



**City of Montgomery
City Council
Regular Meeting Minutes
January 27, 2026**

OPENING AGENDA

1. Call Meeting to Order.

The City Council Regular Meeting of the City of Montgomery was called to order by Mayor Countryman at 6:00 p.m. on January 27, 2026, at City Hall 101 Old Plantersville Rd., Montgomery, TX and live video streaming.

With Council Members present a quorum was established.

City Council Present:

Mayor Pro-Tem	Cheryl Fox
Council Member Place 1	Carol Langley
Council Member Place 5	Stan Donaldson

Absent:

Mayor	Sara Countryman
Council Member Place 2	Casey Olson
Council Member Place 3	Vacant

2. Invocation.

Council Member Donaldson gave the invocation.

3. Pledges of Allegiance.

Mayor Pro-Tem Fox led the pledges of allegiance.

PUBLIC FORUM

Patricia Roebuck, 1009 The Cliffs Blvd., Montgomery, a micro-business owner in downtown Montgomery, expressed deep concern over the City's sudden and dramatic increases in water and sewer rates, noting that her bill rose by 135% in one month despite virtually zero water usage. She explained that under the old rates she paid under \$20 for water and sewer minimums, but now pays \$90 before any usage, resulting in triple-digit increases that disproportionately impact the smallest businesses. She contrasts this burden with the City's generous financial incentives and infrastructure reimbursements recently granted to major corporate retailers such as Kroger, Home Depot, and H-E-B, which were justified as economic investments. Meanwhile, residential customers are reporting decreased water bills, creating a stark disparity. She argues that these new utility rates effectively price out local independent businesses and jeopardize the historic character of downtown Montgomery. She emphasized that a 135% increase for nearly zero usage is unreasonable, inequitable, and signals misplaced priorities, leaving micro-businesses carrying the financial weight of large-scale development.

Philip LeFevre, 300 CB Stewart, Montgomery raised concerns about the lack of checks and balances in the City of Montgomery's engineering and contracting practices, arguing that current processes allow city engineers to design projects without independent oversight. Citing the 2018 repairs to the Town Creek Bridge, he explained that he repeatedly warned the City through emails, photos, and conversations, about serious erosion risks on Town Creek and Atkins Creek, as well as design flaws such as drop-structure drains likely to fail and the City digging the creek seven feet deeper than natural levels. Despite city engineers acknowledging many of his concerns, no action was taken for years, leading to significant erosion, damage to private property and public infrastructure, and costly taxpayer-funded repairs by TxDOT. He noted that other qualified engineers and later city-commissioned studies issued similar warnings, yet the City ignored them until the problems became severe and then filed a lawsuit he believes was meant to deflect blame. He argues that these failures demonstrate negligence, waste, and a lack of preventative maintenance, and urges the Council to restore independent engineering review and stronger internal safeguards before approving new contracts.

CONSENT AGENDA

4. **Consideration and possible action on the City Council Workshop Meeting Minutes of January 08, 2026.**
5. **Consideration and possible action on an Ordinance of the of the City Council of the City of Montgomery, Texas, Ordering a Regular and Special Election to be held jointly with Montgomery County on May 2, 2026, for the purpose of electing a Mayor and two (2) City Council Members, Places 2 and 4 for regular terms as well as electing one (1) City Council Member for Place 3 to fill an unexpired term; and providing details relating to the holding of such election.**

Proposed Ordinance 2026-03

Consideración y posible acción sobre una ordenanza del ayuntamiento de la Ciudad de Montgomery, Texas, que ordena una elección ordinaria y especial conjunta con el Condado de Montgomery el 2 de mayo de 2026, con el fin de elegir a un alcalde y dos (2) miembros del concejo municipal, los puestos 2 y 4 para mandatos regulares, así como la elección de un (1) miembro del concejo para el puesto 3 para cubrir un mandato no expirado; y proporcionando detalles relacionados con la celebración de dicha elección.

Ordenanza propuesta 2026-03

6. **Consideration and possible action regarding the adoption of the Election Services Agreement by and between the City of Montgomery and Montgomery County Elections for holding the May 02, 2026 Election and to authorize the Mayor to sign the agreement.**
7. **Consideration and possible action regarding the adoption of the Joint Election Agreement with Montgomery County Elections for May 02, 2026, City General Election and to authorize the Mayor to sign the agreement.**

Motion: Council Member Donaldson made a motion to accept the Consent Agenda as presented. Council Member Langley seconded the motion. Motion carried with all present voting in favor.

REGULAR AGENDA

8. Consideration and possible action on the Final Plat for Briarley (formerly known as Redbird Meadows) Kammerer Drive Extension (Dev. No. 2006).

Chris Roznovsky, WGA Engineer, addressed the Council on the final plat for Briarley, formerly known as Redbird Meadows, specifically the Kammerer Drive Extension Development No. 2006. Mr. Roznovsky explained that several plat items were on the agenda, beginning with the Kammerer Drive Extension plat, which includes only the portion related to the roadway. The Council was directed to the copies included in their packets, which also contained the Recreation Center Priority Development. This plat was reviewed by the Planning and Zoning Commission on January 6 and was recommended for approval. Recording of the plat is contingent upon Council approval and receipt of the required impact fees.

Motion: Council Member Donaldson made a motion to accept the Final Plat for Briarley (formerly known as Redbird Meadows) Kammerer Drive Extension (Dev. No. 2006). Council Member Langley seconded the motion. Motion carried with all present voting in favor.

9. Consideration and possible action on the Final Plat for Briarley (formerly known as Redbird Meadows) Pond A1 (Dev. No. 2006).

Chris Roznovsky, WGA Engineer, addressed the Council on the final plat for Briarley, formerly known as Redbird Meadows, Pond A1, Development No. 2006. Mr. Roznovsky explained that the item was very similar to the previous plat and had been presented to the Planning and Zoning Commission on January 6, where it received a unanimous recommendation for approval. The tract is adjacent to the previously approved section and consists solely of the detention pond area, with no impact fees required. Copies of the plat, the current land plan, and an exhibit showing its location relative to surrounding development were included in the board's packets.

Motion: Council Member Donaldson made a motion to accept the Final Plat for Briarley (formerly known as Redbird Meadows) Pond A1 (Dev. No. 2006). Council Member Langley seconded the motion. Motion carried with all present voting in favor.

10. Consideration and possible action on the Preliminary Plat for Superior Properties (Dev. No. 2215).

Chris Roznovsky, WGA Engineer, addressed the Council on the preliminary plat for Superior Properties, Development No. 2215. Mr. Roznovsky clarified that this was a preliminary plat, not a final plat, and represents the first step in the platting process; it is not recorded at this stage. The preliminary plat was reviewed by the Planning and Zoning Commission on January 6, which recommended approval. As shown in the Council packet, the property is divided into three reserves: Reserve A for a multifamily development that was previously rezoned by Council, Reserve B for commercial use, and Reserve C for additional commercially zoned properties. The site is located on Lonestar Parkway, west of FM 149 and adjacent to Lawson Street. Approval of the preliminary plat allows the applicant to proceed with preparation of final plats and construction plans, which will return to the Council for future review, approval, and recordation. With no questions from the board, a motion to approve agenda item number ten as presented was made, seconded, and approved unanimously.

Motion: Council Member Donaldson made a motion to accept the Preliminary Plat for Superior Properties (Dev. No. 2215). Council Member Langley seconded the motion. Motion carried with all present voting in favor.

11. Consideration and possible action on a variance request regarding the required landscaping requirements for the Church of Montgomery development (Dev. No. 2501).

Chris Roznovsky, WGA Engineer, addressed the Council on a requested variance to the landscaping requirements for the Church of Montgomery, Development No. 2501. Mr. Roznovsky presented background materials, including a letter describing the request and a recommendation for approval from the Planning and Zoning Commission. The church property, located at the northwest corner of C.B. Stewart and Clipper Street, encompasses approximately 14 acres, of which only about four acres are proposed for development in the current phase, with the remaining acreage to remain undisturbed.

The applicant requested that the 20 percent tree-canopy coverage requirement be applied only to the acreage currently under development, with additional canopy requirements to be met as future phases are developed. The request does not seek a permanent reduction in the overall canopy requirement, but rather a phased compliance approach aligned with development timing.

Planning and Zoning reviewed the request and recommended approval by a 5–0 vote at its January 6, 2026 meeting.

Council discussed applicability of Sections 78-167(A) and 78-167(B) of the Code of Ordinances in light of amendments adopted on February 25, 2025. Mr. Roznovsky and the City Attorney Petrov clarified that, under Texas law, the ordinances in effect at the time a development plan is filed govern that application. Although the supporting letter was dated after the ordinance amendments, the development plans were submitted prior to the effective date, making the earlier ordinance provisions applicable.

Motion: Council Member Donaldson made a motion to accept a variance request regarding the required landscaping requirements for the Church of Montgomery development (Dev. No. 2501). Council Member Langley seconded the motion. Motion carried with all present voting in favor.

12. Consideration and possible action on a variance request regarding the required utility easement, vegetative setback, and the allowance of retaining walls and utilities within the vegetative setback for the Montgomery Retail development (Dev. No. 2402).

Chris Roznovsky, WGA Engineer, addressed the Council on Variance Requests for the Montgomery Retail Development (Development No. 2402). Mr. Roznovsky presented a request for multiple variances related to utility easement requirements, vegetative setback standards, and the placement of retaining walls and utilities within the vegetative setback to the City’s code of ordinances Chapter 78 Ordinances related to the following:

- **Section 78-92(a): Required 16’ minimum utility easement:** The Developer is requesting to remove the utility easement entirely along SH-105 and place all proposed public utilities within TxDOT right-of-way.
- **Section 78-162 (a) Minimum vegetative setback:** Requesting a 20’ setback in lieu of the 25’ requirement to be maintained on all commercial properties abutting single-family properties.
- **Section 78-162: Utilities and retaining walls within vegetative setback:** Requesting to allow for the construction of retaining walls and install utilities within the required vegetative setback.

Council was advised that Planning and Zoning reviewed the requests and issued separate recommendations, approving some items by split vote and denying others.

Mr. Roznovsky explained that the first variance request involved relief from the requirement to dedicate a 16-foot utility easement along SH 105. The request would allow water and sewer utilities to remain outside a dedicated easement. He noted that utilities located within TxDOT right-of-way

would require relocation at the City's expense if the roadway were expanded, while utilities located within a private easement would require relocation at TxDOT's expense. Planning and Zoning recommended approval of this variance by a 3-2 vote.

The second variance request involved a reduction of the required vegetative setback along the southern boundary of the property from 25 feet to 20 feet, consistent with adjacent developments. Planning and Zoning recommended denial of this request by a 5-0 vote, citing the desire to maintain setback standards established in the ordinance.

The third variance request sought approval to allow retaining walls and certain utilities to be placed within the vegetative setback without reducing required landscaping quantities. Planning and Zoning recommended approval of this request by a 4-1 vote.

The Montgomery Retail Development Project Engineer addressed Council, stating that the reduced setback would allow for improved site design, parking layout, and consistency with neighboring developments. Council discussed the Planning and Zoning recommendations and expressed concern about acting contrary to the Commission's recommendation on the setback reduction without additional clarification.

After discussion, Council determined that each variance request could be acted upon separately. Council approved the variance related to the utility easement requirement and approved the variance allowing retaining walls and utilities within the vegetative setback. Council elected to table the variance request related to the reduction of the minimum vegetative setback to allow for further discussion with Planning and Zoning.

Motion: Council Member Langley made a motion to approve variance requests related to Section 78-92(a) and 78-162. Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

Motion: Council Member Donaldson made a motion to TABLE the variance request related to Section 78-162(a) until the February 10, 2026 City Council meeting. Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

13. Consideration and possible action regarding authorizing the City Engineer to begin design of the Caroline Court Sanitary Sewer Extension Project (the "Project") (Dev. No. 2502).

Chris Roznovsky, WGA Engineer, addressed the Council and presented a request to authorize the City Engineer to begin design of the Caroline Court sanitary sewer extension project. Council was reminded that, at the previous meeting, a development agreement was approved with Parkside Capital for the Villages of Montgomery, now known as Caroline Court. Under the terms of that agreement, the developer will fund the City's design and construction of the sanitary sewer extension.

Mr. Roznovsky reviewed the project scope, noting that the proposed sewer extension will extend from the area near the existing Meeting Place and Lift Station No. 5 to the vicinity of Solomon Electric and the final commercial reserve, providing sanitary sewer service to the entire development. The project also includes the elimination of a small lift station currently located at the Solomon Electric property, which is presently maintained by the City. An exhibit showing the extent of the sewer extension, an updated cost estimate, and a proposal for design services were included in the packet.

Mr. Roznovsky further clarified that Lift Station No. 5 is not currently in its permanent location. The existing connections will remain in place with the installation of a manhole, allowing the system to connect at the same point. Flow will ultimately be directed to Lift Station No. 5 once it

is relocated to its new, permanent location pursuant to a previously approved contract funded by the developer.

It was noted that all design and construction costs for the project will be funded by the developer and that authorization to proceed is subject to receipt of the required deposit.

Motion: Council Member Donaldson made a motion to authorize the City Engineer to begin design of the Caroline Court Sanitary Sewer Extension Project (Dev. No. 2502). Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

14. Consideration and possible action approving the Consent to Encroachment by and between the City of Montgomery and the Developer (“Hills of Town Creek Section 5”) (Dev. No. 2406).

Chris Roznovsky, WGA Engineer, addressed the Council and presented a request for approval of a consent to encroachment agreement between the City of Montgomery and the developer of Hills of Town Creek, Section 5. Council was advised that the developer’s monument sign located along LoneStar Parkway, near the intersection of Emma’s Way, had been installed partially within the County and City right-of-way without prior approval.

Mr. Roznovsky explained that the consent to encroachment agreement would allow the sign to remain in its current location. Under the terms of the agreement, the City would not be responsible for any damage or repairs to the sign resulting from utility work, roadway maintenance, or other infrastructure activities conducted within the right-of-way. An exhibit showing the location of the encroachment was included in the meeting packet.

Motion: Council Member Donaldson made a motion to approve the Consent to Encroachment by and between the City of Montgomery and the Developer Hills of Town Creek Section 5 (Dev. No. 2406). Council Member Langley seconded the motion. Motion carried with all present voting in favor.

15. Consideration and possible action on formally ending the one-year warranty period and releasing the maintenance bond on the 2023 Sanitary Sewer Rehabilitation PH II project.

Chris Roznovsky, WGA Engineer, addressed the Council and presented a request to formally conclude the one-year warranty period and release the maintenance bond for the 2023 Sanitary Sewer Rehabilitation Phase II project. Council was reminded that the project was completed in multiple phases, with delays related to permitting requirements for the SH-105 crossing. The one-year warranty period concluded in December 2025.

Mr. Roznovsky reported that a one-year warranty inspection was conducted on November 12, 2025. The resulting punch list items were minor in nature and included resealing grout in an inlet, which is considered routine maintenance. He confirmed that all punch list work had been completed and recommended formally ending the warranty period and releasing the maintenance bond for Phase II of the project.

Council briefly confirmed the warranty end date and expressed no further discussion.

Motion: Council Member Donaldson made a motion to approve the formal conclusion of the one-year warranty period and release of the maintenance bond for the 2023 Sanitary Sewer Rehabilitation Phase II project. Council Member Langley seconded the motion. Motion carried with all present voting in favor.

16. Consideration and possible action on an Ordinance of the City Council of the City of Montgomery, Texas amending Chapter 82 "Taxation" of the City Code of Ordinances Article

VI. "Partial Ad Valorem Tax Exemption for Historically Significant Structures" Sections 82-95, 82-97, and 82-98; Making findings and containing other provisions relating to the foregoing subject; Containing a savings clause; Providing for severability.

Proposed Ordinance 2026-04

City Secretary Beaven presented an Ordinance amending Chapter 82 of the City of Montgomery Code of Ordinances, Article VI, relating to the partial ad valorem tax exemption for historically significant structures. Ms. Beaven explained that the ordinance had been reviewed previously and was brought forward again following additional review by legal counsel. The proposed changes were characterized as minor and primarily intended to clarify and update the existing ordinance.

Ms. Beaven noted that one amendment requires applicants to submit their application annually, allowing the City to verify continued eligibility and receipt of required documentation related to the qualifying property. Council confirmed that the exemption percentage remains unchanged at 25 percent. Ms. Beaven further advised that two exemption letters have already been issued to eligible residents, with a third applicant recently inquired.

Council discussed the expansion and renumbering of code sections associated with the ordinance and was advised that any unused or skipped section numbers would be listed as reserved for future use. City Attorney Petrov noted additional revisions were made to align the City's language with Montgomery County standards, including clarification that an applicant must reside on the property, though not necessarily within the historic structure itself, provided the property is homesteaded. Staff explained that this clarification addressed ambiguity in the prior ordinance.

Motion: Council Member Donaldson made a motion to approve Ordinance 2026-04, an Ordinance of the City Council of the City of Montgomery, Texas amending Chapter 82 "Taxation" of the City Code of Ordinances Article VI. "Partial Ad Valorem Tax Exemption for Historically Significant Structures" Sections 82-95, 82-97, and 82-98; Making findings and containing other provisions relating to the foregoing subject; Containing a savings clause; Providing for severability. Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

- 17. Consideration and possible action on a Resolution of the City of Montgomery, Texas, approving an amendment to the City of Montgomery Policies and Procedures Manual, Section VI. Conduct and discipline, Reference Number 6.08, Subject: Use of City Vehicles as attached as Exhibit A; and Further providing for effective date, severability, and finding and determining that the meeting at which this resolution is adopted was open to the public, that the public notice of time, place, and the subject matter of the public business to be considered was posted as required by law.**

City Secretary Beaven presented a Resolution approving an amendment to the City of Montgomery Policies and Procedures Manual, Section 6 (Conduct and Discipline), Reference No. 6.08, regarding the use of city vehicles. Ms. Beaven explained that the item was presented as a housekeeping matter following a request from the Police Department to increase the allowable take-home vehicle distance from 15 miles to 35 miles. During review of that request, staff cross-referenced the proposal with the City's personnel policies and conducted a broader review of the vehicle-use policy, which had last been updated in 2008, to bring it in line with current standards.

Ms. Beaven noted that this item was related to Agenda Item 18, which addressed personnel policy updates requested by the Police Chief, and that both items were intended to be reviewed together to ensure consistency and avoid policy conflicts. Chief Solomon stated upon further review, staff identified conflicting provisions between the proposed policy language and existing Texas Police Association policies. Chief advised that the policies must align with one another to avoid confusion

or liability and requested that both items be tabled to allow time to reconcile the discrepancies and revise the language accordingly.

Following discussion, a motion was made and seconded to table Agenda Item 17. The motion carried, and Agenda Item 17 was tabled until the next regular City Council meeting scheduled for February 10, 2026.

Motion: Council Member Langley made a motion to TABLE, to the February 10, 2026 meeting, the Resolution amendment to the City of Montgomery Policies and Procedures Manual, Section VI. Conduct and discipline, Reference Number 6.08, Subject: Use of City Vehicles. Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

18. Consideration and possible action on a Resolution of the City Council of the City of Montgomery, Texas, to adopt City of Montgomery, Texas Police Department Take-Home Patrol Unit Program.

Motion: Council Member Langley made a motion to TABLE, to the February 10, 2026 meeting, the Resolution to adopt City of Montgomery, Texas Police Department Take-Home Patrol Unit Program. Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

EXECUTIVE SESSION

19. Closed Session

City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

- A. Sections 551.071 Consultation with Attorney - Discussion concerning a settlement of a claim.**
- B. Sections 551.071 Consultation with Attorney - Discussion concerning a reimbursement of a claim.**

At 6:50 p.m. Mayor Pro-Tem Fox convened the Montgomery City Council into closed session pursuant to provision Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.071 Consultation with Attorney.

20. Open Session

City Council will reconvene in Open Session at which time action on the matter(s) discussed in Closed Session may be considered.

- A. Sections 551.071 Consultation with Attorney - Discussion concerning a settlement of a claim.**
- B. Sections 551.071 Consultation with Attorney - Discussion concerning a reimbursement of a claim.**

At 7:11 p.m. Mayor Pro-Tem Fox reconvened the Montgomery City Council into an open session pursuant to provision of Chapter 551 of the Texas Government Code to take any action necessary related to the executive session noted herein, or regular agenda items, noted above, and/or related items.

Item A Motion: Council Member Donaldson made a motion to approve the settlement of the claim. Council Member Langley seconded the motion. Motion carried with all present voting in favor.

Item B Motion: Council Member Donaldson made a motion to approve the reimbursement with a waiver of liability. Council Member Langley seconded the motion. Motion carried with all present voting in favor.

COUNCIL INQUIRY

Mayor Pro-Tem Fox inquired when the City Council would receive a report on the progress of the new City Hall building. City Administrator Walker responded that the project team is expected to return in March to provide a comprehensive update. It was noted that the team is also considering a more interactive work process that would allow Council input during the development phase, followed by a full formal update. Mayor Pro-Tem Fox requested that staff consider providing monthly progress reports, expressing a desire to see more visible advancement on the project. City Administrator Walker replied that the architectural and engineering phase had recently been initiated and that internal meetings regarding space planning are underway, adding that progress updates should now be available.

CLOSING AGENDA

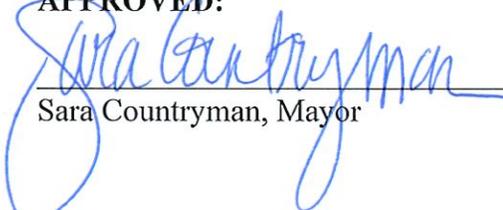
21. Items to consider for placement on future agendas.

Report on the new City Hall project.

22. Adjourn.

Motion: Council Member Donaldson made a motion to adjourn the Regular Meeting of the City of Montgomery at 7:14 p.m. Motion carried with all present voting in favor.

APPROVED:


Sara Countryman, Mayor

ATTEST:


Ruby Beaven, City Secretary

