

**MINUTES OF SPECIAL MEETING OF  
MONTGOMERY CITY COUNCIL  
May 31, 2022, at 6:00 PM**

**CALL TO ORDER**

Mayor Byron Sanford called the meeting to order at 6:00 p.m.

Present:	Byron Sanford	Mayor
	Carol Langley	City Council Place #1
	Casey Olson	City Council Place #2
	T.J. Wilkerson	City Council Place #3
	Cheryl Fox	City Council Place #4
	<i>Vacant</i>	City Council Place #5

Also Present:	Dave McCorquodale	Assistant City Administrator & Planning Development
	Nici Browe	City Secretary & Director of Administrative Services
	Alan Petrov	City Attorney

**INVOCATION**

Mayor Pro Tem T.J. Wilkerson provided the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

Twenty-two members of the public submitted requests to talk on item #2

Mayor Byron Sanford stated that they would proceed with item 2 and discuss item 1 in executive session.

- 2. AN RESOLUTION OF THE CITY OF MONTGOMERY, TEXAS, ENACTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR PERMITS GRANTED UNDER CHAPTER 64 OF THE MONTGOMERY CODE OF ORDINANCES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE**

**Annette Smith** spoke to Mayor and Council providing support to the Montgomery teen Jacob Irwin. Ms. Smith explained that she bought Panda Express to the city and is an advocate for many charities, businesses and citizens within the community. She went on to state that there are rule and regulations in place, on the books already, for permits that have been paid for and just waiting on issuance. Moving the line and seeking a moratorium is not necessary or ethical.

**Rick Ornelas** stated that he and his family have been residents since 2009 and have seen substantial growth in business and the city as a whole. Some of the businesses didn't make it, the good ones stayed. With growth comes infrastructure changes, and changes overall, what has not changed is the dreams and aspirations of our young people. At the age of 14 Jacob was already dreaming of opening a business. Mr. Ornelas provided council with facts that research has showed that Generation Z, of which Jacob is part of are the most entrepreneurial EVER, also research has shown that Generation Z about two thirds of them believe they can make an impact on this world with change for the better. He has provided service to the community and wants to do so in this food truck.

**Kristi O'Connell** stated that she is extremely loved in the community as he always provides service to others, he is an incredible young man, he knows how to handle customers, both good and bad. He worked at wedding venues, and the support from his family, who would show up to pick up at midnight from events, to make sure everything is done safely. She went on to say she is so immensely proud of him and is urging Council to do the right thing.

**Brad Otterson** stated that he is from Magnolia, however, has been keeping up with goings on at the City of Montgomery. The community spirit, the care and support for one another is what stood out, after Hurricane Harvey this community is home, and they love the area. Mr. Otterson went on to say that this is where we live and to have one of our own at such a youthful age standing out wanting to make a difference, is exactly why this permit should be granted and he stands in support of it, to not grant it is not Texan.

**Julie Davis** spoke to city council and stated that the current ordinance as it exists states that a decision should be made within 10 days of submission, therefore, council you are in breach of your own ordinance. She went on to say that the ordinance dictates that if the application meets all the submission requirements and adheres to the ordinance governing mobile food vendors, that there should be no cause for denial. It is not right to move the line during the time of a pending application, this meeting is just another tactic to move the line. The city is fortunate that they are not being sued. With regards to the Historic District, the city does not have a designated Historic regulation. Why shut it down, why shut anything, when will council draw the line.

**Juanita Simmons** stated that during the last sixty days she has been visiting with a lot of the business and residents. Right now, the consensus is that the City does not care about them, they have provided me with a list of things that they need or have asked to be done. The elected officials need to listen to the businesses we are not in good standing with TXDot, The County Judge or County Commissioners, don't kill the small business, we have had numerous complaints about the code enforcement writing tickets.

**Bill Clevenger** stated that he is not coming in here being harsh, he is coming in here to tell the elected officials about the response he has gotten since the young man Jacob Irving contacted him about his idea about carrying on his grandfather's legacy. He went on to explain that in today's day and age you would be hard pressed to find a young man seeking to do good for himself and the community and urged council not to kill the spirit. Mr. Clevenger stated he had been told that one of the concerns that Mayor Sanford had when this was first introduced was safety. He stated that he will make sure to do everything that is supposed to be done to ensure that no pedestrian will be hurt or hit by a vehicle. He went on to say he has spoken with Mr. Cronin and to allow the flow of traffic coming they will work together.

**Michelle Irving** spoke to Council and stated that since he was 9 months old Jacob has shown tenacity, and now at 16 years old he is working hard to provide to the community he lives in, and he worked hard following all of the rules that were given him, but nothing was done until today when the email/call from the mayor about the moratorium. She wants to address three things in regard to this.

1. As of close of business today, the ten days expire, you cashed his fee therefore, you are now outside of your legal bounds. To pull the rug out from under him like this is shameful.
2. We are looking around at the City of Montgomery and the cost of a brick-and-mortar business is so very expensive, and the local economy and drive indicates that food trucks are on the rise.
3. She is respectfully requesting that the council does the right thing and takes the right path. You could issue him the permit, and work on this ordinance.

**Jacob Irving** stated he is here again to go over his application, his intentions and that it is his desire to keep the pop pop dandy dog alive, he went on to state he had the idea with then intent to drive revenue into his hometown. He was shocked when the mayor called him and told him about the Moratorium, its sprit breaking and seems to show that council is anti-business.

Jacob added that he maintains all of his grades, works two jobs and this business venture is the catalyst for his dedication to going above and beyond. The issue before was safety, now it's a moratorium and to do this two weeks before opening is harsh.

The public stood and gave Jacob Irving a standing ovation for several minutes.

### **CONSIDERATION AND POSSIBLE ACTION:**

Mayor Byron Sanford stated that this has been a long-time issue, and as such Dave McCorquodale has asked previously how I find the appropriate language to determine what occurs in the Historic District.

We have three businesses outside of the Historic District, we have a farmers' market. I have taken myself out of this topic to avoid influence. We have not dealt with it, and I have expressed that to management. We are dealing with a 1996 ordinance; food trucks were not even in the spectrum and its embarrassing that we haven't dealt with it.

Mayor Pro Tem TJ Wilkerson stated he did not see how or why we could deny this young man's permit.

Mayor Byron Sanford stated well we could make a motion and then we don't have to act on this moratorium, we could just let it die.

The audience called out to the Council, "No because you could just bring it back again"

Councilmember Casey Olson began by stating that this meeting was called over a permit, none of tonight's topics warranted a meeting. He is disappointed as it appears we have an ordinance in place, to which this young man and others have abided by, we now want to change the rules of game as it is going? This is something you could do down the road, get the public included but not try to force something to be done. This moratorium is questioning my integrity, you bought us in here, to face our public. No No.

Mayor Byron Sanford argued the point that we could just let it die.

Councilmember Casey Olson stated No sir, we shall vote on it and however the vote goes it goes. You bought us in here for this we will vote.

Mayor Bryon Sanford looked to legal counsel for clarification.

Legal Counsel stated that it could be bought back if left to die.

Mayor Pro Tem TJ Wilkerson moved to not implement (REJECT) a moratorium. Councilmember Casey Olson seconded the motion. Motion passed (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.

**City Council went into Executive Session at 6:41 PM.**

**COUNCIL RECONVENED INTO SESSION AT: 8:28 PM.**

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

(a) 551.071 Consultation with attorney

(b) 551.072 Deliberation regarding Real Property

Councilmember Cheryl Fox moved to approve the real property negotiations for the MEDC and proceed to sign the documents. Councilmember Carol Langley seconded the motion.

Motion passed (4-0).

(c) 551.074 Personnel Matters

Councilmember Carol Langley moved to appoint Dave McCorquodale as the Interim City Administrator. Mayor Pro Tem TJ. Wilkerson seconded the motion.

Motion passed (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.

**ADJOURNMENT**

Councilmember Carol Langley moved to adjourn. Councilmember Cheryl Fox seconded the motion. Motion passed (4-0)

**MEETING ADJOURNED: 8:31 P.M.**

Submitted by: N. Browe  
Nici Browe, City Secretary

Date Approved: 6-15-2022

B. Sanford  
Byron Sanford, Mayor