

**City Council Regular Meeting
MINUTES
August 27, 2024 at 6:00 PM**

CALL TO ORDER:

Mayor Sara Countryman called the meeting to order at 6:00 p.m.

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| Present: | Sara Countryman | Mayor |
| | Casey Olson | Mayor Pro Tem |
| | Carol Langley | City Council Place #1 |
| | Cheryl Fox | City Council Place #4 |
| | Stan Donaldson | City Council Place #5 |

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| Also Present: | Gary Palmer | City Administrator |
| | Dave McCorquodale | Director of Planning & Development |
| | Maryann Carl | Finance Director |
| | Alan Petrov | City Attorney |
| | Katherine Vu | City Engineer |

CALL TO ORDER:

INVOCATION:

PLEDGES OF ALLEGIANCE:

PROCLAMATION:

Mayor Countryman stated they have a very special guest this evening read the following Proclamation: *Whereas September 17th 2024 marks the 237th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention and whereas it fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasion and whereas Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through the 23rd as Constitution week. Now therefore I, Sara Countryman by virtue of the authority vested in me as the Mayor of the City of Montgomery do hereby proclaim the week of September 17th through the 23rd as Constitution week and ask our citizens to reaffirm the ideas of the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties remembering the lost rights may never be regained. In witness whereof I have here unto set my hand and cause the Seal of the City to be affixed to this 27th day of August of the year of our Lord 2024.*

Mayor Countryman presented the Proclamation to the Daughters of the American Revolution. A member of the chapter said she wanted to thank Council on behalf of the Daughters of the American Revolution. She said they are the chapter chartered out of Willis but most of their members live in Montgomery and so they very much appreciate this Proclamation that supports their three pillars which are education, patriotism, and historic preservation.

PUBLIC FORUM:

No member of the public addressed the City Council.

Mayor Countryman said she wanted to do a Proclamation and read a letter dated June 13, 2024. “Dear Mayor Sara, City of Montgomery councilmembers, and the residents of the City of Montgomery, Texas. The heart of a city is not just a geographical dot but the tone and the beat of its citizens. I would like to recognize one of Montgomery’s lifelong resident who has continued to raise the bar of civic pride. John Ed Johnny Young has faithfully cared for a very special dot for my family. The Peele Cemetery that lies in the northwest corner of the Old Methodist Cemetery. Johnny’s faithful oversight of this resting place should not go without any acknowledgement and recognition of what makes Montgomery a city of emotional glue for all. May his dedication serve as a model for all. Most sincerely, Sarah Peele Mabry.”

Mayor Countryman said she is proud of our citizens and those that give back to the City. She said Ms. Mabry wanted to make sure that everybody knew Johnny’s good work and deeds.

CONSENT AGENDA

1. Approval of the July 23, 2024 Regular City Council Meeting Minutes

Councilmember Casey Olson moved to approve the Consent Agenda. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

REGULAR AGENDA

2. Consideration and possible action on a sign variance request as submitted by Signs Above for 15325 Summit Park Drive.

Mr. McCorquodale said he spoke with the attorneys on this who had some questions about it in terms of the clarity that he had laid out for you. He said if they had questions it is very likely someone else does. On page 24 of the packet on the agenda memo you see a table. We look at where the frontage is for what the sign size can be. In other words when they look at Table A over on the far right hand column it talks about SH 105, FM 149, CB Stewart, and Lone Star Parkway. He said FM 1097 is not allowed to have the same size sign as those that are allowed to have a six-foot sign, maximum 60-foot square foot area. The roadway is very similar in nature so based on that the applicant has submitted a variance application request. Mr. Larry Slade with the sign company is here this evening if you have any questions. He stated staff has no objections to the request.

Councilmember Stan Donaldson asked if he is correct in saying that is a 10 x 10 sign. Mr. McCorquodale said the proposed sign would be and that is what the variance is being asked for to go to a 10 x 10 sign. Councilmember Stan Donaldson said instead of six feet. Mr. McCorquodale said instead of 6 x 10.

Councilmember Casey Olson asked if it on a curve or it is not how close to the road. Mayor Countryman said like it is not going to impede that four-way stop. Councilmember Casey Olson said no.

Councilmember Casey Olson moved to approve item 2 as presented. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

3. Consideration and possible action authorizing the issuance of a Request for Qualifications for engineering services for the Water Plant No. 4 Project.

Ms. Vu said what is before you tonight is consideration of a Request for Qualifications for the Water Plant No. 4 project construction of that Water Plant No. 4. Ms. Vu stated she wanted to go over a few things of what this is and what this is not to hopefully answer some questions that she knows this has. She said what this is is an ad for engineering services to complete the design for the Water Plant No. 4 project. She said this is not authorizing that design to begin today. This is only requesting qualifications from engineering firms. This project is not authorizing construction to begin.

Ms. Vu said as they have been discussing they monitor the City's water plant capacity closely based on the existing needs and current future needs developments that they know are coming developments that they anticipate to come whether they are feasibility studies that have been completed, whether a development agreement has been executed, or they are in plans or even in construction. They monitor the build out projections of the City very closely. Keeping in mind of what you have and what is coming they recommend proceeding and releasing a request for qualifications for this plant to keep up with future demand of what is coming in the City. As far as a timeline from start to finish for a water plant of this capacity which includes the drilling of a new Jasper well and construction of an elevated storage tank bar tower, you are looking at between 18 months to two years. Looking ahead that is around when this capacity would be needed when your existing facilities and an additional booster pump to be constructed at water plant no. 3 you would exceed all of those capacities. The TCEQ also requires an elevated storage tank to be constructed once you reach 2,500 connections to the system which they are expecting to happen close to the end of 2026.

Ms. Vu said their recommendation tonight is to authorize the issuance of this request for qualifications and allow them to bring proposals from engineering firms back to Council to consider. Councilmember Casey Olson asked how long does the qualification last. Ms. Vu said what the firms submit is just qualifications. There is no pricing that is submitted with it. It is just a statement of qualifications. She said she believes this has been out for about a month and are requesting qualifications to come back on September 26th based on just what is in here. It is about a month to get completed and then submitted but as far as when do the qualifications necessarily expire, she is not aware of a time they would expire. Councilmember Casey Olson said just as long as it does not have a time. Ms. Vu said there is not a time written into the request for qualifications. Ms. Vu said just to remind you on how the selection process works, you are not allowed to select an engineer based on price. You have to select based on qualifications. You receive the statements of qualifications from the firms and you select who you believe to be the most qualified firm and then you enter into contract negotiations with that one engineering firm. If you cannot come to an agreement with that one firm they are then rolled and you go to your next most qualified engineering firm and begin contract negotiations. You cannot go back to that first engineer at that time. You must select based on qualifications.

Mayor Countryman asked if it is just for water plants to do it that way. Ms. Vu said no it is not. It is part of the Professional Services Procurement Act so this applies to attorneys, engineers, surveyors, and other professional services.

Councilmember Carol Langley asked if this is advertised in The Conroe Courier. Ms. Vu said it will go in The Courier, it will go on a few websites, and they will post it on one called Civcast which is where they post for the construction projects as well. She said it will also go on the City's website.

Councilmember Stan Donaldson asked if these firms are going to be involved from the design work to the completion. Ms. Vu said the way they have it proposed in here is that these firms will complete the design from start to finish. Once the project enters construction those firms would be available to respond to RFIs from the contractor and review submittals based on the design. From there they would propose that as your city engineer take over construction administration and inspection for the project.

Councilmember Stan Donaldson asked is the money they allocated for CIP the \$400,000 for design work and is that part of the funds they are going to talk to these people about once they pass their qualifications. Ms. Vu said correct. The \$400,000 that is in the proposed budget is their estimate for what they feel a design should take but of course you actually get that hard number from whichever engineering firm you select. The \$400,000 is only for design.

Councilmember Cheryl Fox asked if Ms. Vu can give a downside of not approving this item tonight. Ms. Vu said the downside of not approving it tonight would be that you are delaying increasing your capacity based on your future needs. It opens you up to the risk of potentially being limited on your capacity and delaying this type of project she would not recommend it just based on the capacities that you have and knowing what is coming. Not doing this project would put you at risk at not being able to provide service to the future residents and future developments.

Councilmember Stan Donaldson moved to accept item 3 as presented. Councilmember Casey Olson seconded the motion. **Motion Passed (5-0).**

4. Consideration and possible action on setting a new Public Hearing date related to a Special Use Permit application for a paramedical and fine-line tattooing business located at 14375 Liberty Street, Montgomery, Texas.

Mr. McCorquodale said they did not get a legal notice in the paper on time and are asking to recall this public hearing so they can get the legal notice published.

Councilmember Casey Olson moved to set a public hearing for September 24, 2024 at 6:00 p.m. to be held at City Hall considering the paramedical and fine line tattooing business located at 14375 Liberty Street. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

5. Consideration and possible action on calling a Public Hearing related to a rezoning application of 15.46 acres along Lone Star Parkway west of Liberty Street from ID-Industrial to B-Commercial and R2-Multi-family Residential as submitted by SPT Montgomery, LLC (Dev. No. 2215).

Mr. McCorquodale said this is a rezoning application that they have received from a project that has been on again and off again in the City for several years. When they receive the

application they bring it to Council. The ordinance says that the Council calls a public hearing. There is no real analysis or recommendations, they are just trying to call the public hearing this evening.

Councilmember Casey Olson said there are two pieces. One is industrial and one is commercial. Mr. McCorquodale said currently it is all zoned industrial. Councilmember Casey Olson asked if the L-shaped piece off Lawson between Lawson and Lone Star came to them before earlier this year or late last year. Mr. McCorquodale said yes it was some time last year and they have also been looking at that bigger hunk to the far west. Councilmember Casey Olson asked if they are applying again. Mr. McCorquodale said yes. Ms. Vu said this is the same people, this is Superior Properties and they are the ones that came to you earlier wanting to do a multi-family duplex style on the west side of the development and on the eastern side do commercial which is why there is a split zoning of B-Commercial and multi-family to accommodate both of their proposed developments. Once they get the rezoning they are ready to move forward with the platting process but the zoning decides how the setbacks look on the plat. This is the first step for them. Councilmember Casey Olson asked if they deny the public hearing what happens. Mr. Alan Petrov, City Attorney said they have a right to a hearing. Council can decide to deny the application after the hearing. Ms. Vu said this was the same type of development that was included in the feasibility study they presented to you. They have not changed what they are proposing.

Councilmember Casey Olson moved to call a public hearing for October 8, 2024 at 6:00 p.m. to be held at Montgomery City Hall considering rezoning application for 15.46 acres along Lone Star Parkway west of Liberty Street from ID-Industrial to B-Commercial and R2-Multi-family Residential to be submitted by SPT Montgomery, LLC. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

6. Consideration and possible action on the final design documents as prepared by MERJE Design for the City of Montgomery, Texas Wayfinding Program.

Mr. McCorquodale said the EDC started this project in late 2022, early 2023. There have been a couple joint meetings or one joint meeting along the way to discuss the design with Council. He said the EDC started this and funded this and they approved it at their last meeting. The action tonight is to ask Council to approve this plan. They have a formal plan to go back and pull from when they are ready to start implementing those signs. After going through the budget items recently he knows they are all aware that there is not a lot of money sitting around for Way Finding signs but what this does is it locks in this design so the EDC or the City does not go out to spend more money on the Way Finding design when you get to that point when you are ready. Councilmember Casey Olson said MEDC is ready to move forward with some of the signs and they have a piece of the budget set aside to start building a couple of these signs. He thinks the plan is to move forward with pieces of it every year and just add to the signs. Councilmember Stan Donaldson asked if basically they are binding themselves up to this plan for these types of signs and these types of locations. Councilmember Casey Olson said the locations not so much, the sign design yes. Mr. McCorquodale said it is about \$69,000 total on the design for the signs.

Councilmember Casey Olson moved to approve item 6 as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

DEPARTMENTAL REPORTS

7. Public Works Report.

Councilmember Cheryl Fox said the easement off of Worsham Street looks awesome. Mr. Muckleroy thanked Councilmember Cheryl Fox. Councilmember Stan Donaldson said he has seen it and it looks okay. He said they have a few things going on there. Mr. Muckleroy said the play on that is to use it through the construction phase and then it will be a secondary entrance for the future but it will not be an everyday entrance. They will go back to Houston Street once all the construction is complete.

Councilmember Stan Donaldson said thank you again for helping the citizens just outside of the city limits get their water.

Mayor Countryman asked if all the debris has picked up from Beryl and if they received help from the County. She said she has seen a lot of it gone so does not know if it was the County or Public Works. Mr. Muckleroy said he is not sure if the County came through or not. He said they have one resident outside the city limits that had a pile and are hoping the County is going to get it.

Mayor Countryman asked you maintains the restrooms at the park. Mr. Muckleroy said his crew. Mayor Countryman said they are extremely clean every time she goes. She said they are doing a great job. Mr. Muckleroy thanked Mayor Countryman and said they have tossed it over the years whether they contract that out or not and have always come back to the conclusion they hear compliments like that and he knows as soon as they start farming it out the care factor is not going to be there.

8. Utility Operations Report – Hays Utility North.

Mr. Wright said in looking at the report everything is looking really good but it does not show what a tough month July was. He said there was the hurricane and the clarifier went down at the sewer plant again.

Looking at the water consumption there is 97 percent accountability and then for the wastewater treatment plant you see where there was an excursion on the TSS. He said it just got to the point where they could not do anything anymore so they just continued making their repairs and turn it around for August. If the TCEQ has any issues with this excursion, there was hurricane Beryl, and the clarifier drive went down and that is what they will discuss with the TCEQ. He thinks they will be understanding of it concerning the hurricane.

Mr. Wright said in regard to the Lone Star report it looks like they are right where they need to be and they will continue to monitor that for the rest of the year.

Mayor Countryman asked if there is anything more they can do to be proactive and improve upon. Mr. Wright said they are doing it and Mr. Muckleroy works great with them. He said if this is the worst he thinks they are doing okay.

Councilmember Casey Olson asked what was the outcome with the roof on the building in the park. Mr. Muckleroy said it was under insurance and received the check for it but they still have to get multiple quotes. They have two right now and are waiting on the third quote.

9. Municipal Court Report

Ms. Duckett said on the July 2024 report citations were 122 and the revenue was \$33,867.49.

Mayor Countryman said she noticed that in the last three to four months they have collected more than they have in the past two years and asked what she is doing different. Ms. Duckett said she has visited a few different courts and came back implementing new things. She said they had a cadet who was helping them do collection calls on old warrants and their FTAs before they are actually entered into the system they do follow up calls. Also, clients that are entered into Omni before they put a suspension on their drivers license they call them and once they get those letters they will quickly pay it. Mayor Countryman asked if they are doing everything good compared with the courts she has seen. Ms. Duckett said she thinks they are doing awesome. She said a lot of courts call her as well to try and see what changes they have going on.

10. Police Department and Code Enforcement Report

Councilmember Carol Langley asked if the massage place is closed. Chief Solomon said they took an officer who had human trafficking training and she happened to notice some things that were going on and she went in for an inspection. He said as they drove around at night they saw the sign that is put up in the back that says massage. They did another inspection and got with the investigator and more agencies and started looking at it. They sent someone in and found out they start doing these things after 3 p.m. He said they need to change their ordinance. He said the people that came to get the permit to build this place out were not the people who operate the place. A lot of times if you have stand alone places you can normally tell if it is changing hands by the utility bills but with this one you really could not tell because it was owned by the strip center and the strip center is paying those utility bills. They are still looking into investigating for human trafficking. In changing the ordinance they are looking at the legalities of things where maybe they can get those guys to register and do a criminal history on them and they need to look at that just because of the type of city we are. They will take a look into making those changes and that way they can see what is going on. He said it is not only for massage parlors but for tattoo and smoke shops. Mayor Countryman asked if it was a resident running the parlor. Chief Solomon said no.

Mayor Countryman said she has not heard from Taylor about the church and the music and asked if that has died down. Mr. Palmer said they are working on that.

11. Financial Reports

Ms. Carl said their general fund revenue is less than 20 percent away from achieving their projected revenues for the year so they will definitely have surplus revenue. She said all

departments are below or on trend to come in right at or slightly below in expenses. On page 246 of the packet is a part of the utility revenue report. Before you were used to seeing two reports that looked like this with the blue table. She said that one report literally comes straight out of Incode so they are giving you the report out of Incode instead of putting it into excel. You will still continue to get the information on the next page although they are looking at that as well as she thinks there is a report that can come out of Community Core that tells them the type of permits. She said you already have the amounts like the revenue with the dollar amount that maybe more importantly on permits would be like the number of permits that were issued. They are looking at what they may be able to bring you in regard to that report.

Mayor Countryman said it was mentioned a long time ago about Six Shooter the boutique getting their taxes. She has not gotten an update if they are receiving those yet or not and that in another situation that they are claiming Magnolia is their home hub but yet they are getting sales tax here. Mayor Countryman asked if they have figured that out yet. Ms. Carl said they are working with HDL. There have been a handful of entities that have been identified. Ms. Carl said she told her she would be reaching out to her after the holiday weekend to discuss the status of where they are at. She should have some additional information next week. Mayor Countryman said in retail certain zip codes are protected so that retailers do not have the same stuff. She is claiming Magnolia so that is putting stuff that other retailers have here. She thinks maybe that is the reason why too we are not receiving those taxes on her end. Ms. Carl said if you give her that information and send an email with that she will make sure that they are on the list. She said it is a process when it goes to the comptroller as it can take a few months in order to get any feedback from them but usually what happens is they reach out to the comptroller and ask them to look at these that these are potential and then they go in through the process and look at what has been going on. Mayor Countryman asked if that had been done as that was brought to their attention a year ago. Ms. Carl said they are currently not on their confidential data which can mean one of two things. One is they are not paying sales tax to us or two, they have not reached the threshold. You have to have \$60,600 in taxable sales in order to reach the threshold. She said it is a rolling 12 months. There is also something when a business has multiple locations there is a clause for having a home location and that could be what they are involved in at the moment. There might be a home location. She said they have been working on it since we provided them that information right after we signed up back in March or April.

Councilmember Stan Donaldson asked what is ISJ Underground Utilities LLC. Ms. Vu said it is Old Plantersville force main extension the one they are extending the force main from Redbird Meadows.

Councilmember Stan Donaldson said they sent a check to Tyler Technologies for \$3,000 and asked if that was monthly. Ms. Carl said there are several things that happen with Tyler. They do have some monthly amounts that go to Tyler. She said typically it is \$41 a month that they pay on the utility side for that payment portal they have on their website for people to be able to pay their water bills. They have also been doing some work on the system. They did a software upgrade that was budgeted this year for the Tyler content management which allows them to be able to scan and see invoices that have been attached to a vendor within the system which allows them to utilize the contract management portion of the system and allows them to be able to see personnel information including pay stubs. Employees now can actually access their pay stubs through the employee self-serve portal.

They were not able to do that prior to that piece so that is a part of it. Another is the actual subscriptions that happen. Some of those renew like the PD one renews October 1st. There are different things that renew at different times during the year. She said typically it is not that much each month. There is just a multitude of pieces with Tyler.

12. City Engineer's Report.

Ms. Vu said regarding Water Plant No. 2 improvements they had a pre-construction for this project on July 31st where they issued a notice to proceed and the project has begun. They are starting with some clearing work on the water plant site as well as redoing the road along Houston Street to redo that eastern access to allow the contractor to get in and they will be working from both sides of the plant to complete the construction.

Ms. Vu said all the field work for the 2023 Sanitary Sewer Rehab Phase 1 project is complete and they are working on doing their post CCTV inspections and then they will be submitting a set of videos to them. She said one thing she wanted to point out is during some of the pipe bursting work that they were completing in Lone Star Estates there was some debris and silt that entered the well at lift station no. 2 and caused two of the pumps to break. Hays and Public Works responded very quickly and got some replacement pumps installed and all costs associated with the damages, the cleanup, and time spent out there is being back charged against the contractor.

Ms. Vu said for 2023 Sanitary Sewer Rehab Phase 2 the bore was completed underneath SH 105 and you probably noticed there was one lane at SH 105 right outside the City Hall that was closed for about a week or so. They were completing some trenchless construction underneath SH 105 that was done and they were out of the way for school starting that completed the work over the weekend. All of the field work for that project is already complete so they will be doing the final inspection shortly.

Ms. Vu said the Old Plantersville force main as she mentioned they completed the bore underneath the railroad crossing. They are essentially complete with all of the work and are proceeding with site restoration.

Ms. Vu said the Old Plantersville waterline as begun bidding. They started advertising today and will hold a pre-bid in their office on September 10th and they will receive bids on September 17th. She said depending on how those bids come in they are planning to present a recommendation of award at the September 24th Council meeting. This is being funded by Redbird Meadows. Councilmember Casey Olson asked if most of that road is County. Ms. Vu said on this side of the city limits it is a city road and just outside of the city limits it is a County road and then all of Old Dobbin Plantersville Road by the high school is a County road. Councilmember Casey Olson asked if it is Redbird's right-of-way or is it in the County or City right-of-way next to the road. Ms. Vu said it is going in the City right-of-way five feet off of the property line. Redbird is also dedicating additional right-of-way as part of the project so it is going five feet off of that new right-of-way dedicated area. Until that right-of-way is platted it is going in a temporary easement along Redbird's property. As it goes up Old Dobbin Plantersville it will be a mix of right-of-way and easement on MISD's property. Councilmember Casey Olson said the reason he asks is because that road is not going to be big enough the way it is now. It will have to be widened quite a bit to handle the traffic that is going to be there. He just wants to make

sure they do not have to dig it up again. Ms. Vu said they will not and thinking about the widening of the road is why they requested additional right-of-way from Redbird Meadows and then they are putting it five feet inside from the right-of-way which is County requirements.

Ms. Vu said on page three of the report the Buffalo Springs Drive road reconstruction is proceeding with the work and they are expecting their last concrete pour to be completed this Thursday and they will be able to complete striping and signage next week. They are expecting the road to be open on September 13th.

Ms. Vu said they are waiting on signal heads for the traffic signal to arrive so they can be installed. They have been coordinating quite a bit with Entergy to get power to the signal and this has been a real challenge for both them and Home Depot. Home Depot was able to pull some strings and the latest that she heard is that they were energized as of today. They are still confirming whether or not the signal itself has power but they have always been told is the Home Depot has it, the signal has it. They are still confirming though as it is very fresh news.

Councilmember Stan Donaldson asked if it was December 13th for the road construction. Ms. Vu said September 13th. Councilmember Stan Donaldson asked if they were planning on opening around November. Ms. Vu said correct.

Ms. Vu said they have two feasibility studies for Mia Lago Reserve out on the east side of town and then Villages of Montgomery right here across from City Hall king of going around Thomas Printing and Solomon Electric. Both of those they are planning to present at the September 10th Council meeting.

Ms. Vu said they had a small handful of plan reviews in and out this past last month specifically Firestone and MISD Athletic Complex both came in and they sent comments back to both of them. She said there were just a small handful of plat reviews.

Ms. Vu said Hills of Town Creek Section Five has started construction so this is an additional 72 homes she believes. Ms. Vu said it also includes extending Emma's Way all the way to Lone Star Parkway. Councilmember Stan Donaldson said he has a question about that because it came up at their HOA meeting last week. He said some of the residents seem to think that is not going to be part of Hills of Town Creek because they have already closed out the first four sections and established an HOA. For us to take them in they have to give permission from our HOA to be put together with the current sections and asked if that is correct or not. He is just trying to figure out if they are just using this as a name until they get their construction completed or if they really can be part of what is already there because there seems to be some concern about it. They were told initially once they set up the HOA that any new development would have to be like a new subdivision and establish their own HOA. Ms. Vu said she can not speak to how it would work getting it added to the HOA as she is not involved in that kind of process. They have always known it as Hills of Town Creek Section Five and that is how the developer presented it to them and how the engineer provided their plans to them as Section Five. Councilmember Casey Olson said it depends on how the developer filed that HOA with the State. Councilmember Stan Donaldson said they approved this back in 2021 and part of the agreement they made with them back in 2021 was if they came in and we gave them the smaller lots they were going to have more green space. He said he has looked at the maps and cannot figure out where

the green space is. He asked if there is any way you have anything that would define what portion of what they are doing is green space because they have already upset some of their people because they cut some trees down that were on the other side of the fence on Colby's Way. He said he did not realize this and is not saying the developer did not have a right to cut them down, he is just saying they got cut down and it made people mad. He said they revisited this and approved it back in March but the original plat and everything was done in 2021. Ms. Vu said she will go back and look at the calculations for compensating green space that they did back in 2021 and will get back to you on how that all works out and where that is coming from.

Ms. Vu said for Montgomery Bend Section Two they are addressing punch list items and they are planning to bring acceptance of Section Two to you when natural gas is available to the generator at the lift station and just do that all at once. They are doing some clearing on site for Redbird Meadows and believes they are planning to get started with their water sewer drainage soon.

Ms. Vu said they are still working with TxDOT on their access management plan from along SH 105 from Grimes County to Shepperd Street. She said they have meetings with them weekly to discuss any utility relocations that need to be done, working through conflicts, determining elevations and such.

Mayor Countryman asked if she was able to look into the Lincoln Elementary drainage. Ms. Vu said they constructed it all according to plans and there was nothing that they noticed that was amiss or was done extra or done outside of their approved plans showed.

Councilmember Stan Donaldson said he went by Redbird the other day and they had a huge dozer out there as it was on the trailer and does not know if they just loaded it or were taking it off. He said that thing was so big they barely had room to pass as they street is so narrow. He said just like Councilmember Casey Olson said those streets need to be widened for future traffic. Councilmember Casey Olson said that is part of their agreement with him that he has to work with the County.

Mayor Countryman said at the drainage at Lincoln has changed as it is a lot more than it used to be. She said you can see the degradation down FM 149. She asked if there are any plans or anything they can do or get TxDOT involved to get that washout addressed. Ms. Vu said just like all the others they have done with TxDOT they are continuing to make them aware of erosion that is threatening their roads as well as that one. Ms. Vu said as far as the change in drainage patterns she cannot speak too much to that but she does know they constructed it according to plans and that not only has there been construction at Lincoln there has also been some changes in what is along Martin Luther King so it could be multifaceted as to why things potentially look different. Mayor Countryman asked what changed on Martin Luther King. Ms. Vu said she understands a couple new homes have been built. She said her understanding is one property owner received a home grant. A different home could change in the area, a different footprint.

Councilmember Carol Langley asked if Lupe Tortilla is open. Councilmember Casey Olson said it is open but by invitation only so you have to go invite yourself and then you get on a waiting list because they are doing what they call a soft opening to train their employees.

Councilmember Casey Olson moved to accept all departmental reports as presented.
Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

COUNCIL INQUIRY:

Councilmember Casey Olson said he has a candidate to fill the vacant Council seat. He said if there are other people who have a candidate they should do it all at once.

Mayor Countryman said Mr. Palmer can confirm but she thinks Entergy and Joseph his situation is good. Mr. Palmer said they are communicating and he thinks he is good. Mr. Palmer said he knows Entergy has been communicating with him.

Mayor Countryman commented that she saw the new flag up at Simmons Bank and that is good.

EXECUTIVE SESSION:

Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, Section(s):

Sections 551.071 (consultation with attorney)

551.072 (deliberation regarding real property)

551.074 (personnel matters)

City Council adjourned into Executive Session at 7:00 p.m.

City Council reconvened into Regular Session at 9:08 p.m.

ACTION FROM EXECUTIVE SESSION:

No action taken.

ADJOURNMENT:

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

The meeting was adjourned at 9:08 P.M.

Date Approved: _____

Submitted by: _____
Diana Titus, Deputy City Secretary

Mayor, Sara Countryman