

**City Council Regular & Board of Adjustment Meeting
MINUTES**

March 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
	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

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:

No Visitors addressed City Council.

CONSENT AGENDA:

1. Approval of the minutes of City Council Meeting 03-14-2023
2. Utility Billing Report

Councilmember Casey Olson moved to approve the Consent Agenda as presented. Councilmember Carol Langley seconded the motion. **Motion Passed (4-0).**

ZONING BOARD OF ADJUSTMENT:

3. Consideration and possible action by the City Council acting as the Zoning Board of Adjustment on a variance request to Section 98-122 of the City Code of Ordinances related to rear yard requirements for 128 Dina Lane.

Mr. Dave McCorquodale provided Council with details of the variance request and gave a comprehensive report on the applicants request and stated staff recommends approving the 5ft. request.

Council held a discussion on the request and Mr. McCorquodale responded to their questions.

Councilmember Casey Olson moved to approve the 5ft request contingent on there are no raised beds, or pool decking between the pool and the fence. Additionally, the contractor must submit an approved drainage plan to redirect flow away from the property located behind the subject property. Councilmember Patricia Easley seconded the motion. Councilmember Cheryl Fox opposed the motion. **Motion result (3-1). Failed.**

Mr. McCorquodale informed council that as Councilmember TJ Wilkerson is absent and that a variance request requires unanimous approval, the variance request is denied as the motion failed.

CONSIDERATION AND POSSIBLE ACTION:

4. Consideration and possible action on reassigning a Special Use Permit for microblading granted to Meghan Bird to new business owners Tayler Broussard and Kay Dinh.

Mr. McCorquodale presented this item and informed council that the original business was granted an Special Use Permit (SUP) and the new business owners are coming in to continue the operation. In order for this business owner to be allowed to operate the SUP must be transferred into the new owner's name.

Councilmember Carol Langley moved to approve transferring the SUP into the new owner's name. Councilmember Cheryl Fox seconded the motion. **Motion Passed (4-0).**

5. Discussion on a request from Living Savior Lutheran Church to rename Louisa Street north of Eva Street.

Mr. McCorquodale presented the item and invited Pastor David Bailes to the podium to address Council on his request.

Pastor Bailes stated that this request came from the development on the property there between Pond Street and Louisa Street. During the year 2018-2019 they made significant improvements to the Sanctuary building, with plans in the future to introduce and present other improvements to the church that would benefit not just the congregation but to the city as well.

Pastor Bailes continued that what he has found is their parking lot on the East side is small, but on the west side it is divided by the building, and described the confusion of the parking lot and having to re direct people to the west side parking lot. To achieve this, he would like to change their address and he stated that by this process they would like council to consider changing the name to Church Street, which used to run though their property, having purchased it from the city a few years back.

Pastor Bailes stated that church street is currently very small and proposed council remove "Church St" and rename it as "Cemetery", then Louisa north of 105 to Caroline would be church street.

Councilmember Casey Olson asked why the church has not just changed its address to Louisa Street.

Pastor Bailes responded that it could be done, but as they are requesting an address change thought that as their property is a Church renaming a street to reflect the Church would be very appropriate.

Councilmember Patricia Easley inquired if the change would impact anyone else.

Pastor Bailes stated he knew of one for sure, but unaware if it would impact any others.

Mr. McCorquodale informed council that this is just a discussion item not an actionable item at this time.

Councilmember Cheryl Fox shared some history of her own home that went through three street name changes.

Councilmember Patricia Easley stated that she would prefer to get some input from the family that it could affect.

Councilmember Carol Langley asked if staff knew what the timeline was for informing 911 services if the city approved this request later on.

Mr. McCorquodale stated that he did not know but would find out and inform council.

Caleb Villarreal, City Attorney informed Council of the process, which would be to submit the request information to EMS, Police, Fire and the Post Office to see if these agencies have any objections. The name change would take place by Ordinance.

6. 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 presented this item. He referred council to the memo he had placed with them at their seat.

Mr. Palmer went on to provide council with a table of events to date, such as working with the auditor, who started on the audit project prior to his arrival, however, once he arrived, he got with them and has provided the auditors with the items they needed in order to conduct and finish up the audit. He stated that at the same time, staff was struggling to wrap up the FY2021/2022 budget amendment which was first brought to the council in December and has been tabled several times, but is back tonight for council's approval of a certain amount. There are several items to go over, and the auditor is still working through items as before they can complete and file the audit with the state, we have to adopt the budget amendment.

Mr. Palmer addressed the backup sheet that showed highlighted amounts, indicating that these were items that went over within the 2021/2022 budget year.

Mr. Palmer informed council that it his intention to get with staff to find out why we overspent, look at the internal policies and will prevent these issues from occurring again. He went on to say once the investigation of how we overspent is complete he will come back with a report for council.

Councilmember Carol Langley inquired when the audit actually began.

Mr. Palmer responded it was the week after he started which was January 6, 2023.

Councilmember Carol Langley inquired if it was typical to start the audit at that late stage.

Mr. Palmer responded that it would have been earlier, however there were internal issues, with his onboarding and the Finance staff taking paternity leave, therefore it delayed the process. He added

that the auditor has helped immensely thus far as the city changed from one platform to another and she discovered some double entries, which she has adjusted appropriately to reduce the liability, however, that said there are other issues we need to work on, such as internal controls, communication as well as potential other items.

He stated he was confident that it will be achieved, but this is embarrassing to come to council to ask for a budget amendment for such an amount.

Councilmember Casey Olson commended the Public Works and Court Department for an excellent job with their departmental budgets.

Mr. Anthony Lasky informed Council that along with this City amendment the MEDC will have to do a budget amendment for the land purchase back in May of 2022 for \$600,000, Debt Service of \$27,000 for the additional payment made for the 2022 Tax Notes and Court Technology for the ticket readers maintenance for a little over \$2,000.00.

Mr. Palmer stated that with those items the motion that he would recommend would be to adopt the budget amendment as proposed.

Councilmember Casey Olson addressed Chief Solomon regarding an item on the list for the Police Cars. He inquired if there was a grant.

Chief Solon responded that it was not a grant, but the police cars were approved by Council in August of 2021, his department did not go out for a grant until December for additional cars. The approval by Council meant that the monies should have been moved, but were not which is the bottom line. He went on to state they in fact did not overspend on cars, the monies were never encumbered as they should have been.

Mr. Palmer expanded on Chief Comments and informed council that with the Capital Projects council has approved the expenditure, but the budget was not amended to account for that before the expense was bought to them for approval and it is his expectation from his initial research the same thing occurred with the remainder of the Capital Projects.

Councilmember Patricia Easley moved to approve the budget amendment for the General Fund and additional funds as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (4-0).**

7. 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 2022-2023; 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. Palmer presented this item and stated that this budget amendment relates to 213 Prairie Street property, and where they discovered some water leak which caused the need for remediation quickly to stop the damage spreading further. Mr. Muckleroy contacted a contractor and gave us estimates but we needed them to go in and get to work on the issue immediately. Wet carpets were removed, drywall removed where it had been infiltrated by mold and fix the leak, putting us in a position to keep the building vacant and monitor without worry of any issues.

The contractor came in with the work at being a little in excess of \$24,000. Looking at the budget there is a line item for 213 Prairie but there aren't any funds in there at present. Therefore, we are

asking council to authorize the movement of funds from one fund into our general fund in order to approve this expense.

Mr. Palmer explained that the correct procedure for doing this is, that this is the request for movement of funds by budget amendment then item No.8 of this agenda is the authorization for the expense.

Mayor Byron Sanford asked Mr. Palmer to clarify what the water issue was.

Mr. Palmer responded that when he walked into the property, he found the carpets saturated and the water had moved through and into the bays where it pooled. The water was off, however, the issue came from the toiler and even though the meter was off there was just enough of a trickle that was not picked up by the meter but flowed into the toilet, causing overflow and continual flooding for over two months.

Councilmember Casey Olson asked to clarify the movement of funds.

Councilmember Casey Olson moved to approve the budget amendment as proposed. Councilmember Cheryl Fox seconded the motion. **Motion Passed (4-0).**

8. Consideration and possible action on authorizing the City Administrator to execute payment for invoice #I-1073 from Dri-Tex Restoration in the amount of \$24,134.52

Mr. Palmer presented this item and stated this relates to the expense for the item # 7 budget amendment.

Councilmember Casey Olson moved to approve the expense as proposed. Councilmember Cheryl Fox seconded the motion. **Motion Passed (4-0).**

DEPARTMENTAL REPORTS:

9. Public Works Report.
10. Utility Operations (H2O) Report.
11. Finance and Quarterly Investment Report.
12. Sales Tax Report.
13. Police and Code Enforcement Report.
14. Municipal Court Report.
15. City Engineer's Report.
16. City Administrator Report.

Each Department Head, and consultant representatives presented their departmental reports and responded to any question provided by council.

Councilmember Casey Olson moved to approve the Departmental Reports 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:

City Council & Zoning Board of Adjustment Meeting Minutes 03-28-2023

Section 551.072 (deliberation regarding real property)

Council convened into Executive Session at 7:13 P.M.

Council reconvened into Regular Session at 8:10 P.M.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

No motions were made on any item within Executive Session.

COUNCIL INQUIRY:

Councilmember Cheryl Fox stated she would like to see a report on how the City came out with the Mudbugs and Music Festival from last year.

Council held a brief discussion on this item.

Councilmember Patricia Easley inquired with Mr. McCorquodale the status of the Renegade RV Park that is going in at MLK.

Mr. McCorquodale responded that he discussed with the developer that it is not zoned appropriately for an RV Park.

Councilmember Patricia Easley confirmed that he is saying to all neighbors it's an RV Park, and she is concerned that he did not go through the proper permitting, residents not legally notified, and he appears to be going ahead.

Mr. McCorquodale explained what he had informed the owner/developer.

Councilmember Carol Langley spoke about two large potholes on 149, and thinks it is probably TXDOT but asked Mr. Muckleroy of Public Works to take a look and report to TXDOT if necessary.

ADJOURNMENT

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

ADJOURNED: 8:27 P.M.

Submitted by: Nici Browe
Nici Browe, City Secretary

Date Approved: 4-12-2023

Byron Sanford
Byron Sanford, Mayor