does not have anything to do with the actual issue, which is the location of a food truck in the Historic District.

Julie Davis said this ordinance is a food truck ordinance for the entire City. Kevin Lacy asked about the location of food trucks in the Historic District. Julie Davis said the zoning does not say we cannot operate food trucks in the Historic District. Mr. McCorquodale said if you are operating a truly mobile food unit zoning should never come into the conversation.

Kevin Lacy asked for Mr. McCorquodale to explain the special use permit and how that could impact what is happening. Mr. McCorquodale said if you want to be where food trucks go to not move, you go to a food truck park. Mr. McCorquodale said they review the zoning ordinance and add in the table of uses for a food truck park and know it would go in a commercial zone. Mr. McCorquodale said in addition to being allowed in the commercial zone, City Council approval is required.

Mayor Countryman said the City of Conroe has no food trucks in their central business district. Mayor Countryman asked if it can be added to the ordinance or do you still have to go through zoning. Mr. McCorquodale said the area would need to be defined such as the Historic District. but we first need to solve the mobility issue.

Julie Davis asked what the Health Department's requirement is for septic pumping for the mobile units. Mr. McCorquodale said they have found nothing in writing that shows what those rules are although you can verbally ask and will be told they reluctantly do, but they do not advertise it.

Kevin Lacy asked if they could decide to allow pumping. Mr. McCorquodale said yes. Mr. McCorquodale said he thinks they will run into the same situation as you do with the County and said he is sure they can find a simplistic solution to something as uncomplicated as mobile food vendors getting a permit to do business in the City.

Julie Davis said it seems like the biggest issue is for how many consecutive calendar days. Julie Davis said her suggestion is more than two, but would not like to see more than seven, possibly four to six days before they have to move. Julie Davis said she does not know what the solution is.

Kevin Lacy asked how do we make it happen for the coffee and ice cream food trucks to stay where they are and not have to move every so many days. Mayor Countryman said we do not write ordinances on one particular business.

Julie Davis said the original way she thought this came to Council was based upon the fact they had issues with the street festivals. Julie Davis said take this out of the ice cream and coffee situation and they have a Charlie Diggs concert coming soon with 100 vendors setting up their food trucks around Ransom's. Julie Davis said and now we have a food truck ordinance because there have not been any modifications made to the street festivals yet. Julie Davis said the food truck vendors then say now they can stay for however many days and now you have food trucks parked all over the place because they received the land owner's permission. Julie Davis asked what is the liability to the City when their sewage is not pumped and no one is checking on that. Julie Davis said this is not just one situation at 404 Caroline Street, but can then have the ability and liability to roll out across the entire City as well as the huge liability to all of our taxpayers. Julie Davis said street festivals need to be addressed as well.

Byron Sanford said it would make more sense also to allow three days, Friday, Saturday, and Sunday because the data shows most retail sales happen after 5:00 p.m. during those days.

Mayor Countryman said she does not see anything on commissary and everything she reviewed said inventory must be stored on-site and believes it is the same for the State statute. Mr. McCorquodale said he believes the County regulations on the commissary rules are one of the reasons you leave is to go to the commissary and pick up your goods for restocking. Julie Davis said she knows businesses in the downtown Historic District that store all their food on-site but store all their paper products offsite.

Kevin Lacy said he agrees with all the information, however, 404 Caroline Street needs to be handled separately. Kevin Lacy said voters want coffee and ice cream. Mayor Countryman said it

is not that they do not want them to be there. Mayor Countryman said when someone makes a bad business decision we do not make rules for poor business decisions.

Kevin Lacy said the whole point is since day one everyone knew what was happening at 404 Caroline Street. Mayor Countryman said no, they did not. Kevin Lacy said the only thing they did not know about was Mr. Kade Jenkins. Mayor Countryman said they did not know it was going to be a storage lot and secondly, Mr. Jenkins came, and then it turned into multiple businesses without telling anyone what was being done. Mayor Countryman said then the City let it go and whereas it should have been dealt with right away.

Kevin Lacy said he wants it to be on record that City staff knew what was Mr. Bill Clevenger was doing. Mr. Tramm said that is not true. Kevin Lacy said we as a City knew what Mr. Clevenger was up to and knew there was a Planning and Zoning request for a sign to be wrapped around a food truck and an ice cream stand to be parked at 404 Caroline Street permanently.

Mayor Countryman asked how it is expected to be permanent with a six-month permit. Kevin Lacy said because Mr. Clevenger bought the land. Mayor Countryman said just because he bought the land does not mean the trailer will be there for six months. Kevin Lacy said then they should not have issued the permit.

Julie Davis said for the record this was in the November 10, 2020 minutes and Rebecca Huss was in this position and not her. Julie Davis said she did not know what the plans were.

Julie Davis asked if they are able as the City Council to write in specific regulations for an exact address or not. Mr. Petrov said you can have different regulations for different areas and to give a specific address is very unusual. Kevin Lacy asked but do we as City Council have the power to do that. Carol Langley said through a special use permit.

Mayor Countryman said a citizen is trying to create a food truck park without going through Planning and Zoning. Mayor Countryman said if we are going to be permanent we need to do permanent activities and if mobile, then mobile activities.

Mr. McCorquodale said how long you can be in one place for one period of time triggers all the development. Mr. McCorquodale said all of the development and processes someone would go through happen when opening a business on a piece of property. Mr. McCorquodale said if your

business is going to be mobile there is no need to go through all the processes a permanent business would.

Mayor Countryman asked with the food truck park that is being developed will the same trucks be there every single day. Mr. McCorquodale said he has heard a mix but they are following the normal development process of the City.

Julie Davis said Deacon Baldy's functions on a four-on, three-off rotation and does function more like an RV park. Julie Davis said she would never recommend or vote in favor of having anyone specific address in an ordinance because she was elected for the people at large.

Mayor Countryman said a mobile food unit is a vehicle-mounted self or otherwise propelled, self-contained food service operation designed to be readily moveable including but not limited to catering trucks, trailers, pushcarts, and roadside vendors and used to store, prepare, display, serve or sell food. Mayor Countryman said in this article the term is synonymous with the term mobile food establishment.

Kevin Lacy said to be clear he understands everything everyone is saying but does City Council have the power and authority to do that and knows it is not typical, but nothing about this situation is typical. Mr. Petrov said it runs certain risks. Mr. Petrov said you can do spot zoning but you need to be very careful how you structure something like that. Mr. Petrov said given certain facts it is possible to do.

Kevin Lacy said he wants to find a way to still have ice cream and coffee downtown. Kevin Lacy said the Clevenger's have invested in the land they purchased and wants that situation to be taken care of separately and personally. Mayor Countryman said you have tunnel vision and are not looking out for the whole City and your main focus is this one item and we are talking about the whole City from boundary to boundary. Kevin Lacy said if we make these changes for the whole City from boundary to boundary then it takes away from what they have built there.

Byron Sanford said to clarify if you make a special rule for mobile trucks that does not fit with everything else just wait for the lawsuits to begin. Byron Sanford said it is a short-term decision he believes they will regret in the future. Mayor Countryman said if you make one exception everyone else is going to want to know why they are not the exception.

Kevin Lacy asked if it would change anything if a portion of that parking lot could be blocked off so people could not drive their cars on it to where the food trucks are. Mr. McCorquodale said he does not have any obligation to allow anyone to park on the property. Mr. McCorquodale said there was a valid discussion on downtown parking that was separate from this.

Mayor Countryman said in Tomball it says a mobile vendor shall not be located in the same location within a hundred yards thereof for more than four hours per day which was another city someone on mentioned we look at because they are doing it right. Mayor Countryman continued every permit issued under the provisions of this article shall be a valid period of time started therein but not in no event shall any such permit or license be issued for some time over six months.

Julie Davis said she thinks an hour time limit would be great as a disclosure under street festivals. Julie Davis said she cannot imagine this ordinance having an hour time like this one is four and the other one quoted was six just because of the micromanagement here at City Hall.

Mr. McCorquodale asked if they want mobile food vendors to be mobile or is it alright if they stay in the same place. Mr. McCorquodale said that is where they need direction.

Julie Davis asked Kevin Lacy if he has an opinion regarding the number of days allowed for the mobile food trucks. Kevin Lacy said his vote would be six days. Kevin Lacy said he feels that situation should be handled differently but for the good of the City, they do have to have certain rules in place.

Mayor Countryman asked about the restrooms. Mr. McCorquodale said he recommends that they are for the employees being consistent with what the County requires. Mayor Countryman asked if you have an agreement with the restaurant then do you need to keep the same hours as the restaurant if that is the restroom being used.

Mayor Countryman asked what happens when the mobile food truck is open but the establishment is not open. Mayor Countryman said her understanding from the County was the mobile food truck needs to keep the hours of the restaurant where the restroom is being used. Mr. McCorquodale said he does not see a problem with that or with the restaurant issuing a letter to the mobile food truck owner stating it is alright for the mobile food truck to use the restroom if the restaurant is not open as they have been given a key to do so. Mayor Countryman said they have that scenario now and that is not happening.

Julie Davis said the buffer map they are using for 204 McCown has a 300-foot buffer on here. Julie Davis said the public restrooms at the Community Center are within the 300-foot buffer, the buffer that is included on page 51 for B&G. Mr. McCorquodale said the County says 300-feet which is his recommendation.

Julie Davis said her recommendation would be to change it to 400-feet to accommodate the people that are already there with the property they already purchased so they can stay on their property. Julie Davis said if they are going to make an accommodation for them she suggests they adjust the 300-foot barrier to the 400-feet Mr. McCorquodale is saying it is within. Julie Davis said it would be accommodating to everyone and would be generic for the City and favorable to them. Julie Davis said she knows six days is still not the most favorable to them but it is more favorable than two.

Kevin Lacy said yes, he agrees with six days and if the County is still in compliance with the mobile pumping service then that should be an exemption. Mayor Countryman said they do not have a person to make sure that is happening and that is the issue as we do not have the headcount to keep up with that.

Mayor Countryman asked what happens after it is open for six days and does the mobile food truck move for 48-hours and then come back for a week. Mr. McCorquodale said simplicity about more than two consecutive days is you only have to skip a day. Mayor Countryman asked if the mobile food truck is here for 48-hours then does it leave for 48-hours or leave for as long as they want. Mr. McCorquodale said if you use calendar days if it is two calendar days or six calendar days if they are consecutive calendar days. Mr. McCorquodale said the only way to not have a consecutive day is to be gone for one full calendar day.

Julie Davis asked if they stay open from Tuesday through Sunday then Sunday night they leave and Tuesday morning they return and are only closed on the slowest day of the week. Julie Davis said that is an operational benefit to accommodate them having at least six days a week to be open. Julie Davis said they will still need to have the trailer pumped every three or four days based upon supply and demand of how they are using it because the tank on it will not hold that much. Mr. McCorquodale said the County says they would be required to pump every 48-hours to maintain their permit.

Mayor Countryman asked what about commissary and storage. Mr. McCorquodale said you would need to follow what the County says, which is you have to obtain your inventory from an approved commissary. Mayor Countryman asked when you say approved commissary do they need to have a letter stating where their storage is located. Julie Davis asked if the Health Department regulates that. Mr. McCorquodale said yes.

Carol Langley said when she was at City Hall they worked hard for zoning and when you buy a piece of property that is commercial, you come to City Hall and find out what you can put on that piece of property in a commercial area. Carol Langley said nowhere in the zoning ordinance permitted uses are there food trucks or food trailers. Carol Langley said the next option is a special use permit and that never happened in this situation. Carol Langley said in her opinion a special use permit is needed to stay.

Mayor Countryman said Mr. Cheatham comes to City Hall all the time saying he is thinking about doing this or that and if he buys this property would the City approve it. Mayor Countryman said some things did not come to fruition but he still purchased the property. Mayor Countryman said that is the two-way communication that happens between the City and the developer, landowner, or commercial landowner.

Mr. McCorquodale said he still feels like there is some uncertainty on both sides and does not have an exact consensus. Julie Davis asked if they could put this on the Agenda two weeks from now to vote on whether or not they are doing three or six days. Mr. McCorquodale said they could if they could reach a consensus.

Mayor Countryman said she has six days, one calendar day away, and 48-hours pumping, but that is not for them to regulate, that is really between the business owner and the County. Mr. McCorquodale said that is correct. Mayor Countryman said the restroom must be 400-feet away. Mayor Countryman asked if they discussed location with the District and whether it will be in or out and will the ordinance fall under something different. Mr. McCorquodale said for the mobile food vendor you are dealing with a zoning issue and if they are not permanent fixtures, but six days is pretty permanent in his mind. Mr. McCorquodale said he thinks it is hard to pull around a mobile vendor with a permanent land use. Mr. McCorquodale said there is a cleanliness to two calendar days.

Julie Davis said six days was her being very full of grace to realize that they do have capital investments that have been made in their City and they do need to be respectful to those at some point. Julie Davis said it is very operational for a mobile unit to set up six days or even five days.

Mr. McCorquodale said in summary he has listed six days, follow County requirements for pumping, 400-feet on the restroom for employees, and to line up with what the County requires.

Mayor Countryman said on the application itself it needs to capture the owner's name, business name, tax ID, address of where the unit will reside, an address for where mail will be delivered, a driver license number, phone number, insurance policy information, automobile and liability insurance. Mayor Countryman said they need to know it is insured should there be an incident. Julie Davis said the State requires vehicle insurance and does not think you need to include automobile insurance because it is required under State law. Julie Davis said to insure a trailer it has to be a separate policy for the trailer which would be an addendum added to the automobile insurance policy.

Mr. McCorquodale said there is a reference in the special requirements and it is not listed here because it is not one we are changing, but in the draft ordinance there is a special requirements section for mobile food vendors applicants in 64-33b and proof of financial responsibility is required by law. Mr. McCorquodale said in terms of business insurance mobile food vendors do not provide that in the same way as contractor insurance. Mayor Countryman said they show all food and safety certificates from the State and County included with the application.

Mayor Countryman said if there is a restroom agreement if it is downtown they may not need to get an agreement if the Community Center will be allowed to be used for the restroom. Mayor Countryman said if an agreement is in place for a closer restroom a copy of the agreement is required.

Mayor Countryman asked if they need to understand their designation of operation. Mayor Countryman said she thinks they do just so our officers know if they see activity there at 7:00 a.m. it may not be the owner. Mayor Countryman said they do that with their brick and mortar businesses.

Mayor Countryman asked if they will be capturing the fire code certificate. Mr. McCorquodale said Fire Marshalls do not inspect mobile food vendors. Mayor Countryman asked Mr. Petrov if there are fire certificates for mobile vendors. Mr. Petrov said not certificates.

Julie Davis asked if there is a way to add on a copy of their sales and use permit that lists the exact location of where they are conducting business. Mr. McCorquodale said he thinks so and the ordinance should keep that phrase generic in that you are going to admit all the proper taxes to all the proper authorities but on the application, we ask for that number.

Mayor Countryman asked if they will be keeping the same pricing for the cost of the permits. Mr. McCorquodale said if City Council would like they can certainly entertain that. Julie Davis said it is \$20 per month and \$50 for six months. Julie Davis said for a street festival it is \$50 for the festival operator and a \$200 deposit for waste cleanup, which is refundable.

Mayor Countryman said she was looking at Bastrop and their mobile food vendor for six months is \$400 and \$600 per year. Mayor Countryman said accessory to primary use mobile food vendor is \$1,300 for six months and per year is \$2,400. Mayor Countryman said a temporary mobile food vendor permit for three days is \$350 and \$1,200 for three months.

Mr. McCorquodale said at some point there is a risk for people to not comply and the idea is that they are not trying to make a profit on permitting these mobile food vendors.

Mayor Countryman said the mobile food vendor permit fee is \$500 per year in Conroe and the food court is \$500 per slot for one year. Mayor Countryman said there is an additional fee for permit identification badges issued in connection with any permit and is \$10.

Julie Davis said she is not opposed to the \$20/\$50 based upon the fact they are gathering sales and use tax but does have an issue with street festival fees and it is under the same Chapter and section 64 so if they are going to amend one part of it then they should look at the entire thing. Julie Davis said she knows Mayor Countryman mentioned to her she is having a meeting with Amy Brown who is the Event Coordinator regarding the street festivals because she has concerns about it. Julie Davis said she challenges Council members to look at the entire Chapter 64 and review it because other areas need to be reformed besides just this one.

Mr. McCorquodale asked City Council if they want staff to look at adjusting those fees and finding out what they are. Kevin Lacy said he thinks the current fee structure is fine and does not see any reason to adjust it. Byron Sanford agreed.

Mayor Countryman said she thinks the reason for the fee structure is because they did not get the sales tax when they came into town, but with the permit, there is a sales tax number and we know that we are capturing that so keeping the fee low makes sense for that reason.

Julie Davis said you could add it to the application process that they must provide a copy of their sales and use tax with the event address which fixes street festival stuff too.

Mayor Countryman announced they are going to present Council Inquiry before the 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 there was posted today on social media some City employees' annualized pay. Mayor Countryman said it has come to their attention that once City employees received this they found the amounts had been altered and those amounts that were put on social media were not factual City of Montgomery current employees amounts that were being earned. Mayor Countryman said Mr. Tramm has passed out the update and where the differences are. Mayor Countryman said she highly encourages those that want to post such things to not alter the information.

Mayor Countryman said she is running for County Judge and is not stepping down as Mayor and will continue her term through May until the election is finalized and the new Mayor voted in.

Mr. Tramm said at the last meeting he said he would bring back to the agenda an item related to the funds that were set aside for MEDC. Mr. Tramm said he had it on his computer and thought he added it to the agenda but he could not find the item. Mr. Tramm said it will be on the next agenda. Julie Davis asked if that was the \$188,000. Mr. Tramm said yes, the early payment was made to MEDC.

Byron Sanford said he paid his water bill from his phone and did not realize there was a fee involved and should he have done something differently to avoid the fee. Julie Davis said her water bill is set

up on bank draft. Mr. McCorquodale said there still is a service fee that is charged by the credit card company.

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.

8. Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, in accordance with the authority contained in the following: a) Section 551.071 (consultation with attorney) and 551.074 (personnel matters) Annual Review of the City Administrator.

Mayor Countryman moved to adjourn into Executive Session at 8:08 p.m.

Mayor Countryman reconvened into Regular Session at 9:52 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

9. Consideration and possible action regarding item(s) listed on the Executive Session.

No action was taken.

ADJOURNMENT

Carol Langley moved to adjourn at 9:53 p.m. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

Submitted by:

Susan Hensley
Susan Hensley, City Secretary

Date Approved:

10/26/2021

Sara Countryman
Mayor Sara Countryman

