

**City Council Regular Meeting  
MINUTES**

**February 28, 2023, 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
Absent:	T.J. Wilkerson	City Council Place #3
	Patricia Easley	City Council Place #5
Also Present:	Gary Palmer	City Administrator
	Nici Browe	City Secretary & Director of Administrative Services

**CALL TO ORDER**

Mayor, Byron Sanford called the meeting to order at 6:00 P.M.

**INVOCATION**

Mayor, Byron Sanford provided the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

Sara Countryman, Berkeley Drive spoke to the Council. Her comments:

*Good evening council –*

*Gary, I wanted to bring to your attention that I made a records request on 2/1 of this year and that request was responded to by Nici Browe on 2/2 of which, I respectfully responded to on 2/3. In that records request titled: Clarity - I pointed out several things like incorrect minutes being recorded by city staff and approved by council that were in fact wrong minutes for the wrong meeting and other items.*

*My records request was for the 2 newspaper PSA's and the affidavit by the publisher of the official newspaper verifying the publication shall be filed in the office of the secretary of the municipality and my records request is still outstanding from Feb 3<sup>rd</sup> and is beyond the 10day period that the state mandates. As a reminder, until the proper steps are taken in accordance to Texas Local Govt Code 52.011, these new rates negate the validity of the ordinance and all taxpayers are entitled to a refund*

due to the city overcharging and not have the legal authority to do so. The new rate is on the bill I received today and the previous bill from 12/17/2022 -1/17/2023 included a 2.5% increase but yet proper steps had not been taken!

I have a question: Are my records request the only requests being ignored/unanswered/not responded to? As a reminder, I am taxpayer and I am requesting information that well within my right to request and your obligation to respond to. I am rule/ordinance/law follower and expect city staff to follow such rules/ordinances/laws. If they are not followed, then why do they exist and why is there an ordinance on the agenda this evening to be approved if they really don't matter?

As you may be aware, I am running for Place 3 in the upcoming election. When I went online to sign up, the link provided an error when trying to download the candidate packet. I see that today it seems to be fixed post signup deadline. Today I went to the Elections page on the city homepage and clicked on Result of The Drawing For Order Of Names on The Ballot. When I clicked on the link to the page stating "Listing of Candidates for the May 6,2023 City of Montgomery General Election following the drawing for names", it shows Council Place 1 is unopposed (which is correct) and also states the following, "Certificate cancelling this race attached".

What does that mean that the race is cancelled. I wasn't able to find out what a cancellation certificate looks like because it was not attached. What I did see is our signatures verifying the drawing. I hope the city secretary knows that the race can't be cancelled and that Carol Langley, although unopposed, still must be on the ballot and still must receive 1 vote to be elected.

#### **CONSENT AGENDA:**

1. Approval of the minutes of:

City Council Meeting 02-14-2023.

Councilmember Casey Olson moved to approve the consent agenda as presented. Councilmember Cheryl Fox seconded the motion. **Motion passed (3-0).**

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

2. Consideration and possible action on: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ITS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2021-2022; APPROPRIATING THE VARIOUS AMOUNTS HEREIN, AS ATTACHED IN EXHIBIT A; CONTAINING FINDINGS AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Mr. Gary Palmer introduced this item and provided an explanation to the Council as to why we didn't have this on the February 14, 2023 agenda and that we were requesting to postpone the item tonight until March 14, 2023

Councilmember Casey Olson moved to postpone the budget amendment ordinance and bring to council for consideration March 14, City Council meeting. Councilmember Carol Langley seconded the motion. **Motion passed (3-0).**

3. Consideration and possible action on AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTION 26 "CRIMINAL PENALTIES" OF CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY CODE OF ORDINANCES TO IMPOSE A CIVIL PENALTY ON PERSONS WHO VIOLATE

ARTICLE II; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Dave McCorquodale presented this item and provided council with some background to the item and the intent behind this ordinance. It is to be used as a tool to encourage folks who conduct work without a permit to do it properly.

Mr. McCorquodale provided details on the penalty fees proposed to be assessed and explained that this would be a civil citation process.

Council inquired how this penalty or citation could be tracked. How is work without permits tracked.

Mr. McCorquodale and Mr. Rick Hanna, Building Inspector provided a detailed explanation to council's concerns, noting that there is no way to know in advance that anyone is working without a permit, but during the course of inspections, and being observant as both staff and Mr. Hanna drive around during the course of their duties. Once a contractor/homeowner has been identified as working without a permit, they are ordered to stop work until a permit is obtained. The proposed ordinance is to provide a preventative measure with teeth.

Mr. McCorquodale emphasized communication between the field and the office is vital.

Mayor Sanford spoke about the solar companies conducting work without permits and stated that this ordinance is in alignment with the goals of the city.

Mr. McCorquodale added that this is one more tool to use to assist with compliance.

Council held a brief discussion on the ability to find those working without permits.

Councilmember Casey Olson moved to approve the ordinance as presented. Councilmember Cheryl Fox seconded the motion. **Motion passed (3-0).**

**DEPARTMENTAL REPORTS:**

4. Sales Tax Report

Mr. Palmer provided council with a report on the Sales Tax and informed them that currently we are 8% higher than the same time last year in amount of taxpayers. He went on to add that in April the consultant will be present at Council to provide the quarterly report.

5. Finance Report

Mr. Anthony Lasky provided Council with the Financial report and informed them that there is 5 months of reserve in the General Fund and 8 months in the Utility Fund. Mr. Lasky went on to break out highlights of all funds.

Mayor Sanford said that taxpayers don't think like we do and thinks that going forward if we could have some visuals/graphs to place onto the screen it would be very useful.

6. Utility Billing Report

Mr. Dave McCorquodale provided an overview of the report from the utility billing division and provided council with the fact that revenue generated was just under \$200,000 and that in the Building Permit Division, 25 building permits were issued.

7. Utility Operations Report

Mr. Jake Williams, H2O representative provided a comprehensive report on the utility operations. He also provided incident alarm reports and resolutions. He concluded that there was 98% accountability.

Mayor Sanford inquired if the cold weather had created or influenced leaks etc.

Mr. Williams responded that the cold did not affect the power generators as the machinery/alternators are warm as they are run, so they did not freeze. The cold weather may have been the contributory factor with a minor leak on the backflow.

8. Public Works Report

Mr. Mike Muckleroy provided the report on Public Works activities and said he would be glad to answer any questions.

Councilmember Carol Langley inquired about the absence of flags in the park for Presidents Day.

Mr. Muckleroy responded that typically the park has not been a location the flags go out in, however he would be glad to look at that in the future.

9. Engineer's Report

Ms. Katherine Vu, City Engineers – WGA provided a comprehensive report on all project and engineering items within the City. She concluded her presentation by stating that both Dutch Bros and Lupe Tortilla have submitted plans are in plan review and that plans for the Lone Star Parkway Bridge were received on Friday.

10. Municipal Court Report

Ms. Kim Duckett provided the Municipal Court report and inquired if Council had any questions. She went on to add that the city had a very successful RAD class.

11. Police & Code Enforcement Report

Chief Anthony Solomon provided the Police Departments report and stated that in Council's packet they also had the annual Racial Profile Report for their review.

Councilmember Casey Olson stated that he had noticed that citations were trending down could the Chief explain the reason for this?

Chief Solomon responded that the citations are indicative of the number of calls requiring response elsewhere, rather than focusing on traffic safety. He also informed the council that the City cannot instruct officers or demand a high level of citations, that is not permitted, and he and the City could get into trouble.

12. City Administrator Report

Mr. Gary Palmer provided his report to council. He informed council that staff is still working hard to find a good financial consultant to come in review the financials, it's a hard path right now. He went on to advise council that he is working on the update to the food truck ordinance.

Mr. Palmer stated he was going to the TML mid-year conference in San Antonio and was looking forward to networking and understanding the Texas legislature better.

Councilmember Cheryl Fox moved to approve the Departmental Reports. Councilmember Casey Olson seconded the motion. **Motion Passed (3-0).**

**EXECUTIVE SESSION:**

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

Council did not enter into Executive Session.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

Council did not enter into Executive Session.

**COUNCIL INQUIRY:**

Mayor Byron Sanford announced that April was Library Month, and that March the 14<sup>th</sup> a member(s) of the High School will be here to celebrate "Theatre in our Schools month".

Mayor Sanford stated that he and Mr. Palmer had met with Congressman Luttrell and took that opportunity to inform him of the fact we are not getting a lick from the county, and said taxpayers were upset. He went on to say he has approached the County to no avail so this is the solution he has come up with, we, all of us need to write a letter to Senator Kolkhorst and see if we can get some help from her. There is \$26 billion, which is sent to the HGAC, then allocated to the county and that's where it seems to stop. He added that we better not stop until we get it.

**ADJOURNMENT**

Councilmember Carol Langley moved to adjourn the meeting. Councilmember Cheryl Fox seconded the motion. **Motion passed (3-0).**

**ADJOURNED: 7:00 P.M.**

Submitted by:   
Nici Browe, City Secretary

Date Approved: 3-14-2023

  
Byron Sanford, Mayor