

City Council Regular Meeting & Public Hearing
MINUTES

September 12, 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
 Sara Countryman City Council Place #3
 Cheryl Fox City Council Place #4
 Stan Donaldson City Council Place #5

Also Present: Dave McCorquodale City Administrator
 Nici Browe City Secretary & Director of Administrative Services

INVOCATION

Mayor Byron Sanford provided the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

ANNOUNCEMENT:

Mayor, Byron Sanford presented a Proclamation to National Society Daughters of the American Revolution, Margaret Montgomery Chapter to celebrate Constitution Week.

VISITOR/CITIZENS FORUM:

No visitors addressed the City Council.

PUBLIC HEARING:

for the purpose of giving interested persons the right to appear to be heard regarding the following:

1. PUBLIC HEARING

Mayor Byron Sanford **Opened** the public hearing at: 6:05 P.M.

FY2024 Tax Rate Public Hearing

Regarding the tax rate of \$0.40 per \$100 of assessed valuation, to be set as the tax rate for Fiscal Year 2024, as proposed by the governing body of the City of Montgomery.

No members of the Public addressed the City Council.

Mayor Byron Sanford **Closed** the public hearing at 6:05 P.M.

2. Budget Public Hearing

For the purpose of hearing public comments regarding the proposed FY2024 City of Montgomery Annual Budget.

Mayor Byron Sanford **opened** the public hearing at 6:06 P.M.

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$107,916 OR 5.87%, AND OF THAT AMOUNT, \$70,042 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

No members of the public addressed the City Council.

Councilmember Casey Olson stated that he wished the public to know that they did not raise the taxes, the new revenue is from all of the new homes added.

Mayor Byron Sanford **closed** the public hearing at 6:07 P.M.

CONSENT AGENDA:

3. Approval of the following Minutes:

(a) City Council Workshop 07-11-2023

(b) City Council Workshop 08-07-2023

(c) City Council Regular Meeting 08-08-2023

(d) City Council Workshop 08-11-2023

(e) City Council Workshop 08-22-2023

(f) City Council Regular Meeting 08-22-2023

Councilmember Sara Countryman noted that on item (d) page 20 of the packet she would like the amounts changed to read \$200,000 - \$300,000.

Councilmember Carol Langley noted that on item (d) she was not present for the workshop meeting.

Councilmember Casey Olson moved to approve items (a) through (c) and (e) through (f), and to make changed to item (d) and bring to the next Council meeting. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

CONSIDERATION AND POSSIBLE ACTION:

4. Consideration and possible action regarding authorization of WGA to proceed with the Lonestar Groundwater Conservation District permit amendment including a hydrogeological report to be completed by Wet Rock Groundwater Services, LLC.

Ms. Katherine Vu stated that the city needs a permit as previously discussed through the Lone Star Groundwater Conservation District. Their permit application process has changed since the last time the city obtained one, it is now a perpetual permit, no more annual applications.

The first step in this is to obtain a Hydrogeological report. In your packet you will see a proposal from Wet Rock, who would do the report and would capture all of our aquifers. The cost is \$25,000 and is to be routed through WGA.

Councilmember Casey Olson asked if Wet Rock is going through WGA as a sub, which means WGA would add on their fees?

Ms. Vu responded that was correct and the fees market wide is 10% of proposal.

Councilmember Casey Olson stated could the city go direct and save the \$2500 charged by WGA?

Ms. Vu responded that the city could, however, WGA is doing the Permit, therefore it is typically routed through them.

Councilmember Casey Olson continued to ask questions on the ability of staff to request, obtain and interpret the report, thus saving the city \$2500.00.

Councilmember Sara Countryman asked Mr. McCorquodale is there was anyone on staff that has the bandwidth the be able to interpret and answer questions of the report.

Mr. McCorquodale responded no there was no member of staff qualified to do that.

Councilmember Cheryl Fox asked the attorney, Alan Petrov what his opinion on this would be.

Mr. Alan Petrov responded that it would be his advice and recommendation that the city go through WGA as they can interface with the hydrogeologist to get the data that is required.

The council had further discussions with regard to direct request for report as opposed to WGA managing the request.

Mayor Byron Sanford stated the benefit of using WGA for this report is that if anything were to go wrong further along the line, WGA assume the risk.

Councilmember Sara Countryman moved to approve the proposal as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

5. Consideration and possible action regarding a proposal from WGA for the Buffalo Springs Drive Roadway Reconstruction and Traffic Signal at SH 105 W & Buffalo Springs Drive projects.

Ms. Katherine Vu stated that before the council is a proposal for the roadway which was included in the negotiations with Home Depot. The signal design is required by TXDOT, it will not be bid or constructed by TXDOT. The roadway is 105 to the rear of the Home Depot property. Part of the negotiations with Home Depot is that that portion will be complete by the time they open.

Ms. Vu added that they are well equipped for design, and it could be split out the cost estimates into two separate projects and submit the plans to TXDOT.

Councilmember Casey Olson stated that he had received an email that they were close to providing the design portion, the roadway will go all the way from the property line to the rear of the property. The option to break it into pieces is advantageous, could they make the last piece an alternate.

Ms. Vu stated that yes that could happen, they could use a base bid up to a certain point and then alternate.

Mr. McCorquodale stated that the 380 agreement can be structured with a total bid amount.

Mr. Alan Petrov explained that the city could decide on a cap of the cost.

Councilmember Casey Olson asked Mr. Petrov when the 380 agreement would be ready for review.

Mr. Petrov stated it would be ready by Friday of this week.

Mr. McCorquodale stated that Home Depot law firm is an outside agent and would likely have it for a week or two for review.

Councilmember Casey Olson stated that Home Depot told him today that they would turn it around in a week.

Councilmember Carol Langley asked what the Grand Total would be.

Ms. Vu responded that it is \$1,669,800 which includes the estimate for constructions, engineering reimbursement and a 20% contingency built in, Home Depot is issuing \$750,000 deposit and the rest is wrapped into the 380 agreement.

Mr. McCorquodale stated that the MOU was signed by both the Mayor and Home Depot.

Ms. Vu noted that design would not begin until the deposit is received.

Councilmember Carol Langley asked if staff are sure that the city would not be out of any money.

Mr. McCorquodale responded that nothing is paid on the 380 until the 1st anniversary of sales tax receipts.

Councilmember Stand Donaldson asked who would pay the engineers' cost of \$1.6 million.

Mr. McCorquodale responded that \$1.6 million is the total cost of the project. Home Depot pays the city, the city is not out of pocket.

Councilmember Casey Olson stated that he wanted to circle back and ask the engineers to bid the alternate.

Ms. Vu responded that they would.

Councilmember Casey Olson moved to approve the proposal. Councilmember Cheryl Fox seconded the motion. **Motion Passed (4-1)** Councilmember Sara Countryman voted against.

Councilmember Carol Langley asked when the Council would see the 380 agreement and would they be looking to sign it at the 26th Council meeting.

Mr. McCorquodale confirmed that as soon as he gets it back from legal council will be able to have it for signing on the 26th.

Councilmember Carol Langley said she wanted to be sure that the EDC was not involved in or paying for any of this.

Mr. McCorquodale confirmed this is the city not the EDC.

EXECUTIVE SESSION:

The City Council did not go into Executive Session.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

No Executive Session.

COUNCIL INQUIRY:

Councilmember Sara Countryman stated that she had heard a lot of chatter about the bulk trash weekend and that folks got there, and it was closed, it wasn't open on Sunday either, could we look into getting more cans.

Mr. McCorquodale responded that he had been in communication with Mr. Muckleroy and more cans have been ordered.

Councilmember Sara Countryman inquired if the tax exemption that a Mr. Tamborello has requested was handled.

Mr. McCorquodale responded that his request had been handled and is completed.

Councilmember Sara Countryman asked Attorney Alan Petrov what role his company played in the purchase of the city property 213 Prairie.

Mr. Petrov responded from his recollection they had acted as bond counsel for the funding for the purchase.

Mayor Byron Sanford stated that he is worn out but has not given up with the HGAC for grant funds. It is evident they have our demographics wrong; they need to leave out April Sound. We have a high need, our streets are worn out, all we can do is try try try.

ADJOURNMENT

Councilmember Sara Countryman moved to adjourn the meeting. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

Adjourned 6:43 P.M.



Submitted by: Nici Browe, TRMC
City Secretary & Director of Administrative Services.

Approved by: 
Mayor, Byron Sanford

Date: 9-27-2023

