

**City Council Regular Meeting
MINUTES**

October 11, 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
	Cheryl Fox	City Council Place #4
	Patricia Easley	City Council Place #5
Absent:	T.J. Wilkerson	City Council Place #3
Also Present:	Dave McCorquodale	Assistant City Administrator & Planning Development
	Nici Browe	City Secretary & Director of Administrative Services

INVOCATION

Councilmember Patricia Easley provided the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Citizens are invited to speak for three (3) minutes on matters relating to City Government that relate to agenda or non-agenda items. Prior to speaking, each speaker must be recognized by the Presiding Officer. All speakers should approach the podium to address Council and give their name and address before sharing their comments. City Council may not discuss or take any action on an item but may place the issue on a future agenda.

CONSENT AGENDA:

1. Consideration and approval of the minutes of the following:
 - a) Regular Council and Public Hearing - September 13, 2022

City Secretary, Ms. Browe announced that after further review of the video, item #10 was amended after the Council packet was issued to correctly reflect that Councilmember Easley voted "No" for that specific item. The Vote should be recorded as (4-1) Councilmember Easley voted against.
 - b) Regular Council meeting - September 27, 2022
 - c) Special Council meeting - October 3, 2022.
2. Consideration and Acceptance of a 0.1195-acre Public Sanitary Sewer Easement Agreement.

Councilmember Casey Olson moved to approve the consent agenda with the correction to item 1a. as stated by the City Secretary. Councilmember Cheryl Fox seconded the motion. Motion passed (4-0).

CONSIDERATION AND POSSIBLE ACTION:

3. Calling a Public Hearing on the voluntary annexation of 79.910 acres of land located in the Owen Shannon Survey, A-36, in Montgomery County, Texas also known as the Pulte 80-acre tract.

Dave McCorquodale introduced this item and stated that on September 13 council approved the Development Agreement. There are several steps to take for a Type A General Law City for voluntary annexation. Tonight, we are asking Council to set/call a public hearing for October 25, 2022, at 6pm for voluntary annexation.

Councilmember Casey Olson moved to set the Public Hearing to hear voluntary annexation request for the aforementioned property, at the October 25, 2022, meeting at 6pm. Councilmember Carol Langley seconded the motion. Motion passed (4-0).

4. Calling a Public Hearing on the voluntary annexation of 33.012 acres of land located in the John Corner Survey, A-8, in Montgomery County, Texas also known as the HCR Ventures Ltd. 33-acre tract.

Mr. McCorquodale informed Council that this item is almost similar to the previous item and that this was approved September 27, 2022, and also requires a public hearing for its voluntary annexation. The recommended date is the October 25th date.

Councilmember Carol Langley moved to set the Public Hearing to hear voluntary annexation request for the aforementioned property, at the October 25, 2022, meeting at 6pm. Councilmember Cheryl Fox seconded the motion.

5. Consideration and possible action on appointment of Planning & Zoning Commission Places 2 and 4.

Mr. McCorquodale introduced this item and provided the terms of the members of the Planning & Zoning Commission. He further added that this year an even year means that Miriam Walker and Bill Simpson places 4 & 2 respectively, are up for reappointment or appointment. He explained to council that there is a big learning curve when joining the Planning & Zoning Commission and he would like to see both Miriam and Bill reappointed.

Mayor Sanford concurred with Mr. McCorquodale assessment.

Councilmember Carol Langley moved to reappoint Miriam Walker to position #4, and Bill Simpson to position 2 for a term of two years. Councilmember Casey Olson seconded the motion. Motion passed (4-0).

6. Consideration and possible action on a variance request for gravel in lieu of asphalt or concrete for the parking lot of the Montgomery Grove located at 22016 Eva Street.

Mr. McCorquodale introduced the item and informed Council that both the City Engineer, Katherine Vu and the applicants were present this evening.

Ms. Vu provided Council with a comprehensive overview of the request for the variance by the applicants and the steps taken at the City level thus far. She went on to add that her company acting as engineers to the city have requested signed and stamped site plans. Thus far the plans are not stamped. Looking at the history of the subject property and the plans, the engineers do not have an objection to approving the variance request, however, they would want a stipulation that signed stamps engineering site plans must be submitted and that they further request that no CO should be issued until this has been completed.

Mayor Sanford asked the Engineer of their turnaround timeline for once plans are requested.

Ms. Vu stated that typically it is approximately two weeks.

Mayor Sanford stated that he was impressed and had never seen before the graph/flow chart on page 40 and inquired where this came from.

Mr. McCorquodale responded that it was from the Development Handbook.

Ms. Vu noted that this was given to ALL applicants and is also available on the City's website.

Councilmember Casey Olson discussed his concerns over the changes and need for ADA access as the Engineer has requested be completed properly. He further added that as a businessman, one thing he find unsettling is surprises. To be fair, the city has seen two plans with changes. Its ok to make changes, but they must be communicated with staff, so its not a shock and adds delay to review processes.

Mr. Cheatham responded to Ms. Vu, and City Council concerns. He stated that he had been told one thing by this very Council and City Staff, regarding the surface, now however, we are being told another after we invested additional funds into the asphalt. He went on to state that this was always going to be about rehabilitation of the restaurant with mobile food truck in the interim. He went on to say his engineers have submitted site plans.

Mr. McCorquodale added clarification in that what the city is seeking is actual stamped and sealed site plans from the applicants engineer. The ones presently submitted to the city are not signed, the signature provides acceptance by the engineer that they are comfortable with the impact downstream. This is incredibly important as this property is within the 100-year flood plain.

Councilmember Carol Langley addressed the applicants and stated that she was wanting to know if they fully understood everything the City is asking of them.

Mr. Cheatham said he did, however, he was advised in January they were grandfathered in and could keep the material.

Mr. McCorquodale stated that he agreed there has been confusion with this project and is unsure where the disconnect actually is. The applicants have been informed of everything as all projects are, have received the same handbook and guidelines as other applicants. That said, the City Engineer and the applicants' engineers have been in communication and appear to be both on the same page, so hopefully the confusion will now stop.

Ms. Vu concluded her presentation and reiterated that they do not have any objections as long as they receive stamped engineering plans.

Councilmember Casey Olson moved to approve the variance request and that the owner is to submit stamped engineering plans. Councilmember Cheryl Fox seconded the motion. Motion passed (4-0).

7. Presentation and Acceptance of a Feasibility Study for the proposed Food Gardens of Olde Montgomery development.

Mr. McCorquodale introduced this item and stated that the feasibility study was handed to all of council by the City Engineer.

Councilmember Carol Langley inquired if the applicant had received a copy.

Ms. Katherine Vu City Engineer confirmed that they did receive a copy of the study.

Ms. Vu proceeded to read portion of the study for the Council, stating that TX Dot have indicated a willingness to be a partner for the round a bout and that this project is NOT in the floodplain.

Council discussed the Round a Bout tie in on 149/Clepper with Ms. Vu.

Councilmember Casey Olson moved to accept the Feasibility Study as presented. Councilmember Patricia Easley seconded the motion. Motion passed (4-0).

8. Presentation and Acceptance of a Feasibility Study for the proposed Summer Wind development.

Ms. Vu presented Council with the Feasibility Study on the Summer Wind development and provided information about the budget for design, and the options up for consideration.

Council discussed the differences between a public street and a private street.

Councilmember Casey Olson moved to accept the Feasibility study as presented. Councilmember Patricia Easley seconded the motion. Motion passed (4-0).

9. Consideration and possible action on approval of Change Order No. 1 to the Water Plant No. 3 Generator Addition contract.

Ms. Vu presented this item and advised council that this is the GLO project, and that in the original plans the contractor was to use conduit that was marked on the site plans, however, upon the field investigation, the conduit did not exist. The change order is for the cost of the conduit.

Council discussed how a site plan can mark conduit, and who bares the responsibility for having incorrect drawings.

Ms. Vu offered several possible reasons, however, noted that it is common for site plans to show something that was actually changed in the field, and the original site plans were left unedited.

Councilmember Casey Olson moved to approve the Change Order No.1 as presented. Councilmember Patricia Easley seconded the motion. Motion passed (4-0).

10. Consideration and possible action on approval of a Service Agreement for Building Plan Review and Inspection Services between the City of Montgomery and Rick Hanna, CBO.

Mr. McCorquodale introduced this item and informed Council that Mr. Hanna has been the City's third-party inspector/plan reviewer since 2004 at least, and thus far has not had a formal agreement in place. This is to bring both parties forward and protect each other by creating a formal agreement. This has been reviewed and approved by Legal on both sides.

Councilmember Carol Langley moved to approve the agreement for and between Rick Hanna and the City of Montgomery for third party inspections, plan review services. Councilmember Casey Olsen seconded the motion. Motion passed (4-0).

11. Consideration and possible action on: AN ORDINANCE BY THE CITY OF MONTGOMERY TEXAS, DENYING ENTERGY TEXAS INC, STATEMENT OF INTENT AND APPLICATION FOR AUTHORITY TO CHANGE RATES FILED ON JULY 1, 2022; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Mr. McCorquodale informed Council that this is the final part in the denials of utility rates by Entergy. He provided some historical background as to the process in rates being discussed at the Public Utilities Commission.

Councilmember Casey Olson moved to approve the adoption of the Denial for the ETI as presented. Councilmember Patricia Easley seconded the motion. Motion passed (4-0).

EXECUTIVE SESSION:

Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code of the State of Texas.

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.

Council did not enter into Executive Session.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

Council did not enter into Executive Session.

COUNCIL INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to the recitation of existing policy, or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

Council did not have any inquiry. Mr. Dave McCorquodale informed Council that in front of them is a copy of the flyer to go out into water bills that will allow the City to conduct a survey on the veteran's recognition and gauge the level of interest.

ADJOURNMENT

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

ADJOURNED: 7:27 PM

Submitted by: N. Browe

Date Approved: October 25, 2022

Nici Browe, City Secretary

B. Sanford

Byron Sanford, Mayor