

**City Council Regular Meeting
MINUTES**

February 14, 2023, at 6:00 PM

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:	Gary Palmer	City Administrator
	Nici Browe	City Secretary & Director of Administrative Services

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Mayor Byron Sanford stated that there is a speaker, however, they have requested to speak at the specific item.

CONSENT AGENDA:

1. (a) Approval of the amended [previously adopted] minutes of:
City Council Meeting 12-13-2022
(b) Approval of the minutes of:
City Council Meeting 01-24-2023
(c) Special City Council Meeting 02-06-2023

Councilmember Casey Olson moved to approve the consent agenda as presented. Councilmember Patricia Easley seconded the motion. **Motion passed (4-0).**

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action on an Interlocal Cooperation Agreement between the City of Montgomery, Texas and Montgomery County, Texas for the Buffalo Springs Drive and Lone Star Parkway Intersection Improvements Project.

Dave McCorquodale presented this item to council and provided a detailed and comprehensive description of the scope of work and the terms of the interlocal agreement with Montgomery County. He informed the Council that if the agreement is approved this evening, then the agreement is signed by the Mayor and submitted to the County Commissioners for their execution at the Commissioners Court.

Mayor Byron Sanford stated that he has had discussions with the Engineer and Commissioner Walker, to be assured the project goes ahead as projected. The round-a-bout has to be built to ensure that 18-wheeler vehicles don't tear it up. Aesthetic and beautification of some sort can be added.

Councilmember Carol Langley asked that once the agreement gets to the County, about how long would it take for us to receive plans.

Mr. McCorquodale responded that he does not know but would speak with the attorneys to see what their thoughts are.

Councilmember Carol Langley referred to the changes the City Attorney had made in the interlocal agreement and asked that if the City approves tonight are we sure that the County are ok with those changes.

Mr. McCorquodale responded that yes, they were.

Mayor Byron Sanford spoke about the bids and stated that it was to be considered when working on the city budget this spring.

Ms. Katherine Vu, City Engineers WGA stated that the language of "up to \$250,000", is for design fees and construction. She further added that plans had not been received yet.

Council held a discussion regarding round-a-bouts and where the closest one was to Montgomery, learning that New Waverly has two at Fm1375 and I45.

Councilmember Casey Olson moved to approve the interlocal agreement as presented. Councilmember Patricia Easley seconded the motion. **Motion passed (4-0).**

3. Consideration and possible action on A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, ADOPTING AND VERIFYING A PERCENTAGE-BASED HOMESTEAD EXEMPTION FROM AD VALOREM TAXES AND HOMESTEAD EXEMPTIONS FOR INDIVIDUALS WHO ARE DISABLED AND INDIVIDUALS WHO ARE SIXTY-FIVE (65) YEARS OF AGE OR OLDER.

Mr. McCorquodale presented the resolution to Council regarding the exemptions. He provided Council with a historical overview and that his recommendations were to keep the 20% exemption for Homestead, \$50,000 exemption for over 65 years of age and \$70,000 exemption for Disabled persons.

Council held a brief discussion on the current exemptions and proposed exemptions.

Councilmember Patricia Easley moved to approve the resolution for the exemptions as presented. Councilmember Cheryl Fox seconded the motion. **Motion passed (4-0).**

4. Consideration and possible action on the creation of an historic structure property tax exemption.

Mr. Tamporello – 801 College Street spoke on the creation of a historic structure property tax exemption. He explained that he purchased the home and became a resident in April 2022. He stated that his home is one of the oldest homes in the city having been built in 1864. He went on to say he is requesting a 25% tax exemption which has been awarded previously and continuously since 1992 by the City Council.

Council addressed Mr. Tamporello and asked him questions regarding his home, and if this request would be in addition to the set homestead exemption.

Mr. McCorquodale informed Council that to create a historical structure tax exemption, staff and the attorneys would work on the format, and Council would get to set the criteria.

Council held further discussion and provided staff with suggestions and feedback.

Mr. McCorquodale stated that he heard the feedback and would begin to work on the crafting of the exemption and bring back to Council for consideration and review.

Councilmember Cheryl Fox asked Mr. Tamporello if there was a deadline for his exemption filing.

Mr. Tamporello responded that the letter of approval is by April 15th, 2023.

No action taken on this item.

5. Consideration and possible action on an Amendment to the Development Agreement between the City of Montgomery and Pulte Homes of Texas, LP addressing side yard setbacks in Montgomery Bend.

Mr. McCorquodale introduced the item and provided an overview of the amendment proposal.

Mr. Brian Williams Pulte Homes, LLC stated that this is really a clean up of the original development agreement. Planning and Zoning met last week and approved the amendment with conditions.

Brian Williams provided a description of the building line, the AC units and the accessibility to the rear of the property with the side set backs especially with an AC unit placed in the side. It was something that was not considered in the original development agreement. He went on to state that what is being proposed in the amendments are the same that is currently in place at the Terra Vista development.

Councilmember Patricia Easley moved to approve the amendment to the Pulte Homes Development Agreement with the conditions set by Planning and Zoning Commission. Councilmember Casey Olson seconded the motion. **Motion passed (4-0).**

6. Consideration and possible action on the following Resolution: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, APPROVING THE ALLOCATION OF ANY AND ALL OPIOID SETTLEMENT FUNDS WITHIN THE STATE OF TEXAS RESULTING FROM THE TEXAS OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET.

Ms. Nici Browe presented this item. She provided Council with an explanation of what the Opioid Settlements are, how they were developed, who governs them and what is required of the city if and should they want to participate.

Ms. Browe informed Council that the City did not submit to participate in the 2021 settlement, however in talking with the Office of the Attorney General, the Texas Comptroller has not yet allocated the funds for that settlement and the AG has encouraged the City to submit for some fund allocation from that settlement as well.

Councilmember Casey Olson moved to approve the resolution for the City to participate in the Opioid Settlement for 2021 and 2022. Councilmember Cheryl Fox seconded the motion.

Motion passed (4-0).

7. Consideration and possible action to authorize the City Administrator to execute the contracts (2) for “Grounds Maintenance” and “Right of Way Mowing & Lift Station Weed Control”.

Mr. Mike Muckleroy presented this item to Council and informed them that the contract with the current provider was due to expire and per local government code requirements bids were solicited for the two services. He went on to state that all bids were reviewed and was happy to share that the winning bid was the current provider, Cody’s Lawn Service LLC

Councilmember Cheryl Fox moved to approve the awarding of the contract to Cody’s Lawn Service LLC as presented. Councilmember Patricia Easley seconded the motion. **Motion passed (4-0).**

8. Update on an ordinance regulating dry utility installation in public rights-of-way.

Mr. McCorquodale provided Council with an overview of the regulatory requirements desired to protect the right of way. Developing an ordinance for dry utilities will provide the protections that are necessary, especially as the city grows. He stated that this is an update and hopes to bring the ordinance for council review in the near future.

Mayor Byron Sanford stated that this type of thing is exactly what is needed as we do long range planning.

No action taken on this item.

9. Consideration and possible action on Engineering Services Contract Amendment No. 1 for the City of Montgomery CDBG-DR Infrastructure Project.

Mr. McCorquodale provided Council with an update on the Contract Amendment No. 1 that relates to the GLO project that got underway last summer. He provided them with the specific reasons to remove an item from the project scope of work since the Anders Branch drainage area/location was reviewed by the Corps of Engineers who subsequently determined this work would require an individual permit. This means the process to obtain that individual permit would force the project to be outside of the GLO deadline and thus jeopardize the entire project funding.

Councilmember Casey Olson inquired what it would cost to have the city do the project that requires the individual permit ourselves rather than through GLO.

Mr. McCorquodale responded that it would be in excess of \$700,000 and it would still require the individual permit.

Council held a brief discussion on the amendment to the Engineering services contract.

Ms. Katherine Vu stepped in to provide some more clarity and respond to Council questions. She cautioned that this issue was not apparent or made clear until we began working with Grant Works. She went on to add that there will be some clearing work done to remove brush and debris.

Councilmember Casey Olson stated two years is a long time to go and then have a permitting issue.

Councilmember Carol Langley moved to approve the Amendment No. 1 as presented. Councilmember Casey Olson seconded the motion. **Motion passed (4-0).**

10. Consideration and possible action on Change Order No. 2 for the Water Plant No. 3 Generator Addition Project.

Ms. Katherine Vu presented the change order for the Generator Addition Project, informing Council that upon start up everything went smoothly, and when they began checks they discovered that there were only 8 channels instead of 16. The change order is to add the additional 8 channels so each autodialler has an alarm. The change order does not affect the timeline.

Councilmember Carol Langley moved to approve the change order No.2 as presented. Councilmember Cheryl Fox seconded the motion. **Motion approved (4-0).**

11. Consideration and possible action on approval of the Certificate of Substantial Completion and commencement of the one-year warranty period for the Sanitary Sewer and Drainage Improvements Project on Dr. Martin Luther King, Jr. Drive.

Ms. Katherine Vu presented the item on the certificate of substantial completion. She provided Council with a full review of the project and that public works flooded the streets to verify positive drainage.

Councilmember Casey Olson moved to approve the Certificate of Substantial Completion as presented. Councilmember Patricia Easley seconded the motion. **Motion passed (4-0).**

EXECUTIVE SESSION:

Adjourn into Closed Session in compliance with Section §551.001 etseq. Texas Government Code, to wit:

551.072 Deliberation regarding Real Property.

Council convened into Executive Session at 7:25 P.M.

Council Reconvened into Regular Session at 7:55 P.M.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

No action was taken.

COUNCIL INQUIRY:

Councilmember Casey Olson stated at the last meeting he had questions regarding the hours for the alcohol permits, weekdays want it to go to midnight.

Councilmember Casey Olson stated he wants to see a standard lot size ordinance put in place in the residential districts, to prevent the repetitive requests for variance.

Mayor Bryon Sanford stated he wants to see Montgomery marketed as a place to live work and play.

ADJOURNMENT

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

ADJOURNED: 8:02 P.M.

Submitted by: Nici Browe
Nici Browe, City Secretary

Date Approved: 02-28-2023

Byron Sanford
Byron Sanford, Mayor