

**City Council
MINUTES**

March 12, 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: Dave McCorquodale Assistant City Administrator

 Nici Browe City Secretary & Director of Administrative Services

Issuance of a Proclamation to the American Allegiance for Theatre & Education- Theatre in our Schools.

Mayor Sanford presented a proclamation to the Montgomery High School representative of Thespians.

INVOCATION

Mayor Sanford provided the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Mr. Phillip Lafevre spoke to the city council regarding his opinion on the waterlines and the school district. With the new development in the city, it could drive hundreds to the city. They will all be paying taxes to the school district. He had heard that MISD was going to delay the project by a year as they could not reach an agreement with the City.

He went on to say that the waterline was originally part of the PD, which has now expired. Fifteen years ago, along with engineers etc., we did a lot of planning, everything he did was always in sync with the city bridges etc.

He stated that Blyle at that time was the engineer and there was discussion about looping the waterline around the city to FM149/FM1097, up Buffalo Springs and actually paid with a 380 Agreement which we have yet to receive any money on. There was also a discussion on not putting the water line under {inaudible} so we recorded two easements the end of Anna Lane and the other Harlem, both of those easements go down to the loop and could potentially join. It was always the intention to take one of those and go east not across the creek. It is not his decision, but he wants to say if that's the reason for the delay the school district deserves this opportunity.

CONSENT AGENDA:

1. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and H-E-B, LP. (Dev. No. 2402) and authorizing the city engineer to prepare a Feasibility Study.
2. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Montgomery Independent School District for renovation of the Montgomery High School campus. (Dev. No. 2405).
3. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Montgomery Independent School District for redevelopment of the MISD Fuel Station located at 13900 Liberty Street. (Dev. No. 2408).
4. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Lone Star Cowboy Church for driveway improvements. (Dev. No. 2407).
5. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Tri Pointe Homes Texas, Inc. (Dev. No. 2409) and authorizing the city engineer to prepare a Feasibility Study for a proposed 108.8-acre single-family residential development.
6. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Taylor Morrison of Texas, Inc. and authorizing the city engineer to prepare a Feasibility Study for a proposed 56-acre single-family residential development along the northeast corridor of Lone Star Parkway. (Dev. No. 2404).
7. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and K. Hovnanian of Houston II, LLC for Hills of Town Creek Section Five, a proposed 18.5-acre single-family residential development. (Dev. No. 2406).
8. Approval of the following:
 - (a) City Council Workshop Minutes 02-12-2024
 - (b) City Council Meeting Minutes 02-27-2024

Councilmember Sara Countryman stated that she would like to ask the City Secretary why a comment she made while discussing the cancelation of the election did not make it into the minutes.

Ms. Browe responded that with the timeline she was working with to get the minutes for submission as well as the workload, she has to look at what are material facts and pertinent to the motion/item. However, she accepts this is pertinent "saving taxpayers \$25,000 by not holding an election" and will add them in to the set of minutes.

Councilmember Sara Countryman moved to approve the Consent Agenda to include amending the minutes for 02-27-2024 to include the statement as just discussed. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

CONSIDERATION AND POSSIBLE ACTION:

9. Discussion and possible action to approve the FY2022-2023 audit presented by Belt Harris Pechacek, LLLP.

Mayor Byron Sanford stated that while we wait for Darla to arrive the council would proceed on with the agenda and then come back to this item.

Ms. Darla Deer provided her presentation on the City's Audit. She began by extending her thanks and appreciation to the Finance Director, Maryann Carl, as they had asked for an awful lot of information this time and it was received in a very timely fashion.

The city received an "unmodified opinion", this is the highest level of assurance.

The General Fund Revenues were \$5,964,729.00 and expenditures of \$4,950,648.00 with a net positive change of \$1,013,115.00. The end of year fund balance is a positive of \$3,018,069.00.

The safe area for expenses and fund balance should be 25%, currently the city is sitting at 61% therefore the city has a healthy fund balance.

Overall, the city came in under budget by \$84,171.00.

Councilmember Stan Donaldson asked if it was normal for it to take as many months as it has to get an audit?

Ms. Deer stated this was the normal timeframe.

Councilmember Casey Olson made a statement thanking Staff and especially Maryann Carl, Finance Director, for coming in under budget and it was they who did the hard work, not the council.

Councilmember Casey Olson moved to accept the Financial Audit FY 2022/2023 as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

10. Consideration and Possible Action on An Agreement Between the City of Montgomery Texas and Kendig Keast Collaborative Inc (KKC). to Provide Professional Planning Services to the City. Specifically, KKC Will Oversee the Master Planning of Key Areas Within the City, Development of Future Land Use, Thoroughfare, and Open Space Plans and Oversee the Recodification of Sections of the City Municipal Ordinance and Zoning Ordinance Resulting in an Up to Date, Streamlined, Unified Development Ordinance.

Mr. Dave McCorquodale introduced this item and reminded the city council that this was the item that had been workshopped extensively with Kendig Keast at the recent workshop and council meeting. Mr. Palmers cover memo outlines the steps required and includes the scope of work.

Mayor Byron Sanford stated that council had reviewed it extensively and the benefits of what needs to take place.

Councilmember Stan Donaldson stated he takes exception to this. I object to the process.

He went on to say that we (the council) are responsible for the taxpayers' funds, and we are being asked to spend \$350,000. Not a bid, or even a competitive comparison of others two or three others, so we are just going to say Ok because the City Administrator told us this to be true. We don't know if that is the best deal.

Councilmember Stan Donaldson stated we have three or four ordinances up tonight being changed; we didn't need anyone to do that for us.

He added that in his opinion we have a got a lot in the Fire, this is not a priority, he showed a Downtown Master Plan and stated here is this plan, in 2021 and not a thing from it has been done, like the signs we make plans and don't finish it and it didn't even make into this.

Councilmember Casey Olson stated he had to interject and stop Councilmember Donaldson from continuing to misspeak about things.

The signs by the way were not a city project but an EDC project and has already been completed.

That plan was not contracted, it was done by TX A&M students, not by our city engineers.

Councilmember Stan Donaldson asked well who did the golf course thing.

Councilmember Casey Olson responded that it was the students.

Councilmember Stan Donaldson responded ok, well forget about the plans, as far as he is concerned the city has plans but nothing comes to fruition.

Councilmember Casey Olson stated this is standard for this type of contract, \$350,000. We don't go out for a bid.

City Attorney Alan Petrov spoke to Councilmember Stan Donaldson and explained that unlike construction contracts, this is a professional service contract, therefore we ask for request for qualifications RFQ's. This was done and through that process you seek the most qualified and at that point you negotiate the best pricing.

Councilmember Casey Olson stated we can't make a decision based on money it is against state law for this type of contract.

Councilmember Stan Donaldson said that he hadn't seen any others in the packet just this one.

Councilmember Casey Olson stated that is because the council allowed Gary to choose.

Councilmember Stan Donaldson shook his head and said that it wasn't right and asked who chose the best qualified. He said how will we be able to determine the value in two or so years what we got out of it.

Councilmember Casey Olson stated the City Administrator, Gary Palmer. He then explained why the city does Master Designs: instead of letting the developer say as long as I follow the ordinance, I can put anything I want in here, however, if we master design it, they have to build what we design.

Councilmember Sara Countryman spoke to Councilmember Donaldson and said how many developers do we have come in here that are upset because they are told something yet read something different. This will streamline the process and it's clear what is to be built where and not in the spirit of I like this person and not the next. Therefore, it gives us structure and believes over time this will give us a big ROI.

Councilmember Casey Olson stated as a businessperson the last thing I want to is jump through a whole bunch of hoops. Every time a person or developer has to come before council to get a variance or whatever it is a pain in the neck, it delays projects and that costs money, time is money, so the rules will be clear, they are very standardized, a much better way of doing business. We have a stigma of "hard to do business with".

Mayor Byron Sanford said and even more specifically, when we sat down and looked at the goals with Gary this summer on the wall, this would scratch the itch of five of the top seven. Some of which are specific to that Master Plan, we are running out of space and that was the big driving force, we all talked about it where we were being inundated with so many variances, with situation where some people thought one thing, and some found out not to be true. This gives guidance to the staff to be more specific and direct and upfront in a way that gives them simplistic language from people who are clearly qualified, and that's the big point he wants to

make and while councilmember Donaldson brings up some valid points, that was in a confined area, where this is a more comprehensive approach.

Councilmember Sara Countryman stated that with the city being on the map and with so much influx coming in if we don't get our own table set, we don't want someone setting it for us.

Councilmember Stan Donaldson responded he understands that but the process is killing him, as we have a plan in the zoning commission right now, and really if he was on the Commission right now his feelings would be a little bit hurt, as we are bringing somebody from the outside of the city to tell us what to do. Seems we have enough qualified people to get what we need done right here. If they would just get together and talk about it.

Councilmember Casey Olson the purpose and role of the Planning & Zoning Commission is to make sure projects that are brought to them follow the ordinances, and right now our ordinances are a mess that is why we need to redo them. It will make their job much easier.

Mayor Byron Sanford stated that to that point they will be freer as like all bodies right now it feels like we have to do too much, so this will be simplified. We have a book of ordinances that is this thick and something which no one can fully understand, therefore, we are counting on lawyers and engineers to make it where regular folks can understand. He feels this is the comprehensive way to get that done.

Councilmember Casey Olson stated on the bleach program, we voted to stop that two years ago both Cheryl and I, we voted to not do it as it was a want not a need. It did nothing perse to improve the quality of the products, it was a safety thing.

Councilmember Stan Donaldson he understood but the reason he brings it up is we have a tight budget this is \$350,000 and yet we need a City Secretary, a Finance Tech and an Economic Development Director, he does not want to have to increase taxes next year and he does not see where we are in the financial position to be able to spend that this year.

Councilmember Sara Countryman said we have it budgeted to spend this year in this year's budget.

Councilmember Stan Donaldson says he knows, it says \$150,000 in the line time, but its going to cost \$125,000 to start, and that another thing about this process they hit us low in the beginning and then next we know its \$250,000 and the next thing I know it's a \$100,000 for software.

Councilmember Casey Olson stated that the original project is going to cost \$150,000 and at any point once we go through the original project we can chose not to continue, these are the steps we all went through in the workshop, the one the two the three and at the workshop we all agreed we could go through the whole thing first year then we can chose what we want.

Councilmember Sara Countryman said yes, we can A La Carte it.

Councilmember Stan Donaldson said, "well I hear you but that is easier said than done because when you have someone who has got \$350,000 coming to their pocketbook, they are not all of a sudden going to drop the ball on it without a little hustle. To him he states is what the builders do, they come in tell us one thing and do another.

Councilmember Sara Countryman said that she doesn't want councilmember Donaldson thinking this is a tunnel vision thing, based on all the cities that KKC has done this for, remember we were given those at the workshopmultiple speakers.

Councilmember Casey Olsonmultiple speakers, we are not their paycheck ok.

Councilmember Cheryl Fox said that she thinks everyone should appreciate Stan for his caution and concerns.

The council agreed.

Councilmember Sara Countryman moved to approve the City Administrator to execute and agreement in the amount of \$345,351.00 as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (4-1) Councilmember Stan Donaldson voted against.**

11. Consideration and possible action on variance requests for minimum lot width and minimum lot area as submitted by Taylor Morrison of Texas, Inc.

Mr. Dave McCorquodale reminded the city council that this item has been workshopped and was the former Summer Wind Development. The new developer has applied for two variances, there are no side yard variances. There will be 10 feet on either side of the property, 55-foot lots.

The Planning & Zoning Commission has met and has no objections to the request and has recommended approval. The Developer Taylor Morrison is here for any questions.

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

12. Consideration and possible action on a sign variance request for the Montgomery Bend development entry sign.

Mr. McCorquodale introduced this item and stated that the Pulte Development on FM 1097 wish to put a sign up similar to our monument sign, however per the code of ordinances, the elements being requested cannot be approved by staff, it has to be approved by city council. However, staff are recommending approval.

Councilmember Casey Olson asked if it has been seen by the Planning & Zoning Commission?

Mr. McCorquodale responded that the signs are not required to go before the Planning & Zoning Commission.

Councilmember Sara Countryman asked if there would be any landscaping at the bottom of the sign.

Mr. McCorquodale stated yes you can add that, much like they did at Pizza Shack.

Councilmember Carol Langley stated that on the plans it has a note stating landscape plan.

Chris Roznovsky, WGA stated he was just informed by a Pulte representative that there will be landscaping at the sign.

Councilmember Sara Countryman move to approve the sign variance with the condition that landscaping is added around the sign. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

13. Public Hearing for the purpose of giving all interested persons the right to be heard on a proposed amendment to Chapter 78, Subdivisions, of the City Code of Ordinances to define and regulate vesting rights of property owners and regulate stalled development projects within the City.

Mr. Dave McCorquodale explained that this is the amendment that has been workshopped to prevent stalled development, the process requires a public hearing before adoption.

Mayor Byron Sanford opened the Public Hearing at 6:47 P.M.

No members of the public addressed the city council.

Councilmember Casey Olson stated this is why we need the work that KKC will do.

Councilmember Stan Donaldson stated he could not distinguish between the two years and the five years in the ordinance. He also said if a homeland owner does this they are held to the same standards as a developer.

Councilmember Sara Countryman stated yes that they would.

Mayor Byron Sanford closed the Public hearing at 6:50 P.M.

14. Consideration And Possible Action On A Proposed Amendment To Chapter 78, Subdivisions, Article II, Administration, to Add Section 78-29 - Vested Rights to the City Code Of Ordinances.

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

15. Consideration and possible action on granting the City Administrator Gary Palmer the authorization to renew the City's Inter-local Agreement for the Provision of Fleet Maintenance Services by the City of Conroe.

Police Lieutenant Joe Belmares informed the city council that this agreement is with the city of Conroe to assist with their fleet maintenance efforts. They would only be used when its possible, and as an extra option to their current vendors.

Councilmember Casey Olson moved to approve the Interlocal Agreement as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

16. Presentation of the Police Department's 2023 Racial Profiling Report.

Police Lieutenant Joe Belmares explained to the council that this is the state TCOLE statistics that is required to be filed annually.

Councilmember Stan Donaldson moved to approve the Racial Profiling Report as presented. Councilmember Casey Olson seconded the motion. **Motion Passed (5-0).**

17. Annual review of contracts with Cody's Lawn Service, LLC for "Grounds Maintenance" and "ROW Mowing and Lift Station Weed Control" regarding the service costs and level of service.

Mr. Mike Muckleroy informed the council that annually he is required to provide an annual review of the ground's maintenance contracts. He went on to explain that there are no changes, and that the contractor does a great job.

Councilmember Sara Countryman agreed and stated he does a good job.

Councilmember Stan Donaldson inquired about the process for selecting this contract, as he does not see three bids and where the breakdown is for the cost of the contract.

Councilmember Casey Olson informed Councilmember Stan Donaldson that this is a three-year contract, and we are in year two of that, there was a bid process originally, the contract provides for an annual review.

Councilmember Casey Olson moved to approve the annual review of Cody's Lawn Service. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

18. Consideration and possible action regarding amending Chapter 90, Section 90-71 of the Code of Ordinances to Increase the Fee Charged for Grease Trap Inspections.

Mr. Mike Muckleroy informed the city council that now Hays is the city's operator. This is the cost with \$5.00 above cost of the grease trap inspections.

Councilmember Cheryl Fox inquired what Hays was charging the city.

Mr. Muckleroy responded that it was \$60.00.

Councilmember Sara Countryman moved to approve the Ordinance for the Grease Trap Inspection Fee as presented. Councilmember Casey Olson seconded the motion. **Motion Passed (5-0).**

19. Consideration And Approval of a Resolution of City of Montgomery Adopting The 2024 Montgomery County Multi-jurisdictional Hazard Mitigation Plan.

Mr. McCorquodale explained that the county provides this to the city annually, and are more aspirational goals.

Councilmember Carol Langley stated that having this adopted also assists the city when applying for grants.

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

City Council Convened into Executive Session at 7:01 P.M.

City Council Reconvened into Regular Session at 7:21 P.M.

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.

551.072 (deliberation regarding real property) - 213 Prairie Street

POSSIBLE ACTION FROM EXECUTIVE SESSION:

No motions were made from discussions in the Executive Session..

COUNCIL INQUIRY:

Mayor Sanford stated that Mr. Kelvin Arnsworth a pillar of the community who created "Yo Momma's BBQ" had passed away. Mayor Sanford felt that the staff should do something to honor Mr. Arnsworth contribution to Montgomery, such as a plaque etc.

Councilmember Stand Donaldson stated he was very disappointed that the Chamber of Commerce has changed its name and that now the name Montgomery is not in it and we don't appear to have any connection whatsoever.

Councilmember Sara Countryman reassured councilmember Donaldson that the city can still participate, but he is unaware of the history and all the backchannel issues, with burnt bridges which led the chamber to merge.

Councilmember Sara Countryman asked Mr. McCorquodale about eh fence on the Jacobs Lot, as she did not see any permits for it, or if it even went to Planning & Zoning, it just appeared.

Mr. McCorquodale responded that he would definitely get with Mr. Muckleroy and Mr. Palmer and have them provide the council with an answer, he is however, aware that the city built the fence.

ADJOURNMENT

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

The meeting was adjourned at 7:27 P.M.

Submitted by: 
Nici Browe TRMC, City Secretary

Date Approved: 3-26-2024



Mayor, Byron Sanford

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