

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

**January 09, 2024, 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:	Gary Palmer	City Administrator
	Alan Petrov	City Attorney
	Nici Browe	City Secretary

**INVOCATION**

Mayor Byron Sanford provided the invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

Councilmember Stan Donaldson thanked all who were involved in hosting the Christmas Party for employees and Councilmembers. He said it was very well done and he enjoyed the fun games.

**VISITOR/CITIZENS FORUM:**

**Mr. Philip LaFevre** spoke to the City Council regarding Randy Burleigh. He advised the council that for over 7-8 years Mr. Burleigh volunteered his time to provide a valuable service to the city and the residents of the city. His advice and expertise are indispensable. He was shocked to learn that the city no longer needed his assistance and feels personally that this is one the most foolish decisions the city has made in a long time. He went on to say that in today's world there is a need for government transparency and feels this is a clear message to council that doing not having someone checking to make sure that staff are doing what they should, you as councilmembers should step up and allow Randy back into the city.

Mr. Gary Palmer responded that as the city council were aware this has been discussed and it is not just as simple as letting Randy have the numbers and data, we have some serious conflicts with labor laws, and we need to review this in greater detail. He is working on a package of information regarding this subject and will provide it to the council when it is ready.

Councilmember Sara Countryman stated that she agrees with Mr. LaFevre that Randy Burleigh's service is a very valuable commodity.

Mayor Byron Sanford stated he concurred.

Mr. Barret Mitchel, 502 Louisa, stated he was there to answer questions about this project.

The City Council asked that Mr. Mitchel step up to the podium when they get to his item.

**CONSENT AGENDA:**

1. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Montgomery SH 105 Associates, LLC for a Sherwin-Williams retail store on Reserve "B" of The Shoppes at Montgomery Section Two. (Dev. No. 2401).

Councilmember Carol Langley moved to move forward with the sh105 Escrow for Sherwin Williams.

Councilmember Casey Olson inquired if this is part of the Shoppes380 agreement and how much longer is there on that.

Mr. Dave McCorquodale stated that it was part of the Shoppes and that it was approximately 13 more years.

Councilmember Cheryl Fox Seconded the motion. **Motion Passed (5-0).**

**BOARD OF ADJUSTMENT:**

2. Consideration and possible action by the Montgomery City Council acting as the Zoning Board of Adjustment regarding a requested appeal of a denial of the use of the property at 502 Louisa Street, currently zoned RI-Single Family Residential, for commercial use.

Mr. Dave McCorquodale spoke to city council and explained that they had heard this item at the last council meeting, however, what they forgot was that this item is actually a Board of Adjustment item, which happens to be the City Council, with one significant change. All votes for items to be passed must be super majority vote. The vote that was conducted at the last city council meeting was a simple majority (3-2). Therefore, the motion did not pass and would not allow the use.

The applicant was notified, and we bought the item back for another vote.

Councilmember Stan Donaldson responded to Mr. McCorquodale by stating that he did not realize at the last meeting that this item was a variance and would need the BOA super majority vote.

Mr. McCorquodale stated that it's not a variance it is a special exception for this item.

Councilmember Sara Countryman moved to approve the home office located at 502 Louisa Street.

Councilmember Casey Olson stated he would like to amend that motion.

Mayor beckoned Councilmember Olson to continue.

Councilmember Casey Olson amended the motion to approve the home office operations contingent upon the owner does not park any commercial vehicles, or place signage on the property as it relates to the business and that it will revert to residential upon sale of the home.

Councilmember Sara Countryman stated that out of the four people who live on that street three of them are opposed except Mr. Cronin who operates a business out of his home, he too should come

here and get the same exception, she feels this is going down a rat hole. She asked if it would be necessary to have Mr. Mitchel submit a letter to the city asserting the contingency.

Councilmember Cheryl Fox stated she would like it to remain residential.

Mr. Alan Petrov, City Attorney stated that placing contingencies is appropriate for this type of motion.

The council held a brief discussion with respect to the business who came before city council on FM149 who was denied, yet this is being allowed and that for this item, having clear access at the back of the property is important also.

Councilmember Carol Langley seconded the motion. **Motion Passed (4-1)**. Councilmember Cheryl Fox voted against it.

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

3. Consider Appointing Aric Taylor to the Transportation Advisory Committee

Councilmember Stan Donaldson moved to appoint Aric Taylor to the Transportation Advisory Committee. Councilmember Casey Olson seconded the motion. Motion Passed (5-0).

4. Consider City Council Workshop Dates for 2024

Mr. Gary Palmer, City Administrator, presented to the city council a list of dates when the council and staff could meet outside of a City Council meeting and then workshop items.

Councilmember Stan Donaldson said the list looks fine with the exception of May 27, 2024, which is Memorial Day.

Councilmember Sara Countryman moved to approve the list of workshop dates. Councilmember Cheryl Fox seconded the motion.

5. Presentation and discussion of the Town Creek Wastewater Treatment Plant Expansion Project Request for Qualifications (RFQ).

Ms. Katherine Vu, City Engineers introduced this item and stated that the engineers are now ready to publish the RFQ for the Town Creek Wastewater Treatment Plant Expansion.

Councilmember Sara Countryman asked if unlike the county, the city does not have to go with the lowest bidder.

Ms. Vu responded that this is an RFQ, and they are not allowed to select based on price this is on qualifications, negotiation of pricing comes next.

Councilmember Stan Donaldson asked where the permit amendment is at this time.

Ms. Vu responded that the permit is still in process, and this can be done simultaneously.

6. Consideration and possible action regarding a License Agreement between the City of Montgomery and Lake Creek Village Community Association, Inc.

Mr. Mike Muckleroy, Public Works Director introduced this item, and explained that this is an agreement that is the park area but has always been part of the park, however the agreement was just

never drawn up. The cost is \$12.00 per year, the HOA asks that the only stipulation they have is that if any permanent structure and or construction were to occur that the city notify them first for approval.

Councilmember Casey Olson moved to approve the lease as presented. Councilmember Sara Countryman seconded the motion. Motion Passed (5-0).

7. Consideration and possible action regarding ending the one-year warranty period and release of the maintenance bond for the Clepper Sidewalks from Prairie Street to Fernland Historical Park project.

Ms. Katherine Vu presented the engineers' report on the Clepper Street Sidewalks. She informed the city council that there was a warranty inspection completed on November 13, 2023, and a small punch list drawn up. That punch list is now addressed therefore they are ready to release the bond back to the contractor.

Councilmember Sara Countryman inquired about the cracks that appeared were those addressed.

Ms. Vu responded that the cracks were addressed along with one full panel that was removed and repoured.

Councilmember Sara Countryman asked from here on out whose responsibility is it to repair any issues.

Ms. Vu responded that it would be the city. She added that concrete will crack, and sometime for no specific cause.

Councilmember Casey Olson asked if they knew what type of concrete they used.

Ms. Vu responded that she would find out along with the depth, reinforcement and strength for him.

Councilmember Casey Olson stated that if you have cracks in the middle that is ground shift, if you have cracks at the corner, that is bad concrete.

Councilmember Sara Countryman moved to table this item, until the engineers can bring the lap reports, and concrete type etc. as previously mentioned to the workshop on the 22<sup>nd</sup> and to City Council on January 23, 2024. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

8. Consideration and possible action regarding acceptance of the infrastructure and entering into the one-year warranty period for the Flagship Boulevard Storm Sewer and Pavement Replacement project.

Ms. Vu explained that this project is at the other end of the warranty period. The project is complete and now begins the warranty period.

The council addressed their nervousness about accepting this due to prior incidents.

Councilmember Casey Olson moved to accept the infrastructure and enter into a one-year warranty period for Flagship Boulevard. Councilmember Stan Donaldson seconded the motion. Motion Passed (5-0).

9. Consider Houston-Galveston Area Council (HGAC) Resolution Assigning City Liaisons to the HGAC Board

Mayor Byron Sanford explained the importance of being a member of the HGAC and having representation at the table. He suggested that both Sara and Stan had expressed their desire to be on the HGAC assembly board.

Councilmember Carol Langley moved to nominate Sara Countryman as the City's HGAC Assembly Board member and Stan Donaldson as the alternate. Councilmember Cheryl Fox Seconded the motion. Motion Passed (3-0) Councilmembers Countryman and Donaldson abstained.

**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.

Section 551.071 (consultation with attorney), including pending litigation - Dobbin Plantersville.

Section 551.074 (personnel matters), including City Administrator performance feedback.

**CITY COUNCIL ADJOURNED INTO EXECUTIVE SESSION AT 6:37 P.M.**

**CITY COUNCIL RECONVENED INTO REGULAR SESSION AT 7:45 P.M.**

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

No motions were made.

**COUNCIL INQUIRY:**

Councilmember Carol Langley announced that the new VFW was hosting a fish fry this Friday from 11-3 as a fundraiser.


Mayor Byron Sanford announced that candidate applications for a place on the ballot for Mayor and Council Places 2 & 4 are available from the City Secretary's office.

Mayor Byron Sanford asked Mr. Palmer regarding the signage on 105 the Wayfinding project by the MEDC.

**ADJOURNMENT**

Councilmember Casey Olson moved to adjourn the meeting. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

**Adjourned at: 7:48 P.M.**

Submitted by   
Nici Browe  
City Secretary, TRMC

Date Approved: 01-24-2024

Byron Sanford

Byron Sanford, Mayor,