

MINUTES OF PUBLIC HEARINGS and REGULAR MEETING

January 11, 2022

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Sara Countryman called the meeting to order at 6:00 p.m. Mayor Countryman stated for the record they do have a quorum present and Councilmember Byron Sanford is absent this evening.

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

Absent: Byron Sanford City Council Place # 5

Also Present: Richard Tramm City Administrator
Susan Hensley City Secretary
Alan Petrov City Attorney
Chris Roznovsky City Engineer

INVOCATION

T.J. Wilkerson gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

RECEIVE PLANNING AND ZONING COMMISSION FINAL REPORTS – ZONING

1. Receive the Planning & Zoning Commission Recommendations and Reports for the following:
 - a. A rezoning request from B-Commercial to R1-Single Family residential for Hills of Town Creek Section Five.

b. A rezoning request from R1-Single Family Residential to B-Commercial for 14855 N. Liberty Street, Montgomery, Texas.

c. A Special Use Permit application for a microblading studio located at 20165 Eva Street, Suite C, Montgomery, Texas.

Mr. Tramm said the Planning & Zoning Commission held Public Hearings on January 4, 2022, in conjunction with their regular monthly meeting for interested persons to be heard regarding these requests. Mr. Tramm said two residents attended the meeting along with Councilmember Davis. Mr. Tramm said both residents asked for clarification related to a City-owned property in Hills of Town Creek that was labeled “future water plant.”

Mr. Tramm said no opposition to the rezoning of either properties or the Special Use Permit application was given. Mr. Tramm said the Reports and Recommendations are attached for City Council’s review and acceptance.

Julie Davis moved to accept item #1 as presented. Kevin Lacy seconded the motion, the motion carried unanimously. (4-0)

PUBLIC HEARING(S)

Mayor Countryman convened into Public Hearing at 6:04 p.m.

2. Convene into Public Hearing for the purposes of giving interested persons an opportunity to provide comments on the following:

a. A rezoning request from B-Commercial to R1-Single Family Residential for Hills of Town Creek Section Five.

b. A rezoning request from R1-Single Family Residential to B-Commercial for 14855 N. Liberty Street, Montgomery, Texas.

c. A Special Use Permit application for a microblading studio located at 20165 Eva Street, Suite C, Montgomery, Texas.

Julie Davis said she is curious what Mr. Easley's plans are for the building located at 14855 N. Liberty Street as there were some concerns at the Planning & Zoning Committee meeting about the fact that the City was only notified within 200 feet.

Julie Davis asked if Mr. Easley has set plans or if he is just leasing it. Mr. Easley said he is not leasing it; he wants to relocate it and then he will decide what he is going to do. Mr. Easley said right now he is cleaning up the City one step at a time, but potentially for commercial development. Julie Davis asked not so much specific as far as your cleaning business and nothing being determined yet. Mr. Easley said no. Julie Davis said the property looks amazing.

ADJOURN PUBLIC HEARING(S)

Mayor Countryman adjourned the Public Hearing at 6:05 p.m.

RECONVENE REGULAR MEETING

Mayor Countryman reconvened into the Regular Meeting at 6:05 p.m.

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.

Mr. Floyd Montgomery, P.O. Box 1456, Montgomery, Texas said he moved to Montgomery to become the owner of a museum as he has over 2,500 items.

Mr. Montgomery said Mr. Wilbert Montgomery, the brother of John Montgomery use to work at the Conroe Library and works at the Conroe Courthouse now. Mr. Floyd Montgomery suggested to Mr. Wilbert Montgomery they hold their family reunion in Montgomery, Texas. Mr. Floyd Montgomery said Mr. Wilbert Montgomery thought that was a good idea. Mr. Floyd Montgomery said there are 10 boys and two girls in this family.

Mr. Floyd Montgomery said in his collection he has an item signed by General Richard Montgomery from the American Revolution and other signed items. Mr. Montgomery said he is hoping to have a Montgomery Museum in Montgomery, Texas this year.

CONSENT AGENDA:

3. Matters related to the approval of the December 14, 2021, Regular Meeting Minutes.
4. Consideration and possible action regarding adoption of the Election Services Agreement by and between the City of Montgomery and Montgomery County Elections for the May 7, 2022 Election.
5. Consideration and possible action regarding adoption of the Joint Election Agreement by and between the City of Montgomery and Montgomery County Elections for the purpose of sharing jointly conducted elections to be held on May 7, 2022.

Julie Davis moved to approve the consent agenda items accumulatively and together. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

6. Consideration and possible action regarding naming Diana Cooley to serve as Deputy City Secretary.

Mr. Tramm said Diana Cooley currently serves as the Records and Administrative Clerk and has worked closely with his office. Mr. Tramm said Diana Cooley is currently enrolled in the Texas Municipal Clerks Certification Course and will be attending the TMCA Election Law Seminar on January 11, 2022.

Mr. Tramm said this action will allow Diana Cooley to continue the duties of the office of the City Secretary during the hiring process of a new City Secretary.

Carol Langley moved to name Diana Cooley as the Deputy City Secretary. Julie Davis seconded the motion, the motion carried unanimously. (4-0)

7. Consideration and possible action regarding approval of purchase and use of License Plate Reader cameras.

Chief Solomon said the license plate reader cameras were approved at the Budget Workshop. Chief Solomon said these cameras are good for investigative purposes and crime and are good if there is a vehicle that comes from another place that has been on the list where there has been a crime. Chief Solomon said these cameras will pick it up.

Chief Solomon said crooks are now breaking into cars and stealing weapons.

Kevin Lacy asked if the number of cameras increased. Chief Solomon said they discussed putting 10 cameras in the budget which will cover the entire City.

Julie Davis asked Mr. Tramm where this is located in the budget. Mr. Tramm said in the budget under police for \$27,000 - \$27,500. Julie Davis said it shows in the documentation it is coming from the general fund item 7, page 81 and is for five cameras. Julie Davis said pages 82 and 83 show a bid for 10 cameras for \$27,500.

Mr. Tramm said they can change that number from five to 10. Mr. Tramm said the police fund is a subcategory of the general fund. Mr. Tramm said they can correct that for signature.

Julie Davis asked how do they regulate not coming back next year and asking for three more law enforcement officers for employment because now we took all of the officers out of the City limits on arrest or license plate scans and are now degrading the safety of our citizens because we do not have law enforcement on the street because they are doing arrests and transportation to the County.

Chief Solomon said he thinks it works just the opposite. Chief Solomon said they have license plate readers now. Chief Solomon said they have officers who leave the City every day to take people to the County and that is not going to change. Chief Solomon said with the license plate readers in town it gives them an edge on if something should happen while that officer is gone, they have an investigative chance the next day to find out exactly what happened. Chief

Solomon said they are not going to be able to prevent people from leaving town because when they make arrests they have to go to the County. Chief Solomon said it is quite the opposite.

Julie Davis said she spoke with Sargent Smith with the Conroe Police Department and they are also using SWAP Management. Julie Davis asked if there is any additional support that Chief Solomon is planning to collaborate with them so they both have access to each other's systems. Chief Solomon said they will be doing a Memorandum of Understanding (MOU) with agencies who have these. Julie Davis said the Montgomery County Sherriff's Office (MCSO) is using a different system. Chief Solomon said they are using the same system as Conroe. Julie Davis asked if Willis has these in place. Chief Solomon said Willis has none. Chief Solomon said when they started to look at these cameras they looked at their location and the major highway which is SH 105 and the traffic coming out of Conroe into the City of Montgomery. Chief Solomon said they also looked at how many arrests they made from people that were from outside of Houston, Conroe, and Huntsville and looked at the totality of things before they thought the cameras would do them any good. Chief Solomon said they also looked at different cities such as Jersey Village and arrested at least three people that came from there.

Chief Solomon said a few years ago a T-Mobile store was burglarized three nights after it first opened. Chief Solomon said they spoke with the City of Pasadena and Houston and found out these guys always showed back up two nights later. Chief Solomon said two nights later at 4:00 a.m. they were able to catch them breaking back into the same T-Mobile store. Chief Solomon said it is about passing on information with law enforcement and these cameras will help them with this.

Julie Davis asked if 10 cameras are a necessary number. Chief Solomon said 10 is a good number for this City. Julie Davis said the City of Conroe with a population of 200,000 has 19 cameras and we are asking for half of that with a tenth of the population.

Chief Solomon said it is not so much about the population, but the traffic. Mayor Countryman said it is about traffic count and movement because it is not just about people living in the City, but people driving through the City. Chief Solomon said it is not about the population but where the cameras are located within the City that will give them the information they need.

Julie Davis asked what the placement locations were. Chief Solomon said during the Budget Workshop everyone was given a map with the camera locations.

Carol Langley asked once we pay this amount is there a recurring fee. Chief Solomon said \$5,000 each year and we can opt-out at any time.

Julie Davis said we do not own the cameras, but rent them and pay the rental fee every year. Chief Solomon said the equipment is too expensive to own.

Mayor Countryman said she thinks it is a good idea. Mayor Countryman said she has talked with other agencies and they can solve crimes much quicker and faster due to this technology and it has been one of the biggest assets to their city.

Chief Solomon said all the cities that use these cameras have had good investigative success with these cameras. Chief Solomon said we can always say it is never going to happen here, but it does not happen until it happens.

Kevin Lacy asked if the Amber Alert will go through the system. Chief Solomon said yes.

Julie Davis said with everyone she has talked to it is a matter of needs and wants. Julie Davis said she is trying to balance numbers and is glad it is in the budget. Julie Davis said her concern is recurring costs and the labor force behind it to take and detain people to the County since we do not have our own jail.

Mayor Countryman said we are a growing city and we have the financial means. Mayor Countryman said she thinks it is well-spent money and \$25,000 a year to have an additional layer of protection and collaboration with the surrounding area of southeast Texas is a wonderful idea.

Chief Solomon said they are looking at being able to hold people within this City and transport them together to the County. Chief Solomon said it took him three years to get the Harris County Sheriff's Department to do a trip setup.

Chief Solomon said the system we are using now at the Montgomery County jail is not going to be good once we start growing and more people start going through the jail and coming from different cities. Chief Solomon said we have to start looking ahead to what we can do to make it better for the City.

T.J. Wilkerson moved to approve the purchase and use of license plate reader cameras. Carol Langley seconded the motion, the motion carried with the following votes:

T.J. Wilkerson – Aye

Julie Davis - Nay

Carol Langley – Aye

Kevin Lacy – Aye

The motion carried with 3-Ayes and 1-Nay. (3-1)

For the record, Mayor Countryman said the amount is \$27,500 for 10 license plate reader cameras.

8. Consideration and possible action regarding adoption of the Volunteers in Police Service (VIPS) program.

Chief Solomon said these people started in the Citizens Police Academy and then joined the Volunteers in Police Service program. Chief Solomon said they have already started to help them out with any issues the City may have. Chief Solomon said it helps them out as these people will be able to do things for them such as transporting vehicles that do not require a police officer to do.

Chief Solomon said this program will only grow after each year of the Citizens Police Academy. Chief Solomon said he is presenting this to City Council for approval of the Volunteers in Police Service (VIPS) program.

Mayor Countryman said they have done a good job and have been a huge help during our parades and other events in town.

Kevin Lacy moved to adopt the Volunteers in Police Service (VIPS) program as presented. Julie Davis seconded the motion, the motion carried unanimously. (4-0)

9. Consideration and possible action regarding adoption of the following Ordinance: AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) CITY COUNCIL MEMBERS, PLACES 2 AND 4; APPROVING ELECTION SERVICE AGREEMENTS WITH MONTGOMERY COUNTY, TEXAS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

Consideración y posible acción respecto a la adopción de la siguiente Ordenanza: UNA ORDENANZA DE LA CIUDAD DE MONTGOMERY, TEXAS, PROPORCIONANDO EL FINANCIAMIENTO PARA LLEVAR A CABO UNA ELECCIÓN GENERAL A REALIZARSE EL DÍA 7 DE MAYO DE 2022, CON EL PROPÓSITO DE ELEGIR A UN ALCALDE Y A DOS (2) MIEMBROS DEL CONCEJO MUNICIPAL, PUESTOS 2 Y 4; APROBAR ACUERDOS DEL SERVICIO DE ELECCIÓN CON EL CONDADO DE MONTGOMERY, TEXAS; Y PROPORCIONAR DETALLES EN RELACIÓN CON LA CELEBRACIÓN DE DICHA ELECCIÓN.

Mr. Tramm said this ordinance was reviewed by the City Attorney. Mr. Tramm said the places that are up for election are the Mayor, Sara Countryman, City Council Place 2, Kevin Lacy, and City Council Place 4, Julie Davis.

Julie Davis moved to accept item #9 as presented. Kevin Lacy seconded the motion, the motion carried unanimously. (4-0)

10. Consideration and possible action regarding the following Ordinance: AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO MEAGHAN BIRD FOR USE OF THE PROPERTY LOCATED AT 20165 EVA STREET SUITE "C", MONTGOMERY, TEXAS 77356, FOR A MICROBLADING BUSINESS; ESTABLISHING CERTAIN TERMS, CONDITIONS AND LIMITATIONS; PROVIDING FOR PENALTY, SEVERABILITY, AND EFFECTIVE DATE.

Mr. Tramm said Special Use Permits authorize a specific activity in a specific location and include stipulations and requirements that are inherent to the circumstances of the applicant. Mr. Tramm said microblading studios are licensed by the State under the same regulations as tattoo artists. Mr. Tramm said accordingly, a microblading studio requires the same zoning process to practice as a tattoo parlor. Mr. Tramm said tattoo parlors require City Council approval via a Special Use Permit. Mr. Tramm said the Planning & Zoning Commission reviewed the matter at their January 4th meeting and recommended approval of the permit.

Mr. Tramm said one key point to note that came from the Planning & Zoning discussion is that persons licensed by the State for microblading cannot transition their work to typical tattoos. Mr. Tramm said additionally, the Special Use Permit will specifically allow microblading, not regular tattooing. Mr. Tramm said in other words, the business cannot become a common tattoo parlor instead of a microblading business and still be compliant with their state license and the Special Use Permit granted by the City.

Mr. Tramm said the City has granted several microblading studio Special Use Permits in the past and two currently operate in the City.

Carol Langley asked if the others have been for five years. Mr. McCorquodale said yes there is one due for renewal this year. Mr. McCorquodale said the applicant is here as well.

Carol Langley asked the applicant if she had read the Special Use Permit and approved all the stipulations in it. Ms. Meaghan Bird, the applicant said yes.

Kevin Lacy moved to approve item #10 as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

11. 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. Tramm said after the December City Council meeting, the developer received updated pricing for the repair work to the cul-de-sac of Scenic Hills Court and the curve on Brock's

Lane. Mr. Tramm said the engineer's memo is attached and includes the updated pricing from the developer's contractor. Mr. Tramm said the City Engineer can provide an explanation to City Council on how this plan would address the issues in these areas to the satisfaction of the City.

Mr. Roznovsky, City Engineer, said the developer has obtained a proposal from URETEK USA to inject material under the street to adjust the elevations to reduce the ponding in those areas. Mr. Roznovsky said the goal is to eliminate the water in the street and not in the gutter line. Mr. Roznovsky said the area was smoothed out as discussed previously.

Mr. Roznovsky said the total amount to address both locations is \$33,000 based on actual materials.

Mr. Roznovsky said they agree with the method. Mr. Roznovsky said they would request a two-year warranty from URETEK assigned to the City by the contractor. Mr. Roznovsky said once the work is completed, the City accepts the infrastructure and also takes over the warranty of the contractor so if there are any adjustments within those two years the City has the right to request it. Mr. Roznovsky said once the work is done they would still follow the same process. Mr. Roznovsky said they would reflood the streets to compare before and after work and see if the issue is addressed. Mr. Roznovsky said the goal is to get the ponding out of the street.

Kevin Lacy asked when the photos were taken. Mr. Roznovsky said the photos from pages 111 and 112 were from the first week in December and pages 113 and 114 were from January 7th.

Kevin Lacy said that is his father's truck in front of his house in the photo and has not been there since October.

Kevin Lacy asked about the concrete cracking on the sidewalks and driveways and if they are going to let them off the hook. Kevin Lacy said it is not just in front of his house, but the entire neighborhood.

Mr. Roznovsky said the sidewalks were put in first by the builder. Mr. Roznovsky said part of the process is the builders put in the sidewalks as the homes were being built and the trucks were driving over them. Mr. Roznovsky said back in January 2020 they did not have these issues. Mr. Roznovsky said there were sidewalk issues on Scenic Hills where it was ponding and they did drainage work in that area to address it, but some of the sidewalks were not even in at that time.

Mr. Roznovsky said once the sidewalks are accepted by the City, if there is cracking or repairs needed it is the responsibility of the City.

Kevin Lacy said his expectation would be they take care of it before the City accepts it. Kevin Lacy said they should make it right.

Julie Davis asked if they inject this side what happens.

Jonathan White, Senior Project Manager, L Squared Engineering said he is the Project Engineer doing oversight work with the City and Stylecraft. Mr. White said they looked at the cost of removing panels and replacing panels. Mr. White said each quarter half of the cul-de-sac is \$35,000 and half of the cul-de-sac is \$70,000.

Mr. White said there is water in the gutter and the water is supposed to be there. Mr. White said it is a small area of ponding on the outside. Mr. White said there is water in the gutter lines most of the time.

Mr. White said when URETEK does their estimate they will shoot grades and assess where they will drill and be able to lift the area to get it drained. Mr. White said URETEK did say they have aimed very high with these estimates because of the work they have done in Hills of Town Creek Section 2. Mr. White said their goal is they would do a full assessment.

Mr. White said there is an area of concern as shown on page 111 on the northeastern corner of the cul-de-sac. Mr. White said if they can lift more of the center and get it directed to the gutter line, the gutter line is plumb.

Kevin Lacy asked why did you dig up and replace one side of Brock's Lane in the curve. Mr. White said the direction was to remove and replace 300 feet which totaled \$80,000.

Mr. White said there have been large gaps in timelines which creates additional problems. Mr. White said they need to find the most beneficial option. Mr. White said another small area of concern that was not brought up initially but was brought up a year later is that there is a new area and can we try and see what is the most cost-effective option as opposed to needing to replace concrete. Mr. White said they did some survey work and came out three separate times to make it better. Mr. White said irrigation and other things are contributing factors and they are also doing this in the worst environmental conditions where it is cold and it is winter. Mr. White said in other months there are other factors that could make this a lot better. Mr. White said he thinks they are looking at this in the worst light at this time.

Mayor Countryman said from their first discussion this was not even an issue regarding the two items needing to be addressed and then the City would sign off. Mayor Countryman asked if this was part of the first two items.

Mr. White said when Hills of Town Creek Section 4 was completed and they did a walk-thru this was a new condition that was not on the list before.

Mr. Roznovsky said at the time of the final inspection in January 2020 the roads were dirty from construction and that was the initial item. Mr. Roznovsky said from that point the original contractor went bankrupt and a request was made to replace the panels for one on the cul-de-sac and one on the curve and was asked if they could wait for Hills of Town Creek Section 4.

Mayor Countryman asked how long was that wait. Mr. Roznovsky said it was close to a year.

Julie Davis said just to clarify, the original request was to plug the streets and see where it stands. Mr. Roznovsky said that is correct. Mr. Roznovsky said then repairs were done and once the repairs were done it was retested. Julie Davis said correct and then they flooded it again to see what the issues were. Mr. Roznovsky said something changed as there was a change in the condition of the streets. Mr. Roznovsky said they can lift the streets but unless they do it all at the same time they will continuously be chasing it to get it completely resolved.

Mr. White said he does not think what was done caused the new issue. Mr. White said the one area on the cul-de-sac they patched has not created a new problem.

Julie Davis asked if there is no cause and effect.

Mr. White said nothing they would have done to repair the right side of Brock's Lane would have caused a small birdbath on the left side curve because they did not do anything in that area. Mr. White said the one panel in Scenic Hills Court they fixed, but the other area was not touched.

Mr. White said he does not agree that what they have done has caused the issue to go to the next area.

Kevin Lacy said he is not willing to receive any responsibility for it until it is done.

Mr. White said this would be a completely different situation if the contractor did not go bankrupt.

Mr. White said a memo was created that highlighted exactly two areas that needed to be repaired and those were the only two areas that would be added to a punch list period. Mr. White said they fully addressed the one area and the current one being discussed today potentially is something that still needs to be discussed. Mr. White said now there is an added area of the cul-de-sac. Mr. White said they had a commitment to fix the two areas and they feel like they are still not there.

Julie Davis said the original instruction was to flood the streets. Mr. White said correct but other conversations happened after that.

Mr. Roznovsky said one thing to consider in going forward with future sections is a timeline for these repairs to be done and to put in writing if the repairs are not completed within 45-60 days, inspections have to be redone.

Mr. Roznovsky said the City has used it in the Hills of Town Creek and other areas and has addressed the birdbath and the issues. Mr. Roznovsky said they did have to call them back out

one time to have them readdress an area under warranty. Mr. Roznovsky said the directive from the last meeting was to get additional proposals.

Mayor Countryman said to recap, Stylecraft is the developer and the concrete company went bankrupt. Mayor Countryman said another company came in and Stylecraft is now responsible for the bankrupt work.

Mr. Roznovsky said at the acceptance of the infrastructure there is a 30 percent construction cost of the Maintenance Bond for the project. Mr. Roznovsky said in normal times when they did the one-year warranty they would have the contractor make repairs leaving the developer the bill. Mr. Roznovsky said in this case the concrete company went bankrupt and the developer is left with the bill.

Mayor Countryman said it is hard to hold Stylecraft 100 percent responsible because it was not their work and they spent \$100,000 to rectify the work. Mayor Countryman said she sees the side that the City does not accept anything that is broken. Mayor Countryman said if you do live in the neighborhood do you want to spend your tax dollars on paying for that. Mayor Countryman said, however, if we are going to have a partnership she does not think the burden is 100 percent on Stylecraft. Mayor Countryman asked is it a partnership where the City gives a little and Stylecraft gives a little and together we get this done and then after two years URETEK is responsible. Mayor Countryman said that would take Stylecraft out of the equation and would take the City out of it if we partner with Stylecraft to get this fixed. Mayor Countryman said anything within the next 24 months would be URETEK's responsibility.

Julie Davis said from what she understands right now Stylecraft is suggesting this is what it is going to cost to fix it and they are going to bear the burden of it and then asking us to release them from this.

Mr. White said the goal they are trying to find is can they determine what last areas need to be fixed, address those concerns within a reasonable period, five or ten days, and then if everything is good and signed off, they will bring it to the next meeting, officially accept the infrastructure, release Stylecraft from any responsibility, and URETEK's warranty will be transferred to the City.

Mr. White said they spent \$80,000 to \$100,000 on the first concrete repair and \$20,000 for additional repairs. Mr. White said the contract for the entire subdivision was less than \$800,000.

Kevin Lacy asked why is this the City's problem. Kevin Lacy said he thinks the City should get a good product and it should be fixed and taken care of.

Mr. White said this has gone through the City's inspections, the engineer's inspections, and tested correctly.

Julie Davis said Stylecraft hired the contractor and does not see why the City should pay for it. Julie Davis said it was a bad decision and it cannot be undone but does not see how the City should pay for it.

Kevin Lacy said he stubbed his toe on concrete at his house, there is paint peeling everywhere, and shingles are messed up. Kevin Lacy said he does not have any sympathy at this point. Kevin Lacy said he thinks the City should accept a project that is finished and complete.

Mayor Countryman said if she understands correctly they need to have a time frame limit on it. Mayor Countryman said they kept moving the goal line and other issues happened. Mayor Countryman said let us get a reasonable time frame and the City will remove Stylecraft from it. Mayor Countryman said waiting another year they will have more issues.

Mr. White said they need a timeline completion on their side and a timeline acceptance on the City's side after completed and passed. Mr. White said they will address these items and bring them back.

Mayor Countryman said anything outside of these two items is not Stylecraft's responsibility.

Julie Davis said there are three items, not two. Julie Davis said they are addressing the ponding in two locations but the aesthetic piece on the cul-de-sac is still an issue.

Mr. Roznovsky said the previous part with the sidewalks has been completed which was a year and a half ago. Mr. Roznovsky said they have repaired and smoothed out the street and have gone back and have done what they can to the extent of replacing the panel again. Mr. Roznovsky said there is a color difference and that is because of the age of the concrete that will work itself out.

Kevin Lacy said he would like to see Stylecraft take care of it.

Julie Davis asked how long does it take for the injection. Mr. Mike Muckleroy, Director of Public Works said they can get a whole section done in a day.

Julie Davis asked if it is unreasonable to say within the next 30 days they can fix it and they have a 30-day timeline for City Council to bring it back for approval.

Mr. White said it is not an unreasonable timeline.

Mr. Roznovsky said if the work gets done within three weeks and within a week after that, they could have the streets reflooded, take the same photos they did, and bring it back to the second February City Council meeting.

Julie Davis asked if 60 days is the time frame they are considering.

Mr. White said he thinks 45 days because the second meeting in February would be 45 days from now.

Mr. Roznovsky said within the next 45 days the work is completed and within two weeks after that is when the City will flood, take pictures, and bring it to the next City Council meeting.

Kevin Lacy said he does not agree with releasing them.

Mr. Roznovsky said for clarification the two areas for URETEK to address are the northeast panel on the cul-de-sac of Scenic Hills Court and the ponding outside the gutter line on the

street of Brock's Lane. Mr. Roznovsky said those areas will get reflooded and that is what is brought back to City Council within the next 45 days.

Julie Davis asked what if they have further ponding issues on another section of the cul-de-sac.

Mr. Roznovsky said they will take the same photos showing the differences and they can compare.

Mr. White said there are no areas outside of this for immediate concern. Mr. White said right now the gutter line already drains. Mr. White said when it floods you can see the gutter line is good. Mr. White said if there is another spot that appears in the area with a new flood, that is what they would bring back to City Council.

Kevin Lacy said on page 112 if you look behind his father's truck it ponds really deep there and goes all the way around the curve. Kevin Lacy said it drains in 48 hours but it is frustrating.

Kevin Lacy moved to table item #11 until it is ready to be presented again. Julie Davis 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.

12. 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);
 - b) Section 551.072 (deliberation regarding real property); and
 - c) Section 551.074 (personnel matters) City Administrator's Review.

Mayor Countryman adjourned into Closed Executive Session at 7:06 p.m.

Mayor Countryman reconvened into Regular Session at 9:28 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

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

Julie Davis moved to authorize the City Administrator to begin negotiations of real property subject to the terms discussed in Executive Session. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

14. Discussion and consideration on relocating a historic home to City of Montgomery property.

Carol Langley moved to not take any action on item #14. Kevin Lacy 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 recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

T.J. Wilkerson said on Monday they will have the Martin Luther King Jr. celebration at 11:00 a.m. on Lone Star Parkway.

Julie Davis said there is still graffiti on the lift station. Julie Davis said last month when she asked about it she was told specifically that was the fence the City paid to put in and they would address it.

Mr. McCorquodale said the fence was built on three sides and the City does own the gate. Mr. McCorquodale said what you see spray-painted on the side is the homeowner's fence.

Julie Davis asked if they could do something about it. Julie Davis asked if they have any ordinances regarding graffiti in the City limits. Mr. McCorquodale said not of which he is aware.

Chief Solomon asked where the graffiti was located. Julie Davis said it is written on the side of the lift station right up the street on Old Plantersville Road, on the south side of the wooden fence.

Mr. McCorquodale said he will check the ordinances.

Chief Solomon said he will have someone look at it in the morning.

ADJOURNMENT

T.J. Wilkerson moved to adjourn the meeting at 9:32 p.m. Kevin Lacy seconded the motion, the motion carried unanimously. (4-0)

Submitted by: Diana Cooley
Diana Cooley, Deputy City Secretary

Date Approved: 02/10/2022



Sara Countryman
Mayor Sara Countryman