

**City Council  
MINUTES**

**January 23, 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  
                  Nici Browe             City Secretary & Director of Administrative Services

**INVOCATION**

Councilmember Stan Donaldson provided the invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

No visitors addressed the City Council.

**CONSENT AGENDA:**

1. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Morning Cloud Investments and Solid Bridge Construction for an 86.45-acre single-family residential development (Dev. No. 2403) and authorizing the city engineer to prepare a Feasibility Study.
2. Quarterly Investment Report for Quarter 4, 2023
3. Approval of the following minutes:
  - a). City Council Meeting Minutes 12-12-2023
  - b). City Council & Board of Adjustment Meeting Minutes 01-09-2024.

Councilmember Sara Countryman stated that she found an issue with one set of minutes. She stated that minutes of 01-09-2024 had an item that the chief had bought to them regarding Curfew, “budget amendment” there in fact was no budget amendment and there were two motions. This should be corrected.

Additionally, in that meeting there was a discussion about 380 agreements and again I think it is important to have those in our packet, so we know what is in those agreements, and I went to our website to look for them and see where they are as in the State of Texas, you must have the agreements fourteen days on your website after they have been executed. So, it would be helpful to get those up there.

Councilmember Sara Countryman stated that she did find out that Mr. Lafavre had two of them, one in 2007 that is now Milestones and one in 2011 for his utility extension that was to be paid with property taxes for \$148,000. And he has said he is still waiting for you “Dave” to give him the calculation of what is actually owed. Secondly, Sherwin Williams was here, we talked about the 380 agreement which is not the Kroeger Agreement but the CVS, southside and opened February 2019 and is a ten-year agreement for \$1 million. Therefore, we have five years left and we are halfway through if she is reading it correctly.

Councilmember Casey Olson stated that he knew that for the CVS, but Sherwin Williams goes under the Shoppes.

Councilmember Sara Countryman stated but that is ALL the Shoppes. I wanted to give insight into that as we didn’t have that for the meeting. Now it will be captured in this one.

Mayor Byron Sanford stated for clarification that was for item 3 (b).

Councilmember Sara Countryman moved to approve consent agenda items 1-3a and approve 3b with corrections. Councilmember Casey Olson seconded the motion. **Motion Passed (5-0).**

**CONSIDERATION AND POSSIBLE ACTION:**

4. 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 (tabled at 01/09/24 meeting).

Ms. Katherine Vu, WGA Engineers presented the city council with responses to their questions at the last meeting regarding the sealant used on the sidewalks. The life expectancy of the sealant is approximately three (3) to five (5) years or longer depending upon wear and tear. The cost of the product is \$100.00 from Home Depot for 1 gallon, or \$17.00 per tube applied with calking gun.

Councilmember Sara Countryman moved to accept the sidewalks and end the one-year warranty period. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

5. Consideration and possible action on: AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS, ORDINANCE CHAPTER 62 OFFENSES, TO ADD A NEW ARTICLE IV ADOPTING REGULATIONS RELATING TO SEX OFFENDER RESIDENCY RESTRICTIONS WITHIN THE CORPORATE LIMITS OF THE CITY; DEFINING CRIMINAL OFFENSES; PROVIDING FOR AFFIRMATIVE DEFENSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A CRIMINAL PENALTY; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Police Chief Anthony Solomon introduced this ordinance and explained the purpose of it, the implications for both new and existing residents that are on the Sex Offender register. The exemption is reviewed by a committee as well as himself. The review process looks at the severity of the offense, but the Police Chief reserves the right to provide final approval or denial.

The Ordinance also ensures that sex offenders do not participate in any child related events such as Halloween, they must not have their porch light on, and remain 500 feet from any child event.

Councilmember Stan Donaldson asked if there were any sex offenders on the register living in Montgomery now.

Police Chief responded yes there is.

Councilmember Sara Countryman asked how a church or similar organization can be sure their volunteers are not on the register.

Police Chief responded that most churches, groups and schools conduct background checks, however, not all do. It would be up to the groups and the police to make sure they are registered.

Mayor, Byron Sanford stated that nearly all churches are mandated to conduct background checks.

Councilmember Casey Olson moved to approve the ordinance as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

6. Consideration and possible action regarding appointments to the MEDC Board of Directors.

Mr. Dave McCorquodale introduced this item and stated that Mr. Wade Nelson has expressed an interest in continuing to serve on the Board of Directors, therefore a motion to reappoint him would be required. He added that with Mayor Byron Sanford stepping down, there requires another member of the governing board to be appointed to the Board, he would be seeking nominations.

Councilmember Cheryl Fox nominated Casey Olson to be appointed to the board of directors. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

Councilmember Casey Olson moved to reappoint Wade Nelson to the board of directors. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

7. Consideration and possible action on award and execution of the Construction Contract for SH105 and Buffalo Springs Dr. Traffic Signal Project.

Ms. Katherine Vu presented this item and informed the city council that there were several bids received and the bid summary was in their packet. The award of the bid goes to Traf-Ted, Inc in the amount of \$409,227.12 and will have 150 calendar days to achieve completion. This was inline with what was expected and to remind the council that Home Depot is paying for this per the development agreement.

Councilmember Casey Olson inquired with Mr. Roznovsky and Ms. Vu about the cost, specifications by TXDoT, if Home Depot has reviewed the bids and if this price included the engineering costs.

Councilmember Carol Langley inquired if the contractor was local.

Councilmember Casey Olson moved to approve the award of the bid to Traft-Tex, Inc in the amount of \$409,227.12. Councilmember Sara Countryman seconded the motion. **Motion Passed (5-0).**

8. Consideration and Possible Action Regarding Award and Execution of the Construction Contract for Lift Station No. 10 Force Main Improvement Project.

Ms. Katherine Vu presented this item and stated that they had received seven (7) bids for this project. The project is fully funded by Pulte Group. The award is to Faith Utilities, LLC in the amount of \$427,904.00 and will have 120 calendar days to achieve completion. Pulte has reviewed bids and no objections as to date have been received.

Councilmember Sara Countryman inquired if this has project has been submitted to the Capital Improvement Advisory Committee.

Ms. Vu responded that the Capital Improvement committee she spoke of is typically for Impact fees and therefore, no, they were not contacted.

Councilmember Sara Countryman stated that she did not even see the committee listed on the website and asked if that was an oversight.

Ms. Vu stated that the committee exists, however, the last time they were required was in 2016 and therefore they will be reconvened again when it is necessary.

Councilmember Casey Olson moved to approve awarding the bid to Faith Utilities in the amount of \$427,904.00 and with 120 days for completion. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

9. Consideration and Possible Action Regarding Award and Execution of the Construction Contract for the Old Plantersville Road Force Main Extension Project.

Ms. Katherine Vu presented this item and explained that they had received eleven (11) bids for this project. The bid is being awarded to ISJ Underground Utilities, LLC in the amount of \$371,396.50 and 120 calendar days to achieve completion.

The project is being fully funded by Redbird Meadows and they have also reviewed the bids and no objections have been received.

Councilmember Casey Olson moved to approve the award of the bid to ISJ Underground Utilities, LLC in the amount of \$ 371, 396.50. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

**DEPARTMENTAL REPORTS:**

10. Utility Operations Report November and December 2023

Philip Wright of Hayes the City's Water and Sewer provider provided his report concluding that the city was at 96.69% accountability.

11. Public Works Report November and December 2023

Mike Muckleroy, Public Works Director, provided his report.

Councilmember Carol Langley inquired if public works has been able to identify the smell within city hall.

Mike Muckleroy responded that it was thought to be the mop sink in the Janitors closet. The P trap had been dry. His crew worked on it.

Councilmember Stan Donaldson asked if Mike had two maintenance technicians now, and if they were new positions or from vacancies.

Mike Muckleroy responded that they were from vacancies.

## 12. Sales Tax Report

The representative from SRI, the city's sales tax tracking consultant, read details from his report, highlighting the fact there are still 5511 active sales taxpayers within the city. He notes that there was a 6% increase in sales tax over last January.

## 13. Finance Reports for November and December 2023.

Ms. Maryann Carl, Finance Director provided an overview of the two-month reports and stated that there were no concerns that need attention.

Mayor, Byron Sanford thanked Ms. Carl for making such considerable progress within the Finance department and working hard to get the systems up and running appropriately.

## 14. December 2023 Monthly Court Report

Ms. Kimberly Duckett, Court Administrator provided her report for December and stated there were 108 citations bringing in revenues of \$25,091.91.

Ms. Duckett invited members of the council to attend and witness the bench and jury trials that will be held February 8, 2024.

## 15. December & Annual 2023 PD&CE Report

Anthony Solomon, Police Chief provided his departmental report highlighting the successes within the department and spoke specifically regarding the collaboration that Sgt. McRae undertook with other agencies when tracking down the fraudulent activities by a group of six men at the First Financial Bank.

Sgt. McRae worked hard and, with assistance from another agency, was able to track down the vehicle the suspects used, obtained a warrant and apprehended three members of the group.

Councilmember Sara Countryman inquired about the number of accidents at one specific location in the city and asked if it would need looking into.

Chief Solomon responded that it mostly comes down to distracted and inattentive driving.

Councilmember Stan Donaldson thanked the Chief for all of the work he and his team did for Shop with the Cop.

The Chief responded that it is very enjoyable and rewarding for the officers as well.

## 16. Engineers Report

Ms. Katherine Vu, City Engineers provided an update on projects within the city of Montgomery highlighting key facts.

Water Treatment Plant # 2 the engineers are proceeding with design.

The Sanitary Sewer Rehabilitation Phase I project two pay estimates were approved, there were no issues and very attentive to the work.

Town Creek Wastewater Treatment Plant Expansion RFQ – The RFQ has been posted and packet openings will be here at City Hall February 21, 2024.

Councilmember Sara Countryman stated she had a question regarding that. She stated that she looked at the RFQ and did some research and on July 25, 2022, we authorized that location for a new plant capacity of .4 mgd all the way up to .8, in the RFQ it states .3 to .6.

Ms. Katherine Vu responded that was correct. When the application to TCEQ was submitted, they came back and stated we can go from a .3 now going potentially to a .6mgd and would not let us get up to a .8.

Ms. Vu then moved on to the Plan Reviews, highlighting the plans for the High School and the Lone Star Mart.

Councilmember Carol Langley inquired what they were doing at the High School.

Ms. Vu responded it was mostly storm sewer plans.

Mayor Byron Sanford stated for the record that with the Lonestar Mart, the city never owned or leased any part of that property.

Councilmember Casey Olson inquired about the AG Complex when the plans would be received back and what their perceived timeline is.

Ms. Vu responded that she would expect to get Civil Plans back any day now.

Mr. Chris Roznovsky, WGA City Engineer responded that as far as completion it is looking to be Fall of 2025.

Councilmember Sara Countryman stated that tonight on their agenda is approval of their architectural plans and yet that hasn't been approved yet and they have a timeline they have to match, they are needing us to hurry up and help out as much as possible.

Councilmember Casey Olson questioned Councilmember Countryman's statement by asking "helping out with what?"

Councilmember Sara Countryman responded that the civil plans, when we have done this with the county it took a total of four weeks for turn around. Yet they submitted the first ones in October and here we are and still haven't gotten the approvals.

Councilmember Casey Olson asked approvals from whom?

Councilmember Sara Countryman responded from us.

Councilmember Casey Olson stated well we have to receive them first.

Councilmember Sara Countryman responded we did in October.

*Mayor, and Councilmembers Olson and Countryman along with Mr. Dave McCorquodale all spoke at the same time therefore audio cannot be interpreted.*

Mr. Dave McCorquodale stated he would like to make a point of note on the delay to the plans. On the October date you speak of they were asking not to build a public water line. We were reviewing as fast as we can. When you receive plans that have a water line on when there was not supposed to be that adds to the delay.

Councilmember Sara Countryman responded to Mr. McCorquodale and stated that to her understanding there was a meeting with Katherine and then with you Dave next day and they were willing to make it from an 8" to a 12" and take it all the way to the street, it was a compromise I guess, and you said that sounded good and you were in agreement with that, but they haven't heard anything else.

Ms. Katherine Vu stated that she didn't recall agreeing.

Councilmember Sara Countryman said no not your meeting it was Dave's meeting the next day.

Ms. Katherine Vu stated as far as the waterline goes, they are still working with the school on that as we don't want to compromise the city's needs as this project is developed.

Councilmember Casey Olson agreed and said if he remembers correctly, they didn't want to build the waterline to the other side they wanted to stop midway and say that's it.

Councilmember Sara Countryman stated but they did they said they would go 8" to 12".

Councilmember Casey Olson asked how long it took them to agree to that.

Councilmember Sara Countryman asked Mr. McCorquodale when did you meet with them?

Mr. McCorquodale said he could not remember.

Councilmember Sara Countryman said she would find out and let Councilmember Casey Olson know.

Ms. Katherine Vu provided the city council with a historical overview of the meetings with the school over the waterline.

Councilmember Casey Olson and Councilmember Sara Countryman discussed between them the need for consistency for all developments, variance requests etc.

Councilmember Sara Countryman concluded they did ask, but they asked staff. She continued by saying they are anxious to move forward, and a discussion is needed to get this fixed. She stated that they are frustrated at us, therefore whatever we can do to get it moved forward will be highly appreciated.

Councilmember Casey Olson stated his opinion on this is, if we demand it from everyone else, then we demand it from them as well. If that is the hold up, that is their fault.

Mayor Byron Sanford thanked Ms. Vu for working and looking out for the city's best interests.

## 17. City Administrator Report

Mr. Gary Palmer, City Administrator, explained that over the summer he and the council developed a list of priorities. The Transportation Committee held their kickoff meeting in December, and the next one will be in February.

He added that he, Dave and the Mayor hosted the HGAC and conducted a tour of the city.

He stated that he has been holding office hours downtown to make himself available to businesses and citizens.

He informed the council that an RFQ was issued for updating the Zoning Ordinance.

The Economic Development Director position is advertised, and they will be holding in person interview shortly.

He informed the council that in the coming week he will be reaching out to them to hold in person discussions along with the Police Chief to discuss the PD move and alternatives.

Councilmember Sara Countryman moved approve the department reports. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

### **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.

No items as of publication of agenda.

### **POSSIBLE ACTION FROM EXECUTIVE SESSION:**

There were no executive session items.

### **COUNCIL INQUIRY:**

Mayor, Byron Sanford explained that he was excited to host the HGAC and felt it was an insightful visit.

He commended Mr. Palmer for being proactive and working towards updating the Zoning Ordinances.

Councilmember Sara Countryman asked if during the freeze if anyone used City Hall as the warming Center.

Police Chief, Anthony Solomon responded they had a couple of individuals.

Councilmember Sara Countryman stated that she is curious how the new business Krawfish can open with no parking.

Mr. Palmer responded that currently there is no ability to prevent them from operating.

### **ADJOURNMENT**



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

## The meeting adjourned at 7:48 P.M.

Submitted by:           *NBe*          

Date Approved:           *2-13-2024*          

Nici Browe TRMC, City Secretary

          *B Sanford*          

Mayor, Byron Sanford