

**City Council
MINUTES**

March 26, 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
	Dave McCorquodale	Assistant City Administrator
	Caleb Villarreal	City Attorney
	Chris Roznovsky	City Engineer
	Diana Titus	Deputy City Secretary

INVOCATION

Councilmember Stan Donaldson provided the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Mr. Tom Beiter of 255 Little Dog Drive said his concern is in regard to item #2 on the agenda. He stated he is not in favor of it. The customary thing to do is for the contractor to accept the costs of putting the pipeline across the property.

Mr. Beiter continued and said he is not exactly sure what a landscaping variance is and what it means for them to ask for a landscape variance. He said the acreage they were working on they clear cut it, then root raked it, dug up holes and then brought in dirt and filled in the holes. He said in his humble opinion they need to replace a lot of trees.

CONSENT AGENDA:

1. Approval of the following:
 - (a) City Council Workshop Minutes 02-26-2024.
 - (b) City Council Meeting Minutes 03-12-2024.

Councilmember Casey Olson moved to accept the Consent Agenda. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration And Possible Action on A Proposed Cost Share with MISD for the CTE Center Waterline Extension

Mr. Palmer said as you may recall from the February 27th workshop MISD representatives were here to discuss this and the landscape variance. In your packets is a breakdown of the complete cost of the waterline extension. They are asking the City to cover 50 percent of that cost, which is \$112,176.94. If you are in agreement with this cost share the motion will be to ask the City Attorney to draft the Cost Share Agreement which they would then execute with MISD.

Councilmember Sara Countryman said to Mr. Beiter she would typically agree with him on what he stated about the cost share but the ISD was not told about the waterline until after the fact. Council found that out when they had their workshop.

Councilmember Casey Olson said he is going to correct Councilmember Sara Countryman on that. He was told in August and in September because he was privy to that from staff. They knew full well they had to bring it out there. They fought our engineers at every turn from April because he read the email all the way to their workshop about what they wanted to do and what they were allowed to do.

Councilmember Sara Countryman asked did they know they could get a variance as there was an option for a variance because that is what she was told they were not aware of.

Councilmember Casey Olson said they were not interested in a variance. They wanted it their way and that is all they would present and is all they still have presented.

Mayor Sanford said there was that correspondence from August to October in which staff went back and forth. He said it seems they knew what the deal was. He did make the point in the workshop and he will reiterate they do not have at this time a consideration for a fellow governmental unit. To his knowledge this might be a first and does not know what has happened in the past with ISD, but they are a governmental unit and Mr. Palmer did point out that there could be provisions moving forward that they could treat those governmental entities particularly if it was used by both entities he could see that cost share. Otherwise, there is no precedent for cost share. If they make this move and even though his heart wants to do it, you are setting a precedent. His recommendation for the City is to have something to be able to do that but it has to be something that is defined and clear. He is sorry they thought one thing but on the other hand they clearly thought and knew what the deal was. Going forward is there a way to be able to have this for the ISD because they have an enormous bond and responsibility to tax payers as we would if we were in that situation. He said this is where his heart is but his mind is saying do not set this precedent.

Mr. Caleb Villarreal, City Attorney said this is up to Council and he does not think they are setting that precedent by entering into a Cost Sharing Agreement. This can be considered on a case by case basis. The next time you are in a position for a request for the next portion from the City of Montgomery that they want you to contribute you can consider at that time, but by no means are you locked into cost sharing on everything they do.

Mayor Sanford said certainly you can say given so many renovations and other costs coming forth with the school district if they do this then they are inclined to continue to do that and that concerns him unless they have some sort of policy. If it is the school district now it will be the County next.

Mr. Villarreal said they are required to provide water and sewer service but they are not required to pay for it.

Mayor Sanford said that is the standard with developers and the developer takes the cost and the impact fees which is the standard way but he hates to vary from that.

Mr. Villarreal said it is up to Council as it is their decision.

Councilmember Cheryl Fox asked if they did not go in with the cost sharing how long would it delay the process of the building being built. She thinks it is a tremendous asset to our community to have that building. She understands Mr. Beiter's concern because she has been over there and seen it and it does not look good at all.

Mr. Palmer asked Councilmember Cheryl Fox if she is asking if they were to delay a decision on this what would the impact be on the project.

Councilmember Cheryl Fox responded yes because all of this is taxpayer money.

Mr. Palmer asked if they are waiting on a response on this particular issue to move forward.

Mr. Chris Roznovsky, City Engineer said it is his understanding this project is still going full speed. The latest plans they sent them included the waterline and the full route, however, the plans have not been approved yet.

Councilmember Sara Countryman said she understands the City asked Mr. Roznovsky to extend the waterline to the furthest most western point of the property. She asked if that is going to be a dead head and are they really going to have someone bore underneath Town Creek to get to the other side to go to Plez Morgan.

Mr. Roznovsky said closing the loop yes, but going underneath would not be his recommendation. He said closing the loop is a key component. They have a waterline at Plez Morgan and a waterline at Plez Morgan on the west side and closing those will connect three lines together and the allocation to close two additional loops.

Mayor Sanford asked what are the ramifications of that.

Mr. Roznovsky said it is all about pressure and redundancy. He said take Kroger for example. Water for Kroger goes down FM 1097 and Buffalo Springs and all the way around or it goes all the way through downtown and around. Closing that loop provides a redundancy for the apartment complex and the other developments on Plez Morgan, but also for the school district because they have the dual feed to their property versus it all coming from FM 1097.

Mayor Sanford asked if the staff still believes from an engineering standpoint it puts undue stress on their ability to meet the needs now and especially to the future.

Mr. Roznovsky said to not have that line, yes. He said that line is needed. He said for example if something were to happen at FM 1097 or Buffalo Springs where the water line is that was damaged, in order to get water all the way back around to the school site it would go down by Kroger and make its way back. There is not a waterline that connects Buffalo Springs and there is not a waterline at CB Stewart so they would go from FM 1097 down FM 149, down SH 105, and Lone Star Parkway and back up and around to the school site.

Councilmember Sara Countryman said Mr. LaFavre was here talking about two entry points. He said that would help negate needing to go the furthest west.

Mr. Roznovsky said he was at the meeting. He recalls Mr. LaFavre mentioning a study and agreement but that was before his time with the City. He said ever since the 2015 Master Plan was done those loops have been on the system. The waterline crossing the bridge they just did

was part of the agreement back in 2010 between Mr. Steve Bowen and the City. He said as far as the two entry points he does not have a position on what Councilmember Sara Countryman is referring to.

Mayor Sanford said although he sees Councilmember Sara Countryman's point because he is very much in favor of vocational education and we are all glad it is there; procedures would appear were followed and staff recommendation both administratively and engineering wise is to not share the cost. He thinks that would be the wise way to go.

Mr. Villarreal said he thinks at the last workshop they talked about a sub provision of the Texas Education Code that requires the City to contribute. He said they are not under any law that requires them to participate in any type of cost sharing. He said in fact they have numerous agreements with school districts in Harris County and none of them are cost sharing. All of them are required to contribute to their infrastructure.

Mayor Sanford said he remembers that being said somewhere along the line and this would be in a sense a precedent that you do not see anywhere else and he would be careful to be the one out there that is doing that.

Councilmember Casey Olson said he is in agreement with Councilmember Cheryl Fox. He said it is not that he does not want it but what really upsets him about the whole process is how they approached us and how they treated us. He said we were all in the workshop and listened as he made his threats about exactly what Mr. Villarreal just said, which was baseless. He stood up in front of MISD and threw rocks at us and never gave us a chance before that time.

Councilmember Cheryl Fox said she agrees it was not the best presentation but on the hand as a City they should always have a good working relationship with the school district.

Councilmember Casey Olson said he agrees but being bullied is not something he agrees with.

Mayor Sanford said he tends to feel the same way and he expressed that to them as well. He said methodology does matter to him.

Councilmember Stan Donaldson said he does not think it is a good policy to refuse their request. He does not like the way they presented their case either but regardless they need to promote some type of unity and even if they have to bite the bullet even though it could have been their fault and even though there could have been miscommunication on the City's side as well as their side. He said he thinks for the goodwill of the community they should just bite the bullet and pay it if they have the money. He agrees with Councilmember Casey Olson that it was not a good presentation and they do not like to be threatened, which happens quite often but they need to contribute.

Councilmember Sara Countryman said it was going to be \$65.00 per taxpayer.

Councilmember Casey Olson said based off the numbers presented, the \$112,000 which is lower than the original estimate, with the population at 2,350 he believes it is \$48.00 a person or \$90.00 per household.

Councilmember Cheryl Fox moved to approve the proposed cost sharing with MISD for the CTE Center waterline extension as presented.

Mayor Sanford asked where the money would come from.

Mr. Palmer said he would need to discuss with the Maryann Carl, Finance Director.

Councilmember Carol Langley said she is not for the 50 percent but she is for helping them out because she has always felt that the school has helped the City out in ways that few of us probably do not know on our hand what they really are. She said she is not for the 50 percent and asked if they could lower the percentage would they take it.

Mr. Palmer said when they had the workshop they never talked about percentage. He said he asked them directly the next day and they are requesting 50 percent.

Councilmember Cheryl Fox asked if they are going to do a percentage or an amount.

Councilmember Stan Donaldson seconded the motion.

Councilmember Sara Countryman agreed with Councilmember Carol Langley. She said she is okay with giving an amount.

Councilmember Carol Langley said she does not want it to come back and it be more and they are still doing 30 or 40 percent.

Councilmember Cheryl Fox said no, she wants an amount.

Mayor Sanford said this is understood to be a single thing and they know how we feel at this point so we are trying to help them out but to what extent. The motion is full and asked if anyone would like to make an amendment to it.

Councilmember Cheryl Fox said she would like to make an amendment that they not exceed \$75,000. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

3. Consideration and possible action on: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, APPROVING AN AGREEMENT FOR A LOCAL ON-SYSTEM IMPROVEMENT PROJECT IN ACCORDANCE WITH SECTION 222.052 OF THE TEXAS TRANSPORTATION CODE.

Mr. Roznovsky said this is the signal project at Buffalo Springs and SH 105. He said since it is an infrastructure project it will be accepted and maintained by TxDOT and as a reminder Home Depot is covering all the construction costs. The additional estimated costs to the project are \$1,067.20 by the State for their administrative costs. Mr. Roznovsky said this agreement states that the City agrees to turn the facility over to TxDOT once built.

Councilmember Casey Olson asked if this was for the stop light only.

Mr. Roznovsky said that is correct. The only work within the TxDOT right-of-way is the replacement of asphalt and concrete. This is just on the facilities of the City.

Councilmember Casey Olson asked when will that take effect.

Mr. Roznovsky said after completion of the project. The project will be completed and during construction TxDOT is involved and once cleared, accepted, and paid, TxDOT will take over the maintenance and operation of it going forward.

Mayor Sanford said it seemed when he read it that July and August is when the roadway was coming in and then the light was coming behind it in September.

Mr. Roznovsky said that is correct but the process does not necessarily change. He said the City will use escrow funds by Home Depot, the electricity is being set up in TxDOT's name, power is to be installed in May or June, and the equipment for the signal will be delivered in July.

Mayor Sanford asked what is the indirect cost of \$1,067.20.

Mr. Roznovsky said on page 43 in the packet it is a calculation the State comes up with for estimation of construction costs for their processing inspection.

Councilmember Casey Olson asked how did the stop light that was originally quoted to them go from \$400,000 to \$594,000.

Mr. Roznovsky said this was all based off of estimates when they put this together and is not based on the actual contract amount. He said this is not an agreement to pay \$594,000. This is just their calculation of what is the value of the infrastructure.

Councilmember Stan Donaldson asked when will they know what that number is.

Mr. Roznovsky said the \$400,000 amount Home Depot has funded and the \$1,067.20 may drop some.

Councilmember Sara Countryman moved to accept the resolution of the City Council of the City of Montgomery, Texas, approving an agreement for a local on-system improvement project in accordance with section 222.052 of the Texas Transportation Code. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

4. Consideration and possible action on the reappointment of Dan Walker to the MEDC Board of Directors.

Mr. Dave McCorquodale said Mr. Walker had intended to step down this year after serving two terms on MEDC, however he will be in the area now and he is asking for reappointment.

Councilmember Sara Countryman moved to reappoint Dan Walker to MEDC Board of Directors. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

5. Consideration and possible action regarding award and execution of construction contract for the Buffalo Springs Drive Roadway Improvements project.

Mr. Roznovsky said on March 15th they accepted bids for the Roadway Improvements Project which is tied to the Home Depot project. He said they received five bids at the time. A copy of the bid tabulation is on page 50 in the packet. One of the two alternates was to pass the turn lane into the Home Depot parking lot and one was up to the northern property boundary (27:56) The low bid came in at \$663,116.25.

Mr. Roznovsky stated on page 52 in the packet at the top is a table. The whole Home Depot bid had a \$2 million cap for all the improvements so this is a calculation of all those costs to date with construction costs in that cap. He said between the Roadway Improvements Project which includes a 15 percent construction contingency on top is at \$922,083 and the signal improvement is the same thing with a 15 percent contingency at \$515,611 for a total of \$1.43 million of the \$2 million cap.

Councilmember Casey Olson asked if their original estimate was around \$1.6 million.

Mr. Roznovsky said that is correct. The contractor who submitted the low bid they have not worked with directly but he is a spinoff from another firm they have worked with a lot and are

currently working with on other projects. They would recommend this contractor. This has been sent to Home Depot as well and they also agree with awarding the contract.

Mayor Sanford asked if they agree tonight would 100 calendar days be at the end of June.

Mr. Roznovsky said 100 calendar days would be once funds are deposited. They have already sent the letter to Home Depot. After the award tonight they will send the official request for the deposit letter and the account is already set up. He would expect they will be able to proceed in the middle of April.

Councilmember Sara Countryman asked what Mr. Roznovsky meant by a spinoff.

Mr. Roznovsky said it was a family business and the brothers went their separate ways.

Councilmember Sara Countryman asked if a background check and references were done.

Mr. Roznovsky said yes.

Councilmember Carol Langley asked where they are from.

Mr. Roznovsky said on the north side of town possibly Magnolia.

Councilmember Casey Olson moved to award the Buffalo Springs Drive Roadway Improvements Project to Scythe Construction, LLC to include the base bid and Alternate No. 1 in the amount of \$663,116.25 and 100 calendar days to achieve final completion. Councilmember Sara Countryman seconded the motion. **Motion Passed (5-0).**

6. Consideration and possible action on approval of construction plans for Redbird Meadows Phase 1A.

Mr. Roznovsky said they have the construction plans for Phase 1A for Redbird Meadows development. He said as a reminder there are three phases. Phase 1 is broken up into three pieces, 1A, 1B, and 1C and this is the Phase 1A portion of the project. He said they reviewed the plans and address all of the comments. Prior to this they also submitted their drainage impact analysis.

Mr. Roznovsky said one question that came up from the Historical Commission was the cemetery on Womack. He said that was identified during their environmental impact and is being set aside as Phase 1B as a separate reserve.

Mr. Roznovsky said some of the highlights of the construction plan project are they have the shared use path and the additional right-of-way shown on Old Plantersville which is part of the development agreement. The lot lines are shown on the plat but these plans are based on the average 15 feet between the homes which is 20 percent that was decided upon in the agreement. He said the landscaping package will be in a separate bid set or around the detention ponds and other green spaces.

Mayor Sanford asked if each phase, Phase 1, 2, and 3 have a detention pond.

Mr. Roznovsky said there are multiple ponds on site. There are five total across the entire project.

Mayor Sanford said there are three phases and five detention ponds. This phase has one.

Mr. Roznovsky said two.

Councilmember Sara Countryman asked when they approve this tonight when will they get started.

A representative from Redbird Meadows said May.

Councilmember Casey Olson asked if this is just Phase 1.

Mr. Roznovsky said just Phase 1A. He said there is still Phase 1B and 1C plus Phase 2 and Phase 3.

Mayor Sanford said originally they had some concerns of the right-of-way on Phase 3. He asked if they had any particular concerns about the right-of-way in the Phase 1 area.

Mr. Roznovsky said no this is not that portion of the project.

Councilmember Casey Olson moved to accept item #6 as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

7. Consideration and possible action regarding entering into a Right of Entry Agreement with Montgomery County MUD No. 160 to allow for access for potential emergency repairs to a City sanitary sewer line.

Mr. Roznovsky said in the report on page 133 is a copy of a memo and an aerial showing the erosion issues with Town Creek. It heads up FM 1097 between Plez Morgan and Buffalo Springs. He said there is a sewer line and a water line there existing that have both been previously cased by the City. He said with the recent erosion that has become very exposed and the sanitary manhole is now a couple feet from the bank. This is in preparation for the potential failure. They reached out to the MUD district and this property is owned by MUD 160 which covers Town Creek Crossing. They have prepared the agreement and the City Attorney has also reviewed it along with staff. They have no issues with it. This just gives the City the right to go across their property so they do not have to be trying to fit within 15 foot easements to do these repairs. They are working on and with a few contractors on some long-term solutions.

Councilmember Sara Countryman asked if they identified it or was it the City.

Mr. Roznovsky said Mr. Mike Muckleroy did.

Councilmember Casey Olson asked if there is an outline of where our easement will go.

Mr. Roznovsky said they have a 15 foot that overlaps where the utilities are. This is a blanket of the entire reserve which is everything in and around the area and the creek.

Councilmember Casey Olson asked once they take that on as a utility easement, will all that erosion be their problem.

Mr. Roznovsky said this is only a temporary right of access for emergency repairs. It is not for the permanent relocation of facilities. The concept right now as we move everything closer to FM 1097 there might be an easement there it might be official but it would be by separate instrument not this one. This is more for if it fails for quick bypass pumping or hauling so they are not limited to a small area.

Councilmember Stan Donaldson asked if this is not similar to the situation where back in May they had an emergency boring job underneath one of the creeks because of an exposed line. This does not warrant that.

Mr. Roznovsky said the issue here is that this is a gravity line and that was a pressurized pipe so they could bore underneath and pressure was going to push back up. This is by gravity so they cannot just drop it below the creek without a new pump station, which they do not want to do. They would rather bring it closer to TxDOT. They have been in contact with TxDOT on trying to stabilize the area to cover the utilities so the erosion is occurring downstream.

Mayor Sanford said it is strictly for right-of-way access in case they need to get in and fix something. He said it really does not have much to do with erosion other than the fact that it has increased in awareness of it and we need to get ahead of it. Staff is already working on a long-term solution.

Mr. Roznovsky said correct.

Councilmember Sara Countryman moved to accept item #7 as presented. Councilmember Casey Olson seconded the motion. **Motion Passed (5-0).**

DEPARTMENTAL REPORTS:

8. Public Works Report

Mr. Mike Muckleroy, Public Works Director provided his monthly report, and stated in regard to the discussion that Chris was saying, he said that they do have a plan in place should that go down and provided an explanation of the plan.

He informed the Council they have his report in front of them and he would be happy to answer any questions they may have.

Councilmember Sara Countryman stated that he, herself, and Julie Davis were on a text about a leak that was reported in February, then three weeks later it was addressed, what took so long.

Mr. Muckleroy said it was not our leak, it was private.

Councilmember Sara Countryman asked if it is up to us to report this to the owner.

Mr. Muckleroy responded yes.

Councilmember Sara Countryman continued and said so it took them that long then.

Mr. Muckleroy responded yes, they were having issues with the plumbing, the park owner had a plumber come out multiple times and could not identify the leak for whatever reason, but they could not find it. Julie Davis did text him a couple of times about it and he immediately notified the park owner. The last day Ms. Davis texted him is the day the leak blew loose, going from a small leak to an all-out break.

Mayor Bryon Sanford said he received that text.

Mr. Muckleroy said at the end of the day when he received the third message on this, he sent his foreman over there to find where in the line the leak was so he could report it back. He went there and within a couple of minutes said it was at a force post, looks like they set a post in the line so he marked it and then Mr. Muckleroy then called the park owner again suggesting she get a different plumber and he received an email at 11:23 p.m. that night which stated that it was all fixed.

Councilmember Sara Countryman stated that she knows they have talked about this in the past, about what to do after business hours to get in contact with you. This is another great example of how does one get in touch with you as you get a stipend from the City for the phone, should they call you on that.

Mr. Muckleroy responded that the main number to call for any water issues is to call the main City Hall number and the after hours service takes over and they contact Hays Utilities or him.

Mayor Byron Sanford said that was good to know.

Councilmember Sara Countryman stated at the last Council meeting she had asked about the fence which is not a fence as Mr. McCorquodale sent out the email it is a handrail. Yet we talked about ADA compliance in the park with handrails, and that particular handrail, she looked it up is NOT ADA compliant, it is in the middle of our town, ADA compliance says you cannot have a 2x4 and height is not ADA compliant, the materials are not rounded on the end, so she did not know if they should put in an ADA compliant handrail there since the City or somebody deemed it necessary to have it.

Mr. Muckleroy stated that Ms. Patti Campuzano received the concern about it, she did not tell us to do it, we had an onsite meeting with Ms. Campuzano, Mr. Palmer, and himself as the story he heard was that a lady had tripped and fell off on the sidewalk, and we saw the need to do this fix to prevent people from stepping off the sidewalk in the dark and injuring themselves. Should it be ADA compliant, yes, but we will check that out and see what the requirements are on that.

Councilmember Sara Countryman said the height should be 42.7 and as pictures she took today, ADA says 36-38, and the material is usually metal pipe, but when you see a wooden handrail like that they have a pipe around it. I can show you where I found it. I just wanted to clarify as if it is a true handrail then we need to make sure it is ADA compliant.

Mr. Muckleroy, Mayor Sanford, Councilmember Sara Countryman, and Councilmember Cheryl Fox all spoke at the same time. Mic did not decipher one voice.

Councilmember Cheryl Fox said why ADA.

Councilmember Sara Countryman stated because it is a handrail.

Councilmember Cheryl Fox stated no it is a barrier.

Councilmember Casey Olson said it is a handrail so it should be ADA compliant.

Mayor Sanford said he feels it is a barrier.

Mr. Muckleroy stated it is a barrier.

Councilmember Sara Countryman stated that Kevin Barnes building, she told Mr. Muckleroy that he did a great job and painting around the community center and knows he painted the bumper, the white really stands out, can we do that in front of Kevin Barnes building as it is public parking. She knows that there was a lady who broke her ankle there and about five people who have face planted.

Mr. Palmer stated that he had asked Mr. Muckleroy to make a template and was going to bring it to a workshop to discuss other areas to do this in other public parking areas.

Mayor Sanford said he did not feel a workshop would be necessary, Council all likes the look and coloring in his opinion. Council agreed.

9. Utility Operations Report

Phillip with Hays Utility gave the report. He stated they had a plant pumpage of 9,734,750 gallons this last month, the flow average was 231,000 gallons to the plant and you are in compliance with your discharge from the State. Our plan worked and we are planning on maintaining it in compliance with the State.

Councilmember Casey Olson said he sees their accountability is five percent lower than what they are used to.

Phillip said one of the things is that they do a lot of flushing and that number that he put in there for 500,000 gallons is an estimate. When he is looking at those numbers he is kind of pulling a number out of mid air a little bit. He said he can get a little closer maybe if we try doing some meters and things like that. It would be a little extra expensive but he figures we are over 90 percent and we are doing pretty good.

Mr. Muckleroy said when they send a water accountability sheet to Phillip once a month they go to Beacon and they compare the water sold to the water pump. They account for our flushing numbers and then they send that number to Phillip which he adds to on his flushing. He said what he has noticed is the last handful of months our (the City's) accountability number has been lower than what it used to be before we sent it to the operator. His administrative assistant brought this to him and said their numbers are dropping and exactly what he told her he just said this is a sign of more flushing. It could be more loss but it is a sign of more flushing that they (Hays Utility) is doing which is a good thing. He said he can say their number of water quality complaint calls have gone way down. They are not getting them like they were.

Councilmember Casey Olson asked with continued flushing the smell that appeared in the water will it go away because it does not smell good right now.

Phillip asked if they were experiencing issues right now.

Councilmember Casey Olson said yes probably the last three or four days. It is not chlorine but he wished it was chlorine.

Phillip asked if this is his personal residence.

Councilmember Casey Olson said yes.

Phillip said he is going to get with Mr. Muckleroy and figure out exactly where that is at.

Councilmember Sara Countryman said it is not discolored like it has been. It just smells.

Phillip said that is interesting.

Phillip asked how you would describe the smell.

Councilmember Casey Olson said sulfur and rotten eggs.

Phillip said that could be a combination of various things. It could be where you are at with your chemical right now when you are talking about your residual of chlorine in the water or it could just be water age which is a flushing thing. He said he would look into both of those and see they can figure out on that but with the large diameter mains that you have right now that go throughout the whole system and essentially you have been planning for the future. You have had big mains installed and those big mains increase your water age because you do not use as much as what you normally use on those. If you are planning for the future you have big growth coming all around including that loop that was talked about. That is a big part of water quality with that loop in there. He said it is something they are always needing to monitor and that extra flushing is something that is critically important for this particular water system at this moment. When this City grows and you get bigger it will be a lot less necessary.

10. City Engineer's Report

Mr. Roznovsky said regarding Water Plant No. 2 improvements that design will be complete within the next few weeks. He received the final plans earlier this week for his final review.

Mr. Roznovsky said with the Lone Star Groundwater District they are still working with them going back and forth a couple times a week on getting new permits in place.

He said the 2023 Sanitary Sewer Rehabilitation Phase I project on the pipe bursting work they discussed a few weeks ago will start likely next week as they are getting final details from the contractor.

Mr. Roznovsky said the Phase II Rehabilitation project bids tomorrow and they will have the bid results at the April 9th meeting.

For the Lift Station No. 10 Improvements project they had the reconstruction meeting last week and a second one on site this morning and issued the notice to proceed so that one will get started next week dependent on material delivery.

Mr. Roznovsky said for the TPDES Permit Amendment they expect to have that final in April with the final permit in by July.

Mr. Roznovsky said the waste expansion request for qualifications have been received, reviewed, and scored. They are doing a final recommendation with staff which they will also bring to you at the next April meeting for your review.

Mr. Roznovsky said there are a lot of feasibility studies in the works. One that is not yet is HEB and they are waiting on their deposit.

Mr. Roznovsky said the plan reviews are all listed. They did have a call with MISD to discuss drainage which he mentioned earlier. He said related to that is Montgomery Bend Atkins Creek Improvements for erosion. They have bid that project and they are wanting to proceed with construction within the next few weeks. They are working through some final design considerations and get a couple additional sets of eyes to make sure that it is going to be a long-term solution.

Mr. Roznovsky said they did return comments to the MISD Fuel Center and Hills of Town Creek Sec. 5 earlier this week so those are back in the developers court.

He continued plats are listed and the next P&Z meeting which is next week they expect to have the primary plat for the Lone Star Parkway Project which is the Taylor Morrison development as well as the final plat for Montgomery Bend Section 2. This is the one where they pay impact fees at plotting so they would expect another large impact fee check within the next few weeks once that is processed and recorded.

Mr. Roznovsky said they presented a final draft report to the last CIAC meeting and will probably have to go through the timeline with them next week and then it will be on Council's next agenda or the following to start holding those public hearings that are required to make sure you are in compliance. Generally it works out to being about a \$300 increase, which is about eight percent over a five year time period.

Mr. Roznovsky said on page 147 in the packet you will see the updated development map. This is everything that is going on in the City currently and what stage it is in.

Councilmember Sara Countryman said HEB Texas brand, home San Antonio, they are building on the home place of Charles B. Stewart. She wants to get ahead of them in making sure that this HEB honors that we are the birthplace of the Texas flag and honors that is his home place. If they could have something different than any other HEB, she knows it is an ask but she that is what she wants to ask. She does not know if it is like a hundred huge flags leaning over it, she does not know but something, a Charles B. Stewart statue out front. She would like to ask them before they get through deciding.

Mr. Roznovsky said there is the feasibility study and there is already the utility extensions required which typically turns into a development agreement so that vehicle for having those discussions and the consideration of modification like was done with the HEB project when they put in those public utilities and negotiated the sign that is there from the bank. He said there is going to be an agreement that that could be discussed.

Councilmember Cheryl Fox said she thinks HEB is very cognizant of the fact of history and in the places that they are.

Councilmember Sara Countryman said she just wants to make sure that it is in front because she thinks it is important.

Mayor Sanford said since they have already gotten those inquiries it is good to know that publicly staff is aware of such things in the negotiations.

Councilmember Carol Langley asked Mr. McCorquodale to make sure Mr. Roznovsky gets the email from Mr. Larry Forester that they received over the weekend.

Mr. McCorquodale said yes.

11. Finance Report, including Utility/Permit and Sales Tax

Ms. Maryann Carl stated that tonight the utility and billing report is under finance section, and as far as the financial report there are no further concerns , they will see a different component which is the pooled cash report which replaces the cash analysis report; She went on to explain that this new format shows cash and bank account balances. There are two reports, which is the regular general fund and the pooled cash for the investment accounts. She then referred them to page 154 of the packet which is a report showing all the Tex Pool Accounts.

Councilmember Sara Countryman asked about page 152, which is claim on cash – the hotel occupancy fund. The beginning balance \$4395.00 with activity of \$22,965 with a balance of \$27000.00.

Ms. Maryann Carl explained that pooled cash just went into place in February, it is probably going to take until next month or the following to have a pattern in there.

12. February 2024 Court Report

The month of February citations were at 139, collections was \$32,997.00. They also ran their amnesty program which is still running through April 23rd and would like to thank the Police Department, Police Chief and Sergeant Voytko as they allowed their VIP's as they come in help us make more from the phone calls.

Councilmemebr Sara Countryman asked if they had more payments onsite or right then on the call, due to their help?

Ms. Kimberly Duckett responded, yes and in fact the offer was if they paid right then, they got their warrant fees waived.

13. Police and Code Enforcement Report

The Police Chief stated they had his report and if the council had any questions he would answer them, however, in front of them they had a packet of papers. He explained that the Texas

Department of Emergency Management are requiring a three-hour course, for elected officials. The Chief recommended that they attend as it is wise as an elected body to know the phases when an emergency does occur.

Councilmembers inquired what day the course is held, time, cost and location and do they sign up through him?

The Chief responded that no they register themselves and the paperwork is there for them.

Councilmember Sara Countryman asked Chief about a lady that was on the news recently that was sex trafficked and held against her will who was found in Fredericksburg, was she a resident of our town?

The Chief responded that it was actually just outside of Montgomery. She was kidnapped by someone known to her.

Councilmember Casey Olson said on a more positive note, they had the Mudbug festival this weekend and he visited with several officers, and it appeared to go well.

The Chief responded that he had a short briefing on Monday, and there were some things they would like to see changed, but that is going to be on the promoter.

Councilmember Sara Countryman asked Mr. Palmer if we still have someone pursuing the missed revenues from Airbnb's.

Ms. Maryann Carl responded that they are having another meeting with Asvar. Her problem with that she has with the program they want the city to sign up for to identify those locations, is the projected revenues....they want us to pay 40%.

Councilmember Sara Countryman asked if there was anyone else other than SRI / Asvar as we voted them in, we have more and more Airbnb's and nothing is done or in return.

Ms. Carl responded she is definitely looking into that.

Councilmember Casey Olson said he had a couple of questions. It looks as if our fiscal year is 50% over at the end of this month and only 28.5% through our budget.

Ms. Carl responded yes that is correct, we are doing really well.

Councilmember Casey Olson said then he is asking what are the big spends that he is not seeing but are coming.

Ms. Carl says she spent some time looking at some of the things that she can project that are coming.

Mayor Byron Sanford asked to what degree is our favor that we are seeing a matter of impact fees, timeliness impact fees that are not coming in that are not pulling from our capital, our big enchiladas, is that have anything to do with how we are doing so well?

Ms. Carl responded council must remember the capital projects are not seen in the operational budget.

Councilmember Carol Langley moved to accept the department reports as presented.
Councilmember Casey Olson 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 executive session items at time of publication.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

COUNCIL INQUIRY:

Councilmember Stan Donaldson said he wants to thank Simmons Bank for finally coming in compliance about our Texas flag.

Councilmember Sara Countryman said at one point they talked about changing their terms and asked where they are on that.

Mr. Palmer stated he knows that with a general rule city it is a maximum of four years and it may need to go through some sort of process.

Councilmember Sara Countryman asked if it has to be on the ballot.

Mr. Villarreal said he does not believe it has to be on the ballot but he will follow up on that.

Councilmember Sara Countryman said she thinks they talked about going for a three-year term. She said she did not know what the next steps were.

Councilmember Casey Olson said with the Home Depot cost down about \$200,000 from estimate that should put them to about 18 months on that no interest loan. On every \$40,000 you save it knocks a month off of that.

Mr. Roznovsky said it is \$150,000 in contingencies.

Councilmember Casey Olson said they could ultimately fairly easily be at 12 months and that is fantastic.

Councilmember Sara Countryman asked if there are any bites on Prairie Street.

Mr. Palmer said he would like to get it off this Friday. There are people that are interested and they have to go through the bid process.

Councilmember Sara Countryman asked how it will be listed.

Mr. Palmer said in our newspapers.

ADJOURNMENT

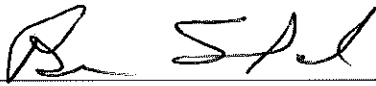
Councilmember Sara Countryman moved to adjourn the meeting. Councilmember Cheryl Fox seconded the motion. Motion Passed (5-0).

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

Submitted by: Diana Titus
Diana Titus, Deputy City Secretary

Date Approved: 4-9-2024

Reviewed by: Nici Browe
Nici Browe, City Secretary. TRMC

A handwritten signature in black ink, appearing to read "B. Sanford". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Mayor, Byron Sanford