

**City Council
MINUTES
April 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
	Stan Donaldson	City Council Place #5
Absent:	Cheryl Fox	City Council Place #4
Also Present:	Gary Palmer	City Administrator
	Alan Petrov	City Attorney
	Chris Roznovsky	City Engineer

INVOCATION

Mayor Byron Sanford provided the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

ANNOUNCEMENT

Presentation of a Proclamation in honor of Kelvin Arnsworth, citizen and business owner of City of Montgomery who recently passed away.

VISITOR/CITIZENS FORUM:

No member of the public addressed City Council.

CONSENT AGENDA:

1. Approval of the following:

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Councilmember Stan Donaldson moved to approve the consent agenda as presented. Councilmember Casey Olson seconded the motion. **Motion Passed (4-0).**

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action on: AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, ORDERING A PUBLIC HEARING CONCERNING AMENDING ARTICLE III,

"IMPACT FEES" OF CHAPTER 90 "UTILITIES" OF THE CITY CODE OF ORDINANCES BY ADOPTING NEW IMPACT FEES FOR WATER AND WASTEWATER IMPROVEMENTS THAT ARE ATTRIBUTABLE TO NEW DEVELOPMENT IN THE CITY'S PROPOSED WATER AND WASTEWATER IMPACT FEE SERVICE AREA WITHIN THE CORPORATE BOUNDARIES OF THE CITY; PROVIDING OPEN MEETING AND EFFECTIVE DATE PROVISIONS; AND PROVIDING FOR RELATED MATTERS.

Mr. Chris Roznovsky, WGA City Engineers introduced this item and explained that per the city's code of ordinances a public hearing for the impact fee must be held, in order to call the public hearing, it is required to be ordered by the City Council.

Councilmember Casey Olson moved to call the Public Hearing for the impact fees as presented. Councilmember Carol Langley seconded the motion. **Motion Passed (4-0).**

3. Consideration and possible action on calling a Public Hearing related to a Special Use Permit application for an event venue at 504 Caroline Street.

Mr. Dave McCorquodale, Planning & Development Director informed the Council that the applicant is wanting to use the property to host events, per our zoning ordinance, this is not within the list of permitted uses, therefore the only route left for the city and applicant is to obtain a Special Use Permit.

Councilmember Sara Countryman stated she disagreed.

Councilmember Sara Countryman and Councilmember Casey Olson had an extensive back and forth discussion regarding the Special Use Permit. *****The discussion can be viewed at the following link:** <https://www.montgomerytexas.gov/citycouncil/page/city-council-23> [beginning of video] ***

4. City Alcoholic Beverage Permit for Lupe Tortilla Mexican Restaurant, located at 20269 Eva Street, Montgomery, Texas, 77356.

Ms. Nici Browe, City Secretary, presented this item. She informed the City Council that the new construction of Lupe Tortilla is now ready to apply for their TABC and City Alcoholic Beverage Permit. The representative is present should the council wish to ask any questions. The City Secretary has signed and stamped the TABC application, and the City Application has been provided for City Council approval. Ms. Browe reminded the Council that the city permit cannot be issued until the city is in receipt of the TABC permit.

Councilmember Sara Countryman moved to approve the application of the alcohol beverage permit for the new Lupe Tortilla as presented. Councilmember Carol Langley seconded the motion. **Motion Passed (4-0).**

5. Public Hearing on amending Chapter 90, utilities, Article II, Water and Sewer Service, Division 2, Service rates and charges, section 90-57 – Returned Check charge; AND amending Section 90-61 and 90-62 discontinuation or refusal of water service for failure to pay bills and discontinuance of water service upon request of consumer.

Ms. Browe introduced this item and explained that there is a housekeeping item with regards to return check fees and discontinuation of service fees, to bring the city's fees in compliance with the State.

In order to address any fee, change the city must hold a public hearing. The hearing notice was published in the paper in accordance with the local government code.

Mayor Bryon Sanford opened the public hearing at 6:35 P.M.

No members of the public addressed the city council.

Mayor Byron Sanford closed the public hearing at 6:36 P.M.

6. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CHAPTER 90, UTILITIES, ARTICLE II, WATER AND SEWER SERVICE, DIVISION 2, SERVICE RATES AND CHARGES, SECTION 90-57, RETURNED CHECK CHARGE; AND AMENDING SECTION 90-61 AND 90-62, DISCONTINUATION OR REFUSAL OF WATER SERVICE FOR FAILURE TO PAY BILLS AND DISCONTINUANCE OF WATER SERVICE UPON REQUEST OF CONSUMER, RESPECTIVELY, OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE UPON PUBLICATION AND APPROVAL BY CITY COUNCIL.

Ms. Browe introduced this item and explained that this is the ordinance that goes with the public hearing.

Councilmember Carol Langley asked if it was posted in the paper and when it becomes effective.

Ms. Browe responded it becomes effective upon council's approval and the legal notice was published ahead of time.

Councilmember Casey Olson moved to approve the ordinance as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (4-0).**

7. Consideration and possible action on award of the construction contract for the 2023 Sanitary Sewer Rehabilitation Phase 2 project.

Mr. Chris Roznovsky presented this item and explained to the city council about the split phases and the resizing to 12" pipe. He stated that there has been TXDOT approval. There were five bids submitted by March 27th and the costs ranged from \$118,000 to \$308,000. He stated that they have worked with the lowest bidder before in other cities and had a good experience with them.

Councilmember Sara Countryman asked if they had worked with Montgomery County before?

Chris Roznovsky responded for another public entity, and they had no concerns and completed within 35 days as they predicted.

Councilmember Casey Olson stated he has some concerns about their timeline, it's half the time of the others.

Councilmember Sara Countryman stated she sees that and that it is almost too good to be true.

Mr. Roznovsky stated that this does have a short timeline, however in the contract there is liquidated damages.

Councilmember Sara Countryman said but will they suddenly send in a change order for \$200,000?

Councilmember Stan Donaldson asked what the "qualified" statement means.

Mr. Roznovsky responded that it means that they have submitted with their bids, references, and we check up on prior projects they have worked on.

Councilmember Sara Countryman inquired if all have worked in Houston and or Montgomery?

Mr. Roznovsky stated he knows all with the exception of #2.

Councilmember Sara Countryman asked about a warranty, one year?

Mr. Roznovsky responded yes as well as a performance bond.

Councilmember Casey Olson moved to approve and award the bid to Bulchi in the amount of \$119,871 and a completion timeline of 35 calendar days. Councilmember Sara Countryman seconded the motion. **Motion Passed (4-0).**

8. Consideration and possible action on approval of the Final Plat for Montgomery Bend Section Two (Dev. No. 2203).

Mr. Chris Roznovsky introduced this item explaining that Montgomery Bend is underway, the planning and zoning had heard the final plat for section 2, there has been no opposition to the development. There is worth noting that the impact fees are part of this, the current fees not the new at this point.

Councilmember Casey Olson moved to approve the final plat of Montgomery Bend Section 2 as presented. Councilmember Carol Langley seconded the motion. **Motion Passed (4-0).**

9. Consideration and possible action on acceptance of a Feasibility Study for a proposed 56-acre single family residential development by Taylor Morrison of Texas, Inc. (Dev. No. 2404).

Mr. Chris Roznovsky introduced this item and provided the council with a summary of the original thoughts of 211 homes with 45 ft, the feasibility has found that there could be 190 lots, with 55 ft lot measurements and a 10-foot building set back. The lift station 10 improvement project is included in this study, currently funded by Pulte, with Taylor Morrison coming on the pumps would need to be upsized. This would be approximately \$300,000, the same as was originally accounted for. He added that this is the acceptance of the feasibility study only, not any plat or development thereof.

Councilmember Stan Donaldson asked what the definition of Completed is.

Mr. Roznovsky responded that after construction, we will come back and approve the infrastructure and the city will take it over, thus becoming public.

The Detention Pond is a MUD regulated/owned.

Councilmember Sara Countryman moved to accept the feasibility study as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (4-0).**

10. Consideration and Possible Action on a Lease of Real Property, The Bandstand and Related Parking Area, Located at the NE Corner of College Street and McCown

Mr. Gary Palmer, City Administrator, presented this item and reminded the council that the city had a lease for a long time with Mr. Jacobs, however, it had since expired. Since that time, Mr. Jacobs has

acquired additional land that would be included in the lease. The event season is approaching, and the city utilizes that property a lot for events.

He added that Mr. Jacobs has negotiated with staff and today he is asking for the cost of the lease, which is \$1.00 annually and the city covers his ad valorem taxes, which is approximately \$1500.00 annually. Mr. Palmer stated that it is the staff's recommendation to approve the lease.

Councilmember Sara Countryman moved to approve the lease as presented. Councilmember Carol Langley seconded the motion. **Motion Passed (4-0).**

11. Consideration and Approval of Adding a Volunteer Water Operations Advisory Position to the Organizational Chart.

Mr. Palmer reminded the City Council that this item has been workshopped and as requested has been placed on the council agenda for council's consideration.

Councilmember Sara Countryman approved adding a volunteer water operations advisory position. Councilmember Casey Olson seconded the motion. **Motion Passed (4-0).**

12. Consideration and Possible Action on Adding a Finance Technician Position to the City Organizational Chart.

Mr. Palmer stated that again this item has been discussed and shown there is a need for this position, Ms. Maryann Carl is here to answer any question regarding the position.

Councilmember Sara Countryman moved to table this item until the next council meeting as Councilmember Fox is not here and had several questions regarding this item. Councilmember Stan Donaldson seconded the motion. **Motion Passed (3-1). Councilmember Casey Olson voted against.**

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.

Sections 551.074 (personnel matters), City Secretary Position.

Mr. Gary Palmer advised the City Council that this item had been discussed in a workshop so there was no need to meet.

The City Council did not go into executive session.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

COUNCIL INQUIRY:

Councilmember Casey Olson and Councilmember Sara Countryman continued the discussion regarding special use permit for 504 Caroline Street and the impact on other existing businesses that also hold events. ****discussion at the following link: <https://www.montgomerytexas.gov/citycouncil/page/city-council-23> [minute 43:53] ****


ADJOURNMENT

Councilmember Sara Countryman moved to adjourn the meeting. Councilmember Casey Olson seconded the motion. Motion Passed (4-0).

The meeting was adjourned at 7:05 P.M.

Date Approved: 4/23/24

Submitted by: 
Nici Browe, City Secretary. TRMC


Mayor, Byron Sanford