

MINUTES OF REGULAR MEETING

December 14, 2021

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Countryman declared a quorum was present and called the meeting to order at 6:00 p.m.
Mayor Countryman stated Kevin Lacy is absent this evening.

Present: Sara Countryman Mayor
Carol Langley City Council Place # 1
T.J. Wilkerson City Council Place # 3
Julie Davis City Council Place # 4
Byron Sanford City Council Place # 5

Absent: Kevin Lacy City Council Place # 2

Also Present: Richard Tramm City Administrator
Dave McCorquodale Assistant City Administrator
Susan Hensley City Secretary
Caleb Villarreal 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 said after the last City Council meeting there was a discussion and the police had to get involved to stop the screaming and aggressive behavior between herself and Julie Davis that continued in the parking lot. Mayor Countryman said she wanted to play the video showing what took place in front of City Hall in the parking lot that evening. Mayor Countryman said this is important to go on the record and the video was viewed.

Bill Clevenger, 388 Berkley Drive, Montgomery, Texas, said at the last City Council meeting it was mentioned he does not pay taxes. Mr. Clevenger asked Mr. Tramm if he had investigated to find out whether Texas Twist & Shakes pays its share of taxes. Mr. Tramm said Mr. Clevenger sent him a copy of a receipt where he filed sales tax on October 19, 2021. Mr. Tramm said as of the report he received yesterday through December; there were no taxes collected from the State Comptroller's office. Mr. Clevenger said when you start a business you report your taxes quarterly. Mr. Clevenger said Texas Twist & Shakes opened on August 6, 2021, so they had the remaining days between August and September. Mr. Clevenger said they received their receipt from the Texas Comptroller's Office which he forwarded to the City Administrator. Mr. Clevenger said he wants it on the record they did pay their taxes and they continue to do so. Mr. Tramm said he did forward the receipt from Mr. Clevenger to City Council. Mr. Clevenger asked Mayor Countryman if she saw the receipt. Mayor Countryman said she did. Mr. Clevenger asked if Mayor Countryman is satisfied he does pay taxes. Mayor Countryman said she has not seen the tax report yet. Mr. Clevenger asked if she saw the receipt. Mayor Countryman said she did.

CONSENT AGENDA:

1. Matters related to the approval of minutes of the August 26, 2021, Budget Workshop, September 11, 2021, Retreat Meeting, September 28, 2021, Workshop Meeting, and November 9, 2021, Regular Meeting. (Note: A typo was made in the Workshop Meeting date, not the contents. The correct date is September 30, 2021.)

Byron Sanford moved to review items from the Consent Agenda individually. Julie Davis seconded the motion, the motion carried unanimously. (4-0)

Julie Davis moved to approve item #1 as presented. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

2. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Hale Properties, LLC for a proposed Discount Tire store (Dev. No. 2104).

Julie Davis moved to approve the item as presented.

Discussion: Byron Sanford asked if the Discount Tire store would be east or west of Kroger. Mayor Countryman said it is west of Kroger. Byron Sanford said he did not know if it made a difference in the way it is typed up. Mr. Tramm said it does not with relation to the agreement.

Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

3. Consideration and possible action regarding approval of an Escrow Agreement by and between the City of Montgomery, Texas and Christopher Landis, Sr. for the proposed Montgomery Brewing Company Development (Dev. No. 2105) and authorizing the city engineer to prepare a Feasibility Study for the project.

Julie Davis moved to approve this item as presented.

Discussion: Byron Sanford said as long as it takes to get water rights they want to see something along Lone Star and get this brewery. Byron Sanford asked if this is an opportunity to pursue anything to get that developed which would be an annexation and some good things for the City. Mr. Chris Roznovsky, City Engineer said yes and that is one of the things they are discussing with the developer with the idea of coming to MEDC. Mr. Roznovsky said what this development includes is a brewery on-site and it is also a gathering space to include games, picnic tables, and things like that for people to spend an afternoon or evening at that location. Mayor Countryman asked if it is similar to B52 on SH 105. Mr. Roznovsky said it would be on a smaller scale but that is the goal.

T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

4. Consideration and possible action regarding an Encroachment and Maintenance Agreement between the City of Montgomery and Troy Tep for a proposed monument sign at 22453 W. FM 1097, Montgomery, Texas 77356.

Mayor Countryman said the location looks like it is going to impede traffic. Mayor Countryman said when you are coming out and have to look west it is on a curve, which looks like it could potentially be dangerous. Mayor Countryman said if you look at where the placement is going to be, it looks like it is right on top of the road and it is running north/south, not east/west. Mr. Roznovsky said from the edge of the road to the closest edge of the sign is 43 feet. Mr. Roznovsky said it is hugging the inside. Mayor Countryman said she was reading it was hugging FM 1097. Mayor Countryman thanked Mr. Roznovsky for the clarification.

Byron Sanford moved to accept item #4 as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

5. Consideration and possible action regarding the annual HUD-Code Manufactured Homes Park renewal application for Cedar Crest Mobile Home Park.

Mr. Tramm said he went out there today and spoke with the owner. Mr. Tramm said the repair work for unit #7 has been completed and will be painted to match the house.

Carol Langley moved to approve item #5 as presented. Julie Davis seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

6. Presentation of a proposed business plan for The Caroline House Bed & Breakfast located at 811 College Street as submitted by DH BROW, LLC.

Mayor Countryman said this item has been stricken.

7. Discussion on relocating a historic home to City of Montgomery property.

Mr. Tramm said this is the Womack house located on a hill on the west side of SH 149 south of the City. Mr. Tramm said this item was discussed by Mr. Miles Marks on August 24, 2021, at the City Council meeting requesting the house be relocated to his property. Mr. Tramm said since that time the Palmer's, owners of the Womack house contacted the City asking if they would be interested in moving the house to the City property.

Mr. Tramm said he and the Mayor went out to look at the property. Mr. Tramm said it is mostly an open concept with several bedrooms in the front. Mr. Tramm said it is in fairly good condition and the electricity is modern. Mr. Tramm said the costs associated with moving the house to City property were estimated in September at \$52,500.

Mr. Tramm said this could be something that could be part of the historic homes the City has and could also be an interim step in terms of spacing relative to City Hall staff. Mr. Tramm said what they are asking for is not an approval required to move this house, but to find what actual costs would be and to bring that information back to City Council in January if City Council is interested in obtaining those numbers and considering it.

Mayor Countryman said for the record Ms. Palmer is here and they were together at the Historical Society Thanksgiving where Ms. Palmer mentioned the house was available. Mayor Countryman said there had been someone interested in purchasing it but it fell through and did not happen. Mayor Countryman said Ms. Palmer then asked if the City was interested. Mayor Countryman said it is a beautiful 1800's building and Ms. Palmer would love to see the house stay in the City.

Mayor Countryman said her thought was they could put the house on the City's property on Clepper Street and it could serve as the interim offices before they build the new City Hall and the police department could take over this area. Mayor Countryman said when they are done with it in a couple of years it could stay with the Fernland homes and become a visitors center.

Byron Sanford said it is certainly a beautiful home and meets all the historical requirements. Byron Sanford said it is a great asset. Byron Sanford said a second possibility is since we do not have any plans that he knows of to get moving on City Hall, it might make sense to at least get it here in proximity. Byron Sanford said he knows the employees at City Hall are bursting

at the seams. Byron Sanford said since there is no plan in place it might be a good idea to bring the house here. Byron Sanford said he does not know if they can set it up on the property.

Mr. Tramm said if it is something City Council thinks it wants to consider, between now and the next City Council meeting they can set up the opportunity for Council members to look at it and get prices for the January meeting.

Carol Langley said she was interested in the pricing and the cost of the upkeep because the houses in Fernland need upgrading and she knows that is expensive.

Mr. Tramm said they will investigate the cost to move it, the cost for any rehabilitation work necessary to make it useful, the cost to set it up, and maintenance and utility costs. Mr. Tramm said modern efficient windows have been added and an HVAC system.

Carol Langley asked if they would be getting a quote from Cherry House Moving. Mr. Tramm said yes. Carol Langley said there are three or four movers in the area.

Mayor Countryman said they need to know what would it take to be ready, how long it would take, and if it would make financial sense or not. Mayor Countryman said otherwise, the only other alternative is to rent somewhere.

T.J. Wilkerson asked if it would be moved to the location by the school. Mr. Tramm said that is one thought and certainly something where they can proceed with a plan and bring it back to City Council. Mr. Tramm said he is open to suggestions. Mr. Tramm said there is certainly land the City has which is right by Fernland.

Mr. Tramm said it sounds as if there is enough interest from City Council so they will bring a more formal agenda item to the next City Council meeting.

8. Consideration and possible action regarding Board Appointments to the Montgomery Economic Development Corporation Board for a two-year term beginning January 1, 2022.

Mr. Tramm said the Montgomery Economic Development Corporation has three positions due for appointment due to the expiration of terms. Mr. Tramm said two of these appointments are

from the general public currently held by Dan Walker and Arnette Easley. Mr. Tramm said one position is from the governing body which is held by Byron Sanford. Mr. Tramm said Carol Langley is the other member of the governing body who is serving an alternating term.

Mr. Tramm said all three of these terms will run from January 1, 2022, through December 21, 2023. Mr. Tramm said they sent out applications for these positions and received two. Mr. Tramm said one was from Dan Walker and the other Wade Nelson.

Mr. Tramm said Councilmember Byron Sanford has indicated a willingness to continue to serve in his MEDC position.

Carol Langley moved to appoint Mr. Dan Walker, Mr. Wade Nelson, and Mr. Byron Sanford to the Montgomery Economic Development Corporation Board. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

9. Consideration and possible action to authorize amending ByLaws of the Montgomery Economic Development Corporation.

Mr. Tramm said at the November 15, 2021 meeting the MEDC Board of Directors approved a motion to amend the ByLaws of the MEDC to clarify the language describing the terms of office. Mr. Tramm said according to the ByLaws after MEDCs approval, City Council must also consent to the amendment to take effect.

Mr. Tramm said the reason for the change is there is some confusing language regarding the terms of office. Mr. Tramm said the terms are by statute as well as elsewhere stated in the ByLaws which are two-year terms. Mr. Tramm said the way they were described in the language they appear to be three-year terms.

Julie Davis said it would add more ease to change December 31st to January 1st.

Mr. Tramm said he will rewrite that portion.

Byron Sanford moved to accept item #9 with the changes as noted. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

10. Consideration and possible action on calling a Public Hearing for January 11, 2022, at 6:00 p.m. related to a Special Use Permit application for a microblading studio located at 20165 Eva Street, Suite C, Montgomery, Texas.

Mr. Dave McCorquodale, Assistant City Administrator said microblading studios are licensed by the State under the same regulations as tattoo artists. Mr. McCorquodale said microblading studios require the same zoning process to practice as tattoo parlors and require City Council approval via a Special Use Permit.

Mr. McCorquodale said they are asking to call for a Public Hearing in January that would allow them to publish their legal notice to prepare the Ordinance. Mr. McCorquodale said there are already a couple of microblading studios in town.

Carol Langley moved to call a Public Hearing for January 11, 2022, at 6:00 p.m. related to a Special Use Permit for a microblading studio located at 20165 Eva Street, Suite C, Montgomery, Texas. Julie Davis seconded the motion.

Discussion: Carol Langley asked if Mr. McCorquodale will make sure the owner is present at the Public Hearing. Mr. McCorquodale said yes.

The motion carried unanimously. (4-0)

11. Consideration and possible action regarding calling a Public Hearing for a rezoning request from R1-Single Family Residential to B-Commercial for 14855 N. Liberty Street, Montgomery, Texas.

Mr. McCorquodale said the Easley's own the small brick home at the bottom of the hill on FM 149 North. Mr. McCorquodale said the Easley's have been doing a lot of work to get the house up to standards and to clear the site of debris. Mr. McCorquodale said the Easley's have asked to rezone the property from Single-Family Residential to Commercial.

Byron Sanford asked beside the plant itself, was there some area where the police may want to use it for training. Mr. McCorquodale said two acres take up the sewer plant site and eight and a half residual acres in the flood plain. Mr. McCorquodale said the City owns 10 and a half acres just west of that property.

Mayor Countryman asked if the house would then become a business and if that is what Mr. Easley is wanting to do. Mr. McCorquodale said at the Planning and Zoning meeting Mr. Bill Simpson one of the Commissioner's mentioned he thought Mr. Easley wanted to relocate his business.

Carol Langley said when they have the Public Hearing and it is changed to commercial, Mr. Easley has several things to deal with the City in making it into a commercial piece of property. Mr. McCorquodale said if he added a parking lot or storage buildings he would. Mr. McCorquodale said if he was just going to open an administrative office he does not know if he would.

Carol Langley said he could do that as a Single-Family Residential leaving it zoned like that. Mr. McCorquodale said with a Special Use Permit he could. Carol Langley said he could leave it residential and have a home-based business. Mr. McCorquodale said what he is looking for is long-term predictability. Mr. McCorquodale said anytime a single-family is turned into commercial one should pause and consider it.

Julie Davis asked if the only thing they are considering is setting a Public Hearing. Mr. McCorquodale said yes. Mr. McCorquodale said they will call the Public Hearing and Planning and Zoning will have a Public Hearing as well.

Julie Davis moved to approve item #11 as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

12. Consideration and possible action by the Montgomery City Council acting as the Zoning Board of Adjustment regarding the following zoning variance requests for Hills of Town Creek Section Five:

Mr. McCorquodale said this is similar to the last request and is asking to call a Public Hearing to rezone the property from B-Commercial to Single-Family Residential for the new section of Hills of Town Creek.

Byron Sanford asked if they would need the developer for this. Mr. McCorquodale said not for a Public Hearing because the request is from the landowners.

Julie Davis asked if they plan to move on this within the next 30 days. Mr. McCorquodale said yes, in the essence that once they start splitting lots and they are looking at rezoning 72 or 78 individual properties versus the two properties we are looking at here. Mr. McCorquodale said in 2019 they rezoned Sections 2 and 3 after they were split up and it was a lot more work. Mr. McCorquodale said they know it is going to be zoned Single-Family Residential and they are trying to get ahead of that subdivision of land and allow the zoning to be Single-Family.

Julie Davis said her only concern is this is now three Public Hearings for January 11, 2022, and it will more than likely be a very large meeting.

Mr. McCorquodale said this schedule is what the developer has asked for and believes it is a reasonable request.

Carol Langley moved to call a Public Hearing for a rezoning request for Hills of Town Creek Section Five from Commercial to Single-Family Residential on January 11, 2022, at 6:00 pm. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

13. Consideration and possible action by the Montgomery City Council acting as the Zoning Board of Adjustment regarding the following variance requests for Hills of Town Creek Section Five:

- a. Lot width less than 75-feet,
- b. Side yard setback less than 10-feet, and
- c. Lot size less than 9,000 square feet.

Mr. McCorquodale said for the newest section of Hills of Town Creek the developer is wanting to build the same product on the ground as what he has done in the previous three single-family sections which is exactly what is in sections two and three.

Julie Davis asked if we are still holding them to the standard for compensating green space. Mr. McCorquodale said yes.

Byron Sanford said he had a meeting with the developer yesterday and the developer reinforced what we do know that these are hot products and this is what the market is and this is where we need to build.

Byron Sanford moved to approve item #13. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

14. Consideration and possible action by the Montgomery City Council acting as the Zoning Board of Adjustment regarding the following zoning variance requests for Porter Farms single-family residential development:

- a. Lot width less than 75-feet,
- b. Side yard setback less than 10-feet, and
- c. Lot size less than 9,000 square feet.

Mr. McCorquodale said this is a very similar home product being proposed. Mr. McCorquodale said this is a new development and the individual home cost is now in the \$260,000 price range.

Mr. McCorquodale said the development was initially proposed to be a PID which is a public improvement district. Mr. McCorquodale said it is like a tax, but technically it is an assessment. Mr. McCorquodale said it was \$600 for the annual assessment per lot, but now the cost is closer to \$1,100-\$1,199.

Mayor Countryman asked if they are just approving the change in lot size. Mr. McCorquodale said yes, just the three variances presented.

T.J. Wilkerson asked if the 75-foot lot would be reduced to 50-foot. Mr. Charles Von Schmidt, President and Managing Member of Waterstone Development Group said yes.

Mr. Von Schmidt said this is a modified plan which originally had 128 lots but now there are 90 lots per subdivision, which is one of the biggest changes is the simple economics of roads, sewer lines, and property acquisition. Mr. Von Schmidt said they are still going to do their very best to get the price as low as possible. Mr. Von Schmidt said the development has two entrances going in and out. Mr. Von Schmidt said they will work with the City Engineer and staff regarding getting the sewer and water across FM 1097.

Mayor Countryman asked if the entrances are at FM 149. Mr. Von Schmidt said yes. T.J. Wilkerson asked if the north entrance was close to the hill. Mr. Von Schmidt said the crest of the hill is just north of the property and would be on top of that hill.

Mr. Chris Roznovsky, City Engineer said since this is a TxDOT road they will need to obtain permits from them. Mr. Roznovsky said sight distance, spacing between intersections, and safety is something TxDOT will be looking at to determine if it meets their criteria. Mr. Roznovsky said it could come back to require a traffic analysis to be completed and submitted to TxDOT.

T.J. Wilkerson asked if they are planning to install sidewalks. Mr. Roznovsky said yes throughout the green space within the development. Mr. Roznovsky said it is yet to be determined where the sidewalks will go along FM 1097.

Mayor Countryman asked if there is any chance they could take the FM 149 monies they have already dedicated to SH 105 for the expansion and combine the projects to complete them sooner. Mr. Roznovsky said it is all subject to TxDOT. Mr. Roznovsky said he does not think they can combine them because the funding and the timing of any improvements they would do would be funded by the developer versus TxDOT having their budget set aside for final payments for FM 149 improvements. Mr. Roznovsky said he does not think they would hold up the developer, but it would be taken into consideration. Mayor Countryman said she thought the money was already earmarked for downtown. Mr. Roznovsky said it was in the six to eight years out range. Mayor Countryman questioned the six to eight years out range to

expand FM 149 north for SH 105. Mr. Roznovsky said when they were looking at the latest TxDOT projections of projects listed, the FM 149 prints he saw were in the five to ten-year range. Mr. Roznovsky said a couple of years ago they were on the funding cycle and since the project did not go forward they moved it back and at that time it was moved back to 2025, 2026 which is the five to ten-year range.

Mayor Countryman said with the rapid growth they are experiencing with the 500 18-wheelers going through the center of town on FM 149 and SH 105, 15,000 cars go through Buffalo Springs and Lone Star Parkway, and another 25,000 cars, we cannot wait another five or six years for the expansion. Mr. Roznovsky said they need to have continued conversations with TxDOT to work on the timing. Mayor Countryman asked if TxDOT is aware they are in hyper-growth mode and even the school district is expecting 5,000 homes within the next two or three years.

T.J. Wilkerson said once the subdivision is in it will affect the property value of all the people around there. Mr. Roznovsky said that is correct.

T.J. asked how far it is from the light at FM 1097 to the first entrance. Mr. Roznovsky said he would need to look that information up.

Julie Davis said she knows money and the price of products is fluctuating, but asked the City Council if they have any control once the PID is formed to set a maximum dollar amount. Mr. Caleb Villarreal, City Attorney said typically the developer provides that information to City Council, and City Council can make that decision.

Mr. Von Schmidt said before City Council approves a PID it is set in stone as to what exactly the assessment is and how it is set up. Mr. Von Schmidt said one of the biggest advantages of a PID over a MUD which they know is its own entity, which is very necessary and they do use them, but they have discovered the PID is a lot more user-friendly to the consumer because they have a fixed amount. Mr. Von Schmidt said it does not increase like a tax so if the property value increases, their effective rate goes down. Mr. Von Schmidt said before City Council approves it they give an exact amount that will be assessed so it cannot change, be extended, or expanded without a new PID being formed by City Council.

Carol Langley moved to approve the zoning variance requests for Porter Farms; the lot width, the side yard, and the lot size as presented. Julie Davis seconded the motion, the motion carried unanimously. (4-0)

15. Consideration and possible action regarding authorization of City Council to participate in the cost of upsizing approximately 870 linear feet of a planned 8-inch waterline to a 12-inch waterline in Town Creek Crossing Section One in accordance with Section 90-106(7) of the City Code of Ordinances.

Mr. Roznovsky said as part of the Capital Improvement Plan there is a closing of a waterline loop from Buffalo Springs to FM 149 for an additional waterline within the City. Mr. Roznovsky said they are recommending these water and sewer lines be upsized with the cost of the upsizing being paid by the City. Mr. Roznovsky said they are recommending approval of refunding the developer \$14,160 for the difference in cost between 870 linear feet of originally proposed 8" waterline and the newly-constructed 12" waterline along Town Creek Crossing Boulevard.

Julie Davis moved to approve item #15 as presented. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

16. Consideration and possible action regarding final acceptance and completion of the one-year warranty period for public infrastructure included in Hills of Town Creek Section Three (Dev. No. 1019).

Mr. Roznovsky said this originally began in January 2020, and during that time when the one-year warranty inspection was done the original contractor had gone out of business. Mr. Roznovsky said they requested at the time to postpone addressing the punch list items. Mr. Roznovsky said it was agreed upon to wait and postpone the work. Mr. Roznovsky said once the contractor completed the first initial round of repairs there was additional flooding of the streets and has been an ongoing process since then. Mr. Roznovsky said since the original contractor went out of business this was not under warranty.

Mr. Roznovsky said as recently as December 1st reponding was done to the streets as the issue has been flooding in the streets and standing water. Mr. Roznovsky said with the work that was done to help reduce the ponding in the streets the main question is how do they want to proceed. Mr. Roznovsky said the streets do function. Mr. Roznovsky said the request is to accept the streets and accept the infrastructure officially in the one-year warranty period as the action item.

Mayor Countryman asked if we accept these things then are we responsible for future improvements and needs. Mr. Roznovsky said that is correct any future work needed would be the City's responsibility.

Julie Davis asked why are we not addressing the horrible patch job that was done on Scenic Drive and just addressing the ponding issues. Mr. Roznovsky said the contractor has agreed to resmooth the surface because it is not a smooth patch.

Mr. Jonathan White, L Squared Engineering said on Friday they used a sander on the patch to grind it out because the past job tied into the existing concrete and it looked like there was a tire track that ran through it, which was new from the original patch. Mr. White said this has been ongoing and believes the contractor has been out there six separate times repatching the original patch. Mr. White said aesthetically there will be two different concrete colors for a while but over time that will begin to blend back together. Mr. White said the patch did look much better when he was out there today.

Mayor Countryman asked if we are accepting something that is already broken. Mr. Roznovsky said he cannot say that it is broken but there is an esthetic component to it that it is not a completely dry street and does have esthetic issues as seen in the report.

Mr. White said they have three different Geo Tech consultants on this project. Mr. White said each one has had the same recommendation of stabilization underneath the roadway. Mr. White said they have done safety testing but there is still a problem. Mr. White said within Hills of Town Creek Section 4 they did the six-inch of stabilization recommendation. Mr. White said he asked the lab to increase it to eight inches.

Byron Sanford said while speaking with Mr. Roznovsky he made the statement can we live with it. Byron Sanford said his side of the neighborhood is fine because most of it is water he uses for his yard. Byron Sanford said he notices ponding to the left and right of him and the esthetic issue is a big deal in his opinion. Byron Sanford said a lot of the neighbors were asking if they should have to live with this. Byron Sanford asked if there are other problems like this in the City or if it is just Phase 2 and 3 of this subdivision. Mr. Roznovsky said most issues and repairs with bird bathing in the City have been there. Mr. Roznovsky said Town Creek Crossing is being addressed because before they did the flooding test before the initial acceptance there were a couple of areas of concern, which are currently being addressed. Mr. Roznovsky said yes there are streets like this throughout the County with this same esthetic problem. Mr. Roznovsky said for Hills of Town Creek it is a low spot in the concrete in that particular area.

Mayor Countryman said water over time can cause break down wherever it is sitting. Mayor Countryman asked what is the lifespan of the road. Mr. Roznovsky said the fix for this issue is replacing a quarter section of the cul-de-sac to remove the low spot. Mr. Roznovsky said as far as a continual issue it is water on top of pavement which people are having to drive through, it is holding and there is always a chance of something going wrong with the street.

Mr. Steve Grove with Style Craft said he has been trying to find a resolution for this issue for quite some time. Mr. Grove said their contractor went bankrupt and they stepped in and spent \$100,000 more fixing these issues. Mr. Grove said he would ask that we address what the City asked them to address several times throughout this process. Mr. Grove said they sat down with City staff this summer and asked if these are the last two items. Mr. Grove said they addressed those items and in that agreement, they were told nothing else would be added, however, they are back six months later with items being added. Mr. Grove said their concern is as this continues to happen will this continue to be an ongoing punch list. Mr. Grove said they received a memo from the City stating no more items would be added. Mr. Grove said they have been working to find a resolution because they want their buyers and communities to be happy. Mayor Countryman said you have done a great job in this community. Byron Sanford said they do build a great home. Byron Sanford said, however, the water is still sitting there and is always sitting there and so is the drain. Byron Sanford said there is never a time when he walks by that the water is not there.

Mr. White said the drain is there and, specific to that repair, they did grind out a decent area and improved that situation. Mr. White said they also do not want to sacrifice and reduce the concrete too much. Mr. White said he knows in his subdivision there is water 24/7 draining downhill and their gutters are black and the subdivision is five years old. Mr. White said he does find that it is common that you may see water going down the gutter line in that situation but you do not want ponding in the cul-de-sac.

Mayor Countryman said she thinks it was unfortunate you were told there were two things left, got it in writing, and then the City is asking more from you and it is problematic for sure. Mayor Countryman said at the same time she does not think it is right for the City and the taxpayers to take on something that is broken and an issue with the City knowing they are taking on something that is an issue.

Julie Davis said water along the curb is not the big issue but feels water in the middle of the cul-de-sac is the biggest issue.

Carol Langley said she purchased a home on Scenic Hills Court and said they have improved it a whole lot from the first day she walked in. Carol Langley said the water is standing in some areas but not like it was.

Mr. White said they have done their best to satisfy the City.

Mr. Roznovsky said the two issues that were reported were ponding at Scenic Hills cul-de-sac and Brock's Lane turn. Mr. Roznovsky said the work done at Brock's lane turn was the grinding to reduce the ponding. Mr. Roznovsky said the panel that was replaced was the area that was the worst and when it was replaced the other area became the worst.

Mr. Roznovsky said they are at a point where the streets function but have esthetic issues. Mr. Roznovsky said the developer has made a lot of effort to make them right and a lot of dollars spent. Mr. Roznovsky said if the original contractor was still in business it would not be the same issue that they have today.

Mr. Roznovsky asked if City Council is okay with what they have, do they want additional work to be done, and how do they want to accomplish addressing the ponding in the cul-de-sac to be acceptable.

Mr. Roznovsky said two options to consider are injecting from underneath the street to raise it, but the problem with that is they cannot only do the one panel, but they would also need to do the whole cul-de-sac and the quote for that is \$90,000. Mr. Roznovsky said the second option is replacing that panel and trying to slope everything out, but if it was just a low spot and was able to be ground in to reduce the ponding in the area that is a potential.

Julie Davis said if you ground it in, over time with people driving on it that is even a higher chance of it cracking. Mr. Roznovsky said he completely agrees. Julie Davis said she feels even if they replaced the panel it would be like duck, duck, goose, and then before they know it the next low spot is going to be the southwest side.

Mr. White said if you take out one panel it would still be tying into both sides. Mr. White said they are trying to look at all options.

Mayor Countryman said it is hard to swallow and say we know there is an issue but we are going to take it because we know it is just going to be a money pit. Mayor Countryman said Style Craft has gone above and beyond honorable.

Byron Sanford asked if they could ask for legal advice and hear from City staff.

Caleb Villarreal, City Attorney said City Council does not need to accept the job right now. Mr. Villarreal said it sounds like Mr. Roznovsky has proposed a possible fix whether that be \$80,000 more. Mr. Villarreal said it is just a question if City Council wants to go through with that fix and who is going to pay for it or accept it. Mr. Villarreal said those are the two options.

Mr. Roznovsky said the other option is if the City is comfortable with Brock's Lane curve and not the cul-de-sac, they can get quotes and ask what is it going to cost to make this right, what is the scope, and who is going to be responsible for that cost.

Julie Davis said what they are asking is for there not to be any more ponding on Brock's Lane or Scenic because those are the two things the City is asking and whatever that comes out to, they are asking to that extent it is fixed and repaired with no more ponding. Julie Davis said to place semantics on they were only asked to do two things, it did not solve the problem at hand and that is why we are still here. Julie Davis said if it solved the problem they would not be here.

Mr. White said in the packet on the memo it lists these two areas specifically and square footage of the repair, not the whole cul-de-sac.

Mayor Countryman asked Mr. Roznovsky if he made that recommendation. Mr. Roznovsky said he did not. Mayor Countryman asked who made that recommendation. Mr. Roznovsky said that was made by L Squared on June 10, 2021. Mr. Roznovsky said the recommendation was these are the two major areas they see. Mr. Roznovsky said their thought and the same reason they are not recommending the acceptance is the same thing you just said. Mr. Roznovsky said yes they addressed the major issues but there are still other issues which is why he does not feel 100 percent comfortable they should accept the roads as they are because of the aesthetic nature of this.

Mr. Roznovsky said the developer has put in a significant contribution to try and make this right and get it fixed. Mr. Roznovsky said this is an unfortunate situation.

Mr. White said the first repair was a patch and replacement for 300 feet which was the first \$80,000 and then the other two areas popped up. Mr. White said at the time they replaced the panel and then the streets flooded in two other areas. Mr. White said they wanted to be specific on the 1,000 square feet area and the corner at Brock's Lane and then another problem area popped up on the cul-de-sac.

Mr. Roznovsky said the written punch list was to clean the streets and test the birdbath. Mr. Roznovsky said it was not for a specific area.

Mr. Roznovsky asked how does City Council feel about moving forward with the steps to proceed and knowing ultimately there is an end goal in mind of getting the streets accepted, getting this closed out, and being comfortable with the outcome.

Byron Sanford said although he is not pleased with it, Style Craft has done its part. Byron Sanford said he would be in favor of moving forward with estimates as it is a contractor issue.

Julie Davis asked Byron Sanford if he was comfortable with releasing Style Craft from their warranty period. Byron Sanford asked what are their options. Byron Sanford said they are in a bad place either way. Byron Sanford said these things happen where you have the developer and the contractor and something falls through in between the written agreement which is what happened here and caused a bad situation.

Mr. White said the developer will not be putting up a maintenance bond for the City anymore as it will be on the contractor. Mr. White said if this type of situation happens again they can pull the bond on the contractor. Mr. White said they have learned their lesson. Mr. White said the options are to accept it as it is and asked if it is alright to be aesthetically displeasing at certain times or do they want to or need to fix it and what are some options and costs and how can they work together.

Mr. Tramm said if this is something City Council is not comfortable accepting now, they can table and come back to and obtain cost estimates on what it would take to rectify this situation.

Julie Davis asked what their legal recourse is regarding if they do not release the developer from the warranty then what is the next step moving forward.

Mr. Villarreal said his recommendation is not to accept the project tonight but to obtain estimates from experts. Mr. Villarreal said he recommends holding off on the acceptance, getting cost estimates and seeing what those figures are, and then approaching who is going to pay for that cost.

Julie Davis moved to table item #16 until the January 11, 2022 meeting with the understanding that the City and Style Craft Homes will get together with estimates on what it would cost to

amend or fix the ponding on both Scenic and Brock's Lane. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

17. Consideration and possible action regarding approval of a proposal for additional environmental and survey work for the Anders Branch Drainage Improvements Project.

Mr. Roznovsky said the project was originally scoped in 2017-2018 when the grant was applied for and the intent was there was no work to be performed in the floodway. Mr. Roznovsky said after the Drainage Study was completed in January 2021 they were informed work could be done in the floodway. Mr. Roznovsky said the scope of the study of the project has changed so to complete the work there are a couple of options they have. Mr. Roznovsky said one is to expand the creek that is out of jurisdictional waters of the U.S. and potential wetlands so you have to apply for a Nationwide Permit, which is their first choice and is a shorter process of two to three months which is limited to a couple of hundred feet of channel. Mr. Roznovsky said with an individual permit they can do a much larger project, but that is a 12-24 month process to obtain the permit and it cost \$7,500. Mr. Roznovsky said the last option is to look at the scope of the project above the ordinary high level of the stream. Mr. Roznovsky said it is non-jurisdictional so there is no lead time and there is no permit. Mr. Roznovsky said this analysis is a proposal from Jones & Carter who is the engineer on the GLO Project.

Mr. Roznovsky said two pieces are recommended to be included. Mr. Roznovsky said 1A and 2A are recommended. Mr. Roznovsky said items 2B, C, D, and E they do not recommend approving. Mr. Roznovsky said item 1A is survey work that has been revised which they had as an hourly not to exceed so it is the actual cost of the work to be completed by the survey crew to pick up all the stakes. Mr. Roznovsky said the environmental engineer will go out and flag the boundaries that already have a watermark between FM 149 and MLK Drive. Mr. Roznovsky said the survey crew comes back out and surveys it and ties it down so the plans can be revised to reflect that. Mr. Roznovsky said there is \$7,800 for the survey work and \$9,850 for the environmental consultant by Jones & Carter. Mr. Roznovsky said this is to proceed with the grant and it is a \$2.3 million grant with no City match.

Mayor Countryman said this has turned into a much bigger project than when it initially began. Mr. Roznovsky said it was turned into what the scope was and how it was put together and how the tables were done three years ago without a study and it was done and put in and it morphed and changed over time. Mayor Countryman asked why is it changing. Mr. Roznovsky said with the GLO and with any grant project there is a lot of red tape.

Mr. McCorquodale said in the memo the Grant Administrator at Grantworks took a look and they do want to circle back. Mr. McCorquodale said the takeaway from what Mr. Roznovsky said earlier is this drainage portion of this project has felt like it has turned into rabbit trails littered with engineering invoices. Mr. McCorquodale said it is not specifically Jones & Carter it is what it takes to unwrap the layer of working on a grant-funded project along a waterway. Mr. McCorquodale said Mr. Roznovsky, his team, and the Grant Administrator feel like the deeper they get into the project the scope of the work keeps getting smaller and the hoops we have to jump through keep getting higher. Mr. McCorquodale said in the context of approving this he and Mr. Tramm will be having a conversation along with Mr. Roznovsky and the Grant Administrator later this week. Mr. McCorquodale said what they are asking to do is they have to be totally complete with this project one year from this month which is a very tight timeline.

Julie Davis said that is not even possible if they go with the original permitting. Mr. McCorquodale said it is going to take a lot of luck just to meet the timelines. Julie Davis asked if the City has already been awarded this grant so now it is just jumping through the hoops to implement it. Mr. Roznovsky said two of the three projects are ready to go but all environmental clearance must be had for all the projects at the same time to proceed because it is one grant.

Mayor Countryman asked if the City does not meet the timeline what happens. Mr. Roznovsky said it will affect scoring on future grant projects. Mr. Tramm said that is one of the reasons they are trying hard to make this work one way or another not just for this project but for future considerations.

Julie Davis moved to approve item #17, with 1A and 2A both as needed. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

18. Consideration and possible action on construction of Clepper Drive Sidewalk Improvements.

Mr. Tramm said the City was not awarded the Texas Transportation Alternatives grant for the sidewalks. Mr. Tramm said however, those sidewalks are fully budgeted so the City is prepared to begin moving them forward. Mr. Tramm said their recommendation is to begin with the design work on the Clepper Drive sidewalks as part of the Downtown Master Plan. Mr. Tramm said the MEDC budgeted funds for sidewalk projects and has an interest in contributing funds towards this project.

Mr. Tramm said the proposed portion on the map would connect the northeast portion of the downtown area with Buffalo Springs, Fernland Park, City property, the County Library, and several areas used for event parking to the area. Mr. Tramm said the proposed sidewalk will be ADA compliant, and the proposed work also includes possible associated drainage work which is estimated at a conservative cost level.

Mr. Tramm said the intent of this agenda item is to allow the City Engineer to begin the project design work and determine more specific projects costs and allow the City Administrator to work with MEDC to determine the cost level at which MEDC would participate in the actual project.

Mr. Tramm said City staff will also be working to prepare the FM 149/MLK sidewalk for another grant program which opens for applications in spring 2022. Mr. Tramm said we will be able to begin the design process on the FM 149/MLK sidewalk while the grant application is in process, they just will not be able to begin construction.

Mayor Countryman asked what the reason was that the City did not receive the grant. Mr. Tramm said the grant they were up for was considered very competitive. Mr. Tramm said it is their hope from the following discussions they had that they will be better able to learn what they are looking for and he believes it might not be as much as the subject of the work but how they put the application package together.

Julie Davis asked if Clepper was the issue with MEDC regarding the turtle back down the middle of the street and are they talking about repairing that. Julie Davis said she seems to

remember a conversation with Mrs. Rebecca Huss saying that when they did sidewalks on this street there needed to be a discussion about ripping out the road to make it more even. Julie Davis said she does not want to put sidewalks in and then MEDC decides they want to rip out the street.

Mr. Roznovsky said yes that is not included but they are considering setting the sidewalk further off with curbs. Mr. Roznovsky said also included is the cost for required easements if they need to go further outside the road to give them that space.

Mr. Tramm said one of the side effects of trying to do both at the same time is going to force them both to take longer. Mr. Tramm said they are trying to not be in that position. Mr. Tramm said doing the road will be separate.

Julie Davis asked if they have an estimate of how far out the road redo is planned. Mr. Roznovsky said he does not. Mr. Tramm said what they were hoping for was to start moving forward with the sidewalk and then start talking about the road. Mr. Tramm said they do have money this year in the budget for roads and they can use the money later in the year for this.

Julie Davis said she does not want to put in a sidewalk they are going to rip out whether it is in five years or three months, even a square inch of it.

Mr. Tramm said that is why they want to move the sidewalk further out so they can accommodate the drainage and the road.

Mr. Roznovsky said a full survey of it and finding where that storm sewer is and the storm sewer that is along Clepper there is not good record drawings of it so they can long-term plan for what is that road going to look like to the sidewalk.

Julie Davis said they can all see a need for this area just from the Christmas parade or any other parade with that parking lot being utilized and then if you are putting a building at the City property on the road then even more so.

Byron Sanford moved to approve item #18.

Carol Langley asked what are they getting in this. Carol Langley asked if they approve this then the construction is going to begin or you will be coming back with quotes.

Mr. Roznovsky said the first half is getting the surveyors out and they will give them the notice to proceed in January. Mr. Roznovsky said then they will produce the plans and final cost estimate and then proceed to bid on the project and go through the construction contracts. Mr. Roznovsky said for the next meeting he will put together a schedule and is looking at bidding on this project in March, doing the contracts in April, and then construction will begin in May.

Julie Davis asked if MEDC is covering any of the cost of this. Mr. Tramm said presuming City Council says yes in moving forward then he will go back to MEDC in January and get their vote for funds toward the project. Mr. Tramm said there is money allocated for sidewalk projects in the budget. Mr. Tramm said if it is more than \$10,000 City Council will need to approve that. Mr. Tramm said MEDC does have an interest in getting the sidewalks done as well.

Julie Davis asked if that discussion will be left open to interpretation that MEDC will throw any number at it that they can and or want or could we suggest a percentage of it such as 25, 75, or a 50/50 split. Mr. Tramm said MEDC has put in \$40,000 in their annual budget for sidewalks.

Julie Davis seconded the motion, the motion carried unanimously. (4-0)

19. Consideration and possible action regarding adoption of the following Ordinance: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS, ESTABLISHING A MAXIMUM PRIMA FACIE SPEED LIMIT ALONG FM 1097 (ALL LANES) FROM THE EASTERN RIGHT-OF-WAY OF FM 149 TO THE NORTHEAST CITY LIMIT OF THE CITY; AT 45 MILES PER HOUR; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1.00) OR MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

Mr. Roznovsky said this item is from the Speed Study that was performed and approved by City Council. Mr. Roznovsky said TxDOT has agreed and sent an order to move this forward and have it become active.

Julie Davis moved to accept item #19 as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

20. Consideration and possible action regarding adoption of the following Resolution: RESOLUTION CASTING VOTE(S) FOR CANDIDATE(S) FOR THE ELECTION OF THE MONTGOMERY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

Mr. Tramm said a couple of months ago City Council nominated Adam Simmons for this position. Mr. Tramm said Adam Simmons has previously been on the MISD Board. Mr. Tramm said there is biographical information attached for those that provided it to MCAD by the time this was distributed.

Byron Sanford moved to approve all five (5) votes for Adam Simmons. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

21. Consideration and possible action regarding the proposed code enforcement officer position.

Mr. McCorquodale said they have received a dozen applications and of those only two had prior code enforcement experience. Mr. McCorquodale said one applicant was only looking for a full-time position and the other applicant did not return their call.

Mr. McCorquodale said the position has been posted on the City's website, TML's online job board, and Indeed.com since October. Mr. McCorquodale said right now it is a job seeker's market and despite a salary that was several dollars an hour higher than what a typical code enforcement officer would make, they are having a hard time attracting anyone to a part-time position. Mr. McCorquodale said their initial thinking behind that salary was to look for an off-duty police officer from another entity who might be interested in a part-time job if the pay was right. Mr. McCorquodale said he is coming to City Council to inquire if they want to

keep looking for a candidate to fill the position. Mr. McCorquodale said they feel the job description is good and have a good application process. Mr. McCorquodale said the only thing they can point to is that it is a part-time position that is very difficult to fill right now.

Byron Sanford said this is a huge need for the City and he is all for full-time. Byron Sanford said if this person is full-time they can help with the tremendous number of City inspections by way of the engineer which helps to defray the costs with assisting.

Mr. McCorquodale said it will still fall under the specialties of the engineer but the things that they look at like silt fencing and things like that ultimately do lower the invoices on a small fraction for the engineers.

Byron Sanford asked if they are not necessarily approving \$62,000 but it would be to continue in this direction and negotiate.

Mr. McCorquodale said they are asking for City Council to give them direction. Mr. McCorquodale said there is money in this budget item and they do not need to do a budget amendment.

Mayor Countryman asked who this person would report to.

Mr. McCorquodale said right now it would be him. Mr. McCorquodale said it can be done through the police department as code enforcement is the marriage of police work and zoning. Byron Sanford asked if it would be Mr. McCorquodale and the Police Chief who the person would report to. Mr. McCorquodale said yes. Mayor Countryman asked if the person would report to two people then. Mr. McCorquodale said no the person would have one supervisor and it would most likely be him. Mr. Tramm said the person would have to work closely together with both. Mr. McCorquodale said they would need to be talking with the court and would overlap a lot with the police. Mr. McCorquodale said they are looking for a non-uniform officer.

Mr. Tramm said from his observation he has seen Mr. McCorquodale and the Chief both work on the development of this position, requirements, and the process and they are certainly well

equipped to work together with the person without there being any friction between the two departments.

Mayor Countryman said she thinks there should be one person and it is her understanding that a lot of cities go through the police department. Mayor Countryman said code enforcement has been a black eye on this City and feels the Chief should have it. Chief Solomon said whatever comes up and whatever the circumstances are they can work together and make sure things are done right.

Julie Davis asked budget-wise, did they put the \$30,000 under the police department's budget. Mr. Tramm said no it was the administration department.

Chief Solomon said they put together criteria for the code enforcement officer and have a program in place.

Julie Davis asked if they are going to repost the position. Chief Solomon said yes they will repost it for full-time. Chief Solomon said code enforcement takes a lot of time so if they can find someone who already has a lot of experience it will be better for the City. Chief Solomon said Officer Bauer did attend a couple of code enforcement classes.

Byron Sanford moved to approve staff to pursue a full-time code enforcement officer as soon as possible. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

22. Consideration adoption of a resolution in support of a matching funds grant for the Montgomery Police Department.

Chief Solomon said he is asking City Council to authorize a resolution regarding a matching funds grant they are asking the State for their server. Chief Solomon said their body cam server is not enough capacity and they are having to purge them. Chief Solomon said the body cams are supposed to be on from the beginning to the end of the incident and there is not enough capacity to do that.

Chief Solomon said the City's match for the grant is \$2,309. Chief Solomon said it is very much needed so they have the capability the State requires them to have.

Byron Sanford asked if \$2,300 is 25 percent of the matching price. Chief Solomon said yes.

Mayor Countryman asked how big the server is. Chief Solomon said he is not sure how much bigger the new server is. Chief Solomon said when he came to the City two and a half years ago they had body cams that the City purchased that had never been used and were still in the box. Chief Solomon said those body cams were obsolete so they made a deal with the company to get new body cams. Chief Solomon said with the new body cams they started putting in more officers and put a policy together for how those body cams are supposed to work. Chief Solomon said body cams for any incident are supposed to be on from the time the incident starts to the time it ends which starts to take up more and more room. Chief Solomon said once you put a policy together and add officers the server would never have been big enough but they had no idea until they started using them.

Mayor Countryman asked if there is a time limit you have to keep body cams. Chief Solomon said 90 days and some of the videos will go past 90 days.

Byron Sanford moved to adopt the resolution for item #22. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

DEPARTMENTAL REPORTS:

23. City Administrator's Report – Mr. Tramm said the Light Up the Park event on December 4, 2021, had the largest gathering he remembers seeing at that event. Mr. Tramm said a half hour before the event there were already a couple of hundred people there. Mr. Tramm said there were several people there he spoke with that this was their first Christmas in Montgomery and they loved the small-town feel of all the things that were happening.

Mr. Tramm said many of you may know Mr. Kevin Smith who DJ's for Montgomery's City events. Mr. Tramm said he first met him at National Night Out in 2019 when he was coming to his first event to meet people. Mr. Tramm said he enjoys walking around and talking with

people at these events where he can find out what they like about Montgomery and what brought them here.

Mr. Tramm said this past weekend with the Christmas Parade, Snow Party, the Cookie Walk, the Candlelight Historic Home Tours, and the marketplace events were all combined into one full day in Montgomery. Mr. Tramm said the parade had over 1,900 people in the parade and the official population of the City is around 2,000 people.

Mr. Tramm said one of the things he was able to do afterward was driving around with Mr. Mike Muckleroy, Public Works Director picking up the signs and watching the traffic patterns going out. Mr. Tramm said there were a lot of people who came in and left the City after the event, coming to Montgomery specifically for the parade, but also as he came back in there were still a lot of people that remained in the City. Mr. Tramm said they are a destination to quite a few people out there and thinks that is important to call out.

Mayor Countryman asked to clarify, the City does run the parade, the Cookie Walk, and the Historical Home Tours is run by the Historical Society. Mr. Tramm said that was correct. Mr. Tramm said the City also does the Snow Party with MEDC which was attended by 300 children which was a very popular event and also a first-time event.

24. Sales Tax Report – Mr. Derek Michael, Sales Revenue, Inc. (SRI) said there were 5,821 active taxpayers on the confidentiality report. Mr. Michael said so far in December it reflected 2,098 taxpayers was the new average of 2,074 and a 5.5 percent increase over December's 2020 in taxpayers.

Mr. Michael said in the sales tax calendar year 2021 the City received \$4,071,078.89. Mr. Michael said with February still being the highest tax-paying month, the list on page 2 shows the top 25 sales tax filers for the entire year. Mr. Michael said the confidential report on the other column will show the actual amount of allocations and the breakdowns for it.

Mr. Michael said the following page will show the funds for December and Panda Express is now on the top 25. Mr. Michael said that is the second month it has remitted its allocations which had a huge jump from November to December.

Mr. Michael said for November there were 2,207 taxpayers, an average of 2,073 and a 6.3 percent increase over November 2020.

Mr. Michael said the top 25 for November allocation was \$3,782,121.14 and the next month listed is Panda Express. Mr. Michael said following that will be the November and October comparison list. Mr. Michael said following that is the Nexus twelve-month totals. Mr. Michael said an audit is being done for submittal to the State Comptroller so these figures will change.

Mayor Countryman asked if it is possible to understand what is food versus what is retail versus what is IT versus what is bed and breakfast. Mr. Michael said the NCIS number will be the designation of that. Mr. Michael said he can add it to another report for the breakdown of the pie chart and show within the sales tax contributors which one is a full-service restaurant. Mayor Countryman said she would like that report for the next meeting.

Mr. Michael said in the summary of allocations so far the City has received \$37,054,156.99 and for November 2021 it was \$540,960.11 which is 30 percent over November 2020 of \$415,557.44. Mr. Michael said the tax fiscal year for 2022 is \$815,722.75 and from the \$2.2 million budget, the City is at 37 percent.

Mr. Michael said the total allocations from 2012 to the present are \$22,581,265.05. Mr. Michael said below that are the calendar year means and averages. Mr. Michael said for \$3,782,121.14 the average is \$343,829.19 which is well over last year's average of \$231,029.67.

Mr. Michael said the breakdown of the monthly allocations goes back to 2015. Mr. Michael said for November it was \$540,000. Mr. Michael said the previous year's variance was a 30 percent increase from last year.

Mr. Michael said the confidentiality report includes Texas Twist and Shakes and the confidentiality report only reflects those taxpayers that paid \$5,000 or more annually. Mr. Michael said he can be remitting his sales tax but it will not show up on there. Mr. Michael

said after speaking with Mr. Tramm he submitted it to the Comptroller to make sure it is slated for the City.

25. Public Works Departmental Report – Mr. Muckleroy, Director of Public Works said over the last couple of weeks in preparing for the holiday events there was a lot of work that goes into those events. Mr. Muckleroy said he would like to thank the police department and Chief Solomon for doing the majority of planning and all the work his crew does, as well.

Mr. Muckleroy said they filled the administrative assistant position and her name is Nicole Minter. Mr. Muckleroy said she is working out very well.

Mayor Countryman said every time she sees the public works crew they are always kind and smiling and willing to talk with anyone. Mayor Countryman said Mr. Muckleroy has done a good job in building a solid team.

26. Police Report – Chief Solomon said there is a lot of work involved in planning events for the City. Chief Solomon said he has developed a guy who does all the work and does a very good job of it. Chief Solomon said Officer Lozano does this and will be sending him to more and more training. Chief Solomon said he has people that do a very good job and are very talented at what they do.

Mayor Countryman asked if there were any arrests from Trick or Treat, Light Up the Park, or the Parade. Chief Solomon said no.

27. Court Report – Mrs. Kimberly Duckett, Court Administrator said there were 103 collections for citations for the October report. Mrs. Duckett said the collections were \$29,668.47. Mrs. Duckett said for November there were \$23,458.35 collections for the court.

Mrs. Duckett said they hired a part-time court clerk whose name is Connie King and she is working out fabulous.

Carol Langley asked if she was already a clerk hired from somewhere else. Mrs. Duckett said no they started from scratch. Carol Langley asked if she will be doing court training. Mrs.

Duckett said yes she will. Carol Langley asked when that will be. Mrs. Duckett said she will need to check with TMCCP and see when their next class will be held.

28. Utility Report – Mr. Tramm said the Police Department had \$800 in donations from National Night out and over \$42,600 applied to permits. Mr. Tramm said part of those permits apply to Hills of Town Creek but mostly they are the early permits for Town Creek Crossing.

29. Water Report – Mr. Freeman, Operations Manager of H2O Innovation presented the report in the absence of Mr. Mike Williams. Mr. Freeman said an operator was called out to the Lift Station 5 facility due to a generator running alarm, however, the facility was running at normal levels, the generator was off, and no issues were found.

Mr. Freeman said flow for September through October was 5,647,000 gallons, daily peak flow September 29, 2021, was 325,000 gallons, and average daily flow was 188,200 gallons.

Mr. Freeman said there were no excursions for October.

Mr. Freeman said total water sourced was 13,802,000 gallons, water flushing was 157,000 gallons, sold 12,760,000 gallons, and had a 94 percent accountability.

Mr. Freeman said the school had 12 connections, commercial inside 169, commercial outside 1, residential inside 793, residential outside 29, churches 14, the City 15, hydrant 7, and multifamily 14, with a total of 1,057 connections.

30. Finance and Quarterly Investment Report – Mr. Anthony Lasky, Senior Accounting Clerk, said he will present the October information, and on January 11, 2022, he will present the November and December information.

Mr. Lasky said on the first page he added both the infrastructure and mobility investment Texpool accounts below the construction fund which will continue to be added.

Mr. Lasky said there is currently four months reserve for the operating fund including the Kroger payment that was made in October. Mr. Lasky said the check has cleared and will show in next month's report. Mr. Lasky said the payments were made which shows on page seven of the cash flow report.

Mr. Lasky said there is a little over two years reserve for MEDC and in the utility fund there is a little under 11 months.

Mr. Lasky said on page 11 they were mostly even on both expenditures and revenues, showing slightly more on the expenditures side which was \$1,300 over. Mr. Lasky said most of the upcoming revenues they will start to see will be the ad valorem taxes which will begin to come in around January. Mr. Lasky said by the time the February 22, 2022 meeting takes place a bulk of those will begin to come in.

Mr. Lasky said sales tax for November received was \$540,960.11 which is the highest he has seen. Mr. Lasky said sales tax for December was \$288,957.75.

Mr. Lasky said he also included the quarterly investment report to show all the money markets, CDs, and pledged securities.

Julie Davis asked if Mr. Lasky said December was already at \$288,000. Mr. Lasky said \$288,000. Julie Davis said we are not even halfway through the month. Mr. Lasky said he received the number on December 8, 2021. Mr. Lasky said usually the second Wednesday of the month is when they receive those numbers depending on how the calendar falls.

Mr. Tramm said it is a lagging report because when a company does business in one month they file it the following month and the Comptroller pays it the next month.

31. City Engineer Report – Mr. Chris Roznovsky, City Engineer said regarding the Downtown Waterline Replacement, the contractor has addressed all the punch list items, and Jones | Carter is preparing the final closeout documents for the project. Mr. Roznovsky said they received Pay Estimate No. 9 for \$13,680 from Jones | Carter. Mr. Roznovsky said they also received Pay Estimate No. 10 but they had some comments added to it so it is being revised.

Mr. Roznovsky said Water Plant No. 3 Improvements hydropneumatic tank was installed and the old ground storage tank was demolished. Mr. Roznovsky said the scheduled completion date is May 2022 with the tanks being online in April 2022.

Mr. Roznovsky said they have listed and discussed the GLO Projects and the Speed Study. Mr. Roznovsky said all the traffic signal warrant analyses' have been submitted to TxDOT and the Sanitary Sewer Cleaning and Televising Phase 1 Project will have bids at the January 25, 2022, City Council meeting.

Mr. Roznovsky said there were two plan reviews. Mr. Roznovsky said for Shipley's they received construction plans for the development on November 23, 2021, and plan to return comments this week. Mr. Roznovsky said for Town Creek Crossing Section 2 they received the drainage impact analysis report and model on November 17, 2021, and plan to return comments this week.

Mr. Roznovsky said they did receive the final hard copy of the Hills of Town Creek Section 4 amending plat on December 7, 2021, and returned the signed plat to City Hall on December 8, 2021.

Mr. Roznovsky said for Town Creek Crossing Section 1 they are still addressing punch list items and expect it to be complete this month.

Mr. Roznovsky said for one-year warranty inspections they discussed Hills of Town Creek Section 2 and Hills of Town Creek Section 4 warranty period will end on March 24, 2022.

Mr. Roznovsky said the turn lane and FM 149 and SH 105 have been delayed and put it as a March or April 2022 completion date which is all the information they have received at this point.

Mr. Roznovsky said the Access Management Project starting at FM 2854 is a TxDOT project that goes all the way into Conroe. Mr. Roznovsky said TxDOT does not have a final schedule.

Mr. Roznovsky said for the water well performance reports they received the results. Mr. Roznovsky said they had a typo from a carryover of an old report regarding the reduction efficiency. Mr. Roznovsky said the efficiency of the wells has been consistent for the past four years so there is not a change and all wells are operating as they should.

Mr. Roznovsky said in January they will be presenting the updated projections on water and sewer up through 2050 as well as a capital improvement plan to show milestones.

Byron Sanford said that will be very helpful for City Council and said he appreciated Mr. Roznovsky doing that. Mr. Roznovsky said it is helpful and is a great tool.

Mayor Countryman asked if Mr. Roznovsky had an update on Buffalo Springs/Lone Star roundabout. Mr. Roznovsky said he will get an update and report for the next meeting.

Mayor Countryman said she has heard there is going to be a median on SH 105 from Conroe to Montgomery and asked when TxDOT is going to begin that project. Mr. Roznovsky said that is a raised paved median and there is an option for the City to partner with them.

Julie Davis said the only part coming through the City is to the Lone Star Parkway to Stewart Creek and does not go through but stops at Lone Star Parkway. Mr. Roznovsky said that is correct.

Mr. Roznovsky said there is a second TxDOT project from Grimes County line back into the City that has a lot of the same components but he would need to look at the timeline on that. Mayor Countryman said it extends from Conroe this way too. Mr. Roznovsky said the Access Management project is from Conroe to Montgomery. Mr. Roznovsky said it is a large project.

Julie Davis said it also reduces the speed limit from Conroe to the City limits to I-45. Mr. Roznovsky said that was a temporary reduction speed. Mr. Roznovsky said the ordinance they passed a few months ago was a temporary reduction to be during construction. Mr. Roznovsky said after construction is complete it automatically reverts to the original speed.

Mayor Countryman asked what is happening next to Starbucks. Mr. Roznovsky said they are building out a pad. Mayor Countryman asked if that is for Discount Tire. Mr. Roznovsky said Discount Tire will be at the northeast corner of Buffalo Springs and SH-105.

Mr. Roznovsky said at the next City Council meeting they are going to have an estimate for Dutch Brothers Coffee which will be next to Bluewave Car Wash and will be drive-thru only.

Carol Langley moved to accept the Departmental Reports as presented. Byron Sanford 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.

32. 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 551071 (consultation with attorney) and Section 551.072 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

Adjourned into Closed Executive Session at 8:48 p.m.

33. Reconvene into Open Session.

Reconvened into Open Session at 9:09 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

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

Carol Langley moved to give authorization to City staff to make a proposal to the property owner. Byron Sanford seconded the motion. The motion carried unanimously. (4-0)

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.

Mr. Byron Sanford said it would be great as they proceed in the development of Clepper to get concrete. Byron Sanford said they already impose a lot on retail stores and already ask them to share. Byron Sanford said he spoke to a developer yesterday and was asked if they could do something about parking. Byron Sanford said the developer has been in two different capacities asking for people to use their parking spaces and said there is a liability there. Byron Sanford said his thought is if you build out Clepper with something retail that is not helping. Byron Sanford said he is not saying the property the City owns is the spot for City Hall, but it might make sense because some government agencies

have a school and a city lot. Byron Sanford said it would help if they had parking space with government entities that would not mind turning their parking space over. Byron Sanford said maybe there is a better route for the parade for the future knowing how big this is, but he does think there is a walking distance point that is close that can help with the overflow of parking for special events. Julie Davis said they use to have the fields to park in and now the fields are all houses.

Julie Davis said she noticed on the Lone Star Parkway going toward FM 149 going west on Lone Star Parkway by the Community Center there is a giant spool of cable on the side of the road and asked if it is the City's responsibility. Mr. Roznovsky said the City limits are right before the bridge which is the dividing line. Mr. McCorquodale said he will ask Public Works to check on it.

Julie Davis said there is some graffiti on the lift station on Old Plantersville Road on the south side of the wooden fence. Julie Davis said she does not think the wooden fence is the City's property. Julie Davis asked if there is a way they can get it on the schedule to be cleaned up. Mr. Tramm said he will get it cleaned up.

Julie Davis said she toured the water and sewer facilities with Mr. Muckleroy. Julie Davis said he and his crew were great and very welcoming. Julie Davis said it was nice to understand what the City has and does not have and what the City will need in the future. Mr. Tramm said he knows Mr. Muckleroy enjoyed taking you and if there is anyone else on City Council that would like to tour, please let them know and they will schedule it. Mr. Tramm said he does think there is a lot of value in being able to see some of the things up close that are discussed in City Council meetings. Julie Davis said the wastewater treatment plant does not smell as bad as she had imagined. Julie Davis said it was very informative and is sorry Mr. Muckleroy is not here to hear that. Mr. Tramm said he will be happy to pass it along and he will appreciate it anyway.

Mayor Countryman asked where the RFP's go that the State sends to the cities. Mayor Countryman said they use to go to Shannon Reid. Mr. McCorquodale said they have not seen those in a while. Mayor Countryman said maybe they are off the list because there have been quite a few. Mayor Countryman said she spoke with a couple of mayors the other day and they asked her if she has seen an uptick. Mayor Countryman said she has not seen any. Mayor Countryman said she called Shannon Reid and she told her she did not have any. Mayor Countryman said they need to have some business here that is more than hourly, such as salary and career type that is more than fast food and grocery

stores. Mayor Countryman said manufacturing would be great. Mayor Countryman said the RFP's are a great source finding those companies and if we do not respond they do not know we are here. Mayor Countryman said to make sure we get on the list because the City has plenty of land to accommodate. Mr. Tramm said he will make some calls. Mayor Countryman said the State of Texas Economic Development would be a good start. Mr. McCorquodale said he will search emails for a contact.

Mr. Roznovsky said one of their clients Ross is building a facility that is two million square feet and is a \$400 million facility. Mayor Countryman said hotels would transform the City as well.

Mr. Tramm said back in October the Strategic Plan was tabled until the end of January. Mr. Tramm asked if City Hall wanted to still pursue this or put it off until after the election. Mayor Countryman said nothing is being adhered to and followed so if they are not going to then why waste taxpayers' dollars and everyone's time. Mr. Tramm said he can schedule that into June following the next election if that is good with City Council.

ADJOURNMENT

Julie Davis moved to adjourn at 9:20 p.m. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

Submitted by: *Susan Hensley*
Susan Hensley, City Secretary

Date Approved: *01/11/2022*

Sara Countryman
Mayor Sara Countryman

